

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

Floor Debate
March 02, 2015

[LB10 LB53 LB81 LB268 LB311 LB329 LB599 LR10CA LR32 LR33 LR34 LR62 LR63 LR64
LR65 LR66 LR67 LR68 LR69 LR70 LR71 LR72 LR91 LR92]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE THIRTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR RICK WHEATLEY OF THE NEW LIFE BAPTIST CHURCH IN BELLEVUE, NEBRASKA, SENATOR CRAWFORD'S DISTRICT. PLEASE RISE.

PASTOR WHEATLEY: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR WHEATLEY. I CALL TO ORDER THE THIRTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE, ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

PRESIDENT FOLEY: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, NEW RESOLUTIONS: LR91 BY SENATOR BOLZ, LR92 BY SENATOR SEILER; BOTH WILL BE LAID OVER AT THIS TIME. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 683-684.) [LR91 LR92]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR62, LR63, LR64, LR65, LR66, LR67, LR68, LR69, LR70, LR71 AND LR72. NOW PROCEED TO THE FIRST ITEM ON THE AGENDA. MR. CLERK. [LR62 LR63 LR64 LR65 LR66 LR67 LR68 LR69 LR70 LR71 LR72]

CLERK: MR. PRESIDENT, GENERAL FILE, LB10, OFFERED BY SENATOR McCOY. (READ TITLE.) THE BILL HAS BEEN DISCUSSED ON FEBRUARY 23 AND 24. THERE WAS AN AMENDMENT OFFERED BY SENATOR COOK THAT WAS ADOPTED. THERE

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ARE OTHER AMENDMENTS PENDING ALSO. BUT I HAVE A PRIORITY MOTION PENDING TO RECOMMIT THE BILL TO COMMITTEE, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. BEFORE WE PROCEED WITH THE DEBATE, SENATOR McCOY, IF YOU'D LIKE TO TAKE A COUPLE OF MINUTES JUST TO REFRESH US ON WHERE WE ARE. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, MEMBERS. I WON'T TALK FOR VERY LONG HERE, BUT JUST TO UPDATE YOU AGAIN ON LB10 AND MY INTENT IN INTRODUCING THIS BILL AND MY INTENT IN DEBATING THIS ISSUE ON THE FLOOR. I FEEL THAT THIS IS NOT A PARTISAN ISSUE; I'VE SAID THAT. THERE ARE THOSE WHO DISAGREE WITH ME ON THAT ISSUE. AND THEREIN LIES THE REASON THAT WE'RE STILL DEBATING THIS ISSUE AFTER A NUMBER OF HOURS HERE ON THE FLOOR ON GENERAL FILE. I SEE LB10 AS GIVING A VOICE TO RURAL NEBRASKANS IN A WAY OF UNIFYING OUR STATE'S FIVE ELECTORAL VOTES AS ONE, WINNER TAKE ALL FOR PRESIDENTIAL ELECTIONS. I THINK THAT MAKES SENSE, COLLEAGUES, AND THAT IS THE REASON THAT I BROUGHT THIS BILL FOR THE THIRD TIME IN MY SEVEN YEARS THUS FAR IN THE LEGISLATURE. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. MR. CLERK. [LB10]

CLERK: MR. PRESIDENT, WHEN THE LEGISLATURE LAST LEFT THE ISSUE ON FEBRUARY 25, SENATOR CHAMBERS HAD A MOTION TO RECOMMIT TO COMMITTEE. SENATOR, I UNDERSTAND YOU WISH TO WITHDRAW THAT AT THIS TIME. MR. PRESIDENT, THE...SENATOR CHAMBERS, I NOW HAVE AMENDMENT...SENATOR, THE FIRST AMENDMENT IS FROM YOU, AM366. (LEGISLATIVE JOURNAL PAGE 514.) [LB10]

SENATOR CHAMBERS: YES. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON AM366. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IF SENATOR McCOY IS TRULY INTERESTED IN GIVING RURAL PEOPLE A VOTE THAT COUNTS WHEN SELECTING ELECTORS, THIS AMENDMENT WILL DO IT. FOR THE SAKE OF THE RECORD, I'M GOING TO READ THE SIGNIFICANT LANGUAGE IN CASE PEOPLE DO NOT TURN TO PAGE 514 IN THE JOURNAL WHERE THE AMENDMENT IS PRINTED OR GO TO THEIR GADGET. FIRST OF ALL, MY AMENDMENT WOULD DIVIDE THE STATE INTO FIVE DISTRICTS AND EACH DISTRICT WOULD SELECT AN ELECTOR. AND THIS IS THE SIGNIFICANT LANGUAGE: "THE SECRETARY OF STATE SHALL DIVIDE THE STATE INTO FIVE PRESIDENTIAL ELECTOR DISTRICTS AND ONE PRESIDENTIAL ELECTOR SHALL BE CHOSEN FROM EACH DISTRICT. THE DISTRICTS SHALL BE COMPACT AND

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CONTIGUOUS AND SUBSTANTIALLY EQUAL IN POPULATION. THE BASIS OF APPORTIONMENT SHALL BE THE POPULATION AS DETERMINED BY THE MOST RECENT FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL REDISTRIBUTE THE STATE AFTER EACH FEDERAL DECENNIAL CENSUS. IN ANY SUCH REDISTRICTING, COUNTY LINES SHALL BE FOLLOWED WHENEVER PRACTICABLE AND OTHER ESTABLISHED LINES MAY BE FOLLOWED AT THE DISCRETION OF THE SECRETARY OF STATE." MEMBERS OF THE LEGISLATURE, THAT IS THE TYPICAL OR BOILERPLATE LANGUAGE THAT IS EMPLOYED WHENEVER DISTRICTS ARE TO BE FORMED. THIS BILL WOULD CREATE THOSE FIVE DISTRICTS AND THE POPULATION WOULD BE SUBSTANTIALLY EQUAL. EACH DISTRICT WOULD HAVE THE OPPORTUNITY TO PICK AN ELECTOR. THERE ARE OTHER ISSUES THAT I THINK NEED TO BE DISCUSSED THAT DO RELATE TO THE BILL ITSELF AND THE CONCEPT OF HAVING AN ELECTORAL COLLEGE, ELECTOR SELECTED BY WHATEVER MEANS A GIVEN LEGISLATURE DECIDES, AND WHAT IS TO HAPPEN, AND HOW IS THE MACHINERY TO BE PUT INTO OPERATION IF AN ELECTOR GOES CONTRARY TO THE WAY THE PEOPLE WHO SELECTED THAT PERSON WOULD HAVE THAT ELECTOR GO. IT MAY NOT EVER ARISE IF YOU HAVE A DISTRICT SYSTEM. BUT IT COULD IF YOU DO AWAY WITH THE CURRENT SYSTEM WHICH ALLOWS THE ELECTION IN EACH OF THE THREE CONGRESSIONAL DISTRICTS OF AN ELECTOR. THE OTHER TWO ARE WHAT YOU MIGHT CALL AT-LARGE ELECTORS AND THEY WOULD GO TO WHICHEVER CANDIDATE FOR PRESIDENT RECEIVED THE MAJORITY OF POPULAR VOTES IN THIS STATE. ALREADY, SIGNIFICANT THINGS ARE DONE AS FAR AS NATIONAL ELECTIONS BY MEANS OF A POPULAR VOTE. WHEN IT COMES TO SELECTING ELECTORS CURRENTLY IN THIS STATE, THERE IS A MIXED SYSTEM. THREE BY DISTRICT, TWO AT-LARGE. AT-LARGE MEANS EVERYBODY IN THE STATE WOULD HAVE A VOTE THAT WOULD COUNT. BUT YOU DON'T REALLY VOTE FOR THE ELECTORS, YOU VOTE FOR THE CANDIDATE FOR PRESIDENT OF YOUR CHOICE. WHICHEVER CANDIDATE GETS THE MOST VOTES STATEWIDE GETS THE TWO AT-LARGE VOTES AUTOMATICALLY. WHICHEVER CANDIDATE GETS THE MOST VOTES IN EACH CONGRESSIONAL DISTRICT WILL GET RESPECTIVE ELECTORS THEREFROM. THE ONLY CONGRESSIONAL DISTRICT THAT THE REPUBLICANS ARE CONCERNED ABOUT WOULD BE THE SECOND DISTRICT, WHICH WHEN THE LEGISLATURE WAS DOING ITS REDRAWING OF DISTRICTS BUTCHERED THAT DISTRICT TO DO WHAT THEY COULD TO GUARANTEE THAT THE "REPELICANS" WOULD HAVE EVERYTHING GUARANTEED TO THEM. SO WITH ALL OF THIS TALK OF BEING INTERESTED IN VOTES FOR THE RURAL PEOPLE, THE ONE BRINGING THIS BILL, THE PARTY FOR WHICH HE IS BRINGING IT, THE PARTY WHICH HAS ADOPTED A RESOLUTION AT THE STATE LEVEL SAYING, THIS VOTE THAT YOU GIVE IS A LITMUS TEST AS TO WHETHER YOU ARE INDEED A REPUBLICAN, THEY ARE INTERESTED IN SILENCING EVERY VOICE. AND THAT IS THEIR CONCEPT OF DEMOCRACY, OF A REPRESENTATIVE DEMOCRACY. SO, IF YOU LIKE THAT NOTION OF PREVENTING PEOPLE FROM HAVING A VOICE, THEN YOU WOULD LIKE TO CREATE A SITUATION WHERE ALTHOUGH SOME GROUPS, SOME SEGMENTS OF THE STATE VOTE, THEY IN EFFECT VOTE FOR NOBODY. WHAT I AM HOPING IS THAT WHEN WE GET TO THE CLOTURE VOTE, THERE WILL BE ENOUGH VOTES TO DENY THE SUCCESS OF THAT MOTION. NEBRASKA IS KNOWN FOR ALL OF THE WRONG THINGS. THEY'RE KNOWN FOR BEING ALMOST RABID WHEN IT COMES TO BEING ANTI-GAY AND LESBIAN PEOPLE. THEY ARE KNOWN TO BE

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ALMOST KU KLUX "KLANNISH" IN THEIR ORIENTATION IN THEIR OPPOSITION TO WHAT IS CALLED AFFIRMATIVE ACTION. MINORITY GROUPS MAKE UP SCARCELY 5 PERCENT OF THE POPULATION IN THIS STATE. HOW IN THE WORLD ARE THOSE FEW PEOPLE GOING TO DEPRIVE WHITE PEOPLE OF ANY JOBS? NEBRASKA IS RIGHT NOW IN THE THROES OF LACKING CERTAIN WORKERS IN CERTAIN LINES OF WORK. SO THE REASON NEBRASKA AMENDED ITS CONSTITUTION TO DO AWAY WITH AFFIRMATIVE ACTION WAS TO SHOW THAT THEY ARE ANTI-BLACK AND MINORITY PEOPLE AND THEY WILL EMBRACE IT, ENSHRINE IT IN THEIR CONSTITUTION. THE REASON THEY ADOPTED AN AMENDMENT TO THE CONSTITUTION CALLING FOR TERM LIMITS WAS NOT BLACK PEOPLE IN GENERAL BUT ONE BLACK MAN. AND NEBRASKA IS KNOWN FOR THAT ALL OVER THE COUNTRY. WHEN TERM LIMITS WAS BEING DISCUSSED IN THIS STATE, AND MY LAST TERM THAT I COULD SERVE BEFORE BEING TERM LIMITED OUT WAS WRITTEN ABOUT AND IT WAS WRITTEN ABOUT NATIONALLY. I'M GOING TO SHOW YOU ALL SOME OF THE ARTICLES WRITTEN NATIONALLY ABOUT WHAT WAS HAPPENING IN NEBRASKA AND THE FACT THAT AN OUTFIT IN WASHINGTON, D.C., WAS SPEARHEADING THE DRIVE TO GET ME OUT OF OFFICE IN NEBRASKA, A REPUBLICAN-DRIVEN IDEA. REPUBLICANS NEED TO OVERCOME THEIR PATHOLOGICAL FEAR OF THOSE WHO ARE NOT PRECISELY LIKE THEMSELVES. I DON'T HAVE ENOUGH VOTING POWER TO PASS A SINGLE BILL IN THIS LEGISLATURE. I DON'T CONTROL ENOUGH VOTES TO STOP ANY BILL FROM BEING PASSED IN THIS LEGISLATURE. SO THIS BODY OF GOVERNMENT, THIS BRANCH OF THE STATE GOVERNMENT WAS GUTTED. AND EVER SINCE IT HAPPENED, AND PEOPLE WHO CAME HERE AS MEMBERS AND HAD THOUGHT PRIOR TO COMING HERE THAT TERM LIMITS WAS A GREAT THING, SUDDENLY BEGAN TO SEE, BASED ON THE FACTS AND THE REALITIES OF THIS REPRESENTATIVE FORM OF GOVERNMENT, THAT TWO TERMS WAS NOT LONG ENOUGH FOR A PERSON TO LEARN WHAT IS ENTAILED... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...IN DOING THIS JOB PROPERLY AND HAVING TIME AFTER GAINING THAT KNOWLEDGE TO MAKE USE OF IT. SO WHEN THESE TYPES OF RESTRICTIVE, SUPPRESSING ACTIONS ARE PUT INTO PLAY, THEY MAY GIVE A FEELING OF EUPHORIA WHEN THEY'RE SUCCESSFUL. BUT IT IS PENNY WISE AND POUND FOOLISH. IN THE LONG RUN, IT OUGHT NOT TO BE DONE. THOSE WHO ARE IN POWER TODAY MAY NOT ALWAYS BE. BUT EVEN IF THEY ARE, THEY SHOULD NOT TRY TO SILENCE EVERY OTHER VOICE AS FAR AS THE POLITICAL SYSTEM IS CONCERNED. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS AND DOCTOR OF THE DAY INTRODUCED.) DEBATE IS NOW OPEN ON AM366 AND THE UNDERLYING BILL, LB10. SENATOR SMITH, YOU'RE RECOGNIZED. [LB10]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I KNOW THIS DEBATE HAS BEEN GOING ON FOR QUITE SOME TIME

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LAST WEEK AND WE'RE IN THE FINAL MINUTES OF THE DEBATE. AND I WANTED TO MAKE CERTAIN THAT I HAD A CHANCE TO STAND UP AND GIVE YOU MY TWO CENTS' WORTH AS TO WHAT MY VIEWS ARE OF LB10. I WANTED TO FIRST TRY TO SET SOMETHING STRAIGHT IN THE RECORD. SENATOR COOK DISTRIBUTED A LETTER LAST WEEK. THE LETTER IS ORIGINALLY DATED FEBRUARY 4 FROM SECRETARY OF STATE JOHN GALE TO SENATOR JOHN MURANTE. AND THE LAST SENTENCE IN THAT LETTER READS, I HOPE THESE THOUGHTS ARE HELPFUL IN YOUR COMMITTEE DELIBERATIONS. THANK YOU FOR GIVING ME AN OPPORTUNITY TO TESTIFY IN SUPPORT OF SENATOR SMITH'S LB10. THIS IS ACTUALLY SENATOR McCOY'S LB10, NOT SENATOR SMITH'S. BUT I WILL STAND AND...IN SUPPORT OF LB10. AND I THANK SENATOR McCOY FOR, ONCE AGAIN, BRINGING THIS BILL. AND I DO BELIEVE SENATOR McCOY'S INTENTIONS ARE GOOD. HE HAS DEMONSTRATED MANY TIMES HE DOES HAVE GREAT CONCERNING CARE FOR THE STATE OF NEBRASKA, JUST LIKE THE OTHER 48 OF US DO. WE ALL HAVE GOOD INTENTIONS. THAT'S THE REASON WE'RE HERE. THAT'S WHY WE CHOSE ELECTED SERVICE. I HAD THE OPPORTUNITY ATTENDING A STATEHOOD DINNER SATURDAY NIGHT. AND DURING THAT DINNER WE HAVE A CHANCE TO HEAR ABOUT SOME OF THE CITIZENS OF NEBRASKA THAT MAKE THIS STATE UNIQUE. THIS, INDEED, IS A VERY UNIQUE STATE. WE HAVE A FANTASTIC, WONDERFUL STATE. I'M A TRANSPLANT. I'M NOT A NATIVE NEBRASKAN, BUT I AM NOW A NEBRASKAN AND I CELEBRATE THE UNIQUENESS OF NEBRASKA. NEBRASKA IS UNIQUE DUE TO MANY OF ITS CHARACTERISTICS. AND SOME MAY BE GOOD, SOME MAY NOT BE SO GOOD. AND I WANTED TO GO THROUGH A FEW OF THOSE CHARACTERISTICS I THINK THAT MAKE NEBRASKA UNIQUE. WE HAVE A UNICAMERAL SYSTEM. AND MANY LOOK AT OUR STATE AND WONDER HOW THIS WORKS, BUT IT WORKS VERY WELL FOR OUR STATE. WE HAVE OUR ELECTION OF LEADERS AND WE HAD DEBATES EARLIER THIS YEAR AS TO WHETHER WE HAVE A TRANSPARENCY IN VOTING FOR LEADERS OR NOT. BUT WE DO HAVE A VERY UNIQUE WAY IN WHICH WE ALL PARTICIPATE IN THE ELECTION OF OUR LEADERS IN OUR STATE IN THE COMMITTEE CHAIRS. WE HAVE A NONPARTISAN FORM OF GOVERNMENT. NOW, THERE'S ALWAYS PARTISANSHIP SOMEWHERE BELOW THE SURFACE. WE UNDERSTAND THAT, BUT WE WORK HARD IN OUR STATE TO KEEP IT AT ARM'S LENGTH. WE DO HAVE TERM LIMITS. WE CAN DEBATE WHETHER THAT'S A CHARACTERISTIC THAT IS FAVORABLE TO NEBRASKANS OR NOT. WE HAVE A PUBLIC POWER STATE. AND WE STAND UP MANY TIMES AND WE DISCUSS PUBLIC POWER AND WHAT IT MEANS TO NEBRASKA, THE AFFORDABILITY, THE ACCOUNTABILITY OF OUR PUBLIC POWER SYSTEM. I BELIEVE PUBLIC POWER IS ONE OF THOSE ITEMS THAT IS UNIQUE BUT MAKES FOR A BENEFIT TO OUR STATE, NOT A DISADVANTAGE, AS I FEEL ABOUT THE UNICAMERAL SYSTEM. THEN WE HAVE THE WINNER TAKE ALL AND THAT'S UNIQUE AS WELL. BUT ARE WE BETTER OFF AS A STATE WITH WINNER TAKE ALL OR DOES IT PUT US AT A DISADVANTAGE? COLLEAGUES, I DO NOT BELIEVE THIS IS A PARTISAN ISSUE. THAT'S RIGHT. I DO NOT BELIEVE THIS IS A PARTISAN ISSUE. HOWEVER...MR. PRESIDENT, CAN I HAVE THE GAVEL? THANK YOU. I DO NOT BELIEVE THIS IS A PARTISAN ISSUE. HAS THE DISCUSSION BEEN PARTISAN? ABSOLUTELY. MANY STAND UP AND THEY WILL MAKE THEIR COMMENTS FOR VARYING REASONS AND THEY ARE CONVINCED THAT THEIR REASONING IS RIGHT. AND THAT'S OKAY. BUT THOSE THAT POINT STRICTLY TO

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THIS BEING A PARTISAN ISSUE, I BELIEVE, ARE WRONG. THOSE DISCUSSIONS ARE PARTISAN, THE ISSUE IS NOT PARTISAN. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR SMITH: I BELIEVE, COLLEAGUES, THAT NEBRASKA IS AT A DISADVANTAGE. THE OTHER 48 STATES ARE NOT MOVING TOWARDS THE DIRECTION WE HAVE BEEN AT WITH DIVIDING THE ELECTORAL VOTE. THEY'RE, QUITE FRANKLY, IN THE OTHER DIRECTION AND IT PUTS NEBRASKA AT A DISADVANTAGE. COLLEAGUES, THIS IS NOT ONE OF THE UNIQUE CHARACTERISTICS OF NEBRASKA THAT I BELIEVE IS TO THE ADVANTAGE OF NEBRASKANS. I URGE YOU TO PLEASE VOTE FOR CLOTURE AND VOTE FOR THE UNDERLYING BILL, LB10. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAIGHEAD: GOOD MORNING, COLLEAGUES. I SUPPORT LB10. I WISH THE OTHER 48 STATES DID WHAT MAINE AND NEBRASKA DO, BUT THEY DON'T AND THEY ARE THE MAJORITY. I DON'T THINK THEY'RE GOING TO CHANGE THEIR ALLOCATION METHOD. AND AS WE KNOW, WE'RE NOT A POWER STATE AND NEITHER IS MAINE. WINNER TAKE ALL IS A VERY SIMPLE SYSTEM AND IT CAUSES A STABLE GOVERNMENT. OF COURSE, ON THE OTHER SIDE PEOPLE MIGHT SAY THERE'S NOT ENOUGH REPRESENTATION OF OTHER IDEAS AND VALUES. I DISAGREE WITH THAT. I DON'T THINK THIS IS A PARTISAN ISSUE, I DON'T THINK IT'S TRICKERY, I THINK IT'S AN ACCURATE WAY OF REFLECTING THE DESIRES OF THE VOTERS. AND, AGAIN, I SUPPORT LB10. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB10]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND AGAINST AM366. APPORTIONING OUR ELECTORAL COLLEGE BY DISTRICTS, SPLITTING THEM, ACTUALLY LEADS TO PARTISAN POLITICS. IT DEUNIFIES US AS A STATE, IT DIVIDES BY DISTRICTS, IT CREATES A BIGGER REASON TO GERRYMANDER CONGRESSIONAL DISTRICTS BECAUSE NOW WE JUST GERRYMANDER OR WHATEVER YOU WANT TO DO FOR WANT OF...TO MAKE SURE YOU TRY TO GET ONE PARTISAN ELECTED TO CONGRESS. THIS GIVES ANOTHER REASON TO TRY TO GERRYMANDER TO DISTRICTS SO THAT NATIONAL POLITICS, YOU CAN TRY TO DIVIDE THE ELECTORATE. DIVIDING THE STATE GIVES IMPETUS TO THE PRESCRIPTION...TO THE PERCEPTION OF EAST VERSUS WEST, CITY VERSUS RURAL. SOMETIMES WE ALL NEED TO BE REMINDED WE'RE ONE AND THE MAJORITY OF THE STATE, WE STICK TOGETHER. AND WE LIVE WITH THE DECISION OF THE MAJORITY. AND THE ELECTORAL COLLEGE IS PART OF THAT, THAT WE ARE ONE STATE, FIVE ELECTORAL COLLEGE VOTES, AND THE

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MAJORITY RULES. OTHERWISE IT DIVIDES US. SO I STAND HERE TELLING YOU THAT OUR FOUNDING FATHERS, OUR STATES CREATED THE FEDERAL GOVERNMENT AND THE STATES SELECT WHO OUR CHIEF EXECUTIVE IS, OUR PRESIDENT. AND AS A STATE, WE HIRE...HELP HIRE WHO THAT PRESIDENT IS TO RUN THE AFFAIRS OF OUR FEDERATION OF STATES. IT'S NOT POLITICAL, IT'S A HIRING DECISION. AND THAT'S...AND HOW CAN YOU POSSIBLY DO THAT WHEN WE COME IN OPPOSING EACH OTHER WITH A SPLIT DECISION WHEN WE REPRESENT OURSELVES TO THE REST OF THE STATES OF WHO WE THINK SHOULD BE THE PRESIDENT. SO ANYWAY, THAT'S ALL I GOT TO SAY. BUT MAJORITY RULES. COHESIVENESS IN THE STATE'S DECISION IS THE WAY WE SHOULD DO THIS. IT WILL TAKE AWAY THE GERRYMANDERING FACTOR IN OUR CONGRESSIONAL DISTRICTS. AND IT WILL DO WHAT 48 OTHER STATES DO. AND IT PUTS US ON A LEVEL PLAYING FIELD ON THAT ISSUE. SO THANK YOU. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. [LB10]

SENATOR GROENE: (RECORDER MALFUNCTION)...IF HE WANTS IT. [LB10]

PRESIDENT FOLEY: SENATOR McCOY, THERE'S 0:2.5 IF YOU'D LIKE IT. SENATOR McCOY WAIVES THE USE OF THAT TIME. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB10]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I LISTENED TO SENATOR GROENE. HE MAKES AN EXCELLENT POINT THAT THERE WILL BE MORE DESIRE TO GERRYMANDER. THERE WILL BE MORE DIVISION IN OUR STATE IF WE GO BY DISTRICTS. ESPECIALLY IF WE'RE ONE OF THE FEW STATES THAT HAS DISTRICTS. I THINK AS I LOOK AT THIS, DISTRICTS ARE NOT THE WORST THING THAT EVER HAPPENED TO AMERICA, IT'S JUST I WANT TO BE PART OF THE CONVERSATION IN THE COUNTRY THAT MAKES SURE THAT WE'RE DOING WHAT EVERYONE ELSE IS DOING. I DON'T WANT TO BE THE ONLY STATE THAT'S DOING THIS. I THINK IF EVERY STATE WAS DOING DISTRICT BY DISTRICT, THEN, OKAY, LET'S DO IT. LET'S DO IT. BUT IF WE'RE GOING BE THE ONLY ONE TO DO IT, WHY SHOULD WE UNILATERALLY DISARM IF THE OTHER STATES ARE NOT GOING TO DO IT. SO I'VE LOOKED THROUGH IT. I'VE EXAMINED IT AND I THINK THAT'S WHERE I FALL DOWN. NOW SENATOR SMITH MADE SOME GOOD POINTS ABOUT WHAT MAKES US UNIQUE. I KIND OF WANT TO GO ON THAT BECAUSE WHEN YOU LOOK AT OUR UNICAMERAL SYSTEM, IT'S VERY UNIQUE. AND THE FACT THAT WE DON'T HAVE TWO HOUSES PRESENTS OPPORTUNITY AND PRESENTS CHALLENGES. ONE OF THE OPPORTUNITIES WE HAVE IS THAT IT'S VERY, VERY...WE ARE VERY...WE HAVE THE OPPORTUNITY TO BE VERY RESPONSIVE TO OUR CONSTITUENTS. THEY HAVE ONE SENATOR, THEY DON'T HAVE A REP, THEY DON'T HAVE A SENATOR, THEY HAVE ONE...JUST ONE REPRESENTATIVE CALLED A SENATOR. AND BY THE WAY, THEY CALLED US SENATORS BECAUSE THEY JUST DIDN'T WANT US TO LOOK OUT FOR OUR DISTRICT, THEY WANT US TO LOOK OUT FOR THE ENTIRE STATE, OTHERWISE WE WOULD HAVE BEEN REPRESENTATIVES. SO NOT ONLY DO I HAVE TO LOOK OUT FOR LEGISLATIVE DISTRICT 2, BUT I'VE GOT TO LOOK AT

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WHAT'S GOOD FOR THE ENTIRE STATE. AND THAT'S A LITTLE BIT DIFFERENT. AND THE NEXT THING THAT I THINK THAT'S A CHALLENGE FOR US IS THAT WHEN YOU ONLY HAVE ONE HOUSE IT'S EASY TO SPEND MONEY. A BAD IDEA CAN CATCH FIRE AND GO THROUGH A LOT QUICKER. YOU DON'T HAVE A TWO-HOUSE MECHANISM TO BALANCE IT, TO SLOW IT DOWN. THERE'S A LOT MORE OPPORTUNITY TO STOP LEGISLATION WHEN THERE'S TWO HOUSES AND STOPPING LEGISLATION ISN'T ALWAYS BAD. SO WE'VE DONE SOME THINGS THAT I THINK ARE UNIQUE HERE. THE FIRST IS THAT EVERY SINGLE BILL GETS A HEARING. AND I THINK THAT'S UNIQUE AND I THINK THAT'S SPECIAL TO OUR STATE. SO EVERY SINGLE BILL GETS A HEARING. THE SECOND THING THAT WE DO IS EVERY SINGLE BILL HAS TO BE VOTED ON THREE SEPARATE TIMES. YOU CAN'T WAIVE THAT, IT'S GOT TO HAPPEN. THAT CAUSES US TO BE A LITTLE MORE DELIBERATE. I THINK IT ALLOWS US TO PAUSE. I HAVE THE OPPORTUNITY TO AMEND IT ON EACH OF THE READINGS. AND I THINK THAT IS ALSO A GOOD THING. SO WHEN WE'RE LOOKING AT THIS, I REALLY THINK THAT WE NEED TO EMBRACE THE GOOD THINGS ABOUT THIS, WORK TO OVERCOME THE THINGS THAT ARE A CHALLENGE. AND THEN THE THIRD THING--I DON'T WANT TO FORGET THE THIRD THING--IS THAT WE CAN FILIBUSTER AS WE'RE SEEING RIGHT NOW. WE CAN FILIBUSTER A BILL IF IT RISES TO THAT LEVEL WHERE IT'S GOING TO BE A GAME CHANGER AND SENATORS CAN'T LIVE WITH THAT. WE HAVE A FILIBUSTER. VERY FEW STATES HAVE FILIBUSTERS. SO BECAUSE WE ONLY HAVE ONE HOUSE, WE HAVE THOSE THREE, WE'LL CALL, INSURANCE POLICIES IN PLACE THAT ALLOW US TO SLOW THE LEGISLATION DOWN, MAKE SURE WE'RE DOING THE RIGHT THING, MAKE SURE... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR GROENE: ...WE'RE LOOKING AT IT, WE'RE DELIBERATING, WE'RE DEBATING IT CORRECTLY. AND I THINK THAT'S A GOOD THING. SO THOSE ARE SOME OF THE THINGS THAT REALLY MAKE OUR STATE UNIQUE. AND THAT UNIQUENESS I DON'T THINK SHOULD GO TO HOW WE CHOOSE THE ELECTORAL COLLEGE VOTES FOR PRESIDENT. I WOULD RATHER BE WITH THE REST OF THE STATES ON THIS ONE AND UNTIL SUCH TIME THAT A MAJORITY OF THE OTHER STATES HAVE ADOPTED THE WAY WE DO IT, AND I REALLY DON'T WANT TO BE THE LONE WOLF OUT THERE, SO, MR. PRESIDENT, I ENCOURAGE MY FELLOW SENATORS TO SUPPORT LB10 AND LET'S JUMP IN THE RIVER WITH THE REST OF THE STATES. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB10]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. I'D REITERATE THAT THIS BILL WAS HEARD BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE AND IT ADVANCED OVERWHELMINGLY TO GENERAL FILE ON A 7-1 VOTE. I SUPPORT LB10. I THINK AM366 IS A GOOD AMENDMENT IN CONCEPT. I'M NOT SURE THAT THE SECRETARY OF STATE HAS

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REDISTRICTING AUTHORITY, SO WE MAY HAVE TO TALK ABOUT THAT A LITTLE BIT IN GREATER DETAIL. BUT IT'S CERTAINLY SOMETHING THAT'S WORTH EXPLORING. BUT IT BRINGS UP ONE OF THE MAIN REASONS WHY I SUPPORT LB10 AND OPPOSE THE CURRENT SYSTEM, BOTH FOR THE STATE OF NEBRASKA AND FOR THE NATION AS A WHOLE. AND THAT IS WHAT WE DISCUSSED IN THE EXECUTIVE BOARD LAST FRIDAY. SENATOR MELLO AND I ARE WORKING VERY HARD RIGHT NOW TO ENACT REDISTRICTING REFORM IN THE STATE OF NEBRASKA. BUT THE FACT REMAINS THAT NO MATTER WHAT REFORMS COME OF IT AND NO MATTER HOW SOLID A STATUTORY FRAMEWORK WE HAVE FOR THE DRAWING OF THE CONGRESSIONAL DISTRICTS, THE CONGRESSIONAL DISTRICTS WILL BE DRAWN BY INDIVIDUALS WHO DO HAVE BIASES. IT WILL BE VALIDATED AND CONFIRMED, ULTIMATELY APPROVED BY MEMBERS OF THE LEGISLATURE AND SIGNED BY THE GOVERNOR. AND BECAUSE OF THAT FACT, THESE LINES ARE INHERENTLY ARBITRARY AND WE CAN PUT SOME SCIENCE TO THEM AND WE CAN PUT SOME MATH TO THEM IN THE STATUTES, BUT THEY ARE ULTIMATELY CREATED BY POLITICIANS. AND I DON'T...IN MY VIEW, I CANNOT SUPPORT A SYSTEM WHICH ELECTS THE PRESIDENT OF THE UNITED STATES BASED ON ARBITRARY LINES DRAWN BY POLITICIANS. THEY MAY BE WELL MEANING AND THEY MAY DRAW THE LINES TO THE BEST OF THEIR ABILITY, IT'S NOT AN INDICTMENT OF CHARACTER, IT CAN BE DRAWN BY AN INDEPENDENT REDISTRICTING COMMISSION WHICH I HAVE INTRODUCED IN THE EXECUTIVE BOARD. BUT THERE ARE STILL ARBITRARY LINES THAT ARE CHANGED EVERY TEN YEARS. IN MY VIEW, IF WE ARE GOING TO HAVE A SYSTEM WHICH ELECTS A PRESIDENT OF THE UNITED STATES BASED ON SOME SORT OF GEOGRAPHIC AREA, WE NEED TO EXPLORE SOME SORT OF PROPORTIONAL SYSTEM WHEREBY OUR FIVE ELECTORAL VOTES ARE ALLOCATED BASED ON A PERCENT...WHO GETS WHAT PERCENTAGE OF THE VOTE, OR PERHAPS SOME COMPILATION OF COUNTIES. THERE ARE SYSTEMS WHICH ARE FREE FROM THE MANIPULATION OF POLITICAL FORCES TO ACCOMPLISH THE ENDS THAT THE OPPONENTS OF LB10 HAVE STATED. WE HAVE TO ELECT REPRESENTATIVES IN THE HOUSE ON DISTRICTS. WE DON'T HAVE A CHOICE ON THAT. THAT'S THE BEST WAY OF DOING IT. THERE'S NO WAY TO DEVIATE. AND THE ONLY THING WE CAN DO IS TO CREATE A PROCESS BY WHICH THOSE DISTRICTS ARE DRAWN WHICH IS FAIR TO ALL. BUT WE DON'T HAVE TO DO THAT WHEN WE'RE TALKING ABOUT ELECTING THE PRESIDENT OF THE UNITED STATES. WE CAN TAKE POLITICS OUT OF THE PROCESS BY WHICH THE ELECTORS ARE SELECTED. LB10 ACCOMPLISHES THAT GOAL. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR MURANTE: LB10 SAYS THAT WHOEVER WINS THE STATE OF NEBRASKA WINS ALL OF NEBRASKA'S ELECTORAL VOTES. AND NO MATTER HOW...NO MATTER WHAT PROCESS THE LEGISLATURE GOES BY TO REDISTRICT CONGRESSIONAL DISTRICTS GOING FORWARD, SENATOR McCOY'S STRUCTURE IS FREE FROM POLITICAL MANIPULATION. IT IS AS PURE AS IT GETS WHEN IT COMES TO GETTING AN UP OR DOWN VOTE AS TO WHERE THE PEOPLE OF NEBRASKA STAND ON WHO THEY WANT TO BE PRESIDENT. IN MY VIEW, THAT IS A SUBSTANTIAL IMPROVEMENT FROM THE STATUS QUO. AND IF THERE IS A

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DESIRE TO HAVE SOME SORT OF GEOGRAPHIC THRESHOLD, I'M WILLING TO EXPLORE THAT IN THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. (VISITOR INTRODUCED.)
SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB10]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. I, TOO, STAND IN SUPPORT OF LB10. AND I LOOK AT IT FOR ALL OF THE REASONS SENATOR MURANTE TALKED ABOUT, ALL THE REASONS SENATOR McCOY HAS DISCUSSED. AND I'VE ACTUALLY TAKEN A LOOK AT DIFFERENT SYSTEMS, YOU KNOW, NATIONAL POPULAR VOTE SYSTEM, WHAT WE DO TODAY, WINNER TAKE ALL, WHATEVER YOU'D LIKE TO CALL IT. AND I BELIEVE THAT THESE SITUATIONS SHOULD BE EXAMINED EVERY ONCE IN A WHILE TO MAKE SURE THAT WE'RE DOING IT AS EFFECTIVELY AS POSSIBLE, AS FAIRLY AS POSSIBLE, AND TO MAKE SURE THAT THE ELECTORATE IS BEST SERVED. THAT IS OUR JOB HERE IN THE LEGISLATURE. IT'S ONE OF OUR CONSTITUTIONAL DUTIES. AND SO, I THINK IT'S WISE FOR US TO DO THAT EVERY NOW AND THEN TO MAKE SURE THAT WE'RE DOING WHAT THE PEOPLE IN THE STATE OF NEBRASKA EXPECT US TO DO. AND WHILE IF YOU LOOK AT SOMETHING DIFFERENT AS THE NATIONAL POPULAR VOTE OR LOOK AT IT AS RUNNING DISTRICTS, THAT'S A HUGE FUNDAMENTAL CHANGE FROM WHERE WE ARE NOW AND WHERE WE WOULD GO WITH WINNER TAKE ALL. AND AS SENATOR MURANTE SPOKE, AND I THOUGHT HE DID SO QUITE WELL, IT MAY BE THE FAIREST SYSTEM OUT THERE BECAUSE AS HE SAID, YOU DON'T HAVE POLITICIANS MAKING THOSE DEMARCATIONS, WHICH I THINK COULD BE A BENEFIT FOR THE ELECTORATE AS A WHOLE. SO WITH THAT, I WILL SUPPORT IT. I WILL VOTE FOR LB10 AND I PROBABLY WOULD NOT SUPPORT AM366. THANK YOU VERY MUCH. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR KRIST, YOU'RE RECOGNIZED. [LB10]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I HAVE NOT SPOKEN ON THIS ISSUE AND I WILL ONLY DO IT ONCE. I HEARD SENATOR SCHUMACHER TALK ABOUT THE RESOLUTION FROM THE REPUBLICAN PARTY. AND I THINK IT WAS IN 2011, AS I RECALL, THE CONVERSATION TIME FRAME. IT HASN'T BEEN RESCINDED FROM THE PARTY RESOLUTIONS. I'VE HEARD SENATOR CHAMBERS TALK ABOUT WE REPUBLICANS, "REPELICANS," REPUBLICANS, I FORGET. I'VE HEARD SENATOR McCOY AND SENATOR SCHILZ TALK ABOUT THE REASONS WHY THIS IS VERY

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GOOD. AND I'VE ALSO DONE A LOT OF RESEARCH--NOT RESEARCH--A LOT OF COMMUNICATION OVER THE PAST WEEK OR SO WITH THE FOLKS AT HOME IN MY DISTRICT. YOU KNOW, MY DISTRICT IS IN THE SECOND CONGRESSIONAL DISTRICT AND AS FAR AS THEY'RE CONCERNED, THEY ARE WELL RECEIVED AND WELL REPRESENTED IN THE CURRENT SYSTEM. THE WINNER-TAKE-ALL PROPOSITION TAKES A LITTLE BIT AWAY FROM THE SECOND CONGRESSIONAL DISTRICT. THE MAJORITY OF PEOPLE I TALKED TO, WITH THE EXCEPTION OF THE LEADERSHIP IN THE REPUBLICAN PARTY, AGREE THAT THE WAY IT IS, IS NOT BAD AND THE REASON FOR CHANGE IS NOT COMPELLING. SO LET ME SAY THAT AGAIN. MOST OF THE FOLKS I HAVE TALKED TO, OTHER THAN THE LEADERSHIP IN THE REPUBLICAN PARTY, SAY THE PRESENT SITUATION CONDITIONS ARE NOT SO BAD AND THE REASONS TO CHANGE ARE NOT COMPELLING. SO IN THIS PARTICULAR CASE, I HAVE TO LISTEN TO MY CONSTITUENCY AND SAY THAT THE REASONS FOR CHANGE ARE NOT COMPELLING. THOSE THAT WILL TALK ABOUT PARTISANSHIP HAVE TO REALIZE THAT WHEN THE STATE PARTY DOES WHAT THE STATE PARTY HAS DONE, AND IN MY OWN CASE, WHAT THE REPUBLICAN PARTY...THE DOUGLAS COUNTY REPUBLICAN PARTY IN THEIR EFFORTS TO CENSURE AND WHAT THEY HAVE DONE, THEY DON'T MAKE IT EASY FOR US TO STAND UP ON THIS FLOOR AND TO DEFEND THAT THIS IS NOT, NOT A PARTISAN ISSUE. REPUBLICANS ACROSS THE STATE, ACROSS THE COUNTRY ARE DIVIDED IN THEIR OPINIONS. JUST LOOK AT THE NATIONAL SCENE. ARE YOU LIBERTARIAN? ARE YOU A CENTRIST REPUBLICAN? ARE YOU A RINO? ARE YOU...WHAT ARE YOU? WHAT LABEL DO YOU PUT ON YOURSELF? WHAT I'M SEEING IS THAT THE LABEL THAT PEOPLE ARE USUALLY NOT PUTTING ON THEMSELVES IS A SERVANT OF THE PUBLIC BEING A REPUBLICAN. FOR THOSE REASONS AND A FEW OTHERS, I'M HAVING A HARD TIME SUPPORTING LB10. ONE OF THE COMMENTS THAT WAS MADE THIS WEEKEND TO ME WAS, WHAT HAPPENED TO LOCAL CONTROL BECAUSE IN THE SITUATION WE'RE IN NOW, IT REALLY IS THE BEST EXAMPLE OF LOCAL CONTROL? SO IF LB10 GOES TO SELECT FILE, MY INTENTION IS TO HAVE AN AMENDMENT DRAFTED. IF WE'RE GOING TO CHANGE THIS AND PROVE THAT IT WAS COMPELLING, THAT AMENDMENT WOULD SAY THAT THERE WOULD BE AN ANALYTICAL STUDY DONE BY THE UNIVERSITY OF NEBRASKA AT LINCOLN PROVING WHETHER THE CHANGE IN THE NEXT UPCOMING PRESIDENTIAL ELECTION GAVE US BETTER REPRESENTATION, BETTER COST BASIS, LESS FLYOVERS, ALL THOSE REASONS THAT YOU'VE HEARD ARE COMPELLING REASONS BY SOME MEMBERS TO PASS LB10. IN FACT, I'VE TALKED TO THE CLERK ABOUT DRAFTING THAT AND IF IT MAKES IT TO SELECT, IT WILL BE THERE. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. I'VE BEEN KIND OF FORERIGHT TO MAKE SURE THAT THOSE THINGS THAT WE DO CHANGE ARE TRACKED, PARTICULARLY IN JUVENILE JUSTICE AND SOME OF THE OTHER CHANGES THAT WE'VE MADE. THAT THERE IS AN EVIDENCE-BASED REASON FOR DOING WHAT WE'RE DOING, THAT WE'RE NOT JUST STANDING UP AND SAYING, THIS IS THE BEST THING SINCE SLICED BREAD AND I SAID SO, REGARDLESS OF WHAT THE EXPERTS SAY. SO I THINK IT'S REASONABLE. AGAIN, IF LB10 GOES TO SELECT,

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THE AMENDMENT WOULD CALL FOR AN ANALYTICAL STUDY TO SEE IF WE'VE DONE THE RIGHT THING. AND THEN I'LL BE HERE FOR A COUPLE OF YEARS TO UNDO IT IF THAT'S NOT...IF IT WASN'T RIGHT. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IN THE HEAT OF THE STRUGGLES THAT WE HAVE, THERE ARE THINGS THAT I WILL SAY, THERE ARE DIGRESSIONS I WILL MAKE AND TAKE ON PURPOSE AND ACKNOWLEDGE THAT IS WHAT I'M DOING. NOW WE ARE APPROACHING WHAT MAY BE CALLED THE MOMENT OF TRUTH. IN ALL OF THE YEARS THAT THE CURRENT SYSTEM HAS BEEN IN PLACE, THERE HAS BEEN NO FRANTIC OUTCRY TO MAKE A CHANGE. I THINK ON AT LEAST ONE OCCASION, THE INTRODUCER OF ONE OF THESE BILLS WITHDREW IT. THAT MAY HAVE BEEN JUST LAST SESSION. IT WAS THE ELECTION OF PRESIDENT OBAMA AND HIS OBTAINING, WHILE RUNNING FOR THAT OFFICE, ONE ELECTORAL VOTE FROM NEBRASKA THAT SEEMED TO CREATE PANIC. AND I THINK THE PANIC NOT ONLY IS ILL-ADVISED, IT IS UNSEEMLY. THE REPUBLICAN PARTY IS OVERWHELMINGLY IN COMMAND IN THIS STATE. NOBODY DENIES THAT. I UNDERLINE AND EMPHASIZE IT. AND BECAUSE OF THAT VERY GREAT IMBALANCE, THEY SHOULD NOT GO THE NEXT STEP TO DELIBERATELY, NOTORIOUSLY, CONSCIOUSLY, TAKE AWAY WHAT LITTLE BIT OF OPPORTUNITY THOSE WHO ARE NOT REPUBLICANS WOULD HAVE TO CAST A VOTE THAT WILL INDEED MEAN SOMETHING. WE ARE NOT TALKING ABOUT A NONPARTISAN SITUATION WHEN WE TALK ABOUT ELECTING THESE ELECTORS. WHEN YOU HAVE TWO POLITICAL PARTIES AS EXISTS IN AMERICA, THAT CREATES PARTISANSHIP. PARTISAN MEANS YOU HOLD TO ONE OR THE OTHER. THE PARTISANSHIP IS THERE. THE PRESIDENCY IS DECIDED ON A PARTISAN BASIS. SO WHEN THE PARTY WHICH DOMINATES, UNDERTAKES TO DO SOMETHING LIKE THIS, IT IS PARTISAN IN AND OF ITSELF. SENATOR MURANTE--AND I GIVE HIM CREDIT FOR IT--WANTS TO TRY TO PUT IN PLACE A COMMISSION TO DRAW THE BOUNDARIES WHEN REDISTRICTING OCCURS. BUT IT IS THE REPUBLICAN PARTY IN ARIZONA WHO DOMINATES OUT THERE WHO IS CHALLENGING THE RIGHT OF A STATE TO CREATE SUCH A COMMISSION. THE REPUBLICANS DON'T EVEN WANT THAT, SO THEY ARE SHOWING WHAT THEIR VIEWS ARE. IN THE SHORT RUN, THEY CAN PREVAIL. IN THE SHORT RUN, IF EVERY REPUBLICAN VOTES FOR THIS, THEY WILL PREVAIL. THERE'S A KING NAMED PYRRHUS WHO HAD TWO BATTLES WITH ROME AND HE WON BOTH OF THEM. BUT THE LOSSES HE SUSTAINED WERE SO OVERWHELMING THAT HE ULTIMATELY LOST THE WAR. AND THAT'S WHAT'S MEANT BY A PYRRHIC VICTORY. YOU WIN IN THE SHORT RUN, BUT YOU LOSE THE IMPORTANT BATTLE; THE IMPORTANT WAR, IF YOU WILL. I WAS NOT ABLE TO RUN FOR OFFICE DURING THE PERIOD THAT I'D BEEN TERM LIMITED OUT. THAT WAS THE RULE. I COULD NOT EVEN FILE FOR THE OFFICE, BUT I KNEW THAT ANOTHER DAY WOULD COME. AND PLAYING BY THOSE RULES, WHICH I FEEL ARE UNJUST BECAUSE IT DENIES PEOPLE THE RIGHT TO SEND THE ONE THEY WANT TO THIS PLACE BUT ALSO RACIALLY MOTIVATED. IT WAS MADE CLEAR... [LB10]

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...WHEN THEY CHANGED THE CONSTITUTION. BUT NEVERTHELESS, THEY ARE THE MAJORITY, THEY SET THE RULE, AND WHATEVER THEY SAY THE RULE IS, THAT'S WHAT IT IS, NO MATTER HOW UNJUST, NO MATTER HOW UNFAIR, NO MATTER HOW RACIALLY MOTIVATED. THERE HAVE TO BE PEOPLE WHO ARE ON THE SHORT END OF THAT STICK OVER AND OVER AND OVER WHO WILL NOT QUIT, WHO WILL NOT BE DAUNTED, WHO WILL NOT GIVE UP, AND EVEN AGAINST THOSE OVERWHELMING, UNJUST ODDS WILL CONTINUE THE STRUGGLE, CONTINUE TO FIGHT. AND THE MORE OVERWHELMING AND UNFAIR IT BECOMES, THE GREATER THE FEROCITY OF THE RESISTANCE. I HOPE THERE WILL BE ENOUGH PEOPLE THIS MORNING TO NOT GIVE THE 33 VOTES THAT WOULD TAKE NEBRASKA BACKWARD AND DENY PEOPLE WHO CURRENTLY HAVE SOMETHING TO SAY ABOUT WHO SHALL BE AN ELECTOR... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF AM366. IF I HAVE A THEME HERE IN THE LEGISLATURE, THIS AMENDMENT REFLECTS IT IN THAT IT IS AS CLOSE TO AN AMENDMENT THAT WOULD TRULY PROVIDE INCLUSION, THE INCLUSION THAT WE NEED AMONG ALL OF THE PUBLIC POLICIES THAT WE CONSIDER AS IT MIGHT RELATE TO THE BILL. I ALSO RISE IN CONTINUED OPPOSITION TO LB10 AND WANTED TO OFFER, AT THIS TIME, A...I GUESS SOME ENCOURAGEMENT AMONG MY COLLEAGUES WHO ARE SIMILARLY MINDED TO TAKE A NO VOTE WHEN IT COMES TO CLOTURE. SO ON THAT, WITH THAT, MR. PRESIDENT, IF SENATOR CHAMBERS IS INTERESTED, I WOULD YIELD THE BALANCE OF MY TIME TO HIM. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 3:50. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COOK. MEMBERS OF THE LEGISLATURE, I FOUGHT AGAINST OVERWHELMING ODDS NOT ONLY IN THE LEGISLATURE, BUT IN THE CITY OF OMAHA TO OBTAIN DISTRICT ELECTIONS FOR THE SCHOOL BOARD, THE CITY COUNCIL, AND THE COUNTY BOARD. AND WHEN I WAS TRYING TO DO THESE THINGS, THERE WAS TREMENDOUS OPPOSITION. BUT NOW I DOUBT THAT YOU COULD GET ENOUGH

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PEOPLE IN OMAHA AND DOUGLAS COUNTY TO GET RID OF THE DISTRICT ELECTIONS AND GO BACK TO THE AT-LARGE SYSTEM. HAD I NOT BELIEVED IN WHAT PEOPLE TALK ABOUT--THE PURPOSE OF REPRESENTATIVE GOVERNMENT TO BE, I WOULD NOT HAVE TAKEN THOSE SETBACKS YEAR AFTER YEAR AFTER YEAR, TIME AFTER TIME AFTER TIME. EDITORIALIZED AGAINST, EXCORIATED BY THE OMAHA WORLD-HERALD, ATTACKED BY MEMBERS OF THE SCHOOL BOARD, BY MEMBERS OF THE CITY COUNCIL, AND BY MEMBERS OF THE DOUGLAS COUNTY BOARD. AND I JUST DECIDED THAT I WOULD CONTINUE TO PLAY BY THESE RULES. AS UNFAIR AS I DEEM THEM TO BE, THEY WERE THE ONLY THING THAT I HAD. IF I HAVE TO FIGHT A GRIZZLY BEAR AND ALL I HAVE IS A BASEBALL BAT, I DON'T HAVE MUCH CHANCE. BUT I'M NOT GOING TO THROW THE BAT AWAY AND SAY I'D BE BETTER OFF WITH NOTHING. SO EVEN IF THINGS GO THE WRONG WAY TODAY, AS I HOPE THEY WON'T, I WILL NOT BE DAUNTED. AND I WILL CONTINUE TO DO THE BEST THAT I CAN IN THIS LEGISLATURE TO BRING TO FRUITION THE THINGS THAT I THINK ARE IN THE BEST INTEREST OF THIS STATE. FOR MYSELF PERSONALLY, IT DOESN'T EVEN MATTER WHO THE PRESIDENT IS. BUT THERE ARE PROCESSES, THERE ARE PRINCIPLES, THERE ARE IDEAS AND IDEALS WHICH TRANSCEND ANY INDIVIDUAL, ANY POLITICAL PARTY. AND THEY DO DEAL WITH THAT SOMETHING CALLED THE COMMON GOOD. AND THAT IS WHAT ULTIMATELY WE SHOULD BE TRYING TO VINDICATE. AND I WIND UP ADVOCATING FOR THINGS WHICH I DON'T BELIEVE ARE REALITIES IN THIS SOCIETY. BUT ON THE OUTSIDE POSSIBILITY THAT THEY CAN BE MADE REAL, THEN I DO WHAT I CAN TO TRY TO BRING THAT ABOUT. SO TODAY, THE FIRST VOTE THAT WILL BE TAKEN IS ON THIS AMENDMENT. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: THAT VOTE IS SOMETHING LIKE A STRAW VOTE. THOSE WHO WANT CLOTURE HAVE TO GET 33 AFFIRMATIVE VOTES. THOSE WHO ARE OPPOSED CAN EITHER VOTE NO OR BE NOT VOTING. THIS THAT IS BEING ATTEMPTED BY LB10 IS SO CORRUPTING THAT IT CAUSES PEOPLE TO DENY WHAT EVERYBODY KNOWS, THAT IT IS ONE PARTY'S INITIATIVE, THAT IT IS PARTISAN IN ITS INCEPTION AND FOR ITS PURPOSE. SO WE CAN RESTORE A SMALL MODICUM OF CREDIBILITY BY DENYING THOSE 33 VOTES. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB10]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. SENATOR KINTNER ARGUES THAT WE NEED TO HAVE TWO HOUSES IN THE NEBRASKA LEGISLATURE TO SLOW THINGS DOWN. SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION? [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB10]

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SENATOR CHAMBERS: YES, I WILL. [LB10]

SENATOR SCHUMACHER: SENATOR CHAMBERS, WHY WOULD WE NEED TWO HOUSES TO SLOW THINGS DOWN WHEN WE HAVE YOU? [LB10]

SENATOR CHAMBERS: THE QUESTION CARRIES ITS OWN ANSWER AND, IN MODESTY, I WILL LET IT SPEAK FOR ITSELF. THANK YOU. [LB10]

SENATOR SCHUMACHER: I'D YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU HAVE 4:25. [LB10]

SENATOR CHAMBERS: THANK YOU, PROFESSOR SCHUMACHER. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, IN DOING WHAT I DO, PEOPLE VERY OFTEN WILL BE IRRITATED, THEY WILL BE ANNOYED. BUT IF YOU LOOK AT THE INSTANCES WHEN I DO IT--I CALL IT THE CHAMBERS METHOD--YOU WILL SEE THAT CHANGES ARE GENERALLY WROUGHT. AND GENERALLY, PEOPLE WILL ACKNOWLEDGE THEY ARE FOR THE BETTER. BEYOND THAT, THEY WILL EVEN ACKNOWLEDGE THAT HAD THERE NOT BEEN THE DELAY, HAD THERE NOT BEEN THE EXTENDED DISCUSSION, THE CHANGES WOULD NOT HAVE OCCURRED. I AM NOT ONE WHO THINKS THAT THE QUALITY OF LEGISLATION OR THE QUALITY OF WORK DONE BY THE LEGISLATURE IS DONE BY TOTALLING UP THE NUMBER OF BILLS THAT ARE ENACTED. FOR MY PART, I THINK WHAT I DO THAT'S BEST FOR THE STATE IS TO STOP BAD LEGISLATION ON THE PRINCIPLE THAT PREVENTION IS BETTER THAN CURE. THERE ARE STILL BAD LAWS ON THE BOOKS THAT WERE PUT THERE IN MY ABSENCE THAT OVER A PERIOD OF TIME I'M GOING TO TRY TO REMOVE. BUT IN THE PROCESS OF HAVING TO DO SO MUCH CORRECTIVE WORK, THE AFFIRMATIVE THINGS I WOULD LIKE TO GET DONE, I DON'T HAVE THE TIME TO GIVE TO THOSE. BUT WHEN I DO UNDERTAKE ONE, I WILL BE FEROCIOUS IN MY DEFENSE OF IT AND I WON'T SPARE ANYBODY OR ANYTHING TO GET THOSE THINGS ACCOMPLISHED. BUT I WILL NOT PLAY DIRTY. I WILL NOT DO ANYTHING OUTSIDE OF THE RULES. AND IF BY OPERATING EFFECTIVELY WITHIN THE RULES BRINGS ME CONDEMNATION, THEN SOMETHING SHOULD BE DONE ABOUT THE RULES. BUT WHATEVER RULES ARE PUT IN PLACE, I WILL FIND A WAY TO SURVIVE. I THINK. I HAVE TO THINK. A LOT OF OTHERS DON'T BECAUSE THEY DON'T HAVE TO. FOR EXAMPLE, SOMEBODY CAN SAY, I NEVER VOTED FOR A TAX INCREASE, WHILE RESTING ASSURED THAT OTHERS WILL ASSUME THE RESPONSIBILITY OF VOTING FOR THOSE INCREASES BECAUSE THEY'RE NECESSARY FOR THE STATE TO HAVE THE REVENUE TO DO THOSE NECESSARY THINGS THAT THE STATE IS OBLIGED TO DO. BUT I WILL NEVER BE ONE OF THOSE WHO, IN ORDER TO LOOK LIKE I'M PURE, SIT BACK AND OPPOSE EVERYTHING AND LET OTHERS DO THE HARD WORK. AS A MATTER OF FACT, I'M WILLING AND PREPARED TO BE THE ONLY ONE OUT THERE. I WILL BE THE LIGHTNING ROD. IT DOESN'T MAKE ME ANY DIFFERENCE WHAT PEOPLE THINK OR WHAT THEY SAY. THERE IS WORK THAT NEEDS TO BE DONE. THEIR ANGER,

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THEIR CRITICISMS, MEAN NOTHING. THEY DON'T DETER ME. AND IF THEY DON'T HAVE A VOTE ON THE FLOOR OF THIS LEGISLATURE, THEY DON'T EVEN GET IN MY WAY. I HAVE ACKNOWLEDGED FROM THE BEGINNING, I THINK THIS LB10 IS A VERY... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...BAD BILL AND I'VE STATED MY REASONS, WHICH I DON'T HAVE THE TIME TO RECAPITULATE NOW. BUT ONE THAT I WILL EMPHASIZE, QUOTING SHAKESPEARE: OH, HOW WONDERFUL TO HAVE THE STRENGTH OF A GIANT, BUT IT IS TYRANNICAL TO USE IT LIKE A GIANT. AND IF SOMEBODY WHO HAS THE STATURE AND STRENGTH OF A GIANT WILL BRING ALL OF THAT TO PLAY...INTO PLAY AGAINST TOM THUMB, THE FAULT IS NOT IN TOM THUMB FOR BEING SO SMALL, IT'S IN THE GIANT FOR BEHAVING IN SUCH A SMALL MANNER. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB10]

CLERK: MR. PRESIDENT, SENATOR McCOY WOULD MOVE TO INVOKE CLOTURE ON LB10 PURSUANT TO RULE 7, SECTION 10. [LB10]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE AFFORDED TO LB10. SENATOR McCOY, FOR WHAT PURPOSE DO YOU RISE? [LB10]

SENATOR McCOY: TO INVOKE CLOTURE, MR. SPEAKER. AND I WOULD REQUEST A CALL OF THE HOUSE AS WELL, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: 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. [LB10]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB10]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS EBKE, SEILER, GLOOR, BURKE HARR, CRAWFORD, KINTNER, AND GROENE, PLEASE RECORD. SENATOR CRAWFORD AND SENATOR BURKE HARR, THE HOUSE IS UNDER CALL, PLEASE RETURN TO THE CHAMBER.

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MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. FOR WHAT PURPOSE DO YOU RISE, SENATOR McCOY? [LB10]

SENATOR McCOY: MR. PRESIDENT, I'D REQUEST A ROLL CALL VOTE IN REVERSE ORDER, PLEASE. [LB10]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN THE REVERSE ORDER. MR. CLERK. [LB10]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 685.) 33 AYES, 16 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB10]

SPEAKER HADLEY: THE MOTION IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF AM366 TO LB10. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB10]

CLERK: 17 AYES, 31 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB10]

SPEAKER HADLEY: THE AMENDMENT FAILS. MEMBERS, WE WILL NOW VOTE ON THE ADVANCEMENT OF LB10 TO E&R INITIAL. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK. [LB10]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 685-686.) 31 AYES, 17 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THE BILL IS ADVANCED. LB10 IS ADVANCED. THE CALL IS RAISED. [LB10]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: WE RETURN NOW TO GENERAL FILE. ITEMS FOR THE RECORD FOR US, PLEASE, MR. CLERK.

CLERK: I DO, MR. PRESIDENT. THANK YOU. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LR32, LR33, AND LR34 AS CORRECTLY ENROLLED. (LEGISLATIVE JOURNAL PAGES 686-690.) [LR32 LR33 LR34]

SPEAKER FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND I DO HEREBY SIGN LR32, LR33, AND LR34. [LR32 LR33 LR34]

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CLERK: MR. PRESIDENT, I ALSO HAVE A HEARING NOTICE FROM THE EDUCATION COMMITTEE. THAT'S ALL THAT I HAVE, THANK YOU. (LEGISLATIVE JOURNAL PAGE 691.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING NOW TO GENERAL FILE. LR10CA. MR. CLERK. [LR10CA]

CLERK: MR. PRESIDENT, LR10CA OFFERED BY SENATOR SCHUMACHER, PROPOSES AN AMENDMENT TO ARTICLE III, SECTION 24 OF THE NEBRASKA CONSTITUTION. THE RESOLUTION WAS INTRODUCED ON JANUARY 12 OF THIS YEAR, AT THAT TIME REFERRED TO THE GENERAL AFFAIRS COMMITTEE FOR PUBLIC HEARING. THE RESOLUTION WAS ADVANCED TO GENERAL FILE. I HAVE NO COMMITTEE AMENDMENTS. I DO HAVE OTHER MOTIONS, MR. PRESIDENT. [LR10CA]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHUMACHER, YOU'RE WELCOME TO OPEN ON LR10CA. [LR10CA]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. LR10CA POSES A SIMPLE QUESTION, WHETHER SOVEREIGNS SHOULD BE CONSTITUTIONALLY RESTRICTED FROM BEING ABLE TO RESPOND TO RAIDS ON THEIR RESOURCES BY NEIGHBORING SOVEREIGNS. IT DOES ONE THING. IT ASKS THE PEOPLE OF NEBRASKA WHETHER THEY WANT THE RESTRICTION ON LEGISLATIVE POWER TO DEAL WITH THE ISSUES OF GAMING TO CONTINUE OR WHETHER OR NOT THEY WANT THIS BODY, AND THEMSELVES THROUGH INITIATIVE PROCESS, TO BE ABLE TO RESPOND TO RAIDS ON OUR RESOURCES. IN 2004, THE PEOPLE WERE ASKED THAT QUESTION BY BOTH THE INITIATIVE PROCESS AND THE LEGISLATURE. AND A MAJORITY OF THEM SAID, LET THE RESPONSE BE PERMITTED. BUT THEIR VOTES WERE SPLIT BETWEEN THE TWO PROPOSITIONS. AND WHILE ONE PROPOSITION NEARLY PASSED, THE OTHER ONE PROPOSED BY THE LEGISLATURE RECEIVED FEWER VOTES. BUT THE OVERLAP BETWEEN THE TWO INDICATED A CLEAR MAJORITY WANTED THIS PROHIBITION TO BE REMOVED. LR10CA DOES NOT IMPLEMENT ANY GAMING, DOES NOT IMPLEMENT ANY CASINOS, ANY GAMES OF CHANCE. DOES NOT DO ANYTHING BUT GIVE THE LEGISLATURE AUTHORITY IN THIS PARTICULAR AREA. IT DEALS WITH PRINCIPLES OF GOVERNMENT, RESPONSIBILITIES OF GOVERNMENT, AND THE PROPER CONTENT OF CONSTITUTIONS. THE LEGISLATURE'S AUTHORITY IS LIMITED ONLY BY THE FEDERAL CONSTITUTION AND THE TREATIES. IT IS THE PLACE WHERE ALL AUTHORITY OF SOVEREIGNS REST SUBJECT TO THOSE LIMITATIONS. IT'S GOT THE AUTHORITY TO DO EVERYTHING. IT CAN EXECUTE PEOPLE. IT COULD LICENSE HIGH SCHOOL STUDENTS TO PERFORM SURGERY. IT COULD OKAY 150 MILE-AN-HOUR SPEED LIMIT ON GRAVEL ROADS. IT COULD OKAY MARIJUANA. IT CAN AUTHORIZE BROTHELS. IT CAN PERMIT CORPORAL PUNISHMENT IN SCHOOLS. IT CAN PERMIT THE SHOOTING OF INDIGENTS WHO BREAK INTO PRIVATE WAREHOUSES TO GET OUT OF THE COLD. IT COULD PERMIT BANKS TO

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CHARGE 50 PERCENT INTEREST. IT COULD EVEN PERMIT THE HUNTING OF MOUNTAIN LIONS. THE LEGISLATURE'S AUTHORITY IS VERY BROAD, EXCEPT THAT IT MAY NOT AUTHORIZE A SINGLE GAME OF DICE OR EVEN BETTING ON A COW PIE PARADE WHERE THE COWS ARE MARCHED DOWN THE STREET AND THE BET IS WHICH BLOCK WILL HAVE THE MOST COW PIES. OUR CONSTITUTIONAL HISTORY INDICATES THAT TWO THINGS WERE AT ONE TIME PROHIBITED BY THIS ARTICLE OF THE CONSTITUTION. ONE WAS GAMES OF CHANCE AND THE OTHER WAS DIVORCE. SO YOU ALL KNOW THE ONE ABOUT DIVORCE WENT AWAY RATHER QUICKLY AS TIMES CHANGED. AND THE ONE REGARDING GAMES OF CHANCE STILL STANDS EVEN THOUGH THERE ARE SOME EXCEPTIONS TO IT. TODAY, ODDLY ENOUGH, THERE ARE TWO THINGS THAT ARE NOT PERMITTED TO THE LEGISLATURE. ALL THE RISING GAMES OF CHANCE AND ACKNOWLEDGING SOME MARRIAGES. THE CENTURY AND A HALF OLD RESTRICTIONS ON GAMES OF CHANCE WERE NOT NECESSARILY ANY ACT OF GREAT PRUDISHNESS. IT WERE THE WAY THINGS WAS DONE THEN, SORT OF A PRAIRIE CUT AND PASTE FROM OTHER CONSTITUTIONS OF THE DAY. IT CAME TO BE IN A GENERAL PROPOSITION OF CONSTITUTIONS OF ALL OF OUR NEIGHBORING STATES. IT WAS SORT OF A PACT. NOBODY WAS GOING TO HAVE GAMES OF CHANCE. IT'S JUST THE WAY IT WAS. NEVER DID THE DRAFTERS DREAM THAT PROVISION WOULD 150 YEARS LATER CAUSE THE STATE TO BE VULNERABLE TO STRATEGIC RAIDING OF ITS ASSETS BY NEIGHBORING STATES. ODDLY ENOUGH, NEBRASKA WAS THE FIRST TO BREACH THE GENERAL UNDERSTANDING BY AUTHORIZING HORSE RACING IN THE 1930s. AND AS THOSE OF US WHO COME FROM COMMUNITIES WITH HORSE TRACKS KNOW--MANY, MANY PEOPLE WERE ATTRACTED FROM OUT OF STATE. THEN IN THE 1980s, IOWA RETALIATED AND LAUNCHED A STRATEGIC RAID WITH THE IOWA STATE LOTTERY. WE ALL REMEMBER THE STORIES OF PEOPLE CROSSING THE BRIDGE TO BUY GAS AND CIGARETTES AT CONVENIENCE STORES JUST ACROSS THE RIVER IN IOWA. [LR10CA]

PRESIDENT FOLEY: EXCUSE ME, SENATOR SCHUMACHER. MEMBERS, PLEASE COME TO ORDER. CONTINUE, SENATOR SCHUMACHER. [LR10CA]

SENATOR SCHUMACHER: THANK YOU. WE ALL REMEMBER PEOPLE CROSSING THE BRIDGE TO BUY THE IOWA LOTTERY TICKETS. AND THEN IN THE MID-1990s, IOWA BEGAN A WELL-PLANNED AND STRATEGIC RAID OF NEBRASKA RESOURCES BY PLACING AN ARMADA OF GAMING MACHINES RIGHT ON THE NEBRASKA DOORSTEP. THE HIGHEST CONCENTRATION OF GAMING OPPORTUNITIES ANYWHERE IN IOWA IS ON THE DOORSTEP OF NEBRASKA'S LARGER CITIES. THE MAJORITY OF NEBRASKA POPULATION FINDS ITSELF WITHIN AN HOUR OF WIDE OPEN GAMES OF CHANCE INCLUDING KANSAS, COLORADO, AND SOUTH DAKOTA JOINING IN THE PICNIC. BETWEEN \$300 MILLION AND \$400 MILLION LEAVES THE STATE EACH AND EVERY YEAR. THAT'S ABOUT \$10 A SECOND, EVERY SECOND, DAY AFTER DAY, YEAR AFTER YEAR. CARRYING AN ECONOMIC IMPACT OF 1.7 TIMES THAT, IT MEANS \$500 MILLION TO \$700 MILLION IN ECONOMIC STIMULUS LEAVES THE STATE CARRIED AWAY BY RELENTLESS IOWA RAIDING PARTIES. LEGISLATIVE DEBATE, WHETHER THAT IS A GOOD THING OR A BAD THING IS AN EXERCISE IN FUTILITY BECAUSE THERE IS NOTHING THE LEGISLATURE CAN DO ABOUT IT. AND THE PEOPLE, THROUGH THE

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INITIATIVE PROCESS, CAN'T DO ANYTHING EITHER. THE SUPREME COURT IN THE DEAD HORSE RACING CASE RECENTLY DECIDED, DREW THE LINE ON THE CONSTITUTIONAL AMENDMENTS SO TIGHT THAT THERE IS VIRTUALLY NO WAY A PIECEMEAL PLAN TO DEAL WITH THE ISSUE COULD BE PUT ON THE BALLOT AS A CONSTITUTIONAL AMENDMENT. THE COURT SAID IT MAKES NO DIFFERENCE WHETHER THE AMENDMENT IS BY THE LEGISLATURE OR THE INITIATIVE PROCESS, THE SINGLE-SUBJECT RULE IS EXTRAORDINARILY TIGHT. READING BETWEEN THE LINES IN THE COURT'S OPINION AND IN OTHER OPINIONS IN THE GAMING AREA IN RECENT YEARS, THE SUPREME COURT SEEMS TO BE SAYING EITHER LET THE PROHIBITION STAND AS IS OR GET RID OF IT COMPLETELY. PIECEMEAL ATTEMPTS WON'T BE ALLOWED. LR10CA, IN VERY SIMPLE TERMS, ASKS THE PEOPLE THAT QUESTION, WHETHER THEY WANT IT TO STAND OR GET RID OF IT. IT DOES SO IN VERY SIMPLE, CLEAR, AND CONCISE LANGUAGE AND PUTS THE ISSUE BEFORE THE PEOPLE SO THEY CAN SPEAK. IF THEY CHOOSE TO REMOVE THE RESTRICTION, THEN FUTURE LEGISLATURES WILL BE IN A POSITION TO DEBATE WHETHER TO AUTHORIZE GAMES OF CHANCE, WHETHER THEY ARE A GOOD THING OR A BAD THING, HOW MUCH MONEY IS MOVING ACROSS THE RIVER OR OUT OF STATE, PERHAPS EVEN TO NEGOTIATE WITH NEIGHBORING STATES FOR A CUT OF THE REVENUE IN EXCHANGE FOR NEBRASKA REFRAINING FROM AUTHORIZING GAMING. ALL THOSE ARE OPPORTUNITIES OR OPTIONS WHICH WE DO NOT HAVE. THE PEOPLE WILL HAVE THE TOOLS TO DEAL WITH THE PROBLEM AND WE WILL NOT HAVE TO STAND IDLY BY WHILE RAIDING PARTIES EMPTY OUR GRANARIES AND RUSTLE OUR CATTLE, SO TO SPEAK. THIS IS A VERY SIMPLE PROPOSITION; TO LET THE PEOPLE DECIDE. I KNOW THAT SENATOR McCOY HAS FILED AN IPP MOTION ON THIS BILL. IF HE HADN'T, I WOULD HAVE BECAUSE I THINK IT'S FAIR TO THE BODY TO ASK WHETHER OR NOT THERE'S AN OPEN MIND ON THIS ISSUE OR NOT. IF THERE'S NOT AN OPEN MIND ON THE ISSUE, IF THERE'S NO WAY, NO HOW WE'RE GOING TO ASK THE PEOPLE WHETHER OR NOT WE SHOULD HAVE THE AUTHORITY, WHETHER OR NOT THEY WANT TO UNDO THE 150-YEAR-OLD PROPOSITION, IF THAT'S COMPLETELY OUT OF THE QUESTION, THEN THERE'S NO USE KILLING TIME ON IT. IF A MAJORITY OF YOU, HOWEVER, FEEL THAT THIS IS A TOPIC THAT \$300 MILLION A YEAR, \$400 MILLION A YEAR RAID ON OUR RESOURCES IS SOMETHING WE SHOULD BE CONCERNED ABOUT AND DISCUSS, THEN YOU HAVE A CHANCE TO SPEAK. AGAIN, I HAVE NO INTENTION OF KILLING MUCH TIME ON THIS IF IT'S THE WILL OF THE BODY NOT TO PROCEED AND NOT TO EVEN WANT TO TALK ABOUT IT. I WOULD ASK YOU TO SERIOUSLY CONSIDER IT. IT'S A SERIOUS ISSUE. AND NO STATE SHOULD TIE ITS HANDS SO THAT IT CANNOT RESPOND, CANNOT NEGOTIATE, CANNOT DO ANYTHING... [LR10CA]

PRESIDENT FOLEY: ONE MINUTE. [LR10CA]

SENATOR SCHUMACHER: ...BUT YIELD TO RAIDS ON ITS RESOURCES BY NEIGHBORING STATES. RAIDS THAT ARE STRATEGICALLY PLANNED AND RAIDS THAT HAVE BEEN HIGHLY SUCCESSFUL. THANK YOU. [LR10CA]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. MR. CLERK. [LR10CA]

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CLERK: MR. PRESIDENT, SENATOR McCOY WOULD MOVE TO INDEFINITELY POSTPONE THE RESOLUTION. SENATOR SCHUMACHER, YOU HAVE THE OPTION TO LAY THE BILL OVER OR TAKE IT UP AT THIS TIME, SENATOR. [LR10CA]

SENATOR SCHUMACHER: LET'S TAKE IT UP. [LR10CA]

PRESIDENT FOLEY: SENATOR McCOY, YOU'RE WELCOME TO OPEN ON YOUR MOTION. [LR10CA]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. AND I DON'T TAKE LIGHTLY PUTTING UP AN IPP MOTION LIKE I DID. IF YOU LOOK ON YOUR GADGET, I INTRODUCED THIS IPP MOTION, I THINK, THE DAY AFTER SENATOR SCHUMACHER INTRODUCED THIS CONSTITUTIONAL AMENDMENT. I HAVEN'T TALKED ABOUT IT, PUBLICLY. A NUMBER OF MEDIA OUTLETS HAVE REPORTED ON THIS STORY...OR ON THIS ISSUE. I'VE BEEN PRETTY QUIET ABOUT IT. BUT I DON'T TAKE THIS LIGHTLY BECAUSE, AS ALL OF YOU KNOW WHO HAVE BEEN IN THIS BODY VERY LONG, I'M AN ARDENT OPPONENT OF EXPANDED GAMBLING IN NEBRASKA. AND I THINK IT'S SOMETHING THAT WE SHOULD THINK VERY, VERY CAREFULLY ABOUT, WHEN WE ARE ANTICIPATING WITH THIS CONSTITUTIONAL AMENDMENT, TAKING AWAY WHAT'S BEEN HELD DEAR IN OUR STATE FOR 140 YEARS, SINCE 1875, WHEN OUR CONSTITUTION, AS WE KNOW IT, OBVIOUSLY BEEN CHANGED A NUMBER OF TIMES SINCE THEN, BUT AS WE KNOW IT, WAS AUTHORED. AND EVER SINCE THEN, A CONSTITUTION, IF YOU LOOK IN SECTION 3, SECTION...OR ARTICLE 3, I SHOULD SAY, SECTION 24, TALKS ABOUT THE LEGISLATURE ONLY HAVING...WELL, LET ME READ: ARTICLE 3, SECTION 24(1), EXCEPT AS PROVIDED IN THIS SECTION, THE LEGISLATURE SHALL NOT AUTHORIZE ANY GAME OF CHANCE OR ANY LOTTERY OR GIFT ENTERPRISE WHEN THE CONSIDERATION FOR A CHANCE TO PARTICIPATE INVOLVES THE PAYMENT OF MONEY FOR THE PURCHASE OF PROPERTY, SERVICES, OR A CHANCE OR ADMISSION TICKET OR REQUIRES AN EXPENDITURE OF SUBSTANTIAL EFFORT OR TIME. THAT'S HOW IT'S BEEN IN OUR CONSTITUTION FOR A VERY, VERY LONG TIME. THOSE OF YOU WHO WERE HERE LAST SESSION KNOW WHERE WE ENDED UP, AND PROBABLY THOSE OF YOU WHO WERE ON THE CAMPAIGN TRAIL WERE FOLLOWING THE INSTANT RACING TERMINALS, THE HISTORIC HORSE RACING. I GUESS, AS SENATOR SCHUMACHER SAID, DEAD HORSE RACING ISSUE AND WHERE IT ENDED UP AND THE SUPREME COURT DECISION THAT FOLLOWED. COLLEAGUES, I WOULD REMIND YOU, AND ALTHOUGH I WAS SOMEWHAT SURPRISED, I HAVE TO TELL YOU, EVEN THOSE OF US BEING IN THE LEGISLATURE NOW SEVEN SESSIONS OR SEVEN YEARS, I SHOULD SAY, WE DIDN'T SEE THE LATEST VERSION OF HISTORIC HORSE RACING GET INTRODUCED THIS SESSION. FOR WHATEVER REASON, I DON'T KNOW, BUT IT COULD HAVE BEEN. I THINK THIS CONSTITUTIONAL AMENDMENT IS ILL-ADVISED. I THINK IT SETS A DANGEROUS COURSE. IT TAKES AWAY THE AUTHORITY FOR THIS ISSUE FROM THE VOTE OF THE PEOPLE AND PUTS IT SOLELY IN THE HANDS OF THE LEGISLATURE. NOW, OBVIOUSLY, AS ALL OF US AS 49 MEMBERS OF THE LEGISLATURE, THE PEOPLE SENT US HERE TO DO THE PEOPLE'S BUSINESS. BUT THIS IS ONE ISSUE THAT, I THINK, SHOULD STAY IN THE

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HANDS OF THE PEOPLE. THAT'S JUST MY VIEW. WHO KNOWS? THERE MAY NOT BE A MAJORITY OF THOSE OF US THAT SEE IT THAT WAY. I DON'T KNOW. BUT I KNOW WHERE I'M AT ON THIS ISSUE. AND I GUESS THIS COULD BE A SHORT CONVERSATION, IT COULD BE A LONGER CONVERSATION, I DON'T KNOW. BUT I FEEL PRETTY PASSIONATELY ABOUT THIS. AND I HAVE STOOD HERE SOMETIMES WITH A FEW OF US, SOMETIMES WITH MORE OF US, BUT I'VE ALWAYS STOOD HERE AS A VOCAL POINT OPPONENT OF EXPANDING GAMBLING BECAUSE I BELIEVE IT TEARS AT THE VERY FABRIC OF WHAT WE HOLD DEAR IN NEBRASKA, THE QUALITY OF LIFE THAT WE HOLD DEAR. WE CAN TALK ABOUT THE REVENUE. WE CAN TALK ABOUT WHAT IT COULD MEAN FOR ECONOMIC DEVELOPMENT. WE CAN TALK ABOUT HOW WE CAN CONTORT IT TO FIT POTENTIALLY SOME PROPERTY TAX SAVINGS. AT THE END OF THE DAY, I FIRMLY BELIEVE, AND I THINK THE MAJORITY OF NEBRASKANS BELIEVE AS I DO, THAT IT IS NOT WORTH THE SOCIAL COST. AS THE INCOMING NATIONAL CHAIRMAN OF THE COUNCIL OF STATE GOVERNMENTS, I'VE HAD THE OPPORTUNITY TO TRAVEL QUITE A BIT. FROM TIME TO TIME, YOU'LL SEE ME BE GONE FOR A FEW DAYS AND IT'S USUALLY BECAUSE I'M IN SOME OTHER PART OF THE COUNTRY GETTING THE OPPORTUNITY TO WITNESS ANOTHER STATE LEGISLATURE IN ACTION, ANOTHER GREAT STATE, PART OF OUR UNION. AND I WILL TELL YOU AS I'VE MADE FRIENDS ALL OVER THE UNITED STATES AND LEGISLATURES, THERE ARE A LOT OF THEM, DOESN'T MATTER THE PARTY, DOESN'T MATTER THE POLITICAL PHILOSOPHY, DOESN'T MATTER THE BACKGROUNDS, THERE ARE A LOT OF THEM THAT WISH, PRIVATELY, IF THEY DON'T SAY IT PUBLICLY, THAT THEY WISH THEY COULD PUT THE GENIE BACK IN THE BOTTLE ON EXPANDED GAMBLING. BECAUSE ONCE YOU GO DOWN THAT SLIPPERY SLOPE, THERE IS NO COMING BACK. WELL, COLLEAGUES, FOR MANY, MANY YEARS IN NEBRASKA WE HAVE RESISTED THE SIREN SONG OF GOING DOWN THAT SLIPPERY SLOPE. I THINK IT'S BEEN A GOOD DECISION. I THINK THIS CONSTITUTIONAL AMENDMENT WOULD ROLL THAT BACK. AND THAT'S WHY I STAND OPPOSED TO IT AND THAT'S WHY I BELIEVE THAT WE SHOULD HAVE THIS DISCUSSION BE SHORT AND SWIFT. THANK YOU, MR. PRESIDENT. [LR10CA]

PRESIDENT FOLEY: THANKS, SENATOR McCOY. SENATOR LARSON, YOU'RE RECOGNIZED. [LR10CA]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'M NOT GOING TO SPEAK A WHOLE LOT ON THIS BILL, ONCE, MAYBE TWICE. THIS DID COME OUT OF GENERAL AFFAIRS COMMITTEE, THE COMMITTEE WHICH I CHAIR, LR10CA. I'VE NEVER BEEN AFRAID TO SAY THAT I AM PRO GAMING. THE FIRST TIME I RAN, I KNOCKED ON A LOT OF DOORS, AND I KNOCKED ON A LOT OF DOORS THIS TIME AND WITHIN MY DISTRICT THAT HAS ABOUT 200 MILES OF THE SOUTH DAKOTA BORDER, AND PONCA COMES WITHIN ABOUT 15 MILES OF SIOUX CITY, THERE'S A...I GET THE QUESTION A LOT--WHERE DO YOU STAND ON GAMING? I HAVE TWO OR THREE PEOPLE THAT ARE ABSOLUTELY OPPOSED THAT CONTACT ME QUITE A BIT. ONE OF THEM SERVED ON MY EXECUTIVE BOARD; GREAT GUY, GREAT FRIEND. WE AGREE PRETTY MUCH ON EVERY ISSUE BUT GAMING. BUT A MAJORITY OF THE PEOPLE THAT ASKED ME ARE OVER THE AGE OF 65. AND THEY ASK BECAUSE THERE'S NOT A WHOLE LOT OF ENTERTAINMENT HAPPENING IN

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DISTRICT 40 WHERE THE BIGGEST TOWN IS O'NEILL OF ABOUT 4,000 PEOPLE, AND THEY SAY, YOU KNOW, WE GO TWO, MAYBE THREE TIMES A MONTH AND WE SET A BUDGET OF FIFTY DOLLARS TO SIOUX CITY OR FT. RANDALL OR WHATEVER ELSE. AND THIS GIVES THEM THAT OPTION TO AT LEAST HAVE A SAY ON WHETHER OR NOT THEY WANT THE LEGISLATURE TO REGULATE GAMING ISSUES. THIS IS A VOTE OF THE PEOPLE. THEY ARE VOTING WHETHER OR NOT THEY WANT US TO HAVE CONTROL. THIS IS NOT A VOTE TO LEGALIZE GAMING BECAUSE WE WOULD HAVE TO COME BACK AND DO THAT. THIS IS NOT A VOTE TO ALLOW SLOT MACHINES IN EVERY GAS STATION, WHICH, I MEAN, WE SEE BANK SHOT. THAT'S BEEN COMING MORE AND MORE AND I'M NOT QUITE SURE...IF THE SUPREME COURT SAYS THAT'S CONSTITUTIONAL, WE'LL HAVE THE ARGUMENT ON SOME OTHER GAMES OF SKILL LATER THIS YEAR, I HAVE A FEELING. THIS IS JUST WHETHER OR NOT THE PEOPLE WANT THE LEGISLATURE TO BE ABLE TO DECIDE ON GAMING ISSUES. THE PEOPLE WILL STILL HAVE THEIR SAY. THEY WILL NOT ONLY HAVE THEIR SAY ON THE CONSTITUTIONAL AMENDMENT, THEY WILL HAVE THEIR SAY AS IT BECOMES AN ISSUE WHEN THEY ELECT THEIR REPRESENTATIVE. IT IS RIGHT NOW BECAUSE I GET THE QUESTION, WHERE DO YOU STAND ON GAMING? WE TALK ABOUT CONSTITUTIONAL AMENDMENTS AND PETITION DRIVES AND NEBRASKA HAS A SEMI-DIFFICULT PETITION DRIVE IN PROCESS AND THAT'S NOT NECESSARILY BAD. I KNOW SENATOR GROENE MIGHT DISAGREE WITH ME. BUT LET'S LOOK AT CALIFORNIA AND HOW EASY THEIR PETITION DRIVE PROCESS IS. AND IT HAMSTRINGS THE LEGISLATURE TIME AFTER TIME AND TIME ON WHAT THEY CAN AND CAN'T DO IN CALIFORNIA. NOW, AS A CONSERVATIVE IN NEBRASKA, THAT MIGHT NOT NECESSARILY BE A BAD THING TO HAMSTRING WHAT IS THE CALIFORNIA LEGISLATURE, BUT WHEN IT COMES TO OUR PROCESS STANDPOINT, I WOULD ARGUE THAT IT IS. LET'S SEE WHAT THE PEOPLE OF NEBRASKA THINK ABOUT GAMING AGAIN. JUST BECAUSE, AS WE HEAR FROM GAMBLING WITH THE GOOD LIFE, OH, THE VOTERS TURNED IT DOWN A DECADE AGO, THEY DON'T WANT IT. WELL, I THINK THERE'S SOME MORE VOTERS. SENATOR HANSEN WASN'T ELIGIBLE TO VOTE A DECADE AGO. I WAS BARELY ELIGIBLE TO VOTE A DECADE AGO. [LR10CA]

PRESIDENT FOLEY: ONE MINUTE. [LR10CA]

SENATOR LARSON: THINGS CHANGE. SOCIETIES MOVE FORWARD. THERE'S NEW VOTERS. I WASN'T ELIGIBLE IN 2000 WHEN IT WAS ON THE BALLOT. IN FACT, I WAS AN EIGHTH GRADER. IT'S TIME THAT WE LET THE PEOPLE HAVE A SAY AGAIN. IF IT FAILS, YOU KNOW WHAT, WE'LL WAIT ANOTHER DECADE. LET PEOPLE MAKE THEIR OWN DECISIONS WITH HOW THEY WANT TO HAVE SOME ENTERTAINMENT. YES, THERE MIGHT BE 1 PERCENT OF THE POPULATION TO HAVE A PROBLEM. THERE'S 1 PERCENT OF THE POPULATION TO HAVE A PROBLEM WITH ALCOHOL, THERE'S 1 PERCENT OF THE POPULATION TO HAVE AN ISSUE WITH DRUGS. BUT FOR THE MOST PART, THESE ARE AVERAGE PEOPLE THAT LIKE A LITTLE ENTERTAINMENT ON THE WEEKENDS AND IT MIGHT NOT GO THE... [LR10CA]

PRESIDENT FOLEY: TIME, SENATOR. [LR10CA]

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SENATOR LARSON: THANK YOU. [LR10CA]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LR10CA]

SENATOR SCHILZ: ONCE AGAIN, GOOD MORNING. THANK YOU, MR. PRESIDENT. GOOD MORNING MEMBERS OF THE BODY. AND YES, WE'VE...EVERY YEAR WE'VE HAD AN ISSUE WHERE WE'VE GOTTEN TO TALK ABOUT WHETHER WE SHOULD QUOTE, UNQUOTE, EXPAND GAMING HERE IN NEBRASKA. AND EVERY YEAR WE COME DOWN TO THE SAME ARGUMENTS. AND EVERY YEAR WE HEAR THAT THE PEOPLE SHOULD HAVE THE RIGHT TO VOTE ON THIS ISSUE. WELL, SENATOR SCHUMACHER'S BILL GIVES THE PEOPLE THAT RIGHT TO VOTE. IT'S BEEN A NUMBER OF YEARS SINCE WE'VE GIVEN THE PEOPLE THE OPPORTUNITY TO WEIGH IN ON THE ISSUE. I THINK IT'S TIME TO DO THAT AGAIN. I THINK IT'S TIME TO ASK THE QUESTION OUT THERE. AND I THINK IT'S TIME TO TAKE IT IN A GENERAL FORM LIKE IT IS NOW, RATHER THAN THE LAST TIME THAT IT WAS PUT OUT THERE WHERE THERE WERE ONLY CERTAIN AREAS AND CERTAIN PLACES THAT THIS COULD HAPPEN. AND WHILE I UNDERSTAND THE NEED TO WANT TO KNOW WHAT THIS IS GOING TO BE AND WHERE IT'S GOING TO BE, I THINK THAT THAT'S A LOCAL ISSUE THAT THE LOCAL FOLKS IN THOSE POLITICAL SUBDIVISIONS CAN DECIDE ON WHETHER THAT'S WHAT THEY WANT TO DO OR NOT. THE BROADER QUESTION COMES FROM HERE. WE MOVE IT TO THE PEOPLE, AND THEN THE LEGISLATURE CAN HAVE THE OPPORTUNITY TO DECIDE FROM THERE FORWARD. THAT MAKES THE QUESTION SIMPLE. IT MAKES THE QUESTION EASY TO UNDERSTAND. IT PAINTS THAT BRIGHT LINE OUT THERE AND IT DOES NOT SPLIT EAST VERSUS WEST, URBAN VERSUS RURAL, THOSE KIND OF THINGS, AS I BELIEVE, THE LAST TIME THIS CAME TO A VOTE, THAT'S WHAT HAPPENED. SO I COMMEND SENATOR SCHUMACHER FOR HAVING THE FORTITUDE AND THE COURAGE TO BRING THIS BILL FORWARD. I THANK THE GENERAL AFFAIRS COMMITTEE FOR VOTING THE BILL OUT, TO GIVE THE DISCUSSION HERE ON THE FLOOR BECAUSE I THINK IT IS IMPORTANT. AND WHEN YOU LOOK AT WHAT THE STATE IS LOSING EVERY YEAR TO OUR BORDERING STATES, THE AMOUNT OF DOLLARS THAT ARE THERE, IT REALLY DOES MAKE YOU WONDER WHETHER OR NOT WE'RE DOING THE RIGHT THING IN OUR CURRENT SITUATION, OR COULD WE HANDLE THE ISSUES THAT COME WITH THIS BETTER IF WE HAD THE MONEY FROM GAMING ITSELF TO DO SO. MY MIND, I THINK THAT HAVING MONEY TO TAKE CARE OF ISSUES THAT YOU'RE ALREADY DEALING WITH MAKES SENSE. SO I'LL BE SUPPORTING LR10CA. I'LL BE SUPPORTING SENATOR SCHUMACHER IN HIS FIGHT TO GET IT PASSED HERE ON THE FLOOR. THANK YOU VERY MUCH, MR. PRESIDENT. [LR10CA]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR RIEPE, YOU'RE RECOGNIZED. [LR10CA]

SENATOR RIEPE: THANK YOU, LIEUTENANT GOVERNOR FOLEY. I SPEAK IN OPPOSITION OF LR10CA, IN SUPPORT OF THE POSTPONEMENT. WITHIN THE

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GENERAL AFFAIRS COMMITTEE, THERE WERE THREE SENATORS WHO VOTED AGAINST THIS RESOLUTION AND THERE WERE NO PROPONENTS TO THIS RESOLUTION EXCEPT FOR SENATOR SCHUMACHER. WHY AM I AGAINST EXPANDING GAMBLING IN THE FORM OF LR10CA? IT IS WRONG TO TAKE AWAY THE VOTE FROM THE PEOPLE OF NEBRASKA AND I STAND BY THAT. I WOULD LIKE TO YIELD THE BALANCE OF MY TIME BACK TO SENATOR McCOY. [LR10CA]

PRESIDENT FOLEY: SENATOR McCOY, 4:20. [LR10CA]

SENATOR McCOY: THANK YOU, MR. PRESIDENT; AND THANK YOU, SENATOR RIEPE. YOU KNOW, A COUPLE OF THINGS THAT I'D LIKE TO TOUCH ON. I THINK THE OMAHA WORLD HERALD WROTE AN EDITORIAL BACK, ALMOST EXACTLY TWO YEARS AGO...WELL, I SHOULD SAY JUST A LITTLE MORE THAN TWO YEARS AGO, IN FEBRUARY OF 2013, WHEN SENATOR SCHUMACHER LAST BROUGHT THIS CONSTITUTIONAL AMENDMENT. AND I THINK THEY SAID A FEW THINGS IN THE EDITORIAL THAT BEAR REPEATING FOR THE RECORD, MR. PRESIDENT AND COLLEAGUES, THAT I THINK ARE IMPORTANT TO NOTE IN THIS DISCUSSION. AND I'LL QUOTE A COUPLE OF THINGS FROM THEIR EDITORIAL. IMPOSING STRICT LIMITS ON GAMBLING IS A DECADES-LONG PREFERENCE OF NEBRASKANS. THAT PREFERENCE HAS BEEN VOICED AGAIN AND AGAIN AT THE BALLOT BOX. AND GAMBLING RESTRICTIONS WERE PLACED IN THE NEBRASKA CONSTITUTION BECAUSE THE MATTER IS RIGHTLY CONSIDERED SO IMPORTANT THAT THE PEOPLE THEMSELVES SHOULD HAVE THE FINAL SAY. WELL, I DON'T THINK THAT I COULD SAY IT ANY BETTER THAN THAT, ALTHOUGH, PERHAPS, I TRIED IN MY OPENING ON THIS IPP MOTION THIS MORNING. THIS IS AN ISSUE THAT IT'S BEEN WELL-TRAVELED IN HISTORY OF THE LEGISLATURE AND I WOULD GUESS THAT IT WILL PROBABLY CONTINUE TO BE WELL-TRAVELED. AND I THINK GOOD AND WELL-MEANING PEOPLE, GOOD AND WELL-MEANING SENATORS CAN AGREE TO DISAGREE ON THIS ISSUE WITHOUT BEING DISAGREEABLE. AND I THINK THAT'S THE SPIRIT OF THE LEGISLATURE. I THINK THAT THIS MOTION IS PROBABLY A SIGNAL OF WHERE THE BODY MAY BE AND MAY NOT BE ON THIS ISSUE. THAT'S WHAT I...OFFER UP THIS MOTION TO TRY TO ASCERTAIN, JUST WHERE IS THE BODY ON THIS ISSUE? PROBABLY WON'T BE THE LAST TIME THAT WE'LL HAVE A DISCUSSION ON SOME FORM OF GAMING THIS SESSION, AS SENATOR LARSON, AS CHAIR OF GENERAL AFFAIRS COMMITTEE, MENTIONED A FEW MOMENTS AGO. BUT I HOPE THAT THIS MOTION IF WE...WHENEVER WE GET TO A VOTE ON IT, WILL BE A SIGNAL AS TO WHERE THE BODY IS AND THE LEVEL AT WHICH WE WANT TO DISCUSS THIS FURTHER AT THIS POINT IN THE SESSION. THANK YOU, MR. PRESIDENT. [LR10CA]

PRESIDENT FOLEY: THANK YOU, SENATORS RIEPE AND McCOY. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LR10CA]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. COLLEAGUES, WITH A LIMITED AMOUNT OF TIME FOR COMMITTEES TO HOLD EXECUTIVE SESSIONS DURING THE AFTERNOONS RESERVED FOR PUBLIC HEARINGS, I'M SETTING ASIDE THE

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MORNINGS OF THURSDAY, MARCH 5, AND TUESDAY, MARCH 10, TO MEET IN EXECUTIVE SESSION. I KNOW THAT MANY OF YOU ARE INTERESTED IN KNOWING PRIOR TO THE PRIORITY BILL DEADLINE IF THERE IS ANY POSSIBILITY OF CERTAIN BILLS BEING ADVANCE TO GENERAL FILE. THE EXTRA TIME WILL ALLOW COMMITTEES TO ADDRESS SOME OF THESE BILLS. ON THE MORNING OF MARCH 5 AND MARCH 10, WE WILL CONVENE AT 9:00 A.M. FOR THE PURPOSE OF CHECKING IN. WE WILL TAKE UP ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS FROM THE CLERK AND THEN WE WILL ADJOURN BY 9:15 TO ALLOW YOU TO MEET IN YOUR COMMITTEES. THE MORNING OF TUESDAY, MARCH 5 IS RESERVED FOR TUESDAY, AND MONDAY, TUESDAY, TWO-DAY COMMITTEES TO MEET IN THE MORNING OF TUESDAY, MARCH 10 IS RESERVED FOR THE THREE-DAY COMMITTEES TO MEET. IF YOU HAVE NOT RECEIVED NOTICE OF EXECUTIVE SESSION FROM YOUR COMMITTEE CHAIR, YOU WILL RECEIVE THAT WITHIN THE NEXT COUPLE OF DAYS. ALSO A REMINDER OF PRIORITY BILL DEADLINES. NEXT WEDNESDAY, MARCH 11, SPEAKER PRIORITY REQUEST LETTERS ARE DUE TO ME PRIOR TO ADJOURNMENT. COMMITTEE AND SENATOR PRIORITY BILL DESIGNATIONS MUST BE MADE PRIOR TO ADJOURNMENT NEXT THURSDAY, MARCH 12. I WILL ANNOUNCE MY 25 SPEAKER PRIORITY BILLS ON MONDAY, MARCH 16. THANK YOU, MR. PRESIDENT. [LR10CA]

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LR10CA]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. IN 2004, A MAJORITY OF THE PEOPLE IN THIS STATE VOTED TO HAVE SOME FORM OF CASINO GAMING. THERE WERE TWO PROPOSITIONS ON THE BALLOT. ONE BY INITIATIVE HAD TO HAVE FOUR DIFFERENT PROPOSITIONS IN ORDER TO MAKE IT WORK, TWO PASSED AND THE WEAKEST ONE GOT 47 PERCENT OF THE VOTE. THE LEGISLATURE HAD A PROPOSITION ON THE BALLOT THAT GOT 36 PERCENT OF THE VOTE. MANY PEOPLE VOTED FOR ONE OR THE OTHER AND WHEN ASKED THE QUESTION WHETHER OR NOT 50 PERCENT OF THE PEOPLE VOTED FOR ONE OR THE OTHER, STATISTICAL ANALYSIS INDICATES CLEARLY THEY DID. PROBABLY THEN ABOUT 53 PERCENT OF THE PEOPLE VOTED FOR ONE OR THE OTHER. SO IT IS TOTAL MYTHOLOGY TO SAY THAT PEOPLE HAVE CONSISTENTLY REJECTED THE GAMING MEASURE AND IT SHOULD NOT BE PRESENTED TO THEM. 2004 WAS A VERY CONFUSING SITUATION FOR THE VOTERS. SINCE 2004, A VERY DRAMATIC DECISION HAS BEEN RENDERED BY THE SUPREME COURT WHICH CHANGES WHAT THE LEGISLATURE CAN PUT BEFORE THE VOTERS AND SUBJECTS IT TO THE SAME CONFUSING RULES THAT THE INITIATIVE PROCESS IS. THE COURT IN THAT HORSE RACING CASE THIS SUMMER SAID, THE SINGLE SUBJECT RULE FOR VOTER INITIATIVES AND THE SEPARATE VOTE PROVISION FOR THE LEGISLATURE'S PROPOSED AMENDMENTS SHOULD BE CONSTRUED AS IMPOSING THE SAME BALLOT REQUIREMENTS. A VOTER INITIATIVE, OR LEGISLATIVELY PROPOSED CONSTITUTIONAL AMENDMENT, MAY NOT CONTAIN TWO OR MORE DISTINCT SUBJECTS FOR VOTER APPROVAL IN A SINGLE VOTE. LONG AND SHORT OF IT, NO MORE CAN WE HAVE PIECEMEAL GAMING LEGISLATION. WE HAVE TO KEEP IT SIMPLE. AND THE SIMPLEST WAY IS TO ASK THE VOTERS VERY CLEARLY, VERY SIMPLY, UP OR DOWN--DO YOU WANT

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THE LEGISLATURE OR THE INITIATIVE PROCESS TO HAVE THIS AUTHORITY OR NOT? YES OR NO? THE PARADE OF HORRIBLES THAT HAS ALWAYS BEEN PARADED REGARDING GAMING, THOSE OF US THAT HAVE BEEN AROUND REMEMBER IT WAS PARADED WHEN THE CITY AND COUNTY LOTTERIES FIRST HAD ADVENT TO THIS STATE IN THE LATE 1980s. THEY PROVED TO BE UNFOUNDED, WERE PARADED AROUND WITH THE STATE LOTTERY, PROVED TO BE UNFOUNDED. IN FACT, THE GREATEST CONTROVERSIAL ON STATE LOTTERY IN PAST FEW YEARS IS HOW WE DIVIDE THE MONEY. THE NOTION THAT SOMEHOW NEBRASKANS ARE BEING PROTECTED WAS PROVEN COMPLETELY UNTRUE IN THE GENERAL AFFAIRS COMMITTEE HEARING ON THIS. A WOMAN TESTIFIED THAT HER... WHO LIVED IN NEBRASKA, THAT HER FAMILY WAS RUINED BY GAMING. WELL, IT DIDN'T HAPPEN IN NEBRASKA. PEOPLE HAVE LEARNED TO TRAVEL, THREE PERCENT OF THE PEOPLE ARE GOING TO HAVE A PROBLEM. JUST SOME INTERESTING STATISTICS, NOT THAT THEY MEAN ANYTHING, BUT NEBRASKA HAS A HIGHER RATE OF BANKRUPTCY THAN OUR NEIGHBORING STATES, A HIGHER RATE OF DIVORCE THAN OUR NEIGHBORING STATES. MANY OF THE CRIME STATISTICS SUCH AS ROBBERY, WE HAVE A HIGHER RATE THAN NEIGHBORING STATES. OVERALL, CRIMES INVOLVING PROPERTY, ACCORDING TO THE FBI, A HIGHER RATING THAN NEIGHBORING STATES. IOWA DOES OUTDO US ON BURGLARY, BUT WE'RE AHEAD OF SOUTH DAKOTA. IN LARCENY AND THEFT, WE HAVE A HIGHER RATING. NOT TO SAY THAT THOSE STATES GAMING PREVENTS THEM FROM HAVING HIGHER RATINGS... [LR10CA]

PRESIDENT FOLEY: ONE MINUTE. [LR10CA]

SENATOR SCHUMACHER: ...BUT THERE'S SIMPLY NO CORRELATION. MOST OF OUR POPULATION IS WITHIN AN HOUR OF A CASINO AND ANYBODY WITH A GAMING PROBLEM HAS FIGURED OUT HOW TO GET THERE. BUT THAT'S NOT THE ARGUMENT FOR TODAY. THE ARGUMENT FOR TODAY IS QUITE SIMPLE. AND THAT IS WHETHER OR NOT OUR PEOPLE SHOULD BE ASKED WHAT THEY WANT US TO DO IN THIS CIRCUMSTANCE. DO THEY WANT US TO HAVE THE POWER TO HAVE MEANINGFUL DISCUSSIONS ON THIS, OR DO THEY WANT TO TURN A BLIND EYE TO WHAT'S GOING ON AND CONTINUE ON AS IS? THIS IS A QUESTION FOR DECISION BY THE PEOPLE, NOT FOR A DECISION BY LEGISLATIVE ARROGANCE OR THE DOMINATION OF A TINY, TINY CLIQUE OF PEOPLE. THANK YOU. [LR10CA]

PRESIDENT FOLEY: THANKS, SENATOR SCHUMACHER. SENATOR KRIST, YOU'RE RECOGNIZED. [LR10CA]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES AND GOOD MORNING, NEBRASKA. I STAND IN SUPPORT OF LR10CA. I THINK THE SUBJECT NEEDS TO BE ADDRESSED IN A CONSTITUTIONAL AMENDMENT IN THE WAY THAT THE PUBLIC CAN VOTE UP OR DOWN. HERE IS MY DILEMMA. HAVING BEEN ON THE GENERAL AFFAIRS COMMITTEE MY ENTIRE TIME HERE IN THE LEGISLATURE AND DEALING WITH THE COMMITTEE ON SIN AND GAMBLING, IN PARTICULAR, I WOULD SAY THIS--I AM PERPLEXED THAT WE WENT BACK TO A

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POINT IN TIME...WE CONSTANTLY GO BACK TO A POINT IN TIME WHEN THE CITIZENS OF THE STATE OF NEBRASKA ALLOWED FOR GAMBLING IN THEIR STATE. THEY DID SO BY A CONSTITUTIONAL AMENDMENT AND A CHANGE WITHIN THE LAW. THE PERPLEXING PART FOR ME IS THAT IT'S OKAY FOR REVENUE TO CONTINUALLY ADD NEW GAMES AD HOC AND EVERY NIGHT HAVE A LOTTERY GOING ON IN THE STATE WHICH WAS NOT THE ORIGINAL INTENT AND THE ORIGINAL FORMULA. THINK ABOUT THAT FOR A SECOND. WE STARTED OUT WITH KENO, ONE LOTTERY, AND ALL OF A SUDDEN THERE'S A GAME OF CHANCE YOU CAN PLAY JUST ABOUT AT WILL, WILLY-NILLY, THERE'S THAT TECHNICAL TERM AGAIN, BY GOING INTO A SUPERMARKET AND BUYING TICKETS ALMOST EVERY DAY AND THAT'S NOT...THAT IS NOT UNDER THE PURVIEW OF THE LEGISLATURE, IT'S UNDER THE PURVIEW OF THE DEPARTMENT OF REVENUE. I BELIEVE LR10 ADDRESSES AN ISSUE...LR10CA ADDRESSES THE ISSUE OF WHERE SHOULD THE CONTROL MECHANISM, WHERE SHOULD THE DEFINITION OF GAMBLING ACTUALLY BE IN THE STATE, AND NOT LEAVE IT IN THE HANDS OF 49 SENATORS WHO ARE TERM-LIMITED AND SOME OF THEM WILL ESPOUSE ANY OPINION THAT THEY NEED TO TO PASS A BILL OR CHANGE THE LAW. WHY NOT HAVE SOMEBODY IN THE STATE WHO ACTUALLY DECIDES WHAT IS GAMBLING AND WHAT IS NOT? HOW MUCH GAMBLING THERE SHOULD BE? WHAT THE PURPOSE OF THE FUNDS THAT WOULD BE TAKEN FROM GAMBLING, WHERE IT SHOULD GO? RIGHT NOW IT'S A COMBINATION OF THE GENERAL AFFAIRS COMMITTEE, THIS BODY, DEPARTMENT OF REVENUE, AND SEVERAL OTHER UNDEFINED SOURCES, I THINK, OR WILLS THAT WOULD INFLUENCE WHERE WE GO. I'M SURE MANY OF YOU HAVE BEEN LOBBIED ON LR10CA. I BELIEVE IT'S THE RIGHT QUESTION. I BELIEVE IT'S THE RIGHT THING TO ASK THE CITIZENS OF NEBRASKA. AND I THINK WE'RE GOING TO BE SURPRISED AT THE ANSWER BECAUSE I BELIEVE THE PEOPLE IN THE STATE OF NEBRASKA ARE LOOKING, THEY'RE LISTENING, AND THEY WANT TO KNOW THAT SOMEBODY IS ACTUALLY IN CHARGE OF THIS VERY DIFFICULT AND COMPLEX PROPOSITION. THANK YOU, MR. PRESIDENT. [LR10CA]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LR10CA]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. THINK OF THE PREDICAMENT THAT WE ARE IN WHEN IT COMES TO THIS PARTICULAR ISSUE. NOT ONLY ARE WE LOSING REVENUE TO THE ORGANIZED AND VERY SPECIFIC EFFORTS OF IOWA, THEY'VE GOT STUDIES, THEY POST THEM ON THE INTERNET, AS TO HOW THEY'RE GOING TO GET MONEY OUT OF NEBRASKA. BUT WE'RE ALSO IN A REALLY BAD PREDICAMENT ON WHAT'S GOING ON WITHIN THE STATE. WE HAVE A MEASURE BEFORE US, FOR EXAMPLE, IN ANOTHER BILL THAT DEALS WITH HOW DO WE GET A HANDLE ON THE PROLIFERATION OF WHAT APPEARED TO BE NEO SLOT MACHINES ACROSS THE STATE? THE STATE PATROL, FOR THE MOST PART, SAYS IT'S WAY TOO EXPENSIVE AND DIFFICULT FOR THEM TO ENFORCE THE ANTIGAMBLING LAWS ON IT. WE'RE STRUGGLING AND THE ATTORNEY GENERAL IS REVIEWING THE BILL TO MAKE SURE THERE'S NOTHING IMPROPER IN IT, TO MAYBE TRY TO TAX THEM INTO SOME TYPE OF REGULATORY SCHEME. BUT WE HAVE NO

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MECHANISM TO REGULATE WHAT IS HAPPENING. WE HAVE NO MECHANISM TO LICENSE WHAT WAS HAPPENING. WE HAVE NO MECHANISM TO ACCOUNT OR RECORD WHAT IS HAPPENING BECAUSE WE ARE TRYING TO PLAY BY A SET OF RULES THAT WAS MAYBE A GOOD IDEA 150 YEARS AGO, CERTAINLY AN IDEA THAT WAS ENTERED INTO AS PART OF A MUTUAL UNDERSTANDING WITH NEIGHBORING STATES, BUT WHICH RULES ARE LONG OBSOLETE AND HAVE PUT US IN THE POSITION WHERE WE ARE BEING RAIDED BY NEIGHBORING STATES, AND THESE EQUIPMENT MANUFACTURERS FROM OUT OF STATE ARE MOVING INTO RURAL AND NOT RURAL AREAS WITH VARIOUS TYPES OF VERY CREATIVELY DESIGNED COMPUTER MACHINES THAT FUNCTION IN GAMING MODES, AND WE CAN'T DO ANYTHING ABOUT IT. AND THOSE MACHINES ARE IN CONVENIENCE STORES. THEY ARE IN BARS. THEY ARE IN PLACES ACCESSIBLE BY MINORS. THEY ARE UNREGULATED. THERE'S NO TELLING IF THEY'RE FAIR OR UNFAIR MACHINES. TIMES HAVE CHANGED. NOW, MAYBE THE PEOPLE ARE CONTENT WITH THE WAY IT IS. IF SO, LET THEM GET THE OPPORTUNITY TO SPEAK ON THAT. IF THEY'RE NOT CONTENT, THEN LET THEM GIVE THIS BODY THE SAME AUTHORITIES WE HAVE IN ALL THE OTHER AREAS THAT WE REGULATE SO THAT WE CAN MAKE SENSE OF THIS. THE IDEA THAT THIS RULE FROM 150 YEARS AGO STILL IS VALID AND USEFUL TODAY IS NOT ACCURATE. BUT THAT'S NOT OUR DECISION. THAT'S THE PEOPLE'S DECISION BECAUSE IT'S THEIR CONSTITUTION. WHAT OUR DECISION IS, IS WHETHER OR NOT WE SHOULD ASK THEM, WHETHER OR NOT WE RESPECT THEM ENOUGH TO SAY, OKAY, YOU KNOW THE SITUATION. MOST OF YOU HAVE BEEN OVER TO THOSE CASINOS. MOST OF YOU KNOW WHO IS THERE WITH YOU. MOST OF YOU HAVE COUNTED LICENSE PLATES. YOU MAKE THE DECISION. DO YOU WANT TO STAND IDLY BY, OR DO YOU WANT TO, IN A RATIONAL, REGULATORY APPROACH, TAX, REGULATE, MAYBE EVEN BARTER WITH A NEIGHBORING STATE BECAUSE YOU'LL NOW HAVE SOMETHING IN YOUR HAND TO BARTER WITH IF YOU SAY WE WON'T DO IT, IF YOU GIVE US SOME MONEY, BUT THAT'S THE PEOPLE'S DECISION. IT WOULD BE TERRIBLY, TERRIBLY ARROGANT OF THIS BODY TO SAY NO, NO, WE'RE NOT GOING TO ASK YOU BECAUSE YOU MIGHT SAY YES. [LR10CA]

PRESIDENT FOLEY: ONE MINUTE. [LR10CA]

SENATOR SCHUMACHER: ALMOST DEFINITELY, THE POLLS I'VE SEEN ARE ANY INDICATION, THEY WILL SAY YES AND WE WILL BE EMPOWERED TO TAKE A RESPONSE THAT IS RATIONAL WITH REGARD TO THE MACHINES THAT ARE APPEARING IN THE BARS AND CONVENIENCE STORES, TO TAKE A RESPONSE THAT IS RATIONAL WITH RESPECT TO CASINO GAMES ON OUR BORDER, TO TAKE A RESPONSE WHICH IS RATIONAL WITH REGARD TO PRESERVING OUR ASSETS. BUT THAT'S THE PEOPLE'S DECISION. IT IS NOT OURS. LET THE PEOPLE SPEAK. LET THE PEOPLE DECIDE. THANK YOU. [LR10CA]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR McCOY, YOU'RE WELCOME TO CLOSE ON YOUR MOTION TO INDEFINITELY POSTPONE LR10CA. [LR10CA]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. AS I SAID A FEW MOMENTS AGO WHEN SENATOR RIEPE YIELDED ME A FEW MOMENTS, I SEE THIS AS A TEST VOTE ON THIS ISSUE, ON THIS PARTICULAR CONSTITUTIONAL AMENDMENT. I BELIEVE THIS SHOULD STAY WITH A VOTE OF THE PEOPLE BECAUSE THAT'S WHERE WE'VE HAD IT FOR ALL THESE YEARS. THANK YOU, MR. PRESIDENT. [LR10CA]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATORS, YOU'VE HEARD THE DEBATE ON THE MOTION TO INDEFINITELY POSTPONE LR10CA. SENATOR McCOY, FOR WHAT PURPOSE DO YOU RISE? [LR10CA]

SENATOR McCOY: MR. PRESIDENT, I'D REQUEST A CALL OF THE HOUSE, PLEASE. [LR10CA]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST TO PLACE THE CALL UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LR10CA]

CLERK: 30 AYES, 1 NAY, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LR10CA]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR, THE HOUSE IS UNDER CALL. SENATORS NORDQUIST, WATERMEIER, COOK, GLOOR, SMITH, AND CHAMBERS, PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATORS COOK AND NORDQUIST. ALL MEMBERS ARE PRESENT, MR. CLERK. THE QUESTION IS THE ADOPTION OF THE IPP MOTION ON LR10CA. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. THIS BILL REQUIRES JUST A SIMPLE MAJORITY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LR10CA]

CLERK: 27 AYES, 16 NAYS, MR. PRESIDENT, ON THE MOTION TO INDEFINITELY POSTPONE LR10CA. [LR10CA]

PRESIDENT FOLEY: THE MOTION IS ADOPTED. THE CALL IS RAISED. MR. CLERK. [LR10CA]

CLERK: MR. PRESIDENT, A FEW ITEMS. AN AMENDMENT TO LB10 BY SENATOR COOK TO BE PRINTED. COMMITTEE ON TRANSPORTATION REPORTS LB53 TO GENERAL FILE; LB311 TO GENERAL FILE WITH AMENDMENTS. SENATOR CHAMBERS HAS SELECTED LB268 AS HIS PRIORITY BILL FOR THIS SESSION. JUDICIARY COMMITTEE WILL HAVE AN EXEC SESSION AT 1:00 TODAY IN ROOM

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2022. NAME ADDS: SENATOR KOLTERMAN AND DAVIS TO LB81; SENATOR RIEPE TO LB599; SENATOR DAVIS TO LB329. (LEGISLATIVE JOURNAL PAGES 691-692.) [LB10 LB53 LB311 LB268 LB81 LB599 LB329]

MR. PRESIDENT, SENATOR KINTNER WOULD MOVE TO ADJOURN THE BODY UNTIL TUESDAY, MARCH 3, AT 9:00 A.M.

PRESIDENT FOLEY: SENATORS, YOU HAVE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.