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Floor Debate  
March 29, 2018

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[LB14 LB42 LB104 LB157 LB286 LB379 LB477 LB685 LB697 LB702 LB724 LB773 LB791  
LB841 LB913 LB931 LB935 LB993A LB993 LB1069 LB1078 LB1081A LR470]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-second day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Reverend Beverly Melchor-Young of the Riverside Baptist Church in Tekamah, Nebraska, Senator Brasch's district. Please rise.

REVEREND MELCHOR-YOUNG: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Reverend Melchor-Young. I call to order the fifty-second day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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

ASSISTANT CLERK: No corrections.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

ASSISTANT CLERK: Two items, Mr. President. A report of registered lobbyists for the current week, as required by statute, and various agency reports have been filed with the Legislature and available through its Web site. That's all I have at this time. (Legislative Journal pages 1331-1332.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Doctor of the day introduced.) Senator Clements, for what purpose do you rise?

SENATOR CLEMENTS: A point of personal privilege, Mr. President.

PRESIDENT FOLEY: Please proceed.

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SENATOR CLEMENTS: Thank you. Today is National Vietnam War Veterans Day. I'd like to read a tribute to a special group of veterans. National Vietnam War Veterans Day on March 29 honors the men and women who served and sacrificed during the longest conflict in the United States history. It was on this day, March 29, 1973, when combat units withdrew from South Vietnam. Now 45 years later, veterans of this time period are gaining the respect that was seldom given them upon their return. Involving nearly two decades and 500,000 U.S. military personnel, it left an indelible mark on America. There were 58,000 Americans killed. Many returning veterans did not receive respectable welcomes upon their return to American soil. National Vietnam War Veterans Day recognizes the military service of these men and women who answered the call to serve their country when it needed them. I was scheduled to be drafted in May of '73. The end of the action spared me from a possible trip to Vietnam. I have always been grateful for those men and women who served in my place. I thank you for the opportunity to recognize National Vietnam War Veterans Day. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Clements. Members, if you could please move to your desks so we can start Final Reading immediately. We'll now begin Final Reading. The first bill is LB42. Mr. Clerk. [LB42]

ASSISTANT CLERK: (Read LB42 on Final Reading.) [LB42]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question, is shall LB42 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB42]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1332.) The vote is 40 ayes, 2 nays, 5 present and not voting, 2 excused and not voting, Mr. President. [LB42]

PRESIDENT FOLEY: LB42 passes. We'll proceed to the next bill, LB104. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor to dispense with the reading vote aye; those opposed vote nay. Record, please. [LB42 LB104]

ASSISTANT CLERK: 33 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB104]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB104]

ASSISTANT CLERK: (Read title of LB104.) [LB104]

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PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB104 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB104]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1333.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB104]

PRESIDENT FOLEY: LB104 passes. We'll now proceed to LB157. [LB104 LB157]

ASSISTANT CLERK: (Read LB157 on Final Reading.) [LB157]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB157 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB157]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1334.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB157]

PRESIDENT FOLEY: LB157 passes. Our next bill is LB379E. [LB157 LB379]

ASSISTANT CLERK: (Read LB379 on Final Reading.) [LB379]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB379E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB379]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1334-1335.) The vote is 49 ayes, 0 nays, Mr. President. [LB379]

PRESIDENT FOLEY: LB379E passes with the emergency clause attached, which takes us to LB685. [LB379 LB685]

ASSISTANT CLERK: (Read LB685 on Final Reading.) [LB685]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB685 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB685]

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 1335.) The vote is 48 ayes, 0 nays, 1 present and not voting. [LB685]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB685 passes. LB697. [LB685 LB697]

ASSISTANT CLERK: (Read LB697 on Final Reading.) [LB697]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB697 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB697]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1336.) The vote is 49 ayes, 0 nays on the final passage of the bill. [LB697]

PRESIDENT FOLEY: LB697 passes. LB702. [LB697 LB702]

ASSISTANT CLERK: (Read LB702 on Final Reading.) [LB702]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB702 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB702]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1336-1337.) The vote is 49 ayes, 0 nays on the final passage of the bill. [LB702]

PRESIDENT FOLEY: LB702 passes. Our next bill is LB724. [LB702 LB724]

ASSISTANT CLERK: (Read LB724 on Final Reading.) [LB724]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB724 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB724]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1337.) The vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB724]

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PRESIDENT FOLEY: LB724 passes. Our next bill is LB773. [LB724 LB773]

ASSISTANT CLERK: (Read LB773 on Final Reading.) [LB773]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB773 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB773]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1338.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB773]

PRESIDENT FOLEY: LB773 passes. (Visitors introduced.) Our next bill is LB913. Mr. Clerk. [LB773 LB913]

ASSISTANT CLERK: (Read LB913 on Final Reading.) [LB913]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB913 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB913]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1338-1339.) The vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB913]

PRESIDENT FOLEY: LB913 passes. Our next bill is LB931. [LB913 LB931]

ASSISTANT CLERK: (Read LB931 on Final Reading.) [LB931]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB931 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB931]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1339.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB931]

PRESIDENT FOLEY: LB931 passes. Our next bill is LB993E. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please. [LB931 LB993]

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ASSISTANT CLERK: 41 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB993]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB993]

ASSISTANT CLERK: (Read title of LB993.) [LB993]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB993E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please. [LB993]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1340.) The vote is 49 ayes, 0 nays on final passage, Mr. President. [LB993]

PRESIDENT FOLEY: LB993E passes. Our next bill is LB993AE. [LB993A]

ASSISTANT CLERK: (Read LB993A on Final Reading.) [LB993A]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB993AE pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB993A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1341.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB993A]

PRESIDENT FOLEY: LB993AE passes with the emergency clause attached. Our next bill is LB1078. Mr. Clerk. The first vote it to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please. [LB993A LB1078]

ASSISTANT CLERK: Excuse me, Mr. President. The vote is 40 ayes, 3 nays. [LB1078]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1078]

ASSISTANT CLERK: (Read title of LB1078.) [LB1078]

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PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1078 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB1078]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1342.) The vote is 49 ayes, 0 nays, Mr. President. [LB1078]

PRESIDENT FOLEY: LB1078 passes. Speaker Scheer. [LB1078]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, it's our last day of the week, a well-deserved four-day break. Just to give you an idea of where we're at and where we are going, as far as Monday, we will work on Final Reading on the budget bills and the claims to start with...or Tuesday. Thank you, Robert. Then we will look at LB947 at 1:30, providing it a three-hour block. After that we will continue with LB902, moving into LB807 and hopefully LB1015. I will be passing out a sheet again that will give us an updated list of the bills that we have left to work on. I'm only aware of one bill that has reached the three-hour threshold and is waiting to come back and that would be LB873, Urban Affairs Committee bill that will be coming back at the first part of the week as well. We still have...if you look at your agenda from yesterday, you won't see it today, but you'll see that we have 6, 7, 8 bills still left on the agenda and I believe I still have approximately 15 to 17 that have not shown up on any material yet. So we still have a number of bills to work with and our days are becoming numbered. So as we move forward, we want to be deliberate. We want to be thoughtful, but we do have limited amount of time. So things that can be questioned before, look at the bills if you have questions on the bills. Mr. Red Coat, could you please move out of the way. You're very distracting. Just looks like a big red bill board. But having said that...and he's not even listening, so that's even better. We have accomplished a great deal in really a very short period of time comparatively. You've all worked very hard and I do appreciate it. Go home and enjoy your families, your friends, some rest, and come back refreshed so that we can hit the next four days equally as hard. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB42, LB104, LB157, LB379E, LB685, LB697, LB702, LB724, LB773, LB913, LB931, LB993E, LB993AE, and LB1078. (Visitors introduced.) We'll now move to the motion to place a bill on General File. One hour time limit. The time is 9:55. But items for the record first. [LB42 LB104 LB157 LB379 LB685 LB697 LB702 LB724 LB773 LB913 LB931 LB993 LB993A LB1078]

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ASSISTANT CLERK: Mr. President, thank you. One item. Senator Groene, amendment to LB477. With respect to LB1069, Senator Brasch would move to place the bill on General File pursuant to Rule 3, Section 20(b). [LB477 LB1069]

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on your motion. [LB1069]

SENATOR BRASCH: Thank you, Mr. President. Thank you, colleagues. Good morning. I rise with the motion to pull LB1069 from the Education Committee. This is my final session of my final year in the Legislature. It is the first time I am asking respectfully for your support of this pull motion. This bill received its hearing on February 5 with eight proponents testifying and four opponents. The committee vote on Executive Session was four voting in support, three voting in opposition, and one present not voting. If you look on the record, myself and 24 senators have signed onto this bill, including the Education Committee Chair. Many more have voiced their support for pulling this motion from committee to General File for debate. Although Senator Clements had said it before, I think it was very appropriate along with this bill that we do recognize today as National Vietnam War Veterans Day. I had a constituent on social media ask that we please remember and not forget. That is an example of patriotism. Thank you, Senator Clements. The day recognizes the men and women who served on active duty in Armed Forces and 9 million Americans, about 7 million living today, served during that 20-year period. The celebration of this day makes no distinction between the veterans who served stateside, in theater, or were stationed somewhere else. Again, this bill helps us understand the importance of the call that men and women have for our country. Second is I wanted to draw your attention to the importance of this bill. Although the Americanism statute already exists, currently school boards are required...as the statute exists, they're required by law to appoint a committee of three to be known as the Committee on Americanism. According to this Section 2 of the statute, and I'll quote from the statute, that, "Any person violating the provisions of Section 79-724 to 79-726 is guilty of a Class III misdemeanor." Again, if school boards do not follow this, they are guilty of a Class III misdemeanor. We revised that. We have taken away the misdemeanor because if any school board is not properly following this statute, the persons on that school board are guilty of a misdemeanor. And what we found and what prompted the necessity of this bill is that many school boards are not adhering to that statute. Many have said they had forgotten about the statutes or they hadn't heard of the statutes. Yes, some are observing, but how many school board members do you think would have a misdemeanor charge on their record if this law was enforced? There was a discussion just the other day about the purpose of this body. Why are we here? And about laws that we make that are never followed. And with that said, you should consider that and vote green on this motion to debate this bill, to bring it to General File, because it removes that misdemeanor from our books. The Americanism statute was first written into law in 1949, shortly after the conclusion of World War II. And perhaps, sadly, that was the peak of American patriotism. The United States had just led the worldwide effort to stop the spread of Nazism and Communism and anti-democratic ideologies. Today we even hear in our media and



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our news about Russia, about their threats to our democracy. Then our citizens understood the sacrifices required to protect freedom and liberty. The United States demonstrated exceptionalism, a country, an entire country, classrooms, individuals, we came together in a spirit of strength like never before. And you fast forward to today, 2018, and everywhere you look we're in a crisis of identity. America has become polarized and paralyzed. We hear about the culture that's filled with violence and filled with hate. We've turned away from the ideals and principles that we were founded on, duty, responsibility, civility, respect, and the list goes on. Our nation is at a precipice. Our citizens are anxious. We are overwhelmed with information, but have little understanding of the knowledge of truth. We react before we think and we don't stop to consider the consequences of our actions. Theodore Roosevelt warned us that the average citizen must be a good citizen if our republic is to succeed. He urged us to maintain a high standard for America, never allowing it to falter. That's why this bill is important. The citizenship test, it ensures that our American-born citizens are maintaining the minimum standard required of our immigrants who are about to become citizens. The Committees on Americanism is an opportunity for our schools' social studies curriculum to reflect the virtues, skills, and experiences of the great Nebraskans who reside in our state. They give our citizens a voice in how and what their children are being taught and ensure that schools are fulfilling their primary purpose, one to prepare citizens to be great citizens of communities around them, to ensure that civility, competence, and duty prevail. Perhaps we're failing our youth if we don't make this our priority. Surveys have discovered that only 24 percent of United States high school students are proficient in civics. In one case after requiring the civics test as a graduation requirement, a school in Jamestown, North Dakota, discovered that not one freshman passed it the first day of class. At the end of the semester 95 percent of the students passed the test. Schools are the perfect place to discuss how far America has come and how far it has yet to go. Colleagues, truly this isn't a difficult bill to support. We have worked extensively with the Department of Education and we reached out to the NSEA for feedback on amendment. The Department of Education testified in support of this bill and AM2382 was filed to address concerns the department may have regarding reporting requirements for the civics test. We've worked in harmony with the Education Committee, with the Nebraska Department of Education, and multiple citizens' groups to bring a bill that we can support and be proud of. Just this morning my office received a call from a District 16 school administrator encouraging us to pass LB1069. Our emphasis used to be on students receiving a sound and thorough civic education, but now we push students towards college degrees as the only path as a positive future. But with a sound and thorough civics education for all Nebraskans, our local communities will thrive and our entrepreneurs will flourish, and government will operate efficiently. This bill is ensuring that we are equipping our students to live in the real world, it's about refocusing and refreshing on the intent and brilliance of our founding fathers. It is necessary to update the current law that existed since 1949 and removed provisions that if enforced, perhaps some even in this room would be guilty of a misdemeanor for not following. [LB1069]

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PRESIDENT FOLEY: Twenty seconds. [LB1069]

SENATOR BRASCH: I do ask for your support for the motion and your support in advancing the virtues of freedom, liberty, and integrity. Thank you colleagues. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Groene. [LB1069]

SENATOR GROENE: Thank you, Mr. President. We need to pass...we need to pull LB1069. Our state statute 79-7601 says that every seven years Department of Education shall do new standards for certain areas, math and social studies is one of those. It will come up in 2019. They take guidance on social studies from our legislation which is 79-724. It used to be called the Americanism bill. It was created in 1949. What Senator Brasch is doing is updating it, adding things like economics, geography, and fiscal, financial competency into the social studies standard. It adds the celebration of Martin Luther King Day and American Indian Day and Thanksgiving and Columbus Day. It clarifies to the Department of Education the areas that their standards should meet. This legislation is not left, right, or center. This is America. We need it. We need to give guidance at the hearings on every Americanism bill, Senator Brasch's and Senator Krist's, Department of Ed testified in favor. You'll have to ask four members of my committee why they did not vote it out, I'm not going to make a comment on it. As I said, we, as a people, give guidance to our public schools in the areas we want them to teach. Not everything is a local decision. This statute has been around since 1949, we're updating it. Matt Blomstedt told me Senator, Chairman, we cannot enforce the existing law because of the misdemeanor charge. The present statute puts the Americanism enforcement, not in the hands of the Department of Education, but the local county sheriff. That's how old...how we need to update this. Some may stand and say, well, who cares? The whole thing is bad, it's unconstitutional. That's true. That is why we need to take it out. You have the right to free speech. A teacher has the right to free speech. If what they teach is wrong, the school board has the right to fire them, but the sheriff--sheriff, Senator Wayne--does not have the right to arrest them. This is common sense legislation. Yes, we add...is added, the naturalization test, the civics portion. It's common sense, folks. The Department of Education did not like the original version that said that scores would be reported to them and then they would have to create on the Web site a reporting outlet. We have removed that, Senator Brasch has, working with my office and Department of Education. They will now give the test in the eighth grade and a junior in high school, and the score will only be reported to the parents. Nothing new about that. Every score should be reported to the parents. If the local teacher wishes to use that test as part of their curriculum--let's say a quiz, they have ten quizzes--and she tells her students, this is one of your quizzes, she or he may do that. It is not a mandated part of the local assessment. If you are an immigrant or the child of an immigrant... [LB1069]

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PRESIDENT FOLEY: One minute. [LB1069]

SENATOR GROENE: ...and you take this test and you learn it, you could go home and tutor your parents who will be very proud to become citizens when they take the naturalization test. I think Senator Brasch has passed that out to everyone, that test. It is not black, white, yellow, Republican, Democrat, it is an American test. It is the language of social studies. That's what this test is. You must know the facts of being a citizen before you can debate in the open market of commerce and citizenship. That's all this test does. It's needed. If I get time--if somebody yields me time--I can tell you a testimony of some of the testimony for it when the hearings was heard. Thank you. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Albrecht. [LB1069]

SENATOR ALBRECHT: Thank you and good morning, colleagues. Thank you, President Foley. I just want to stand up in support of LB1069 and the motion 269 from Senator Brasch. She's been in the body for eight years, she says she's never had a full motion and when you go through eight years and you look back and this is something that is most important to her, she's taught us that if this is what is the most important thing and you want to make sure that it's done, she said, I would never have considered a pull motion, but I'm glad that she did. I'm just going to read on page 4 of the bill: In at least two of the three grades from fifth to eighth grade in all public schools, private, and parochial schools, shall be set aside to the teaching of the American history from the social studies curriculum, which shall be taught in a way that all students are given the opportunity to become competent, responsible, patriotic, and civil citizens who possess a deep understanding of the United States Constitution and the Constitution of Nebraska and be prepared to preserve, protect, and defend freedom and democracy in our nation and our world. This part of the bill speaks to me in so many ways. And I do believe that the children must know why we're here and how we're protected and who takes care of us and how everything works. Hopefully, those tests will be taken home and their parents can review those with them and make our world a better place. And, Senator Groene, if you would like to...I will yield you the rest of my time if you'd like to share your letter. Thank you. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Groene, 2:50. [LB1069]

SENATOR GROENE: Thank you. I talked to this individual this morning, Barry Thomas, he's with the Council for Social Studies...he's the president of Nebraska State Council for Social Studies and assistant superintendent with social studies in the Omaha Public Schools. He testified on LB14. But the point is this, he represents the social study teachers. They are for this. Our goal with all of those things is to get our students to where they are able to be informed action and communicate conclusions based on facts that are vetted, trusted, and reliable, that fits

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within our social studies curriculum. And so, as we look at what is now an amended, AM625-- that was the amendment including the test on LB14--we are huge advocates for a lot of the things that are written within this document, speaking specifically of pointing out specifically, now we have economics and geography as well as history and government as part of what is expected in our social studies instruction throughout the entire state of Nebraska. It goes on to say: As we've had in this conversation about how we assess social studies, how we assess our students, understanding of history, geography, economics, and government who I'm sitting in front of--which was the committee--it's important to understand that the citizenship test that's been referred to throughout this hearing is an important component because it does actually ask students to look at the content, look at the facts and have an understanding of it. He would like though... [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR GROENE: I will clarify. I talked with him on the phone this morning, he would like to make sure that public service and things like that would be put into the statutes or into the assessments, but we can leave that to the state school board. I could go on, I could quote you two testimonies from the Department of Education, they need this guidance. I hate to raise my voice, but anybody against this, it's politics, it's politics. Democrat, Republican, left, right, we need our children to understand the facts of being an American and how proud it is to be an American and the duties of citizenship. That should not be made up to an individual teacher who came from wherever and whatever beliefs. They should be given direction of what they should teach. That's what this does. [LB1069]

PRESIDENT FOLEY: Time, Senator. That's time, Senator. [LB1069]

SENATOR GROENE: Thank you. [LB1069]

PRESIDENT FOLEY: Senator Thibodeau. [LB1069]

SENATOR THIBODEAU: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I do stand in support of this pull motion as well as the underlining bill. However, Senator Vargas has a special message that he would like to announce and so therefore I would like to yield the balance of my time to Senator Vargas if he so wishes. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Thibodeau. Senator Vargas, you're recognized. [LB1069]

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SENATOR VARGAS: Thank you very much. And thank you, Senator Thibodeau, for being so gracious. I'm not using this time to talk about this bill nor this motion. I was to use this time because I have some guests from the Heartland Workers Center here and I wanted to acknowledge one of the Legislative Resolutions that I put forward, LR349 and actually discuss Cesar Chavez Day, which is the resolution that I put forth. And so I want to read this and put it in the record because, one, I think it's appropriate and this is meaningful to me and the work of many different individuals across the state, in particular, Heartland Workers Center for all the tremendous they work for workers' rights and for supporting the leadership of individuals in disadvantaged communities. "WHEREAS, Cesar Chavez was born on March 31, 1927, on a family farm near Yuma, Arizona, and; WHEREAS, after losing the farm during the Great Depression, Cesar Chavez became a migrant farmworker at the age of 10 in California, and was forced to leave school to help support his family; and WHEREAS, Cesar Chavez served our nation in the United States Navy before returning to California, where he married Helen Fabela and raised eight children; and WHEREAS, in 1949 Cesar Chavez began advocating for civil rights and labor rights for farmworkers in Delano, California, campaigning for fair wages, better working and living conditions, and fighting against the use of child labor; and WHEREAS, in 1952, he joined the Community Service Organization, becoming the national director in 1958, where he began his campaign for workers' rights by encouraging the Latinx community to register and exercise their right to vote; and WHEREAS, in 1962, Cesar Chavez co-founded the National Farm Workers Association with Delores Huerta, which later expanded nationally to become the United Farm Workers of America; and WHEREAS, Cesar Chavez was a leader of nonviolent protests, boycotts, and strikes that rallied millions to 'La Causa,' including a five-year grape-pickers' strike that, in 1970, was successful in gaining fair wages for thousands of workers; and WHEREAS, the work of Cesar Chavez' national and international campaigns led to the abolishment of the Bracero Program, which resulted in higher wages and improved safety, health, and other working conditions for farmworkers, brought attention to discrimination faced by farmworkers, and established collective bargaining agreements that covered an estimated 80,000 farm workers across the nation; and WHEREAS, Cesar Chavez held fasts as a peaceful tactic to continue to bring attention to the plight of farm workers in the United States; and WHEREAS, Cesar Chavez passed away on April 23, 1993, at the age of 66 in Arizona and more than 50,000 people attended his funeral at the United Farm Workers of America headquarters in Keene, California; and WHEREAS, on August 8, 1994, Cesar Chavez was awarded the Presidential Medal of Freedom by President Bill Clinton, and portraits of artwork depicting Chavez now hang in the National Portrait Gallery in Washington, D.C.; and WHEREAS, the legacy of Cesar Chavez lives on in the mission of the United Farm Workers of America, they continue work in advocacy of his descendants, and the millions of people around the world who continue his peaceful calls for a more just and equal society and are..." [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

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SENATOR VARGAS: "...and are inspired by his leadership to work for improvements in workers' rights, human rights, and civil rights worldwide. NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH Legislature OF Nebraska, SECOND SESSION: 1. That the Nebraska Legislature joins numerous states and communities by designating March 31, 2018, as Cesar Chavez Day in Nebraska. 2. That the Nebraska Legislature recognizes the accomplishments and services of farm workers in Nebraska and across the country. 3. That the Nebraska Legislature encourages Nebraskans to participate in community service projects and events to celebrate Cesar Chavez' life and work. Thank you, colleagues, for helping me acknowledge this day. Thank you, Senator Thibodeau, for giving me the time and I'll do the same on my time. And thank you for the Heartland Workers Center for being here and for doing everything they possibly can to ensure we are supporting individuals in our state, particularly those that are trying to make sure they can support themselves and their families. Thank you, everyone. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Vargas. Speaker Scheer. [LB1069]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I think I have drastically underestimated the amount of folks that might want to be communicating on this topic, so rather than have a one-hour limitation in order to take care of part of the overflow, we will extend the debate to a two-hour limit. Thank you, Mr. Lieutenant Governor. [LB1069]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Clements. [LB1069]

SENATOR CLEMENTS: Thank you, Mr. President. I rise in support of LB1069 and motion 296. Thank you, Senator Brasch, for bringing LB1069. I'm not a veteran but I do consider myself a patriot. One thing I do is play taps for veterans on Memorial Day and for veterans' funeral services. My grandfather was a World War I veteran. My father is a World War II veteran; he's age 98, one of the remaining greatest generation. Thank you, dad. As I was reading this bill, I see that it says that the educational system should arrange its curriculum in such a way that the youth of our state become competent, responsible, patriotic, and civil American citizens. I see that the Committee on Americanism is to ensure that the social studies curriculum teaches and assesses foundational knowledge in civics, history, economics, financial literacy, and geography. Those two words, economics and financial literacy stood out to me, as my area of interest. And one thing that the banks in my school district have been doing is sponsoring a financial literacy program. It starts in grades four, five, and six, understanding money. Students are given on-line lessons to learn the ins and outs of financial terms and principles. Students help each other learn the difference between needs and wants. In grade six, seven, and eight, it goes to future planning. Students act as mayor of their town helping citizens solve financial problems that life throws their way, such as should they remodel their bedroom or save money for a rainy day? Then

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students in grades 9, 10, 11, and 12 learn more financial literacy. Before students start working, applying for financial aid, establishing credit, and becoming real adults, financial literacy equips them with the tools needed to manage their personal finances. One example of this training is learning what makes up your credit score. The payment history is about 35 percent; the amount of debt you have, 30 percent; the length of your credit history, 15 percent; types of credit outstanding, 10 percent; and the amount of credit recently added, 10 percent. All that goes into your credit score and they learn how important it is to protect that score and to manage your money wisely. I believe courses like this will prepare students for life after high school. With that, I'd like to yield the rest of my time to Senator Brewer, a patriot, and a veteran that I thank for your service, Senator. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Clements. Senator Brewer, 1:45. [LB1069]

SENATOR BREWER: I'll have a chance here in a bit to speak more, but I guess sometimes when we have a chance to talk, we have expressed our disappointment in the reality of being a senator here because you come here with dreams and ambitions of doing things to help the people that have elected you, and it turns into this constant cat fight, one side against the other. You either love babies or hate babies. You either love guns or hate guns. And I find it I guess disappointing that we can't focus on the reality of the issue at hand and put aside some of that hate to do what we really should be here doing. This issue I do support,... [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR BREWER: ...because as you go around to schools and it's always a busy time at the end of the session here before school is out when you have a chance to go in and talk to kids in schools, find out what the issues are. Yesterday I was blessed to be able to meet a group of high school kids that were really engaged and had great questions. But so many times when you go into the schools, they don't understand the difference between Memorial Day and Veterans Day. They don't understand the sacrifices that are made so that they're able to enjoy the freedoms that they have. And that part I find so disappointing and discouraging because this is the future. So on the mike next time, I'd like to share a little of the experience in Afghanistan where we took a nation who didn't know freedom and were able to give that to them. [LB1069]

PRESIDENT FOLEY: Time, Senator. [LB1069]

SENATOR BREWER: Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Halloran. [LB1069]

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SENATOR HALLORAN: Thank you, Mr. President, colleagues, Nebraskans. I agree with Senator Brewer. Sometimes this body tends to fall into love-hate, whatever the issue is. And it's hard to make an argument that we shouldn't be defining education on what our country is all about to our students before they have to enter into college and defend themselves one-on-one with challenges to patriotism, to what their country stands for. How often have we seen Jay Leno or Jimmy Kimmel have interviews, man-on-the-street interviews, oftentimes on college campuses where they'll ask basic questions about our country, how it was founded, its history, the fundamentals of our government, who currently holds office in government, what a Supreme Court justice is, name one. And the answers are embarrassing. And I'm sure they pick and choose some of those that are more humorous, but there's nothing funny about graduating students or adults not having a fundamental understanding or knowledge about our government and how it's been created and how it's supposed to function. We wonder why there's cynicism about government. We wonder why there's lack of participation in voting, one of the more fundamental responsibilities we have. And it's a little bit embarrassing also that we have a test for folks that genuinely want to come into a country oftentimes leaving a country where they have no freedoms, it's an arduous process to become a naturalized citizen of this country, for those that want to do it legally. They spend years at the process, they end up taking a test. We've all had this test in front of us here now and now we have the answer...we have the cheat sheet so we can all probably page through it and find the right answer. But we should know the right answer regardless and yet it's not asking too much that we have courses on Americanism, if you want to call it that, civics courses. Civics courses will give us some level of civility if we have students graduating that understand the process, understand our history, understand why people want to come here and don't want to leave here. So I think this is a bill that...this should be pulled. I'm firmly in support of Senator Brasch's efforts. And with that, I'm going to turn the balance of my time back to Senator Brasch if she is willing to take it. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Brasch, 1:40, if you care to use it. [LB1069]

SENATOR BRASCH: Thank you, Mr. President. And thank you, Senator Halloran. And I do want to thank the Speaker for the additional time. When I had learned it was an hour it took my breath away because I know so many people support this bill and those who have concerns, I welcome their concerns. However, I get calls, I get e-mails, people have testified, just the other day I spoke in front of a group of individuals who asked about the bills and they were puzzled on why I could not get LB1069 out of the Education Committee. [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]



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SENATOR BRASCH: I explained this procedure and it was my hope that with 49 senators we could settle the question. Thank you, Mr. President. Thank you, colleagues. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Linehan. [LB1069]

SENATOR LINEHAN: Good morning, Mr. President, and good morning, colleagues. I rise in support of the motion to pull LB1069 from committee. The Department of Ed had testified in support of this legislation. We are supposed to...they are to update civics and history and they worked with the Chairman of the committee and they're fine with the legislation. So it's a bit disappointing that we can't get it out of committee but we have the pull motion to address these situations, so I'm in full support. One of the problems I think we have to--I shouldn't say problem--one of the realities is, currently the Department of Ed, through NeSA, tests for competency in English language, for competency in math, and for competency in science. We do it in several different grades. We do not test at all statewide for competency in civics or history or financial literacy. It's a situation we need to address and this is legislation that puts us in the right direction. There's a lot of concern voiced about the test. And I understand that there's different opinions on tests. But let's be honest with ourselves, every time at least I go to take my driver's license test, I take the time to reread the book. Tests focus the mind. And then there's concern about whether dates and names are important. They're very important. Facts, when was the country founded, when was World War I fought, how many members does each state have in the Senate, how many House members, why are there a certain number of House members from one state and different in another state, understanding the constitution, those are facts that are important. Facts are what we anchor our knowledge to. I also think it would be helpful--at least this was surprising to me--if we read what the legislation currently in statute is. So from page 4, at the top, Section 4, this is what currently the law says. In at least two of the three grades from fifth grade to eighth grade in all public, private, denominational, and parochial schools at least three periods of work shall be set aside to be devoted--I'm sorry this is the bottom at line 10 and 11 which I find a little concerning--to make the course interesting and attractive and develop a love of country. Well, I agree, courses--I don't know how anybody can really make history boring, because I love history--the courses should be interesting and attractive and it's good to develop a love of the country, but I don't really know what that means. I think the language that we are replacing it with that says: All students are given the opportunity to become competent, responsible, patriotic, and civil citizens who possess a deep understanding of the United States Constitution and the Constitution of Nebraska and be prepared to preserve, protect, and defend freedom and democracy in our nation and our world. I don't know why we wouldn't want to approve that language. [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

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SENATOR LINEHAN: Senator Brewer spoke this morning about being in Afghanistan. I served with the State Department in Iraq. It is very important to the survival of our democracy and frankly to democracy all around the world that we have a citizen in America that understand the importance and, frankly, how blessed we are every day that we wake up in the United States of America. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Morfeld. [LB1069]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to the pull motion. I also rise in opposition to the bill and, shockingly enough, I still love my country. I'll tell you why I'm in opposition to this. First off, I want to give you a little context. I'm probably the only person in the body that serves about 1,000 students a day through the nonprofit that I run in working to get them engaged in their community and their democracy in substantive ways. This bill and this test does none of that. The problem with our country isn't that students aren't taking one extra test to measure their civic competency. The problem with our country is they're not actually developing the civil discourse and critical thinking skills necessary to be good citizens. And this citizenship test does nothing to accomplish that, nothing to achieve it. That's the problem that I have with the bill. It's not that I don't love my country, it's not that I don't think that students should be more civically engaged and civically competent, it's that this test is the dumbest way to do that. So it's just beyond annoying to hear Senator Brasch and Senator Groene in Exec Session on this go around and be like, well, if you're opposed to this, you're opposed to Native American Day or your opposed to, you know, whatever the case may be. It's nonsense. This is not the right approach to increasing civic competency skills. It does nothing to do that. And, in fact, I'll argue that one of the reasons why we have such problems with civil discourse and civic competency is because we keep mandating these types of tests when we should be focusing on building critical thinking skills. Going to students and going, what do you love about your community? What do you love about your neighborhood? What are some things you want to change? Let's talk about those issues. Let's have some critical thinking exercises on how we deal with those issues. Oh, and then what forms and branches of government should we interact with in order to achieve those goals, and here's those branches of government and here's how we interact with that government. That's the way to get young people involved in their community and their democracy is to ask them what they're concerned about and then tie in concepts, concepts of governments, structures of government and make it a civil discourse and a critical thinking exercise. You know, Senator Brasch has stated this morning, there's so much support for this bill, there's so much support for this bill. And I've talked to at least a dozen colleagues that are likely going to vote this bill out of committee and all of them shake their head and go, well, we're just going to give Senator Brasch her last hurrah. And I don't want to be seen as being anticivics. I don't want to be seen as being anti-Americanism, government. So you know what, colleagues? I can already see, just like last night, what's going to happen. We're all going to vote this out and shake our heads. A bunch of us will say, man, you know, there could be a better fix,

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but I got to do what I got to do. But the bottom line is, is that go home over Easter, pat yourself on the back, say that you did something, that's fine. But requiring the Americanism test or the citizenship test in order to improve civic competency is going to do nothing. It's going to be another mindless rote memorization exercise that does not contribute to building any of those critical thinking skills necessary to have competent citizens in our community and in our democracy. And I guess my frustration really lies with just the narrative that has been built by Senator Brasch and Senator Groene in our Exec Session that if you oppose this bill, based on principled reasons--thank you, Mr. President--that somehow you're anti-American or you just don't care enough about our country. No. What I want to see is a comprehensive approach to getting young people engaged in their community and their democracy around issues they care about and weaving in those concepts and those functions and those branches and the facts behind government to make it relevant to what they care about and to build those critical thinking and civil discourse skills. This is the wrong approach. It's the wrong approach and I'm going to oppose it. And I hope a majority of you will as well. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Lowe. [LB1069]

SENATOR LOWE: Thank you, Mr. President. You know, there are some parts of Senator Morfeld's talk that he just gave us that I cannot disagree with. We do need to teach our students about how to deal with things happening today. We do need to teach them on how to deal with people and situations and our government today. But we also need to teach them about our history and our past. I had some great teachers, social studies teachers in the past. While I was in junior high, I had Richard Freud (phonetic) and in high school Ross Armstrong (phonetic) and they taught me the importance of history and our social studies. What happens if we decide one day to not teach about our history, what great leaders did to form our country. What happens if we forget to tell them about our Supreme Court and how they work or how they're supposed to work. Things change when we forget to teach them how things are supposed to work. We have rules in this legislation and one of them is a pull motion. It seems to me that a pull motion is something that we are able to do and Senator Brasch is entitled to do that, so I support her pull motion. I also support LB1069. Senator Chambers teaches us every day on how important history is and we should listen to history and we should know that history should not be changed. The importance of this Americanism test is probably more than we could ever imagine to the children of our state, and that's what we're talking about here is children who will sometime become the young men or our state and young women of our state and hopefully stand on this floor because they see how important it is to be an American, to be a Nebraskan, to be Kearneyite or an Omahan or a Lincolnite or whatever Fremont is. It's important to be an American. And the struggles that we went through, that our forefathers and foremothers went through to become an American and those that are trying to become an American today and their struggles that they go through. Our children who are born here should know those struggles and the importance it is to be an American. Thank you, Mr. President. [LB1069]

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PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Brewer. [LB1069]

SENATOR BREWER: Thank you, Mr. President and colleagues. I have read through the bill just briefly and there's been some things that have been pointed out to me. For one, there's a spot here where it says, contribution of ethnic groups. I was a little disturbed to see that line lined through it. So after asking a few questions they referenced me to the statutes and then when you go in and look at the statute it actually explains in more detail, much more detail specifically about the ethnic groups. I think there's plenty that needs to be talked about in the bill. I support it because it's something that I have spent a lifetime hopefully contributing to so that the students that do go to our schools can understand history and what we've done. Yesterday someone asked me if...asked me what the pin on my lapel was. And I said, well, it represents...it's worn by the Senators. And they said, no, the one below it. And I said, well, that's a Purple Heart. They said, well, do you wear that because you've been wounded? And I said, no, I don't. I said, I wear it for those that did not have the opportunity to come back. The experience that we saw...and this is going to be different than what anyone else has had an opportunity to see. By being there as a nation is allowed to vote for the very first time and they have to use ink to put your thumb in to put on a piece of paper because not everybody either reads, writes, or has the same language--is an eye-opener. When you are told that if you come to vote you will die--and many did in places--it makes you think about how lucky we are to have the blessings that we have with the type of government we are blessed with. But sometimes I think we have failed our kids, because when you ask them the basics and they don't know it, maybe we do need something like this so that we make sure they understand the fundamentals and understand the sacrifices made. Afghanistan was also a place where I saw many great Americans dedicate their lives every day to sleeping on a cot, living in a tent, and doing some really difficult work. And they did it because they believe that that service was going to contribute, not only to helping their country, but to help make another nation a safer, better place. I would hope that by becoming more educated on some of the contributions made, that they would have an appreciation and maybe be willing to wear the uniform of their country. I'm not saying that this bill is the end-all be-all, but I think that it is worth a discussion. It needs to at least see the light of day. I understand the frustration when you have something in committee and you believe in your heart that this is a good thing and that it should have an open discussion among the 49, not the few in the committee. So I support pulling this bill to the floor so that we can have a more in-depth discussion and look in detail at everything that's here. So with that, thank you Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Erdman. [LB1069]

SENATOR ERDMAN: Thank you, Lieutenant Governor, and good morning. This bill was heard in front of our committee, the Education Committee. And as that bill and the hearing continued we had a young lady come in from Elm Creek, Nebraska. And the young lady was sharing with us and her goal that day was to describe to us what their school board had decided several years

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earlier on what they would do is to make it a requirement for graduation and she said it was a requirement in their school that you must pass this test to graduate. She spoke about the positive effect not only did the bill have on the young people studying that test or that information, she also shared how it brought the community together, how it brought pride in the community, how it brought a sense of responsibility to those people who were studying and understanding what this country is all about. And that's what this does. It's amazing as I hear this morning of the debate about it's all about the test, and that's what it was that day by those people who didn't want to advance this bill, it's all about the test. This is a six-page bill. I've read the bill. I see what they're trying to get across with the instruction that is to be required if this bill passes. And it is exactly doing what Senator Morfeld said we should do, the discourse, the interaction, the rationale, why we do things, why government does what it does. It does all those things. But we want to focus on the two lines out of the six pages that talks about the test. It amazes me to see how we can pass over all the other good that's in the bill, all the other provisions that are placed there, so that young people can learn what being a good citizen is. And I thought Senator Clements did a good explanation of what it is they try to teach and how they try to prepare young people to be ready to live on their own in this society. This is a good bill. This bill should have gotten out of committee. This bill did not get out of committee, so I support Senator Brasch's pull motion. I also support this bill. At some point in time we have to stand up and teach people right from wrong and what's right and what isn't and this bill helps us understand why this country was founded and what the principles are and how we should live our lives. And so I'm in support of this bill and a pull motion. Thank you. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Lindstrom. [LB1069]

SENATOR LINDSTROM: Thank you, Mr. President. I yield my time to Senator Groene. Thank you. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Senator Groene. [LB1069]

SENATOR GROENE: I want to make sure...there are murmurs around the floor about removing the part that said--if I find it--contributions of ethnic groups. And it refers to the statute, because it's a better definition that's already in statute and it refers to this statute, 79-719: For purposes of Section 79-719 to 79-723, multicultural education includes but is not limited to studies relevant to the culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, and Asian Americans. Special emphasis shall be placed on human relations and sensitivity towards all races. Do you want to leave the present 1949 language in place or do you want to improve it to what culture and where we are in America today about the understanding that race, sex is not how we communicate to each other or define ourselves? Or do we want to have this definition or do you want the old definition? To Senator Morfeld, you protest too much.

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You can continue to do what your group does, American ladies of American Revolution can do what they do. The League of Women Voters can do what they do. The Masons can do what they do. American Legion can do what they do, interacting with our schools and our children. But the children need to know why. Why can you join a group? Why can you assemble with anyone you feel like assembling with? Why can you stand up and profess your beliefs? Why can you come to a legislative hearing and stand there in front of elected senators and present your views? Why? They don't know if you don't teach them the language of civics, if you don't teach them the history, if you don't teach them what a Purple Heart is, if you don't teach them freedom is not free. I have told the Education Department we have one civics test right now, it's called voter turnout. As generations go on, that voter turnout drops. That is the most honor you have, the highest duty you have as a citizen to vote. But yet we protest. We can't teach them the language of being an American. I posed the question to a young person. President Obama served two terms. Meaningless to that student unless they know that a President's term is four years, understands that two terms was all they were going to get, because they're term limited out, understands that we have been around for 247 years as a country, understand that that President was President for around 3 percent of that time. Unless you know the language of civics, which is bare facts. We have a Supreme Court. I heard a humorous one on the civics test. [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR GROENE: Somebody said, what's the highest court in the land? He said, I think it's in Denver. Do you get it? The Mile High City. But folks, this is good. This is good. Ethnic, you want to leave that word in there? Ethnic studies, ethnic understanding? Well, then, I'm half Irish, let's talk about Germans, Irishmen, Europeans. Let's divide us further. No, let's talk about our history, Mexican-American history, African-American history. Let's define the paths our people all got to be Americans and how we share the same rights. We all didn't get here the same path, that needs to be taught our children. You cannot do that without teaching history. Thank you. Did you say time? [LB1069]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Groene. Senator Vargas. [LB1069]

SENATOR VARGAS: Thank you, Lieutenant Governor. I would, in the spirit of exchange, I want to thank Senator Thibodeau for giving me the time earlier, so I would yield my time to Senator Thibodeau. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Thibodeau, 4:45. [LB1069]

SENATOR THIBODEAU: Thank you, Mr. President. And thank you, Senator Vargas. I stand here today in support of this pull motion and the underlying bill. I wanted to read a little bit just

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from the first page of the bill and it will explain my support of this. The youth in our state should be committed to the ideas and values of our country's democracy and the constitutional republic established by the people. Schools should help prepare our youth to make informed and reasoned decisions for the public good. Civic competence is necessary to sustain and improve our democratic way of life and must be taught in all public, private, denominational, and parochial schools. A central role of schools is to impart civic knowledge and skills that help youth see the relevance of a civic dimension for their lives. Students should be made fully aware of the liberties, opportunities, and advantages of which we are possessed and the sacrifices and struggles of those through whose efforts these benefits were gained. I find it appropriate that we are debating this pull motion on this bill today, as it is Vietnam War Veterans Day. And these are just some of the few men and women who have struggled and still continue to struggle to give us the benefits that we have today. So with that, I am in support of this bill and I would appreciate a green vote on the pull motion and the underlying bill. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Thibodeau. Senator Bolz. [LB1069]

SENATOR BOLZ: Thank you Mr. President. I want to start my comments by saying that Senator Brasch is fully within the rules to propose this pull motion and it is her right as it is every senator's right to exercise her authority underneath the rules. However, I don't support this pull motion and I take any pull motion very seriously because it takes away from the responsibilities of the committee members. Committee members which we have chosen as a body, committee members who have expertise in the issue areas and committee members who have heard the hearing on the bill. So I take very seriously any motion to pull a bill out of committee and I would only support it if it were a very serious and extenuating circumstance. And so I don't support this particular pull motion. I encourage you to consider not just what this means in terms of the substance of this particular bill but what it means in terms of our rules and our process and our democracy. I think it's very important to protect our process. It not only protects democracy because it ensures there are public hearings on debate and that the second house gets to be heard and listened to, but also because it helps us to protect our own diplomacy. Without our rules and our process, it's hard to know what to expect from one another and it's hard to make sure that everyone's priorities are managed and everyone's voices are heard. There have been some things that have pushed the limits of our rules this session. For example, we had a motion to recommit a bill to a committee in which it hadn't even been heard and that wisely by this body was not a motion that was supported. And so when we do things that are out of the ordinary like this, I think we need to take great pause. And I just want to spend a minute sharing with the body my thoughts about why extraordinary measures like this one need to be taken very seriously and why I don't think that this is a circumstance that is appropriate to support for a pull motion. So, colleagues, consider process as well as substance. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Kuehn. [LB1069]

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SENATOR KUEHN: Thank you, Mr. President. And thank you, colleagues. I stand in support of motion 296 to pull this to the floor for debate and I am supportive of the underlining bill, LB1069, when it has an opportunity to be heard on General File. I did want to take a moment in listening to the debate this morning, there's some really factually incorrect information about how students learn and engage that's been stated on the floor here today. And to provide a little bit of guidance and perspective to that, I passed out on everyone's desk a copy of a diagram, which everyone who's involved in education and helping students learn and grow and ultimately develop a skill in which they will apply knowledge and create, and it's a taxonomy, a way of thinking, a framework for organizing information, known as Bloom's taxonomy. It's a much better diagram in color but tight budget times necessitate black and white copies. What I want you to recognize is this is a learning taxonomy, a way of thinking, which understands that at the top what we're really trying to get individuals to do is to be able to create, to produce new and original work. But to get to that point where someone creates something new like new legislation, new solutions to existing problems, you have to move your way up the hierarchy. And at the base of this pyramid is "remember," is "knowledge." So it's factually incorrect and, quite frankly, irresponsible to say that we want young adults to engage, to apply, to analyze without first asking them and actually requiring them to first remember and then to understand. American history is filled with lessons of success but also some pretty spectacular failures. We cannot expect our young adults, our future leaders, to understand, to apply the lessons learned from some of those failures, whether that be poor economic decisions, mistreatment of individuals marginalized on the fringes of society, or taking improper steps in an ever increasing global world without first making sure that they have the foundation, that they can remember. So just looking at the basics of education theory, understanding how we assimilate information, apply, evaluate, create, we first have to know. And it is an absolutely noble concept to ensure that all students in Nebraska have an opportunity and are competent in that knowledge. The other thing I really like about this bill is the opportunity for continued civic engagement of the community in the things that our students are learning. We've talked time and time again about how important parental and community engagement is to the educational success of children. This is another avenue. Does it solve our problems? Is it going to prevent the rather embarrassing display of misinformation that is the subject of comedy routines and late night television? Not at all, but it's another strategy and it's another tool. I do think that it is absolutely critical for our next generation of civic leaders in local, state, and federal government to have a strong knowledge base, be able to repeat those facts, be able to repeat that information, not for information sake itself, because as you can see on this diagram which is a well-accepted educational theory, not a Kuehn idea, not an idea put out here for political purposes... [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR KUEHN: ...you first must have the knowledge, you must remember, and then we build. The lessons of experience, the lessons from those who have come before can only be



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understood and applied if we first have the knowledge. I respect there's differences of opinion on how to go about approaching this, but let's talk about the value of knowledge for knowledge sake. Let's not belittle knowledge, let's not marginalize it, let's celebrate it in all of its forms. I encourage the green vote on the pull motion and I will look forward to a robust debate about the application of this knowledge on General File. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Murante. [LB1069]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise in favor of LB1069 and in favor of Senator Brasch's motion to pull the bill from the Education Committee and really for two separate reasons. First of all, it is a process question. I know there's been a lot of talk about the opponents of this motion relative to process. As the Chairman of a standing committee in this body, I think that it is extremely important that our committee process be maintained and upheld. I also believe very passionately that policy questions ought to be decided on the floor of the Legislature. And there's a very important policy reason for that. Because when we have priority bills before us, and each one of us only get one priority bill, the only opportunity for every citizen of Nebraska to have their representatives have a voice is for this body as a whole to take an up or down vote on it. Senator Brasch has made LB1069 her priority bill. She believes that this bill is extremely important and that the bill that was presented before this Legislature that was most worthy in her mind of debate and an up or down vote. I don't serve on the Education Committee. And ultimately the ability of our constituents to have a seat at the table is effectuated by our votes, which means if a bill is bottled up in a committee, the constituents of Gretna, the people of Sarpy County did not have an opportunity to weigh in on that discussion. So for four people to be able to block a priority bill from getting to the floor, I think it is entirely appropriate for Senator Brasch to bring this motion and to have an opportunity for all the citizens of this state to have their elected representatives have an up or down vote on this proposal. I actually believe that every priority bill deserves an up or down vote on the floor. I believe if we created that policy matter, the bills which would be prioritized would be the bills that we individually believe to be the most important to us and we wouldn't get into this question of whether committee Chairs Exec on a bill or not or whether there's sufficient votes on a committee or not. I've actually said this for an extended period of time, that that is too much power in the hands of too few a group of people. So on the process side, I believe very passionately that this motion ought to be adopted. On the policy side, I believe LB1069 is good public policy and the right way of enacting legislation. As a person who is the...I previously ran a restaurant in Omaha, and many of my employees were under the age of 30. I can tell you that I am profoundly concerned about the knowledge of American history and the values by which this nation was founded with the young people in our country. I could tell you the concepts that are now pervasive among millennials, among the 20-somethings, concepts like speech equals violence and that hearing opinions with which you disagree should appropriately be met with violence is pervasive among young people. [LB1069]

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PRESIDENT FOLEY: One minute. [LB1069]

SENATOR MURANTE: You see it on campuses all across the country, that simply having speakers come to a campus to articulate opinions which may be controversial is met with violence. That needs to be taught in our schools that that is fundamentally un-American and that the whole concept of having a debate is what helps us grow as a nation and evolve our opinions. I fear that we're not having a lot of that certainly on the national level and that if this bill has any positive impact, if we could go down that road of teaching that fundamental idea of what free speech is, if that can be enhanced, I think we are moving a step in the right direction because I am profoundly concerned for our future. [LB1069]

PRESIDENT FOLEY: Time Senator. [LB1069]

SENATOR MURANTE: Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Friesen. [LB1069]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. When I first looked at the bill and I read through it, there's numerous concerns I have with it. And one of them is we're pushing a mandate down to our K-12 and we're not funding it. We've talked a lot about that funding issue. Besides those points, I don't like testing. I've never liked testing, but I think this points out...and I think what I was looking for was the broad discussion we are having. And I'm not going to say it's a failure of the schools but I think it's a failure of where we're headed when we send those kids out of our K-12 system. They don't understand the process, they don't understand our history, and they don't understand going forward what's expected of them. And I've always said that when a person leaves that K-12 system, they should be ready for life skills in order to go on their own and be beneficial to society whether they're working or whether they continue their education further. But when I have college students coming to me and wanting a totally free education, there's no free lunch. Who's paying for it? While we're doing all this, we vilify people who have gone out and worked hard and made money and now they're rich and they're supposed to provide free things, free education. If we all had a free college education, there would be nothing to distinguish us, other than those that worked a little harder and got a better grade. But there's also kids that don't go to college that distinguish themselves that do really well and do better than some of the college graduates that are out there, just through hard work and being self sufficient. But this is...it is a direction. And I like Senator Murante's discussion about the colleges nowadays. And back in my day, there were speakers brought into colleges and there weren't protests. If you didn't want to hear it, you didn't go listen to it. Now if they bring a speaker in, they riot and they yell them down, they shout them down, they won't let them speak. I have always been of the opinion that when I send my kids to college that those professors there

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should challenge my child whether he's a liberal or a conservative, because we're not teaching them to think. That's why Facebook and Twitter are so successful in influencing our elections, if that's the way you look at it. They read these little Twitter accounts and the Facebook posts and it's false information and they don't have the critical skills to analyze what's fake news and what's not, and they're basing it on false information. We have not taught them to think. Question everything. There is no one side that is always right or wrong, but if you don't use critical thinking skills, you will never be able to distinguish the difference between the two. We can have our philosophical beliefs that we...maybe that's how we were raised. Some monumental thing that happened in your life. I was not a good student. I didn't study history, I didn't listen to the English teacher, but when you got out in the real world and you found out life wasn't fair and suddenly by calling one elected official they change something, you realize that one voice does make a difference. It's probably why I'm here today. [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR FRIESEN: It wasn't my intent to be here, but that's where it ended up and it was all because of one phone call. But if we don't teach our students to engage, to think, then we're in a world of hurt. So I think this is a great discussion to have. I'm not really tickled with some of the things in the bill, but we'll see where it goes. Thank you, Mr. Lieutenant Governor. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Blood. [LB1069]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I don't know if I can say this in five minutes. Our nation was built on the idea of giving power to the people, but today I feel pulling this motion is going to erode that mission...excuse me, pulling this bill. I do not stand in support of the motion nor will I stand in support of the bill. Senator Brasch, I would ask that she would yield to a question, Mr. President. [LB1069]

PRESIDENT FOLEY: Senator Brasch, will you yield, please? [LB1069]

SENATOR BRASCH: I will yield. [LB1069]

SENATOR BLOOD: Senator Brasch, did you once tell me that as a novice senator you were told by a committee Chair that sometimes the kindest thing that can be done is to keep a bill in committee? [LB1069]

SENATOR BRASCH: The committee Chair has an option to... [LB1069]

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SENATOR BLOOD: No. I asked you a question. Yes or no. [LB1069]

SENATOR BRASCH: Yes. Yes. [LB1069]

SENATOR BLOOD: Thank you very much, Senator Brasch. Senator Brasch, who I adore and has been a great Chair on the Ag Committee, explained to me why we should keep Senator Wayne's bill in committee and I, at the time, disagreed. And she had said that statement and it stayed in my head, that sometimes the kindest thing you can do is to keep a bill in committee. And I feel the committee was being kind by keeping her bill where it belonged. I really have grave concern when I hear people start shouting about Americanism and talking about how we need to teach children about freedom of speech and the right way to use the First Amendment. What do you think they're doing? They're getting involved. They're angry at us. They're angry at us. To say that they need to learn how to do it correctly, how dare we ever talk about that. And then when I hear about being patriotic and remembering those who serve, I don't know if you have noticed but five or six of my bills were all about the military. I never forget--because it's in my backyard--who serves. And they fight for our right every day to give those children that we are judging the right to have that freedom of speech. And I'm sorry that some of them are angry and gearing towards violence, but they are frustrated. They don't like the government as it is. And for us to say that we know better and so we're going to put into state statute how they should learn about the government, that is hypocritical. I think everybody is looking down at their computers right now. That is hypocritical. Thank you Senator Briese, I hate being invisible. The reason children are not learning about being Americans--and I can guarantee there are a lot of people in this room guilty in this room of this--is because when your child wants something to do, you hand them your iPad, you hand them your smartphone, you say, hey, go watch cable TV, let's go see what the Kardashians are doing today. Children aren't learning about history and Americanism because children aren't being taught how to learn, and we're contributing to that. Technology is contributing to that. Changing the curriculum is not going to change a dang thing. Shame on us for this overreach. Don't sit here and preach about patriotism and Americanism when you are exhibiting the exact opposite by supporting a bill like this. These kids up front, they're not dummies. You learn what you want to learn. You choose and pick. The curriculum is there for you guys to learn. Shake your heads yes if you agree--but don't let Patrick see it, because we're not supposed to do stuff like that. I think we hear about our veterans struggling. Why didn't you get Senator Brewer's bill out of committee? Why are we still taxing military retirement? Quit talking out of both sides of your mouth. I can't even begin to tell you how angry I am. And then I hear about these Americanism committees. Remember postwar Americanism... [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

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SENATOR BLOOD: ...where we put together the House Committee on Un-American Activities? What is this leading to? I am proud to be an American, that's why I fight every day for our military in here. That's why I fight for our poor, our women, our disabled. We don't need to do this to be American. We are proud Americans in Nebraska. And, by the way, does this bill also apply to private schools, because of course we'd want them to be American too. Right? Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Chambers. [LB1069]

SENATOR CHAMBERS: Mr. President and members of the Legislature, there are so many things that need to be said that I cannot say in five minutes. And I'm going to excoriate the Lieutenant Governor on another occasion because I want to address this piece of legislation. I'd like to ask Senator Brasch a question. [LB1069]

PRESIDENT FOLEY: Senator Brasch, would you yield, please? [LB1069]

SENATOR BRASCH: I will yield. Yes, I yield. [LB1069]

SENATOR CHAMBERS: Senator Brasch, who provided the language for this bill? [LB1069]

SENATOR BRASCH: We...first of all, we have the statute. Then we worked with the Department of Education. [LB1069]

SENATOR CHAMBERS: No, who wrote the language for this bill that is being presented to us? [LB1069]

SENATOR BRASCH: The Bill Drafters or how far back do you want to go? [LB1069]

SENATOR CHAMBERS: Never mind. Words had to be presented. This thing is so full of grammatic errors, syntax is horrible. Let me give you an example. On page 3, they talk about social studies should be aligned to, no, it would be aligned with. They don't even know how to use ordinary English. Then if you go to page 2...and they got a Chairperson of the Education Committee who didn't catch these things because he is not learned in grammar and syntax. On page 2, line 16, they're talking about various things being relevant. And they say, the relevance for. No, relevance to. They don't understand English. Then on page 3, where they strike the words "contributions of ethnic groups" that shows the racist bent of this and they can try to trick Senator Brewer into thinking that this should be taken out. And these people who are talking about referring to a statute don't know that the statute is there because of work that I did in

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fighting against racists in this Legislature at that time to compel the teaching of multicultural items. They have words on page 3 such as this, in line 27 and line 28: formative, interim, and summative assessments. They don't even know what that means, gobbledygook. That's why I asked who wrote it. Whoever wrote this is incompetent. They don't define competence, but they demonstrate incompetency and I'm glad that Senator Kuehn pointed out that there are factual errors in here. And they're going to get these dumbbells on the floor to vote it out here because they're as dumb as what's in here. When you are writing, they have what they call parallelism. If you mention the same thing about two things you express it the same way. On page 5, line 4, they use: United States Constitution and the Constitution of Nebraska. You should either say United States Constitution and the Nebraska Constitution or the Constitution of the United States and the Constitution of Nebraska. But they say, the United States Constitution and the Constitution of Nebraska. That's simple grammar. These simple-minded people can't get the grammar right and they're going to teach somebody how to think? And as Senator Kuehn pointed out and gave you a diagram, which is so clear that a fool should not err. I'll tell you what, you're going to need 33 votes,... [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR CHAMBERS: ...even if you bring it out here. And you're going to talk about slavery, you're going to talk about interning the Japanese-Americans. You're going to talk about the attempt to exterminate the Native Americans by giving them smallpox infected blankets. You're going to talk about stealing their land. You're going to talk about the treaty breaking. You're going to talk about being the only country to drop an atomic bomb--two of them--on people at a time when they were suing for peace. All of this, you don't want to talk about this and you know it. You don't want me to talk about the racism here but I'm going to. Bring this piece of trash out here and I'm going to show you how trashy it is and I'm going to grill Senator Brasch like a hamburger. She's going to answer questions about the drafting of this, the language. And the Chairperson of the Education Committee is going to show us how much education and understanding he has. Read it. You all haven't read it. Bring the piece of trash out here... [LB1069]

PRESIDENT FOLEY: Time, Senator. [LB1069]

SENATOR CHAMBERS: ...and have 33 votes ready to go. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Chambers, Senator Riepe. Senator Riepe, you're recognized. [LB1069]

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SENATOR RIEPE: Oh. I'm sorry, sir. Mr. President, colleagues of Nebraska, as a country, we need for our students to understand the foundation of our democracy based on the constitution. These young people will set the future of this great country and without an informed and educated populous we will be doomed to a less than vibrant country. We must be assured our students understand our history, our strengths, our failures, our diversity, our challenges, and our values. With that, Mr. President, I would like to yield the balance of my time to Senator Groene. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Groene, 4:00. [LB1069]

SENATOR GROENE: Thank you, Mr. President. Senator Chambers, all of those instances you quoted about the language came from the language from the Department of Education through the existing amendment that Senator Krist has on his bill. An awful lot of this language was created by a social studies work group that was put together by the Department of Education in preparation for the new standards in 2019. Senator Brasch...we were working with Senator Krist to have his LB14 as the vehicle, as a priority. He wanted to prioritize it last year and we didn't have time, so we were going to work over the summer on it and then he decided to prioritize another bill. That left Senator Brasch's bill which she agreed to prioritize it after seeing that it was not prioritized. We, working with her office, took the amendment that was on Senator Krist's that the Department of Education endorsed, helped write, the president of the Nebraska Council of Social Studies, which I mentioned earlier which includes members of a lot of educators but it also is composed of elementary teachers, public and private, high school and also moving forward post secondary education. But also part of the group is museum curators and a lot of individuals that work within historical societies, geographic individuals, all sorts of groups belong to this group. They were part of writing the new language and they testified in favor of it. There's no conspiracy here. We have a duty. We've been asked by the Department of Education to update 79...I don't have it in front of me, but the existing statutes on social studies, which is 79-724. That is what this bill does. That's what it does. Most of it was written by individuals in that field of study. Statutes...summarizing bills or summations, my assumption is that you summarize your...but we didn't write that. That came from the Department of Education, that terminology. No conspiracy here, folks. This is the duty of the Legislature in working with the Department of Education and their elected board to do the will of the people, to update existing statutes which we do all the time, and to give guidance to these young people here. Not to these young ones. I'm sure they know everything about our government or they wouldn't be pages and they're very interested in it. But the ones that aren't, the ones that aren't sitting in front of us. [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

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SENATOR GROENE: They need to be given the language of social studies. We do math standards. We do science standards. We do biology standards. We do chemistry standards. The periodic table, we make them memorize it. Why? So that when they go off to college and major in chemistry or biology, they know the basic language of their craft. That is what this statute does, teaches children the basic language, the basic history of being a citizen. No conspiracy here, just good government. That is what we are doing. [LB1069]

PRESIDENT FOLEY: Time, Senator. [LB1069]

SENATOR GROENE: Thank you. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Baker. I apologize, Senator Baker. We need an announcement first. [LB1069]

ASSISTANT CLERK: The Performance Audit Committee will meet briefly at 11:30 under the north balcony. [LB1069]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Now, Senator Baker. [LB1069]

SENATOR BAKER: Thank you, Lieutenant Governor. Members of the body, you're probably getting weary of me telling you that I was a school superintendent for 37 years and you won't have to hear it maybe ever again. As a superintendent it was my responsibility to create agendas for board meetings. I would then review that with the board president, and that's probably practice that exists in most school districts in this state. In carrying out my duties I had a master calendar of board agendas, because there's a myriad of requirements of things that must be done at certain times of the year: budget adoption, reviewing the policy on student fees, and on and on. In January the board reorganizes. After the November elections new members take office in January. So they elect officers and assign members to committees other than the Americanism Committee, because the statute says that the Americanism Committee is to be appointed at the beginning of the school year. We did that. So I'm going to challenge the contention that school districts, boards of education, superintendents are blowing off the Americanism Committee. They're not. We did that as required each and every year. You look back to when the Americanism statute was put in Nebraska law books, it was 1949. And that was a Joseph McCarthy era and we'd just come out of...a few years out of World War II and obviously there was concern about communism, the spread of communism. But there became an absolute paranoia about communism, communism creeping into the schools, communists creeping into our teaching staffs, communists hiding behind every tree. And eventually, you know, Joseph McCarthy was confronted and shut down. School board members and superintendents never intentionally violate the law. Yet there are so many archaic provisions in law that sometimes we



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do. I first became a superintendent in 1974. Two or three years later I was reading the law book and I saw in there a requirement that we honor General Pulaski Day. I don't know how many of you here could even tell me who General Pulaski was, but it was in the law books. And I hadn't been doing it, therefore, I'd been violating the law, not knowingly. In an interim period of time between then and now, at some point someone saw the wisdom to remove some of those dead letter laws from the Nebraska law book. But this talk about misdemeanors and enforcement by the county sheriffs. Are you kidding? Over my three, almost four years here, numerous times I've heard about the deviousness of school superintendents, as if people found the most manipulative, low-class people you could possibly find and say, that's going to be our superintendent. How did things ever get so far, I don't know. It's so unfortunate, so unnecessary. As a rule, I oppose embedding matters of curriculum instruction into state statutes. The Americanism statute is there. We observed it in every school district in which I was a chief executive officer. [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR BAKER: Department of Education does exist. Part of the State Board's job, through the state Department of Education is to promulgate rules of guidance and requirements for school districts to maintain their accredited status. There's a thing called Rule 10, where most of the language about what should be in the curriculum exists. No one in this room has a corner on more wanting our students to become good citizens and productive members of society. No one owns the moral high ground here in this Chamber. I stand in opposition to the pull motion. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Schumacher. [LB1069]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Beware of that which cloaks itself in the cloth of religion or of the flag. For among that are far more despots than patriots, far more hypocrites than saints. We're asked today to breach our normal procedures and pull a bill from committee. A rare event that I agree with Senator Bolz should be reserved for very critical situations. And if we do, we'll deal with a vestige of McCarthyism that cites Naziism and communism, but is silent on terrorism, "isolationism," and a dozen other "isms." When Senator Brasch approached me to see if I would cosign onto this motion, I almost was tempted to say yes. But I realized that if this item came to the floor, I would have more fun than, as Rush Limbaugh says, a person should be allowed to have, because we will talk for nine hours and it will not be a filibuster before this bill ever goes to vote on Final Reading. It will be about dozens and dozens of legitimate issues as to what Americanism is and the procedures involved here. We will talk about such things as, what if a child refuses to take the test, citing the First Amendment. We will talk about whether or not different school boards can have different things of Americanism, whether one school board can say, this is Americanism and that's Americanism.

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We will talk about where we get the authority to proscribe for private schools their curriculum on this issue, which might include "theirism." We will talk about does Americanism include a woman's right to own property, her right to vote, her right to reproductive information and contraception? When talking about the fallacies of other systems, will we require a discussion of the superior performance of some of those other systems to our own economy and compare the Chinese economy and its spurge of growth to our sagging economy where all we have to do is mumble things about back to the past? We're going to talk about all those things, we're going to have a discussion of whether or not Americanism includes "Nebraskaisms" and what are the elements of "Nebraskaism." Oh, we will have fun. And we've got so much time to have fun in. We've got nothing else to discuss. We're just coasting right to the end here. These other bills that are stacked up, they don't need the nine hours, they don't need the discussion. It would be a fun, academic discussion. Once our national clash boils down, maybe us sane people will say... [LB1069]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR SCHUMACHER: ...that this whole section has little meaning and just should simply be repealed. But boy, I am ready. You bring this out and we will talk about Americanism for nine solid hours and I guarantee you, there will be so much content, so much analysis, that there's no way anybody will be able to legitimately call it a filibuster. And I will have my opportunity to engage my good friend Senator Chambers and we will go at it. And I hope you will too, just bring this thing out. Thank you. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Brasch. [LB1069]

SENATOR BRASCH: Because we are coming close, I was going to take my name out of the queue so more people could speak, but once I hear that Senator Schumacher and Chambers are going to go at it, I think that we could get ringside seats and we could, you know, just call a great day. But I do want to say that, Senator Schumacher, theater must be your next venue. And I'm not going to say anymore now so others can have their time. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Krist. [LB1069]

SENATOR KRIST: Thank you, Mr. President. And good morning, Nebraska. I'm not going to tell you what to do. You've got your mind made up whether you're going to vote one way of another, but I will tell you the motivation behind LB14 and LB286, which were my two bills in starting this venture. And although some have taken credit for being great Americans and for protecting our American patriotism, I'm going to tell you the story about a really true great American and why this test and the foundation, Civics Education Initiative, were even put into

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place. His name is Joe Foss. And if Colonel Brewer were here, he would turn around and shake his head and say, he was a true American. He grew up on a farm in South Dakota, loved flying, became a Marine aviator, won the Medal of Honor. He came back from that war and he was wearing his Medal of Honor going through a terminal, an airplane terminal. And the man said, I'm sorry, sir, you're going to have to remove that around your neck and I'm going to have to keep it, because it could be used as a weapon. And he said, do you know what this is? He said...he called it a piece of jewelry, actually. You're going to have to remove the piece of jewelry. Joe Foss was a very conscientious, a very gentle man. He did as he was instructed to do and then he went back and informed the Civic Education Initiative organization. The Civic Education Initiative board of directors and advisers, when I was speaking on this issue several years ago, included the Honorable Rudolph W. Giuliani, Carl Bernstein, Richard Riley, Joe Mantegna. They developed a set of questions. They weren't all encompassing, they weren't intended to be. They were on a database. Kids could take...students could take it. But I'm going to read to you where I evolved over the past couple of years. When I really sat down and looked at the Civics Education Initiative, I quote: The Civics Education Initiative legislation allows individual schools to administer the test in a way the school deems as adequate to ensure the requirements are followed. My first bill said, you can do this, you will do this, and you will test to this and you will add it to the criteria of...graduation criteria. After meeting with those stakeholders that Senator Groene alluded to earlier, I've since evolved to the fact in admiring...I don't know. Whose district is Elm Creek in? Anybody know? Well, whoever's district Elm Creek is in, you need to applaud your kids and the local board, because that other handout that I sent around to you this morning, those kids took it in their own hands to follow the example of the initiative and made it a local control issue. They took control...you can read the article for yourself, I don't want to belabor the point. I have come since then to believe that we should not tell educators what to do and how to do it. We should allow them to have the opportunity to do it themselves. [LB1069 LB14 LB286]

PRESIDENT FOLEY: One minute. [LB1069]

SENATOR KRIST: And I promised a minute to Senator Pansing Brooks. I would like to yield the rest of my time. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Pansing Brooks, 1:00. [LB1069]

SENATOR PANSING BROOKS: Thank you, Senator Krist. I rise in...I know that Senator Brasch has worked hard on this bill and we have our agreements and disagreements about it and, again, looking at the procedure, looking at the rules and when we're supposed to bring bills from committee does depend on how important and pertinent it is. But what I want to talk about briefly is the fact that the Lieutenant Governor reset the queue. And that is an intrusion in our

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body. It makes me mad. I got pushed down to 29 in line. Senator Albrecht I hear is now going to call the question. I haven't had a chance to speak on this. And for the executive branch to come in here again...we got another hour extended because of the fact that the queue was reset. And so how many extra hours is the executive branch going to put into our session? We had ten on LB944 because of the amendment. We've had another hour today. If you're all fine with all those hours spent on it, then just continue to do the bidding and will of the executive branch. I'm mad. [LB1069]

PRESIDENT FOLEY: Time, Senator. [LB1069]

SENATOR PANSING BROOKS: I want a chance to speak and I resent this. And I am sorry. I support fully on a number of different things, but this was inappropriate, Lieutenant Governor. Thank you. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. (Visitors introduced.) Senator Albrecht. [LB1069]

SENATOR ALBRECHT: Thank you, President Foley. Senator Pansing Brooks, I'm not calling the question, I am going to yield my time to Senator Brasch. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Brasch, 4:45. [LB1069]

SENATOR BRASCH: Thank you, Senator Albrecht. And thank you, Mr. President. And good morning students from Tekamah-Herman. I'm your Senator, right here. Hi there. I'm introducing a bill about studying about America and civics and things about government and things that I hope that you study in your schools and in your classes. And by your coming here today, I know that you're going to study this and I know that you're going to do very well. And most days I come down to my office and I'll take a picture and I'll greet you and hope that you do come back and you sit in these very same chairs that you see here, because you are the voices that we're talking about today, about our country, the people who defend our country, the people who work in government. Your folks, your families, and you are important. So I will return to my bill here, and we're getting really close to the end of a two-hour debate and I want to remind my fellow senators here that this is the motion to pull. If there is content on the bill, if there is something that we need to address, even though we have worked with multiple individuals to try to create a perfect document, this is not a document I believe that should be stagnant, that we need to update the Americanism statute. And I do want to thank Senator Krist because he did work on a bill, not this bill and he spoke with Joe Foss and I want him to know and others to know that Joe Foss Institute, that institute reached out in support of this bill multiple times asking us the status of this bill. And we also amended it to meet the local control of education that Senator Krist just

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discussed and had a concern of. So we've done things and we can do more, but today we are looking at the motion of bringing it forward, bringing it to a point where we can agree that it is my priority bill, that our country is a land that individuals have fought for, have defended, continue to fight for. It's Veterans Day. I do want to thank everyone here, even those that disagree, but we have more people and more individuals wanting to have this bill to come forward. Thank you, Mr. President. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Thibodeau. [LB1069]

SENATOR THIBODEAU: Question. [LB1069]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate shall vote...there's been a request for the call of the house. Those in favor of calling the house vote aye, those opposed vote nay. Record, please. [LB1069]

ASSISTANT CLERK: 20 ayes, 1 nay to go under call. [LB1069]

PRESIDENT FOLEY: The house is under call. Members, please return to your desks and check in. The house is under call. All unauthorized personnel please leave the floor. The house is under call. Senator Kolowski, if you could check in, please. Senator Hughes, Stinner, Howard, Watermeier, Quick, Morfeld, and Vargas, please return to the floor and check in. The house is under call. Senator Morfeld, would you check in? Senator Stinner, please return to the floor. The house is under call. All unexcused members are present. The question before the body is whether or not to cease debate. Those in favor vote aye; those opposed vote nay. A roll call vote has been requested. Regular order? Regular order roll call, please. [LB1069]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 1343.) 27 ayes, 13 nays to cease debate, Mr. President. [LB1069]

PRESIDENT FOLEY: Debate does cease. We're still under call. Senator Brasch, you're recognized to close on your motion. [LB1069]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. Yes, this is my priority bill but the reason I made it a priority are for those who testified, those who came forward, those who called, those who e-mailed, everyone that stood up and believed that this is a bill that is good for education, that we have a statute, that we need to modernize the statute, yes, we do need to look at more language in it. This bill reflects cooperation with many entities,

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many individuals. And our country, as I said before, we need to rekindle that spirit of Americanism. I do ask for your green vote. I need 25 of you to step up and say that this is important, it's important to our youth who are the foundation of our country. They are our next leaders. Thank you, Mr. President, and thank you, colleagues. [LB1069]

PRESIDENT FOLEY: Thank you, Senator Brasch. Members, you've heard the debate on the motion to pull the bill from committee. The question before the body is whether or not to pull LB1069 and place the bill on General File. Those in favor vote aye; those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk. [LB1069]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 1343-1344.) The vote is 27 ayes, 13 nays, Mr. President, on the motion. [LB1069]

PRESIDENT FOLEY: The motion is successful. We're still under call. Speaker Scheer, you're recognized. [LB1069]

SPEAKER SCHEER: Colleagues, just a follow up to our scheduling for next week. I spent all morning trying to put together a preliminary schedule to try to facilitate completion of our agenda. Optimistically, we might be able to get there, but I should inform you that at minimum, we will be going until 10:00 on Friday night. So if you have other plans for next Friday, you might want to reconsider them as without question, and even then we still may not be able to accomplish that goal, but we will be closer if we go to 10:00 than if we simply had a shorter day as we normally do on the end of the week. So more importantly, have a very nice weekend again, but we will be having a long day on Friday next week as well as for those of you that have not looked at the schedule, next Friday will be the last day that we can move anything on General File that would have the possibility of being enacted. So that's why I'm pushing the envelope a little bit next week, because that is the drop dead date. So for those of you that may not relish the idea of spending the time, I'm just trying to get as much done as we can before we are to the point where we can no longer do anything. Have a great weekend. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. I raise the call. We'll proceed on the agenda. General File, 2018, committee priority bill. Mr. Clerk.

ASSISTANT CLERK: Mr. President. LB841, introduced by Senator Pansing Brooks. (Read title.) The bill was introduced on January 4. It was referred to the Judiciary Committee. The Committee advanced the bill to General File with committee amendments. It was previously considered on the floor at that time. AM2634 was adopted. We are now considering a priority motion, that being Senator Chambers' motion to recommit to committee. [LB841]

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PRESIDENT FOLEY: Senator Pansing Brooks, could you take a few minutes to refresh us on where we are on the bill? [LB841]

SENATOR PANSING BROOKS: Yes. I'm not going to take very long. We just heard this a couple of days ago and we pulled it because we thought it was getting mired into some discussion that went off of the subject matter. I want to remind you that this has to do with four bills, Senator Ebke is going to just summarize quickly. But this is about dealing with and having the legislative branch take action that helps deal with the looming deadline in 2020 when our prisons have to be down to 140 percent or below of design capacity. And if we don't take some action, then this branch will not have participated in trying to find something to do. I think it's very positive because all the bills are an effort to work collaboratively with the executive branch. I feel pleased about that. They have been supportive, nobody came against them. So I ask that you move forward and if we need to discuss it more again on Select we can, but I know everybody is trying to get out of here. So I wish you all a happy Easter. And with that, I close. Thank you. [LB841]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Ebke, if you'd like a couple of minutes to refresh us on the committee amendment, you may do so. [LB841]

SENATOR EBKE: Yes. Thank you, Mr. President. Colleagues, I'm not going to spend a lot of time talking about the specifics of the Judiciary Committee amendment. The amendment was amended by you on Tuesday with no--repeat--no opposition votes. The amendment becomes the bill, so when I am done with my brief remarks on this, I will ask you once again to vote yes on the committee amendment and yes to LB841, which is the committee amendment. I want to make just a couple of more points. I've not spoken much in the last two days because I've been pondering. The difficulties that this package faced on Tuesday were a direct result of my being too concerned with what the executive branch would say, because I felt an obligation to shepherd something through the process related to Corrections. Contrary to everything that I know, I allowed myself to follow along with what seems to be becoming ever more normal in this body. I've allowed myself to forget that separation of powers enshrined in the constitution means separation of powers. You and I didn't take an oath to even care what the executive branch thinks. We took an oath to the constitution which means that we must uphold the separation of powers and to act as a separate, equal branch of government. We make a promise to our constituents to do what we think is right in the policy process, not what the Governor says we must do or not do. That doesn't mean, of course, that we shouldn't work collaboratively when we can. But I think that it does mean that the executive branch needs to respect our process if they want to influence the legislation. From my perspective, that means that if the Policy Research Office comes to bill sponsors with technical corrections or questions before or during the committee phase, we should take that into consideration. Not that we should bend to their concerns, but that we should at least consider them. But once a bill gets to the floor, my new rule is this for however long I'm

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here: if PRO calls me out to the lobby, my first look is at whose bill they want to talk about. And I'll go to the introducer of the bill and to the committee Chair that brought the bill out of committee and I'll ask if they've both been talked to. If the answer is no to either one, I will not go out to talk to the Governor's state-paid lobbyists. I may or may not be back next year. I have tried in spite of the involvement of the administration in my campaign to work collaboratively with the administration, including a text message to the Governor a few weeks ago asking if we could meet about the original package of bills that have now been diluted to what we're discussing today. I got no personal response but rather a message to my staff from the Governor's staff saying in essence, that staff would take care of this. Senator Chambers and I disagree on some things and agree on others. He's right though, the legislative branch of government is not being respected by the executive branch. If I am back next year, I will work collaboratively whenever possible with whoever is sitting in the northeast corner, but I will not allow one branch of government to continue to disrespect the Legislature. The chief executive has a limited role to play in the legislative process. He or she can sign or veto legislation presented, he can allow it to go into law without objection or he can object and force us to decide what we're going to do. However, if we're serious about being legislators now and in the future we should all consider how much deference we should give to the executive branch. We were elected to do a job too. Again colleagues, I would ask that you not love this bill to death. A vote on a bill that has in essence already passed unanimously is all that stands between us and a four-day break which I think we are all very much in need of. Please vote yes on both the committee amendment and the bill, which the amendment becomes. It's a good bill and it demonstrates that the Legislature is concerned about and continues to stay engaged in our Corrections challenges. Thank you, Mr. President. [LB841]

PRESIDENT FOLEY: Thank you, Senator Ebke. Mr. Clerk. [LB841]

ASSISTANT CLERK: Mr. President, pending was a motion from Senator Chambers to recommit the bill to committee. I have a note he wishes to withdraw. [LB841]

PRESIDENT FOLEY: Motion withdrawn. [LB841]

ASSISTANT CLERK: In that case we are back to the committee amendments, Mr. President. (AM2092, Legislative Journal page 816.) [LB841]

PRESIDENT FOLEY: Debate is now open on LB841 and the pending committee amendments. Senator Chambers. [LB841]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, Senator Ebke is my Chairperson. We have had differences. She is not the only one responsible for the bill



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having been removed from the agenda temporarily and being brought today. I will acknowledge that I overreacted and I did it on purpose. I knew what I was doing at the time. I had not wanted to kill that bill. There's a lot in it that's good and I kept mentioning that as I proceeded along the path that I decided to walk that day. The more things that I heard that indicated the overreach of the Governor, the more furious I became and that obliterated everything else, including that bill. The reason I asked Senator Brewer to explain what the term scuttle meant and he did it. That's what I was doing, sinking a bill so that it couldn't be used by the enemy to harm, and sinking it so that its presence would not be able to accomplish something that I felt shouldn't be accomplished. The bill is important. I cannot allow Senator Ebke to assume full responsibility for what happened here. I want to acknowledge the part that I played in it, not apologizing, not saying I would do it differently, not saying that I shouldn't have done it, but pointing out that I had a heavy role to play in that bill not moving forward that day. I am glad that it is back on the agenda today and I will not speak on it again, but I have to say something about the intrusion by Senator Foley. I had some harsh words to say to him this morning and I said it to him. I don't talk behind another man's back. And I even invited him, if he's so upset with what I'm saying he can hit me in the mouth right then. I am angry about him sitting up there and every time I see him I feel a flash of anger and if he had decency or manhood, he wouldn't sit there and take being chastised by another man because he's got orders to be a puppy dog for the Governor. That's why he has to sit up there. That's why he texts back and forth messages. The Governor tells him, attaboy, stay there, you're a good boy. I like what you're doing. And that's why he's there; no self-respect. And what he did this morning was unconscionable. That's when he put his finger on the scale and swept all of the lights off the board when he shouldn't have done it. And I told you he's going to corrupt our system. It's not him making decisions based on what's right and wrong. He deliberately wanted to show that he runs this Legislature and he told everybody whose light was up there, you are not the ones running this show. I'm running it, watch me. And he took every light off. Now, if you all are going to swallow that you can. And I'm not going to say more because I don't want this bill to be hurt. I don't want anybody's four days to be ruined because of what I say, but if my words have that power, so be it. That's all I have to say. [LB841]

PRESIDENT FOLEY: Thank you, Senator Chambers. Is there any further discussion on the bill or amendment? Seeing none, Senator Ebke, you're recognized to close on the committee amendment. She waives closing. The question before the body is the adoption of AM2092, Judiciary Committee amendment. Those in favor vote aye; those opposed vote nay. Record, please. [LB841]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments. [LB841]

PRESIDENT FOLEY: The committee amendments are adopted. Continuing discussion on the bill as amended, Senator Krist. [LB841]

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SENATOR KRIST: Thank you, Mr. President. And I won't take a bunch of time, but this will be my last opportunity on the mike, probably forever, to talk about Corrections and the work that's been done in this legislative body. When we saw a problem that manifested itself, we formed LR424. That problem was we had a prisoner confined who told everyone in authority that if he was released he would kill someone. And lo and behold he kept his promise. Even after he asked for a commitment, he walked away from solitary confinement--Senator Schumacher's favorite topic--he walked away from solitary confinement right into his community. Not out of general population, not out of some protective custody, out of solitary confinement and he killed four people. I believe most of them were killed in Senator Vargas' district. Peeling back the onion on that particular man resulted in LR424 subpoenaing everyone up to and including Governor Heineman and the culpability and the blame ran deep. Senator Schumacher, Senator Chambers, Senator Bolz, myself--I don't think I'm missing anybody who's still in the Chamber--Senator Lathrop, Senator Mello, we spent days...Senator Seiler, we spent days investigating that process as a special investigation committee. And I am so proud of that group that started what's happening here today moving forward. LR34 was an extension to that process, again, another administration not doing what it needed to do to correct the problems inside their institutions. LR127, which was not a special investigative committee but it was an oversight committee was formed. And I'm going to tell you, if you look at each one of these bills and the bills that were cut out, they are directly referenced as action items in all three of those studies over the last seven years. This is your job. Do it proudly. Legislate, appropriate, and apply the oversight. Do not take your foot off the accelerator on this issue. We will be declaring an emergency, we will have to. We're nowhere near where we need to be right now in order not to declare an emergency by 2020. Keep your foot on the accelerator. Take the time to read LR424, LR34 and LR127 and then call me a liar, but you won't have to, you won't be able to, because every one of these items is referenced. And again, those that we were forced to take out, Senator Ebke spoke eloquently on that matter. Some of those need to come back next year. I really want to thank those people that have been involved in all three of those committees and I caution you all to keep your foot on the accelerator on this matter. It is too important. It is too important to this state. Thank you, Mr. President. [LB841]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Pansing Brooks, you're recognized to close on the advance of the bill. She waives closing. The question before the body is the advance of LB841 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB841]

ASSISTANT CLERK: 37 ayes, 1 nay on the motion to advance the bill, Mr. President. [LB841]

PRESIDENT FOLEY: LB841 advances. Items for the record, please. [LB841]

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ASSISTANT CLERK: Mr. President, the bills that were read on Final Reading this morning have been presented to the Governor at 9:59 a.m. (re: LB42, LB104, LB157, LB379, LB685, LB697, LB702, LB724, LB773, LB913, LB931, LB993, LB993A, LB1078). Amendments to be printed: Senator Groene to LB1081A; Senator Hansen to LB791; Senator Kuehn to LB935. New resolution: LR470 by Senator Clements. That will be laid over. [LB42 LB104 LB157 LB379 LB685 LB697 LB702 LB724 LB773 LB913 LB931 LB993 LB993A LB1078 LB1081A LB791 LB935 LR470]

And finally, Senator Kuehn would move to adjourn the body until Tuesday, April 3, 2018, at 9:00 a.m.

PRESIDENT FOLEY: Members, you've heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.