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Floor Debate
April 05, 2018

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-fifth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Nathan Metzger from the American Lutheran Church, Adams, Nebraska, Senator Baker's district. Please rise.

PASTOR METZGER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Metzger. I call to order the fifty-fifth day of 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 this morning.

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

ASSISTANT CLERK: No messages, reports, or announcements this morning.

PRESIDENT FOLEY: Thank you very much. (Doctor of the day introduced.) We'll now proceed to the first item on the agenda, General File, appropriations bills. Mr. Clerk.

ASSISTANT CLERK: Mr. President, first bill this morning, LB807A, introduced by Senator Harr. (Read title.) [LB807A]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Harr, you're recognized to open on LB807A. [LB807A]

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SENATOR HARR: Thank you, Mr. President. This is the A bill that follows LB807, which, as you may recall, is the Standing Bear/Willa Cather bill. In the debate, we talked about no state dollars would be used and, in fact, that is true. No state dollars will be harmed in the production of these statues, but we do need a cash fund and that's what this creates. Thank you. [LB807A LB807]

PRESIDENT FOLEY: Thank you, Senator Harr. Is there any discussion of the A bill? Seeing none, Senator Harr waives closing. The question before the body is the adoption...excuse me, the advance of LB807A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB807A]

ASSISTANT CLERK: 29 ayes, 0 nays on the motion to advance the bill. [LB807A]

PRESIDENT FOLEY: LB807A advances. Proceeding to General File 2018 senator priority bill, Mr. Clerk. [LB807A]

ASSISTANT CLERK: Mr. President, LB989, introduced by Senator Wishart. (Read title.) The bill was referred to the Transportation and Telecommunications Committee. They had reported the bill to General File with committee amendments. (AM2612, Legislative Journal page 1194.) The bill was considered by the Legislature yesterday. At that time the committee amendments were offered, an amendment to the committee amendments from Senator Larson was offered. (AM2787, Legislative Journal page 1400-1403.) And at the time that we adjourned last night, there was a pending motion to bracket the bill until April 18 offered by Senator Friesen. That motion is now before us. [LB989]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Before I proceed on the debate, I'll ask Senators Wishart, Larson, and Friesen all to take a moment or two just to kind of refresh us where we left off last night and then we'll proceed with the debate on the pending motion. Senator Wishart, you're recognized. [LB989]

SENATOR WISHART: Thank you, Mr. President. Good morning, colleagues. I want to refresh you all since it was late last night and we didn't have as full a body as we have today. So I introduced LB989 and originally that bill was very specific to allowing for pilot projects within the city of Lincoln, specifically because Lincoln has been awarded a \$100,000 grant through the Bloomberg foundation as one of the 35 competitive cities to have a shuttle project in our downtown, and we would be one of the first shuttles in the country that would be an autonomous shuttle that would run downtown, so that's why I introduced that bill. But I want to step back because we got a little off track yesterday during our discussion just in terms of understanding where the technology, the driverless technology, is today and what our statutes do currently to

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address autonomous vehicles. So what I want to say is the discussion today, whether you like autonomous vehicles or you don't, whether you're skeptical of them or you're excited about them, the question today isn't whether these vehicles are going to happen. They're happening already: Level 3, which is an automated vehicle which will do a lot of lane changing for you on the highway, cruise control. So it's sort of the lower level of automated vehicle is already for sale in this country. Level 4, which is far more of an autonomous vehicle where a driver can be hands off a lot more, we anticipate that within the next two to four years that will be ready to be sold. And then Level 5, which is your fully driverless vehicle, you know, people are saying, well, this is way down the line. We can expect within the next five years that we will see those vehicles ready to be sold. So this is happening now, this technology is happening now. And currently, Nebraska, our statutes are silent when it comes to autonomous vehicle technology. They are silent. In fact, and we'll go into more detail on this, when you look at what the rules of the roads are, our statutes mainly refer to drivers. So currently in Nebraska, if we don't do anything, if we don't put some...a foundation of regulation in place in our state and regulation that protects the safety of the public but at the same time supports innovation, if we don't put that in our state, currently we are silent and people, when they purchase these vehicles within this year in terms of Level 3 or within the next five years, can be able to drive these vehicles on our roads. So that is my concern if we don't move forward. I also want to point out that, you know, Senator Friesen and I, along this entire road of the beginning of this bill till now, have been very up-front with each other. I was not surprised that the bracket motion was coming. He has worked diligently on his amendment, the committee amendment that came out. I just have concerns with portions of that amendment, especially in regards to Level 3 technology, which is already available now for purchase. And then just to fill you in with Senator Larson's bill, he and I have worked hard on this. It would make Nebraska one of the leaders in terms of a framework for autonomous vehicles. I think it's about time that Nebraska starts to lead, and this is an area we should lead in, so thank you. [LB989]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Larson, would you like a moment or two to just refresh us on where we are on your amendment? [LB989]

SENATOR LARSON: Yes, thank you, Mr. President. Colleagues, as Senator Wishart just said, we as a state have an opportunity to be a leader in an industry that is continuing to grow and will continue to grow and drive into America's future. AM2787 is that. We have that chance to display true leadership and innovation that will not only bring companies here but economic development, tourism, and everything else that comes along with it. We set the framework with AM2787. Those are all possibilities. I understand that there are certain individuals in the body that just can't wrap their heads around that concept. And we heard the fearmongering last night, but it's just not true. I appreciate all the work that Senator Wishart has done. I appreciate the support of my colleagues on AM2787, and AM2787 is needed if we're going to continue to

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move LB989 forward, and I'd appreciate your support and look forward to the debate. Thank you, Mr. President. [LB989]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Friesen, before we begin debate on the bill, if you'd like to give us a refresher, a couple minutes, you're welcome to it. [LB989]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. The reason for the bracket motion, and I think Senator Wishart did know it was coming--I warned her--when we looked at the bills that we were putting forth, I was fully in favor of Lincoln operating a pilot program here for testing. There has not been a lot of testing done in what you would call winter states where you can have snow on the ground, ice, those types of things, so I think it's an opportune time for someone to test a vehicle here. I'm not opposed to that. But there have to be some rules set in place because we are not silent on the issue. If you want to meet the standards of the rules of the road, a Level 4 and 5 vehicle today, without any legislation passed here, cannot legally be on our highways. The DMV will not license or register that vehicle. They cannot sell a Level 4 and 5 vehicle to an individual in this state. They can only sell it to someone who's willing to run a test program. So it does not allow the test pilot program to go forward. The rules of the road indicate that you have to have a steering wheel. A Level 5 vehicle does not have a steering wheel. They could not operate on our roads until they get...meet highway safety standards. There's currently some Level 3 vehicles who do meet those highway vehicle safety standards, and they do have a 17-digit serial number, a VIN number, and I have amendment ready that would, if the committee amendment is adopted, that could allow those vehicles to operate in this state. But currently there's too many questions with too many parts of the industry that go unanswered yet as far as data collection, insurance, and all those things, that it's too soon to allow this to be just an open season on autonomous vehicles. We have an LR this summer that will study all of those issues, and I think in the future we'll be ready to go with more open legislation. Thank you, Mr. Lieutenant Governor. [LB989]

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on LB989 and the pending amendments and motions. Senator Brasch, to be followed by Senators Bostelman, Chambers, Blood, Wishart, Morfeld, and Friesen. Senator Brasch. [LB989]

SENATOR BRASCH: Good morning, Mr. President, and good morning, colleagues. I have always been interested and engaged in technology, in our World Wide Web, in what the future holds. And in fact, I have a bill in Judiciary, LB67, on the right to repair, and that is all about our smart devices, not only our tractors but our smart homes, our smart phones, our computers, because individuals that own these do not have the right to repair them. The right-to-repair bill has been introduced in 18 states yet and has not been settled as to how these devices can be repaired. So on an autonomous vehicle, and technology does need repair, I do question, are we

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ready to have someone keep those vehicles moving on the road and safely moving forward on our public streets without repair needs? And if so, where do you get those vehicles repaired at? And I do think that this is going to be happening. Augmented reality, virtual reality, you know, it's happening. It's exciting. There's so much being done and can be done. It's the next frontier. Until we know assuredly that Nebraskans and the other states have the right to repair, that...this is not a good bill I can support on LB989 until it is defined, and I would support the bracket motion because we do not know and we're not able to. And in fact, this issue is so big, not just in the United States but globally, I had reporters from France in the building here very interested if we'd passed this legislation. I had reporters from England. It's been covered in The Boston Globe. It's been covered in Time. It's been covered in multiple national/international media sources. It's on blogs. It's everywhere on smart devices, on giving individuals the ability to repair, and it's the diagnostic tools that people are looking for and it's the tools they will be able to go into the software and hit reset, if you need to, to put it back to its original purchased software. And people aren't even asking for this to be free. They're saying let us pay the manufacturer what any other individual or entity, the authorized people, let this out into the public, let this happen globally. And there is huge resistance. You know, I had Apple come in here asking me to drop the bill. You know, they flew a person in. I had individuals...the...as those in Judiciary may recall, we couldn't even get all the testifiers time to testify in support or opposition. I still get e-mails. I still get media requests. So I think we're jumping the gun here a little bit until Nebraska or other states, the 18 and I imagine every state, and those manufacturers across the globe determine who will repair these devices, because they will need repair, and who cannot, that this... [LB989 LB67]

PRESIDENT FOLEY: One minute. [LB989]

SENATOR BRASCH: ...should wait until the state of Nebraska determines a right-to-repair legislation. Thank you, Mr. President, and thank you, colleagues. [LB989]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Bostelman. [LB989]

SENATOR BOSTELMAN: Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. I rise in support of the bracket motion by Senator Friesen, against Senator Larson's amendment. However, I would be willing to listen and take heart into the committee amendment and LB989. I want to talk to a couple things this morning briefly here. We did...I did speak last night on the mike about some of the leadership things that are happening within the state. There is a lot of leadership actually going on in the state on the policy side, on the guidelines side, on work being done to prepare for this, and we also have a resolution for a study of general policy that's going to be coming up over this interim that I think is important for us to understand. What Senator Friesen spoke of earlier was that 4 and 5s are not allowed, would not be allowed right

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now as to be licensed and could operate in the state, so if we do a test, as LB989 is suggesting, that that would provide an opportunity for that to happen. But talking with Director Lamb, there is a group within the state of Nebraska working very hard on this issue, along with American Association of Motor Vehicle Administrators, the National Highway Traffic Safety Administration, and others in the state. What are some of the things we're looking at as far as policy guidance? Automated--what's the classification of our automated vehicles; the testing, how do we test our automated vehicles; vehicle registration; vehicle titling and branding; financial responsibilities; federal motor vehicle safety standards; driver roles. How...one question I have is on our drivers. How are they trained? What training requirement should be given or required of an operator or a person within the vehicle that can take over control? As we see in other states, there's accidents where there's a driver behind the wheel and we still have an accident. Is that a training issue that we just need to make sure that's included before that driver...just having a driver's license isn't enough. They should have specific training before they get behind the wheel. Passenger occupant roles; driver license requirements, I just talked about, and testing; driver's license requirements for deployment; driver's license testing requirements; training for consumers; testing for examiners, driver's education instructors, and driver schools; endorsements and restrictions; crash incident reporting; use in criminal activity interventions; distracted driving; establishment of legal responsibility for enforcement actions; first responder safety; response to emergency vehicles, manual traffic controls, and out-of-ordinary road conditions; access to electronic data for investigation; vehicle identification; conforming to rules of the road; commercial motor vehicles; transportation network companies; data privacy and security; cyber security; infrastructure; imported/exported vehicles; up filters; platooning; tort claim liability, and on and on. And as I go through a couple...go through this list, there's a couple things that come to my mind. Commercial motor vehicles, so we're talking about an 80,000-pound semi driving down the road on our country roads and highways, and there's a bicyclist riding along the side of that same highway. We're having some issues, it seems like, in town at a lower rate of speed of identifying individuals or bicyclists. How is that semi going to be able to keep from, one, finding that bicyclist, and, two, safely negotiating around that bicyclist? Farm equipment that may be on the road, say you're going down the road with a header on a combine, is it going to see that header? Is that going to cause an accident? You're going down the road with a disc or whatever, equipment, slow-moving vehicles--those are concerns, I think, that obviously are being worked on. But is that technology there today? I don't think so, especially if we're going at high rates of speeds. One thing was this summer I was going down the interstate, going west towards Grand Island, and there was a complete... [LB989]

PRESIDENT FOLEY: One minute. [LB989]

SENATOR BOSTELMAN: ...there was a complete blackout going down the interstate, 75 miles an hour, and I hit a dust storm. It came off a field that was plowed and to the south and the wind was blowing 60-70 miles an hour and I couldn't see. You had to have your lights on. I had to hit

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my brakes, slow down. All the traffic slowed down for about a quarter mile in there. There was no visibility. What happens in those type of situations? I think that's why the testing process that we're talking about is a potential to start with, but to allow these type of vehicles on the road with no oversight and none of these guidance policies in place, some of them may be, but I think that's just prudent that we look at that over the interim, come back next session with a better opportunity, working with DMV, State Patrol, other agencies here in the state, Highway Safety, to make sure that what we're doing is correct. And in the interim, in the meantime, I should say,... [LB989]

PRESIDENT FOLEY: Time, Senator. [LB989]

SENATOR BOSTELMAN: ...if the body feels like... [LB989]

PRESIDENT FOLEY: Time, Senator. [LB989]

SENATOR BOSTELMAN: ...the test here in Lincoln... [LB989]

PRESIDENT FOLEY: That's time, Senator. [LB989]

SENATOR BOSTELMAN: Thank you very much, Mr. President. [LB989]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Senator Chambers. [LB989]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Hughes a question or two if he would be willing to yield. [LB989]

PRESIDENT FOLEY: Senator Hughes, would you yield, please? Senator Hughes? [LB989]

SENATOR HUGHES: Yes, of course. [LB989]

SENATOR CHAMBERS: Senator Hughes, in the area of the state where you live, have there ever been fires? [LB989]

SENATOR HUGHES: Yes. [LB989]

SENATOR CHAMBERS: Do you know what a firebreak is? [LB989]

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SENATOR HUGHES: Yes, I do. [LB989]

SENATOR CHAMBERS: Could you tell us what that is? [LB989]

SENATOR HUGHES: It's where an area is either worked or denuded of vegetation to stop an oncoming fire. [LB989]

SENATOR CHAMBERS: And what is...what does the expression "fight fire with fire" refer to, if you know? [LB989]

SENATOR HUGHES: You can set a backfire and burn a small portion to create a barrier for the larger fire to not cross. [LB989]

SENATOR CHAMBERS: Thank you, Senator Hughes. You get an A-plus, and you've given me my strategy today. I'd like to ask Senator...oh, he's here. I'd like to ask Senator Larson a question. [LB989]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB989]

SENATOR LARSON: Yes. [LB989]

SENATOR CHAMBERS: Senator Larson, if your amendment is not adopted, will you support the bill? [LB989]

SENATOR LARSON: I have told Senator Wishart I would support the bill. I don't know how many others. I can't speak for anybody else. [LB989]

SENATOR CHAMBERS: But you will support it? [LB989]

SENATOR LARSON: I have told Senator Wishart I would. [LB989]

SENATOR CHAMBERS: Okay. That wasn't your position yesterday, though, was it? [LB989]

SENATOR LARSON: I said that there are others that might not support it, but I have told Anna that I will. [LB989]

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SENATOR CHAMBERS: Okay. For those others, Senator Hughes's answer--answers--have helped give me my strategy. I'm going to support Senator Larson's amendment, and I hope it is adopted. That is how I will fight fire with fire. My intent is to defeat the bill. If his amendment's adoption will lead to people turning against the bill, that is my backfire or my firebreak. However it dies is of no moment to me. We can (singing) kill it softly with our song (laughter) or we can give it the death of a thousand cuts or we can bash it in the head like a cave person might do or we could use the now-iconic AR-15 or its predecessor, the AK-47. Doesn't matter to me, just so it dies. I don't think that these cars have reached a level of certitude, reliability, and safety to be on the roads with other vehicles. They could get, and when I say "they," any of these firms interested in producing these vehicles could get an abandoned military base. They could do like Hollywood when they build sets. They could put buildings, different types of roads, signs that give different instructions so that this...and Senator Wishart showed me indications that these vehicles will be able to read the signs. Every city in this state, according to the statutes, can set speed limits within their corporate boundaries, so there are differing speeds at which this vehicle, if it's allowed to range free, will have to contend with. They could build roads with differing speeds and see if the vehicle is able to recognize that now there's a different speed, have a two-lane road... [LB989]

PRESIDENT FOLEY: One minute. [LB989]

SENATOR CHAMBERS: ...where traffic comes one direction in one lane, the other direction in one lane, no shoulders, as I've driven rural roads. I used to drive them quite frequently. Let an emergency vehicle be coming and see how that car would react to it. In one case, the vehicle would be in back of the self-driving car; in the other, it would be approaching, but in the opposite lane from the opposite direction. All of these things should be tested without human beings being the guinea pigs, unwitting, unwilling, and unfortunate. Thank you, Mr. President. [LB989]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Blood. [LB989]

SENATOR BLOOD: (Microphone malfunction.) One of these days, I'm going to touch that and I'm not going to get shocked. (Laugh) Thank you, Mr. President. Fellow senators, friends all, I hope I have enough I can get this all done in five minutes. I stand here and I listen to so much uninformed fluff. I'm sure when the automobile came along, people were just as concerned about that technology and they wanted to keep their horses and their buggies, but here's the bottom line, guys. It is time for Nebraska, for once, and I said this with my technology bills. Why can't we ever be in the forefront? Why are we always bringing up the rear? We talked extensively about 5G, how important 5G is. But how come when it's not your bill it's not important? And don't talk to me about the accidents. Why don't you do some research? Go to drivesweden.net, I believe is the Web site. Europe, for those of you that are Americans--way ahead of us, way ahead

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of us. And guess what their accident rate is per 1,000 in Sweden. I believe it's something like 3.2 per 100,000. I know I can count on one or two hands the accidents per 100,000, and that information, for those of you that are sitting in front of your computers, is right there. Are you doing your research? There's more to what's going on right now than this debate. And with all due respect to my friend Senator Chambers, yes, these vehicles do know when an emergency vehicle goes by. Tesla has information right on their Web site and in periodicals throughout the Internet that says, yes, that is part of how they are programmed. And then when I hear things like, well, I supported the World Wide Web, with all due respect, that's an archaic expression. Technology moves fast now. When we were growing up, it moved every 10-20 years; the decade, the generation before us, every 50 years, 100 years before that. Now the window of time is two years and smaller. With things like drones, the window is something like four months. So while we sit here and we're worried about what's going on, I think we ought to be worried about someone trying to bracket something important when it comes to technology in Nebraska. And I referenced these delivery trucks. These delivery trucks aren't going on rural roads because they can't be programmed right now to go on rural roads. They're going in municipal areas that have appropriate city planning where they can be programmed to be productive. You know, we are way behind Europe when it comes to green technology. You know, we have giant garbage cans in our yards and we fill them up every week. On the farm, I know we used to burn our garbage. I don't think that was very green-friendly either. But you go to Europe and a household family of five produces maybe one one-hundredth of what we produce because European countries are ahead of us in technology, because they understand the importance to the environment and they understand the importance to young consumers. Lincoln is in "silicon prairie," guys and gals, and they demand this kind of technology. That is one of the things, if you look at their checklist of what communities they live in, be it Omaha or Lincoln, and that's the communities they're going to be looking at right now, they want to know about alternative transportation. They don't want to drive. They want to hop on the bus. They want to share rides. They want to be kind to their environment. There are so many aspects that are being missed on this bill, and God bless Senator Wishart for taking this abuse, but she's got the facts, she's got statistics, and you all have more statistics in front of you. Look at who is beating us: pretty much every European country, Asian countries. And Nebraska needs to be in the... [LB989]

PRESIDENT FOLEY: One minute. [LB989]

SENATOR BLOOD: ...forefront. We talk about bringing new business here. Let's show them that we're savvy when it comes to technology. Let's use the right terminology. Let's be informed when we vote on this. And, Senator Chambers, if a black-tailed prairie dog were to run in front of my autonomous vehicle, it would stop. Thank you, Mr. President. [LB989]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Wishart. [LB989]

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SENATOR WISHART: Thank you, Mr. President. Colleagues, I wanted to follow up. There was some information going around about the fact that the amendment, AM2787, was just opening up our state to all autonomous vehicles with no safety regulations in place, and that is not true. This amendment means that if any autonomous vehicle is capable of driving on this road, they will have to be as capable of driving as a human being. They will have to follow the same rules of the road as a human being. For example, if you read through this amendment, there is a requirement for a minimal risk condition. That means that if the technology fails, the autonomous vehicle has to be capable of slowing down and moving off of the road in as safe a way as possible. And I'll tell you, I've had a rabbit run in front of my car and, let me tell you, I think I handled the situation a lot worse than an autonomous vehicle would. I almost drove myself into a tree to avoid that rabbit. So again, I want to point out that there are a lot of safety standards included in this amendment. And I want to be really clear here. Don't bracket. If you bracket this, if you vote on this bracket motion, you are killing this entire bill. You're killing this entire bill. You're making it unable for Lincoln to move forward with support from Nebraska on a grant to make us one of the leading cities in the country in having an autonomous shuttle in our city. That's what happens if you bracket this bill. Don't bracket this bill, colleagues. We have spent an hour and a half talking about an exciting new technology. This bill is not ready to be bracketed. Following up again on some of the safety standards required in Senator Larson's amendment, the vehicles would have to follow the federal motor vehicle safety standards to be able to be allowed to drive on this road, on our roads. The vehicles, they will have to be labeled with federal standards again in order to be licensed and to drive on this road. There are insurance requirements in this amendment as well. So again, it's...we are not talking about someone being able to go home and program their car and fall asleep in the car that they've just programmed and head out on the road. We are talking about laying a framework that supports public safety but also shows that Nebraska is open for industry and free enterprise. And again, this would give us the opportunity in this state to be one of the leaders in this technological advancement. And I don't know about any of you, but when I went door to door, the number-one issue, no matter whether someone was a Republican, a Libertarian, a Democrat, a Green Partyist, was infrastructure. People care about infrastructure. This is infrastructure. This is the future of infrastructure that we are talking about in Nebraska. And by kicking the can down the road and sticking our head in the sand and saying...and bracketing this bill and saying we're not going to move forward this year, we are denying an important infrastructure investment in this state, and to me that is unacceptable. Thank you. [LB989]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Morfeld. [LB989]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I had a conversation with Senator Friesen last night, and I want to get a few different things on the record so I hope Senator Friesen is listening. And I hope the rest of you are listening as well. I made the contention last night that after some legal research and some work for a constituent a year ago,

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that this area of law is unregulated in the state of Nebraska. And because there are no regulations, in order to regulate this, these types of vehicles, there would have to be explicit statute. So I want to read an e-mail that we sent to the Department of Motor Vehicles' legal counsel and their response. This is from my legislative aide: I hope all is well with you. I have a question. Does the Department of Motor Vehicles have authority to presently regulate driverless cars? I've enclosed information from NCSL with a map of states that have passed legislation on this subject, but I'm wondering what the status is in Nebraska. Thank you. They responded with some information about the Department of Motor Vehicles doing some studies, working with some stakeholders. My legislative aide then replies: Thank you. Just to clarify, would your department need legislation in order to regulate driverless vehicles? And this is the important part for Senator Friesen to hear: Yes, that is correct. Right now the regulations for driverless vehicles are the same for other vehicles with the question of whether or not a driver, driver's licensed person is required in a driverless vehicle. There is no statute or case law, as far as I'm aware, so if there would be problems it would end up to the court to resolve any lawsuits that might be filed. Any legislation enacted would give DMV authority to impose requirements the Legislature wanted and give court the same basis for decisions. The department's own legal counsel has admitted they need legislation in order to regulate these types of vehicles. And if you look at the actual statute, colleagues, you will see that it's easy to come to that conclusion that the Department of Motor Vehicles cannot regulate these types of vehicles at this present time, which is exactly what Senator Larson's amendment and Senator Wishart's bill does. So we can put our heads in the sand and go, oh, golly gee, this is kind of scary technology, who knows? But right now we have no regulatory framework. So if my constituent wants to go and buy a driverless vehicle, they can go do so. And I've read the statute since last night, I've read the definitions, and they are so broad that a person operating or in physical control...here it is, Section 60-642: Operator or driver means "any person who operates, drives, or is in actual physical control of a vehicle"--or actual physical control. "Operates" is a pretty broad term. So, colleagues, if you're concerned about driverless vehicles running amok and people just going out and buying them and doing whatever they want, then you should be in support of this bill. Read the bill, read the current statutes, because to not support this bill and say that you're concerned about driverless cars being unregulated and then to vote against this bill is going against the entire...your entire point of being concerned about driverless vehicles being unregulated, because currently that is the status quo. This provides the framework. It provides the framework and it also has the added benefit of us being ahead of the curve, which in this area I think we want to be. Colleagues, please, please, please, look at the statute. I'm happy to share the e-mail I have from the Department of Motor Vehicles' legal counsel on this issue from this summer. We need to have this legislation. Vote against the bracket motion and let's move forward with ensuring that we have commonsense regulations, we have a statutory framework, and that Department of Motor Vehicles actually can regulate this area and this field. Thank you, Mr. President. [LB989]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Friesen. [LB989]

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SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. Again I will say that currently a Level 4 or 5 vehicle cannot even be legally put on our roads unless it is in a pilot program because the DMV cannot license or register these vehicles in the state because they do not have a 17-digit VIN number. So again, if you want to have a test program that runs a Level 4 or 5 vehicle in the state, you have to have a pilot program or it doesn't run. Our language may be silent, but it's silent because they're not allowed to be on our roads. There are no vehicles, so there's no use regulating something that can't happen. So, you know, I find it really strange. Yesterday we debated a bill that would have brought 5G technology to the state sooner and some of us here killed that bill, basically. And today we talk about being in the forefront, being leaders. It's just in some technology we want to be a leader and some we don't. And so the problem with this is that self-driving cars, they use a lot of power. So you take a production car that you can buy today and it just has cameras, radar. It generates something like six gigabytes of data every 30 seconds. It's even more for a self-driver, like a Level 4 or 5 car. They have additional sensors like lidar. All the data needs to be combined, sorted, and turned into a robot-friendly picture of the world with instructions on how to move through it. We do not map out roads for a driverless vehicle, autonomous vehicle. They find their way through this. They do not go by GPS location. They're using wireless data to find out where they're at. So this takes a huge amount of computing power, which means huge electricity demands. Prototypes use around 2,500 watts. That's enough to light about 40 light bulbs. To put a system into a combustion-engine car doesn't make any sense because the fuel consumption would go up tremendously. This is from Mercedes-Benz's vice president. So you switch over to electric cars and that translates into reduced range because the power goes to the batteries instead. So when you look at the first of these, you're looking at a tremendous amount of data that it has to draw on to operate. And the more like you get up in the Level 4 and 5 cars, the data that it's needing is tremendous, and so it starts to put a load on our current systems and that's why they have places where they disengage. And so you have a lot of disengagements for numerous reasons. If they lose connection, they disengage and they're supposedly supposed to pull to the side of the road and safely stop. They need to report all these disengagements. That's why they have pilot programs. They're required to report this data and so that they can learn from it to build a better system. With Tyson's amend...with Senator Larson's amendment, it takes all this language out of there. There's no reporting required on how many disengagements there are. They can just continue to operate and it...this opens it up. It allows semis to run our interstate system, 75 miles an hour, totally autonomous. This is not what we're ready for yet. There's a lot of testing to be done. There's so many questions that go unanswered as we go into this. We can do Level 3 vehicles, and I'm willing to go there. I don't want to kill the bill. I would like to see LB989 pass. I'd like to see AM2612... [LB989]

PRESIDENT FOLEY: One minute. [LB989]

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SENATOR FRIESEN: ...be placed on it, and we have a carve-out for those Level 3 vehicles who have met the safety standards. They could operate in this state and they could be licensed in the state. But currently no Level 4 or 5 vehicle can be sold to an individual or operated on our roads and highways because they have not met vehicle safety standards. Thank you, Mr. Lieutenant Governor. [LB989]

PRESIDENT FOLEY: Thank you, Senator Friesen. (Visitors introduced.) Senator Larson. The question has been called. Do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. Have you all voted? Record, please. I said record. [LB989]

ASSISTANT CLERK: 23 ayes, 3 nays, Mr. President, on... [LB989]

PRESIDENT FOLEY: Debate does not cease. We'll proceed. Senator Lowe. [LB989]

SENATOR LOWE: Thank you, Mr. President. We're talking about autonomous vehicles today. And as I said last night, but there weren't that many people in the Chamber at that time, that right now that we're running on 4G networks to run these cars. They do not run properly on 4G network, as we've seen down in Phoenix where a lady was run over, and in the state of California now Uber is pulling off all their test vehicles until they can get proper time that 5G network can come back on-line. We talked yesterday about LB389 which would bring small-cell technology to Nebraska, which would also then accompany 5G. I think at that time that we need to look at this and come back when our cars can run properly because they do need so much data going in and out of the vehicle so quickly. They need to run along a 5G line where they can run properly and then receive the information and put out the information. I'd like to yield the rest of my time to Senator Brasch if she would like it. [LB989 LB389]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Brasch, 3:40. [LB989]

SENATOR BRASCH: Thank you, Mr. President, and thank you once again, colleagues, because I do believe it is important to look at the autonomous vehicles and the surety of who can repair these vehicles. And I was a little surprised and was going to speak with Senator Blood off the floor, but she was having conversations with Senator Chambers, on her belief that the World Wide Web is archaic. And that was concerning to me because I do work virtually with national-based companies in using software solutions for education. We have projects that are with virtual reality and augmented intelligence and that is the reason that I was very engaged in LB67 to ensure that when our smart devices are in need of repair or fix, be it in the software and not the hardware, not the program itself, the world needs clear, defined authority, and that is why I have been contacted by at least 27 or more sources of media across the globe, Australia. You Google

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"right to repair" and Nebraska had the opportunity to be a leader in defining those tools that, other than the software which is proprietary--yes, it is--but in 1986 laws changed and for automobiles and that's why you can take your automobile to any garage for the work you want done, basically. And it crosses over into the ag industry on repairing farm equipment. It's a huge issue. And now we're looking at the autonomous vehicles. And again, when...you know, as far as the World Wide Web, and I have a document for Senator Blood as it relates to Hypertext Transfer Protocol, or your HTTP, and the Web should not be confused with the Internet. It's a good article here. But we are in a world of technology, without a doubt. It's in every device we have from infants, beginning of life to end of life. That is the age that we live in. [LB989 LB67]

PRESIDENT FOLEY: One minute. [LB989]

SENATOR BRASCH: As far as these vehicles, I believe that there is a use for them, that...but putting them on public streets is of concern to me at this place and time. If they want to come to Nebraska, be in a special environment where they will not endanger others using the road, then that's great. It would be great if we did help pioneer this. But to be testing these vehicles, you know, on our streets, and the chance for failure and personal harm I do believe exists, so that's why with great excitement there's an interest but with great concern what the loss of life may be. I have talked with individuals of all ages. [LB989]

PRESIDENT FOLEY: Time, Senator. [LB989]

SENATOR BRASCH: They share this concern. [LB989]

PRESIDENT FOLEY: Time, Senator. [LB989]

SENATOR BRASCH: Thank you, Mr. President. [LB989]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Chambers. [LB989]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I am not opposed to technological, medical, any scientific advancements. I have fought on this floor and fought off attempts to restrict medical research at the university. I'm aware that these things are necessary. I don't use this gadget. I'm aware of what it can do, but I'm aware of my weaknesses. I have such a thirst and hunger for knowledge that I would probably wind up going into that device and it would become my virtual world. I'd open one door and there would be two behind it, and then it would increase exponentially and you all wouldn't have to worry about me because that world where there is unlimited knowledge, unlimited information, is where I would reside. I

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still write in longhand. I don't mean my fingers are long. This is a pen, for those who don't know what such a thing is in this highly technological world. My brain is what I count on and the thoughts formed there, they flow down my neck through my shoulder, down my arm, upper arm, lower arm, through my wrist, my hand, my fingers, to where they're wrapped around this pencil and then the most amazing constructions of language will appear on the paper. We live our lives according--we should--to what is best for us, the way that will allow us to function the way we want to. If we develop a core of principles, as I have done, which is summed up in the mantra you all, I'm sure, are tired of hearing me give, but I give credit where credit is due--Popeye--I am what I am and that's all that I am, meaning that I will go where my mind carries me. I don't look to anything supernatural. I don't have to be promised to heaven to do right. I don't have to be threatened with a hell to not do wrong. I know how I want to be treated. I know how I want my children to be treated. Those are my guides and how I treat everybody and I treat all children. So when we get lost in these kind of discussions, we forget--or never knew--that Europe is ahead of America in everything. Jangling, clanging commercialism driven by capitalism govern in this society. Pharmaceutical companies are more interested in what they call the bottom line than curative concoctions. If they see where they can jack up the price of a medication that is really needed for people with cancer, they'll raise the price a hundredfold and nobody will intervene to stop that. So when you have the bottom line determining everything in a society, there will be fringe areas where scientists will work, artists will produce, musicians will compose, they will arrange, they will perform, but it's not going to have much impact on the society at large. The people who engage in those pursuits that will develop and nurture the human spirit are looked at as though something might be just a little bit wrong, they're a bit tetchd, they're tolerated, but they are not allowed to influence the course of society. There was a sculptor during the early days of Greece and they would put the statues in these alcoves. And this guy would take that chisel and that mallet and work the back of the statue with as much care and meticulousness as the part of the statue that would be seen, the statue. Once it was put in that alcove, it would not be brought forth. So he was asked, why do you spend so much time... [LB989]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB989]

SENATOR CHAMBERS: ...on a part of the statue that will not be seen by anybody once it's in that alcove? He said, reputedly--he may not have ever existed--the gods see all sides of the statue, and we as human beings should learn not to deal only with what is perceived to try to create an impression, but the totality of what life is about. It's like a seamless web or a continuum and you all are stuck right now on the part of technology. So even though your technology...you're technologically advanced over me, when it comes to other things of a nontechnological nature, you all are continuing to recede farther and farther as I look in my rear-view mirror. Thank you, Mr. President. [LB989]

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SPEAKER SCHEER: Thank you, Senator Chambers. Those waiting to speak: Senator Erdman, Schumacher, Morfeld, Krist, and others. Senator Erdman, you're recognized. [LB989]

SENATOR ERDMAN: Thank you, Mr. Speaker. Good morning. Interesting debate. So I have some questions that have come to mind that I'm wrestling with on this bill. One of the questions is, so...and I don't do this but say that I did, went to the local pub, had a little too much to drink. I get in the back of the car and have the car drive me home. Am I driving under the influence? So I'm in this car and I'm going home and I'm under the influence and the police or the State Patrol want to stop my car. How do they do that? How do they stop the car? Can I program my car to exceed the speed limit? Say I'm 14 years old and I want to run down to the local theater. My parents aren't home. I get in the car and I drive downtown to the theater. Am I driving without a license? Do I need a license? Say I'm at the stoplight and there's an emergency vehicle coming, fire truck, ambulance, one of those, police. Does this car know to stop and wait for the emergency vehicle to go through the intersection? I don't know. There are a lot of questions about these cars and how they're going to maneuver on our streets. And how does someone stop one of those cars? And then if the car is speeding, who gets the ticket? Do you send it to the person who is in the back seat? Do you send it to the owner of the car? Who signs the ticket? The person that's in the back is not driving. He's just riding. It looks to me like that this is a solution looking for a problem. I'm not sure that we're ready for this. We talked about LB389 yesterday and high-speed Internet and 5G, and some people were against that but they're for this, and some people are against this and was for that. That's the way it works here. But those are a lot of questions I have about how do you control the car, who is in control, who gets the ticket, who gets stopped, how do you stop them. Car is going down the road. If a red and blue light comes up behind them, they pull over? What if it's not a State Patrolman or a policeman who have a red and blue light? They pull over? I don't know. I don't know. Lot of questions to be answered. Obviously, as has been stated on the floor, this is probably not something that's going to come to the 47th District anytime soon. But maybe, as yesterday when we talked about how much it costs to hang a 5G receiver on a pole, maybe we should get some revenue for the cities. Where are the cities today? Talking about the revenue they're going to lose for driving on the streets that they constructed with their tax dollars. We don't hear anything about that. So I don't know. I'm confused as to why we need to do this now. We'll get...we'll catch up. If we sell these cars later, we'll catch up, even if we didn't pass this today. So as Senator Chambers has once said and has said many times, what happens if we don't do this? I think that is the question that needs to be answered. What happens if we don't do this? I think the answer is not much. Thank you. [LB989 LB389]

SPEAKER SCHEER: Thank you, Senator Erdman. Senator Schumacher, you're recognized. [LB989]

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SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I'd kind of like to have the last few days that I have in this body amount to something more than three-hour debates that end nowhere. We had one yesterday. We're in the process of one today. Unquestionably, we have great opportunity before us if we're smart enough to seize it. Yesterday, the small cell bill-- unquestionably the route of communication of the future in any kind of dense population area, or even moderately dense--it went nowhere. Why? Because of the proprietary interest of the cable companies and the revenue interest of the cities. Today we have an opportunity that we know is going to go somewhere, that this is the future. We're struggling between whether or not we stop with the Transportation Committee amendment or Senator Larson's amendment, and probably the future, a few years out, looks like it requires something more like Senator Larson's amendment. How do we integrate the reality of we're not ready for that right now with the reality that we need to do it with the knowledge about this body that if we aren't prodded into doing something, we will go in one great circle and accomplish nothing? And we will be afraid of everything. And that fear puts us where we've always been: at the tail end of everything. We know, and Senator Friesen made an excellent argument, that these autonomous vehicles need a high degree of data transmission. It's not just somebody watching a movie. It's controlling every minute, up and down, to the satellites and the mother ships and calculating this against that and changed speed limits because of a detour being put in by a city, all those things. You got to have the 5G technology or this isn't going to work. So why don't we try to do something in putting this package together with the 5G package and getting something on Select File that we can work? Add in Larson's amendment with a two-year delay so we can get running and get in the process. That puts us under the gun, you under the gun to do something within two years and make productive the hearings they'll have in Transportation Committee. All right, we got to take care of the cities or the cities are going to throw a holy fit about the revenue loss from the loss of...from the passage of the small cell bill. Well, Omaha and Lincoln and the cities contribute almost the biggest percentage of the Universal Service Fund. I'd suggest we give them \$3 a head out of the Universal Service Fund to buy them off and get them out of the way of progress with the 5G prospect. Let's do this. Otherwise, for Pete's sake, let's just adjourn sine die right now and go home, because we're not going to accomplish anything. Any fool can see that, looking down that list. Yesterday, one bill, and it has a big problem in it. That's it. A minor bill with a big problem, that was our accomplishments yesterday. We have an opportunity today to make something. Now the lobby may not like it, but the lobby ain't been elected to be in here. Let's seize this opportunity of marrying this bill with the 5G bill and making something happen this session that maybe will have an impact, a positive impact a decade from now. Adopt this one with the Transportation amendment, phase in Larson, put 5G on the map, and let's roll. [LB989]

SPEAKER SCHEER: One minute. [LB989]

SENATOR SCHUMACHER: Thank you. [LB989]

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SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Morfeld, you're recognized. [LB989]

SENATOR MORFELD: Question. [LB989]

SPEAKER SCHEER: I'm sorry, Senator Morfeld, but we just had the question called not less than five members ago and it failed, so we will continue to debate. [LB989]

SENATOR MORFELD: Thank you. [LB989]

SPEAKER SCHEER: Senator Krist, you're recognized. [LB989]

SENATOR KRIST: Thank you, Mr. President. And good morning, colleagues. Good morning, Nebraska. Wondered if Senator Friesen would yield to a question. [LB989]

SPEAKER SCHEER: Senator Friesen, would you please yield? Senator Friesen, would you please yield? [LB989]

SENATOR FRIESEN: Yes, I would. [LB989]

SENATOR KRIST: I just...I'm a little confused, and it's an honest question, but can we enforce a driverless vehicle on a state road if it's licensed in another state and drives down I-80? [LB989]

SENATOR FRIESEN: There are no fully autonomous vehicles that meet the federal vehicle motor standard safety requirements, therefore, they cannot be registered and licensed in any state. [LB989]

SENATOR KRIST: Okay, so that's a great clarification. And what Senator Wishart's bill, it would do, is approve a pilot project in a particular area. Is that correct? [LB989]

SENATOR FRIESEN: No. Senator Wishart's bill does. Senator Larson's amendment changes that. [LB989]

SENATOR KRIST: I think that was the question I asked is Senator Wishart's bill, the basic bill, designates an area, and it's Lincoln, as a pilot project based upon the money that's coming in from...I think Bloomberg, I think, is what Senator Wishart said. That true? [LB989]

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SENATOR FRIESEN: That's correct. A fully autonomous vehicle, Level 4 and 5, or a 3, 4, and 5 that does not meet the federal highway safety standards, can operate if there is a pilot program or a test program authorized in the state. [LB989]

SENATOR KRIST: Now I'm caught up. Thank you very much. I did miss a couple hours of debate last night, and so I think I understand it. So from my perspective, the Wishart bill, LB989, and I'm assuming that the Transportation and Telecommunications amendment, which is the committee amendment, is the acceptable pilot project within the state of Nebraska and would move us forward in a measured way to actually start to accumulate data and be one of those states that is running that project. And I think it is important, and I heard you say earlier it's important because we are a cold-weather state and there aren't a lot of testing...or there isn't a lot of testing going on in our climate conditions. So I will support the Transportation and Telecommunications AM2612 and the underlying LB989. Thank you. [LB989]

SPEAKER SCHEER: Thank you, Senator Krist and Senator Friesen. (Visitors introduced.) Senator Friesen, you're recognized. [LB989]

SENATOR FRIESEN: Thank you, Mr. President. So when autonomous vehicles or when that technology first started appearing on my radar screen, which was quite a few years ago, I read an article about the problems that the engineers were encountering when they were writing software to run these vehicles. There were a lot of, you could call them, moral hazards, so to speak, and one of the examples they gave was that you'd be driving along a two-lane country road. You come up over a crest of a hill and suddenly there's a school bus in front of you that has drifted over into your lane. It's a tree-lined highway and the engineers needed to program something into this car on how it was going to react. So it recognizes a school bus. It doesn't know if it has any kids in it or not, but it has to make a decision. Do I send the vehicle and its occupants into the trees or do I hit the school bus head on or do I try and swerve into the other lane and miss the school bus and the school bus goes into the trees and I might survive? These were all technical questions that had to be answered by engineers. A computer will make a decision based on the software as it's written and will make a decision. I don't know what that decision is. I wish I had a little bit of say in that. But I won't in a fully autonomous vehicle. So until we can go through what I call a testing phase to learn what a vehicle is going to do, I'm uncomfortable just turning this loose on our streets, because if that vehicle, if you're driving down a residential street and you call an Uber cab and there's no driver in the vehicle and it's cruising down a residential street with cars on both sides, suddenly a car door pops open in front of it. What does it do? Does it take the door off? Does it swerve over into the other lane and take out a bicyclist? I don't know. They are programmed to react to certain instances of what happens. I just don't think there's been enough testing yet. I think yesterday Senator Chambers asked a question about accidents, and I don't think we ever got an answer to that question. But if you look at accidents, about 6 in 3,000 normal human-driven vehicles would be involved in an accident and 1 in 10 autonomous

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vehicles have been involved in an accident. They're not all injury accidents. They're not necessarily the fault of the autonomous vehicle. There have been articles written where in the West Coast where they're testing autonomous vehicles that young drivers, young kids are challenging autonomous vehicles. They intentionally pull out in front of them, see how they react. So there's all sorts of games being played. When they see them coming, they'll try and make them avoid the collision and they're testing them to see what they do. It's a game. It's a game of chicken. The autonomous vehicle always makes a decision to avoid a collision. So if you want to play chicken with an autonomous vehicle, it's always going to avoid you, you win. These kids are having a lot of fun with it. So until we define the technology a little better and test it in our winter conditions...so the way I understand an autonomous vehicle, it senses the paint on the highway to (inaudible) it's in a lane. It measures that and that's what keeps you in a lane. [LB989]

SPEAKER SCHEER: One minute. [LB989]

SENATOR FRIESEN: So if you get a light one-inch snow and there's no lines, it's just white, what will that autonomous vehicle do, stay in the garage? When you summon your Uber/Lyft, it says, sorry, can't come till the roads melt off, think I'll just stay home. But eventually I think if we do a pilot program and we find out what they need to do to be able to operate that vehicle on snow and ice, they'll figure it out. Our amendment lets them do that; it lets them run a pilot program. Thank you, Mr. President. [LB989]

SPEAKER SCHEER: Thank you, Senator Friesen. Senator Wishart, you're recognized. [LB989]

SENATOR WISHART: Question. [LB989]

SPEAKER SCHEER: Question has been called. Do I see five hands? I do. The question before us is, shall debate cease? All those in favor please vote aye; all those opposed please vote nay. Please record. [LB989]

ASSISTANT CLERK: 25 ayes, 4 nays to cease debate, Mr. President. [LB989]

SPEAKER SCHEER: Debate does cease. Senator Friesen, you are welcome to close on your bracket motion. [LB989]

SENATOR FRIESEN: Thank you, Mr. President. Again, I'm willing to compromise and allow a test program to go forward. I think it's the right thing to do. I think Senator Larson's AM2787 is not the right way to go. It goes too far at this time. We're going to have an LR this summer that

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studies all of the different impacts that autonomous vehicles are going to have on this state and, in the end, until the Federal Highway Administration changes federal rules, each state will not be able to pass its own laws or the state...cars will never be able to cross state lines because they probably won't meet the standards that they've defined versus what we have. So in the end, the feds are going to preempt anything we do when the technology is ready to go. But again, as I've said, right now there is not a Level 4 or 5 vehicle that's available for sale to an individual that can operate on our highways legally. It can't happen. The DMV will not register them, they will not license them, they cannot operate. So again, we need to look ahead. We need to, I think, be on the cutting edge in a pilot program and this opens it up to any city in the state that wants to have a pilot program. But I do think that over the summer, with our LR, we look at all of the different aspects of how this impacts our industry. It looks at the insurance requirements, the State Patrol and how they're going to deal with these issues. Any numerous...there's about 20 items on that list on the impact it would have on those things moving forward as we start to accept this technology in the state. I have an amendment drafted that would carve out the Level 3 vehicles that are currently available that have met all the highway safety standards that could be licensed and driven in the state. I don't have a problem with that. I do have a problem with opening this up to semi traffic when you have trucks running down the road at 75 miles an hour. I don't think we're ready to have that on our highways. There needs to be more testing done. Other states have pulled their testing because of accidents that have happened and they're proceeding more cautiously now because they had opened it up too far. You cannot operate a 4- or 5-level vehicle without it being in a pilot or test program in the country. They do not receive a 17-digit VIN number so, therefore, they cannot be registered or licensed anywhere. Level 3 vehicles, there's only currently a couple models available that do have a VIN number which could be operated in the state. We have an amendment that addresses that. So I don't want to see the bill die. I don't want to see it bracketed, necessarily, because I think we can still work together. But I will say that if the amendment of Senator Larson's goes forward, I will work to bracket this again and I will take it the full three hours that we need to go. I'm willing to compromise if Senator Wishart is and I think we can go forward with a program that fits the state and allows us to be testing this technology. Thank you, Mr. President. [LB989]

SPEAKER SCHEER: Thank you, Senator Friesen. The question before us is adoption of the bracket motion. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB989]

ASSISTANT CLERK: 4 ayes, 27 nays on the motion to bracket the bill, Mr. President. [LB989]

SPEAKER SCHEER: The motion fails. Mr. Clerk. [LB989]

ASSISTANT CLERK: Mr. President, we are back to the Larson amendment, AM2787. [LB989]

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SPEAKER SCHEER: Returning to floor debate, the question before us is adoption of AM2787. Senator Blood, you're recognized. [LB989]

SENATOR BLOOD: Thank you, Mr. President. I stand against Senator Larson's amendment but in favor of the Transportation amendment and of course Senator Wishart's bill. I still stand here listening to a lot of misinformation coming out on the floor. Senator Wishart's bill is a bill that will hurt no one. Unfortunately, Senator Larson's bill puts it to a broader community. But I'm telling you right now, if we were to look up in the balcony and we were to look at those fourth and seventh graders that are up there and say, hey, do you guys want to see driverless cars in Nebraska, that almost every single one of them would raise their hands right now because they like technology. But I'm not going to ask that because Patrick has told us never to do that. So with that said, we hear a lot of things about things being fixed, having the...Senator Brasch's bill. I don't know if Senator Brasch knows this, that right now farmers are sharing hacking codes so they don't have to pay to have other companies fix their tractors because the younger generation is techie. They find ways around having to pay for people to fix their vehicles. They find ways to--I don't want to say steal--I'm going to say borrow codes and share codes so they can continue to use the technology that are in their vehicles, and that's because our younger generations are techie. And whether we like it or not and no matter how much misinformation we put out on the mikes today, the bottom line is that statistics show that every country that is forward thinking, that is ahead of us has a strong safety record when it comes to accidents. We talked about driving in smoke and storm. Tesla has many, many pages of statistics that show, facts that show that these vehicles can drive through fog, can drive through dirt and dust. We talk about emergency vehicles. These vehicles identify when emergency vehicles come past them or to them. If a car door opens, that vehicle stops. Look at Volvo in Sweden. Look at the autonomous vehicles in Asia. Why do we think that in Nebraska everything is going to be different? That's the thing that I can't get past. Nothing is going to be different. We don't need to do more research to find out what's going to happen. That research is already done. Let's not be obtuse about this. Let's be the smart, savvy people that we are as senators and push this bill forward. It's a...and I don't mean this as an insult. It's a nothing bill. Senator Wishart's bill on its own is a nothing bill that's going to put us in the forefront. It's not going to hurt anybody. It's going to help the city of Lincoln. It's going to help Nebraska. It's going to put us in the forefront. And the things that we keep throwing in its path are just ridiculous. And I respect each and every one of you, but the stuff that's being said on this floor today is not factual. Look at the facts. The facts are that the research is done and has been done for years. And you talk about autonomous vehicles. Half of you are already driving semiautonomous vehicles. Are you having a lot of problems with them when you pull into a lane and it tells you that you're in a lane with another car and it immediately lets you know that or your car automatically stops when something comes in front of that? How's that working? Is that not working? I know for a fact some of you have semiautonomous vehicles. I see them in the parking lot. They're much newer than my vehicle and I'm a little jealous. I don't hear any horror stories from any of you on those cars, so why do

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you think when you take that extra little jump to the autonomous vehicles that all of a sudden it's a game changer? That makes no sense. You guys are so smart. Look at the facts. Look at these seventh and fourth graders up there. They want self-driving cars in Nebraska and so will the next generation, so let's do a favor for the young people in Nebraska, for the "silicon prairie." Let's show Nebraska that we're all smarter than the misinformation that's been put out on the mikes today. With that, I would yield any time, should I have any, to Senator Morfeld. [LB989]

SPEAKER SCHEER: Senator Morfeld, 35 seconds. [LB989]

SENATOR MORFELD: Thank you, Senator Blood. With that, I'll just say that I generally agree with Senator Blood. I will support AM2787 though. I do think it's important that we have a statutory framework. And it sounds to me like there's a deal in the works and I would just ask that we move this on to Select File so Senator Wishart can work with Senator Friesen. Thank you, Mr. President. [LB989]

SPEAKER SCHEER: Thank you, Senator Morfeld and Senator Blood. (Visitors introduced.) Returning to debate, Senator Chambers, you're recognized. [LB989]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to ask a question of somebody who is technologically literate. I would like to ask Senator Kuehn a question or two. [LB989]

SPEAKER SCHEER: Senator Kuehn, would you please yield? [LB989]

SENATOR KUEHN: You know, I even averted eye contact in the hope that wouldn't happen and here we are, so I guess yes. [LB989]

SENATOR CHAMBERS: Senator Kuehn, have you heard that some of these systems that are in vehicles right now can be hacked? [LB989]

SENATOR KUEHN: Not only heard, I have read articles to the fact that they have been hacked, so not that they can be, but they have been. [LB989]

SENATOR CHAMBERS: Have you heard that pacemakers can be hacked? [LB989]

SENATOR KUEHN: I have heard of the possibility. I'm unaware of any reports they have but that doesn't mean they aren't...don't exist. [LB989]

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SENATOR CHAMBERS: Do you think the technology for these vehicles is so far advanced over everything else that they cannot be hacked? [LB989]

SENATOR KUEHN: I think it is a statement that is patently false to say that something cannot be hacked. If it has code, it can be hacked. [LB989]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I look at all these things differently from the way the rest of you all do. I've seen where government computers have been hacked. Those that hold the most secret information have been hacked. There are people out there. Every time you make a point, they make a counterpoint; you make a move, they make a counter move. They put together smart phones that the FBI cannot crack. But they know what they're doing and they know how to have these back doors, front doors, side doors, trap doors, attic doors, and you all talk as though those things are not a part of the reality. Let every car on the roads of America be self-driving and let somebody hack these, this system, and then nobody can go anywhere. You can't make the car go. You don't have a key you can turn in the ignition and start the engine. You cannot even control the speed of it, perhaps. So you all get caught up in this mythological thing of technology and you don't look at the problems. You ought to read Mary Shelley's Frankenstein. And the most profound statement in that book, in my mind, is where the so-called monster told the doctor: You are my creator but I am your master. She was concerned about runaway science that had developed to the point it had at that time. I'm not a person who would smash all the machines, who would do away with everything that is of a technological nature. But I don't worship anything that's man-made or supernatural-made, if such things exist. If one man did it, or a woman, another man or a woman can counter it. There are people who can make machines and those machines, in turn, make machines that the people who made that first machine could not make. The machines do it. The brain is a gelatinous-type substance. If you have cancer in your brain, they don't use scalpels. They have little, tiny vacuum cleaners, vacuum devices. They can do microsurgery. They not only can see structures in the brain that they didn't know were there, they can actually do things. And they don't put their fingers and their hands in. They have machines that do this work. Advancements are necessary. They can do things of great value to society. But I have never, and I never will, been in favor of people being unknowing, unwilling guinea pigs. [LB989]

SPEAKER SCHEER: One minute. [LB989]

SENATOR CHAMBERS: You all don't know about that experiment with syphilis that was done on black people. It didn't happen to you all, so you all blithely go along and think everything is going to be all right. But there are some of us, our forebears, who experienced things that you all didn't so, because it didn't happen, you think it won't. Fearmonger? Yes. Even the Bible said some save by fear because you're not going to reach their mind. You all are not thinking deeply

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enough about any of this. The ones who are creating these devices are interested in one thing: money. Thank you, Mr. President. [LB989]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Bostelman, you're recognized. [LB989]

SENATOR BOSTELMAN: Thank you, Mr. Speaker. To go on a little bit more as far as research, I do a lot of research on different things, this one especially, and I just stepped out in the hallway a minute ago to talk to my mechanic, the gentleman who works on my vehicles, and he was...and I spoke about this before and I wanted to make sure I understood exactly what the conversation was I had before so it reminded me. And he was in Kansas City at an ASA workshop, a training session down there, and they had specific speakers come in during the workshop to talk about different areas and a couple of them came in and specifically talked about autonomous vehicles. And what he relayed to me was during that conversation for those experts they brought in, they said fully autonomous vehicles, we're not ready to deploy them at this time; technology, we're not there yet. Not saying we're not going to get there, but their comments at that workshop, at that meeting was, actually, he said, we're a long ways from that. I don't know if it is or not. That's not what I'm...the time frame what that might be is not in debate. It's that they specifically said at their meeting and at ASA conference that we're not ready for fully autonomous vehicles yet because our technology is not there yet. Having said that, I also talked a little bit more with Director Lamb about VIN numbers and federal government and how that, where that process is right now on getting VIN numbers on our autonomous vehicles. That is out for comment right now. Once that is done, once the industry has comment on that, they'll do their ruling, whatever it might be, and then each of the manufacturers of those vehicles has to go to I believe it's the Nebraska (sic) Highway Traffic Safety Council (sic)...or Administration and they have to show that that vehicle meets safety standards, federal safety standards and that, in order to operate on the vehicles, which will take a lot of time. So my...what I'm...where I'm at once again on this is I'm opposed to Senator Larson's amendment. I support the Transportation and Telecommunications amendment on this bill. I think that, yes, we're heading in that direction. Are we ready for that at this point in time? No, we're not. But there are a lot of things that are happening technologywise that will get us there. And specifically on Senator Wishart's bill, which is a handout you have, and she gave it to us in committee, what's being studied on the microtransit deployments, right now on their handout there's one, two, three, four, five, six cities--Las Vegas; San Ramon, California; Jacksonville, Florida; Monticello, Minnesota; Arlington, Texas; and Ann Arbor, Michigan--that are currently in the deployment process. Of those, two of them have mixed traffic on the streets. One of them is partial. The rest are all nos. Of the rest that are looking at planned deployments is Detroit, Columbus, Baltimore, Miami, Tampa, Austin, Phoenix, and Lincoln. Of those, three of those are looking at maybe having mixed traffic. So once again, this is with a specific test area that we're talking about, specific rules that those form under with the guidance that's from the state, those who are working on

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policy and procedures at the national level and the state level, and that's why, again, I think what Senator Larson has is too soon. There's recommendations and policy that will be coming down through the state, from the state to the...national to the states, things that will be looked at on LR424, and we're not ready for AM2787. If it is what Senator Schumacher said, let's wait a couple years, let's delay it a couple years and say in two years. Or as 4 and 5s are allowed by federal law, then that's when we look at it again. But if it's a test program,... [LB989 LR424]

SPEAKER SCHEER: One minute. [LB989]

SENATOR BOSTELMAN: ...that sets certain parameters, certain requirements with safety and oversight in that, and then that's something I think we need to seriously consider and talk about. Thank you, Mr. Speaker. [LB989]

SPEAKER SCHEER: Thank you, Senator Bostelman. Senator Friesen, you're recognized. [LB989]

SENATOR FRIESEN: Thank you, Mr. President. So again, on Senator Larson's amendment, I stand opposed and will continue to block the bill if this amendment goes forward. What this amendment does, it would allow a Level 4 or 5 vehicle to operate in this state under the exemption that it's been granted by the federal safety standards. Currently those standards say that they have to operate...they can only operate if there is a testing program. What this amendment does is allow them to operate freely on our roads without being in a pilot or test program. It just allows them to operate. There's no requirements other than they have to meet regulations of our rules of the road. Other than that, there is no reporting requirements would be required. They could just be allowed to operate and there would be no test data collected necessarily. We're just opening the state up for a test ground. That is not how we proceed here. There is too much risk, too much liability, too many unanswered questions, and we've gone through numerous ones of those before and I've got pages of other questions when you go forward with totally autonomous vehicles, and that's where we're heading. There is language in here that gives that exemption and allows them to operate in the state without being approved by the federal highway safety standards board. They will not have a 17-digit VIN number but we will still then allow them to operate under that exemption that has been granted for testing only. I think we need to proceed more cautiously with these vehicles. I'm fine with the Level 3 vehicles being given the exemption. They still have to meet our requirements of the road. But when you get up into the Level 4 and 5 vehicles, which opens up here, and when you start talking about trucks, that's a whole new argument. You can take test programs that operate in a municipality like Lincoln here and they're regulated to a low-speed vehicle. Probably not much can happen. They may run over someone; still pedestrians could get hurt. But when you allow a semitruck to operate at 75 miles an hour on our state highways as an autonomous vehicle, I have some

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problems with that. I just don't think there's enough data yet. We don't need to be the guinea pigs that test this. We have to at least have some regulations in place where we learn something from it. And without any requirements for a test program, there's no data collections necessarily going to happen. We don't know that. Those requirements are all lifted and we can just go forward and operate fully autonomous vehicles. So when you want to request an Uber/Lyft, that car could come to your house with no driver in it and come and pick you up. We now are operating commercial vehicles totally driverless. Our industry and all the ancillary industries that deal with motor vehicles are not ready for this. Our regulations are not ready for this. We don't have the answers to the questions of who is responsible. When there is something that happens, an accident or someone is killed, who in that vehicle is responsible if there was a sensor failure? Is that just a hazard of the road, a pedestrian gets run over and, oh, sorry, a sensor wasn't working, too bad, you should have looked out for the car? Who is responsible? Is the manufacturer responsible in that case? [LB989]

SPEAKER SCHEER: One minute. [LB989]

SENATOR FRIESEN: Is the license...whoever licensed the vehicle, are they responsible if a pedestrian dies? Those are questions we have not addressed anywhere in our laws yet and I think this summer gives us a perfect opportunity to look at those and we can come out with a comprehensive bill next year and we can allow this test pilot program to go forward and we can take a long look at our rules of the road and see how we can address working all these issues in before these vehicles even become available for commercial sale. Thank you, Mr. President. [LB989]

SPEAKER SCHEER: Thank you, Senator Friesen. (Visitors introduced.) Going back to the queue, Senator Wishart, you're recognized. [LB989]

SENATOR WISHART: Thank you, Mr. President. Colleagues, this has been a great discussion this morning. I do want to say that I want to thank Senator Schumacher for his points. I feel like he grabbed us all by the scruff of the neck and kind of shook us and said we need to stop talking in circles. From what I've heard today, it doesn't seem like anybody in this body is completely against autonomous vehicles. That's a good starting point--well, except for Senator Chambers (laughter). We have a lot of work to do on him. We'll make sure he's the first in that Lincoln shuttle with me. So that's exciting. I haven't heard anyone say that, except for Senator Chambers, that they don't...that they aren't excited about this, the potential of this Lincoln shuttle, which, again, as Senator Bostelman pointed out, would put us in a list of very few cities in this country as a leader in testing this technology. We have an opportunity today to have a vote on Senator Larson's bill, to see where people are in terms of being a leader in this innovative form of technology and this innovative form of infrastructure. And I, as I've said before, I strongly

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support that amendment. I want to be a state that's the first in this area. But we also have an opportunity to be able to find some level of compromise between General File and Select File, from what I'm hearing, that will make this a win-win for everybody. So what I hope we'll do today is I hope, instead of doing what we've done throughout this session...which, by the way, as somebody who has worked in this Legislature for a long time, is very unusual. We didn't used to filibuster every bill. We used to vote up and down when we disliked something and then move forward. So what I hope we do today is I hope we give this bill a chance to get an up-or-down vote on these amendments and then we move forward between General and Select File, which is, I realized this afternoon, on addressing any of the concerns people have so we can come to a win-win solution. Thank you. [LB989]

SPEAKER SCHEER: Thank you, Senator Wishart. Senator Pansing Brooks, you're recognized. [LB989]

SENATOR PANSING BROOKS: Thank you, Mr. President. I am really enjoying this discussion. I'm very proud of Senator Wishart for her vision and her ability to look into the future. And listening to some of this reminds me of the story of Chicken Little: The sky is falling, the sky is falling, we've got to worry about all these terrible things that are going to happen. And we do need to be concerned about safety and we have to address areas of concern and make sure we are being careful as we move forward. But we also need to look how we can lead. We have to look at opportunities that are available for our state. Technology happens way more rapidly than we can anticipate, and clearly we need to work out the kinks and work out any safety issues and move forward and embrace it. This is an opportunity. Our kids expect this. It's important for the city of Lincoln, but it's important for the state. These technologies will be the status quo before we can almost react. I went to...after the first year, I went to the University of Virginia at Darden and to an emerging leaders conference and read a book there called The Second Machine Age and it's written by two MIT professors and it talks about the fact that the first Machine Age was the combustion engine and how we've sucked every single dollar out of that technology or that industry--thank you very much. And so now we are engaged in the second Machine Age which has to do with technology and it's happening more rapidly than we can even anticipate. And there are things that we do need to worry about, there's no question, but if we're not ready it's going to take us by storm. We have an opportunity if we react and anticipate some things. We have some economic advantage available to us by embracing the modern technology that is coming. Those who reap and anticipate and react to and embrace the technology will reap benefits more quickly. So we can wait. We can sit around and say, oh, let's make sure it's perfect, let's make sure that...you know, again, the enemy of good is perfection and this is exactly the case of that. So we can wait and let everybody else go first and those who respond rapidly and embrace the technology are going to reap the economic benefits. So I'm in favor of moving forward, of passing this bill, looking to the future, making sure that our people are safe. But look at all the technology that's already happening that you don't even get a choice

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in, the lane-changing devices, the automatic stopping devices that are already in the cars. Well, what if that automatic stopping device doesn't work and you're depending on it to work? So should we...you know, thankfully, we weren't asked does Nebraska want technology that will help your cars to stop quickly, because we probably would have said, oh, no, because, again, the sky is falling, it could possibly not work, it could lull is into complacency and we'll decide, oh, we don't need to even think about using the brake anymore because we have this car that has automatic slowing devices. So in a way it's really too bad... [LB989]

SPEAKER SCHEER: One minute. [LB989]

SENATOR PANSING BROOKS: ...to even have us asking these questions. Should we be on the forefront of technology? No, Henny Penny, the sky is falling, the sky is falling! Thank you, Senator Wishart, for your vision. Thank you for the work to bring our kids back to Nebraska so that we are a place that people want to grow and thrive and see that there might be some vision about what is possible, what we can do about our future. Thank you, Senator Wishart. Thank you, Mr. Speaker. [LB989]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized. [LB989]

SENATOR CHAMBERS: Thank you. Mr. President, a lot of these things are political. My colleagues don't want to see that. They want to talk about the narrow realm of technological advancements but I always look at the political impact. Guns are all right. Look what the NRA has done to Congress, to legislatures. You cannot even get a bump stock off the market. That's what will happen here. The industry takes over. It is the auto industry that persuaded Trump to say that they're going to challenge California's emissions laws so that they will be relaxed and done away with. That's for the benefit of the industry, not the public health and welfare. Do you know where the term "smog" originated? In California. Smoke and fog make smog and they had to do something with it. You couldn't even see from one end of Los Angeles to the other. But when the smog began to clear, you know what they said, Senator Wishart? My God, you see L.A.! It'll take a while for that to sink in. "UCLA"? Anyway, (laughter) it takes a while, takes a while. But anyway, I also am aware of how heavy and health-threatening the car emissions are in China and India, where they wear surgeon's masks in order to breathe, and even then they have respiratory problems. You all trust this industry and think that they're doing all they're doing to advance society. They want to make money. And when money is the driving force and politicians need money, then they are going to get their way. There have been American car makers who knew that their cars were defective and that people were dying and they got together and reached a deliberate determination that it would be cheaper to pay the judgments that will accrue when people are killed, than to have a recall and have to retool all of those vehicles. You all trust these

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magnates. I think they are vicious, scheming, money-grubbing, money-hungry people and they control politics in this country. They control it on the floor of this Legislature. Title X shows it. Yeah, I tie all these things together because life is like a seamless web. What happens in one part of the web reverberates and transmits to the other side of the web, and that's how a spider can be out of sight in its funnel, if it's a funnel spider, and know that something has landed in the web. That message is conveyed to the spider and the spider knows how to strike because the web caught. You all are being caught. These people who want to create the nonperson moving vehicles are the spider. A cautionary note needs to be sounded. You all aren't going to pay attention. Fortunately, your judgment will affect Lincoln on this bill, not the whole state. I'm not going to offer any motions on it. I haven't offered any amendments. Do what you want to, but I'm one of those who will vote for Senator Larson's amendment, because if it goes, at least one other person will not vote for the bill. How much time do I have, Mr. President? [LB989]

SPEAKER SCHEER: 1:25. [LB989]

SENATOR CHAMBERS: Thank you. Members of the Legislature, money will prevail. You all are ridiculous to say that because they can put a mechanism in a car or a sensor that will keep you from backing over a child if a child is behind the car, that will let the car park without you being involved,... [LB989]

SPEAKER SCHEER: One minute. [LB989]

SENATOR CHAMBERS: ...to make a step from those modifications, which are of value, to a totally self-driving car, and they're not really self-driving because there are humans who impact it some way. So take the toy and play with it. But I still say no human being should be an unknowing, unwilling, unconsenting guinea pig in an experiment for the moneymakers. This is not for society. This is for the manufacturers and you all want to make guinea pigs out of the people who don't even know what you as a lawmaker will bring upon them. Thank you, Mr. President. [LB989]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Larson, you're recognized. [LB989]

SENATOR LARSON: Question. [LB989]

SPEAKER SCHEER: Question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor please vote aye; all those opposed vote nay. Please record. [LB989]

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ASSISTANT CLERK: 25 ayes, 4 nays to cease debate. [LB989]

SPEAKER SCHEER: Debate does cease. The question before us is the adoption of AM2787. Senator Larson, would you like to close on your amendment? [LB989]

SENATOR LARSON: Thank you, Mr. President. I'd urge your adoption of AM2787. This does make Nebraska a leader in this industry and this will be broad enough to ensure that we move forward in our leadership. Colleagues, without AM2787, we risk falling behind and making Nebraska a place where innovation won't happen, and that's not what we want. We want to move forward. We want to be that leader, and AM2787 does that. So I'd urge your green vote on AM2787 and moving forward with the bill. Thank you, Mr. President. [LB989]

SPEAKER SCHEER: Thank you, Senator Larson. There's been a request for...there has been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all opposed vote nay. Please record. [LB989]

ASSISTANT CLERK: 30 ayes, 3 nays to go under call, Mr. President. [LB989]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Watermeier, Senator Vargas, Senator Smith, Senator Krist. Senator Friesen, would you check in, please. Senator Larson, would you check in, please. Senator Brewer, Senator Groene, please return to the floor. The house is under call. Senator Watermeier, Senator Vargas, Senator Brewer, please return to the floor. The house is under call. Senator Watermeier, Senator Vargas, please return to the floor. The house is under call. Senator Brewer, would you please check in. Senator Watermeier, we are waiting upon your arrival to vote. Would you please return to the floor. Senator Chambers, we are still waiting on Senator Watermeier. May we go ahead with the vote? You wish to wait? Okay. Senator Watermeier, would you please return to the floor. The house is under call. Senator Watermeier, it's so nice of you to join us. We are now able to vote. Been a request for a roll call vote in reverse order. Mr. Clerk. [LB989]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 1416.) Vote is 32 ayes, 1 nay, Mr. President, on the adoption of the amendment. [LB989]

SPEAKER SCHEER: The amendment is adopted. We have reached the allocated time on this bill. We'll move on to the next item, Mr. Clerk. I raise the call. [LB989]

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ASSISTANT CLERK: Mr. President, the next bill, LR1CA, offered by Senator Murante. (Read title.) The bill was introduced on January 5 of 2017. It was referred to the Government, Military and Veterans Affairs Committee. That committee reported the bill to General File with no committee amendments. [LR1CA]

SPEAKER SCHEER: Senator Murante, you're welcome to open. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I would like to start by thanking Senator Larson for prioritizing this bill. As we debated LR1CA last year, I left this Chamber making a promise that I would spend the interim traveling the state of Nebraska, having conversations with average folks, everyday folks in coffee shops around the state about what they think we ought to do on this important issue. And with the prioritization of LR1CA, we are able to continue that discussion and to keep that promise of making this a priority for this Legislature and for the state of Nebraska, and I'd like to share with you some of the sentiments that I heard from around the state. Folks around this state, and clearly around this country, are genuinely concerned about the integrity of elections, about the conduct of elections, about the sanctity of elections, about whether people's votes are counted and that they believe we ought to put in basic protections that is used in almost every area of our day-to-day lives to ensure that the people who show up to vote on election day are who they say they are and that they live where they say they live. The proposal you have before you is a constitutional amendment and we're doing a constitutional amendment for two reasons. First of all, in years past, when voter identification laws have been introduced, there is typically a promise that comes in the public hearings from folks who like to litigate that even though the Constitution of the United States does not prohibit voter identification laws and that the Supreme Court has upheld voter identification laws in other states, that challenges to the constitutionality at the state level would be brought unless our constitution was amended first. Accordingly, I am bringing LR1CA to satisfy those concerns. And although I am not convinced that voter identification laws violate our State Constitution, this makes it abundantly clear that voter identification laws are permissible and, in point of fact, that this Legislature will become required to pass some sort of voter identification law in the future. And second, we're doing this because it gives the people the opportunity to decide this question. I am supremely confident, having toured this state, that if this proposal is put on the ballot, the people of Nebraska will vote for it overwhelmingly. Quite frankly, the overwhelming sentiment I heard in the coffee shops is they don't understand what the holdup is. Every day Nebraskans are forced in some form or fashion to show identification: to get Sudafed, to open a bank account, to get on an airplane. We consistently pass laws in this body which require identification in other areas of life. In no instance is it suggested that asking for folks to identify themselves in those instances is suppressive or has some sort of race-based motive. It doesn't disenfranchise anybody when we do it in any other walk of life but only here. I don't buy it and, quite frankly, I don't believe you buy it. Otherwise, we wouldn't consistently have bills requiring identification in other walks of life. And I can assure you, the people of

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Nebraska don't buy it. One thing that is abundantly clear is that voter identification laws across the country are popular. Public scientific polling is conducted across the country. Republicans, Democrats, Independents all support voter identification laws. Missouri, a state which is right of center but certainly not ruby-red, had an up-or-down vote to put this into their constitution and almost a supermajority of that state voted to put it into their constitution. What's interesting enough...what I find most interesting is that the opponents of voter identification laws almost always imply or say directly that there is some sort of race-based motivation about this. It's nonsense, of course, and they know it's nonsense. But what I find interesting is that in states that have implemented voter identification laws, the folks that are allegedly disenfranchised also overwhelmingly support those laws, so they don't even buy it. We know this is the right thing to do. I see an article here about the history of voter integrity measures. I'd like to go back a little bit more recently in time because there was a point where this was not a terribly political idea. The concept of people having to identify themselves before getting a ballot seemed like a pretty commonsense approach. And over 35 states in this nation have some sort of voter identification on the books and it was passed in a bipartisan way and then it became politicized. It became a way to stir up a base. And now we're stuck here filibustering a bill without even allowing an up-or-down vote in this body to allow the people to have an up-or-down vote. That's a new degree of obstructionism. And the reason for that is absolutely clear because the opponents of this measure know that if it was put on the ballot the people would vote for it in a heartbeat and they will do anything they can to prevent the people from having an opportunity to vote on this and it's wrong. There are so many avenues, so many protections, so many safeguards that are currently in the Election Act that if you adopt LR1CA, put it on the ballot and the people of Nebraska vote for it, not a single person will be turned away from the polls. We brought in the Government, Military and Veterans Affairs Committee this year the Secretary of State of the State of Missouri. He's important because they are the state that most recently implemented voter identification laws. And after careful consultation with their local election officers, do you know what the state of Missouri found when they implemented voter ID laws? Not only did no one get turned away from the polls, but under the previous law, without voter identification protections in, more people would have been turned away from the polls if voter ID would never have been adopted, because it allows people to verify they are who they are and they live where they say they live. That was Missouri's experience. There's a reason why, when states implement voter identification laws, they don't repeal them: because the scare tactics and the fearmongering that you will undoubtedly hear today are...is nothing more than baseless political rhetoric. I can tell you, and I think there are folks on this floor who, in their heart of hearts, off the microphone, would acknowledge that I am firmly committed to enhancing election technology in this state. I am firmly committed to an election system in which not a single person who is legally entitled to vote is turned away from the polls. They might not say it on the microphone, but they'll say it behind the scenes. [LR1CA]

SPEAKER SCHEER: One minute. [LR1CA]

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SENATOR MURANTE: They know my commitment to well-run, safe, secure elections that are fair, free, and open. I believe LR1CA is a continuation of that effort. In my opinion, it is an important first step. And it will place a burden on a future Legislature to do what we should have done a very, very long time ago: put into law basic commonsense voter identification proposals that is used in so many parts of our day-to-day life. I would encourage us to get to an up-or-down vote on LR1CA, encourage us to put this issue on the ballot. Let's move this issue forward and let the people have a vote. Thank you, Mr. President. [LR1CA]

SPEAKER SCHEER: Thank you, Senator Murante. Mr. Clerk for a motion. [LR1CA]

ASSISTANT CLERK: Mr. President, first of all, Senator Wayne had two motions from a year ago, but Senator Wayne is excused until he arrives. As a result, another priority motion from Senator Morfeld, that being to recommit the bill to committee. [LR1CA]

SPEAKER SCHEER: Senator Morfeld, you're welcome to open on your amendment (sic). [LR1CA]

SENATOR MORFELD: Thank you, Mr. Speaker. Colleagues, it's no surprise to any of you that I rise in strong opposition to this proposed constitutional amendment and to any law that would seek to suppress voters without having any basis in fact. The bottom line is, is that Senator Murante hears from people in coffee shops across the state about the need for voter ID because people like Senator Murante irresponsibly spread lies about there being voter impersonation. That is why these laws are so popular among some segments in our community, in our democracy. It's because elected officials in positions of power, like Senator Murante and other folks across the country, create and spread lies about there being voter impersonation. To say that these laws do not suppress the vote is just factually incorrect, completely incorrect. All you need to do is go look at the federal district court cases where there are signed sworn statements of veterans, older folks, young people, low-income folks, and even "snowbirds," who have resources, that have been turned away from the polls who would otherwise be eligible voters simply because of a lie that has been started for political gain: that there is a voter impersonation problem. And, colleagues, we're going to spend a lot of time talking about this today because this is so incredibly important to our democracy. The right to vote and the ability to exercise that right freely, without impediments, is an essential and core function of our democracy and our ability to exercise power. So I'm going to go through the reasons why I'm opposed to this and we're going to hear from a lot of other people today about what kind of impact these laws actually have on voters, because it's well documented and it's not just in liberal courts, so-called liberal courts. They're in more conservative courts that have found that these types of laws are discriminatory, in the Fifth Circuit, in the Texas district courts, and so on and so on, and we will document that well today. First off, even if we were to pass this into our constitution, these laws

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are still federally constitutionally suspect. First, we have the Fourteenth Amendment to equal protection. Second, we have the Fifteenth Amendment banning discrimination based on race, which this has been found to do in the Texas circuit court. And then the Twenty-fourth Amendment banning poll taxes because, let's not forget, in order to have an ID you have to pay for an ID. And that's one of the many problems that we have with this bill is that it would be one thing if everybody universally was sent an ID and everybody had equal access to identification that is often required under these laws, but they don't. And oftentimes these laws, while innocuous, have requirements that are beyond just having your photo ID. I moved to a different house just right next-door when I bought that home this last year, and some of these laws that have been introduced in this Legislature required an ID with your current address on it. Well, I moved during an election season to my house next-door and my ID--granted, I have a requirement that I have to update that ID within 30 days or something like that--my ID would not have been valid under that voter ID law that was introduced several years ago by one of our colleagues. Second, our State Constitution has the most stringent protections of voting rights in the entire country and we should be proud of that. We should be defending that. We shouldn't be amending it. Article I-21 (sic--22): "All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise." I think it's odd that we would put in our constitution, a place where we should be celebrating rights and protecting rights of restriction. It's the wrong place for that. It's the wrong place for that not only in the constitution but also in our statute. And while these are seemingly innocuous requirements, they're often burdensome to particular demographics. That's why the AARP is in strong opposition to this bill and always has been. I'll send a letter that they sent in opposition to this bill on the floor once we get done here, because oftentimes seniors, who are not always as mobile as some people, have a hard time getting the up-to-date ID and license that's often required under these laws. I think it's also important to note that in order to infringe upon a constitutional right there must be a compelling state interest, and a compelling state interest doesn't arise by simply the mere thought of something going wrong, of there being some kind of illegal activity that could be happening. No, a compelling state interest occurs when there's an actual identifiable problem that is well documented. We do not have a well-documented voter impersonation problem in Nebraska or anywhere else in the country. That's why the President of the United States, who started a voter fraud commission, actually disbanded the commission. That's why Kris Kobach, the person that was the vice chair of the voter fraud commission and I believe the current Secretary of State for the state of Kansas and a leading proponent of voter ID laws, couldn't even prove his case that there's voter impersonation going on in his own state where he runs elections. Voter ID only protects against voter impersonation. It is the rarest form of fraud. You and I are more likely to get struck by lightning twice than be a victim of voter impersonation fraud. And let's walk through why. I've been an election judge before. Many of you have been involved in elections. If you want to impersonate somebody, first you have to find out where they're registered. And you know what, if I put in Senator Crawford's name, I could probably figure that out on the Secretary of State's Web site. Then I'd have to show up in person.

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I'd have to hope that the poll worker doesn't know Senator Crawford. Then I would hope that the actual voter Senator Crawford, who is probably a pretty good voter, doesn't show up after I've shown up and voted for them because that would alert that something is amiss. And many of these polling locations actually have cameras--they're at schools, they're in other buildings--and we would be able to track down because Senator Crawford, when she shows up and is told, no, Senator, sorry, you can't vote, she's not going to walk away and go, oh, I can't vote, oh, gee, I guess I already voted. No, she's going to alert the poll worker. And so that's why we know that voter impersonation fraud isn't a problem. Why? It's because we have something called the American election. It's the biggest sample size that we could possibly ever imagine to test whether or not voter impersonation is an actual problem, because if people were being impersonated, people would show up to the polls, be told that they already voted, and then be turned away and that would raise red flags. Senator Murante also brought up that, you know, folks are just really confused about why we don't need to have an ID when we show up to the polls; we use it for everything else in everyday life. Well, let's talk about that. Flying on a plane? Not a constitutional right. Prescription drugs? Not a constitutional right. Buying alcohol? Also not a constitutional right. Buying cigarettes? Not a constitutional right. Writing a check? Not a constitutional right. Now some would argue that buying a handgun, Second Amendment, it is a constitutional right. Well, let's talk about that too. The court has found that the reason why we can have reasonable restrictions on handguns and other forms of firearms is because there's a compelling state interest. There's an actual, identifiable problem with folks who are proven to be violent killing other people with firearms. From 1991-2013 there were 743 homicides in the city of Omaha, an average of 34 each year. That's an identifiable problem. There is a compelling state interest to address that problem. Colleagues, the bottom line is, is that voter impersonation is a myth. It's a myth created by political actors who want to capitalize on it and create fear and suppress the vote and be able to do it in a way that's either through our statutes or our constitution. [LR1CA]

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SENATOR WILLIAMS: One minute. [LR1CA]

SENATOR MORFELD: Thank you, Mr. President. Other people have brought up other instances. Well, gosh, I don't know, maybe we have a bunch of folks who are undocumented that are showing up to the polls. Let's think about that, colleagues. If I'm undocumented and I'm trying to lay low, the last thing I'm going to go do is sign up for a government database, cross-listed with Social Security database and several other databases, and try to vote. It's a bunch of nonsense. It's a bunch of fearmongering. And just because something sounds politically popular, because lies have been created by the people promoting those policies, doesn't mean that we should enact laws that suppress people's fundamental right, the most fundamental right in our democracy: the right to vote. Thank you, Mr. President. [LR1CA]

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SENATOR WILLIAMS: Thank you, Senator Morfeld. Senator Halloran, you're recognized. [LR1CA]

SENATOR HALLORAN: I wish to yield my time to Senator Murante, please. [LR1CA]

SENATOR WILLIAMS: Senator Murante, you're yielded 4:50. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I'll respond to a few of the points Senator Morfeld made, because his point relative to licenses being used for other activities, our constitutional rights, would be great, have a great point if the argument he was rebutting and the argument that most opponents to voter ID laws would say would be it's okay to legally require identification for certain activities but others are constitutional rights, they're more valuable, so we shouldn't require them there. If that was the end of the story, I wouldn't have made any comment about it. But that's not the end of the story. What we're told, what you will undoubtedly hear today, is that forcing people to show their picture suppresses turnout, it has some sort of race-based motivation, it is a moral and civil rights issue of our time to show...to force people to show their pictures. The problem is we are doing that same activity in a number of different realms. If showing a driver's license is inherently suppressive, if it is inherently race based, if it is inherently a disenfranchisement, then that is true whether we are forcing people to show identification for voting or picking up Sudafed. The question on the table is, does forcing people to show their picture and identify themselves have an inherently disenfranchising effect? If you believe the answer to that is yes, then the answer is yes across the board, which is why I know you don't believe that's true. What we have before us...and, yes, I have been to a lot of coffee shops and I've spoken with a lot of people across the state of Nebraska, and I will say this. I can be stared at, I can be glared at, I can be yelled at, I can be called every name under the sun. I am going to stand for this issue because I know it is the right thing to do and I will not be intimidated by someone who I know is out of touch with the overwhelming majority of the people of Nebraska. I know I'm right. I know that the people of Nebraska agree with me, and there isn't a stare-down on planet Earth that will get me to back down from this issue, whether I am a state senator in this body or not. That I can assure you. This schtick doesn't do anything for me. I've seen it done before. It might work on other people, Senator Chambers, but, I can assure you, it doesn't do anything for me, because the more you fight me, the more my constituents back in Sarpy County say I'm doing the right thing, so stare all you like. The truth of the matter is Democrats, Republicans, Independents. It's not just me going up to people, some selective group who just think like me and look like me and act like me. They overwhelmingly support it, bipartisan support. You know that. And that's why you won't let this on the ballot. [LR1CA]

SENATOR WILLIAMS: One minute. [LR1CA]

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SENATOR MURANTE: Thank you, Mr. President. I'm going to continue fighting for this issue, and I'll take it one step further. Senator Morfeld says there's no such thing as voter fraud, we shouldn't put in basic protections. I will tell you something else. There are people in this country who genuinely believe that Russians hacked into our election equipment, manipulated the election results, and Hillary Clinton actually was the rightfully elected President of the United States. I believe there is no basis in fact for that opinion. I believe we need to be investing in the cybersecurity of our election technology. Even though the Russians did not hack into our system, we need to be preventative and take action to ensure that it does not happen. Just because it didn't happen, doesn't mean we shouldn't take basic protections to ensure that it won't happen. That's what we're doing here. And I guarantee you, there is going to come a day when we're fighting for the financing necessary to ensure that our election technology is up to... [LR1CA]

SENATOR WILLIAMS: Time, Senator. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President. [LR1CA]

SENATOR WILLIAMS: Thank you, Senator Halloran and Senator Murante. Senator Morfeld, you're recognized. [LR1CA]

SENATOR MORFELD: Thank you, Mr. President. In order to respond to some of Senator Murante's claims and statements here, I'll just go down the list. First, the difference between requiring an ID for doing some of the daily things that he just discussed that he noted, that I noted just a few minutes ago, the difference is, is that this is a fundamental constitutional right. That's the difference and that's why Senator Murante, in order to even be able to entertain the idea of a statutory amendment, has to put on an amendment to our constitution, because we strongly protect that right in Nebraska. Second, I'm glad that Senator Murante brought up election technology. That's actually an issue and a problem that needs to be addressed. So I wish, instead of year after year Senator Murante introducing and prioritizing these types of bills that doesn't address an actual problem, that we spend more time and focus more energy, which he has in some cases done, on actually modernizing our election system to update our databases, to make those databases talk to each other, to make it so that we have election day registration, which actually cleans up the rolls and makes them more accurate, to make it so that we have automatic voter registration, which ensures that more people are able to vote and also cross-lists and verifies databases as well. There's a lot of actual problems that we should be addressing when it comes to our elections. This is not one of them and yet year after year we spend several hours of debate time discussing this issue, which is a nonexistent problem comparable to unicorns destroying family farms. We might as well address that problem too. It's a nonexistent problem and we should be spending time, energy, resources, and even our debate time addressing the modernization of our election system, because that is a problem. Russia is a threat. Hacking

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is an issue. And those issues aren't going to solve themselves. It's going to take resources, time and money and debate on this floor. Instead, every single year, we debate an issue that our own Republican Secretary of State has repeatedly stated is not a problem in the state of Nebraska. Secretary Gale has come out and said we don't have a voter impersonation problem in this state. Colleagues, it is important to remember that this is a fundamental constitutional right and that in order to infringe upon an a fundamental constitutional right there must be a compelling state interest. Senator Murante in his opening didn't bring up a bunch of instances of voter impersonation in Nebraska. And as I said before, if that was happening, we would know about it because people would be showing up to the polls and some would be turned away, the ones that have been impersonated. It's the largest sample size you can possibly imagine in the state of Nebraska. It's an election. And voters wouldn't just simply be walking away going, oh, I guess I've already voted, somebody already voted for me, no big deal. We would know about it. It would be on the 5:00 news. It would be on the 10:00 news. It would be in our newspapers. Colleagues, I urge you, I urge you to vote no on cloture. I urge you to vote in support of my recommit to committee so that we can move on and address actual issues in the state of Nebraska. Thank you. [LR1CA]

SENATOR WILLIAMS: Thank you, Senator Morfeld. Senator Blood, you're recognized.
[LR1CA]

SENATOR BLOOD: Hello? There we go. Thank you, Mr. President. Fellow senators, friends all, even on these topics, I stand in support of Senator Morfeld's motion to recommit to the committee. And he's done such an eloquent job of touching down on pretty much every major issue. I guess I want to say the statement that I need on the record is that it's really not good to create any policy that inhibits or impedes on our constitutional rights when the issue we are looking to address is theoretical. Creating policy without facts does not make for a strong foundation, and that's what we're here to do. Take everything else out of it. Show me the facts. There are no facts. There's only hearsay. Some of them are going to say that there will be provisional ballots allowed for those who don't have ID. But remember, when there's a provisional ballot, it creates an additional administrative step, so guess who pays for that: the taxpayers. Should there be a large number, it's going to increase the cost to these taxpayers. And because of HAVA, no eligible voter is going to be turned away, but does his or her vote really count when they don't have an ID and they can't prove it? I look at states like Wisconsin. When they passed their law, approximately 300,000 eligible voters lacked valid photo ID and were disenfranchised. Here's something that we've not talked about on the mike, and I know it makes people uncomfortable, but it needs to be said. What about our transgendered voters? You know, as we become more in tune in what's going on with society, we have to--we have to--accept that sexuality is fluid. So if you are transgendered, what does your ID say? And because of that, should they be disallowed, should they be disenfranchised? You know, we talk about minorities and that is very important and I know that Senator Murante was gifted the book Fearless and

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that's the story of Evelyn Butts who was motivated by Dr. Martin Luther King to take the poll tax all the way to the federal court. And her daughter, who wrote the book, is in Senator Crawford's district, District 45. Ask her about this motion, about this legislative resolution. I'm pretty sure Charlene Ligon, the daughter of Evelyn T. Butts, would tell you that this is another form of poll tax because, as Senator Morfeld keenly pointed out, is that to get any type of photo ID, you need to have a birth certificate, you need to be able to validate where you live. If you're a student and you move every two to three years in the dorms or you move back and forth between home and the dorms, what does your ID say? Where do you vote? And I...and granted, I know that there are other options, but not everybody is as keenly aware of what we can do when it comes to voting. Not everybody does their research. They just want it to be easy. And speaking of easy, since this is a constitutional right, why aren't we making this easier? Senator Murante always says he represents everybody in Sarpy County, but I think there's several other senators that represent Sarpy County, as well, and in my district it's a heavily Republican area and a lot of them are retired military and active military or people that work on the base. And when we talked about voter ID and about what the true issue was, they weren't worried about whether people who shouldn't be voting were voting, especially those who fought for our right to vote and put their lives on the line. They were worried about the Russians. They're worried about our technology. And I support Senator Murante's effort to improve technology in Nebraska when it comes to voting. I think that is a great, great thing. We need that in Nebraska, as does every state in the United States. But again,... [LR1CA]

SENATOR WILLIAMS: One minute. [LR1CA]

SENATOR BLOOD: ...we need to be making it easier to vote, not harder to vote. I worry about states like Kansas that passed this and there's 18,000 people that were disenfranchised. The list is long. I handed out a story of somebody from Wisconsin. You can go to every state that's passed these laws and find story after story of people that were disenfranchised, and guess who most of them were? Our elderly, our moms and dads, our grandparents. I don't know. To me, it looks like they are trying to disenfranchise. And I don't know if it's necessarily minorities as far as the color of their skin as much as maybe people who think differently than them. Is that our seniors, our minorities, women? I don't know. But I do know that we should be making it easier and not harder. I do know that the people in my district think this is a nonissue based on what I heard when I went door to door, and I also represent Sarpy County. Thank you, Mr. President. [LR1CA]

SENATOR WILLIAMS: Thank you, Senator Blood. Senator Pansing Brooks, you're recognized. [LR1CA]

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SENATOR PANSING BROOKS: Thank you, Mr. President. Holy moly, this is just amazing to me. I'll just let you know not one coffee shop that I have visited, including Senator Ebke's coffee shop when she had her Pints and Politics, not one person has ever said to me, oh, my gosh, we've got to protect our elections from all of the voter fraud that's going on in our state. And I would bet that Senator Murante has not had much, had many people talk about that, as well, unless he calls the people to come and talk about it and the ones who come are alarmist citizens that are tricked into believing that this is an issue. Senator Murante talked about having free, fair, free and open elections. What this is, is racist, costly, and closed elections. That's what this plan is: racist, costly, and closed. There's nothing free. There is additional cost for people to be able to get the IDs. And I'm particularly aggravated because my mother lived with us the last ten years of her life and some of you know that. We cared for her and we made sure that she got to go all sorts of different places. But I want to tell you how hard it is to take an elderly person to go get their ID, because first we had to wander through the abyss of whether or not she was able to drive anymore or not. We went so many times and there were multiple efforts to determine whether or not she could get that driver's license because she was older and it was difficult for her to do everything perfectly. So then we decided to approach it from the state ID part, but again we are loading my mother, in her wheelchair, into her...into our handicapped van every single time and taking her in to the Department of Motor Vehicles. We live in Lincoln. Guess what, it's a lot easier for us than most of the rural elderly people to get to the Department of Motor Vehicles. And let me tell you, it was fine for us because I'm her...I was her daughter and I was happy to load her into that handicapped van, load her into the wheelchair, load her into the van, take her down and work to get her ID. And fortunately, she had enough income to be able to afford the extra cost for the state ID. But you know what, a lot of elderly people, guess what, they're on a fixed income. I don't know why I'm even telling this story, because it is so ridiculous to say we have a serious problem, let's impinge upon the rights of rural elderly people, let's impinge upon the rights of all elderly people, let's infringe upon the rights of students, and let's especially go after people that are minorities. I've passed out something that I find highly amusing and I ask you all to look at that because I still have difficulty recognizing this person. This is a current valid license plate (sic)... [LR1CA]

SENATOR WILLIAMS: One minute. [LR1CA]

SENATOR PANSING BROOKS: ...and this is somebody on the floor of this Legislature. To me, this is shocking and I ask you, who would recognize this person? It's hard enough because we all know this person. But how in the world would a poll worker have any idea and say, yes, you may vote, look at this ID, you look exactly like this person, I know that there's no fraud? This should go everywhere and then we can really discuss whether or not voter ID is necessary or valid or appropriate or whether it works well. Thank you, Mr. President. [LR1CA]

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SENATOR WILLIAMS: Thank you, Senator Pansing Brooks. Senator Bolz, you're recognized. [LR1CA]

SENATOR BOLZ: Thank you, Mr. President. We are in the last days of the second session of the biennium and it's always an intense time of year, but even in an intense time of year I think it's only fair that we try to maintain our dignity and our respect and maintain the principles of full and fair debate on issues. And so the first thing I want to say when I come to the microphone is that I don't think it's fair to say that people who oppose this idea are being obstructionist before they've even pressed their lights, so...so, Senator, I hope you take that to heart because I have legitimate and fair policy concerns that deserve to be debated and discussed and that does not make me an obstructionist. My major concern relates to an issue that I have worked on during all of my time in this Nebraska Legislature, which is active community participation, resources, and support for seniors and people with developmental disabilities. And I wanted to add a few comments from AARP Nebraska, who do not support this idea. AARP believes that the right of all citizens to vote in free and fair elections is among the most basic of all civil rights and must be vigorously upheld, stated advocacy director Mark Intermill in the hearing in the Government, Military and Veterans Affairs Committee. He said that the constitutional amendment would prevent some eligible citizens from voting, especially older Nebraskans who are least likely to have a state-issued driver's license and may not have another form of ID. In 2015, more than 11,000 Nebraskans age 85 and over did not hold a driver's license. Some of these individuals have been voting since the Hoover/Roosevelt election in 1932, he said. I don't know how requiring them to present a photo ID enhances the sanctity of the election process. Nebraskans have elected leaders who have managed the state's affairs successfully for 150 years and to this day without requiring voters to present photo identification at the polls. I would also raise my concerns related to individuals with disabilities being able to participate in the voting process. The Americans with Disabilities Act established the rights of individuals with disabilities to be able to access their polling places and to be able to have appropriate accommodations, and so putting a barrier related to an identification that might not be as accessible for an individual with a developmental disability I don't think is wise for many of the same reasons that the AARP opposes this initiative: first, because it's more difficult for people with disabilities to get access to transportation, to go to a DMV. They--individuals with disabilities--may not be drivers and so the most common form of identification might not be accessible to them. And so I think the two things that I want to put on the mike this morning are, first, this has concerning implications for seniors and individuals with developmental disabilities who have fought hard for their rights to participate in our democracy, and they deserve that, just like everyone else, and I think this places an obstacle to that participation. And second, we, even in the waning days of this legislative session, must allow room for fair policy debate and fair discussion of issues without immediately articulating that one or another person is developing obstacles or... [LR1CA]

SENATOR WILLIAMS: One minute. [LR1CA]

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SENATOR BOLZ: ...impediments right out of the gate. I have things to say on this bill that are fair and policy driven and I think that deserves its time on the microphone. Thank you, Mr. President. [LR1CA]

SENATOR WILLIAMS: Thank you, Senator Bolz. (Visitors introduced.) Mr. Clerk for a motion. [LR1CA]

ASSISTANT CLERK: Mr. President, I have a priority motion. Senator Murante would move to bracket LR1CA until April 18. [LR1CA]

SENATOR WILLIAMS: Senator Murante, you're recognized to open on your bracket motion. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. Let me start by commenting on Senator Bolz's remarks. I don't believe you personally, Senator Bolz, are deliberately obstructing this bill. I wouldn't characterize your positions or questions on this bill as inherently obstructionist. But the fact remains that before this bill had a public hearing, I believe 20 priority motions had been filed on it. So the idea that there are not obstructionists on this floor who refused to even contemplate the idea of compromise, I'm sorry, I can't accept that. They exist. It's true. I don't put you in that category, Senator Bolz, but I can't say those folks don't exist on this floor. And unfortunately, the floor speech that I heard from Senator Pansing Brooks is emblematic of the fact that we are not going to be able to have a rational discussion about how to put in basic protections into our election laws to ensure that people are who they say they are and they live where they say they live, not on this floor. Fortunately, we have a majority, a clear majority on this floor that share the will of the people, but we will not get that 33-vote threshold. And once again, those who stated from the outset that their sole intention was to obstruct the ability of the people of Nebraska to have a vote on this will likely win. There will come a day, colleagues, I can assure you, where this issue is going to be taken out of the hands of legislators and the people will have an opportunity to vote on this for themselves. The discussion that I heard, especially from Senator Pansing Brooks's remarks, after her impassioned pleas for civil dialogue and civil discourse, and then to call directly the people who support voter identification laws, which I would submit to you is 70 percent of this state, as racists, is inherently contradict...and she says it is racist, of course, so there goes that civility out the window. Oh, I'm going to copy your floor speech and hand them to you from earlier this year. So we aren't going to have that rational discussion on this floor. We aren't going to be able to have discussions of which identifications are satisfactory, what happens if someone doesn't have that satisfactory identification, providing those identification cards for free, ensuring that folks who don't have the right to vote, don't have driver's licenses, get them for free, ensuring that there is exemptions for vote by mail, exemptions for nursing homes, exemptions for people who want to assign agents to

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pick up their ballots for them, exemptions for student identifications. We can talk about that until we're blue in the face, create a situation where you know in your heart of hearts not a single person would be turned away from the polls who is legally entitled to do that. But we can't have that rational discussion on this floor. And you know it. You know showing identification does not suppress people's ability to conduct some activity or you wouldn't keep introducing legislation forcing people to show identification in other walks of life. So we know where this is going and we're going to take a vote on this, but I can assure you this is not the end of the discussion, friends. It's just the beginning and the people will eventually have their word to say. Thank you, Mr. President. [LR1CA]

SENATOR WILLIAMS: Thank you, Senator Murante. I understand you wish to withdraw that motion. [LR1CA]

SENATOR MURANTE: Yes. [LR1CA]

SENATOR WILLIAMS: Motion is withdrawn. Due to a prearranged agreement between the members, we will ask the Clerk for a motion. [LR1CA]

ASSISTANT CLERK: Mr. President, Senator Murante would move to invoke cloture on LR1CA pursuant to Rule 7, Section 10. [LR1CA]

SENATOR WILLIAMS: We have a motion to invoke cloture. Senator Murante waives opening. [LR1CA]

SENATOR MURANTE: Nope, nope. [LR1CA]

SENATOR WILLIAMS: Excuse me. He would like to open. [LR1CA]

SENATOR MURANTE: I don't want to say anything other than to (recorder malfunction). [LR1CA]

SENATOR WILLIAMS: Senator Murante, you're recognized. [LR1CA]

SENATOR MURANTE: I would like a call of the house and a roll call vote in regular order, please. [LR1CA]

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SENATOR WILLIAMS: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; opposed vote nay. Record. [LR1CA]

ASSISTANT CLERK: 29 ayes, 1 nay to go under call. [LR1CA]

SENATOR WILLIAMS: The house is under call. Senators, please record your presence. Those excused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Wishart, would you please return to the Chamber. Senator Geist, would you check in, please. Senator Murante has agreed to proceed. The vote is whether we should invoke cloture. There's been a request to do a roll call vote in regular order. Mr. Clerk. [LR1CA]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 1417.) Vote is 24 ayes, 18 nays, Mr. President, to invoke cloture. [LR1CA]

SENATOR WILLIAMS: Motion to invoke cloture fails. Mr. Clerk, for items. Raise the call. [LR1CA]

ASSISTANT CLERK: Mr. President, new resolutions: LR477 by Senator Stinner, LR478 by Senator McDonnell, and LR479 by Senator Halloran. Those will be laid over. Amendments to be printed: Senator Friesen to LB994; Senator Harr to LB807; Senator Linehan to LB1081; Senator Friesen to LB989; Senator Erdman to LB731; Senator Harr to LB807A. Name adds: Senator Thibodeau to LB855. An announcement that the Executive Board will meet at noon in Room 2102. (Legislative Journal pages 1418-1425.) [LR477 LR478 LR479 LB994 LB807 LB1081 LB989 LB731 LB807A LB855]

And finally, a priority motion. Senator Walz would move to recess until 1:30 p.m.

SENATOR WILLIAMS: Members, we have a priority motion to recess until 1:30. All in favor say aye. Opposed say nay. We are adjourned...or recessed.

RECESS

SENATOR HUGHES PRESIDING

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SENATOR HUGHES: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SENATOR HUGHES: Thank you, Mr. Clerk. Do we have any items for the record?

CLERK: Your Committee on Enrollment and Review reports LB670, LB1120, LB873 to Select File, some with E&R amendments. That's all that I have, Mr. President. (Legislative Journal pages 1425-1427.) [LB670 LB1120 LB873]

SENATOR HUGHES: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda. Mr. Clerk.

CLERK: LB1065, introduced by Senator Murante. (Read title.) Bill was introduced on January 17, Mr. President, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. There are committee amendments pending. (AM1890, Legislative Journal page 1167.) [LB1065]

SENATOR HUGHES: Thank you, Mr. Clerk. Senator Murante, you're recognized to open on LB1065. [LB1065]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. LB1065 is, in my mind, the first step on what will undoubtedly be a long journey of updating and modernizing Nebraska's election technology. What it does is permits the use of electronic poll books in the state of Nebraska. And for those of you who are not familiar with electronic poll books, they are exactly as the name implies. It is the...when you go into your polling place on election day, today, there is a big stack of papers that the poll workers have to sift through to find your name and sign on the dotted line. An electronic poll book is essentially just an iPad version of that document. And what other states have found when they have implemented electronic poll books is that the amount of time to process voters through voter lines decreases by as much as 25 percent. It is an efficient way of handling the check-in process within polling places. And I think that whatever the next generation of election technology in this state happens to be, that electronic poll books are an absolutely necessary part of that discussion. So in my view, this is the first step. To be clear, this does not purchase electronic poll books. This does not mandate electronic poll books. This allows electronic poll books to exist under state law, which is currently prohibited. And that does not become operative until 2019. The purpose of that is to

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ensure that...we are at this point so close to the election in 2018 that it's clear to me that we are not able to make electronic poll books operative this year, so it will...2020 will be the first year that this legislation could actually...we could actually see electronic poll books within a polling place. So electronic poll books are something that is currently being implemented around the country. I can tell you, there is not a single jurisdiction in this country that we have found that has transitioned off of paper poll books and on to electronic poll books and ever switched back. The concerns are understandable that in Nebraska and everywhere in the country election workers are an older-than-average population and the concern is adding technology to that universe of people could make the conduct of elections more tedious. I can tell you that has not been the experience of our states who have adopted electronic poll books. In addition to the electronic poll books, what we are asking for is for the Department of Motor Vehicles to merge onto the electronic poll book the database of folks who have driver's licenses, so we are putting into one electronic poll book the voter file and those people who have driver's license pictures on record already with the Department of Motor Vehicles. It does not mandate that anyone get their picture taken. It doesn't mandate that anyone have any form of identification. It simply says the technology to put these two lists together currently exists and that is what should be done under this law. It then provides for a number of different scenarios if when a person goes into a polling place they...their identity is challenged by an election worker, what happens then, which goes through into the provisional ballot process. Now I have had a lot of conversations and I want to say that I really thank the members who have discussed this bill with me, I believe, in very good faith. I believe there is a path forward to LB1065. It is my hope that we can pass this bill unanimously. That's how committed I am to LB1065. I believe that...I understand there are concerns about the provisional ballot sections of the bill. I'm willing to work on that. I'm willing to find a way to make sure that everyone is confident that by authorizing these poll books we are...my entire goal is to make the conduct of elections simpler, easier, and quicker, more efficient for the voters to improve their voter experience. I don't want to do anything that would in any way jeopardize that with LB1065. So if there is a way to go forward and improve the process and the mechanics under this bill, I'm happy to discuss that and look forward to the conversation that we'll have on the bill. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Murante. (Visitors introduced.) As the Clerk stated, there are amendments from the Government Committee. Senator Murante, as Chair of the committee, you're recognized to open on the amendments. [LB1065]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. The committee amendment first states that the photo procurement requirement given to the Secretary of State only applies to those voters who already have a photograph in the Department of Motor Vehicles database. There were some people, the bulk of the concern in the public hearing was that this was a bill that was mandating people get their pictures taken or mandating voters to get driver's licenses. That was never my intent. I don't believe the green copy of the bill articulates that in

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any way, but this clarifies that that is absolutely not a provision of this bill, which also eliminates the \$2 million of the fiscal note. And second, the bill does not change existing provisional ballot requirements. It only creates provisional ballot requirements for somebody who fails to meet the identification standard as articulated in LB1065. So as I said, I look forward to the discussion and the questions. I think that this is something that the state of Nebraska is certainly going to do at some point. We're ready to take the first step. We have been studying election technology in this state for years and it's time to take the first step and I look forward to the conversation that we're about to have. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Murante. Senator Morfeld, you're recognized.
[LB1065]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to the Government Committee amendments and the underlying bill. I don't rise in opposition to the concept of electronic poll books, though, and I do want to state from the outset that Senator Murante has worked with me and other members of the Legislature to look at some alternative ways that we can amend this to make it a little bit better. I think that in the end I just have some fundamental concerns, first, about the intent language that I believe is in the Government Committee amendment as I'm looking at it right now--yes, it is--and also some of the concerns with the mechanisms of this bill and the consequences if, for some reason, there is a poll worker that believes that the identity of the person that is in front of them does not match the picture. And I think the case in point that Senator Patty Pansing Brooks sent around, I don't know if the NET cameras can point to Senator Matt Hansen here right now, but if you look at his current, valid driver's license photo that's before you, many of you probably didn't even know that was him. I know I didn't right away. It's very clear how a poll worker could maybe look at this photo and maybe look at our colleague, Senator Hansen, and say, I don't know if that's the same person, and that's a valid ID. And I'm not saying this tongue-in-cheek. This is a real issue because there's a lot of people that don't update their photo for many years after it's taken and it can lead to people then having to go to the election office within seven days in order for their ballot to be counted provisionally. That's a real problem and, you know, a lot of people go, well, you know, it's probably not that big of a deal if they have to go to the polling...or their election office and all of that. Well, for folks that work from 8:00 to 5:00, and when the election office is only open 8:00 to 5:00 after each election day, then that really is a big problem. And I know that there are communities. I think that some of our colleagues may be able to speak to this. Senator Chambers', I think maybe even Senator Vargas' community, there's a lot of people--and even my community to a certain extent but I don't think to the extent of their districts--many people don't have cars. And I tell you what, if you've ever tried using the bus system in Lincoln--I did it for four years--or even in Omaha, it's quite a jaunt to get on the bus and get to some of these polling...these election offices. In some places in Omaha it was estimated to be anywhere from an hour and a half to two-hour, one-way trip just to get to the election office in central Omaha.

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And this can be very problematic, particularly from the provisional ballot perspective in this bill and then also just from the identification perspective. A lot of times these poll workers, and I know this for a fact because I was a poll worker at one point, a lot of times these poll workers, this is a...not even a lot of times, most of the time these poll workers, this is a once-every-two-year job. They are not well trained in identifying individuals based on their photo or even their signature or whatever the case may be, and so I don't think that we should be turning them into photo identification experts at the polling location and in particular photo identification experts with peoples whose photos may be anywhere from five to ten years old, if not older. It's problematic. Like I said, colleagues, I think electronic poll books is a good thing. I think to a certain extent...well, I think that there would have to be some kind of authorizing language for the Secretary of State to link this up with the Department of Motor Vehicles and the Secretary of State's database, but that being said, it authorizes the use of these electronic poll books but the identification and provisional ballot requirements are troublesome. [LB1065]

SENATOR HUGHES: One minute. [LB1065]

SENATOR MORFELD: The intent language is particularly troublesome to me because it goes back to what we were talking about with the proposed constitutional amendment that we discussed earlier, which is creating this false narrative that there is a voter impersonation problem. So for those two reasons in particular, I'm in opposition to both the committee amendments and the underlying bill. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Morfeld. (Visitors introduced.) Senator Vargas, you are recognized. [LB1065]

SENATOR VARGAS: Thank you very much. Colleagues, in very similar reasoning, Senator Morfeld, I understand the need to improve our technologies when it comes to the voter process, registration process, the polling process, and generally I think it's more important that we would go down a route of supporting electronic polling if this is really about modernizing our poll books. If you know much about it, I would encourage you to learn more about it. I've been trying to learn more about this because you realize we had these large poll books. They're made in advance. I just want you to think about how cumbersome and how expensive it is to put that into motion for every single different polling location. And so there is a benefit, I do believe, to doing electronic polling if the intent is to modernize what we currently have, which is there's a signature, there is an address, and you give that information and then you go and vote. If that was the only intent of this legislation, I'd be generally supportive of it because it is about modernizing our technology. We haven't...I haven't heard the full debate yet. I know that it's just started. But I don't believe, or I have not yet heard that that's the only reason because there's more to this bill in regards to requiring identification to specifically asking individuals to, if there is a discrepancy,

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that they have to somehow prove, and there's a process for proving that it isn't really you and it requires both provisional ballots originally and on the back end it requires you to go into the election commissioner and prove that it's you within seven days of the voting process. And that part does not align with my understanding or my belief that we should be...modernize electronic polling. So I just wanted that to be in the record because I do support the notion of electronic poll books when the intention is to modernize our paper poll books, because that makes sense. We've been having debates the last couple of days on modernizing things for a purpose, for efficiency. If that's what we're doing, then that's great. We're trying to at least debate about modernizing, going to 5G--that's, again, somewhat divisive still--or figure out modernizing and get ahead with self-driving vehicles. And in this instance, if we're only talking about modernizing what we currently have, which is the poll book, the signature, and the address, then I would be generally supportive. But because we are going into a different realm without under...or having an inherent reason to go down that realm of also including an identification and also including some...putting inherently another step for individuals in case if their identity is questioned on their ID for any reason. We're making it potentially harder for somebody to go and vote. That shouldn't be the intent of this bill. I can get on board and support something for modernization. But with the other current things as they stand, it's hard from a policy standpoint to support it if we're not trying to solve an inherent problem. And for consistency reasons, that's my rationale for not supporting this. But again, if we're going down modernization, I'm going to come try to support that because I think we should be modernizing our elections from where they are right now. Thank you very much. [LB1065]

SENATOR HUGHES: Thank you, Senator Vargas. Senator McCollister, you're recognized.
[LB1065]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. I oppose LB1065, and the reason I do oppose it is I look at this bill as voter ID light and it's a nose under their...under the tent, if you will. I, too, went door to door last summer, knocked on about 3,000 doors, and voter ID is just not part of major problems that my constituents feel, not part of something that they have strong feelings about. What I really fear is making those poll workers TSA agents, and those folks aren't trained in this regard and they shouldn't be challenging folks simply based on a picture that might appear on a screen. And that's my major concern here is these folks aren't supposed to do that, it's not part of their job description. So that is my concern and perhaps there is a way we can modify this bill to make it better, and I'd be prepared to listen to that. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator McCollister. Senator Murante, you're recognized.
[LB1065]

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SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. Would Senator Morfeld yield to a couple questions? [LB1065]

SENATOR HUGHES: Senator Morfeld, will you yield? [LB1065]

SENATOR MORFELD: Yes. [LB1065]

SENATOR MURANTE: Thank you, Senator Morfeld. Senator Morfeld, I am attempting to find a path forward. As has been mentioned, you and I and others had some discussions about this bill. And one thing that is clear to me is we aren't there yet. I think that's fair to say. But I want to try and repeat back to you what I understand your opposition to mean. If there is something that is different from that, let me know. You oppose the intent language of the committee amendment and you seemed to have some concerns about the provisional balloting portion of the bill. Is that the thrust of your opposition to this bill? [LB1065]

SENATOR MORFELD: That is the thrust of my opposition to the bill and some concerns about the updated nature of the voter information DMV database, correct. [LB1065]

SENATOR MURANTE: Okay. Here's what I'm willing to do, Senator Morfeld, because, as you know, we are on day 55--is that what we're on?--day 55 and we are running short on time. [LB1065]

SENATOR MORFELD: Feels like day 90. [LB1065]

SENATOR MURANTE: Yeah, of year 20 in the body. If we were to take that out on General File and give ourselves some time to continue working on this, we'll take it out, so I'm not asking for any trust on an amendment on a go forward, but we were willing to continue working on that between General and Select File to try and come up with some workable solution. Is that a path forward for you? Is that something you'd be interested in? [LB1065]

SENATOR MORFELD: If we were willing to take out the intent language, the provisional ballot language, and some of the identification language, I'm not so concerned...I'm a little concerned about the photo, quite frankly, being on there just because of the Senator Hansen example, for lack of a better term. But I think, as I noted, I believe that you've been trying to work with us in good faith to try to find a path forward. I would be happy to look at some amendments moving forward. I don't know if I'm comfortable advancing it to General File right now. I'd be comfortable waiting a day or two. We don't have that many days. [LB1065]

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SENATOR MURANTE: Yeah, we don't have that many days left, unfortunately. [LB1065]

SENATOR MORFELD: (Inaudible) we only have five days left, yeah. I would have to talk with some other colleagues and see their comfort level. But like I said, taking out the provisional language, taking out the intent language and some of the identification language, that would make me much more comfortable with the bill. I'll be happy to talk to you on the...off the mike and talk with some of my colleagues and see where they're at. I know that Senator Vargas has brought up the automatic voter registration piece, which would make the voter rolls much more accurate, particularly for uses such as electronic poll books. [LB1065]

SENATOR MURANTE: Okay, well, I will work on an amendment that accomplishes that end if that is a path forward, and I will talk with members off the microphone. If that is the concern, that is something I'm willing to work on. I think at the end of the day we have to proceed with electronic poll books and I think the bulk of this bill, it sounds like there isn't principled opposition to the bill as it is drafted but perhaps some technical concerns and perhaps some unnecessary language, which I'm happy to work on, but I will continue listening to the debate and would be...will be approaching you with an amendment shortly. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Murante and Senator Morfeld. (Visitors introduced.) Senator Krist, you are recognized. [LB1065]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. And I think St. Mary's students have the prize for the shortest bus trip to come visit us from all over the state, so welcome once again. I could find this palatable in terms of an upgrade of technology, in terms of just an electronic voter book. I think that is extremely important to the state's future and would add efficiency and economy and a whole bunch of stuff that would be good for us. However, as we're writing up an amendment for what is palatable and what we can go forward with, I quite frankly think that the merging of the databases is a huge problem for me. The DMV database being merged with the voter database sets ourselves up for either intentionally or inadvertently putting a voter ID process in place. I also echo the concerns of Senator Morfeld and others about the provisional ballot issues and the requirement to actually travel to our election commissioner's office. Our election commissioner's office in Douglas County is on 114th and Dodge. In order to transfer buses from north Omaha to get to that spot would be an onerous task for someone who otherwise does not have the transportation to just pop over there and pop back, even in your vehicle, as it was described, with an office that's open from 8:00 to 5:00. So I think we could tell the election commission officers that during the election time they have to be open seven days a week in order to facilitate those, or off hours, facilitate those folks to actually have someplace to go during a time when they are not working

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or they're not otherwise engaged with raising a family and earning a living. But once again, I think that's an unfunded mandate for our election commissioner offices. Once again, as long as there are not...there is not a merging of the two databases and as long as there is not a photo ID that is going to be measured and weighed and judged at the place of polling, I could support LB1065 for an upgrade to technology but not in its current form. So as we are, again, discussing amendments and what would be palatable for most of us, I'd like to put that on the record for this one senator. Thank you. [LB1065]

SENATOR HUGHES: Thank you, Senator Krist. Senator Morfeld, you're recognized. [LB1065]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I've talked with Senator Murante on the...off the mike here a little bit. I understand, and he has an amendment forthcoming that might address some of these issues. To be honest with you, before I agree to anything, I need to see an amendment and see what it looks like. Again, my original concern with this bill was: (1) the intent language; (2) the provisional ballot process, which is cumbersome and I believe would disenfranchise people unnecessarily; and then (3) quite frankly, I still have some issues with the photo issue as well. And I have some issues with the photo issue because we were able to pass out a photo of somebody that was on a current driver's license that about half the body, including some of the reporters, quite frankly, couldn't even recognize. And if all of us who work day to day with some of these individuals can't recognize one of them, then that's problematic. And it's problematic to assume that a poll worker would be able to discern that image or be able to correctly identify that person who maybe is meeting that person for the first time. So I have some concerns with that. Even if we take out the provisional ballot language, there is a challenge mechanism within our current statute. That being said, to Senator Murante's credit, that person still gets to vote. They have to sign an oath and obviously that flags the individual for the election commissioner to look into further. That being said, I think it's also important to note that the data that's in the poll books is only as good as the data that's in the DMV database and the Secretary of State's database, which leads me to the next issue which is we need to modernize the way that we collect voter registration information and ensure that it's the cleanest information and the most accurate information, which at this point in time the bill does not address, in my opinion. And so for those reasons I still have concerns. Obviously, anybody that comes to me and wants to work out some concerns and some issues, I'm more than happy to look at that proposal. I hope to see it soon, but I can't commit until I see it. Thank you. [LB1065]

SENATOR HUGHES: Thank you, Senator Morfeld. Senator Schumacher, you're recognized. [LB1065]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. These voter ID issues are kind of like the motorcycle helmet. It just keeps coming around and around and

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around and all I got to say is I hope my "New City" amendment has as much chance to come around as these things do. You think about it: What is one of the more uncomfortable situations you've been in? And you're in line at a store and you take out your credit card and they run it and they run it again and then they call you out on it and they say for some reason it's not being approved, do you have another card? And everybody is looking at you and you're feeling uncomfortable and you're shuffling through your wallet or your purse looking for another card. Voting should be a positive feeling for everybody there. It's the expression of our democracy. You shouldn't be subject to somebody looking at a computer screen and looking up to you, saying, I'm sorry, there's something wrong with your face, you don't look like the computer screen, here, you need to do this procedure, that procedure, and drive across town or whatever, and have everybody looking at you. Why? In the eight years I've been here, and I think every year some version of this has been before us, there has not been any voter fraud shown. If I remember right, the only thing that was mentioned is some Somalian or something got something in a Chamber of Commerce package that said here is a card and they thought they should fill it out and they tried to register and it didn't work. It is not a problem. I, like Senator Krist, have a great deal of difficulty in merging these databases and causing problems we do not have. I, too, could support this if it is simply a way in which there's an electronic thing; instead of signing a piece of paper that the poll worker has and checking off your name there, you sign something like the little credit card pad at the store where you authorize the credit card, no big deal, no hassle, no infringement on the pleasure of voting. So as far as electronic poll books, sure, the level of taking it to the level of aggravation, the level of embarrassment, the level that would discourage voting, if you go through that once, next time there is a primary you're really not too interested in, you're more apt to say, I don't know, it probably isn't worth it and they might not recognize my face either. So I'll look forward to this amendment. If it's nothing more than an electronic poll book replacing with an electronic pad of some kind what we have now, then I can support it, because that's just supporting a modernization of our data system. But if it's embedding grief in the election process for anybody when there's absolutely no justification, zero justification been shown for it, then I couldn't support it. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Schumacher. Senator Hansen, you're recognized. [LB1065]

SENATOR HANSEN: Thank you, Mr. President, and good afternoon, colleagues. I guess I'm going to start off talking kind of broader issues first and then get to the bill. First off, I am more than happy to use my embarrassing, old, nine-year-old photo for a good cause. This actually, the story behind this is we were kind of talking about some of these bills last year and going...last night and going through hypotheticals and I mentioned, you know, if a driver's license photo is being relooked at, is being used, you know, they're good for ten years and how different people, ten years can look. And I showed Patty--Senator Pansing Brooks--my driver's license and she thought I somehow had a different driver's license and like refused to believe it was my driver's

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license for a couple minutes, which we have now all could...seen. I've been told by various people they've either gotten my photo immediately or thought I was, I don't know, I don't know who they thought I was, thought I was somebody else. But that's kind of like one of the fundamental issues when we talk about just requiring identification here, and this is...I didn't get a chance to talk on LR1CA, talking here now, is we act like this photo is this like end-all, be-all, slam-dunk system. And just even just in terms of aging ten years, from me going from 21 to 30, you know, my photo, which is a valid driver's license--I renewed it on-line so I didn't have to get a new photo--is no longer something that is actually quickly and recognizable me by people who I was literally standing in the same room as, how are...and who know me, who have known me for multiple years, you know, how are we then asking some volunteer, a poll worker, to decide whether or not someone is eligible to vote based on the same standard. We certainly see in other states that there are very real, accurate, eligible voters who have been turned away because of these requirements, and if we're doing now a situation on LB1065 where you have to have some sort of confirmation that the photo matches and some sort of a threshold there, I think we've just created other barriers and other problems, especially as other people have said, you know, with the challenges of getting to an election commissioner for most voters, you know, in a 9:00 to 5:00 business day, especially when there's only one location countywide in the various different counties, which is interesting because on the overall concept of electronic poll books, I think that's like an interesting and innovative idea that a lot of states are moving to. I think that's an interesting component. I know Senator Murante and I and several other members, I think Senator Hughes, Senator Stinner, Senator Lindstrom, all served on a special technology...Special Election Technology Committee looking at a lot of our election technology. That's predicated because, and I think some of this has been laid out already, but we bought our election equipment about 15 years ago and at the time they told us it was going to last about 15 years, so we're going to have to make some choices sometime in the near future, and that's obviously going to change whether or not there's all sorts of different models, different things, how much vote by mail is included, how...what precinct models we use, and yada yada yada, so we have to look at that. And in the course of that, electronic poll books came up as a way to actually increase efficiency, increase turnout, by just making simply the check-in process faster, that, you know, the data can be there. It doesn't have to, you know, have somebody flip through a book and whatnot. You could speed up that and especially in, you know, heavy-demand precincts, heavy, you know, interest elections, you can actually have quicker...process people through the line quicker because a lot of times when people are waiting in line for elections, they're waiting in line at the poll book, not necessarily for a ballot or a space to vote. And obviously, you know, unfortunately, people have time constraints in their lives so if someone goes to their polling location and sees a line out the door and around the block, some of those people don't stop, don't get out of their car, they just go on because they only have a finite amount of time. Maybe it's before work, after work, before close,... [LB1065 LR1CA]

SENATOR HUGHES: One minute. [LB1065]

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SENATOR HANSEN: ...or they have to get to their family. So I think there are some opportunities there for some interesting technology, innovative technology, just basic good governance, let's be efficient, let's be modern. But if we're going to use it as a way to put more restrictions and more barriers in terms of people walking into a polling place, that's not necessarily something I could support at this time. I'm appreciative of Senator Murante and Senator Morfeld working on potential amendments, and that's half the reason I talked was to give them a chance to talk to each other not on the microphone. So with that, I will conclude my remarks. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Hansen. Senator Wayne, you are recognized. [LB1065]

SENATOR WAYNE: Thank you. I just always wanted to see what would happen if nobody spoke (laughter) and everybody is finally paying attention. It's weird--the silence of a Chamber actually wakes people up and wants them to listen. So I think I might just do that for pauses here and let everybody reflect on their thoughts for the day, reflect on why we're here and how we move the state forward. It's kind of an uncomfortable feeling, huh? I think it's a beautiful thing that sometimes we can sit down and just take a break and decompress and think about what we're doing here. We're on day 55 and we're going to spend, it looks like, according to what's on the agenda, a lot more--three hours--talking about things that may be deemed priority bills, but I don't know how they rank in what we would consider as a state priority. And reflecting on my year and plus our second year of being here, I don't know how much we've really gotten done to move the ball forward for the state of Nebraska. Whether it's conservative ideas, liberal ideas, middle-of-the-road ideas, at what point have we really sat down and tried to work together to move the ball forward? So maybe it's time that we take some breaks, some pauses, that we actually come together on some ideas that are real important to us, whether it be property taxes, whether it be education, whether it be e-poll books. This is one of the few times that I've seen in two years where two opposing sides are looking at amendments to try to do something. Maybe we need more of that. I originally pushed my button to give my time to Senator Morfeld and then he said he didn't need it, so I really didn't have a whole lot to talk about. So how much time do I have left? [LB1065]

SENATOR HUGHES: 2:20. [LB1065]

SENATOR WAYNE: That's a long pause to take. I yield my time to Senator Burke Harr. [LB1065]

SENATOR HUGHES: Senator Harr, you're yielded 2:05. [LB1065]

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SENATOR HARR: Thank you. When I was listening to that, soothing me, relaxing me, I enjoyed the meditation and it was wonderful, so thank you, Senator Wayne. You know, but this is a serious issue. I had--I've said it before and I'll say it again--I had a neighbor next to me who served in World War II, a real American hero, three purple stars, two bronze, and a silver, served under MacArthur, and chose, did very well and chose to live at home. He didn't have a driver's license. He had someone to drive him around. And I worry that he would have a tough time being able to vote. Sure, this is voter ID light, but it's still voter ID. And this guy should never be denied the right to vote. He fought for the ability for us to vote. [LB1065]

SENATOR HUGHES: One minute. [LB1065]

SENATOR HARR: And now we want to take it away from him because he doesn't have a picture ID or we're going to say maybe it's not as valid as it should be. We have fail-safes built into the system. And if this were a real problem, we would have people prosecuting and being prosecuted, but it's not. This is a fictitious problem meant to do one thing and one thing only and that is to make it difficult or discourage people from voting. So I can't support this. I admire Mr. "Law-and Order Treasurer." If I were running for Treasurer, I'd run on a voter ID bill, too, because I think it's very important to the Treasurer's Office. But, folks, this is a serious issue and I feel as though we're not really addressing the underlying issue by just having pictures. Thank you. [LB1065]

SENATOR HUGHES: Thank you, Senator Harr and Senator Wayne. Senator Brasch, you're recognized. [LB1065]

SENATOR BRASCH: Thank you, Mr. President, and good afternoon, colleagues. Before Senator Wayne left, I told him I was going to yield to him a question and I'll yield it to you. That's the question: nothing. But seriously, I did want to stand up and respond to some question here, if Senator Hansen will yield to a question, please. [LB1065]

SENATOR HUGHES: Senator Hansen, will you yield? [LB1065]

SENATOR HANSEN: Yes. [LB1065]

SENATOR BRASCH: Because we all had the opportunity to admire that wonderful driver's license picture of yours, I'm curious. Do you take it to the airport? [LB1065]

SENATOR HANSEN: Yes. [LB1065]

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SENATOR BRASCH: And can you use it at the airport? [LB1065]

SENATOR HANSEN: So far, I have. [LB1065]

SENATOR BRASCH: And with cashing a check or any other places that a driver's license is required, does it still work? [LB1065]

SENATOR HANSEN: So far. [LB1065]

SENATOR BRASCH: Apparently? You haven't gone in for a new picture. And thank you. The reason I asked that is I believe that someone who is working at a poll that has Senator Hansen standing in front of him and has that, his driver's license in his hand, could probably verify that he may not be 6'4" tall or he may not be 5' average height and they may verify that his eyes are, indeed, blue or green or not brown, and the same if you're driving a vehicle and you're pulled over, that that card in front of you would have some essential characteristics of Senator Hansen. But to take a card and to float it around and not have that person in front of you, I don't think it's really a fair challenge, just a few thoughts. And then my other thought is I'm so glad we're discussing this today because I'm not sure if we'll have enough time to return to my LB1069, but I went off the floor and visited with Senator Williams because this morning several of us senators went over to the FFA breakfast and they assigned me to table 15, so I'm not sure if they knew, because I wasn't with my constituents but I did find them. And I sat down with the table of 18-year-olds. They're seniors in high school. And I said, so who is your senator? They had no idea. So I asked them where they lived and I was able to point out that, see that gentleman there in the striped tie, he works very hard for you, he is your senator, he's doing a great job. And I asked them, do you study history, American history or Nebraska history, anything in your classes? And the one young lady responded, well, actually, we have it on-line and there isn't anything about Nebraska history in...on-line. But she did tell me they took the civics test on-line, which I was happy to hear. But she said only 2 out of 14 passed the test. And I tried describing the Unicameral. I encouraged them to come over here today, and they were excited and they, you know, said that they sure wished they knew a lot more about the Legislature, because I told them election time is coming up and you have some big decisions to make about your future and voting is one of those big decisions that is their future and it's our future. [LB1065 LB1069]

SENATOR HUGHES: One minute. [LB1065]

SENATOR BRASCH: And for a Legislature that's talking about going next-generation on 5G and vehicles and AI and...I'm thinking that we do need to be more progressive than regressive. So if we should see LB1069, think about what high school kids, what junior high truly know about our duties here. Thank you, Mr. President. Thank you, colleagues. [LB1065 LB1069]

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SENATOR HUGHES: Thank you, Senators Brasch and Senator Hansen. Senator Wishart, you're recognized. [LB1065]

SENATOR WISHART: Thank you, Mr. President. Colleagues, I'm happy to hear that senators are working to see if there is a path forward and a compromise that works on this legislation. I did want to ask Senator Chambers a question if he would be willing to yield. [LB1065]

SENATOR HUGHES: Senator Chambers, will you yield? [LB1065]

SENATOR CHAMBERS: To a lady? Just try to stop me. Yes, I yield. [LB1065]

SENATOR WISHART: Well, Senator Chambers, I haven't heard you stand up and speak on this legislation yet, so I was interested in hearing your perspective. [LB1065]

SENATOR CHAMBERS: Whenever you allow a person to make a decision which can be arbitrary, affected by bias or prejudice, and that individual's perception not based on quantifiable facts or factors, it's not the thing to do when something like voting is involved. So this is not a bill that I intend to support. But it seemed that those discussing it are covering those issues adequately. But I assure you, before the day is over, you'll hear my voice. [LB1065]

SENATOR WISHART: Good. Well, thank you, Senator Chambers. [LB1065]

SENATOR CHAMBERS: Okay. [LB1065]

SENATOR WISHART: Colleagues, I also share the concerns that Senator Chambers brought up, especially after seeing the photo of Senator Hansen circa the '90s. And just looking at that and the fact that there is zero resemblance to the Senator Hansen I know today would make me concerned with this legislation moving forward. But again, I do, I feel hopeful that the senators behind me who are working on this issue will find a path forward that we can all agree with. Thank you. [LB1065]

SENATOR HUGHES: Thank you, Senator Wishart and Senator Chambers. Senator Crawford, you're recognized. [LB1065]

SENATOR CRAWFORD: Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to LB1065 and I want to caution us about quick compromise. I do realize an important part of our work here is deliberation and a part of that deliberation then will

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sometimes yield to agreements that are sound. But there have been earlier conversations about how to update and modernize electronic poll books, and that conversation was a conversation about how to bring something together that actually increased access to voting and improved access to voting. That has to be a core purpose of updating our system. And as of yet, in conversations, that has not been a core addition to this bill. It remains a focus on identification and restriction of voting. So, colleagues, I just want to note there are...again, there have been conversations previous and I appreciate people reaching out for conversations and there are currently conversations ongoing. But I want to caution us to be very attentive to what the conversations are, what the amendment is that comes back, and to ask the tough questions about whether or not it is truly an update to our electronic system that's workable and that improves democracy in the state. It's important that so much of the emphasis on improving technology in government is generally improving service and, again, making the lines shorter, making it easier for someone to register, making it easier for someone to vote. That's part of why Senator Vargas mentioned the importance of automatic voter registration, so having components that actually make it easier for someone to vote. If the technology is one that makes it easier for someone to vote, makes it easier or cheaper for the county, those are key issues, but I don't see those as key fundamental issues in this bill. Right now the emphasis is on having photos available. And even if we take out language that this year requires checking the photos, we're still creating a database of photos that lays the groundwork for requiring identification of photos, requiring a poll worker to be verifying photos, which we'll be doing electronically instead of by looking at someone's ID that they bring in. So I think it still is that same fundamental issue of adding a restriction on voting, adding an identification component for the poll worker to do that has not been deemed necessary. And again, we have not had evidence of voter fraud, particularly voter fraud by impersonating someone at the polling place, and so adding cost, adding technology, adding tasks for the poll worker to address this issue that we haven't seen is not, I don't think, an appropriate use of our dollars, or asking, encouraging counties to spend their dollars in that way. Another issue is, as we're talking about updating electronic systems, a key issue is going to be actual investment of dollars. And we've talked about the need to update our systems, the need to replace our computers. Those are fundamental costs, investments that we need to make, we need to step up and make, we need to encourage others to step up and make. Those are the investments that are necessary for the absolute... [LB1065]

SENATOR HUGHES: One minute. [LB1065]

SENATOR CRAWFORD: Thank you, Mr. President...integrity of the elections. So modernizing or asking people to invest in technology that adds restrictions to identification, restrictions to voting, is not where we need to be investing our money in terms of updating vote election technology. We need to invest it in making it easier to vote, making it less expensive for counties, making our systems more secure, and updating our computers that need to be updated. That's

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where we need to focus our emphasis on making sure that we're using technology to make our elections more effective. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Crawford. Senator Vargas, you're recognized. Not seeing Senator Vargas, Senator Hansen, you're recognized. [LB1065]

SENATOR HANSEN: Thank you, Mr. President, and good afternoon again, colleagues. I would just like to reaffirm that me allowing Senator Pansing Brooks to pass out my driver's license photo was more of a lighthearted poke at the state of driver's licenses in the state of Nebraska as opposed to the end-all, be-all argument opposed to voter identification laws. So there is that. But I do think that is kind of, you know, some interesting issues we're touching here upon today. You know, this bill is really unique in the sense...and with my conversations with Senator Murante and others both on and off the microphone, you know, the discussion of LB1065 does give us an avenue to kind of talk about how we want elections to go in Nebraska in the future. At the same time, we're also pretty hamstrung in that conversation because we can't get away from the voter identification and the overblown threat of voter impersonation fraud in Nebraska. So I feel the part of me that really enjoyed serving on the Government Committee, really enjoyed serving on the...and Senator Murante is smiling at me at that. He's never forgiven me for leaving said committee, but I did enjoy parts of the jurisdiction of the Government, Military and Veterans Affairs Committee, particularly talking about elections. And I think we're going to have some opportunities to do some interesting things in elections just in terms of just, by definition and nature, modernizing and moving forward. And that's going to be good opportunity and a good opportunity to talk about how we want elections in our state to go. You know, I know there's probably some interim studies this year. I have one about the impacts of vote by mail and whether...and how that is growing in the state. I mean, that's something that obviously we're seeing other states switch to exclusively. Don't know if that's the right solution here in Nebraska or not, but that's something that certainly seems to be coming down the horizon. And obviously a lot of our choices in election technology, a lot of our choices in election investment leading up to that point probably have to come with that understanding in mind of is that the direction we're heading or not. So there's kind of some strategic decisions we as a Legislature are going to have to make soon. Eventually somebody is going to force our hands when we're going to have a county who can't afford new ballot-counting machines and goes to all hand counting and hand tallying, just in terms of our outdated technology. But I do have the kind of the fundamental problem and stumbling block that a lot of my fellow colleagues do have with LB1065, you know, some of the intent language, some of the goals, and its...and avenues of that, that are making it just voter ID light, and that's an issue for me that, light or heavy, doesn't really matter, it's still an issue that I think is going to, whether it's got the best intentions or worst intentions, and we can dispute different senators' intentions on it, is going to have a chilling impact on elections, and that's not something I can currently support. Thank you, Mr. President. [LB1065]

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SENATOR HUGHES: Thank you, Senator Hansen. Senator Kolowski, you're recognized. [LB1065]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I look at this particular piece of legislation and I have a lot of trouble with LB1065 and for a number of the reasons stated by a number of speakers thus far. As we look at what's taken place in the last election and as we read about what could take place or the combination of things that we're learning about from lots of different sources and that have been uncovered and is being used around the world in different locations, I get curious as to where we are and what we're doing and where we're heading. As a simple factoid for the next week, Mark Zuckerberg will be, with his Facebook background, will be before Congress in the next five days. What they will be asking him and what will be probed in that investigation, and instead of questions, I think it will be very interesting as to what's going on and what information is being shared or sold or anything else that is taking place in our country and around the world at the current time. That just raises a lot of questions. It raises a lot of questions and you ask a lot of different things about where information is being kept, who is getting ahold of it, how they're getting ahold of it, what's the cost, and how is it being used. Those are the things that are impacting our lives as we're all digital people today. Everything is connected with a number or a picture or a code or anything else, and I don't think we've even begun to scratch the surface of the world that we lived in, we live in, compared to the world we were all born in--huge difference. And that's kind of the reality of where we are. I'm very interested in what this Zuckerberg set of interviews will be like next week and what we'll learn from that as we move ahead. I'll yield the rest of my time, if he will take it, to Senator Chambers. Thank you very much. [LB1065]

SENATOR HUGHES: Senator Chambers, you're yielded 2:18. [LB1065]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, whenever, by popular demand, I am invited to speak, I cannot resist. And as I've stated on many occasions, my title is "State Senator," not district representative. I say these things so that if people are watching us, they may get a little civics lesson. We are elected by district so that there is a constituency to whom we each will be responsible, who can judge how we comport ourselves, the things that we do in carrying out our broader duty to the state. Because my title is "State Senator," every resident--I didn't say citizen--every resident of this state is a constituent of mine. As a matter of fact, without giving the impression of being superhuman, anything born of a man and a woman is my brother if it's a male, my sister if it's a female,... [LB1065]

SENATOR HUGHES: One minute. [LB1065]

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SENATOR CHAMBERS: ...and my yet-to-be-determined if people in what might be called a gray area will not have determined precisely which side of the line they're going to come down on. I bring that up because biases and hatreds of people who are different, who constitute "the other," are easy targets because their unpopularity makes it unlikely that anybody will come to their aid when they are being ganged or mobbed. So the cowards will get into that mob, hide behind the anonymity of the mob, and attack individuals such as that. It reminds me of how the British chased the little fox. They had hounds, any one of which could have torn a fox limb from limb. But the cruel human beings wanted to torment that creature. It has... [LB1065]

SENATOR HUGHES: Time, Senator. [LB1065]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Kolowski and Senator Chambers. Senator Harr, you are recognized. Not seeing Senator Harr, Senator Murante, you're recognized. [LB1065]

SENATOR MURANTE: Thank you, Mr. President. I can tell by the bustling of the Chamber that we are talking about election policy again, so I appreciate the conversations that I have had with the members off the microphone. I think we are getting to a point and we are working on actually getting an amendment drafted that I think can move us forward. I do think...so there appears to be, perhaps, a more philosophical impasse that will be difficult to get beyond, and that difficulty, that philosophical impasse is whether or not driver's license pictures are at all useful for the purposes of identifying people. I suppose I was not, candidly, I was not...I hadn't heard that argument before, so I...the concept that we would be turning people away from their polls because their pictures are so indistinguish...they are so different from the person showing up that they can't possibly be used in a positive way to identify people. I'm not sure that bears a lot of weight. I think in a lot of...in almost every instance in our day-to-day life where we have to show a driver's license, we are asking laypeople who are not trained in facial recognition to determine whether or not that person is who they say. I mean I don't think we would apply that logic to the purchase of alcohol. I don't think we would apply that logic to getting prescription medication. I just...I don't think...I don't know that I can get to the point where I would agree with the assessment that I...standard government-issue photo identification is not useful for the purposes of verifying a person's identification. I just don't think that makes any sense. So I'm happy to find a way forward. I'm to the point where I think there's probably a majority on the floor who would share that assessment but have technical infirmities in how the bill is structured, which I understand and I...as I told Senator Morfeld, I'm willing to actually just...rather than try and compromise and find a compromise amendment on General File, to strip everything out and start from scratch and try and come up with a white-copy amendment between General and Select File, I think that is perhaps a good way forward but I don't think that...I'm not sure we're being

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reasonable when we say we're going to be turning a bunch of people away from the polls because election workers are not going to be able to delineate and verify that the voter who comes into the polls matches their driver's license picture. I just...I've never heard that argument before today. I'm not sure it is an argument that has a lot of merit. So I am, like Senator Hansen, also going to continue to talk until we have this amendment down so that we can perhaps move this bill today but I would encourage your support of LB1065. I do think it is an important step in the right direction for election technology and I think it does 97 percent of what those of us who think that there ought to be some sort of identification at a polling place, it accomplishes that without asking a voter to do anything, which it's tough to get better than that. And electronic poll books, when we talk about the vast expense that is going to come in our next election technology overhaul,... [LB1065]

SENATOR HUGHES: One minute. [LB1065]

SENATOR MURANTE: ...electronic poll books are a small, small portion of what that cost is going to be if implemented statewide. And I also want to make one thing clear because it was suggested this is an unfunded mandate. This is not a mandate. This isn't forcing anyone to do anything, to buy any equipment. Nobody has to do anything. It simply is permissive that if a local jurisdiction or the state in the future wants to go forward on electronic poll books, they have the authority to do that. So this is more...not only is this not an unfunded mandate, it's more of a local control issue. It lets local county boards determine whether they want to invest in this technology or not. And if they don't want to, they don't have to. So I'll continue working and having conversations behind the scenes and look forward to the continued discussion today. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Murante, and that was your third time. Senator Blood, you're recognized. [LB1065]

SENATOR BLOOD: Thank you, Mr. President. Fellow senators, friends all, I do stand opposed to the amendment, but I stand in enthusiastic support of Senator Murante's attempts to move us forward in technology. I look forward to what the amendment can bring, and I made it clear in earlier debate that I think Senator Murante is on the right path when he tries to move Nebraska forward, and I think this is a good first step. With that, it's obvious that we're trying to kill some time while they work on that amendment, so it led me to kind of contemplate what was going on this morning. And this morning in my office, at 9:36 a.m., a kind gentleman gave our office a call and made the statement that he wanted me to know that women don't belong in government. As I was contemplating that when I came back to the Chambers today, I happened to look up to the ceiling and for some reason I had never noticed, women, the wasps up above, the spirit animal of female warriors. I don't think that's a coincidence. And I want to tell these gentlemen

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that make phone calls on our VoIP phones, you need to learn about technology. You might think you're anonymous, but we've got metadata. All we got to do is pick up the phone, probably our VoIP phone, and call the State Patrol. Knock off the shenanigans, guys. If you've got something to say to these women, come and say it to our faces. And I got news for you. When you say these things to us, you only make us stronger. It's not our kryptonite. The more that you abuse and say negativity to us, the stronger we get, so you're doing quite the opposite. You're not slamming me in any fashion. You're making me feel very sorry for your wife. And if your wife is watching, I'm really sorry that that's your husband. But I just want people to know that this morning there was a reporter from the AP that interviewed some women and they talked to us about if it was harder to be a female public servant and how we're treated and if we maybe get more abuse than men. You know, I don't know and, quite frankly, I don't really care. What I do know is that we've got some powerful women on this floor. We've got a Justice League here, women who stand up for the poor, for the elderly, for the disabled, for women's and women...for women and woman rights--I can't talk today--women's rights. And that's something I'm really proud of. So go ahead and keep calling in and say what you want, because we're not listening. We're listening to our constituents, to our residents who tell us to stand up and fight every day for what they believe and what they want. It's not about us. It's about you. And so as we kill time, I appreciate the opportunity to speak on this issue, and I encourage all the women in here, when you're feeling less than, look up, because we, my friends, are warriors. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Blood. Senator Krist, you're recognized. [LB1065]

SENATOR KRIST: Thank you, Mr. President, and good afternoon again, colleagues and Nebraska. I wondered if Senator Murante would yield to a question. [LB1065]

SENATOR HUGHES: Senator Murante, will you yield? [LB1065]

SENATOR MURANTE: Yes. [LB1065]

SENATOR KRIST: So at the present time, if I were an election commissioner and I found in my pocket or my budget hundreds of thousands of dollars extra, could I go out and buy a computer and put the information that is in my paper book on that database and use an electronic poll book? [LB1065]

SENATOR MURANTE: No. [LB1065]

SENATOR KRIST: What prohibits me from doing that? [LB1065]

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SENATOR MURANTE: Because almost every form of election technology has to be certified through the Secretary of State's Office and when it...and in addition to that, the local election officials have to file with the Secretary of State's Office their plan of election. And of course, as you know, Senator Krist, local governments don't have any authority to do that which we don't give them the authority to do and there is nothing in state statute which authorizes electronic poll books. There is, however, pretty explicit language about the paper poll books and how those are situated. [LB1065]

SENATOR KRIST: So a follow-on question, if we do what I would like to do, and that is strip this whole thing down to simply authorizing the electronic book with the polling information, the voter ID file on that electronic polling book, what would prohibit anyone from putting additional files onto that computer, such as a DMV database? [LB1065]

SENATOR MURANTE: So the DMV database would be explicitly prohibited because the DMV does not have the legal authority to share the DMV database outside of law enforcement and a couple other narrow, very, very narrow exceptions. Would the Secretary of State's Office have the capacity to put more information into the electronic poll book than currently exists? I don't see why not. I can't unless some...unless there was a statutory prohibition on what was being inputted, I don't see that they would be restricted in what they would want to input. I mean if they wanted to input Facebook ads or something like that, I don't know that that would be prohibited in any way. [LB1065]

SENATOR KRIST: So your legislation as it exists right now would authorize or would make it legal to merge the voter ID with the DMV database? [LB1065]

SENATOR MURANTE: It would make it mandatory. It would require...in the event that the electronic poll book ever existed, it would require the DMV to merge the two together. [LB1065]

SENATOR KRIST: Okay, thank you, Senator Murante. I just wanted to make it clear, when I was on the mike before I was very...I think very clear in saying it but some of my colleagues had asked me to clarify, so what the intent of my time on the mike before was to be...would have been, and still is, I am not comfortable with the DMV database being merged with the voter ID database and now, based upon the clarification Senator Murante just gave me, I'm not wild about the open-endedness of any other information being included in what we specifically authorize as a poll book, in other words, additional information put on there about us. I'll follow Senator Kolowski's lead on how much information we're going to put out there about individuals. [LB1065]

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SENATOR HUGHES: One minute. [LB1065]

SENATOR KRIST: So to be clear, again, unless this is strictly authorizing the upgrade for an electronic book as opposed to paper book, if it includes anything that merges the databases and creates an opportunity to put more information, even into the polling information that we currently authorize, I will stand against LB1065. Thank you, colleagues. [LB1065]

SENATOR HUGHES: Thank you, Senator Krist and Senator Murante. Senator Morfeld, you're recognized and this is your third time. [LB1065]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I just received another amendment which I'll look at and review off the mike here. But I just want to talk a little bit about the photo requirement and some concerns that I have with it on, quite frankly, some issues that I've worked on for the past seven or eight years, well before I was in the Legislature. First was uniform poll worker training, quite frankly. In many ways our poll workers do not have uniform poll worker training. There are some uniform resources out there, but they're piecemeal at best and oftentimes what I see is inconsistent practices across the state. I've been a part of organizing nonpartisan poll watching on election day, and we've seen some of those varied practices across state on how certain voters are treated and how other ones are not treated, and that can lead to equal protection violations. Now for those of you that aren't aware of the equal protection clause of the United States Constitution, the equal protection clause in the constitution states that similarly situated individuals have to be treated equally. Particularly, there's heightened scrutiny when we're talking about constitutional rights, of which I think we've argued and talked about ad nauseam, not argued but talked about ad nauseam, that voting is a fundamental right both as interpreted under the U.S. Constitution and as interpreted, obviously explicitly, under our constitution in Article I-21. So when we have these types of instances where poll workers can make, I would say, substantive judgments and subjective judgment on whether or not a voter is qualified or not qualified, particularly when it comes to a photo, that is particularly problematic and I believe that it raises Fourteenth Amendment concerns, along with a host of other concerns in some of those subjective judgments that we'd be putting them in the position of making. I remind you, these are oftentimes, for all intents and purposes, volunteers. They get paid minimum wage in most cases, sometimes a little bit more in some cases. These are folks that are not trained to do this on a regular basis. Now Senator Murante brought up the point, well, we do this every day for when we're checking IDs for alcohol or cigarettes or whatever the case may be, but the difference, again, I'd like to emphasize, is that buying alcohol or cigarettes or boarding a plane, quite frankly, is not a constitutional right. And so there is heightened scrutiny when we look at these laws and we place people in the position to make these subjective judgments on whether or not somebody would be able to exercise their constitutional right, as opposed to a right, or you shouldn't even call it a right--a privilege, maybe, is the better term--that is not a constitutional right, such as buying cigarettes, getting on a

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plane, whatever the case may be. And so I have concerns in regard to the poll worker training and their ability to make those subjective judgments, and the position that, quite frankly, we're putting them in, because the stakes are pretty high. And I can tell you what, when people are told that they can't vote at the polls, even if they're given a provisional ballot, they get pretty upset, and rightfully so. If I was told that I couldn't vote at the polls, particularly if the picture of me is me, even though it looks a little bit different, it might be a little bit old, and I'm turned away, that's problematic. Now under here you would have the provisional ballot process, so you wouldn't be turned away but you would have to show up at least within the seven days after the election to the election office, from 8:00 to 5:00, which in some cases is a problem, particularly if you're a working individual; and then second, if you don't show up, then your ballot is not counted. I think that we also brought up the concerns a little bit earlier that there's a lot of people that don't have easy access and transportation to the polls,... [LB1065]

SENATOR HUGHES: One minute. [LB1065]

SENATOR MORFELD: ...and not just to the polls but also to the main election office to actually verify their identity if that is the case. So, colleagues, the photo component definitely needs to come out. I think that there is an amendment that people are looking at that I got just before I got on the mike that will accomplish that. I'll review that and get back on the mike with somebody else's time. Thank you, Mr. President. [LB1065]

SENATOR HUGHES: Thank you, Senator Morfeld. Mr. Clerk. [LB1065]

ASSISTANT CLERK: Mr. President, priority motion, Senator Chambers would move to bracket the bill until April 18. [LB1065]

SENATOR HUGHES: Senator Chambers, you're recognized to open on your motion. [LB1065]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I have been working, I have been listening, and one thing I noticed about Senator Murante, with all of his many shortcomings, he will learn. He knew that he was going to offer a motion to have cloture. He knows that there can be no comment made on that motion. So in order to jump to the head of the line and get his last licks in before he offered his cloture motion, he offered a priority motion, which they finally caught on from how often I do it, to bracket his bill--no intent to bracket it, no intent to take a vote on the motion, but to give himself at least ten minutes to comment before his cloture motion was presented. He's smart enough to learn from somebody who's smarter than him. And I'm smart enough to learn from somebody who's smarter than me, unlike your President who doesn't learn from anybody or anything. When he sits down with Mr. Putin, if he does, it will be a chess master playing against a child who doesn't know how to play tic-tac-toe.

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On this bill that is before us, I'm going to use it to take the opportunity to explain the genuine fury that I feel whenever one of these white people or semi-white people or brand x white people running for office will try to exploit the hatred for black people, which I'm black, the discrimination and racism in this state, which I and black people experience. The fact that you all are term limited out is because of the hatred white people have for a black man, then Senator Murante has the nerve to get offended because somebody points to the racism inherent in his attempt to deprive black people of the right to vote. Why do I say black people? Because he's in favor of white people being allowed to carry out their entire election by way of mail-in ballots. You don't know whether somebody is forging that. You don't even know if somebody in the household is doing it. You don't know whether somebody is given a stack of those vacant ballots by people in the neighborhood and they said, check them or sign them the way you want to--no concern about an entire election conducted by mail. Where is the worry about fraud? They know there's no fraud. The Secretary of State has said it on numerous occasions. He's running for office now and he's got to get everything that he can. But now I would like to ask Senator Murante a question aside from what I've said just now, if he would respond. [LB1065]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Senator Murante, would you please yield? [LB1065]

SENATOR MURANTE: Yes. [LB1065]

SENATOR CHAMBERS: Senator Murante, did you...is this your priority bill? [LB1065]

SENATOR MURANTE: It is one of the priority bills of the Government, Military and Veterans Affairs Committee. [LB1065]

SENATOR CHAMBERS: Is it your priority bill? [LB1065]

SENATOR MURANTE: No. [LB1065]

SENATOR CHAMBERS: Okay. Thank you. Members of the Legislature, he didn't prioritize that other hateful bill, yet it's so important. He didn't personally prioritize this bill, yet it's so important. He is a master politician, a big duck in a little pond. But I see through him. He and I have something in common that you all don't know about. If he took a DNA test and I took one, maybe you all would learn something. You are more offended by your own than you are by the enemy. You know what the enemy is going to do. That's why military people are allowed to shoot traitors, but they are not allowed to shoot prisoners of war because it's universally

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recognized that a betrayer, a traitor, is worse than an avowed enemy. I was furious this morning, and I get furious every time I see some white person or would-be white person or brand x white person make light of what black people have gone through. My family is from the South. I don't bring up on this floor the things that happened to my family. It's personal. But white people did it, and when some white person or would-be white person, quasi-white person, brand x white person is going to make light of it and pretend that black people support this racist trash that he brings in here, he deserves to have something done to him. And when they were having demonstrations in Omaha, these black people were trying to be nonviolent like they saw being depicted on television. But the leaders of this organization, all ministers, had been getting threatening phone calls about demonstrations they were going to have. Well, while they preach nonviolence, they knew that I'm not going to let anybody put their hands on me without getting something back. And they knew that the people that I associated with believe in self-defense. So they made it a point while they were doing their nonviolent posturing, they asked would we accompany them for sure, and we did. And not one of the demonstrations that black people had in Omaha was ever attacked by white people because I and other black men that they knew would be there were there and they were cowards. An African had gone into a bar, tavern--I think it may have been on Farnam called the Dugout. These racist white people attacked him in a gang and beat him half to death. So nine of us got together and we got in a station wagon, and we pulled up to the Dugout where they don't want black people, and we went in. Not a puppy in that place whimpered, not one of those rough, tough, tattooed, scarred, white cowards made a move toward any of us. And I don't even drink, but I had to be there. I have had one-man demonstrations at the police department against the police, at the courthouse against the police. I don't need company along with me. First thing Senator Murante said when I was exercising my constitutional right to stare, the more I stare at him, the more his people out there, wherever he came from--not Italy, I assure you of that--they would have been saying favorable words about the conduct I was engaging in. I had Italian friends, not like white people say my best friends were black. I had Italian friends when I was at Tech. I listened to them. Not one of them was from Italy, but their families were; and their families talked to them about things that happened to them. There are different groups of Italians. But at any rate, when people make light of what my people have gone through, I don't owe civility or anything to such a person. And as old as I am, I might be as weak as cream and I might can't lick my lips, but try me. You pull that mess on me when we are someplace other than on the floor of the Legislature, and you have never heard me use the s-h-blank-t word on this floor, have you? Like his President, he used it this morning. Why didn't you say anything? Where are the editorials? Suppose I had said it. You know what these white people would do, be doing. The white media are of, by, and for white people. There are some things they'll write about black people if they think it's all right or it can cast black people in a certain image or posture, and they will write about it. But when you get down to the bedrock problems, none of them will write about it. You think I get interviewed by anybody about what it is that makes me what I am, the way that I am? [LB1065]

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SPEAKER SCHEER: One minute. [LB1065]

SENATOR CHAMBERS: Absolutely not. And if they did, the editor is not going to allow it. I don't even give television interviews. You know why? Because when they show it, my mouth would be moving and some white person is going to voice over what I'm supposed to be saying. Nobody can say what I am saying better than I can say it myself. And what they enjoy doing is asking me a serious question, and then guess what kind of picture they show, but no words are being articulated by me that you can hear--a picture of me smiling, like what is being discussed is not really serious. That's how white people can sabotage black people. And I pick the times I'll give an interview. And I know when I deliver myself into the hands of white people for an interview of any kind I'm taking a chance. So it has to be a very serious matter, one about which... [LB1065]

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: Time, Senator. [LB1065]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1065]

SENATOR LINDSTROM: Thank you, Senator Chambers. (Visitors introduced.) Senator Crawford, you are recognized. [LB1065]

SENATOR CRAWFORD: Thank you, Mr. President. I yield my time to Senator Burke Harr. [LB1065]

SENATOR LINDSTROM: Senator Harr, you are yielded 4:50. [LB1065]

SENATOR HARR: Thank you. How much time do I have left? [LB1065]

SENATOR LINDSTROM: 4:45. [LB1065]

SENATOR HARR: Okay, thank you. I was hoping Senator Kolterman would be in here, because I had some questions for him instead of him always asking me questions, but he's not here. So for the record, would Senator Schumacher yield to a question? [LB1065]

SENATOR LINDSTROM: Senator Schumacher, would you yield? [LB1065]

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SENATOR SCHUMACHER: Yes, I will. [LB1065]

SENATOR HARR: Senator, you are kind of known as the "professor" here, is that correct? [LB1065]

SENATOR SCHUMACHER: Kind of. [LB1065]

SENATOR HARR: Okay. And you are pretty good at math? [LB1065]

SENATOR SCHUMACHER: Pretty good. [LB1065]

SENATOR HARR: Pretty good. Okay. How many days do you have left? [LB1065]

SENATOR SCHUMACHER: Five. [LB1065]

SENATOR HARR: Five, but who is counting? Thank you. I appreciate that. We really will miss you, and we are going to miss all that you do, the fact that you do read all the bills and that you make us think in a way that we normally don't. I don't know if that's good or bad, but I find myself sometimes asking what would Senator Schumacher think? And then I usually get lost in the clouds. It's much easier to think what would Senator Chambers think? Because he thinks like a--and he's going to get mad at me for saying this--he thinks like a Jesuit. You can really see his Jesuit education come out and you can think how he thinks logically and how he analyzes and he tries to figure out what is good and what is bad and tries to figure out what the other side is doing. And sometimes he creates straw men and destroys it and it's the other side's argument. It may not be the fairest assessment of their arguments. It's the old St. Thomas Aquinas trick, who wasn't a Jesuit, but I see him doing that as well, and it's fun to watch. And then other times, at least when it's me against him, he does a better job of articulating my argument than I do. So I always appreciate listening to him. I may not always agree with him, but on this, I do because as Senator Morfeld talked about, this is a fundamental right. This is the very basis of our democracy. And it seems crazy in this day and age that we are fighting over this on the 50th anniversary of Martin Luther King assassination, and it forced me to reread his speech he gave in Memphis 50 years and 2 days ago. And what struck me in that, and I quoted it yesterday and I will quote it today, is when the Pharaohs wanted to divide the slaves because the slaves all wanted freedom, but when he wanted to put the slaves down, he divided them. And that's what I see happening here in our country is Russia doesn't care who wins: President Trump, Republicans, Democrats, Hillary Clinton. They want division, and they want to sow seeds of discontent. And they want to undermine our very institutions, the institutions that we hold sacred, including this one here, and all elections because their elections are not, for the most part,

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reputable. And so they sow the seeds by saying there is widespread fraud. Look at what the ads they put on Facebook that the Republican House showed in their report. [LB1065]

SENATOR LINDSTROM: One minute. [LB1065]

SENATOR HARR: Thank you. And it showed that they were trying to undermine our elections. If our elections are so bad, let's prosecute. Let's put our resources where they need to be, and let's figure out are there laws being broken? If they were, we would be prosecuting them. But no one seems to be able to point it out, no one able to find them. So we create problems that, near as I can tell, don't exist. There are plenty of safe check marks to protect our elections now. No one thinks there's a real problem. This is about one thing and one thing only, creating the seeds of discontent. Thank you. [LB1065]

SENATOR LINDSTROM: Thank you, Senators Crawford and Harr. Senator Pansing Brooks, you are recognized. [LB1065]

SENATOR PANSING BROOKS: Thank you, Mr. President. I wanted to stand up because in the previous bill, Senator Murante called me out for using the term racist; and in that discussion, I was not calling him racist. I'm talking about the fact that this kind of legislation nationally is considered racist. And I wanted to read...I mean, I Googled it, and if you Google it, you can tell that there's a lot of law...or a lot of articles out there because people are talking about the fact that these voter ID laws are racist. The Washington Post has an article that says courts are finally pointing out the racism behind voter ID laws. I don't think it's being nice or not nice. I think it's being factual about what is going on in our country right now. I want to read from this article: North Carolina's omnibus voter suppression law, a law so jam packed with voting restrictions targeted at poor minority communities, that its moniker was the "monster law." The U.S. Court of Appeals for the Fourth Court in its decision last week, this was in 2016, held that the North Carolina State Legislature acted to entrench itself and it did so by targeting "voters who, based on race, were unlikely to vote for the majority party, even if done for partisan ends that constituted racial discrimination." The court called this strategy what it is, racist. The panel wrote that using race as a proxy for party may be an effective way to win an election, but intentionally targeting a particular race's access to the franchise because its members vote for a particular party in a predictable manner constitutes discriminatory purpose. This is so even absent any evidence of race-based hatred and despite the obvious political dynamics. But outside of the courts, the public discussion around these laws is focused on politics, not race. Several legislators, such as Pennsylvania House Speaker Mike Turzai and Representative Glenn Grothman from Wisconsin have slipped from the usual Republican line that voter ID laws are about preventing voter fraud and acknowledge that the goal is to give the GOP an edge on election day. This racial strategy is just barely below the surface of many of these laws. They

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pick and choose voting restrictions that benefit whites while harming blacks and other minorities. In North Carolina, the legislature requested racial data on the use of electoral mechanisms, then restricted all those disproportionately used by blacks, such as early voting, same-day registration, and out-of-precinct voting. Absentee ballots disproportionately used by white voters were exempted from the voter ID requirement. It goes on to say that the documents acceptable for proving white voters' identity in North Carolina were the ones disproportionately held by whites such as driver's licenses, U.S. passports, and veteran and military IDs. And the ones that were left out were the ones often held by poor minority voters such as student IDs, government employee IDs, and public assistance IDs. The Texas voter ID law was designed the same way. Their officials accepted concealed weapon licenses but not student or state employee IDs. Did you catch that? Concealed weapon licenses but not student/employee IDs. The Texas Legislature was repeatedly advised of the likely effect on minority voters but rebuffed nearly all amendments that would have eased its harsh impact. Finally it goes on to say...and I will quit reading this, but it's a good article, and I will probably pass it out to all of you. [LB1065]

SENATOR LINDSTROM: One minute. [LB1065]

SENATOR PANSING BROOKS: To survive judicial...thank you, Mr. President. To survive judicial scrutiny, state legislatures should now understand this is a warning to state legislators: to survive judicial scrutiny, state legislatures should now understand that they must consider and respond to the needs of our most vulnerable voters when crafting electoral procedures. This should foster more participation in politics at a time when voter apathy is high. That is good news for our democracy. So again, my friends, I'm not insulting somebody in this body by calling this legislation racist. It's considered racist all the way across the country, and clearly that's what has gotten Senator Chambers upset as well. So thank you very much, Mr. Speaker. [LB1065]

SENATOR LINDSTROM: Thank you, Senator Pansing Brooks. Senator Chambers, you are recognized. [LB1065]

SENATOR CHAMBERS: Am I recognized to speak on my own? [LB1065]

SENATOR LINDSTROM: Yes. [LB1065]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I have an article here that I want to read. And by the way, those of you who are nosy, cousin Murante and I were over here chatting in a very amicable, amiable, civil manner. See, when family members are going to fight, they will fight out in the open to let people know that there are no holds barred when certain lines are crossed. But we have that understanding. And families know how to mend wounds and

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bridges and there's never a complete rupture, but the outsiders don't understand that. I'm reading this based on what had happened this morning and with this bill we are on. "Roberts court guts MLK's triumph" and it's dated June 29 of 2013. I keep articles. "The Roberts court chose a most cynical way to celebrate this summer's 50th anniversary of Martin Luther King, Jr.'s March on Washington." 50th anniversary and the other one was for him being killed. "On Tuesday, the Supreme Court's penultimate day in session before the Aug. 28 semi-centenary of King's 'I Have a Dream' speech, the court's conservative majority announced a 5-4 ruling that guts one of King's greatest triumphs, the Voting Rights Act of 1965. (The Roberts court weakened another of King's triumphs, the Civil Rights Act of 1964, in a pair of 5-4 rulings Monday.) Chief Justice John Roberts, who wrote Tuesday's opinion in Shelby County v. Holder, was 10 years old in 1965, when police officers beat and gassed citizens in Selma, Ala., who were demonstrating for the right to vote;"--that example is why I don't take lightly mishandling what black people have suffered just trying to have the right to vote--"that assault, and King's subsequent march from Selma to Montgomery, spurred passage of the very law Roberts and his colleagues undid Tuesday by declaring a key provision outdated. But if Roberts was ready to move on from that bit of civil rights history, Justice Ruth Bader Ginsburg, 80, who was a young law professor during the civil rights era, was not going to let Roberts and his colleagues in the majority ignore that they were invalidating years of bipartisan efforts in Congress toward 'achieving what was once the subject of a dream: the equal citizenship stature of all in our polity, a voice to every voter in our democracy undiluted by race.' In her quietly spoken but powerfully worded dissent read from the bench, Ginsburg invoked 'the great man who led the march from Selma to Montgomery, and there called for the passage of the Voting Rights Act.' ... 'The arc of the moral universe is long,' he said, but 'it bends toward justice,' if there is a steadfast commitment to see the task through to completion. That commitment has been disserved by today's decision," wrote Ginsburg. "It was difficult to hear the tiny and frail Ginsburg in the chamber. But her dissent, joined by the other three liberal justices, was a sharp rebuke..." [LB1065]

SENATOR LINDSTROM: One minute. [LB1065]

SENATOR CHAMBERS: "...of the conservatives for the yawning gap between their frequent vows of judicial modesty and the 'hubris' apparent in their 'demolition' of the Voting Rights Act. 'What has become of the court's usual restraint?' she asked the judicial activists of the right." When I close on my amendment, my motion, I will finish this article. Thank you, Mr. President. [LB1065]

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator Vargas, you are recognized. [LB1065]

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SENATOR VARGAS: Thank you very much, Senator Lindstrom, President Lindstrom, anyway. Colleagues, this is a very interesting conversation. I applaud Senator Murante for starting a conversation about...he's been working on modernizing the election process and technology. I think that's great. And the reason why I think it's great is because I care about that too. I worked on a bill, LB290, that was focusing on improving the data that is putting on our voter rolls, which actually the voter rolls are the same information that would be made available on these e-poll books. The reason why I bring it up is because if we are truly going to have a conversation about modernization, if we're really going to have a conversation about making sure that we are providing efficiencies and it's for the intent of making the process easier, so that when there's a poll book, the information is automatically there, we can in real-time make changes, if need be. It can be done without the inefficiency of paper, then why shouldn't we try to also make sure that same information is as up to date as possible? I bring it up because it overlaps. It's not an intent to bring something that may not be germane conversation. But I really care about anything we can do to modernize it and I said that on the mike last time. But the conversation should be about if we are going to talk about poll books, that's great. But if we are also going to talk about poll books and get to a place where we are removing or working on something that is not making it...removing anything that has to do with ID, then we should also make sure the data and the information that's provided is as up to date as possible. We've worked on this bill since last year, and there were supporters, there were some opponents. There's some divide on how to best do it, but what we did work on was procedurally, operationally to make sure that it can work for the Secretary of State and the DMV, doesn't mean they are supportive of it. What it means is that we've worked out operationally what would enable it to be possible. That is exactly what we have in LB290 with the amendments. I think it's a unique opportunity to do a little bit of both, that if we are able to also work on modernizing technology, the poll books, that it's pragmatic to have a conversation about how...let's make sure the information and the data that's on that e-poll book is the most up to date possible. By simply changing the provisions or actually the question that we are asking individuals when they are updating information at the DMV or the Department of Health and Human Services, we can ensure that we're adding more information to the voter rolls, more people are registered. And I'm not alone in that. The secretary of state from Rhode Island, they commissioned a report in addition to looking at e-poll books in the same way that we've been having this conversation on just the signature and just the address. They also recommended that we should also look at this opt-out provision--some people call automatic voter registration and the motor-voter law--so that the information that is being transmitted into these e-poll books is the most up to date possible, that it's actually a win-win for modernization. I think we should be having that conversation. Just like on the mike earlier, I was thinking about how can we make the small cell technology bill better. You shouldn't say no to something, trying to make policy better. Just like this, I don't want to say no to something. But if we are going to do something to modernize, if we're going to do something to make sure the information is the most up to date and make it easier for all the people involved, this seems like a win-win. And it's the conversation we should be ultimately having. Colleagues, I ask, if we are going to consider--and

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I said this on the first time on the mike, we are going to consider a pathway for LB1065...
[LB1065 LB290]

SENATOR LINDSTROM: One minute. [LB1065]

SENATOR VARGAS: ...to really be something that we consider good policy and it's going to modernize technology at the polling location, then we have to have a conversation about making sure that information that's being provided is also as most up to date as possible. The bill that I introduced last year, LB290, does that; and it's operational to work with the Secretary of State and the DMV. So from a policy perspective, I'm asking us to consider a way to do both, because if we are, then we are going to make sure that all the information provided is the most up to date possible and we are taking leaps and bounds to improving election technology for Nebraskans that are going to the voting polls in just a little less than...like a month. Colleagues, I ask you to consider that as we consider this debate. And in the meantime, you know, I hope people come and ask me questions about LB290 and we can have a win-win for modernizing election technology. [LB1065 LB290]

SENATOR LINDSTROM: Time, Senator. Thank you, Senator Vargas. Senator McCollister, you are recognized. [LB1065]

SENATOR MCCOLLISTER: Thank you, Mr. President. The issue of voter ID has been something that I have had an interest in for ten years, ten years. In fact, my interest started at a time when I was at the Platte Institute. And I thought this would be an issue that might be worth pursuing. So to that end, I checked in with Mercatus' think tank on the East Coast; checked in with Heritage, Cato and others. And apart from Heritage, who had a scholar that had some interest in the topic, I didn't find any evidence that there was widespread fraud in the United States with regard to voting. I pursued this topic even further. I talked to election commissioners and also Secretary of State Gale. In no case did I find an instance that there's widespread fraud in Nebraska, not a single instance. And one of those election commissioners, Wayne Bena, is now a part of the Secretary of State's Office. And I would simply ask each one of those commissioners, do you have evidence of widespread fraud in your district or in your county? And in no case did they tell me that there's widespread fraud. So this issue is something. In fact, Secretary Gale sent out something to us all on March 7, 2017. And he said, I quote, in terms of voter fraud, he said, there's never been more than 12 suspect issues reported to his office given any election cycle. Most of those incidents were not prosecuted because of lack of criminal intent. In many cases, county attorneys don't prosecute them. They find out that it was accidental or mistaken because of lack of education, Gale said. We don't have numbers on that, but anecdotally we've been told by the counties this is a very, very minimal number or a dozen or fewer cases. For example, he cited one incident in which a woman's mother had died before filling out the election ballot she

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received in the mail. The woman decided to fill it out for her dead mother and sign it. When the signatures didn't match, which is a good thing to know, she was caught. While she should have been charged with a felony, authorities decided not to prosecute her. So it's not a widespread kind of situation. So I wonder, and you've heard this phrase before, whether it's a solution without a problem. Would Senator Murante yield to a few questions? [LB1065]

SENATOR LINDSTROM: Senator Murante, would you yield to a question? [LB1065]

SENATOR MURANTE: Yes, I would. [LB1065]

SENATOR McCOLLISTER: Senator Murante, I have been interested in this discussion about the DMV and the election files. And it is my understanding that there was a link between the DMV and the voter files. Is that not the case? [LB1065]

SENATOR MURANTE: Are you talking about the motor-voter process? [LB1065]

SENATOR McCOLLISTER: Yeah, the DMV, Department of Motor Vehicles, and the licensing section of that agency. [LB1065]

SENATOR MURANTE: So are you talking about the actual...I'm not sure what we are talking about right now, Senator. Yes, if broadly speaking, yes, the Department of Motor Vehicles and the Secretary of State's Office does work together because the Department of Motor Vehicles has a voter registration component in the motor-voter law. [LB1065]

SENATOR McCOLLISTER: Can the Secretary of State and the DMV access each other's files? [LB1065]

SENATOR LINDSTROM: One minute. [LB1065]

SENATOR MURANTE: Can they access each other's files? I don't...so the... [LB1065]

SENATOR McCOLLISTER: Well, let's say there's an incident and the Secretary of State wants to investigate it. Does he simply go to the DMV and look for extra evidence? [LB1065]

SENATOR MURANTE: So the Secretary of State's Office is not an investigatory body. What would happen would be if there was...if the Secretary of State had some sort of reason to believe

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that a crime had been committed, they would turn the matter over to a law enforcement agency. [LB1065]

SENATOR McCOLLISTER: And they, of course, have access to the DMV. [LB1065]

SENATOR MURANTE: Yes, yes. So of what can...of the entities that can view the...what is...the information, especially the digital images in the DMV, law enforcement is explicitly one of them. [LB1065]

SENATOR McCOLLISTER: Thank you, Senator Murante. I think we are out of time. I yield the balance of my time. [LB1065]

SENATOR LINDSTROM: Time, Senators, thank you. Thank you, Senators McCollister and Murante. Senator Clements, you are recognized. [LB1065]

SENATOR CLEMENTS: Thank you, Mr. President. I did like Senator Wayne's silence a while ago. That was nice. But I have heard...one thing I wanted to respond to and give some information about was concerning voting or DMV records, whether they could be hacked, and I just wanted to let people know that Nebraska is taking strong actions to protect the personal information of its citizens. Recently I inquired about computer security with the state computers. I talked to Mr. Ed Toner, who is Nebraska Chief Information Officer, and he just completed a big project recently. He told me one of the major projects he had taken 133 IBM AS400 computers that were scattered around different departments, different agencies, and now they're put in one virtualized server and they're backed up continuously, one copy in Lincoln, one copy in Omaha, and they're many times more secure than what those individual computers were. Also, the thing I liked was that they're saving millions of dollars. Each one of those separate 133 computers had a maintenance agreement and had to have monthly expenses to maintain it and now he's got one central place, one maintenance agreement. And especially, being on the Appropriations Committee, I thanked him for helping balance the budget because many of the agencies now are saving money by not having their own maintenance problems but just using this central system. And I just wanted to make it aware that we have a Chief Information Officer that's very aware of computer security and doing a good job, in my opinion, to secure all of our citizens' data. With that, if Senator Murante needs some time, I'd yield it to him. [LB1065]

SENATOR LINDSTROM: Senator Murante, you're yielded 2:39. [LB1065]

SENATOR MURANTE: Thank you, members. I know we're currently in the process of attempting to find a compromise. I will tell you from my perspective I have tried. I've listened to

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the concerns over a period of time. I was initially told that the concerns were the intent language and I said, okay, I'd be willing to take the intent language out. Then I heard the concerns had something to do with provisional ballots and I said, okay, I understand that, we'll take the provisional ballots out. Then I was told, well, no we don't want a picture in the polling place at all, we just don't want it, and I said, okay, I will take that out and maybe we can talk about some way to figure this out going forward, but at least for the purposes of today we can take it all out, move this to Select File, and continue the discussion. I, at this point, don't know what more we can give other than just killing LB1065. I mean, if you don't want electronic poll books, that's fine. I don't understand it. I haven't heard any compelling arguments for it. But we don't have to do it. And I got to tell you, friends, one way or the other, my time in this body is short and I think most of you know, especially those who have served with me on Government Committee and the Election Technology Special Committee, understand that I am committed to attempting to find funding and to modernizing our elections. But I'm not going to be here forever and there are a lot of people who really don't care about election technology and who look at it from the perspective of, of all the resources in the entire state of Nebraska, of all the things that we need, conducting elections is really not that important. There are some people who believe that, and that we can do it on the cheap. If we don't take advantage of this today, friends, the opportunity may not come back and there may come a point where you look back and say, you know what, we had a chance to modernize our election equipment, to authorize electronic poll books, we lost it, and now we don't have any...we don't have an advocate any longer. So I'm going to continue pushing for this. I...we are, at this point, at the point... [LB1065]

SENATOR LINDSTROM: Time, Senator. [LB1065]

SENATOR MURANTE: Thank you, Mr. President. [LB1065]

SENATOR LINDSTROM: Thank you, Senators Clements and Murante. (Visitors introduced.) Items, Mr. Clerk? [LB1065]

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed: Senator Thibodeau to LB1120; Senator Wayne to LB873; Senator Ebke to LB670; Senator Williams to LB496. In addition, new resolutions: LR480 by Senator Walz and LR481 by Senator Kolterman. Both of those resolutions will be laid over. (Legislative Journal pages 1428-1433.) [LB1120 LB873 LB670 LB496 LR480 LR481]

SENATOR LINDSTROM: Returning to debate, Senator Krist, you are recognized. [LB1065]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. We are witness now today to the shortest bus trip to come visit us, with the folks right

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across the street from St. Mary's, and probably the furthest they've had to come, from Scotts Bluff. Again, welcome. I will yield the balance of my time to Senator Morfeld. [LB1065]

SENATOR LINDSTROM: Senator Morfeld, you are yielded 4:36. [LB1065]

SENATOR MORFELD: Thank you, Mr. President. Thank you, Senator Krist. I want to thank everybody for taking time this afternoon to look at several different amendments that Senator Murante has proposed. In general, after looking at the last amendment that he has proposed, there's general agreement that this is a much better version and draft and it takes out a lot of the problematic language. That being said, I think that what Senator Vargas noted, particularly about automatic voter registration and the need if we're going to move election technology forward and particularly if we're going to make sure that these poll books have the most accurate type of information possible, we have to look at modernizing the way in which we collect voter data. That being said, I know that myself and a few of the other senators are willing to move this forward to Select and I have talked to Senator Murante, who I'll get on the mike here to confirm on the record that he would be willing to work with us between General and Select to look at some of these potential modernization amendments. He hasn't committed anything. I want to be clear on that. Senator Murante, would you yield to a question, please? [LB1065]

SENATOR LINDSTROM: Senator Murante, would you yield? [LB1065]

SENATOR MURANTE: Yes. [LB1065]

SENATOR MORFELD: Senator Murante, if we adopt this last amendment, I want to put it on the record here, AM2842, the amendment sustaining committee amendments, would you be willing to at least sit down with us and talk about some ways that maybe we can amend these amendments to further modernize our election system? [LB1065]

SENATOR MURANTE: I would be...if we can move forward, if we can...I said at the out...the answer is yes if...I said at the outset this is a first step. If we can make this a longer first step, if that is appropriate use of that term, if we can go further with this first step, I'd be happy to do that. [LB1065]

SENATOR MORFELD: Okay. With that, colleagues, I think that we're willing to move to attach this amendment. By "we," I mean several of us. I can't speak for everybody. We have not had the time to talk to everybody. I know that several of us that have had serious concerns about this are willing to move this amendment forward and then have discussions between General and Select,

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which I know is coming up imminently soon, since we only have five days left. And with that, Mr. President, I will end my discussion here. Thank you. [LB1065]

SENATOR LINDSTROM: Thank you, Senators Murante, Morfeld, and Krist. Senator Schumacher, you are recognized. [LB1065]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Based upon the new language that is being proposed, I'd have some sort of mechanical questions and conceptual questions as to how this thing might work for Senator Murante, should he yield to a question. [LB1065]

SENATOR LINDSTROM: Senator Murante, would you yield? [LB1065]

SENATOR MURANTE: I would. [LB1065]

SENATOR SCHUMACHER: Thank you, Senator Murante. This electronic poll book, basically, it's a computer file that has things like name and address and date of birth and the information about, I suppose, voting records. Is that in there? [LB1065]

SENATOR MURANTE: It likely would not have a voting history on it. Typically, it's basically when you go to a polling place and you go sign in, all the pieces of information that would be in the printed poll book would be on the electronic poll book. [LB1065]

SENATOR SCHUMACHER: Okay. And then it would have a GIF file or some kind of picture file with the picture of the signature of the voter,... [LB1065]

SENATOR MURANTE: With... [LB1065]

SENATOR SCHUMACHER: ...the digital signature or some data that represents that. [LB1065]

SENATOR MURANTE: No, that would not be stored within...that is...I'll have to back up and say, first of all, there are numerous different ways that other states and jurisdictions have these...how these poll books operate, and there's...there are many different brands, many different options, so there's not one hard-and-fast rule. But as I understand it, what you're asking me is if there is a preexisting signature in the electronic poll book that when a voter comes in that signature is already there. The answer to that is no. [LB1065]

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SENATOR SCHUMACHER: No. So all they would do is...would there be a pad at the polling place for the person to sign digitally, is that it? [LB1065]

SENATOR MURANTE: There's...some have a pad. Some you just...like when you go to some grocery stores, you just sign with your finger, yep. [LB1065]

SENATOR SCHUMACHER: Okay. Okay, so that's how you would sign this particular thing. And where would...certainly that wouldn't be on a computer located in each of the polling places. They'd have to be connected to some mother ship someplace with that data, wouldn't it? [LB1065]

SENATOR MURANTE: The data that has the signatures? [LB1065]

SENATOR SCHUMACHER: The data, all the data for that voter, the polling booth or the polling book. [LB1065]

SENATOR MURANTE: Yeah. Well, again, it could be kept in a lot of different ways. Some folks, some of these electronic poll books are connected to the Internet, some are not. Some it's just a hard drive. There's no interconnectivity there. Some are. There's just a lot of different ways to do it. [LB1065]

SENATOR SCHUMACHER: Would the Secretary of State prescribe the rules and the communications protocol and the formats for these things or is this kind of just as each county might happen to buy a vendor? [LB1065]

SENATOR MURANTE: No, so the counties could not go rogue, so to speak, and adopt their own election technology. All of that has to be run through the Secretary of State's Office and there's a couple different layers of security there. [LB1065]

SENATOR SCHUMACHER: So do you envision half a dozen people getting approved by...vendors getting approved by the Secretary of State and then going out and marketing these to the counties? [LB1065]

SENATOR MURANTE: That's certainly not how they handle other election equipment. As a general rule, we use ES&S in this state. Counties are given sort of two different options of what technology they're going to use. They have some capacity to choose amongst themselves how that's going to work out. But as a general rule it would be like the Secretary of State would pick out the brand and lay out more options. [LB1065]

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SENATOR SCHUMACHER: So is he going to grant a monopoly? Are we going to have a whole bunch of people? And does he have the staff to go through all the nitty-gritty of screening these programs to make sure that if they are connected to the Internet, our friend Putin can't get in the middle of a file and...I mean, how is this going to work and who is going to pay for it? [LB1065]

SENATOR MURANTE: Well, who pays for it is entirely contingent upon how,... [LB1065]

SENATOR LINDSTROM: One minute. [LB1065]

SENATOR MURANTE: ...because this is permissive language, how local governments play themselves out. It's possible that Douglas County could apply to the Secretary of State and decide for themselves that they want to move to electronic poll books. They would have to get, of course, the permission to do that under this law and the Election Act. [LB1065]

SENATOR SCHUMACHER: All right. Thank you, Senator Murante. I have one important thing I need to do because it was a promise made that needed to be kept. A year ago, Senator Blood ran over my dog (laughter) and I promised her that the dog would not just die there. Would she yield to a question? [LB1065]

SENATOR LINDSTROM: Senator Blood, would you yield? [LB1065]

SENATOR BLOOD: Yes, enthusiastically. [LB1065]

SENATOR SCHUMACHER: Okay. Now, had you been driving an autonomous vehicle, would you have run over my dog? [LB1065]

SENATOR BLOOD: Absolutely not, and that is one of the reasons I support that fine bill. Thank you for asking. [LB1065]

SENATOR SCHUMACHER: Thank you, Senator Blood. Thank you, Mr. President. [LB1065]

SENATOR LINDSTROM: Thank you, Senators Schumacher, Blood, and Murante. (Visitors introduced.) Returning to debate, Senator Morfeld, you are recognized. [LB1065]

SENATOR MORFELD: Thank you, Mr. President. I'll make this very brief. I want to thank Senator Murante for working on some stripping down some of this language. Like I said, I would urge people to adopt the amendment that's coming up. I believe Senator Chambers is going to

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remove the bracket motion. And then we will work with Senator Murante between General and Select. Thank you, Mr. President. [LB1065]

SENATOR LINDSTROM: Thank you, Senator Morfeld. Seeing no one else in the queue, Senator Chambers, you're welcome to close on your bracket motion. [LB1065]

SENATOR CHAMBERS: Thank you. Mr. President, I had started reading an article and I said I wanted to finish it, and when I finish this article I will withdraw that motion. By the way, when it appears that I'm just taking time for the sake of it, I'm actually facilitating work that needs to be done. Time must be taken and there has yet to be a Speaker during the whole time I've been in this Legislature--44 years--whom I did not wind up assisting to get things done because I respect the Legislature as an institution, and sometimes nobody can do it better. Completing this article that I started, and it was in the Lincoln Journal Star, June 29, 2013, the headline: Roberts court guts MLK's triumph. "The 15th Amendment, which guarantees the right to vote, expressly gives Congress the 'power to enforce this article by appropriate legislation.' Congress used that power as recently as 2006, renewing the Voting Rights Act by a vote of 390 to 33 in the House and 98 to 0 in the Senate; then-President George W. Bush signed the legislation. That renewal continued what had been the law's most important provision," that is, "subjecting states with histories of discrimination to extra scrutiny before they can change voting laws. Lawmakers concluded that 'serious and widespread intentional discrimination persists' in the mostly Southern states covered by these 'preclearance' requirements. But Roberts said he had 'no choice' but to invalidate that provision--because he disagreed with the lawmakers' policy conclusions. 'Today's statistics tell a decidedly different story,' the legislator-jurist said from the bench. The case had been brought by an Alabama county, and Roberts, in his oral summary, referenced Bloody Sunday. The chief justice justified his intervention by citing improved voter-registration percentages and by pointing out that Selma and Montgomery now 'are governed by African American mayors.' That was little comfort to the civil rights activists on the sidewalk in front of the court, who were stung not just by the ruling but...by its timing. 'This is the 50th anniversary of the March on Washington,' protested Wade Henderson of the Leadership Conference on Civil and Human Rights. Civil rights lawyer Gerald Hebert quoted King before tossing in a bit of 'we shall overcome.' Inside the chamber, the justices had a late-session listlessness that seemed at odds with the significance of the moment. Stephen Breyer yawned. Anthony Kennedy stared at the ceiling. Sonia Sotomayor sipped a drink and Antonin Scalia rocked in his chair. Ginsburg, though, was steely as she scolded the majority for their conservative activism." "It was the judgment of Congress [in 2006] that '40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination following nearly 100 years of disregard for the dictates of the 15th Amendment.'" She said this from the bench. "In Alabama, she said, Congress found that 'there were many' barriers to minority voting rights. 'They were shocking and they were recent.'" [LB1065]

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SENATOR LINDSTROM: One minute. [LB1065]

SENATOR CHAMBERS: "History may not be as ancient as Roberts supposes." We who are black are still struggling, and those white people who have some understanding realize it. And to the extent that they can, they join the struggle to help. I'm not going to give them too much credit. That's only what one human being does for another. I withdraw my motion, Mr. President. [LB1065]

SENATOR LINDSTROM: Thank you, Senator Chambers. The motion is withdrawn. Mr. Clerk. [LB1065]

CLERK: Mr. President, Senator Murante would move to amend the committees amendments with AM2842. (Legislative Journal pages 1433-1437.) [LB1065]

SENATOR LINDSTROM: Senator Murante, you're welcome to open on AM2842. [LB1065]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. This is the amendment which narrows down the bill to the electronic poll books portion. I believe that Senator Morfeld and others and I will continue working to discuss what other options relative to advancing our election technology can be attained this legislative session, and I look forward to doing that and I look forward to your adoption of this amendment. Thank you, Mr. President. [LB1065]

SENATOR LINDSTROM: Thank you, Senator Murante. Seeing no one else in the queue, Senator Murante waives closing. The question before us is the adoption of AM2842. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB1065]

CLERK: 31 ayes, 0 nays on adoption of Senator Murante's amendment. [LB1065]

SENATOR LINDSTROM: The amendment is adopted. Returning to the bill, committee amendments, seeing no one else in the queue, Senator Murante waives closing. The question before us is the adoption of AM1890. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk. [LB1065]

CLERK: 36 ayes, 0 nays on the adoption of committee amendments. [LB1065]

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SENATOR LINDSTROM: Amendment is adopted. Returning to LB1065, seeing no one else in the queue, Senator Murante waives closing. The question before us is the advancement of LB1065 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk. [LB1065]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB1065]

SENATOR LINDSTROM: Bill does advance. Mr. Clerk, we'll now move to LB1065A. [LB1065 LB1065A]

CLERK: LB1065A is a bill by Senator Murante. (Read title.) Senator, you did have an amendment printed, FA143. (Legislative Journal page 1394.) [LB1065A]

SENATOR MURANTE: Thank you, Mr. President. This floor amendment strikes the provision of the A bill which appropriated \$2 million for the purposes of constructing photograph...cameras to be in every election office, which was never the intent of the bill, and thereby eliminates the fiscal note. Thank you, Mr. President. [LB1065A]

SENATOR LINDSTROM: Thank you, Senator Murante. Seeing no one in the queue, Senator Murante, you're welcome to close on FA143. Senator Murante waives closing. The question before us is the adoption of FA143. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1065A]

CLERK: 36 ayes, 0 nays on adoption of Senator Murante's amendment. [LB1065A]

SENATOR LINDSTROM: The amendment is adopted. Returning to LB1065A, seeing no one else in the queue, Senator Murante waives closing. The question before us is the adoption...advancement to E&R Initial, LB1065A. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1065A]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB1065A. [LB1065A]

SENATOR LINDSTROM: The bill does advance. Mr. Clerk, we will now move to LB1058. [LB1065A LB1058]

CLERK: LB1058 is a bill by Senator Halloran. (Read title.) Introduced on January 17 of this year; referred to the Government, Military and Veterans Affairs Committee for a public hearing;

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advanced to General File. There are committee amendments. (AM2527, Legislative Journal page 1165.) [LB1058]

SENATOR LINDSTROM: Senator Halloran, you're recognized to open on LB1058. [LB1058]

SENATOR HALLORAN: Thank you, Mr. President. Good afternoon, fellow senators and good people of Nebraska. LB1058--Adopt the Faithful Delegate to Federal Article V Convention Act--and the Government, Military and Veterans Affairs Committee amendment, AM2527, were born out of the collaborative efforts of many people and their desire to have the state of Nebraska prepared for a convention of states when called by the United States Congress. First, I would like to acknowledge the excellent work by Senator Laura Ebke and her staff on what we now know as LR6, a resolution to Congress for a convention of states to propose amendments to the U.S. Constitution. LR6, along with the concerns raised during the resolution's subsequent hearings and truncated floor debate, made it clear to me that we as a state need to create a faithful delegate act. Therefore, an interim study, LR181, was conducted to examine the procedures necessary to prepare the state delegation for a called convention of states. Based on the testimony provided during the interim study hearing and the recommendations made by the members of the Government, Military and Veterans Affairs Committee, combined with work done by other states on this topic, I, along with my staff, created LB1058. I wish to extend my gratitude to the 15 cosponsors of LB1058, much appreciate it. After the initial hearing on LB1058, I worked with the Chairperson of the Government, Military and Veterans Affairs Committee, Senator John Murante, other members of the committee, and the committee's legal staff to create AM2527. AM2527 essentially becomes the bill, and I will let Senator Murante explain this amendment. I want to focus on the rationale for why we as a state need to have a faithful delegate act in place. The purpose of the Faithful Delegate to the Federal Article V Convention Act is to provide the rules and procedures necessary to create and guide a Nebraska delegation to any Article V convention called by Congress. It provides the Legislature direction relating to the election of delegates and alternate delegates. It also provides, if necessary, the recall of delegates from a convention along with the filing of vacancies...excuse me, the filling of vacancies caused by a recall. Additionally, it creates a structure to determine if an unauthorized vote has occurred and the penalty for knowingly casting an unauthorized vote. Nebraska currently has a convention of the states call for a proposed balanced budget amendment to the United States Constitution. In 1979, the Nebraska Legislature passed LR106 to make an application to Congress to call a convention to propose a balanced budget amendment to the constitution. We as a state reaffirmed our commitment to a balanced budget amendment convention of states in 2010. Twenty-eight of the 34 states required to call a convention of states by Congress has already been obtained. Please refer to the handout I passed out on which states have signed on to the balanced budget amendment convention of states. We could see a convention of states within the next few years. As a state we must be prepared to act when called. LB1058 would provide the framework needed for us to effectively participate in a convention of states. Thank you, colleagues, for your

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attention, and I would appreciate your green vote on AM2527 and the underlying bill, LB1058. [LB1058 LR6 LR181]

SENATOR LINDSTROM: Thank you, Senator Halloran. As the Clerk stated, there are amendments from the Government, Military Affairs Committee. Senator Murante, as Chair of the committee, you're welcome to open on AM2527. [LB1058]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. AM2527 makes the following changes to the bill aimed at allowing a balance of power between the three branches of government. In Section 2, the amendment redefines delegate to encompass an individual that was previously an alternate delegate that has moved into a delegate role due to a vacancy. It also redefines unauthorized vote to conform to other changes in the amendment. Section 4 still establishes procedures for the selection of delegates to an Article V convention. However, the article...the original Section 4 is stricken and replaced by the following. Nebraska's delegates to an Article V convention shall be the Lieutenant Governor, the State Auditor, the Secretary of State, the State Treasurer, and the Speaker of the Legislature. Nebraska's alternate delegates shall be selected by the Executive Board from the Chairpersons and Vice Chairpersons of the Legislature's standing committees. The new Section 4 also provides for the possibilities that the new...that the number of delegates could be fewer or greater than five. If the number is fewer than five, the delegates shall be drawn from a list of delegates in the order in which they are listed. If the number is greater than five, the delegates shall designate an additional delegate. This authority shall be conferred in the order in which they were listed. If the number is greater than ten, then the Legislature shall elect from the members of the Legislature however many additional delegates necessary to form a full delegation. That's necessary because we have the capacity to change...to have...to be told how many delegates need to be sent from each state. Section 5 is predominantly the same. The amendment eliminates the provision on lobbying because it would be unenforceable. Section 6 is only changed to conform to other changes made in the amendment. Section 7 is eliminated entirely. Section 8, now Section 7, is not changed. Section 8, Section 9 in the original bill, deals with delegates casting unauthorized votes at the convention. The amended version also includes unfaithful delegate removal provisions. The section still bans delegates from casting an unauthorized vote and declares unauthorized votes to be invalid. If a delegate casts an unauthorized vote, he or she is automatically disqualified as a delegate. A delegate may be removed from the office...from that office pursuant to existing quo warranto statutes, except that a partial removal is not allowed and a removal as a delegate does not impact the individual's rights to hold any other office they currently hold or may hold in the future. These statutes allow for commencement of a removal action and for instances by the Attorney General at the direction of the Legislature, by the Attorney General at the direction of the Governor, by the Attorney General at his or her own discretion, and by the alternate delegate who is the member of the Legislature at his discretion. Rather than the Legislature or an advisory committee advising delegates and alternates whether an action could result in an unauthorized

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vote, the amendment gives that responsibility to the Attorney General and Sections 10 through 12 are eliminated. That is what the committee amendment does, and I encourage your support of LB1058 and the amendment. Thank you, Mr. President. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Murante. Turning to debate on AM2527, Senator Morfeld, you're recognized. [LB1058]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to this legislation just as I rose in opposition to it a few years ago for a few different reasons. First off, the faithful delegate issue is not resolved on the federal level, and while we can introduce legislation here on the state level, there is no guarantee that once those votes are cast, that they won't be recognized at a constitutional convention. Now, why is that? Well, one of the reasons that is, is simply because, first off, if you look at the actual article within the Federal Constitution that governs this, it's so short, broad, and vague, that there is not really any constitutional framework around this. In addition, I can almost guarantee you that the United States' federal court system, particularly the Supreme Court in this case, which any questions regarding a convention would go to, probably is not going to involve themselves too much in determining what is permissible and what's not permissible at the constitutional convention. Why? Because there is so little information actually to give guidelines and rules for convention, which is the problem. And that's the thing that a lot of people have been looking at with these conventions is that it's so easy to have a runaway convention because there is so few guidelines and rules and really guardrails within that article of our constitution to be able to guide a convention. The last constitutional convention that we had, on the federal level anyway, was when we got rid of the Articles of Confederation. And when we got rid of the Articles of Confederation, we ended up with a very, very different structure of government. And I can guarantee you, colleagues, that once this constitutional convention convenes, everything is going to be on the table. We see it happen with the debates that we have in here. So if someone is going to want to get something--so a balanced budget amendment, let's throw that out there--so say a big group of people that go down to the constitutional convention want to get a balanced budget amendment, what are they going to give other people to get there? Is it your Second Amendment rights? Is it your First Amendment rights? You are going to be opening up the entire constitution. If you want to have a balanced budget amendment, propose a specific balanced budget amendment. But I'm telling you that going to a constitutional convention is, number one, filled with unknowns. Number two, it's going to be dangerous because you'll be opening up the entire constitution. And number three, once our delegates are in the federal sphere in a convention, our state laws, quite frankly, may not apply in the decision-making processes they have there. Why? Well, first off, the United States Constitution has supremacy over any state laws. So if they're operating in a mode where they are creating, essentially, federal constitutional law in a convention, state laws likely won't apply, whether it's restricting them or not. Why? Because there is nothing in the constitution under that article that actually restricts those individuals. So once they're placed as delegates,

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they could very likely do whatever they want. There are so many unknowns with this, colleagues, it's dangerous. And if...here is the bottom line, is if you believe in a balanced budget amendment, good for you. To a certain extent, I also believe that we should be having a balanced budget. I do also think that it's important to have budget authority... [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR MORFELD: ...over a balanced budget because I think that there's things that we can't plan on. But by convening a constitutional convention, we will be opening up all of the constitution, including some parts that quite frankly you probably don't want to see opened up. There are some things in the constitution I don't want to see opened up, and I know that there are some things that are probably different that a lot of you also would not want to see opened up. This is a dangerous path and a dangerous way to approach the balanced budget. And we've had a balanced budget before, colleagues, and we talked about it ad nauseam last year or the year before. It wasn't that long ago. It was in the '90s. Colleagues, this is the wrong approach to this issue. It's a dangerous approach and I think it's going to impact a lot of rights and amendments that you do not want to see opened up. Thank you, Mr. President. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Morfeld. Senator Schumacher, you are recognized. [LB1058]

SENATOR SCHUMACHER: Thank you, Mr. President. Members of the body, this is simply beyond the power of the Legislature to adopt. It's a bad idea. Let me make three points and I'll go to some authority for those. Number one, the constitution provides that the Legislature shall pick the delegates. That's not a Legislature from 50 years ago, 20 years ago, or 4 years ago. That is the then-sitting Legislature. We do not have the power to prescribe to a future Legislature what it does under a future call that a Congress might make. This is a nullity. Secondly, a delegate, once selected, is like it was when we selected United States senators by the legislative methods around the 1900s. Once a senator was selected and put on his senator hat, he was a senator or she was a senator. And as such, the Legislature could not say you're a senator so long as you vote for this, that, and the other thing. They were the senator. The delegate to an Article V convention has a role under the federal government that we cannot impinge on, cannot limit. We either elect a delegate or we don't elect a delegate. Now that leads to the third issue. If we elect a make-believe delegate under something like this and someone challenges that delegate for not having been properly selected, Nebraska could be denied representation because who would settle that lawsuit? Would it have to come back to a special session of the Legislature to repeal this law and elect a full-fledged delegate? Would we...would the people who are named in here get a chance to sue in federal court claiming they were the rightful delegates? And the whole convention might be rolling along without us even being represented because we thought we were clever and

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passed this. This is beyond the authority of this Legislature to pass. I have to tout Georgetown a little bit, but this is a professor of Georgetown who was writing in a national publication: Proposed delegate-constraining laws will not work for several reasons. First, nothing in the constitution gives the state legislatures the power to control the delegates any more than state legislatures can control their members of Congress. Once selected, delegates to an Article V convention become federal officials with authority derived from the Article V and not from the states. In Bush v. Palm Beach County, the U.S. Supreme Court held that even when state officials derived their power...that when state officials derived their powers from the U.S. Constitution, federal law constrains the behavior of the officials. Second, even if state laws were valid and binding, no one is or can be in power to enforce them. Article V limits the Congress role to calling a convention once a sufficient number of states have made valid request. It would have no authority to oust delegates even if they wanted to. As noted, the Supreme Court made it clear that such matters as political questions, that the federal courts may not decide. State courts have no authority to intervene in a federal constitutional convention. Finally, even if such laws were valid and enforceable, the convention would almost certainly finish its work before the laws could be invoked. Particularly, if the delegates were aware of such state laws, they could easily arrange for all matters before the convention to be decided by a single up-or-down vote at the end of its proceedings. Negotiators on complex matters routinely operate on the basis that nothing is agreed on until everything is agreed on. This leads to a single large package that is approved as a block at the very end. At that point, the convention would disband and the recall of any delegates would be absolutely meaningless. He goes on to say that a convention of the states would be reckless. [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR SCHUMACHER: And it would. Senator Morfeld is absolutely correct. Once that convention convenes, it's open season on everything. Precedent, the convention that was called to amend the Articles of Confederation blew the doors off and they said, we're just starting over. And in this political climate, in this country, we don't want that to happen. This bill is a bad idea and it's beyond the power of this Legislature. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Schumacher. Senator Bolz, you are recognized. [LB1058]

SENATOR BOLZ: Thank you, Mr. President. I stand in opposition to this legislation because I think it helps pave the way for a convention of the states and my concern about the convention of the states is mostly fiscal in nature. And let me be clear, lest this be taken in some way in which I'm not intending. I have no problem with fiscal restraint or with holding our federal delegation accountable or any of those ideas that go along with efficient and effective and functional

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democracy. However, I think that a convention of states could make sweeping changes and that could have a significant impact on the quality of life here in Nebraska. Nearly \$3 billion in federal funding comes into our state budget. It comes into Medicaid, it comes into roads, it comes into education. For example, \$400 million of federal funds comes in for our K-12 education system; 23.72 percent of all of our state expenditures are federal in nature. And so what I think we imperil by empowering a convention of states and by saying...by establishing a framework and by moving forward with an idea like this, is rather than holding our federal delegation accountable to making Congress work in a more functional way, we kick it to the convention of the states, which could make sweeping changes and they will impact everything in...that we receive federal funds for. We get federal matching funds for senior citizens in nursing facilities. We get federal matching funds for Department of Roads. We get federal matching funds for special education. So all of those things are in question if we move forward with an idea like this. And so wearing my Appropriations Committee hat and from a fiscal perspective, I don't support further initiatives to establish a framework for the convention of the states and I don't support this legislation. Thank you, Mr. President. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Bolz. Senator Linehan, you're recognized. [LB1058]

SENATOR LINEHAN: Thank you, Mr. President. I'll yield my time to Senator Halloran. [LB1058]

SENATOR LINDSTROM: Senator Halloran, you're yielded 4:55. [LB1058]

SENATOR HALLORAN: Thank you, Senator Linehan. Well, let the fun begin. It's...first, we have Senator Morfeld saying that Article V is...how is it? Short, broad, and vague. And then we have Senator Schumacher going on and on and on and on about people's interpretations of Article V in-depth. The language in Article V is unambiguous. It's pretty straightforward. And I hate to burst everyone's bubble. The reason for this bill is to prepare us for a potential convention of states that we have signed on to. You all can debate the merits and demerits of a convention of states. That's fine. We can go around and around with you on that. I've got the same kind of literature that can counter all the fallacies that are on the other side. That's okay. We can do that. But again, we're six states away. I don't know when it's going to happen, but it's not a question of if, it's a question of when. So we can all be flat-footed about this. We can all just be unprepared and just call a special session. I guess that's what we do, just like what we do is we spend three hours on every bill no matter how simple the bill might be, not that this is a simple bill, I'm not implying that. But we could have a bill on up and down and we would spend three hours debating on which side is right, up or down. Well, okay. Our people back home watch this circus and say, oh, wow, you folks are really narrowing the focus on what's really important to

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Nebraskans. Anyway, again, let's refocus. This bill is dealing with setting up procedures on determining delegates, determining alternate delegates, declaring and specifying that delegates or commissioners, whatever we want to call them, have to oblige themselves to what direction we give them. Senator Schumacher made reference to "back in the day," back in the day when U.S. senators were chosen from state legislatures. Well, it's my understanding, and I'll have to re-reference this, but it's my understanding that the states had the authority to call...recall those senators. And that's what this would do as well. It's explicitly expressed in this bill that we will have the authority to pull back anyone who spins off rogue away from the intended focus and intent of a convention of states, which is very specific. This whole idea...this whole idea of we're gonna to open the constitution up and everything is up for grabs, it takes 38 states. It takes 38 states to propose an amendment to the constitution. And that's just the proposal part. But let's look at that, 38 states. Let's say there's two houses per each state, except...with exception of Nebraska. That's 76 houses. That's 76 houses of representatives and senators. And let's just say there's--let's round figure--there's ten from each one of those. All those people are going to sit back, kick back, and let the constitution be picked apart like you all say it's going to be. I've heard the term "Chicken Little" before here, but this has gone beyond the pale of what Chicken Little is. [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR HALLORAN: We all have been getting e-mails from people, mostly five people who have been sending us e-mails discouraging us from voting on this bill and anything to do with a convention of states. And as I referenced before, it reminds me of the folktale "Henny Penny," more commonly known in the United States as "Chicken Little" and sometimes as "Chicken Licken," not a reference to Colonel Sanders, but it's a folktale with a moral about a chicken who believes after an acorn fell on its head that the world is coming to an end. The phrase "the sky is falling" features prominently in this story and has been passed into English language as a common idiom indicating a hysterical or mistaken belief that disaster is imminent. A convention will someday be called, but the disaster will be when we are caught flat-footed and not prepared for it. [LB1058]

SENATOR LINDSTROM: Time, Senator. [LB1058]

SENATOR HALLORAN: So let's discuss this bill. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senators Linehan and Halloran. Senator Baker, you are recognized. I do not see Senator Baker. We will move on to Senator Ebke. [LB1058]

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SENATOR EBKE: Thank you, Mr. President. I had not intended to say much about this particular bill, but I started shaking and my adrenaline started flowing and I guess I needed to come and say a few things. First of all, Senator Morfeld, there you go again. We insist on calling this a constitutional convention, and technically I guess it deals with the constitution. But it is authorized under Article V of the constitution. It's important to realize, though, that LB1058 has nothing to do with a call of a convention. This is not a call of a convention. This is asking the Nebraska Legislature to be prepared should a convention be called. If, at some point in time, 34 states decide that a convention for the purpose of amending the constitution should be called, will we be ready? Because as Senator Schumacher said, do we really want to risk not having delegates there? If a convention is called, if we were the 35th or the 36th or the 38th state or we just didn't even bother and 34 other states decided to get together, would we want to not be there? I suspect that if they're going to start working on amendments to the constitution, that we'll want to have a voice. And if we want to have a voice, how are we going to choose that voice? I think it...I think that it's a good idea, especially given that over the last 20 years or so, and especially over the last five years, Article V movements have popped up, not just the convention of states, but also the Wolf-PAC. There is a balance...there's the separate balanced budget amendment. There's a term limits amendment. Nebraska has on file a balanced budget amendment call, as well as a right-to-life call. That one is still floating around out there. If a convention is called, what will we do? Whether it's those of us sitting here today, those of us who are here in three or four or five or ten years, what kind of guidelines will there be? And perhaps we put this in the rules. Maybe it doesn't belong in legislation. I don't know. Senator Hilgers isn't here today to tell me that it belongs in the rules. But, you know, there needs to be some sort of a structure, because otherwise we're just making it up, because there's a pretty good chance that by the time we get to a convention, a convention call, that most of us won't be in the room, most of us won't be here, so somebody ought to be ready. Senator McDonnell, last year--hi--Senator McDonnell last year asked me...came over and asked me after the LR6 debate. He said, well, I'd feel better about this if we had some sort of framework in place. Okay. That's what LB1058 is seeking to do is to create some sort of a framework so that we all know what happens if a convention is called. Now, people say the constitution...if you have a convention--let me just slide over to that a little bit--if a convention is called, that we're going to have some sort of a crazy runaway convention. We have a rule here that prevents things like that from happening. It's called germaneness. And there is no reason to believe that all of a sudden you're going to get people in a room who are all holding these devices, cell phones. How many of you have received a text while you were sitting here today? Senator Chambers hasn't. But the rest of us have. Many of us have sent texts out, posted on Facebook, posted on Twitter. Do we really think that that won't happen? [LB1058 LR6]

SENATOR LINDSTROM: One minute. [LB1058]

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SENATOR EBKE: Thank you, Mr. President. Do we really think that that won't happen? Nothing is going to be secret. We're not going to be in 1787, Philadelphia, with the windows closed, the doors locked and, you know, sweating in 110 degrees along the coast there. Instead what's going to happen is you're going to have a...even if they try to keep it secret, something is going to leak. There is not going to be a lot of secrets. So the chances that you're going to have some sort of a nefarious condition occur is rare. And you know what? Even if it does, it still has to go back to the states to be ratified. So, Mr. President, I have questions about AM2527. I have concerns about Section 4 in AM2527. But I support LB1058. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Ebke. Senator Pansing Brooks, you are recognized. [LB1058]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I appreciate Senator Ebke's explanation of how this is just a framework, and I do get that. But often when you create a framework, it becomes a self-fulfilling prophecy. So my thought is let the future legislatures that are going to have to deal with it deal with it, or if you want to...I mean, people can remember ten years from now, oh, Senator Halloran had some really good ideas on how to go forward. They can look back at those ideas. But to bind them to something we don't know and we don't fully understand what will happen at that point, I think...I think is foolhardy to guess what might happen. How about trusting our future leaders to be able to make some decisions that are valid and relate specifically to what's happening at the time? And again, I know that this isn't about the constitutional convention, but I do want to talk a little bit about my fears about a constitutional convention. So if we...I'm not willing to move forward and prepare a self-fulfilling prophecy, and people will say, well, Nebraska is ready for it. That's akin to voting for it, in my estimation. So I want to go on and say that while the provision allowing the call of a constitutional convention exists in the U.S. Constitution, that same provision provides no guidance as to what happens once it is called. And once the constitutional convention is called, it can set its own agenda. There is no constitutional or legal precedent that allows states to limit the scope of the convention. And the last, quote unquote, limited convention in 1787 was when the Founding Fathers threw out the Articles of Confederation despite the convention being simply called for the limited scope of providing taxing authority. The inability to limit the scope of a convention threatens all civil rights protected by the Bill of Rights. It limits the freedom of...it could...it could threaten the freedom of speech, freedom of religion, the right to bear arms. It all depends on who is in power. And right now it seems inconceivable to many that there would be a different group that was in power. But not so long ago there was a totally different group in power, and now there is a wave to undo the horrific things that supposedly the previous administration did. The other things that could be affected are the elimination or alterations that could face...that could change the face of our democracy. We know that there are things going on right now regarding the news and other situations. And while proponents of a constitutional convention tout the safeguards and unlikely occurrence of a runaway convention, the mock

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convention that was held in October 2016, the delegates passed an amendment that would have eliminated the federal income tax, which makes up 47 percent of our federal reserves and deals with our safety and what's going on in our country, and would have imposed a supermajority requirement to raise federal taxes. Such an outcome would have required us to cut our federal budget in half, which would have drastic cuts to Medicare, Social Security, farm subsidies, education, defense, roads, and so on. The consequences of a constitutional convention are real for Nebraska's budget. In the last fiscal year, federal dollars... [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR PANSING BROOKS: ...accounted for over 31 percent of revenue in Nebraska, reaching 35 percent in the most recent recession. Rural communities directly benefit from federal dollars. In 2015, Nebraska farmers received \$779 million in direct federal farm subsidies. So I agree with Senator Morfeld. If we want to try to do something and pass an amendment to balance the budget, that's worth discussing. But to open our precious constitution and our amendments to the whims of whoever happens to think something is good or bad, and to the whims of some sort of negotiation, that framework should not be built and this convention should not exist. Thank you, Mr. President. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Pansing Brooks. Senator Lowe, you're recognized. [LB1058]

SENATOR LOWE: Thank you, Mr. President. I stand in favor of AM2527 and the underlying bill, LB1058. You know, we had...my friend, Senator Morfeld, said that the last time we had a balanced budget was in the 1990s. On paper it sure looked that way. But that's on paper, and you can make things look any way you want. That's like saying I got \$1,000 and I'm going to spend \$300, but then I'm going to borrow \$400 to pay for that \$300. Yes, it does look like we had a balanced budget because the national debt did actually go up each of those years in the 1990s and following. The last time our national debt actually went down was back in 19...between 1950 and '51, when it went from \$257 billion to \$255 billion. After that, the national debt has gone up steadily every year. So it has been a long time since we've balanced the budget. And what are we afraid of? Didn't we just have an autonomous bill...car bill...automobile bill...truck bill? And we shouldn't be afraid of the future. But are we afraid of the future? If we go back and do what our Founding Fathers said, let's not be afraid of the people, but let's be afraid of the government. I'd like to yield the rest of my time to Senator Halloran. [LB1058]

SENATOR LINDSTROM: Senator Halloran, you're yielded three minutes. [LB1058]

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SENATOR HALLORAN: Thank you, Senator Lowe. Would Senator Morfeld yield to a quick question, please? [LB1058]

SENATOR LINDSTROM: Senator Morfeld, would you yield? [LB1058]

SENATOR MORFELD: Yes. [LB1058]

SENATOR HALLORAN: I recognize all your points because we've gotten e-mails for the last three months from various groups--John Birch Society, Common Cause, on and on. Anyway, you suggested that in this brief description in Article V in regards to a convention, there is nothing specific about guardrails in place. Can you specify what guardrails are described in Article V relative to Congress proposing amendments? Very specific, please. [LB1058]

SENATOR MORFELD: In Article V? I don't have Article V in front of me. I'd have to pull it up again, Senator. [LB1058]

SENATOR HALLORAN: Okay. [LB1058]

SENATOR MORFELD: I believe that there are. But I need it in front of me to be able to answer your questions. So in the future, before you ask me a question, you may want to make sure that I have the document in front of me. [LB1058]

SENATOR HALLORAN: I don't have to make sure you have something in front of you, Senator. You were...you were... [LB1058]

SENATOR MORFELD: But if you want to ask me questions about it, Senator, then you probably should. [LB1058]

SENATOR HALLORAN: Excuse me, Senator. No, I shouldn't, because... [LB1058]

SENATOR MORFELD: Okay. [LB1058]

SENATOR HALLORAN: ...you were very...very...expressed your expertise on Article V. I guess I shouldn't have made the assumption that you would know whether there is guardrails or not. [LB1058]

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SENATOR MORFELD: Well, when I have read Article V, I don't believe that there are sufficient guardrails. I don't have it in front of me right now. [LB1058]

SENATOR HALLORAN: Okay. [LB1058]

SENATOR MORFELD: But I'm happy to get it in front of me. [LB1058]

SENATOR HALLORAN: The next time I have the mike, I'll ask you again, give you time to... [LB1058]

SENATOR MORFELD: Excellent. [LB1058]

SENATOR HALLORAN: Thank you. [LB1058]

SENATOR MORFELD: Thank you for the heads up. [LB1058]

SENATOR HALLORAN: All right. It's interesting, in the debate on the autonomous automobiles, there was a harkened plea for us to be leaders and not fear all that could be. I think Senator Pansing Brooks made a comment to that effect. She says: Not ready? Be better prepared. [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR HALLORAN: Other supporters on that debate argued on the basis of being prepared, this is the future, get ready, have a plan in place, let's have a framework. And I think that's all this bill is addressing, folks. A convention of states will happen. I know it will be to the chagrin of many people, but it will happen and we need to be prepared for it. We need to have a plan in place for choosing delegates, expressing what authority they have and what will happen if they go beyond that authority. And I would hope that we could stay germane to the topic of the bill and not shift off into whether a convention of states is a good thing or a bad thing because we already have called for, for Nebraska, and reaffirmed a call for a balanced budget amendment convention of states. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senators Lowe, Halloran, and Morfeld. Senator Morfeld, you are recognized. [LB1058]

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SENATOR MORFELD: Thank you, Mr. President. Colleagues, the reason why I bring up the convention of the states and the dangers of it is because as we start proposing these laws, I think it gives more legitimacy to the idea of having a convention of the states, which I am fundamentally opposed to and I think it's dangerous. So that is why I talk about the convention of the states and the danger of the convention of the states in relation to this bill, because it's intimately connected and related to that subject matter. Now, in terms of asking questions on the mike about certain documents and information, no, I do not have the United States Constitution memorized. So I would appreciate the courtesy of if you're going to ask me a question, and I do this with Senator Ebke today, I did this with Senator Murante, of saying, listen, I'm going to ask you a question, just so you're prepared, can you have your documents together, because I'm not going to just ad lib what's in the constitution and answer questions. That's not responsible and I won't do it. So, colleagues, I do have the Article V up right now. So the next time that Senator Halloran wants to ask me questions, I'll be prepared to ask (sic) a question and I expect the courtesy in the future. That being said, I think that there are some substantive issues, particularly with this bill, outside of the fact that I think an Article V convention is dangerous, that I have concerns with. For instance, just pulling it up, the amendment, the committee amendment to the bill: In advance of any formal, legal call for Article V convention, the Legislature predetermines and authorizes the following five officeholders to perform the duties of delegates to an Article V convention. I guess I don't fully understand what that means, because I don't see anything in Article V that says in advance of a formal legal call for an Article V convention, that there needs to be some kind of predelegates. And if we're authorizing these individuals in particular, individuals which, quite frankly, at this point in time, I don't want them to be my delegates to any...in advance or any other form to the convention. So I guess I just have fundamental concerns with, number one, how we make this up. Now, if there is a call to a convention, I would expect that we have a special session and we hash and hammer some of these things out. But I don't want to bind any future Legislature to this framework, particularly when I just fundamentally disagree with some of the people that are already predetermined, even before any formal call to the convention. So, colleagues, first I'm opposed to it because, number one, I think an Article V convention is dangerous, particularly at this time in our democracy. Number two, I also think that this type of legislation legitimizes those types of calls and only strengthens the call for them. And then number three, I have fundamental concerns about the structure of this and who some of the people that are already predetermined to be delegates, or predelegates, it looks like, which I'm not fully understanding what exactly that is, to the convention. So I have more concerns actually with the Government Committee amendment, as far as I can tell, than the actual bill itself. And I urge you to vote in opposite...vote against it. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Morfeld. Senator Brasch, you're recognized.
[LB1058]

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SENATOR BRASCH: Thank you, Mr. President, and good afternoon, colleagues. As before, I stand in opposition to any type of article for constitutional convention and also LB1058 and AM2527. I've been very respectful of this, but I recently had a very disrespectful social media attack from the convention of states aligning me with notorious people and groups and wolves and whoever...go figure. And thank goodness, because I wasn't even tagged into that page, but several people chimed in saying, Lydia? Really? Really. I'm not a notorious person, and neither are you in here. And when we look at this bill, I am sorry to sound like a parrot and repeat it. I saw it in the sine die program--America, America, America. You know, it's no joke. It's not funny. Since 1949, we, every generation, has slipped further and further and further away from our country, from the constitution, and from moving forward on what our civic responsibilities are. So now we're going to appoint a committee and we're going to march to Washington and we're going to fix the budget and fix everything wrong with us? That's just too simple. We've always had this power. We've always had this control. But it seems that we're supposed to know less and less about it. My...today, this morning, at the FFA breakfast, I'm asking these students, these high school seniors, who are old enough to go vote, do you know who your senator is? No, they don't. What do you know about government? Well, we're taking an on-line class. What do you know about the naturalization test? We did take that, but only 2 out of 12 passed it. And that's just the baseline of information, the baseline of what we have in place, the powers already given to us, the ability to go vote, to pick your leaders, to control that budget, to participate, to run, to...it's sad for me. And earlier my colleagues here are talking about, well, Secretary Gale said, Secretary Gale said. Well, Secretary Gale also wrote a letter saying that as he goes across the state speaking with groups in schools, he supports LB1069 because they are not getting that information, they are not becoming civically engaged. When we become civically engaged, every generation, we don't need to pick our delegates. We are those delegates. We, the people, are the people, and our constitution and the articles and every generation is getting further and further away...why there are millions of people waiting in line to come to this country. And we just want to make it quick and easy, 101. I'm going to send someone there and I'm going to make term limits and I'm going to fix the budget. But it's not me. It's hiring somebody to go clean your house for you. Well, you're the house cleaners. You're the people that can clean out this institution. You're the people that can vote for people in Washington, D.C., and I'm speaking to those listening today. [LB1058 LB1069]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR BRASCH: But I don't support this. I believe our constitution is not broken. It is fixed. We are not following it. And I believe this body, by appointing delegates--don't pack your bags just yet, folks--we've got a lot to do before we get there. Thank you, Mr. President. Thank you, colleagues. [LB1058]

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SENATOR LINDSTROM: Thank you, Senator Brasch. Senator Bostelman, you're recognized. [LB1058]

SENATOR BOSTELMAN: Thank you, Mr. President. I ask Senator Friesen some questions if he would yield? Senator Friesen. [LB1058]

SENATOR LINDSTROM: Senator Friesen, would you yield? [LB1058]

SENATOR FRIESEN: Yes, I would. [LB1058]

SENATOR BOSTELMAN: Senator Friesen, my understanding here, a year or two ago you went to a...was it a mock convention of states, something like that? [LB1058]

SENATOR FRIESEN: Yes, in Williamsburg. [LB1058]

SENATOR BOSTELMAN: And when you went there, obviously, there was discussion about delegates, how they act, what role they play. Could you talk about that just a little bit? [LB1058]

SENATOR FRIESEN: Yeah, they tried to get three, I think, three people from every state to show up. And I think they had the majority of the states there by quite a...we had quite a crowd there. And so, yeah, we went through what a mock convention of states might be like. [LB1058]

SENATOR BOSTELMAN: So looking at the...at LB1058 right now and looking at, I think, what we're...what Senator Halloran has before us, what we're trying to do is trying to set some type of a framework up to have people identified, prepared, perhaps, to when that...when or if that day comes that there's a convention of states, that they would have a little bit of background, a little bit of knowledge to prepare for going there. Do you feel that would be beneficial to any delegate that may go? [LB1058]

SENATOR FRIESEN: I think the choosing of the delegates is probably the most important part of the process and that would be the biggest thing that happens is choosing the right delegates to send. But I don't feel that there is a problem after that, that you need...well, you want your delegate to be faithful to what your issues were, according to the state. But in the end, the states still all have to ratify things if they do come out of there. [LB1058]

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SENATOR BOSTELMAN: So you were talking about that...what you just said there about you want to make sure the delegates understood, I guess, the position or the point that the state had going into it, so I'd like to hear a little bit more about that. [LB1058]

SENATOR FRIESEN: Well, the convention of states was a very narrow focus. I mean, I think we focused on three different things and we broke up into separate groups to deal with each of those issues. And so in the end, the delegate body met as a whole and what each subgroup suggested as a fix for its problem, then the whole delegate body voted on that. And what surprised me the most is that we didn't pass everything that each of those three organizations put out. It turned into quite a debate and one of the...at least one of the issues was not solved, we did not pass anything from that group, and so I was surprised. I mean, I thought we all had, maybe, like-minded delegates showing up there, but you sometimes don't agree on the solution. So it's kind of like working with this body. We've all got a different idea on how to fix things. [LB1058]

SENATOR BOSTELMAN: So do you think it's beneficial to have...at once go back to some of the guidelines we have in here, some of the things that Senator Halloran has in the bill here, some guidelines, some...I don't know if you want to call them restrictions, opportunities, their delegates go...have going forward before they go to the convention? [LB1058]

SENATOR FRIESEN: I think it makes everybody feel that the process is safer. I'm not sure that it's needed for sure, but I don't think it hurts anything. I think it does take away some of the fears of what could happen. Those were questions that came up at the mock convention also. [LB1058]

SENATOR BOSTELMAN: And I guess...and part of this, too, it's understanding maybe some of the strengths that the delegates might need or have. Do you think that would be important? [LB1058]

SENATOR FRIESEN: Well, that is important is be able to have an idea and be able to communicate back to the larger body, you know, because there is a lot of negotiations happen. You may go with the intent of doing...going one direction, and as you get there and you meet all these new people that are working on the same problem, there's better ideas come up. You have to be a little bit flexible, but you need guidance back to the state. [LB1058]

SENATOR BOSTELMAN: And what I heard, too, from what you were saying,... [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

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SENATOR BOSTELMAN: ...it's very, very...thank you...is very pointed, very narrow in focus on what you talk about there at the convention? [LB1058]

SENATOR FRIESEN: Yes. It was very narrow, very focused. I was really impressed with the process. I really was. We came up with, I thought, several unique solutions that I had not at least thought of earlier, so it was very interesting to go through. [LB1058]

SENATOR BOSTELMAN: And would you consider that it was really across-the-board representation of all in the body, of all, I guess, political parties that was represented there? [LB1058]

SENATOR FRIESEN: It turned out it was that way. I mean, some states sent people that were just...strenuously objected to anything almost, it seemed like. So we had to...you know, you had to work with them in the smaller groups and you also had to deal with that in the larger body. So it was a very diverse group, and I would assume under a real convention of states it would be even more diverse. [LB1058]

SENATOR BOSTELMAN: Okay. Thank you, Senator Friesen. Thank you, Mr. President. [LB1058]

SENATOR LINDSTROM: Thank you, Senators Bostelman and Friesen. Senator Chambers, you're recognized. [LB1058]

SENATOR CHAMBERS: Thank you. Mr. President, I know that nobody is going to pay attention to what I say, but I'm saying it for the record to demonstrate that my time in the Legislature, my study of the law, my having argued and won cases in the Nebraska Supreme Court, having been quoted in a Supreme Court decision, at least one of them, for comments I made on the floor of the Legislature, I'm not speaking to the people here, but there might be somebody who will listen. This is all nonsensical. It's much ado about nothing. If a convention is actually called, this would be thrown away immediately because it makes no sense. No Legislature is going to be bound to send the Governor, the Lieutenant Governor, and all these other named individuals when they can scrap the whole thing and pass a law saying what they want to say. The Legislature can name individuals whom they want to send. This does not bind us. If it's passed and the Governor signs it, next year we can repeal the whole thing. You all get caught up in this...the hubbub of the moment and you go along with what these fringe groups tell you. You put this kind of trash on the books, it will be a law if you pass it, but it means nothing. It just shows a blip on the radar screen when the Legislature behaved like a bunch of idiots. Idiots! There has been no convention called. There may never be one called. But if it is called, I hope Senator Briese and I are here, because I'll make him a wager that this will not be the

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blueprint that that future Legislature will follow. Why should they? They can look at the kind of legislation we enacted and say those rubes, those boobs, they're going to send somebody to represent the state in a constitutional convention when they don't have enough respect for themselves to keep the Lieutenant Governor from presiding and carrying out the Governor's wishes in the Legislature? Why, they were out of their minds. But we're not out of ours. This thing, you can pass. Give Senator Halloran a vote if you want to. Let him feel good. The agencies that gave it to him, whoever crafted this language, will feel good. Doesn't make me any difference. I'm not worried about it. They could have written that the third shift of the janitors who clean up the Capitol Building will comprise the delegates and put it in the law. And if a convention is called, that will be thrown out. These are not the times that try men's souls. These are the times that amuse intelligent people. I won't mock, I will not scoff, I will not taunt. Sometimes you have to allow children to play with the toy that the child wants to play with to get the child out of your hair, no harm done. Some guys stole a train and the country was in an uproar. Abraham Lincoln was President. He told everybody, simmer down, the only place that train can go is where the tracks lead. We will set up something that will stop the train at this point and it will be a situation of nothing ventured, nothing gained. You all are on a track. You can't go anywhere other than the track takes you. This is the track that takes you to foolishness-- foolishness in, foolishness out. It's amusing to me. [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR CHAMBERS: I'm enjoying this, the seriousness with which people are talking about nothing. Shakespeare said, as a tale told by an idiot, full of sound and fury, signifying nothing. But I'm glad to see Senator Halloran has enough spunk about himself to bring something like this to this Legislature and persuade enough of you all, if you're allowed to vote on it, to vote for it. And what have you done? You've only underscored what I've said. This is one of the silliest Legislatures, as a whole, that I've been a part of. I didn't know it could be so silly. But this will be the cork in the bottle. This will be the cherry on top of the sundae. This will be the foam on top of the beer. This will be the bubbles that come out of the champagne bottle when you pop the cork. And I will have a good laugh. Thank you, Mr. President. And I wish all of you well. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator Schumacher, you are recognized. [LB1058]

SENATOR SCHUMACHER: Thank you, Mr. President. As he usually does, Senator Chambers hit the nail on the head. This is like a bunch of high school kids debating a nothing, because it is a nullity. We don't even know...I mean, this thing may never be called. But let's spend a little time with some analysis. It starts out with four members of the executive branch and one of the

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Legislature being the core delegates. I count that to be five. Senator Halloran, would you yield to a question? [LB1058]

SENATOR LINDSTROM: Senator Halloran, would you yield? [LB1058]

SENATOR HALLORAN: Yes. [LB1058]

SENATOR SCHUMACHER: How did you come up with five? [LB1058]

SENATOR HALLORAN: It was an arbitrary number. There is no magical number for it. And if when a convention is called it's decided by the states at large that they have more or less than that, that's what it would be. [LB1058]

SENATOR SCHUMACHER: Who gets kicked off the bus if they decide less? [LB1058]

SENATOR HALLORAN: Rock-paper-scissors. [LB1058]

SENATOR SCHUMACHER: Well, that's as good an answer as anything. [LB1058]

SENATOR HALLORAN: Well, I mean, seriously, I mean, I think they can deal with that if that's the case. [LB1058]

SENATOR SCHUMACHER: Well, who's going to deal with it? I mean, if I'm one of these five people, I'm saying, I'm not leaving the bus. [LB1058]

SENATOR HALLORAN: Right. [LB1058]

SENATOR SCHUMACHER: I'm riding this to Virginia, wherever. I'm not leaving. In fact, I'm going to have this certificate that by then may be 50 years old and I'm going to show it to the guy at the door and I'm going to say I'm one of them. Who is going to arbitrate that? [LB1058]

SENATOR HALLORAN: I'm going to bank that it's going to be at least five. I think that... [LB1058]

SENATOR SCHUMACHER: Well, but we...but we're writing this. I mean, we're creating some kind of rights in these five people. [LB1058]

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SENATOR HALLORAN: Right. [LB1058]

SENATOR SCHUMACHER: We don't know that. So the Legislature is going to have to meet or somebody is going to have to pick and choose. Now let's...you know, I mean, then they take this oath and the oath says that they will not vote in a manner not authorized by the Legislature. So is the Legislature going to have to convene and hold hearings according to our rules before they can vote at this convention? And what if everybody else is voting and we're waiting for our rules to let us vote? Senator Halloran? [LB1058]

SENATOR HALLORAN: I'm sorry? [LB1058]

SENATOR SCHUMACHER: So this thing says that the Legislature, the delegates will pledge that they will not vote in a manner not authorized by the Legislature. So is the Legislature going to have to convene and vote to authorize them to vote on a measure before this convention? [LB1058]

SENATOR HALLORAN: Whichever convention...whichever the subject matter is for a called convention of states will be very finite. [LB1058]

SENATOR SCHUMACHER: But wait a minute. This says they shall not vote in a manner not authorized by the Legislature. So if something comes up for a vote, do they have to...do we have to call the Legislature into special session or does a bill have to be introduced here to authorize this delegate to vote? Do we have to hold hearings, public hearings on that vote? And meanwhile, they're back in Virginia voting. [LB1058]

SENATOR HALLORAN: It's going to be a single-subject convention of states, Senator. [LB1058]

SENATOR SCHUMACHER: We don't know that. [LB1058]

SENATOR HALLORAN: That's what the balanced budget... [LB1058]

SENATOR SCHUMACHER: But that's what this thing says. [LB1058]

SENATOR HALLORAN: That's what the balanced budget amendment is. The balanced budget amendment is going to be the (inaudible). [LB1058]

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SENATOR SCHUMACHER: Oh, but suppose the balanced budget amendment also includes a provision for reducing the number of states, putting Nebraska in with six other states and calling it one. We've still got plenty of votes in order to pass this motion because we'll have 38 votes. [LB1058]

SENATOR HALLORAN: I'm sure that sounds very germane to you that they would swing off into deciding some abstract subject other than the balanced budget. [LB1058]

SENATOR SCHUMACHER: No, this isn't abstract at all, because here is the big deal. Right now, one of the reasons we have huge amounts of expenses is because in the United States Senate... [LB1058]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR SCHUMACHER: ...every state has two votes. Those rural senators can hold the urban senators up and cause more money to be spent. We consolidate the states, six of them into one, and we don't...the rural sector doesn't have that leverage and they can't...we'll reduce the amount of expenses and we will balance the federal budget, or at least go in that direction. See how I can tie that together? And there is a lot of other people that can tie that together. This is absolutely foolishness. If there is such a convention, then the Legislature can get together and select five people, maybe some of which are very bright and on the Supreme Court instead, to go and represent the state. This is much to do about nothing. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senators Schumacher and Halloran. Senator Groene, you are recognized. [LB1058]

SENATOR GROENE: Thank you, Mr. President. If my memory serves me right, which it does most the time yet, when we debated LR6 last year, the "Chicken Littles," I guess, is a common term in our body, feared delegates going rogue if we did this, if we decided to have a convention of states, which is more restricted, by the way, than a constitutional convention. So this year Senator Halloran listened to what he heard last year and he introduces LB1058 to define the authority of the delegates and how restrictive we can make their duties, which makes sense. Now I hear the same individuals with a different scream of "Chicken Little" that the sky is falling, that now...that we can't do this because we're restricting some future Legislature. So I am confused. Senator Halloran has been very patient in what he believes. He's not a radical, that I've noticed. He's doing what our constitution says you can do, or trying to do, and to set up a process ahead of time. You know, I can't remember, maybe somebody can help me out, who was the Founding Father who said democracy, what we were doing, a republic was a grand experiment. If we believe that experiment is over, it's finished, we have the final result and we will not expand on

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those freedoms, protect those freedoms, and we become stale and we fear to get out of bed, to look to explore man's ability to pursue freedoms, because that's what this is. That's why our Founding Fathers put it in there, the convention of the states. But now we have become stale. We fear change. We fear, may I say, the sow's tit of losing that. I've heard those threats on the floor here that we will lose that federal money. By the way, that federal money isn't their money. I think only about...right at about...under 60 percent that comes from tax dollars, the rest of it is borrowed, and our generation is selfish that we want all those federal funds because we're alive today and are...and we're going to hang the debt and the situation on our great-great-grandchildren. We're way past our grandchildren. We're hanging it on our great-great-great-great-grandchildren. And then we will not look at any method or system that we might be able to call a constitutional convention and grow up finally, '60s and '70s generation, and take responsibility of what you did to this country and put it in debt, and maybe that constitutional convention is the way we can do it. Not constitutional convention--I'm sorry, Senator--a convention of the states might be a way to do it. Ah, but fear? Freedom? Our Founding Fathers are rolling over in their graves. Look what they risked. Look what they did. They didn't fear the future. They didn't fear their fellow man pursuing freedom or to define it better. But that's what I'm hearing on the floor today--fear. Boy, we're going to open up a can of worms. We better not change that constitution, give more men rights. We've done it before to fix errors... [LB1058 LR6]

SENATOR LINDSTROM: One minute. [LB1058]

SENATOR GROENE: The people of color could vote, become citizens. We've done it a bunch of times but not lately. What, 1900s? That wasn't a good one. That was income tax, I think. But, anyway, this does no harm. This just sends a message. LB1058 just defines, if we do take the step to become part of the convention of states. Don't fear it. Trust a little that as a body of freedom lovers that the right thing would be done if we go along with this and follow this path. But I'm tired of fearmongering. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senator Groene. Mr. Clerk. [LB1058]

CLERK: Mr. President, Senator Chambers would move to bracket the bill. You know, if I...if I...can I read a few things first, Mr. President? I'm sorry. Excuse me, Senator. Series of amendments to be printed to LB791, Mr. President. (Legislative Journal page 1438.) [LB1058 LB791]

Mr. President, Senator Chambers would move to bracket the bill until April 18. [LB1058]

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SENATOR LINDSTROM: Senator Chambers, you're welcome to open on your bracket motion. [LB1058]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I wanted to jump to the head of the line, so when I get through I'm going to pull that bracket motion. But Senator Halloran handed out something, and I don't know what his point was. Maybe he's trying to show an inconsistency or whatever, but that's quite a picture that he used. And obviously I wore a younger man's clothes, but not clothes that covered as much as the ones that I wear now. But at any rate, whatever he was trying to prove, he didn't. In 1976, the Legislature was not as simpleminded as this one. It was not controlled by the "Repelican" Party. The Lieutenant Governor would never have been allowed to preside over the Legislature when the Governor had something that the Legislature didn't want done. And the Legislature was not dictated to by the Governor. All the Governors try, but the Governor wasn't purchasing members of the Legislature, as has been done this time. This is not the same. This Legislature today is not the same Legislature that existed in 1976. The makeup was entirely different. I didn't even know what political party people belonged to. It didn't make any difference. You never had a case where simpleminded "Repelicans" came in and said no Democrat could be the head of a committee, talk about having public votes for the head...for the people who would be Chairs of the committees. They had intelligence, they understood how a Legislature functioned, and they would not let either political party tell the legislators in those years what the legislator ought to do...Legislature should do or how it should conduct its business. Now you got these pantywaists coming in here. A lot of them ran...run against me now. People send me the literature that they put out. How did I know that the Governor said that he was going to form a coalition against me when he got to the Legislature? It was in some little newspaper out there, but somebody was eager for me to have it. There was somebody who put out some stuff on Senator Halloran or Senator Erdman or maybe both of them, and I was the main one, people in the Legislature voting with Ernie Chambers, and there was no vote where I was the only one voting. So they were appealing to the racism that they knew their colleagues felt. And that's why it's simpleminded for somebody to stand up here and say that Senator...I think they were attacking Senator Pansing Brooks for saying that there's racism in this provision that Senator Murante brought. And when he talks about the vast majority of Nebraskans voting for it, he was confirming what she said about the racism. They didn't fear any white man. That's not why you have term limits in your constitution. It enshrines a black man whom they feared. Your cloture motion was put in the rule book to try to stop me, and if you don't believe it, go back and read. What I'm going to do is put out a 50-something-page poem that I wrote mocking these white senators about all the time they tried to change the rules to stop me. That's the silliness that has gone on all the time. But they were not silly in everything they did like so much of what goes on in this Legislature now. I've seen it all. I've heard it all. I've survived it all. This piece of legislation that you're talking about here cannot bind a future Legislature. You name five officeholders, you don't even know who they'll be. They could be Russians as far as you know. With what Putin and his people are doing,

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they could get Russians elected to this Legislature. So silly, this is funny. You all get all uptight about something that is funny. What is there in here, this legislation, that means anything? Name five...the Executive Board names five. You don't even know how many people are going to be allotted to the convention by Congress or the states that call the convention. You admit you don't know in this, yet you're going to name these, so here's what you got to do. Show I read this stuff, even though it's silly. If the number of delegates would be more than ten, then each of the delegates can name...can designate another person up to ten. So the Legislature doesn't even choose. The ones who hold these offices choose, and then if there's more than that, then you let the Exec Board get involved. And my memory is slipping because I'm so old, but I believe that some of the others would come from among the substitute delegates. And then if there are not enough there, the Legislature will pick from the committees, or whoever they want to, until they get enough people to equal the quota of delegates that each state can send. So if they say that each state can send 50 delegates, the Nebraska Legislature would have to pick somebody who's not in the Legislature. You don't know that they won't say 50 or 40 or 30 or 20 or 15 or 10 or 5 or 3 or say that each state will have the number of delegates to this convention as the number of people they have representing them in Congress, meaning the number in the House and the number in the Senate. That's what they could do if they wanted to. You can't even control that. (Laughing) This time is mine, and I can do whatever I want to with it. You also didn't have a nut in the White House slipping into dementia. Every time he has a gathering, he's got to say something that's shocking. So he said one time, I'm going to put tariffs on. Then when he got to the "Repelican" Convention, who were clapping for him, he couldn't say that, so he said, well, we're going to get out of Syria real soon, real soon. So then he had to get something else to say. So he said, well, Congress doesn't want to give me the money for the wall, then I'm going to divert some of the Pentagon's money; I'm going to take money from the Pentagon and build the wall. Then they said, well, you can't do that without authorization from Congress. Well, that's a detail; I don't have to worry about that. Okay, you won't give me the wall and I can't get the money from the Pentagon? Then I'm going to federalize National Guard troops and I'm going to line them from California all the way to Florida. They'd say, well, you don't have enough to do that. Well, I'll space them. I'll have somebody divide how many miles there are and how many total National Guardsmen I'll federalize and then we will space them out, and there might be two or three miles between each Guardsman, but we'll spread them across the whole country, by God, because I said it's going to be that way and it will be that way. And while he's saying all this, people in the State Department are flabbergasted, people in the Department of Defense, those individuals in the Pentagon, the intelligence community. And then Trump came up with something else: Okay, okay, I'll tell you what I'm going to do. I'm going to invite my friend Vladimir Putin to meet with me in the White House. Now, put that in your pipe and smoke it. You know why he's coming to the White House? Because I have been tougher on him than anybody has ever been on Russia. Well, I'll admit, I did compliment him when he won his election. [LB1058]

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SENATOR LINDSTROM: One minute. [LB1058]

SENATOR CHAMBERS: And my top aides told me don't compliment him whatever you do. And that's exactly what he did. Then when a president was elected in Egypt with virtually no opposition, because he wouldn't allow it, and he won the presidency, and Trump immediately complimented him also, talking about human rights. The country that violates human rights more than any country that I'm familiar with is the United States of America, because this is the only country I've been in, and it's the only country that violated and continues to violate my rights and people like me, not Russia, not China, not North Korea, not any country but the United States of America. It's where I experience discrimination. You put it in your laws. You enshrined a black man in your constitution and you got the nerve to talk about somebody else. [LB1058]

SENATOR LINDSTROM: Time, Senator. [LB1058]

SENATOR CHAMBERS: I would withdraw that motion. Thank you, Mr. President. [LB1058]

SENATOR LINDSTROM: The motion is withdrawn. Returning to the committee amendment, Senator Bolz, you are recognized. [LB1058]

SENATOR BOLZ: Question. [LB1058]

SENATOR LINDSTROM: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1058]

CLERK: 25 ayes, 2 nays to cease debate. [LB1058]

SENATOR LINDSTROM: Debate does cease. Senator Halloran...I'm sorry. Excuse me. Senator Murante, as Chair of Government Affairs, you are recognized to close on AM2527. [LB1058]

SENATOR MURANTE: Thank you, Mr. President. I encourage your adoption of the committee amendment and your support of LB1058. I think regardless of your stance on Article V conventions, the state needs to be prepared to send a delegation in the event that an Article V convention is called. And I will yield the remainder of my time to Senator Halloran. [LB1058]

SENATOR LINDSTROM: Senator Halloran, you're yielded 4:35. [LB1058]

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SENATOR HALLORAN: Thank you, Senator Murante. Thank you, Mr. President. Don't know that there's a whole lot more to say. This is not as complex an issue as everyone might consider it to be. It's planning ahead for something that will someday happen. And I know we can wait, but it can happen when we are off session, and we can have a special session. I understand that. Money is no object here. We can have a five- or six-, ten-day special session, whatever it takes, \$10,000 a day, and that could work, and we can all come in and deal with this issue. But this is a pretty straightforward bill, and it deals with specifying who the delegates are, what the subject matter is...not specifically what the subject matter is, it's for any convention of states that's called. Okay? And it puts forth the requirement that the delegates chosen and the alternates that sub for them, if that's necessary, have to abide by the very specific nature, very specific topic of the called convention of states. So for all of us that like to plan ahead, and we all need to do more of that, that's all this is. Someone mentioned that the constitution isn't broken so it doesn't need fixing. I couldn't agree with that more. I'm more than just a little bit insulted when I hear people--and I haven't heard it here, but I've heard it on e-mails--I'm insulted by people that suggest that I don't respect the constitution, and yet most of those people that send those e-mails very narrowly are discounting 21 words in Article V that allow for the states to call for a convention to propose amendments. That's all it is, proposing. That's all it is, is proposing. Ultimately, those amendments, whether they are proposed by Congress or the states, have to be ratified by the states, three-fourths of the states. It's a huge hurdle and it should be. So if anyone here wants to come up with off-the-wall ideas that they think might happen, that's...then they're suggesting that three-fourths of the states are going to be irresponsible and ratify some of these ideas I've heard, and I'm not going to repeat them because they're not worth repeating. But I would encourage you to vote green on AM2527, and let's plan a way for...plan ahead for something that is eventually going to happen, and it'll be a positive thing when it does. Thank you. [LB1058]

SENATOR LINDSTROM: Thank you, Senators Murante and Halloran. The question is, shall the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1058]

CLERK: 29 ayes, 2 nays to place the house under call, Mr. President. [LB1058]

SENATOR LINDSTROM: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Hansen, Walz, Quick, Vargas, McDonnell, and Groene, please return to the Chamber. Senator McDonnell, please return to the Chamber. The house is under call. All members are accounted for. Senator Murante, how would you like to proceed? Call-in votes or...? [LB1058]

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SENATOR MURANTE: Roll call, please. [LB1058]

SENATOR LINDSTROM: There's been a request for a roll call vote. The question before us is the adoption of AM2527. Mr. Clerk. [LB1058]

CLERK: (Roll call vote taken, Legislative Journal page 1439.) 20 ayes, 24 nays, Mr. President, on the committee amendments. [LB1058]

SENATOR LINDSTROM: The amendment is not adopted. Raise the call. Returning to LB1058, Senator Briese, you are recognized. [LB1058]

SENATOR BRIESE: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of LB1058 and thank Senator Halloran for bringing this to us, and I want to comment on a couple things I have heard. Several people have suggested that we're binding future Legislatures. And that doesn't happen, doesn't work that way. We're not binding anyone here. Senator Chambers said, to quote Senator Chambers, next year we can repeal the whole thing. And I agree with him. We're not binding anybody. Someone also suggested that this is beyond our authority to pass. And I disagree. We have the authority to pass anything like this, and it's valid until the courts tell us otherwise. And we're not here to debate the merits of an Article V convention. We're here to discuss AM2527...well, no longer AM2527, but LB1058. But with that said, I do believe one of the greatest threats to our country is the spiraling-out-of-control debt that we can't get a handle on. I think Senator Halloran's notes have suggested we're up to, what, \$21 trillion now? And when it comes to our federal debt, it seems like the path of least resistance for Congress is the status quo. Washington is unwilling to make the tough decisions necessary to balance our budget. And one can argue that a call for a convention of states could help move the needle on this issue. But again, we're not here to talk about the merits of a call for a convention. This bill is simply a proactive effort to put in place a mechanism to ensure that Nebraska's participation in such an Article V convention is as orderly as possible. It sets out some parameters. It sets out a mechanism to help ensure an orderly process. And I recently read an opinion piece in one of the local papers arguing against LB1058. One of the concerns was, oh, there's no procedural rules set out for a convention. Well, we're here, Senator Halloran is here trying to set out some rules for our participation, and that's the responsible thing to do. Someone said this bill papers over the dangers of an Article V convention. But I see nothing wrong with putting a framework in place. If it's someday adjudicated to be invalid, so be it. But simply put, this is good, responsible policy, and I thank Senator Halloran for bringing it. I would urge your support of LB1058 and I would yield any remaining time I have to Senator Halloran if he so desires. Thank you, Mr. President. [LB1058]

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SENATOR WILLIAMS: Senator Halloran, yielded 2:25. [LB1058]

SENATOR HALLORAN: Thank you, Senator Briese. I'm going to do a Senator Wayne here, I think, just pause. A lot of people here, most of us here, I would say, and I have to compliment people on being farsighted in many of the discussions that we have on many of the various issues that we talk about, on many of the various bills. But then we can go from farsighted to rather nearsighted and just decide to pull in and not address a future action that will have to be taken. I started to allude to it a little bit in the last statement I made, was someone had said...I think Senator Brasch said that the constitution is not broken. Indeed, it's not broken, but Congress is. Ever since last year when we had the debate on LR6, I passed out...I've been passing e-mails to everyone, and I know where they go pretty quickly. [LB1058 LR6]

SENATOR WILLIAMS: One minute. [LB1058]

SENATOR HALLORAN: But that's okay. But I wanted people to be reminded of how much the national debt goes up, and periodically I would remind everybody what that means to your kids and your grandkids. I would narrow down that figure. And that's what we're dealing with here. We are dealing with our kids' futures, our grandkids' futures. Every one of us in here will survive the \$21-plus trillion debt and whatever negative impact that has on our country. Our kids and our grandkids, I would suggest, won't. So we can keep on allowing Congress to not temper itself, not regulate itself. Founding Fathers had a suspicion that that would happen. Founding Fathers had a suspicion that the federal government would not self-regulate, and they've proven themselves to be true. So I would encourage you all... [LB1058]

SENATOR WILLIAMS: Time, Senator. [LB1058]

SENATOR HALLORAN: ...to look a little bit beyond your...thank you. [LB1058]

SENATOR WILLIAMS: Thank you, Senator Halloran and Senator Briese. Senator Halloran, you're next in the queue. You may continue. [LB1058]

SENATOR HALLORAN: Call the question. [LB1058]

SENATOR CHAMBERS: I object. [LB1058]

SENATOR HALLORAN: I object? [LB1058]

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SENATOR WILLIAMS: There's only a few left in the queue. We will rule...overrule the objection and continue with debate. Senator Halloran, you're recognized. [LB1058]

SENATOR HALLORAN: It just works that way. Well, again, I'm not into redundancy, so I'm not going to say any more, then it would be just repeating myself. We do enough of that here. So I will yield the balance of my time back to the Chair. [LB1058]

SENATOR WILLIAMS: Thank you, Senator Halloran. Senator Chambers, you're recognized. [LB1058]

SENATOR CHAMBERS: And you know I don't mind repeating myself. I'm just like history. I repeat myself--history. That's why some kids don't even pay attention when they are in school. They say, well, history repeats itself, you already know what it said, you know what it's going to say tomorrow, the next day, I don't have to tell you. But I do have a couple of things I want to say about this. Poor, naive Senator Halloran, he said words to the effect, and I'm paraphrasing, if some off-the-wall notions would come out of a convention, is it likely that enough states would go along with it to add it to the constitution? Look what the NRA, which is just an organization, has done to Congress and every state. This Legislature is afraid to pass gun control legislation. Every legislature in this country is afraid. Don't tell me what these simpleminded states will or won't do. They're intimidated by the NRA, one of the nuttiest, most un-American outfits, insensitive, hateful, and threatening, intimidating all these legislatures all over the country. In Congress, they ask after a mass shooting, are you going to do anything? Well, I don't think the time to talk about it is right after somebody has been killed. Well, the time to treat somebody for a broken bone is not right after the bone was broken. That's the silliness that the NRA has people dealing with. Trump has all these Congresspeople in the House and the Senate and even in legislatures sounding like fools. They stumble and sputter and try to make sense out of what he says, which is nonsense--well, you know the President has taken a position that America should be great again, and this is right in line with that, because if you look at what he's done and...next question. They sound like blithering idiots. But some of them have awakened and said no more. He said there are law firms and lawyers just dying to represent him, and he can't get one, so he got some unknown guy from Alabama or Georgia, or one of those uncivilized places, to be his lawyer, never heard of him. He may not even be a lawyer. Probably the greatest recommendation he has is that he's a child molester, like Trump. All of his lawyers have quit. They don't want to be sullied by connection with him. Now, what's the other thing I wanted to say? Senator Halloran said what I hear all these conservatives say--we are leaving a debt for our grandchildren, they're going to have to pay it. And they're only talking about money. But when you talk about climate change, the...in the...in Antarctica, the shoreline glaciers are receding at a rate of 10 percent, probably, a year. Already the habitat for polar bears has shrunk to the point where both polar bears may be facing extinction. And that's not all. Bad things are happening in other parts of the world. The oceans are rising, temperatures are changing, and nor'easter got tired of having

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people saying nor'easter and laugh, so nor'easter played a joke on everybody. On Easter, nor'easter hit them with a nor'easter on Easter. Nature has the last laugh all the time. Human beings are like a virus in this universe. And in the same way that your body... [LB1058]

SENATOR WILLIAMS: One minute. [LB1058]

SENATOR CHAMBERS: ...has an immune system and will kill invading bacteria and viruses, nature will purge herself of the virus of human beings by having them kill each other. I'm going to read for you all next week the poem about the gingham dog and the calico cat who side by side on the table sat. Half past midnight, what do you think? Neither gingham nor calico had slept a wink. They got in a fight and some people thought burglars had taken them. But when the end came, they ate each other up. That's what human beings are doing. That's what Congress is doing. And if you have eyes to see, you'll see. Thank you, Mr. President. [LB1058]

SENATOR WILLIAMS: Thank you, Senator Chambers. Senator Halloran, you're recognized to close on the advancement of LB1058. Senator Halloran waives closing. The question is the advancement of LB1058. All those in favor vote aye; opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1058]

CLERK: 28 ayes, 1 nay, Mr. President, to place the house under call. [LB1058]

SENATOR WILLIAMS: Thank you. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Hilkemann, will you check in, please. Senator Wayne, the house is under call. Would you please return to the floor. All members are present. There's been a request for a roll call vote in reverse order. Mr. Clerk. [LB1058]

CLERK: (Roll call vote taken, Legislative Journal pages 1439-1440.) 23 ayes, 21 nays on the advancement, Mr. President. [LB1058]

SENATOR WILLIAMS: The bill fails to advance. Mr. Clerk for announcements. [LB1058]

CLERK: Mr. President, name adds, Senator...

SENATOR WILLIAMS: Raise the call, excuse me.

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CLERK: ...Senator Thibodeau would like to add her name to LB1120, Senator Brasch to LR395.
(Legislative Journal page 1440.) [LB1120 LR395]

Mr. President, Senator Kolowski would move to adjourn the body until Friday, April 6, at 9:00
a.m.

SENATOR WILLIAMS: Members, you've heard the motion to adjourn. All those in favor say
aye. Opposed say nay. We are adjourned.