

JANUARY 9, 2001

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January 9, 2001

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Good morning and welcome to the George W. Norris Legislative Chamber. Our chaplain for the day today is Pastor Michael Green. He's from the Living Hope Assembly of God in Cozad, Nebraska, which is Senator Cudaback's district. Pastor.

PASTOR GREEN: (Prayer offered.)

SPEAKER KRISTENSEN: I call the fifth day of the Nebraska Unicameral Legislature to order. Senators, please record your presence. Roll call. Mr. Clerk.

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

SPEAKER KRISTENSEN: Thank you. Any corrections?

CLERK: (Read corrections, Legislative Journal page 189.) That's all that I have, Mr. President.

SPEAKER KRISTENSEN: Any other messages this morning?

CLERK: Just one item, Mr. President, a communication from the Governor regarding the withdrawal of a gubernatorial appointee to the Coordinating Commission for Postsecondary Education. That's the only item I have. (Legislative Journal pages 189-190.)

SPEAKER KRISTENSEN: Thank you. Senator Hudkins, you're recognized for a motion to adopt temporary rules.

SENATOR HUDKINS: Thank you, Mr. Speaker and members of the body. I move that the rules, as now in our possession, be adopted for today only, January 9, 2001.

SPEAKER KRISTENSEN: You've heard the motion. Debate on the motion? Seeing none, those in favor of adopting the temporary rules say aye. Those opposed say nay. They are adopted. Mr. Clerk, new bills.

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CLERK: Mr. President, new bills. (Read LB 401-405 by title for the first time.) That's all that I have at this time, Mr. President. (Legislative Journal pages 190-191.)

Mr. President, I do have one additional item, a Reference report received regarding referrals of LB 101 through LB 123. That's all that I had, Mr. President.

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. We'll next move to our agenda item, the adoption of permanent rules. Mr. Clerk.

CLERK: Mr. President, Senator Hudkins, as Chair of the Rules Committee, would move for the adoption of permanent rules. I do have a series of proposed rules changes as offered by the Rules Committee. Those changes are found in the Legislative Journal beginning on Journal page 136, Mr. President.

SPEAKER KRISTENSEN: Senator Hudkins, you're recognized to open on the motion to adopt permanent rules and those changes.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. If you would all please turn to your Journals, to page 136, you will know what we're talking about this morning. The Rules Committee did have several proposals introduced to us as ways of...way of changes. We did have meetings on those. We had public hearings, as we're required to do. We did advance some of these for your approval. We have a total of nine changes and we're going to take those out of order just a little bit. I would like to first take up change number eight, which is found on page 137, for Senator Raikes' benefit. He does have to leave early this morning for his wife's surgery. I'll quickly explain this and then I will give the rest of my time to Senator Raikes to explain what I have forgotten. What he wants to do is just to clarify the rules as far as how many votes it takes to adopt permanent rules, how many votes it takes to adopt temporary rules. What we are operating under right now are the temporary rules. All of the changes that we are looking at today are going to be amendments to the temporary rules. That change takes a majority vote. Once we have either adopted these changes or not and have amended them into the temporary rules, we will then vote on whether to have all of those changes

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incorporated into the temporary rules as the permanent rules. Once that's done, if we want to make additional changes to the rules in two days or three days or a week or a month, then they will be considered the permanent rules and it will require more votes. That, in a nutshell, is what we are trying to do and, Senator Raikes, if you would like the rest of my time, you are welcome to it.

SPEAKER KRISTENSEN: Senator Raikes, you have approximately eight minutes.

SENATOR RAIKES: Thank you, Mr. Speaker, and thank you, Senator Hudkins. I will comment a little bit, but I think Senator Hudkins has described very well what this is about. And, again, to reemphasize what she has said, the idea here is simply to make our statement of rules consistent with our practice, and it deals in the rules, written rules, Rule 2, Sections 1(a) and 2. At present, our rules don't explicitly deal with the part of the session during which we are under temporary rules, namely, right now. What we do is we have, as we did this morning, a motion to adopt the rules in our possession. We don't really say that the rules in our possession are the rules of last session, but we behave as though that is the case. We present...then proceed to a discussion of rules changes, which we're doing right now, and during that...that time we require 25 votes to amend the rules, the rules in our possession, if you will, and 25 votes to adopt permanent rules. Interestingly though, during that period we require 30 votes to suspend the rules. Our current statement, if you'll look at page 9, at the top of page 9 in the Rule Book, the first sentence is that, "These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year." Well, actually, that's not quite right. That's not really what we do. And the only...it says "as amended", and the only statement about votes required for amendment comes in Section 2 when it says three-fifths or 30 votes. Well, as I just mentioned, our practice is that during this period, the period where temporary rules govern, we require 25 votes to amend and then, to adopt permanent rules, we require 25 votes also. So what this rules change would do would change Section...Rule 2, Section 1, in such a manner that it is...it accurately describes

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what we currently do, and there's also a change in Rule 2, Section 2. So, with that, I would be happy to address any questions, as I'm sure would Senator Hudkins, but I'll stop there. Thank you.

SPEAKER KRISTENSEN: We now move to debate on Amendment 8, the adoption of the permanent rules. Any debate? Seeing none, Senator Hudkins, you're recognized to close.

SENATOR HUDKINS: I think we have had an explanation and, since there were no questions, obviously, you all understand it perfectly. So I would move to accept change number 8, which amends Rule 2, Section 1(a), Section 1, and also Rule 2, Section 2.

SPEAKER KRISTENSEN: You've heard the ques...or the closing. The question before the body is the adoption of Amendment 8 to the permanent rules. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Please record.

CLERK: 41 ayes, 0 nays, Mr. President, on the adoption of Amendment 8 as proposed by the Rules Committee.

SPEAKER KRISTENSEN: That portion is adopted. (Doctor of the day introduced.) The good mood this morning is being provided to us by Senator Kremer, who is passing out doughnuts. It was his birthday yesterday. Thank you, Senator Kremer.

SENATOR SCHIMEK PRESIDING

SENATOR SCHIMEK: Senator Hudkins, I think we're ready to go to Amendment 1, is that right? Would you explain?

SENATOR HUDKINS: Thank you, Madam President and members. The next series of rules 1 through 7 are Senator Kristensen's proposed changes, but we would like to take them one at a time just to relieve some possible confusion. So number 1 would amend Rule 1, Section 6, and it's pretty straightforward. We're just correcting the titles of committees. Instead of Legislative Council, the Chair of the Legislative Council, it's

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Executive Board, and also the same for the Chairperson of the Transportation Committee which, as you all know, is now the Transportation and Telecommunications Committee. So we are just making the appropriate changes to those titles and, Senator Kristensen, if you would like to explain further, please feel free.

SENATOR SCHIMEK: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. Thank you, Senator Hudkins. Again, the next few rules, just so you get a road map of where we're going to go, most of these are cleanup and I think are things that we do in current practice. We want to reflect them in the rules. It isn't until we get down here a little bit later, probably the first six of these will be fairly nondramatic and I don't think that number seven is dramatic either but it's one that we'll probably have a little more discussion on. Senator Hudkins has accurately explained number one. We're just reflecting the proper names in the order of presiding on the Chair. I'd yield the rest of my time back to the Chair. Thank you.

SENATOR SCHIMEK: Is there any further discussion? Seeing none, Senator Hudkins.

SENATOR HUDKINS: Thank you, Madam President. You heard the explanation and the reason why we're doing rule change number one and I would move your approval.

SENATOR SCHIMEK: Okay, the question is the adoption of amendment number...or Rule 1. All those in favor vote aye, all opposed no. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Madam President, on the adoption of Amendment 1.

SENATOR SCHIMEK: The next amendment would be amend...or Rule 2. Senator Hudkins.

SENATOR HUDKINS: Thank you, Madam President. Rule 2 is amending Rule 2, Section 3(j), which just cleans up the language

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that says that smoking of any tobacco product within the, right now it says Legislative Chamber, we're saying the State Capitol is prohibited, because we already have a law that says there will be no smoking within any state building. Rule 3 is conduct during the committee hearing, and it takes out all of the reference to, let's see, where are we, yes, it takes out all reference to tobacco and smoking. Senator Kristensen, if you want to add more.

SENATOR SCHIMEK: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. We have, as you know, banned smoking in the State Capitol. Our rules need to reflect that change and these two rules would harmonize that to not make any reference to where you can smoke; you just simply can't. Thank you.

SENATOR SCHIMEK: Thank you, Senator Kristensen. Seeing no further lights, Senator Hudkins.

SENATOR HUDKINS: Thank you, Madam President. I would ask your approval of rule change number two.

SENATOR SCHIMEK: All...the question is the adoption of Amendment 2, Rule 2. All those in favor vote aye, all those opposed nay. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Madam President, on the adoption of Amendment 2.

SENATOR SCHIMEK: Thank you, Mr. Clerk. Senator Hudkins, Rule...or Rule 4 actually it would be, Amendment 3.

SENATOR HUDKINS: Thank you, Madam President, number three, and you're right, amends Rule 4, Section 5(b). This just says what we are actually doing. If we have resolutions that are congratulatory or ceremonial, they will not be debated on the floor. They will be presumed adopted and you can read the rest of that. So it just says what we are actually doing. Senator Kristensen.

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SENATOR SCHIMEK: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. I think it's a good point this morning to talk about resolutions and this rule highlights what I believe the current practice. A few years ago I changed our practice with resolutions. For you newer members, these may be resolutions such as declaring a day or a week as a special event, for example, let's say Child Abuse Prevention Week. Those would be put up on the agenda and debated. Now, some of those debates could take a short period of time, some could take a long period of time, and some days we had a number of those things. They are primarily congratulatory, but it got to be to the point where they were maybe not so congratulatory as they were a ceremonial recognition sort of thing. There's a wide variety of them. You will all do it. Senator Connealy really doesn't have any athletic teams that excel but, for example, Senator Robak does. She'll have a number of congratulatory or recognizing her athletic teams. It's a very athletic district. Those are the types of things that we used to debate on the floor. Used to take a long time. In an effort to cut down on some of that, what we do is you still introduce them but...we put them on the agenda, you'll be notified. They're going to be adopted after five calendar days unless someone asks to have them debated. Then we will do that. I'll put them on the agenda if somebody requests. There will be certain ones that someone wants to highlight. But we try to cut that down. And so, if you have resolutions through the year that you're going to introduce, most of them will be handled in this manner. This rule simply expands that we'll do congratulatory and ceremonial. It's a little easier. Now, you will also have resolutions that are going to be a little more substantive. For example, you would like to move and recognize some substantive thing, you know, some...some change. You want to support a lawsuit, for example, or you want to ask Congress to do something are probably the most common types of resolutions. Those are more meaty. Those, I'm going to refer those to a Standing Committee and there will be a public hearing on them. So when you think, well, I'll just get a resolution up and I want to support someone's effort in the Republican River Valley lawsuit, that's going to go and probably be referred to the proper Standing Committee, most likely Natural Resources or,

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may be how it's worded, to Judiciary. But those are going to have public hearings. We're not just going to bring those things up on the floor and debate them. That's a little...a little far from what this rule does, but I...I thought this was a good opportunity to explain to you how we'll treat those resolutions throughout the year. This one merely extends, from congratulatory, it extends it on to ceremonial. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Kristensen. There are no further lights on. Senator Hudkins, I'd call on you to close on Amendment 3.

SENATOR HUDKINS: I think that Senator Kristensen has explained what we're doing and I would just ask your support of this rule change.

SENATOR SCHIMEK: The question is the adoption of Amendment 3, which amends Rule 4, Section 5(b). All in favor say...or all in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Madam President, on the adoption of Amendment 3.

SENATOR SCHIMEK: The amendment is adopted. Senator Hudkins, we move to Amendment 4, which involves Rule 4, Section 6.

SENATOR HUDKINS: Thank you, Madam President. Again, we're changing the language to show the way we are actually doing it. We're doing it this way right now. Senator Kristensen.

SENATOR SCHIMEK: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. This deals with resolutions. The current practice that we have been following, at least the last three years that I am aware of in terms of setting for agendas, that we've not had a day of layover. A day of layover would suggest that there be a complete day between the introduction. There would be a day of layover and that would be our constitutional requirements, which doesn't apply to resolutions, and then on the next day you would

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have debate, if you followed that rule strictly. We have not done that. Common practice is that you don't take the resolution up in the same day that it's introduced. You get it in the Journal or that so people have had some notice so you can do it the next day. I think that this would better reflect what our current practice is, and we've not had a problem in this area. I would ask for the adoption, the change of this rule. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Kristensen. Seeing no further lights, Senator Hudkins.

SENATOR HUDKINS: Thank you, Madam President. I would ask for your approval of rule change number four.

SENATOR SCHIMEK: The question is the adoption of Amendment 4, which is Rule 4, Section 6. All in favor vote aye, all opposed nay. Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Madam President, on the adoption of proposed Amendment 4.

SENATOR SCHIMEK: The amendment is adopted, and we move to Amendment 5, which is Rule 5, Section 5(b). Senator Hudkins.

SENATOR HUDKINS: Thank you, Madam President. Rule change number five has to do with designating priority bills by a committee. Each committee may designate two bills as priority. New language is being added which says that if a committee does choose a bill as one of its priorities that the principal introducer must agree with that priority designation and also must agree if that withdrawal of a priority designation is made. Senator Kristensen.

SENATOR SCHIMEK: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. Senator Hudkins is correct. This is Rule 5(b). (Rule) 5(a), just so you have some recollection of that, 5(a) allows each senator to designate one priority bill. Now, that does not need to be their bill. You could prioritize someone else's bill. That's

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done commonly. But to have that happen the principal introducer must agree with having their bill prioritized. We've operated that way and I think that's a good policy. Also, that if you're going to withdraw that designation, once it's made, you also have to have the principal sponsor's consent. That's on your individual priority bills. This extends this to committee bills and let's say that the Judiciary Committee likes one of the bills that I introduce and they want it...want it to become a committee bill. They have to get my permission to have it prioritized. The same would be with anybody else's bill. But we want to make this consistent with what the senator priority bill process is. It's easier to interpret. It's also people...easier for people to understand as they go through, and it also prevents people from playing any games with prioritizing bills that maybe they didn't want prioritized. Happens occasionally. I would be happy to answer any questions, Madam President. Thank you.

SENATOR SCHIMEK: Thank you, Senator Kristensen. There are no further lights. Senator Hudkins, would you like to close?

SENATOR HUDKINS: Thank you, Madam President. No closing is necessary. I would just ask your approval of this rule change.

SENATOR SCHIMEK: Okay. The question is the adoption of Amendment 5, which is Rule 5, Section 5...all in favor...5(b). All in favor vote aye, all opposed nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Madam President, on the adoption of Amendment 5.

SENATOR SCHIMEK: Amendment 5 passes. Yes, Mr. Clerk.

CLERK: Madam President, thank you for letting me interrupt. Senator Brashear would like to have a meeting of the Judiciary Committee underneath the north balcony now; north balcony immediately for Judiciary Committee.

SENATOR SCHIMEK: Thank you. Senator Hudkins, we move to Amendment 6, which is Rule 7, Section 1(d).

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SENATOR HUDKINS: Thank you, Madam President. Right now, Standing Committees may introduce bills. We are going to have a Special Committee this year, the Redistricting Committee, and it will be their responsibility to handle the redistricting bills. We do not presently have any method for them to do this the way that we're anticipating it be done, so we are asking that, in addition to Standing Committees may introduce bills, also Special Committees may introduce bills. Senator Kristensen.

SENATOR SCHIMEK: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. Our current Rule 4 or Section 4(b) does reflect that a Standing Committee or a Special Committee may introduce a bill for any purpose. This is a different portion of the rules that needs to basically harmonize these two so they say roughly the same thing and make the same references. The strike-out language obviously needs to be made so it's consistent with those Special Committees, and I would urge its adoption. Thank you.

SENATOR SCHIMEK: Thank you, Senator Kristensen. Seeing no lights, Senator Hudkins.

SENATOR HUDKINS: Thank you, Madam President, and thank you, Senator Kristensen, for correcting what I said, but I would appreciate your support on this bill.

SENATOR SCHIMEK: Thank you, Senator Hudkins. The question is the adoption of Amendment 6, which is Rule 7, Section 1(d). All in favor vote aye, all opposed no. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Madam President, on the adoption of Amendment 6.

SENATOR SCHIMEK: The amendment passes, and we move to Amendment 7, which is Rule 1, Section 17(a). Senator Hudkins.

SENATOR HUDKINS: Thank you, Madam President. This has to do with the redistricting bills and also with major proposals. As you are aware, the Speaker does have authority to designate up to five bills as major proposals. This additional language in

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this rule change would also include the redistricting bills as additions to those five major proposals. Senator Kristensen.

SENATOR SCHIMEK: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. Thank you, Senator Hudkins. I think there are two reasons for looking at this rule. I came to the Rules Committee. It has been my experience...last year, for example, I did not designate any major proposals. The year before, I don't think I used them all. I think I just used a couple of them. I want to try to use those when it's necessary. I don't want to use them to highlight a bill or an agenda, but this rule is here for use in assisting processing legislation. It really doesn't provide any other major assistance other than the ability to order the order of amendments. The Speaker can still special order. There's a lot of other things that you have out there. Again, the Speaker doesn't get to do this without an affirmative vote of the Executive Board. So you understand how that works, most people think that I can pick out any bill in session to make it a major proposal. That's not true. By rule, it's got to be prioritized by one of you as an individual priority bill, or I could prioritize it as my individual, but not as a Speaker priority bill. It would have to be my own individual priority bill. What I'm asking to do in this change are two things. The first one is to allow a general appropriation bill to be eligible to be a Speaker's major proposal. It's probably the biggest bill that we have. That's recognized because there's additional hours allowed for debate, if the cloture rule is ever invoked. It spends the most amount of money. It is probably the most important thing that we do and that bill is not a priority bill of any individual senator. But reference is made to it in the rules as a general appropriation bill. There may be two or three or four, some years, and I'm looking at Senator Wehrbein, we've had as many as six or seven general appropriation bills. Now, some of those may be for the expenditure of...oh, I think salaries is one of them, not ours, but the constitutional officers' salaries. They may be a capital construction project. They're general appropriations. This does not mean that it's an A bill that follows one of our other bills. That is a specific appropriation bill and would not be eligible under the rule. So

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I couldn't take LB 71A and prioritize just the A bill unless that was somebody's individual priority bill. Now, what happens is that let's say LB 71 is an individual priority bill and Senator Janssen has prioritized that. The A bill accompanies that and we treat those as going together and that they follow. So to be clear to you this morning, the first part of this is to include the general appropriations bills as being eligible to be declared a Speaker major proposal. The second part of it is for this session only, for this session only, that the redistricting bills, the Rules Committee put in a change a little bit from what I originally had, but that is to designate any of the redistricting bills in addition to. Now, we're going to talk about redistricting here a little bit this morning and I can tell you from past history what happens is there are usually six bills and they cover the six major responsibilities we have for redistricting: Congress, the Legislature, the Public Service Commission, the Board of Regents, the Public Service Commission (sic--State Board of Education), and the Supreme Court districts. Those each come in as a bill. This rule would allow me to, in addition to those other five, pick any or all of those as a major proposal for this session only. I think it's important to have a redistricting bill that is eligible for the major proposal because it has the potential for getting tied up from a variety of reasons, from factions outside of the Legislature, inside the Legislature, whatever. But our constitutional requirements are we need to get redistricting done. Historically, the legislative redistricting bill is obviously the one that's the most controversial. It's the hardest one to do because it impacts so many more people and impacts them locally. This amendment change would allow the Speaker to take any of those bills in addition to the five that are previously in the rule. And so, with that, I'd be happy to answer any questions, Madam President, and would urge the adoption of this rule change.

SENATOR SCHIMEK: Thank you, Senator Kristensen. Seeing no lights...oh, I'm sorry, Mr. Clerk, I believe there's an amendment.

CLERK: Senator Chambers would move to amend the Rules Committee amendment, Madam President. (Legislative Journal page 195.)

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SENATOR SCHIMEK: Senator Chambers.

SENATOR CHAMBERS: Thank you. Madam President, members of the Legislature, you have a copy of the amendment on your desk. What it would do is allow the Speaker to designate any of these redistricting bills as these super priority bills, however, we would not expand the number or the cap from five. He would have to remain within that total of five. That means discretion, careful thought will have to be utilized in making the selection. This proposed amendment does not blindside the Speaker. I do not think it will impinge on his prerogatives or his power to facilitate the movement of legislation which is essential. I'm not going to say much at this time because I think the amendment is clear. If there is opposition to it then I shall speak again, but I'm asking that you adopt this amendment. And to state in a nutshell what it does, the Speaker is allowed to designate five bills as super priority bills. This portion of the proposed amendment to the rules would allow or authorize the designation of redistricting bills. What my amendment would do is say that those redistricting bills, if designated, must fall within the total number of five. We would not expand or increase that number.

SENATOR SCHIMEK: Thank you, Senator Chambers. And I need to explain to the body that we have a little malfunction up here so I cannot tell whose lights went on first and, in fact, until just now, I didn't even realize this wasn't working so I was seeing no names up here, calling on nobody. If we've overlooked anyone on the debate so far, I apologize, but we didn't know. There are three lights on right now and I'm just going to take them in alphabetical order at this point and ask the Pages to kind of keep track of whose light goes on next. So, with that, Senator Coordsen would be recognized next, and then Senator Hudkins...or Senator Beutler, and Senator Hudkins.

SENATOR COORDSEN: Thank you, Madam President, members of the body.

SENATOR SCHIMEK: Excuse me. (Laugh)

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SENATOR COORDSEN: Oh.

SENATOR SCHIMEK: Senator Beutler. B's do come before C's, but I called on Senator Coordsen. So, Senator Coordsen, please continue.

SENATOR COORDSEN: Well, do I have to change my name, Madam President. It's been...it's probably been held at some time in some disrepute anyway. So, Senator Beutler, did you wish to go first? I will certainly cede to the elderly gentleman from the south side of the Chamber.

SENATOR BEUTLER: No, I've always concurred to the principle of age before the alphabet, Senator.

SENATOR COORDSEN: (Laugh) You're too kind.

SENATOR SCHIMEK: Thank you, Senator Beutler.

SENATOR COORDSEN: You're too kind this morning. I did, matter of fact, Madam President, have my light on for comments on the proposal as it was before us, before the Chambers amendment, but I think that...that my comments might be appropriate on this proposed amendment. I do not rise in adamant opposition to the amendment, however, Nebraska and the other of the 50 states are somewhat held hostage by the federal government in that we're not able, with any degree of accuracy, to predict when we will receive official census figures. The promise, I think, in the paper was perhaps in March and perhaps in April. What that means I do not know. It's my position that we need to hold out for ourselves, as the Legislative Council, the Nebraska Legislature, as much flexibility as we're able to provide in anticipation of potential problems before the end of the session of time to get everything done. Now I said "potential", not "possible", not "probable". I'm not able to predict that. I think we would probably be better served to make a provision in our rules that we had the option of doing the six redistricting bills out of the order that might ordinarily be attached to bills that are introduced late in the session at the discretion of the Speaker with the agreement by the members of the Exec Board. If this body decides that five of the six might be the

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only ones available for such assured floor debate and votes before the end of the session, that's your decision. Caution is probably the better course for us to take at this time in allowing ourselves, within the rules, the maximum amount of flexibility that we can in order to ensure that we can accomplish redistricting this legislative session without having to go into a special session some time between the end...between the adjournment of this session and the first of November. So thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Coordsen. Senator Beutler.

SENATOR BEUTLER: Colleagues, I don't believe that it's going to make a huge difference which way we do this, but I would like to urge you to stay with the Rules Committee version and not adopt the Senator Chambers' version. The principle that I would argue is that previous Legislatures and this one, I believe, have come to the judgment over time that five major proposals is appropriate...is an appropriate prerogative to be given to the Speaker, and over time I think it's worked out very well, in part because we've had a Speaker who's...who exercises good...good judgment almost always. So if you acknowledge that and then if you acknowledge that redistricting is, in fact, a huge difference this session, and if you also acknowledge the fact that we are confronted this year with a number of very difficult and large issues, then I think it does not make sense to do as Senator Chambers suggests and cut down effectively on the major proposals of the Speaker. I think that the better judgment is to say, yes, there should be five proposals for the regular business of the Legislature, just like it would be in any other year, and, because this is a redistricting year, if one or more of those six proposals need the treatment of this particular rule they should get that in addition to what is normally available to the Speaker. I think all of you recognize, at least all of you who have been here before, recognize that time is of the essence and, depending on the configuration of things as we approach the end of the session, time can be a major problem. And if we are slowed up and slowed down and we come to a standstill, the Speaker's prerogatives will be essential to getting through our business. And it seems to me that there's no need to jeopardize, in our rules, the

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facilitation of the process of getting through our business simply because we feel parsimonious with regard to the number of major proposals that the Speaker might identify. I think there's justification, as the Rules Committee found, for saying that this is an additional burden on the Legislature and requires addition...an additional prerogative on the part of the Speaker. Thank you.

SENATOR SCHIMEK: Thank you, Senator Beutler. Senator Chambers...oh, Senator Hudkins. Sorry.

SENATOR HUDKINS: Thank you, Madam President. This question that Senator Chambers is proposing did come up during the discussion of this rules change--should the redistricting bills be within the five so designated as Speaker priorities, or should they be outside? And we did have some debate back and forth on this, but the committee came to the conclusion that the redistricting bills, since there are six of them and...and, as Senator Kristensen said, probably the legislative bill will be the most debated, but you still want to retain that flexibility. We have the potential of having quite a few very, very important...well, everybody's bill is important, but a number of bills that will have much more debate than others. We wanted to retain the flexibility of allowing that priority designation for the very important bills, and as we come down to the end of the session and we finally get these official numbers from Washington we also want the flexibility to designate the redistricting bills as priorities. We're not saying that it has to be, we're not saying that all of these will be, but we want to retain the flexibility that if we need it they can be designated as additional priority bills, in addition to the five that we now have in our rules. Thank you.

SENATOR SCHIMEK: Thank you, Senator Hudkins. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, I would like to ask Speaker Kristensen a question or two on this subject.

SENATOR SCHIMEK: Senator Christian (sic--Kristensen), did you wish to respond?

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SPEAKER KRISTENSEN: Yes.

SENATOR CHAMBERS: "Senator Christian", I'm just repeating your name as it was given by the Chair and I believe in following the lead of my leaders.

SPEAKER KRISTENSEN: If...if I was in the Chair and asked you to go home, would you follow that order? (Laughter)

SENATOR CHAMBERS: As George Foreman was discussing a boxing match he was going to be in and they asked him whether he was going to hit a fighter in the stomach or in the face, he said, I'll cross that bridge when I come to it. So here's the question that I want to ask you about this situation. If we were handling a package of bills related to one subject, and here it's redistricting, do you have the prerogative to special order those bills?

SPEAKER KRISTENSEN: Yes, I believe so.

SENATOR CHAMBERS: Could you do that even if my amendment is adopted here today?

SPEAKER KRISTENSEN: Yes.

SENATOR CHAMBERS: Now, if my amendment is not adopted, as many...how many bills could be given this super priority by the Speaker? It's you at this point.

SPEAKER KRISTENSEN: Okay. I...I could do five and then plus the six, that would be eleven total.

SENATOR CHAMBERS: And when the bill...I meant the rule was originally adopted, was the purpose of that rule to continue to expand the power of the Speaker as exigencies arose, so that the Speaker would be given this power to continue to give super priority designation to bills that would automatically jump them above every other bill?

SPEAKER KRISTENSEN: Well, I think the purpose of it was to

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manage the bills that you were given the designation to handle them on the floor as opposed to giving them the ability to jump over bills, because I think the Speaker already has that power to special order those. It's once they're designated, it's the power to deal with them and basically order the amendments and the motions.

SENATOR CHAMBERS: And now that brings us right on point to these types of bills. This would mean if one of these is given this super priority status, that's a term that I use, the Speaker would be the one to determine how that bill is handled with reference to the order of amendments. Is that true?

SPEAKER KRISTENSEN: Yes. I'm just...yes.

SENATOR CHAMBERS: Okay. And I don't want to go into a lot of detail, but could this put the Speaker in a position of having to make decisions in a volatile situation where there is a lot of contention?

SPEAKER KRISTENSEN: Oh, sure. Obviously, a motion to suspend the rules, for example, Senator, which could be behind 30 other amendments, you...you would have the ability to jump that to the top of the list. That's probably the most contentious thing that could occur.

SENATOR CHAMBERS: Thank you, Mr. Speaker. That's all that I need. Members of the Legislature, I can sympathize and empathize with the Rules Committee, but I'm looking at a process in a much broader way than they are with their suggestion of this rules change. You all will often say on the floor, I don't say this, if it ain't broke don't fix it. The Speaker has already explained that we need not change the rules to the extent that is being recommended without my amendment. All that the amendment would do, mine or the one by the Rules Committee, is to allow a different category of bills to be given...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...that designation. My amendment would not allow that designation to increase the numbers of bills that

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could be given the designation. We don't need it. So, with all due respect to the Rules Committee, which may have pride of authorship, the Speaker has already said we don't need it. I hope you will adopt my amendment. I think it is eminently wise and it will not, in any way, impair the Speaker's ability to facilitate the movement of necessary legislation.

SENATOR SCHIMEK: Thank you, Senator Chamberson (sic--Chambers). Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam Chairman, members of the Legislature. It's...it's always difficult to stand up as a Speaker and talk about the power of the Speaker because you...you can be viewed as being, well, he's just interested in advancing his own agenda or her own agenda, and he wants more power and all those things. So it's with that backdrop that I stand up and explain when I came to the Rules Committee what was most important to me was the appropriations bills. I think those are the most vulnerable and our biggest responsibility to do and certainly for this year to include that. I did not come asking for the additional numbers. Would it be a flexible tool? Absolutely. In practicality, the better rule for me is to allow me to do that with all bills. That happens in many states where the Speaker is given the power to determine what bills show up. We're very...this...this process that we use is very, very democratic in that form. There are very few states where legislators get priority bills and there's an attempt to be made to give everybody a chance to do that. Most of that lies within the power of the Speaker to set the agenda. That also is true that in many states the Speaker has the obligation and the ability to appoint the committee Chairs. They aren't elected. The Speaker sits down and says, okay, here's who the committee Chairs are. In some states, they get to choose who the members of those committees are. Now, for some that might be a prescription for suicide, but that's the way many states do it. When I consider this amendment, I appreciate the flexibility. I'm sure that if I would ever designate one of my own bills that people will raise an eye--well, he's trying to...to do it for his own gain. That might happen this year. Won't be for my own gain. Maybe I will prioritize one of my own. History has said that I probably won't and that I probably won't designate all of

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them, but I...this will be a tool that we'll use. Quite frankly, I think the congressional redistricting and the legislative redistricting will be the two most controversial bills or have the potential to be the most controversial, and I can almost guarantee you that I would do the legislative one just out of an abundance of caution to make sure it happens. Now, are there other bills out there? I don't...I don't know what all the bills are because they haven't been introduced yet, but at some point in time, if you're going to make a big rule change, I would give it to...not to me, but I'd give it to future Speakers that would let them set all those agendas and determine those rules. I don't know if the body is comfortable about doing that, and that's a debate for another day. But, at this point in time, I did, so you all know the facts, I brought the rule change similar to the way Senator Chambers' amendment is. The Rules Committee asked if I could use the added flexibility and it would be a useful tool. I told them yes. Thank you, Madam.

SENATOR SCHIMEK: Thank you, Senator Kristensen. Senator Chambers, to close on the amendment.

SENATOR CHAMBERS: Thank you. Madam President and members of the Legislature, when we adopt rules, if we pass legislation, such action should not be taken on the basis of who happens to be in power at that time, or who would be in a position to administer the rule. When we change a rule, we're dealing with the structure, the system itself. When we enact a law, we're dealing with something that is going to impact on the citizens and we should not say, because we have so-and-so in such and such a position, we can comfortably give this much power, although under other circumstances we would not want to see this power granted. If that kind of qualification has to be made, it tells us that the particular power grant is not one that would be wise to build into the structure because its proper use is dependent on the whim even of the individual who administers it. Rules are put in place to create a system, a system whose operation can be understood by the people who are going to be impacted by it. If we are going to rely on the good will, the sound judgment, the character and temperament of the present Speaker, we should then just turn over to Senator Kristensen all

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of these things that he mentioned that are done in other legislatures, because we trust him. These rules are not written because we trust Senator Kristensen. These rules are written so that whoever occupies the Chair is going to be guided in terms of what can and cannot be done. This change is not needed. I am not in favor of expanding the power of any individual. This rule attaches a power to the Chair, whoever happens to be there. Senator Beutler said that Senator Kristensen has exercised good judgment, basically, and in most instances, and I would agree with that. That is not why we ought to change the rules, though. He does not need this extra quotient of bills. When he went to the Rules Committee, he did not ask for that. Without that extra quotient, he is able to facilitate the movement of this legislation. He does not need any protection from lobbyists or special interest groups, but this makes it very easy for people to say we want these other bills given that special priority designation because you still got all the designation slots you need for the redistricting bills, so don't even worry about those; give us what we want. I'm not saying he would succumb. Senator Kristensen could get ill and not be able to function as Speaker. Maybe somebody else does not have the strength of Senator Kristensen. What we need to do, I think, is refrain from doing more than is necessary to accomplish our purpose. Our purpose should not be simply to expand the power of the Speaker. Our purpose is to ensure that during the session redistricting bills will have the opportunity...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...to be discussed. Without adopting the rules change as proposed by the Rules Committee, that can be done with the adoption of my amendment. I ask that we do no more than is necessary to be done in changing the rules. I hope you will adopt this amendment. You notice the Speaker did not say it would harm what he can do in any way. Thank you.

SENATOR SCHIMEK: Thank you, Senator Chambers. The question is the adoption of the Chambers amendment to Amendment 7, Rule 1, Section 17(a). All in favor vote aye; all those opposed vote nay. Have you all voted? Mr. Clerk, record.

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CLERK: 12 ayes, 17 nays, Madam President, on the adoption of the amendment to the Rules Committee amendment.

SENATOR SCHIMEK: Thank you, Mr. Clerk. The amendment is not adopted. Back to discussion of Amendment 7. Senator Chambers.

SENATOR CHAMBERS: Madam President, sometimes a lesson is necessary to carry a point. I can look from the first day of the session, or whatever day of the session this, third, fourth or fifth, to the end of the session. I'm in a position with the rule that you all are going to adopt to tie the Legislature up and compel the designation of these bills as super priorities. I'm trying to be collegial here at the beginning of the session and work with the leadership of this body. Now, you chose to...and I don't mean myself as the leadership. Senator Kristensen voted for this amendment. I don't want people coming to me any more this session on the basis of collegiality. I'm going to do as I think I ought to do, and I will notify you when the time has come to point out what a mistake it was to adopt the Rules Committee's rule. I know people on this floor are weak and they say, well, I said I'll do this so I got to do it now. I have manifested strength because I have told members of this committee, of this body, on the floor what I would do and I did it already this session, and that's the way I'll do throughout the session. So I'm going to be that outsider who happens to be within the body of the Legislature. I am in the Legislature, but not of the Legislature. Some people don't understand how rules operate. They do not understand the dynamic play and interplay of the rules with all of the business of the Legislature. You all are looking at one category of bill. I have to have a panoramic view. I have to see 360 degrees at the same time. There was an artist who drew pictures of an object being looked at from different angles simultaneously. He would draw what looked like a profile but had two eyes on one side of that profile. Janus is the god after whom January was named because it had eyes in the front and the back, could see coming and going. Argus had even more eyes than Janus. Argus had eyes all around its head and saw everything, up, down, all around. Well, that's the way I see things and you all are going to have to start being able to take a long-range view. Among those groups...that group known as the

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"New Agers", they have what they call distant viewing. That means some people are given the ability to see great distances in terms of geography. They can see to other continents and maybe even the surfaces of other planets. They also are able to see the interiors of things. They can see the interior of a person's brain. They, allegedly, can see the interior workings of atoms. Now, I don't believe that nonsense but, for purposes of drawing an analogy, I have distant viewing power and I know how this session is going to play out, and ultimately it's going to play into my hands. Now, the Speaker, remember, is not compelled to designate these bills. You all have not compelled him to do that. As the political pressure increases, you all are going to see that redistricting is not totally in our hands. Political pow...parties, special interest groups, are going to begin to exert pressure, and I have watched what my colleagues do when that pressure is exerted. I will stand. That's why they don't try to bring that mess to me, but they know that my colleagues would have a stiffer backbone if we infused it with Jell-O or an overripe banana. So you have chosen to do what you're doing. I do not think, in its present form, the amendment is wise so I'm going to vote against it, and I'm going to ask for a call of the house and a roll call vote...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...on that one so that when the day of reckoning comes I can do like old Saint Peter does when you all walk up to the pearly gates, as they call them, and you want to go inside. He's going to say, uh-huh, "88 Keys", that's Senator Cudaback, you drove over the line one time and you missed your turn to Lincoln because you were on your cell phone; get out of here. Well, I will do a similar thing when I serve as the gatekeeper. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Chambers. (Visitor introduced.) Seeing no further lights, Senator Hudkins, I believe we're ready to close on Amendment 7.

SENATOR HUDKINS: Thank you, Madam President. I would just ask for your support of Amendment 7.

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SENATOR SCHIMEK: You've heard the discussion and if you're in favor of adoption of...if you are in favor of amendment...Rule 1, Section 17(a), you'll vote aye, and if not you'll vote nay. But Senator Chambers has requested, I believe, a roll call vote?

SENATOR CHAMBERS: A call of the house first, and a roll call vote.

SENATOR SCHIMEK: Call of the house, roll call vote. Would all members please check in to the Chamber. Question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 35 ayes, 0 nays to place the house under call, Madam President.

SENATOR SCHIMEK: The house is under call. Would all members please report to the Chamber and check in, please. The house is under call. Would all members please return to the Chamber and please check in. Senator Kruse, would you please report to the Chamber. The...the members are all here, so we will proceed with the roll call vote.

CLERK: (Roll call vote taken, Legislative Journal pages 195-196.) 33 ayes, 6 nays on the proposed Amendment 7, Mr. President...Madam President, excuse me.

SENATOR SCHIMEK: The amendment carries, and we move to, I believe, Amendment 9. Senator Hudkins. And the call is raised.

SENATOR HUDKINS: Thank you, Madam President. The final proposed rules change has to do with the Redistricting Committee. It is a new rule so it is mostly new language. Section 6 talks about the redistricting process and the Redistricting Committee, the makeup of the committee, how the Chairman is chosen, and what the committee does, with administrative guidelines and how long the committee shall stay in existence. The second part of that change amends Rule 5, Section 4(c), and the new language is on the top of page 139, number 3, so it says that the Redistricting Committee may

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introduce bills at any time. Right now, as you know, we are restricted to redistricting (sic--introducing) almost all of the bills within the first ten days of the session. This would give the Redistricting Committee the opportunity to introduce the bills after we get the official figures, and that will be sometime after our ten-day bill introduction period. If you have any questions, I would be glad to try to answer them. Thank you.

SENATOR SCHIMEK: Thank you, Senator Hudkins. Seeing no further lights on, Senator Hudkins, would you like to close on Amendment 9?

SENATOR HUDKINS: Hopefully I have explained it well enough and, if not, you can ask me questions. But I would ask for your approval of point number nine in the rules changes.

SENATOR SCHIMEK: Okay, the question is the adoption of Amendment 9, which is amending Rule 3, Section 6, and Rule 5, Section 4(c). All in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Madam President, on the adoption of Amendment 9.

SENATOR SCHIMEK: The amendment carries, and I believe that concludes the adoption of the permanent rules...the amendments to the permanent rules. Now, Senator Hudkins, did you wish to make a motion?

SENATOR HUDKINS: Yes, thank you, Madam President. I would move that we adopt the rules, as now in our possession, as permanent rules.

SENATOR SCHIMEK: The question is the adoption of the permanent rules as amended. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, we now have before us a completed package. Anything in that package is open to attack. I could move to strike a provision that has been adopted, because it's not a

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reconsideration motion, it is now an attempt to amend the permanent rules, and that's what I may do to give us a chance to rethink something that had been passed without adequate thought. I've had at least one person tell me they didn't understand what was going on with reference to that super priority measure. I'm kind of leading up to something, and I want to lay the groundwork because sometimes it's best to let people get what it is they ask for. Then they understand. But we don't do that all the time when the issue is a very important one. We are talking, when we adopt these rules, about setting the structure within which the Legislature is going to operate. I am unwilling to expand the number of bills that the Speaker can designate. Let's say that no bills have been given that super priority designation and people start running in saying, we want this bill, we want that bill, and the Speaker says, well, we have the district...redistricting bills. And they say, well, the Legislature said you don't...those are extra, they don't even fit. Maybe for the best running of the Legislature for all of us, not just the Speaker, it would be better to have the Speaker in a position to say that those slots must be reserved for redistricting bills. What you all have done is not going to help us at all. It's not even necessary. What I'm talking about can help our process and keep us from falling into a quagmire further down the way. We won't even have to have that discussion of the possibility of eleven super priority bills. The Speaker already told you that by special ordering we can get all of the district bills...redistricting bills handled. If you leave this rule in place, and you probably will, I'm going to make sure that the Speaker has to do that. He's going to have to designate them as special priority bills or they're not going to be adequately debated during the session and they're going to have to designate the general appropriation bills also. How many general appropriation bills are there? I'd like to...oh, Senator Wehrbein is not here, but, Senator Kristensen, maybe you can give me an idea because I think you may have touched on it. So, Mr. Chair, I would like to ask the Speaker a question, if he will yield.

SENATOR DIERKS PRESIDING

SENATOR DIERKS: Yes, sir. Senator Kristensen, will you yield?

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SPEAKER KRISTENSEN: Yes.

SENATOR CHAMBERS: Senator Kristensen, roughly, how many general appropriation bills did you say there will be?

SPEAKER KRISTENSEN: Well, I...I can go on past experience. My guess is that there's the mainline budget bill and then there's usually somewhere between five and eight trailers to that.

SENATOR CHAMBERS: So if somebody just wanted to be totally...

SENATOR DIERKS: One minute.

SENATOR CHAMBERS: ...recalcitrant...

SPEAKER KRISTENSEN: I don't know who that might be but...

SENATOR CHAMBERS: ...but "if". We're speculating.

SPEAKER KRISTENSEN: ...if. If.

SENATOR CHAMBERS: That person could put you in a position of having to designate all...use up all your slots on the general appropriations bills. Is that true?

SPEAKER KRISTENSEN: You could do that, or you could just let them go and let them slug out their...well, on that would be a twelve hour on the...on the mainline budget bill anyway. The other ones I'm...I'd have to go back and look at the rule, decide if that was an eight or a twelve hour time. And the only thing you'd probably get to would be an amendment to the committee amendment.

SENATOR CHAMBERS: So you might would be in a position where if they're to be considered, these general appropriation bills, they would have to be given this super priority designation.

SPEAKER KRISTENSEN: If you had a specific amendment that you wanted to get to.

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SENATOR CHAMBERS: Thank you, Mr. Speaker. Members of the Legislature, look down the line. Do not sin in haste and repent at leisure, great leisure. I will have to work hard.

SENATOR DIERKS: Time. Thank you, Senator Chambers. Senator Hilgert.

SENATOR HILGERT: Thank you, Mr. Speaker, members, Mr. President. Excuse me, "Cap". Senator Hudkins, would you yield to a quick question? I just wanted to get something on the record and I apologize.

SENATOR DIERKS: Senator Hudkins, will you yield, please?

SENATOR HUDKINS: Yes.

SENATOR HILGERT: I should have brought this up when we were debating Rule (sic--Amendment) 9, but now, when we're debating the adoption of the permanent rules, it's still appropriate. The third paragraph on...under Section 9, which I drew your attention to, actually, you drew my attention to because I was trying to look for the wordage: The committee shall adopt administrative guidelines governing its affairs and activities and guiding the 2001 redistricting process. Just for the record, Senator Hudkins, can you give us just real briefly, and I'll give you enough time to do it certainly, regarding to what extent is administrative process and activities? I mean, we're not talking about anything of substance, we're not talking about the deviations, we're not talking about anything like that, but what is the extent of administrative guidelines regarding the affairs and activities of the Redistricting Committee? And I'll yield the rest of my time to Senator Hudkins, to respond. Thank you.

SENATOR DIERKS: Senator Hudkins, you're on.

SENATOR HUDKINS: Thank you, Mr. President, and, yes, Senator Hilgert, I have a copy of the administrative guidelines. I'll just go through these very, very quickly. Number one, at the beginning of this session a change of the rules will be proposed to establish a special committee. Number two, the committee

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shall be comprised of nine members. And part of these are in what we just adopted. Numbers three, four and five are covered in what we just adopted. Number six, the...the figures from the Census Bureau will be used in formulating redistricting plans. The bill shall be introduced, referenced. They will hold...the committee shall hold at least one public hearing in each of the three congressional districts. Number seven, nothing in these guidelines shall be construed to prevent a member of the Legislature from introducing other redistricting bills. Number eight, all redistricting plans submitted must be sponsored by a member of the Legislature. Number nine, all plans must be accompanied by a statistical report. Number ten, the committee should encourage participation of all members of the public. Eleven, review process will involve legal staff to ensure that everything complies with constitution standards. Twelve, any plan shall be confidential until filed with the Clerk, unless the chief sponsor wants it to be released. Thirteen, the committee will establish, by a majority vote of the committee, any policies and procedures not inconsistent with these guidelines. Fourteen, funds may be expended for necessary expenses. Fifteen, staff support will be provided by the Legislative Research redistricting support staff and GIS workstations shall be located in Legislative Research. Seventeen, the Research Division shall have two workstations available for senators to draw their plans. And the last one, number eighteen, as soon and as often as necessary, the Research Division shall provide training to enable senators and their staff to create those plans.

SENATOR DIERKS: Thank you, Senator Hudkins. Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. I rise speaking for the record because this is off the subject of the current debate. I'll be voting to adopt the permanent rules. There is, I think, however, an error in the rules as they're now configured. Since I did not offer this idea to the body and to the Rules Committee for a hearing and for consideration, I won't offer it as an amendment. However, I do think that there is an imbalance in our rules. It's found on page 49. It's Rule 7. It is the priority of motions. It seems

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to me that our current order of priority, which is: first, to recess; then to adjourn; then for cloture; and then to reconsider, which is the fourth priority which jumps ahead of any other motion lower on the list than that; then it's for the previous question; then it's to postpone to a time certain; then to recommit to a committee; and then, "h", to amend. When we have a pile of amendments on the desk, there are a series of procedural motions that are used to keep us from amendments and those are to reconsider, to set to a time certain, and to recommit to a committee. Of those, the reconsideration has grown to be the most common, although setting a particular time for a delay or a tabling motion also takes precedence. It keeps us from doing the business of amendments. If I had my druthers, and I should have suggested this earlier, it would be to move the amendment motion to just below "the previous question", and to drop the reconsideration motion to behind the amendment motion. I think the order should be to recess, to adjourn, to cloture, to call the question, and to amend, in that order, and I would drop the others below that so that we could use the amendment process as a focus for our floor debate. Right now, we can get into the quagmire of not doing an amendment but doing a series of procedural motions in which we're not talking about what we really want to talk about because we're talking about process. If there is a flaw in this Rule Book, in my estimation, it is that the amendment motion is too low on the list of priorities and the reconsideration motion, as well as the tabling motion, are too high. It strikes me that recess, adjournment, cloture, calling the question, and amendment are the first in appropriate orders of business that we should be taking up and next time, when I can think ahead, I'll offer this as an amendment to the Rules Committee. I won't make that as a motion today, but I think twenty days from now or less the efficacy of what I've been talking about will be manifest to us all by the operation of floor debate.

SENATOR DIERKS: Thank you, Senator Landis. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to amend the motion to adopt permanent rules. (Legislative Journal page 196.)

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SENATOR DIERKS: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, and Senator Redfield, because you were paying attention when I said I was not going to be collegial, I have the rest of the day to be collegial before I have to drop the hammer, and it's so much nicer being collegial. I have an amendment up there. If you will turn to page 137 of the Rule Book...I meant of the Journal, I can show you exactly what it is that I'm doing, and it's trying to achieve what I had attempted earlier with the amendment. You see the new language in the last sentence of proposed...of the rule change number seven. In the first line of that new language I would strike the word "also", then in the second line of the new language I would strike "additional". What that would do is allow the redistricting bills to be given that status if the Speaker determines that such is necessary. You all notice that we had our heads together up there trying to draft this so that we can get to that point with as little extra work as possible. I will tell you what I would be willing to do to show that I'm not an all or nothing person. I would be willing, if we adopt this amendment, to say that we will give one additional slot for a redistricting bill and let that be the one to redistrict the Legislature. That is the one that probably will lead to the most debate. So if that is what people are looking at, we should adopt this amendment that I'm offering. Then we can make sure that we properly craft one that would give one additional slot for an additional redistricting bill, but it would be the legislative redistricting bill. I don't know whether that will be necessary or not, but I'm willing to concede that much. So if you have any questions on the amendment that I'm offering now, I will answer them. And what the amendment I'm offering now would do is leave it within the prerogative of the Speaker within the five total number of bills to use slots for general appropriation bills and, if the Speaker deemed it necessary, redistricting bills. But all of that would have to be done under the cap of five total bills. This amendment will not cripple the Speaker. It will not impinge on his authority. It does not do anything with reference to his power to special order bills, and we've seen that done, those of us who have been here, on numerous occasions. That's what my amendment will do and I hope that you

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will adopt it.

SENATOR DIERKS: Thank you, Senator Chambers. Senator Beutler.

SENATOR BEUTLER: Senator Dierks, members of the Legislature, if I'm understanding the amendment correctly, and, Senator Chambers, correct me if I'm wrong, but it does, for all practical purposes, exactly the same thing as the amendment that was proposed by Senator Chambers earlier. That amendment was rejected 33 to 6, I think rightfully rejected. I think the balance...17? Oh, I beg your pardon. The amendment was rejected. I think that represents, on balance, the better argument. And I would like to point out something that was not pointed out earlier but perhaps most of you have noted, that this is not a permanent change forever in our rules. This is a one-year change to take into account the importance of the redistricting item. We can get into long philosophical debates about where power should reside in the Legislature and the proper balances of power, but I don't think we've made bad judgments in the past with regard to this particular major proposal proposition. And it seems to me that there's no reason to change that ongoing judgment of the Legislature, and that's entirely appropriate for a one-time, one-year addition to say that there ought to be a way of dealing with these redistricting bills should we come to a time crunch. And let me point again, especially for the new senators, once you become acquainted with our rules you will come to understand that any one senator in this body, any one senator in this body can create, has the power to create, has the knowledge to create, can create a time crunch in the Legislature. It doesn't take superintelligence; all it takes is incredible will. And the question before you is whether you want that, what kinds of rules do you want in light of that pervading...pervasive fact? That is the fact, and we ought to be cognizant of that as we structure rules in a year when a time crunch is going to be exacerbated by the fact of redistricting and potential conflicts there. Thank you.

SENATOR DIERKS: Thank you, Senator Beutler. Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the

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body. Again, as I indicated on the original amendment, the proposals that we've had in front of us are, I think, prospective in nature. As I indicated to you earlier in the morning, one of the problems I had with the other amendment was that it didn't, simply from the standpoint of math if for no other reason, provide for a mechanism to address all of the bills, which the number is six, of course, as we all have come to understand, within the five major proposals. Now, I happen to believe personally that if, if, and I believe this is going to happen, if we get the census data, whichever form that it comes, and we'll talk about that a little later today or tomorrow, from the Bureau of the Census, this question this morning will in fact be moot. We will have enough time, both in the Redistricting Committee and on the floor of the Legislature, to properly address those issues in what we would normally call the normal role...rules that we follow. The only reason, I believe, that the Rules Committee sought to recommend and we later adopted the language that is in Rule 7 and the rest is to ensure for us one of several mechanisms that might be available to address a flow of time that escapes us perhaps for not even our own reasons. Whether Senator Chambers' amendment at this time is adopted or one of...or the other one had been adopted, I know it was almost a dead tie, really today doesn't make any difference, and I would hope that in the future it would not make any difference. I stand, not in opposition to Senator Chambers, but from the perspective of allowing ourselves the most latitude and the most flexibility. Bear in mind that Speaker's major proposals may not be addressed...be designated, pardon me, without the approval of a minimum of two-thirds of the members of the Executive Board, of which Senator Chambers, I believe, is in fact a member thereof. So, we have lots of safeguards in place, whether or not the rules designate five, whether they designate six, or whether they designate eleven, particularly when the designations of the more than five major proposals that are currently in our rules are, in fact, narrowly defined as being the redistricting...a redistricting bill or bills. If, for an example, the proposal that we have before us would be adopted, there exists the potential that late in the session the Speaker would have designated, with the approval of the Executive Board, four of his five major proposals and held one back, and then those of us here in the body, for whatever

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the reasons may be at that time, choose not to proceed in an orderly manner with the congressional districts or the legislative districts, which are those reorganizations or redistricting that we do that attract the most attention and probably are the most important, both within and out of the body, for all of the people.

SENATOR DIERKS: One minute.

SENATOR COORDSEN: So this is...this is not one of the greater decisions you're going to make this year. I would think, though, that we would want to leave for ourselves the opportunity to address issues in the case of situations that are not foreseeable to us at this point in time. Thank you, Mr. President.

SENATOR DIERKS: Thank you, Senator Coordsen. Senator Brashear, please.

SENATOR BRASHEAR: Mr. Chairman, members of the body, I want to make certain, if I may, that I'm understanding here. I thought I heard a compromise in progress and if Senator Chambers would yield to some inquiry, please.

SENATOR DIERKS: Senator Chambers, please.

SENATOR CHAMBERS: Yes, I will.

SENATOR BRASHEAR: Senator Chambers, your original proposal, as I understood it, would have restricted to five the number of super priority bills, and the present pending amendment would still leave it restricted to five. Is that correct?

SENATOR CHAMBERS: That's correct.

SENATOR BRASHEAR: Your objection to the prior proposal and to the rule as it's now been adopted is that all of the redistricting bills are additional and, therefore, there is no cap. Is that correct?

SENATOR CHAMBERS: That's correct.

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SENATOR BRASHEAR: And, based upon your introduction to this amendment, did I not understand that you would agree and be supportive of the concept of adding one additional bill so that we are compromising, in effect, at six if one is used for redistricting? Do I understand?

SENATOR CHAMBERS: Yes, you do.

SENATOR BRASHEAR: And so we could anticipate in the legislative process that if we vote for this amendment...I want to make sure that I understand what I'm doing, if we vote for this amendment then we could anticipate that it will be followed by another which will implement the other portion of that which was discussed among the people who were conferring at the front of the Chamber. Is that accurate?

SENATOR CHAMBERS: That is accurate.

SENATOR BRASHEAR: Thank you, Senator Chambers.

SENATOR DIERKS: Thank you, Senator Brashear. Senator Kristensen, please.

SPEAKER KRISTENSEN: Thank you, Mr. President. Members of the Legislature, I appreciate the Rules Committee. They were very helpful to me. I did not come in with that particular proposal. Senator Beutler and others, I think in very good stead, was trying to assist and I welcome that assistance in trying to get the session done. I'd like all those bills, Senator Beutler. I...I'd like to be able to take all of these and be able to order those amendments because I think some day we're going to need that, and then some day will come where we won't need it at all. What I would look to at this point in time is if the appropriations bills can be used, I think that would be very helpful because they're never going to be prioritized. It would be a sad day if we're going to have to start prioritizing the budget bill. I don't want to do that and I think that's unnecessary, so if we can get that bill. The redistricting bill would then be my...the legislative redistricting bill would be the next most important thing. If that's an additional bill I

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think that, although is not a large step, is certainly two steps of progress from my points of view. Would I like the others? Yes, but I...I would be willing to take the additional bill being a legislative redistricting bill and the option of having one of the appropriations bills. So I would, at this point, I'll support the Chambers amendment because I think it does what I voted for originally, and then I would have another amendment up there to add on the legislative redistricting bill as an additional major Speaker proposal alternative that I could do, and that would make a total of six. That was my understanding between...Senator Brashear has lost so much weight he's gone away...between Senator Brashear and Senator Chambers, and I would...I would follow that and I will vote for that. Thank you.

SENATOR DIERKS: Thank you, Senator Kristensen. Senator Chambers, please.

SENATOR CHAMBERS: Is this the close?

SENATOR DIERKS: No, we have one more light.

SENATOR CHAMBERS: I'll wait to close.

SENATOR DIERKS: Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. I've talked with Senator Chambers and with Senator Kristensen and I believe that they have reached a good agreement to resolve this issue for us this morning, so I will support the agreement as the...as outlined by the Speaker. Thank you, Mr. President.

SENATOR DIERKS: Thank you, Senator Coordsen. We do have a couple more lights on, Ernie. Senator Schimek, please.

SENATOR SCHIMEK: Yes, thank you, Mr. President, members of the body. I've been off the floor and I'm not quite sure I understand what's happening and, Senator Chambers, if I could ask you a question, the amendment that you have at the desk is?

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SENATOR CHAMBERS: It would simply...

SENATOR DIERKS: Senator Chambers, please.

SENATOR CHAMBERS: Oh. It would leave the total number of bills at five, but it would add the categories of general appropriations bill and redistricting bills.

SENATOR SCHIMEK: So "bills", in the plural.

SENATOR CHAMBERS: Yes.

SENATOR SCHIMEK: So that...that was my concern. My concern was that we usually have more than one redistricting bill. We have them for each of the different subdivisions, and I wanted to make sure that we weren't talking about just one legislative bill.

SENATOR CHAMBERS: Right. But, to clarify further, there will be...if this amendment is adopted there will be a following amendment that will add one additional bill, you know, six, expand the number to six. And Senator Kristensen wants to be in a position, if necessary, to designate the Legislature redistricting bill. That is...that additional bill that can be added to the total is what has been designated a compromise.

SENATOR SCHIMEK: Well, then I guess I need to ask Senator Coordsen a question, if I might. And, Senator Coordsen,...

SENATOR DIERKS: Senator Coordsen, please.

SENATOR SCHIMEK: ...my question is we don't generally have just one redistricting bill, do we? Or do you envision that this could be a package in which you would put all the redistricting bills, much like, I was just visiting with Senator Wehrbein, the appropriations bill?

SENATOR COORDSEN: Senator Schimek, it is my belief, from the conversation that has ensued thus far, that we will, in fact, have six bills.

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SENATOR SCHIMEK: That would be my guess also.

SENATOR COORDSEN: And then it's my understanding, and I would certainly stand corrected, that the Speaker can designate it either one or perhaps a package. That's not quite clear to me.

SENATOR SCHIMEK: Okay, then I think maybe I need to ask for further clar...

SENATOR COORDSEN: (Inaudible) one more question because, as I said, I...it's my understanding, from what Senator Chambers said, that it would be the potential of designating a package. But I believe that we should have the redistricting bills introduced separately, one from another, six, and whether they move as a package, that becomes a procedural matter here on the floor.

SENATOR SCHIMEK: Right. And I guess at this point, and I might give Senator Kristensen some time if there's time left, but I guess at my...I'm at the point where I think we should move that number up maybe to ten possibly being designated, I mean set a finite number on it but make it more than five, and I'm just...I'm just tossing that up. But at this point I'd like to ask Senator Kristensen if he has any thoughts on how these redistricting bills would be handled.

SENATOR DIERKS: Senator Kristensen, please.

SPEAKER KRISTENSEN: Thank you, Mr. President. Senator Schimek, we will, in fact, depending on how the voting board and what condition it is today, I don't know whether we're going to get to this resolution or not. My tendency is to fix the board because it's really hard to be in the Chair at the moment, trying to figure out in what order people are debating. But beyond that,...

SENATOR DIERKS: One minute.

SPEAKER KRISTENSEN: ...if we have six bills which will be introduced, and the way the rules are right now those are going to be able to be introduced at a later time, I'm probably going

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to put shell bills in just to be very, very careful that we at least have some mechanisms out there just as a fail-safe. I don't know the legal ramifications yet. I don't know that you can put all the redistricting proposals into one bill. I just simply don't know legally whether we can do that. My gut reaction is that that's not a permissible procedure, but I don't know and we're going to find out and that's something we're working on right now. What I would envision this doing is that the most controversial one, the one that's going to need the most assistance on the floor from a procedural standpoint, ordering amendments, taking all the things that we're going to need, it's going to be the legislative one. We're not going to argue about the Supreme Court lines. That's really not going to be a biggie, neither will the...

SENATOR DIERKS: Time.

SPEAKER KRISTENSEN: ...Public Service Com...

SENATOR DIERKS: Thank you, Senator Schimek, Senator Kristensen. The next speaker is Senator Wehrbein, please.

SENATOR WEHRBEIN: Mr. Speaker, members of the body, I guess, Senator Kristensen, I wanted to make some comment. I'm going to support Senator Chambers' amendment. I understand what he's trying to do. But I wanted to ask Senator Kristensen, because I think it relates to the redistricting bills too. We have generally considered...

SENATOR DIERKS: Senator Kristensen.

SENATOR WEHRBEIN: ...the appropriations bill package, and there was probably four, five, six, seven bills...

SPEAKER KRISTENSEN: Yes.

SENATOR WEHRBEIN: ...and we never really, I suppose, cut that fine line as to whether technically those are one bill or several. We consider them a package.

SPEAKER KRISTENSEN: We have.

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SENATOR WEHRBEIN: I assume that that...the way this new rule would be interpreted, that we've got a health insurance bill, we've got a salary bill, we've got a general appropriations bill, we've got a capital...all of which we considered a package. Those would continue to see...designated a priority package. And I assume that what you're saying is that perhaps the redistricting would be considered that way too. But I want that understanding perhaps on the record so we don't get to nitpicking in May that we've got only one appropriations bill that's going to be the super priority bill and the rest may have to fall by the wayside.

SPEAKER KRISTENSEN: Well, I think that it's true today, Senator Wehrbein. Let's say that you have a filibuster on every one of those bills. I assume that you could spend twelve hours on each one of those bills.

SENATOR WEHRBEIN: By the rule.

SPEAKER KRISTENSEN: By rule. That's the way it is today. What this allows me to do is at least take...it talks about general appropriation bill, and so I think, from my impression, it's that I could...I have the option of taking any or all of those bills, but I only get five physical numbers.

SENATOR WEHRBEIN: Okay.

SPEAKER KRISTENSEN: That's my opinion of it. Now...

SENATOR WEHRBEIN: Now, if you read the other part of the rule, where it says that we have to have it up here by the 70th day...

SPEAKER KRISTENSEN: Right.

SENATOR WEHRBEIN: ...and the 45th day, it says appropriation bills.

SPEAKER KRISTENSEN: Right.

SENATOR WEHRBEIN: So...

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SPEAKER KRISTENSEN: And...but...how I reconcile that is that I think that that's true. You...you...you will get, at least from me, you're going to get those scheduled as a package. They're not going to have to be individually prioritized. When the budget bills come, I treat them as a package. They're going to get a spot in the agenda and we're going to take them. Where the major proposal rule comes in is, once that bill is physically before us, how is it treated?

SENATOR WEHRBEIN: Right.

SPEAKER KRISTENSEN: And so that you're not going to be taking the major proposal procedure and applying, because it says general appropriations bill, you're not going to get six or seven, five that can bootstrap into that one designation. You're going to get...you get five physical numbers to deal with. And what Senator Chambers is...and the discussion that's going on now is that there would be a sixth one and that would be for this year. The legislative redistricting would be a sixth.

SENATOR WEHRBEIN: And that's going to be one bill, so I'm...

SPEAKER KRISTENSEN: That would be...that would be...

SENATOR WEHRBEIN: In your mind at this point.

SPEAKER KRISTENSEN: That's...that's the way I read this, is that it would be one physical numbered bill, bill what...whatever, and you don't bootstrap in the other five beyond that. Now...and the question that nobody has...well, people have hinted about it, is can you put those other five in an amendment into the general redistricting bill? I don't know the answer. I don't know if that's constitutionally allowed or not. We've always historically taken six separate bills and run with them, and I don't know what the constitution says. That's something that we're working on and I...I don't have the answer to that.

SENATOR WEHRBEIN: Okay. Thank you.

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SENATOR DIERKS: Thank you, Senator Wehrbein. On the Chambers amendment, Senator Hudkins, please.

SENATOR HUDKINS: Thank you, Mr. President. Because we were not given copies of Senator Chambers' latest amendment, I would like either him or the Clerk to read that one more time so we can understand exactly what it is that we are being asked to vote on.

SENATOR DIERKS: Mr. Clerk.

CLERK: Senator, Senator Chambers' amendment would amend Rules Amendment 7, by striking the words "also" and the word "additional" that's found in the new language of that proposal.

SENATOR HUDKINS: Thank you for that explanation. And, Senator Chambers, if I may ask you a question.

SENATOR DIERKS: Senator Chambers.

SENATOR CHAMBERS: Yes.

SENATOR HUDKINS: So, Senator Chambers, the...the language you're taking out is the word "also" designate, "also" the word, and also...and the word "additional".

SENATOR CHAMBERS: Yes.

SENATOR HUDKINS: Explain to me exactly why that is different. And I've been told that it is different from your first amendment.

SENATOR CHAMBERS: No, it is...

SENATOR HUDKINS: Explain to me...

SENATOR CHAMBERS: No, Senator Hudkins, you understand very well. It is the same as my other amendment. It's the same as that first amendment that I offered. All my amendment would do is add two categories of bills that can be included for that

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super priority designation--general appropriations and redistricting. If this amendment is adopted, there will be another amendment put on the desk that would add one to the total number of five, making it six, but that slot would be restricted for the Legislature redistricting bill.

SENATOR HUDKINS: Thank you.

SENATOR CHAMBERS: So all that this amendment that's before us now, you're correct, will do is what my first amendment would have done, that original amendment I had offered.

SENATOR HUDKINS: All right. Having heard that, I will remind you that the original amendment was defeated, but we are all capable of changing our mind if we so choose. So, having heard that explanation from Senator Chambers, I'll let you all make up your own minds. Thank you.

SENATOR DIERKS: Thank you, Senator Hudkins. Senator Schimek, please.

SENATOR SCHIMEK: Thank you, Mr. President and members. I rise because I want to make certain that I'm understanding what we're doing here, and I understand the amendment that Senator Chambers has just explained and I will be supporting it. I think it's probably a good thing to do this year. But the other thing that Senator Chambers just shared with me, and I was off the floor during the debate, is that the Speaker can special order things and I believe that the Speaker has mentioned the possibility of being able to special order redistricting bills. And, Senator Kristensen, are we...is this much ado about nothing here then; that you could do that anyway with redistricting bills that aren't made a special priority?

SENATOR DIERKS: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Mr. President. Senator Schimek, what I want to make sure that you understand is that special ordering only goes to when it gets put on the agenda. The general rule is that bills are put on the agenda in the order that they're received...

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SENATOR SCHIMEK: Right.

SPEAKER KRISTENSEN: ...and put on to the worksheet. So worksheet order is number one rule. You go away from that for priority bills of all kinds or for a special order. Special order means we...you jump it ahead of time. I've done that on a number of occasions for a variety of reasons--timing issues, end of session, whatever. That also has an exception to the rule for the appropriations bills Senator Wehrbein was talking about. The rule says that when the appropriations bill gets here by the 70th day, it takes its place in order, but it is a package. It is a group of bills and we will special order so the package stays together. That's special ordering. Major proposal goes to what do you do with the bill when it physically appears on the board. There's a variety of things that you can do. One of them is to order the order of amendments. Special order just gets you a spot in line. It doesn't do anything with let's say there's a filibuster in place and there's forty amendments in line and you've got a motion that you want to suspend the rules to cease all debate and vote to go on. You're never going to get there. So the special order allows that motion to suspend the rules to come up to the top. So it's what you do with the bill when it's here, as opposed to getting it there.

SENATOR SCHIMEK: Okay. I think I understand. (Laugh) No, I think I do understand and I guess I don't have any other questions at this point. Thank you.

SENATOR DIERKS: Thank you, Senator Chambers. Senator Coordsen...or Senator Chambers...thank you, Senator Schimek. Senator Chambers, you're recognized to close on your amendment.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, sometimes a matter that is very simple can be discussed at great length and it loses its simplicity because other tangential issues are fed into it. I'm going to try to resimplify it. All this amendment would do is leave the total number of super priority bill designations by the Speaker at five. The change would be in the categories of bills that can fall within that five. Specific reference is made to general

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appropriations and redistricting. That's the only change that the amendment will do. After this amendment is adopted, if it is, Senator Kristensen has drafted an amendment which I cosigned that would add an additional bill which would make the total number six, but it would be reserved specifically for the Legislature redistricting bill. This is not to say that that's the only redistricting bill that he can put in that designation, but there cannot be more than a total of six such bills receiving that designation. Before anybody gets too exercised about how controversial all these redistricting bills will be, the bodies that the Legislature will redistrict, and maybe the new senators aren't aware of this yet; the State Board of Education, I doubt that that will be too controversial; the Public Service Commission, I'm not aware that that has generated controversy; the Supreme Court, because those seven judges are elected from districts, I'm not aware that...or six and then the Chief Justice is appointed, however many, but that hasn't been controversial to my knowledge; the Legislature being redistricted might generate some heat and take some time in discussing; congressional redistricting could do the same. So there are only two bills that I can envision that even might fit into that category. So by adopting the amendment that I'm offering, we're not hurting anything and we're amending the rules the minimum amount necessary to achieve a goal. Since this is my closing you can't ask me any more questions, but I hope that I've made clear what the amendment that I have on the desk now will do. Thank you, Mr. President.

SENATOR DIERKS: Thank you, Senator Chambers. We're voting on the Chambers amendment to...which rule...Chambers amendment to the adoption of permanent rules. Those in...those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 2 nays, Mr. President, on the adoption of Senator Chambers' amendment to the motion to adopt permanent rules.

SENATOR DIERKS: The amendment carries.

CLERK: Mr. President, Senator Kristensen and Chambers would move to amend. Senator, I'm passing out copies. If you'd like,

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I'd be happy to read the proposal. (Legislative Journal page 196.)

SPEAKER KRISTENSEN: I would like that, thank you.

CLERK: Mr. President, Senator Kristensen would move to amend proposed...proposal number seven, as amended by the Chambers amendment, by adding the following new sentence: "Provided, the Speaker shall be allowed to designate one additional major proposal which shall be limited to the bill dealing with the redistricting of legislative districts subject to the approval of two-thirds of the Executive Board."

SENATOR DIERKS: Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Mr. President, members of the Legislature. This would keep intact that the ability for the Speaker to designate one additional major proposal, which would make it a total of six, and that would be only for this year because of the redistricting. Now, it's my understanding that it says a bill dealing with redistricting of legislative district subject to the approval of two-thirds of the board. Whatever that bill is, whatever that number is becomes the physical bill that you'll be able to designate as an additional priority bill. Whatever...you know, if there's other amendments that go into that, this body is going to determine relevancy. It's got to live with constitutionality. There's all those other things. This deals...just deals with the designation of the major proposal, and I think this strikes the compromise. It, obviously, is not six additional bills; it's one, but it's...it's probably the one that we need the most and at this point in time I would urge its adoption. Thank you.

SENATOR DIERKS: Thank you, Senator Kristensen. Is there further debate on the Kristensen-Chambers amendment? Seeing none, Senator Kristensen, would you like to close? Thank you. Closing is waived. We'll vote on the amendment. Those in favor vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of the Kristensen-Chambers amendment to the motion to adopt permanent

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rules.

SENATOR DIERKS: The amendment is carried. We are back now to the main motion to approve the permanent rules, as amended. Is there discussion? Senator Hudkins, would you like to close? Closing is waived. We're voting on the rules changes as amended. Those in favor vote aye, opposed nay. Record vote is requested. Have you all voted? Have you all voted? Record, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 197.) 43 ayes, 1 nay, Mr. President, on the motion to adopt permanent rules.

SENATOR DIERKS: Permanent rules are adopted. Thank you, Mr. Clerk. Do you have messages or reports?

CLERK: Mr. President, I do have a series of new bills for introduction. New bills, Mr. President. (Read LB 406-442 by title for the first time.)

Mr. President, new resolution. Mr. President, LR 8CA by Senator Kristensen. It would propose an amendment to Article XIII, Section 1, of the Constitution of the state of Nebraska. I do have a communication from the speaker regarding appointments to the State Workforce Investment Board. Judiciary Committee would announce that Senator Bourne has been selected as Vice Chair; Appropriations would announce that Senator Don Pederson is selected as Vice Chair. Mr. President, I have hearing notices from the Urban Affairs Committee, Transportation Committee, Education Committee, Banking Committee, and Agriculture Committee, hearings scheduled for next Tuesday, all signed by their respective Chairpersons.

Mr. President, new resolutions: LR 9 by Senator Robak congratulating the Columbus Scotus Central High School girls' cross country team, that will be laid over; LR 10 by Senator Robak; and LR 11 by Senator Robak. All will be laid over. Senator Kremer offers LR 12, congratulating the Hampton volleyball team, be laid over; and LR 13, Central City girls volleyball team. All those resolutions will be laid over and

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considered at another time.

Finally, Mr. President, I have Senator Jensen would like to add his name to LB 28, Senator Price to LB 330, Senator Coordsen to LB 421. That's all that I have at this time, Mr. President. Legislative Journal pages 197-209.)

SENATOR DIERKS: Thank you, Mr. Clerk. (Visitors introduced.)
Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. (Visitors introduced.)

SENATOR DIERKS: Thank you, Senator Coordsen. Welcome to the Legislature, gentlemen and ladies. Senator Kristensen, I believe, would like the floor. We're on hold for a minute.

CLERK: Mr. President, Referencing will meet upon adjournment; Referencing, upon adjournment.

SENATOR DIERKS: Thank you, Mr. Clerk. Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Mr. President, members of the Legislature. This morning has been a difficult morning for the Chair and for the Pages who are running the board to try to figure out who wants to speak, I should give them the discretion of who should get to speak, but in what order. So instead of going on to LR 7 today, we've made good progress. Generally, the rules take about two days, sometimes they've taken the entire week. We've done them in a morning. I think you should be commended for doing that. That's unusual that we get them done that quickly. So we will not proceed to LR 7 today. We're going to try to get the board fixed today so it's usable tomorrow and will be of more assistance to us. So, with that, I would move that we adjourn until tomorrow morning at 9:00 a.m., January 10th. Thank you, Mr. President.

SENATOR DIERKS: Legislature is adjourned until...motion, motion is to adjourn until nine o'clock in the morning. Those in favor say aye. Opposed like sign. We are adjourned.

Proofed by: LaVera Benischek