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Transcriber's Office

Floor Debate  
March 15, 2019

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FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-second day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Senator Williams. Please rise.

WILLIAMS: (Prayer offered.)

FOLEY: Thank you, Senator Williams. I call to order the forty-second day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: Mr. President, I have no corrections.

FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Agriculture reports on three gubernatorial appointments. Those are all reported back to the floor for consideration. Agriculture Committee also reports LB243 to General File with amendments. Report of registered lobbyists as required by law to be inserted in the Journal as well as an acknowledgment of agency reports received. That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. Members, please come to order. Senator McDonnell, for what purpose do you rise?

McDONNELL: Point of personal privilege.

FOLEY: Please proceed.

McDONNELL: I know we're all keeping the people of the state of Nebraska that are suffering because of the blizzard and the flooding in our thoughts and prayers. There's also the United Way of the Midlands, and all 18 United Ways throughout the state of Nebraska that are making sure they're there to help the victims-- 211, 211. If you need lodging, if you need assistance with

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food, any of your needs, call 211. All 18 United Ways have worked tremendously hard over the last year to raise over \$35 million from the generosity of the citizens of Nebraska to help the citizens of Nebraska, and they need the help now. We have to make sure these people that are suffering know to pick up the phone and call 211, and there's help waiting there for them. Please let your constituency know, call 211. The help is there to help our citizens right now that are suffering in the state of Nebraska. Thank you, Mr. President.

FOLEY: Thank you, Senator McDonnell. Members, you'll note on the agenda that we're starting out on Final Reading. I'll need you to at least initially be at your desk as we begin Final Reading. Members, we cannot begin until each of you are at your desk. We'll now begin Final Reading of LB399. Mr. Clerk.

CLERK: Mr. President, Senator Vargas would move to return the bill for a specific amendment, AM565.

FOLEY: Senator Vargas, you're recognized to open on your motion.

VARGAS: Thank you very much. This is a very simple amendment. I'd like to thank Senator Slama for entertaining this amendment. All this does is, this language is actually taken from language that was originally included in the third grade reading bill from a few years ago to make sure that if there was somebody that has an English Language Proficiency, or has a special education IEP, that they wouldn't necessarily have to take any of these. They still can. It just would mean that they don't have to. We just wanted to provide some sort of provision that allows for that. I thank Senator Slama for being a state's person and being opened-minded to this. I think it makes the bill better and I ask everybody for a green vote on AM565. Thank you.

FOLEY: Thank you, Senator Vargas. Senator Slama.

SLAMA: Thank you, Mr. President. I rise today in support of this motion to return to Select File to consider this amendment. I do so because there's two amendments on LB399 that I believe improve this bill, Senator Vargas' and my own, AM727, which has just been filed this morning. The latter represents the amendment that I was hoping to bring on Select File earlier this week, but despite the Bill Drafters and my own best efforts, we were about two minutes late on getting it drafted before the end of debate. Thankfully, I think everyone's gotten to speak their piece on this bill since the goal of today is to move quickly through both amendments so we can get to the rest of today's agenda, and to also save the body time when this bill is taken up on Final Reading. This is going to take some procedural steps that we normally don't take, but just bear with me here. Thank you.

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FOLEY: Thank you, Senator Slama. Senator Arch.

ARCH: I just have a quick question for Senator Vargas if he's willing to--

FOLEY: Senator Vargas, would you yield, please?

VARGAS: Yes, happy to.

ARCH: With this amendment is there ever a time when these students would then engage in this process? Is this just a period of time when they don't have to engage in this or is this forever? How does this work?

VARGAS: This would just mean that a student that has an IEP or has-- English Language Learner wouldn't have to do one of these three. It doesn't mean that they're not able to, but they wouldn't have to. So in a situation, and I'm thinking very hypothetically where a school board decides to only take one of the options that were provided. And if that's the only option provided, students that may not have in their IEP, or a student with an English language learner that may not have full capacity of our language taking this, I just wanted to provide them with a provision that they wouldn't be required to do it.

ARCH: As a permanent exemption from engaging in this?

VARGAS: Less of an exemption. I mean, you could say it's an exemption, yes, but it doesn't stop them from being able to. It doesn't prohibit them from participating. It just says, they don't have to, but they can.

ARCH: Thank you.

FOLEY: Thank you, Senators Arch and Vargas. Senator Groene.

GROENE: Thank you, Mr. President. I stand against AM565. I'm not sure if we're voting on return to Select File or the amendment, but-- and why I stand against AM565. It would be easy to just vote for it because you think it's just a small, little issue about special education kids and English as a-- limited English students. The reason this amendment, which I agreed to, and the reading and voted for the reading bill was because the reading tests were assessments. It was going to be on the student's record, and the child wasn't maybe ready to take those tests in reading because they just immigrated here a year or so earlier. The tests, naturalization test is not

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an assessment, number one. Doesn't show up in their record, their grades. It is a privilege for these kids who need it most, to be prepped to take that test because if they came here when they were one, two, three, they are not American citizens, and some day they wish to be, and some day they will take this test proudly to become American citizens. Number two. If they are prepped in this test they can go home and help their parents prep for this test. One of the great things about public education over the century or two, is that kids, immigrant kids, came to the public schools, learned English and went home and taught their parents English. That's true. I've seen it myself in the area I grew up. When I went to family reunions, and how, and somebody was there at a wedding dance, and one of my friends spoke English and Bohemian. He would talk English to me, he would go over and talk English and Bohemian to his parents. That is why the naturalization test is in here. We are a country of immigrants, and to deny those kids the ability to take that test, to have them sit off to the side and say, no, you're not proficient. You're not yet an American. You're not yet to be a candidate to be an American because we don't think you need to be able to take this test. All of the rest of it about special education, that's already in a law. That's already there, if a child is a special-ed student has an IEP it's already there. If they have text-- test anxiety it is taken-- the teacher knows that and they're not given a test. That's already there, because it follows the child and his IEP. It doesn't need to be put into law every single time. The part I am concerned about is the first sentence, "except for any student receiving specialized instruction for limited English proficiency who has been receiving such instruction for less than two years." I don't see the "may" in there. There is no "may." Those kids will be denied to sit with their peers as fellow American citizens, want to be American citizens, to take that test. I understand Senator Vargas is well-meaning on this amendment, but this is not an assessment on the kid's grade or his future. It is a practice run for him or her to take this test so that when they decide to become proud American citizens, they are ready to take the test.

FOLEY: One minute.

GROENE: This shouldn't be in this bill. It dilutes it. It dilutes the meaning. I still believe in the old melting pot. You might call it diversity now, but I call it the melting pot. I want these kids to come out of that high school knowing they're equals. They know our form of government. They know the rights they have, and they can proudly stand before the flag and be sworn in as American citizens because we prepped them, we helped them be ready to take that test. Thank you. I'd appreciate a red vote on AM565.

FOLEY: Thank you, Senator Groene. Senator Vargas, you're recognized to close on your motion to return the bill.

VARGAS: Thank you very much. Colleagues, again, I really thank Senator Slama for being amenable to working on this and being open-minded about this amendment. I think that's what

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we do. We try to make things better, not whether or not something is right or wrong. I think this is going to help improve the bill, and like I said, this is making sure that there is a provision that would allow-- that would state that they wouldn't be required to if they met these very strict parameters, but it doesn't stop them from being able to. And I just want to remind people the vote that we're taking is actually not on AM565. This vote that we're taking is to return to Select so that we can get this-- all the other amendments that Senator Slama, including mine. So I ask that you vote green to return to Select File so we can make all the preceding amendments, and then afterwards ask that you vote green when it gets up to it on AM565. Thank you.

FOLEY: Thank you, Senator Vargas. Members, the immediate question before you is whether or not to return this bill to Select File for a specific amendment. You're not voting on the amendment at this point, you're voting to return the bill to Select File. Those in favor of returning the bill to Select File for a specific amendment vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 35 ayes, 5 nays on the motion to return the bill.

FOLEY: The motion is successful. The bill is returned to Select File for a specific amendment. Mr. Clerk.

CLERK: Senator Vargas would move to amend with AM565.

FOLEY: Senator Vargas, you're recognized to open on AM565.

VARGAS: Colleagues, I don't want to belabor the point. I ask that you support AM565. This is something that we worked on with Senator Slama, and again I thank her for this friendly amendment. I think it makes the bill better and I ask for your support for this specific situation so that we can make sure that we are being mindful of students with IEPs and students with the English Language Proficiency with less than two years. Thank you.

FOLEY: Thank you, Senator Vargas. Debate is now open on AM565. Senator Groene. Senator Groene waives the opportunity. Senator Linehan.

LINEHAN: Thank you, Mr. President, and good morning, colleagues. Would Senator Slama yield to a question? Thank you.

FOLEY: Senator Slama, would you yield, please?

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LINEHAN: Good morning, it's Friday. Thank goodness. [LAUGHTER] I thought the language, this was an option, or did we change that to take the citizenship test-- isn't it one of options?

SLAMA: Yes, it is.

LINEHAN: So no child with an IEP or English Language Learner, if the instructor teacher decided it's not best for that child, would have to take this test, would they?

SLAMA: With this amendment they wouldn't, but under my understanding of how the IEPs work, they would already have the chance to opt out. The key change here is with the ELL, which I don't believe they would have the opt out option as is.

LINEHAN: Okay, so maybe I'm-- I just thought that the test was now optional. No?

SLAMA: It's one of three options, yes.

LINEHAN: Right. So there's-- what are the other two options?

SLAMA: It's a class presentation with a project or paper on a figure in American history, or one of the holidays, and the second option is to visit a meeting of a government body and do a paper or project over it.

LINEHAN: So no, no student has to take the test whether they have an IEP or if they're an English Language Learner or whatever?

SLAMA: The school district has the flexibility to pick which one of those three options they do.

LINEHAN: Okay. Okay. I just-- my concern on saying that kids with-- students with IEPs don't have to take it is-- I've had my children with IEPs and it is never comfortable. It's actually almost always uncomfortable when you are separated from your class because you have a reading disability or a hearing disability. It is not-- I mean I know we think we're helping here with this amendment, and I know Senator Vargas has the best intentions, but the whole idea since 1970 has been that these children are not separated from the majority of the kids in the class. So I question whether this is really-- all intentions are good. I realize everybody's trying to do the right thing here, but I question if, you know, the whole class is talking about doing this that certain children who might be more than capable of doing it, as well as any of their peers, would be taken out. I just-- I don't think I can support this because I think it goes against the whole idea

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of making sure that those children are treated equally, which is the whole reason we have them in the classroom with all the other-- their peers. So, thank you.

FOLEY: Thank you, Senator Linehan. (Doctor of the day introduced.) Continuing discussion on the amendment. Senator Groene.

GROENE: Thank you. If you look on the E&R amendment, it says the school board shall ensure that the social studies curriculum in the district incorporates one or more of the following for each student. Right after that is where that amendment sits. It doesn't say "may." It doesn't say "may" at all. And then it goes on to any one of the three. Any one of those three, no matter what the school board selects or the teacher selects, that child shall not take that test when you-- the way it reads. That child shall not do-- you can interpret it all you want, but when you read that, it says, no. Teacher, I'd like to take that test in broken English. No, you can't. You're in the English learners. No, you can't. You have an IEP because you have dyslexia. That's what this amendment says. Now, we can argue about, about the necessity for special education and English language programs, deficiency programs, I'm all for them, but I'm not going to agree with you that we dictate, that we dictate to these kids that no, you can't take this test. But that's the way I read it. Maybe somebody else reads it some other way, and, remember, all three of these are optional. All-- not optional. They have to do it, but none of them has to be in the grade or the assessment of the student unless the teacher decides to do that and consider it a quiz grade or a project that is part of their total grade, but it is not directed and has to be an assessment. Now, this is not an argument about special education or English. This is how we interpret it and how we dictate it. The amendment doesn't fit the bill. It harms it. It harms the kids. It takes away opportunity. The decision of their own and their parents if they want to take part in that test. Remember, if they have a special education IEP, it would already be in there that that student does not take tests because it doesn't fit their IEP. And that would be all tests, not just pick and choose one like we're doing here. It's redundant and it harms the bill. It harms children. It harms opportunity for young immigrant children to put that in there. Best intention. Senator Vargas has the best intentions, but it's negative. It has a very negative effect on the kids. Thank you.

FOLEY: Thank you, Senator Groene. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. Good morning. I've been listening to the conversation this morning and Senator Arch's question provoked me to think about exactly what this amendment means, and I believe Senator Vargas' answer is they are never required to take this test is, is a problem, and I was wondering if Senator Vargas would answer a question or two.

FOLEY: Senator Vargas, would you yield to a question, please?

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VARGAS: Yes.

ERDMAN: Thank you, Senator Vargas. Senator Vargas, what happens if your amendment isn't passed? What's the problem with it-- with the bill?

VARGAS: So, here's the scenario I was trying to walk through people, and Senator Groene is right in this specific example. We provide three options to school districts, and we provide local control to then decide which options they will provide. One of three options, or up to the three options, need to then happen and are required of the students. I think that is something that is a good thing. So now I want you to imagine a school district that decided to then choose the citizenship exam, and that's their choice. I wanted to make sure, and we have a large population of individuals that have limited English Language Proficiency and the way that this bill is drafted is it says, receiving limited English Language Proficiency who receive such instruction for less than two years. Not all individuals that are English language proficient, less than two years. So those individuals have less than two years of English Language Proficiency in the scenario that they might be exposed to taking one of these options, we wanted to then provide that they wouldn't be required to do it. They still can do it, and that that is in the best interest of the choice for that family and that child. That's where this came out of and that's what the intent is.

ERDMAN: Okay. So then if a person was proficient in English after the two years, would they then be required to take it?

VARGAS: Correct.

ERDMAN: Does the, does the amendment say that?

VARGAS: No. It says less than two years, so anything more than two years, the rest of the language would apply.

ERDMAN: So if that child was less than two years and then became proficient in English, would that child then also be required to take it or not, or is he exempt for life?

VARGAS: No, not exempt for life. They're just exempt if they meet the qualifications of less than two years. So, your interpretation is correct. So once-- let's say, somebody is less than two years of language proficiency then they wouldn't be required to take it. Once they get to the year three and they've had three years of English proficiency, then they'd be required to do one of the three options. I think those two years, that's more time that they're getting up to speed, and I think that is-- that's the way it was written, so you're correct.

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ERDMAN: Yeah, and I don't know that I understand that is the way it is written, but right now I'm not voting for-- I won't vote for AM565. I'm not clear on exactly why we need to do this. Thank you for your time, Senator Vargas.

VARGAS: Thank you.

FOLEY: Thank you, Erdman and Senator Vargas. Seeing no one else in the queue, Senator Vargas, you're recognized to close on AM565. He waives closing. The question for the body is the adoption of AM565. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 21 ayes, 20 nays, Mr. President on the adoption of the amendment.

FOLEY: The amendment is not successful. Senator Slama.

SLAMA: Mr. President, I move that LB399 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. The motion is adopted.

CLERK: Mr. President, Senator Chambers, I had three floor amendments from you, Senator, with indications you wanted to withdraw. Senator Slama would move to return the bill for specific amendment, AM727.

FOLEY: Senator Slama, you're recognized to open on your motion.

SLAMA: Thank you, Mr. President. I rise today to introduce AM727 and the motion to return it to Select File to consider that motion. We have 25 bills on Final Reading that I'd like to get to today so I'll make this brief. This amendment is one that I tantalized everyone with on Tuesday for a few hours. On Tuesday morning, Senator Chambers, as promised, brought me his recommendations for edits to this bill. Just as we talked about on the mike, I was happy to draft an amendment that accepted many of his improvements. I'd like to thank Senator Chambers for his genuine efforts to improve this bill. AM727 does not change the substance of LB399, it merely streamlines clunky wording and clarifies points of confusion in this bill. Each of the changes to this bill either clarify language or make grammatical fixes. Ideally, this will be the last time I'll need to speak on this bill, so I'd like to thank everyone involved in this bill's creation and improvement from the Bill Drafters who dealt with me on Tuesday, down to the senators which talked about doughnuts and Dr. Seuss on the floor to buy me time to ensure that this bill

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was in the best form that it could be. It was truly a team effort. It was a big lift to turn a bill that's died four years in a row and make it an exercise in true bipartisan compromise. It shows that this body is still capable of coming together to support bipartisan solutions even if it takes over nine hours to get there. I'm encouraged that this spirit can continue throughout session as we face the toughest challenges. Please vote in favor of this motion, AM727, and LB399, and let's move on with this necessary update to our civic statutes and get to other bills on Final Reading.

FOLEY: Thank you, Senator Slama. I see no discussion on the motion. Senator Slama, you're recognized to close on your motion. She waives closing. The question for the body is to return the bill to Select File for specific amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 41 ayes, 1 nay, Mr. President, on the motion to return the bill.

FOLEY: The motion to return the bill to Select File for specific amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Slama would offer AM727.

FOLEY: Senator Slama, you're recognized to open on AM727.

SLAMA: Thank you, Mr. President. I'm not going to belabor the point because I'd like to move on with everything else down the agenda today, and AM727 just makes grammatical fixes and clarifies wording. I'd appreciate your green vote on this amendment with which I've worked on with Senator Chambers. Thank you for your green vote.

FOLEY: Thank you, Senator Slama. Senator Groene.

GROENE: Since I was so negative earlier, I'm in full support of this amendment. Going to compliment Senator Chambers. He is as good or better than the old English teacher I had that had me doing syntax on questions-- on sentences. Should have been an English professor. But he did a really good job working with Senator Slama, cleaning it up, and he fixed a big flaw in the bill, I thought was a big flaw. He made sure when he added, with Senator Slama, on page five, line nine, the word "representative." The benefit and advantage of representative government. We just had government because that's what we are. We are a democratic republic, but at the end of the day we are republic with representative and we are the ones with that on our shoulders that we represent many, the decisions we make here. So it's a very good amendment. What Senator Chambers did was look at the old language and dissected it from 1949. That was deemed

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acceptable to the authors of the bill, but really it had some syntax problems, and this amendment really cleans that up and it makes a very good bill. I'm just waiting for a green vote from Senator Chambers on LB399. Thank you.

FOLEY: Thank you, Senator Groene. I see no further discussion. Senator Slama, you're recognized to close on your amendment. She waives closing. The question for the body is the adoption of AM727. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 44 ayes, 0 nays on adoption of the amendment.

FOLEY: AM727 is adopted. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB399 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. The motion is adopted. Mr. Clerk. We will now proceed with the balance of Final Reading. First bill is LB284E. Mr. Clerk, the first vote is to suspend-- or excuse me, dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

CLERK: 36 ayes, 6 nays to dispense with the at-large reading.

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

CLERK: (Read title of LB284.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB284E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB284E passes with the emergency clause attached. The next bill is LB302E. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

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CLERK: 39 ayes, 5 nays to dispense with the at-large reading.

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

CLERK: (Read title of LB302.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB302E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

FOLEY: LB302E passes with the emergency clause attached. Next bill is LB8. Mr. Clerk.

ASSISTANT CLERK: (Read LB8 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB8 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB8 passes. Proceeding to LB124E. Mr. Clerk.

ASSISTANT CLERK: (Read LB124E on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB124E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

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FOLEY: LB124E passes with the emergency clause attached. We'll proceed now to LB127. Mr. Clerk.

ASSISTANT CLERK: (Read LB127 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB127 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 45 ayes, 0 nays, 4 excused not voting.

FOLEY: LB127 passes. Next bill is LB139. Mr. Clerk.

ASSISTANT CLERK: (Read LB139 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB139 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 45 ayes, 0 nays, 4 excused and not voting.

FOLEY: LB139 passes. Proceeding now to LB156. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 34 ayes, 8 nays to dispense with the at-large reading, Mr. President.

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

ASSISTANT CLERK: (Read title of LB156.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB156 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB156 passes. Next bill is LB160. Mr. Clerk.

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ASSISTANT CLERK: (Read LB160 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB160 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 36 ayes, 7 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB160 passes. Proceeding to LB195. Mr. Clerk.

ASSISTANT CLERK: (Read LB195 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB195 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 45 ayes, 0 nays, 4 excused and not voting.

FOLEY: LB195 passes. Next bill is LB319. Mr. Clerk.

ASSISTANT CLERK: (Read LB319 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB319 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 43 ayes, 1 nay, 1 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB319 passes. Our next bill is LB699. Mr. Clerk.

ASSISTANT CLERK: (Read LB699 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB699 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) 45 ayes, 0 nays, 4 excused and not voting.

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FOLEY: LB699 passes. Proceeding now to LB16. Mr. Clerk.

ASSISTANT CLERK: (Read LB16 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB16 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 45 ayes, 0 nays, 4 excused and not voting.

FOLEY: LB16 passes. Members, despite the asterisk next to LB29, it's a short bill. We'll ask the Clerk to read it. LB29, Mr. Clerk.

ASSISTANT CLERK: (Read LB29 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB29 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 45 ayes, 0 nays, 4 excused and not voting.

FOLEY: LB29 passes. Proceeding to LB48.

ASSISTANT CLERK: (Read LB48 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB48 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting.

FOLEY: LB48 passes. (Visitors introduced.) Our next bill on Final Reading is LB112. Mr. Clerk.

ASSISTANT CLERK: (Read LB112 on Final Reading.)

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FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB112 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 37 ayes, 0 nays, 7 present and not voting, 5 excused and not voting, Mr. President.

FOLEY: LB112 passes. Proceeding now to LB112A.

CLERK: (Read LB112A on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB112A pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 33 ayes, 1 nay, 10 present and not voting, 5 excused and not voting, Mr. President.

FOLEY: LB112A passes. We'll proceed now to LB116. Mr. Clerk.

CLERK: (Read LB116 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB116 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

FOLEY: LB116 passes. Proceeding to LB125. Mr. Clerk.

CLERK: (Read LB125 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB125 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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CLERK: (Record vote read.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

FOLEY: Mr. Clerk, I think Senator Pansing Brooks--

CLERK: I'm sorry, Senator, what did you want? I'm sorry, I didn't see you. So, Senator Pansing Brooks voting yes.

FOLEY: LB125 passes. Proceeding now to LB145. Mr. Clerk.

CLERK: (Read LB145 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB145 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

FOLEY: LB145 passes. (Visitors introduced.) Our next bill is LB224. Mr. Clerk, the first vote is dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

CLERK: 34 ayes, 5 nays, Mr. President, to dispense with the at-large reading.

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

CLERK: (Read title of LB224.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB224 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

FOLEY: LB224 passes. Proceeding to LB384. Mr. Clerk.

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CLERK: (Read LB384 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB384 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 31 ayes, 10 nays, 2 present and not voting, 6 excused and not voting.

FOLEY: LB384 passes. Proceeding to LB486. Mr. Clerk.

CLERK: (Read LB486 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall the LB486 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

FOLEY: LB486 passes. Proceeding to LB575. Mr. Clerk.

CLERK: (Read LB575 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB575 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 40 ayes, 1 nay, 2 present and not voting, 6 excused and not voting. Mr. President.

FOLEY: LB575 passes. (Visitors introduced.) Next bill on Final Reading is LB660E. Mr. Clerk.

CLERK: (Read LB660 on Final Reading.)

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FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB660E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 43 ayes, 0 nays, 6 excused and not voting.

FOLEY: LB660E passes with the emergency clause attached. Final bill, LB660AE. Mr. Clerk.

CLERK: (Read LB660A on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB660AE pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting.

FOLEY: LB660AE passes. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President, and good morning, colleagues. As many, if not most of you know, the Speaker is not here this morning. He's on a tour with the Governor viewing the devastation that is impacting our communities around the state. Given that this is Friday, and he typically gives an update of the schedule, he's not here, but I am in his stead at least giving an imperfect or incomplete update for you for next week. I can say that there are four priority bills that have been-- that will be on the schedule for next week. Those are LB311, Senator Crawford's bill relating to the adopt of the paid Family Medical Leave Insurance Act. LB619, Senator Kolowski's bill regarding coverage under insurance policies for mental health services, along with two committee priority bills, LB511, Senator Brewer's-- from Senator Brewer which authorizes payments to state employee work schedules to participate in approved youth mentoring programs, and LB34, which is from Senator Kolterman eliminating provisions relating to the County Employees Retirement Act. We don't know precisely when those will come up. They could come up as early as Monday when the Speaker is back. He will set that schedule. And we have a short weekend this weekend, I look forward to seeing everyone. I do want to say at least while I'm here at the mike that I know the storm-- I've seen the pictures of the storm, the flooding, the impact on everyone. I know there are members here who have had their homes potentially impacted by the devastation, their families and their communities, and so I know that you are at the forefront of our minds and certainly in our family's prayers this weekend. So safe travels and I look forward to seeing everyone on Monday. Thank you, Mr. President.

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FOLEY: Thank you, Senator Hilgers. While the Legislature is in session and capable of transacting business I propose to sign and do hereby sign the following legislative bills: LB284E, LB302E, LB8, LB124E, LB127, LB139, LB156, LB160, LB195, LB319, LB699, LB16, LB29, LB48, LB112, LB112A, LB116, LB125, LB145, LB224, LB384, LB486, LB575, LB660E, and LB660AE. We'll now proceed to Select File, 2019 Senator priority bill, LB463. Mr. Clerk.

CLERK: Mr. President, before-- General Affairs will have an Exec Session right now in 2022; General Affairs in Room 2022 immediately. Senator Slama, LB463, I have no amendments to the bill.

FOLEY: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB463 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB463 advances. Next bill on Select Files, LB318. Mr. Clerk.

CLERK: LB318, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB318 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB318 advances. Next bill is LB443. Mr. Clerk.

CLERK: LB443, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB443 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB443 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB443 advances. LB339. Mr. Clerk.

CLERK: LB339, Senator, I have no amendments to the bill.

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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB339 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB339 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB339 advances. Next bill is LB340. Mr. Clerk.

CLERK: Mr. President, LB340, no E&Rs. Senator Lathrop would move to amend with AM644.

FOLEY: Senator Lathrop, you're recognized to open on your amendment.

LATHROP: Thank you, Mr. President, and colleagues, good morning. AM644 reflects a change requested by the office of probation. You'll recall my original bill struck several references to women being sentenced at the Work Ethic Camp near McCook. The outdated language was forcing the Department of Corrections to reserve space for female inmates at this facility even though women were never sentenced there as part of their probation. I've since learned that not only are women never sentenced to the Work Ethic Camp but the judicial branch no longer sentences anyone to the Work Ethic Camp as a component of their probation. This amendment removes additional outdated language from the statute to reflect this new information. Nothing in this amendment is controversial. It's been reviewed by the judicial branch and the Governor's Policy Research Office and both are comfortable with these changes. And with that, I'd ask for your support of AM644. Thank you.

FOLEY: Thank you, Senator Lathrop. Is there any discussion on Senator Lathrop's amendment? Senator Hughes. This is discussion on AM644.

HUGHES: I would like to have a little bit of time to look at that amendment because this is the first time I've seen it. So it was not up on the board as Senator Lathrop was talking so that was why I poked my button because I wanted time to look at it. So, thank you, Mr. President. I'll take a look at it.

FOLEY: Thank you, Senator Hughes. Is there further discussion on AM644? Senator La Grone.

LA GRONE: Thank you, Mr. President. I simply clicked my light to give Senator Hughes a chance to, to look at this. I do support the amendment. I thank Senator Lathrop for bringing it forward. I do think it makes a better bill. And with that, I hope that's enough time for Senator Hughes to have had a chance to skim through the amendment. I encourage your support of AM644. Thank you, Mr. President.

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FOLEY: Thank you, Senator La Grone. Senator Lathrop, you're recognized.

LATHROP: Just a couple of comments about the Work Ethic Camp, if I can. What we're-- the Work Ethic Camp started out as an idea where people would be sentenced to some form of probation. They would go out to the Work Ethic Camp and learn different skills and that sort of thing. At one time I think they had a relationship out there to teach those guys to be welders. It was a relationship they had with Belmont. As overcrowding has become more and more of an issue for the Department of Corrections, this facility has effectively become-- this facility has effectively become another place to house inmates. They do have some trustee programs out there if I understand correctly, but no women are being sentenced there and no one is using it as a place to go as a term of probation and that's kind of the point of both LB340 and AM644. So I would appreciate your support of both. Thank you.

FOLEY: Thank you, Senator Lathrop. Senator Hughes.

HUGHES: Thank you. Thank you, Mr. President. Thank you, Senator Lathrop, for bringing this. My apologies. I did not get a chance to look at this and since the Work Ethic Camp is in my district, that's why I popped up. But I am fully supportive of AM644 and LB340.

FOLEY: Thank you, Senator Hughes. Senator Lathrop, you're recognized to close on your amendment. Senator Lathrop, you're recognized to close. He waives closing. The question for the body is the adoption of AM644. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 29 ayes and 0 nays on adoption of Senator Lathrop's amendment.

FOLEY: AM644 is adopted.

CLERK: I have nothing further on the bill, Mr. President.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB340 be advanced to E&R for engrossing.

FOLEY: That is a debatable motion. Senator Chambers, you're recognized. He waives the opportunity. Members, the question for the body is the advance of LB340 to E&R for

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engrossing. Those in favor say aye. Those opposed say nay. LB340 advances. Our next bill on Select File is LB141. Mr. Clerk.

CLERK: Senator Slama, I have E&R amendments pending to LB141.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB141 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Nothing further on the bill, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB141 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB141 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB141 advances. Next bill on Select File, LB354. Mr. Clerk.

CLERK: LB354, Senator, I do have E&R amendments pending.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB354 be adopted.

FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Nothing further on that bill, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB354 be advanced to E&R for engrossing.

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FOLEY: Members, you heard the motion to advance LB354 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB354 advances. Final bill on Select File, LB354A. Mr. Clerk.

CLERK: LB354A, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB354A be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB354A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB354A advances. Mr. Clerk, for an announcement.

CLERK: Mr. President, the Judiciary Committee will have an Exec Session at 11:15 under the north balcony.

FOLEY: Thank you, Mr. Clerk. We'll now proceed to General File, LB269. Mr. Clerk.

CLERK: Mr. President, LB269 was a bill originally introduced by Senator Friesen. (Read title.) Introduced on January 15 of this year, at that time referred to the Transportation Committee. The bill was advanced to General File. I have no committee amendments, I do have an amendment to the bill, however, Mr. President.

FOLEY: Senator Friesen, you're recognized to open on LB269.

FRIESEN: Thank you, Mr. President, and members of the body. LB269 amends the Motor Vehicle Operator's License Act to allow students who have obtained a school permit to drive to school events sponsored by the school they attend on property used or leased by the school. Currently, students with school permits can only drive from home to school and back, taking the most direct route. LB269 was advanced unanimously by the Transportation and Telecommunications Committee and there's no fiscal impact and I ask you to advance LB269. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Mr. Clerk.

CLERK: Mr. President, Senator Quick would move to amend with AM611.

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FOLEY: Senator Quick, you're recognized to open on AM611.

QUICK: Thank you, Mr. President. And I'd like to thank Senator Friesen for working with me on this to allow this amendment, AM611, which would include some cleanup language for DUI interlock devices. This amendment is LB579 as amended by the Judiciary Committee which was advanced out of committee with a 7-0-1 vote. You can see from the committee statement in LB579 that the bill has no opposition testimony and was supported by both defense attorneys and the County Attorneys Association. LB579 would add the option for interlock devices to be used during sentencing for DUI which results in serious bodily harm. Currently, our statutes require that as a punishment for serious driving offenses, like driving under the influence, the judge shall revoke a person's driver's license as part of the sentence. During their period of revocation, a person cannot drive a motor vehicle, but the law does provide that the judge may allow a person to operate a motor vehicle during the revocation period with ignition interlock device, which is a device that the driver installs in their vehicle at their own expense and requires that a person breathe into the device to start and to drive the vehicle to ensure the driver has not consumed alcohol. The issuance of the interlock order is part of the sentence as discretionary with the judge. These interlock devices provide a control on offenders as a way to ensure that they-- that if they drive, they are not drinking. Being able to drive ensures that former offenders can be employed and can live a productive life, lawful life, and convictions, so that they are not reoffended. A number of years ago, the interlock requirement was broadened to a variety of offenses. For some reason, ignition interlock device is not an option for DUI resulting in serious bodily injury. In the violation of Section 60-6198, there's no apparent reason for this exception because the law does not allow for interlock order for more serious cases such as DUI resulting in death or their third or fourth or even fifth offense DUI. The omission of the Section 60-6198 appears to have been an oversight. This bill would fix this inconsistency and provide that a judge may allow a defendant to obtain an interlock ignition device for Section 60-6198. The amendment addresses some feedback from Department of Motor Vehicles which sent a letter, a neutral letter for hearing in some regards on some statutes we missed. DUI interlock devices provide an important tool to help those who have committed these crimes to receive treatment and live productive, law-abiding lives and I think it's important we allow this judge to have this discretion in sentencing. I appreciate Senator Friesen's help on this issue and would appreciate your green vote on this amendment. Thank you, Mr. President.

FOLEY: Thank you, Senator Quick. Discussion of AM611. Senator Friesen.

FRIESEN: Thank you, Mr. President. I stand in support of AM611. Senator Quick has talked to me about the bill and I'm accepting it as a friendly amendment. Thank you, Mr. President.

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FOLEY: Thank you, Senator Friesen. Senator Clements, you're recognized-- excuse me, Senator. Members, you can please keep the noise down. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. Would Senator Friesen yield to a question?

FOLEY: Senator Friesen, would you yield, please?

FRIESEN: Yes, I would.

CLEMENTS: Regarding these student drivers with permits, I was wondering if one was on the golf team and drove out to the golf course outside of my district-- or in my district to a golf practice with a golf coach, are they able to do that with this bill?

FRIESEN: Yes. That was the intent of it. We have schools in the rural areas that do things like golf that are not located at the school grounds and yet they may have been even on the way home for a student but they were not allowed to go there even if it was on their way home. So this kind of addresses that and lets that student drive to the golf course for a golf practice and then he can drive home from there instead of going back to the school.

CLEMENTS: And how would they be transported currently, legally?

FRIESEN: Currently, a school van has to take them there and then so as they get done with their golf, they have to wait for the other students to get done, so they all have to finish up and then they're taken back with the school van and then they can get in their cars and go home.

CLEMENTS: All right, thank you. That's a good bill. I support the AM611 and LB269. I yield my time to the Chair.

FOLEY: Thank you, Senators Clements and Friesen. I see no further discussion on the amendment. Senator Quick, you're recognized to close on your amendment. He waives closing. The question for the body is the adoption of AM611. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 31 ayes, 0 nays on adoption of Senator Quick's amendment.

FOLEY: AM611 is adopted. Is there any further discussion on LB269 as amended? I see none. Senator Friesen, you're recognized to close on the advance of the bill. He waives closing. The

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question for the body is the advance of LB269 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB269.

FOLEY: LB269 advances. Proceeding to LB270. Mr. Clerk.

CLERK: Mr. President, LB270 is a bill by Senator Friesen. (Read title.) Introduced on January 15, at that time referred to the Transportation Committee and advanced to General File. I do have committee amendments, Mr. President.

FOLEY: Senator Friesen, you're recognized to open on LB270.

FRIESEN: Thank you, Mr. President. Members of the body, LB270 was introduced on behalf of the Department of Motor Vehicles. It's the annual update bill that amends, revises, and harmonizes the statutes that DMV administers. There's a detailed explanation of each provision in the bill in your committee statement. Many of the changes merely modify dates, some are more substantive. For example, we would allow individuals to renew their driver's license on-line twice consecutively rather than just once. We would require any person age 21 or over to renew their state ID cards in person only once every 16 years, otherwise they could renew the ID cards on-line. This is just one of the proposals that relates to customer convenience. For example, we would allow individuals registering or titling vehicles, trailers, or boats to use the name as it appears on the owner's operator's license or the state ID card as an additional option to the full legal name. With respect to titles, the bill would authorize a process by which the seller could request that DMV update the electronic certificate of title if the purchaser has not done so within 30 days of a sale. LB270 would also allow DMV to revoke a registration certificate if that has been issued improperly. Current law only allows revocation if the certificate was issued illegally. The bill allows historical-plated motor vehicles to tow historical-plated trailers. It also makes it easier for individuals to apply for a certificate of title for a manufactured home. The bill would remove a federal reference, a section in our bill last year that allowed e-Tuks to operate in the state. There was one area that we received negative feedback at the committee hearing. It relates to amending language in Section 10 of the bill regarding salvage titles. After reviewing the issue, the committee voted to reinstate the old language in those sections in the committee amendment. And with that change, there's no longer opposition to the bill. I urge your advancement of LB270 to Select File. I thank you for your support.

FOLEY: Thank you, Senator Friesen. As the Clerk indicated there are amendments from the Transportation Committee. Senator Friesen, you're recognized to open on the committee amendments.

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FRIESEN: The committee amendment to LB270 reinstates language relating to the late model motorboat in Section 4 and late model motor vehicle in Section 10. A late model boat or vehicle is one that is newer than seven years, so this language relates to the determination of the amount of damage necessary for a boat or vehicle to be repaired or required to have a salvage title.

FOLEY: Thank you, Senator Friesen. Mr. Clerk.

CLERK: Mr. President, Senator Crawford would move to amend the committee amendments with AM755.

FOLEY: Senator Crawford, you're recognized to open on AM755.

CRAWFORD: Thank you, Mr. President. Good morning, colleagues. Colleagues, I appreciate the hard work that Senator Friesen has put in this cleanup bill and I also really want to thank him for the conversations that we've already had about some of my concerns with the bill and all the work that Tip O'Neill has also done in working on this issue as well. So I put in this amendment. This amendment addresses the places in the bill, LB270, where a "shall" is turned into a "may", or new language about rules and regs are put in place that use a "may" instead of a "shall", promulgate rules and regs. And so, colleagues, I distributed to you during Final Reading two sheets of paper. One is a sheet that indicates the "shalls" to "mays" in LB270. And so you can see the top half of the sheet just indicates all of the places in the bill where a "shall" is turned into a "may". And these are on issuing rules and regs for defining and enforcing the law that we have in place. And colleagues with the-- when we say you "shall" issue rules and regs, that it means that the department must go through a public process of having public input on what those specific rules and regs are that define and shape the implementation of policy. And so if we're switching those to "may", then we're saying you no longer have to go through that formal process, you don't have to have formal rules and regs in place to have these laws be in effect. And so the top half are those that are in that category where existing we had told them in past legislation, you "shall" issue rules and regs on this, on this law. And this bill would change that into a "may". And then the bottom half are elements of the bill that are new language and puts in a "may" instead of a "shall". And again, if we have a "may" in the bill, the implications of that are that the department will decide whether or not to issue rules and regulations for that provision. And if it is a-- two things happen, if we have a "shall" for new language instead of a "may". If we have a "shall" for new language, then what that does is it allows-- it has our performance audit staff track that bill-- track the agency work to see whether or not the agency has actually promulgated the rules and regulations or not. And so our performance audit team is on call to check in all of our bills when we say they shall issue rules and regs. Our performance audit staff checked to see if the department actually follows up on issuing those rules and regs. So that's an important reason-- a consideration when we decide whether to put something as a

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"may" or a "shall". And also, I want to point to your attention to the other handout that just talks a little bit-- it's from performance audit. The head of it says, agency documents, and it points out a little bit about when something should be a regulation, when something should be a "shall", when something should be a "may". And colleagues, this is from our performance audit staff, and from past work that this Legislature has done to try to clarify when something should be a regulation and when it does not need to be in regulations. And I call to your attention on the first page near the top, the last paragraph under the heading regulation says that should something under the Administrative Procedures Act in our state, regulations must be developed when agency policy impacts the public. So when a law we're talking about is something that impacts the public, then that's when a regulation should be put in place that goes through that public process. And so that is the case when we're looking at which of these "shalls" to "mays" need to remain "shalls" because they impact the public. And colleagues, if we look at the list of the "shalls" to "mays" and the new "mays", I think you would argue that all of them are things that impact the public. And so I think it's important that we recognize that there's a rationale for there to be a regulation because they do impact the public. Now on the backside of that sheet, there is one-- talks about the situations in which you may not have a "shall" even though it impacts the public. And one of those conditions, colleagues, is when the statute itself or when federal regulations that are cited in the statute are very clear. And so the statute is sufficient. You don't need any new definitions or determinations because the statute is sufficient in terms of being able to carry out and interpret that law and there's been sufficient public input on those details. And so that is another instance in which we may not need to have a "shall" but we may actually only need to have a "may". And so, what I've been talking to Senator Friesen is we've been talking about which of these specific instances are ones where we have the specific statute language in place or federal regulations in place so that those are sufficient that it is okay for us to switch to a "shall" to a "may", or okay for us to actually use a "may" instead of a "shall". And so, we're talking about those in terms of which ones are sufficient to meet that need and I'm going-- how much time do I have left?

FOLEY: Four minutes.

CRAWFORD: Four minutes. Thank you, Mr. President. And so what I'm going to do is put on the record what some of those are and what the changes are that may need to be "shalls" to "mays" and which ones are sufficient to remain as they are in LB270.

FOLEY: Excuse me, Senator. Excuse me. Members, please come to order. Please continue, Senator.

CRAWFORD: Thank you, Mr. President. And I know that Senator Friesen has a floor amendment to address some of these, so we may be able to address several of them with his floor

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amendment this morning. But I do want to make sure that we've looked at all of them and been attentive about all of them in our floor debate and in our public record today. So first, I'd like to ask Senator Friesen if he would yield to a question?

FOLEY: Senator Friesen, would you yield, please?

FRIESEN: Yes, I would.

CRAWFORD: Thank you, Senator Friesen. Again thank you for your attention to this and working with me on this, I appreciate it very much. So I thought I would tackle the easy one first. So, in terms of new language that's in LB270, there are several sections and Section 15, 16, 17, the bottom from Section 15 to Section 23 that are all new language about temporary stickers. And if you want to see my sheet, it will show you those are-- all the new stickers that the law provides for.

FRIESEN: Okay. If the-- if there were like for a license plate sticker, those cases, there is already statutes--

CRAWFORD: That's what I was just going to ask you. So for the cases of where we're talking about temporary stickers for specialty plates, Pearl Harbor Survivors, Gold Star Plates, Military Honor Plates, Prisoner of War Plates, Disabled Veteran Plates, Purple Heart Plates, Amateur Radio Plates, and Cornhusker Spirit Plates, do we already have in statute who qualifies for those plates?

FRIESEN: Right, those are already defined in statute so they do not need to develop more rules and regulations.

CRAWFORD: Okay, great. Thank you. So this is simply if they qualify by statute they could get a sticker, so, and I am in agreement with that that those are situations where we already have something clearly in statute that makes sense and we do not need to change those to rules and regs, and so not need that part of what I had previously proposed in the amendment. Secondly, I believe that there are rules and regs on-- that are on vision and rules and regs on restricted commercial motor vehicle licenses and rules and regs on commercial motor vehicle operator's license endorsements and restrictions. It's my understanding that-- and so those are in Section 34, 36 and 37. And it's my understanding from our previous conversation that those sections are sections where the details about those provisions are in federal law or statute.

FRIESEN: That's correct. We mirror federal statutes and that way we are matching.

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CRAWFORD: Thank you. Thank you. So those are cases again where it would be--

FOLEY: One minute.

CRAWFORD: Thank you, Mr. President. --it would be acceptable to allow that to go to a "shall" to a "may" because we have specific language in other places. So what we have left then is, I think there are four changes that you're going to propose that we can-- we'll talk about and then the one section that I want to make sure is on the record as a concern, and that's Section 42. And that is, allows the DMV authority to issue rules and regs related to the procedures for making recommendations to the Board of Pardons for license reinstatements. And so, colleagues, I think license reinstatements is clearly something that impacts the public, something we clearly want to make sure we've looked at very carefully to see if this is something where we need to make sure that remains a "shall" because that is getting the Board of Pardons, reinstating your license is clearly an important right that we need to make sure is protected. And so, that's an important provision for us to consider.

FOLEY: That's time, Senator.

CRAWFORD: Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. President. I just wanted to rise in support of Senator Crawford's AM755. I know that there has been an effort in the past to just get rid of all the "shalls", and I have some real concern about that. When people passed legislation previously, they chose words because words matter. And clearly, people put "shall" into our statutes previously because those words mattered. They didn't want it just-- if a department feels like doing it or if it seems convenient at the time. So policies allow various departments and the public and the Legislature, all bodies to know how the departments are interpreting the law. And so, if we're going to allow departments to act in a vacuum, then-- we have no oversight. We have no ability to know what people are doing and have expectations on how departments will act. So I think it's important because it helps in administrative memos and helps coordination between agencies. It changes a multidisciplinary team response. People know how to respond to different agencies and different departments, intradepartment, as well as it helps the members of the public understand what's going on. So the rules and regulations provide a way for public to have input and I am willing to work with Senator Crawford and Senator Friesen on this. But, again, these words matter. And these requirements-- it wasn't because the people in the Legislature before us didn't understand what they were doing, and it isn't because the people before us were unthoughtful or didn't know the difference between "shall" and "may". These were decisions by

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the bodies before us. And to just go in and start, as a bill last year from Senator Murante tried to get rid of hundreds and hundreds of "shalls", and now this year we're seeing an effort sort of bill by bill. And I've talked with Senator Friesen, I know he's willing to discuss this and has made an amendment on his own that's responsive to that, especially on a number of them. And I just-- I need to talk about a couple more just to make sure. But I really appreciate that effort and willingness of Senator Friesen to listen to our concerns about "shalls" to "mays". And I really am grateful to Senator Crawford for her vision and her ability to see what's going on on some of this. So thank you very much, Mr. President.

FOLEY: Thank you, Senator Pansing Brooks. (Visitors introduced.) Continuing discussion. Senator Crawford.

CRAWFORD: Thank you, Mr. President. And I'm just working through what is in the amendment, what is in the upcoming floor amendment and so what I'm going to do, I think it's important for us to make sure that we've had this discussion about changing the "shalls" to the "mays" and which ones can be changed and which ones should not be changed. And I know that there's a floor amendment coming up for Senator Friesen that addresses four of these and so what I think I'll do is, I will pull my amendment so we can have a conversation about those that are in Senator Friesen's floor amendment and we can talk about which ones may still need to be addressed between General and Select. So with that, Mr. President, I'll pull my amendment.

FOLEY: The amendment is withdrawn. Thank you, Senator Crawford. Continuing discussion on the committee amendment. Senator Friesen.

FRIESEN: Thank you, Mr. President. With the current committee amendment, I do believe just addressed some other things. I have a floor amendment that is going to address the issues of Senator Crawford. So this amendment here is part of the cleanup language that we needed to add, and so I urge everyone to support AM369.

FOLEY: Thank you, Senator Friesen. I see no further discussion on the committee amendment. Senator Friesen, you're recognized to close on committee amendment. He waives closing. The question for the body is the adoption of committee amendment, AM369. Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: 26 ayes, 0 nays on adoption of committee amendment.

FOLEY: AM369, committee amendment is adopted. Mr. Clerk.

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CLERK: Senator Friesen would move to amend the bill with FA23.

FOLEY: Senator Friesen, you're recognized to open on your amendment.

FRIESEN: Thank you, Mr. President. The floor amendment refers to, and I do thank Senator Crawford for drawing attention to some of the changes because as we look through the bill, we did find four changes that we wish to correct. You know, there were a lot of changes in there and I admit that I had missed some of these and when she brought up the issue, I looked at them again, we did come up with five changes. And so those changes, I do think needed to be changes from "may" to "shall". You can look on your computer and see it, but on page 5, line 19, we're going to strike "may" and insert "shall". On page 15, line 31, we will strike "may" and insert "shall". Page 63, line 31, strike new language and reinsert the old language which changes it back to "shall". And then the last one that Senator Crawford brought up and I'm willing to strike that language also, it's on page 73, line 8, but if you look in statute it is pretty well-defined on what they have to do there too, so rules and regs may not be required there either. But I looked at it and we made the decision to just strike that and put that back to the old language also. With that, that's the changes that I proposed. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Is there any discussion on FA23? Senator Crawford.

CRAWFORD: Thank you, Mr. President, and thank you, Senator Friesen again for working on this issue. I appreciate very much looking at those issues again. I just want to clarify. I think on the floor amendment, one of the changes is on page 73, line 8, changing the "may" to the "shall", is about the Board of Pardons. So I think your floor amendment addresses that concern that we were raising on the floor about making sure that the Board of Pardons language is in there. So that's actually in your floor amendment, so I appreciate that very much. So I support FA23 and urge your support of it also. I will, between General and Select, double-check with Senator Friesen and Mr. O'Neill on the other changes just to make sure there aren't any other ones that we want to catch between General and Select that may need further work. But again, I want to thank Senator Friesen and thank Mr. O'Neill for their hard work on this bill in trying to make sure being very careful when you make these changes from "shall" to "may" and make sure we're very intentional about which ones are appropriate and which ones need further thought. And I appreciate FA23 which is addressing at least four of those instances in which we needed to pull back and keep our "shalls" in place. And so with that, I rise in support of FA23 and LB270, and again thank Senator Friesen and thank Mr. O'Neill for their hard work in bringing the bill to this point. Thank you, Mr. President.

FOLEY: Thanks, Senator Crawford. (Visitors introduced.) Senator Friesen, I see no further discussion of FA23, you're recognized to close.

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FRIESEN: Thank you, Mr. President. Thank you, Senator Crawford again. We do need to look at these closer. These large bills sometimes they do contain things that maybe aren't quite proper. But in the end, I think the majority of it is-- you know, spelled out in statutes rather than in rules and regs, but again, it makes all of us pay attention to everything that comes across our desks and words do matter. Senator Chambers has taught me that over the years and this is one of those we missed, but I think we've got it corrected and I hope you will support the floor amendment and LB270. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Members, you heard the discussion of FA23. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 26 ayes, 0 nays on adoption to Senator Friesen's amendment.

FOLEY: FA23 is adopted. Is there any further discussion of LB270 as amended? I see none. Senator Friesen, you're recognized to close on advance of the bill. He waives closing. The question for the body is the advance of LB270 to E&R Initial. Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: 25 ayes, 0 nays on the advancement of LB270, Mr. President.

FOLEY: LB270 advances. Items for the record, Mr. Clerk.

CLERK: All right, Mr. President, I do. Thanks. Your Committee on Banking reports LB379 to General File with amendments. Health Committee reports LB59 to General File with amendments; LB169, General File with amendments; LB332, General File with amendments. Revenue reports LB663 to General File; LB237 to General File with amendments. Amendments to be printed: Senator Clements to LB452; Senator Wayne, LB496; Senator Erdman to LB334. I have a Reference report referring certain gubernatorial appointees. Priority bill designations: Senator Gragert, LB243; Senator Bostelman, LB698. An announcement, Mr. President. The Exec Board will meet in Executive Session upon adjournment in Room 1525; Exec Board upon adjournment in Room 1525. Name adds: Senator Kolterman, LB15; Dorn, LB15; Matt Hansen, LB217; McCollister, LB535; Pansing Brooks, LB535.

And finally, Mr. President, Senator La Grone would move to adjourn the body until Monday morning, March 18, at 9:00 a.m.

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