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Transcriber's Office

Floor Debate  
April 11, 2019

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SCHEER: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the fifty-eighth day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Pastor Ken Miller from St. Paul Lutheran Church in Auburn, Nebraska, in Senator Slama's district. Would you please rise?

PASTOR MILLER: (Prayer offered.)

SCHEER: Thank you, Pastor Miller. I call to order the fifty-eighth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Please record, Mr. Clerk.

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

SCHEER: Thank you. Are there any corrections for the Journal?

CLERK: I have no corrections.

SCHEER: And are there any messages, reports, or announcements?

CLERK: Mr. President, agency reports that have been received are available to the membership on the legislative Web site. Lobby report as required by state law to be inserted on the last day of the week. That's all that I have, Mr. President.

SCHEER: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do here do sign LR77 and LR78. (Doctor of the day and visitors introduced.) We'll move to the first item, Mr. Clerk.

CLERK: Mr. President, Final Reading, LB34. Senator Chambers would move to return the bill for a motion, that motion to be to strike the enacting clause.

SCHEER: Senator Chambers, you're welcome to open on your motion.

CHAMBERS: Thank you. Members of the Legislature, Senator Kolterman can relax, but I would like to ask him a question or maybe two before that happens.

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

Floor Debate  
April 11, 2019

---

SCHEER: Senator Kolterman, would you please yield?

KOLTERMAN: I certainly will.

CHAMBERS: Senator Kolterman, we've had kind of lighthearted exchanges throughout this session and we have in the past. Is that true?

KOLTERMAN: Absolutely, yes.

CHAMBERS: Have you made a request to me on specific bills of yours to grant clemency?

KOLTERMAN: No, it was amnesty.

CHAMBERS: Amnesty. Have you asked for that on this bill?

KOLTERMAN: I think I did earlier on, but I didn't necessarily think I needed it on Final Reading. Should I ask for that?

CHAMBERS: Well, it's up to you. You're a free agent.

KOLTERMAN: Would you be willing to advance this-- pass this legislation today, Senator?

CHAMBERS: Yes, I think it's a very good bill.

KOLTERMAN: Thank you very much.

CHAMBERS: But I'm doing this on Senator Kolterman's bill for a reason. This is a shot across the bow. I know you all think that I'm not serious about the things that I've said earlier because sometimes I'm lighthearted. Sometimes I will say something to elicit a smile or even a laugh, but I'm very serious about the things this body has done to harm the people that mean something to me. And I see you granting boons to other individuals, other groups. And today in the newspaper, the truth came out on Senator Hughes's bill, which I know, it was not asked for by ordinary farmers. It's not aimed to help ordinary farmers. The Farm Bureau and the Cattlemen. The Farm Bureau is not a farm organization. It is not a farm organization. The media won't print that. Let them check to see the membership. It is not a farm organization. You know why city people get involved? They buy the insurance. Is Mutual of Omaha a farm organization? That bill will hurt ordinary farmers. Name me one farm organization that represents ordinary farmers who

Floor Debate  
April 11, 2019

---

support it. You all were played like a violin when you gave that cloture vote. They needed 33. They only need 25 to pass it. You cannot undo the harm that was done, but I'm going to fight that bill, and I'm going to fight other bills. And had I chosen to do so this morning, and the morning is not passed yet. I, as does every person, retain the right to change my mind. There are ten bills this morning. If I would make that motion to return to Select File for the specific amendment, being to strike the enacting clause, all I'd have to do is open on each one. I get ten minutes to open. Ten times-- there might be 11 bills. Anyway, let's say 11. Ten times 11 would be 110 minutes. 120 minutes would consume two hours. Two hours without once touching the subject matter of any bill. I can do things to this session if I choose. You all think I won't. When I watch how the Governor can snatch people off this floor and make them change the vote, change their position, and you're going to accept that from the Governor, and you won't even mention it? And I'm a member of this body, and I watch my colleagues being dealt with in a traitorous, treacherous, dishonest fashion because the Governor insists on it. He should stay over there in the executive branch. He should, notice I say. But why should he? He's got flunkies over here. He's got cowards over here. When those bills come out of the Revenue Committee, when those bills come out of the Revenue Committee, I can dominate any one of those bills or all of them. When that bill that tries to give public money to private schools comes out here, I'll fight that tooth and nail. I will not yield, not an inch, not a centimeter, not one thousandths of a centimeter. If you looked at the newspaper this morning, you'll see a photograph of what they call the black hole. It has such a tremendous pull that light cannot even escape, and one of the headlines is, they photographed what they thought was the unseeable, the unseeable has now been seen. Science does not quit. That's not religion. Religion tries to hinder science. The Catholic church burns scientists and philosophers at the stake. No scientist or philosophers burned any religious people at the stake. There are a lot of things that I have on my mind that I'm going to discuss this session, and I would not have done it if you all hadn't shown such cruelty at the beginning, but since that's the nature of this body, I'm glad that it was shown at the beginning because you set the tone. You determined how the rest of the game is to be played, and while you were doing it I told you, and you mocked. You scoffed. You thought that I was trifling, and therefore, I can be trifled with, but you're going to find out if that was your thought, you were mistaken. Nobody in here is essential to my life. This Legislature, even though I put more time into work related to it than any other senator, this Legislature is not my life nor my wife. But if I undertake to do something, I will do it the best that I can. That does not always ensure success, and I'm not foolish enough to expect success with every issue that I bring before this body. But when vindictive, racist, motivations are obvious to me, I'm going to show you I know how to deal with it. I'm not a whimperer, I'm not a whiner, I'm not a runner. When I see your President, a white nationalist, that's what he is, a white nationalist and worst. Suppose a Muslim had burned three Jewish temples. Trump would have been fact, texting, if that's what you call it, twittering. Isn't that what would be happening? A white guy burned up three black churches and his daddy was a sheriff, and the sheriff turned him in because it was obvious he was going to get caught and the sheriff did not want to be implicated. Where is Trump, your President? He's not the President of

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

Floor Debate  
April 11, 2019

---

all people. He's the President of white racists, and he makes it clear he's a racist. On this floor you all say nothing about him because you're just like him, and he's articulating what you are and what you believe and your bills that you pass demonstrate that, and the ones you stop will prove that. And you think you're going to get away with it. I have to speak often, and in a lengthy way to make up for the silence of my colleagues, and silence does give consent. So all of these bad things that have been done to the people that I care about are what I call, collectively, an itch that I cannot scratch. So I must be an itch that you cannot scratch. I'm not going to go away. I'm not going to get tired. And you are not going to be told in advance of everything I intend to do, just like nobody knew I would do this, this morning. And I told you when I first started that I always retain the right to change my mind, and if I don't get everything I said on--

SCHEER: One minute.

CHAMBERS: --want said on Senator Kolterman's bill, I will take other bills, or maybe what I ought to do is just take Senator Kolterman's bill and do it all on his bill. But that would not be fair, so I think I'll spread the misery this morning. I'm going to speak one more time, then I'm going to pull that motion. Thank you, Mr. President.

SCHEER: Thank you, Mr. Chambers. You are next in line. You're now recognized.

CHAMBERS: Thank you, Mr. President. I keep articles. Some of you all don't realize that a person who wound up being a Governor was a Lieutenant Governor, and had been instructed when he was the Lieutenant Governor, don't get involved in the Legislature's business. If there's a legislative issue that is serious, you stay out of it. And those were strict orders. And I'm going to get that article and show you all. I want to whet your appetite, stimulate your curiosity. And if there was any doubt, that Lieutenant Governor was to discuss it with the Speaker. Foley sits up there and makes rulings that are obviously partisan and wrong. You all don't read what I hand out so I'm going to remind you that during one of the sessions when we started, while he was Lieutenant Governor, he ruled that the votes for chairpersons was to be public. That's what Foley ruled, sitting up there as a Lieutenant Governor and you all swallowed it, because he knows that you're basically spineless. Then he appoints people who come here and you know where they're going to go. I've got a list that I can show you who will vote every time the Governor wants something, and when you see them trotting out of here to talk to that Governor, he doesn't have enough respect to tell you to sneak out the back like the mouse you are, and slither through the hall. Rats and mice walk along walls. That's how cats catch them. If a mouse is in this corner to my left, and he wants to get across that floor to that corner, you know what the cat does? The cat doesn't get behind the mouse and chase him, the cat goes catty-corner. That's why it's called catty-corner, and waits for him over there because he knows the mouse is going to follow the wall. He'll run across the wall. Then he'll follow the wall up the side and run right into the cat's

Floor Debate  
April 11, 2019

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mouth. The Governor won't show you the respect that would attend you if you were a mouse. He drags you out of here so everybody can see you walk out. Then you come back in here with your marching orders and then you change. You switch and nobody's supposed to say anything. Well, I will. I'm a part of this Legislature. I have one-forty-ninth percent ownership in this Legislature, and whatever else I can take by sheer force of will and determination. Just as white people came over here and stole this country from the Native Americans. They did not come here as explorers and discoverers. They came here as invaders. And had the Native Americans been aware of the treacherous creatures that were coming from Europe to spread diseases, steal their land, ridicule their customs, institute scalp taking for the purpose of collecting a bounty, cutting off their heads and frying them in frying pans in New England. Kicking the heads down the street like footballs. You all don't know about that? You don't know about your history? Well, you're going to learn something about it, and I don't care what you understand why I say what I say or not. I'm saying it because it needs to be said. And then I read things in the paper and the media don't even get things right, but I don't really expect that. Your Constitution is, of, by, and for white people. The media are, of, by, and for white people. The things that would titillate white people is what they emphasize. The things that would trouble white people are the things they don't deal with. But I don't say, do away with the media.

SCHEER: One minute.

CHAMBERS: There might be at some point be somebody connected with it whose got some backbone. Whose got a spirit of doing the right thing and who understands why the First Amendment recognized the media as the only, you can call business, because that's what it is, that would be given constitutional protection, the press. But now the press is being purchased by very powerful people, and its become very political. It is racist, in a lot of instances. It suppresses information. I'm going to tell you something that I haven't read in any newspaper, but I happened to see the story on television, and it let me know why all these white people who live in the rural areas and are only around white people who don't have to worry about black people coming and taking their homes.

SCHEER: Time, Senator.

CHAMBERS: Don't have to worry about the Native Americans banding together--

SCHEER: Time, Senator.

CHAMBERS: --to reclaim their land, but they live around white people. Did you say time, Mr. President?

Floor Debate  
April 11, 2019

---

SCHEER: Yes, I did, Senator, but you are next in the queue.

CHAMBERS: I didn't understand.

SCHEER: Yes, it was time, but you are next in the queue. You're recognized, Senator Chambers.

CHAMBERS: Thank you, you're speaking so quietly, I wasn't aware of what you said, but I don't want to run crossways to you because I'm not upset with the way you're conducting business this morning. I know, first of all, there was a poem called, I Know Why the Caged Bird Sings. A bird in a cage will sing. And there's a reason for that. I don't say I accept it. But that is a very provocative statement. William Blake wrote, A Robin Redbreast in a Cage Puts all Heaven in a Rage. I know-- I don't know why the cage bird sings, but I know why all these white people keep coming down here to get permits to carry guns. Senator Halloran has one. He's said it several times. Hyde guns. They got momma guns, daddy guns, almost baby guns because they don't want to raise the age to 21 years old. All of them got guns. Not every single one of them but so many do that you can say all. Use the term advisedly. When former senator was here, a former senator who was a military person, and I called him General, he was replaced by my seatmate, Senator Blood, had a bill where he wanted to allow people to take concealed weapons into taverns, joints, and I wanted to know why they need that. And I made the same comment about white people living around white people, and he said, well, there's Al-Qaeda. And mentioned some of these terrorist groups, and ISIS came up in the discussion along that line, and I was wondering, then when these people are sitting up in these taverns they're worried about someone from ISIS or Al-Qaeda running in and attacking them, that's why these white people want to carry these guns into the taverns. And I said, let me tell you something, and before I mentioned it what I was going them, I told about a white man who the day before had been shot in the back by the Omaha police when he was unarmed. Shot in the back and killed. And I mention how they do that to us all the time and our ISIS are the police. They want to play like they don't know what an analogy is and maybe they're so stupid they don't know, but some media person grabbed it, gave it to Fox, it went all over the country. Then McCoy, like a little jack-in-the-box, popped up and insisted that I apologize, and I let him know he's crazy. And I stood here then just like I am now, unbeaten, unbowed, and let my colleagues pop up one after the other and say what a horrible thing I had said, that the police are like ISIS. Didn't even get it right what I said. And then begin to voice their complaints that they'd been having against me for a period of time. And I say, well, when I said these things you didn't like, why didn't you say it then? But now you've got the mob, and when you have the mob with you, then you get what you call your courage. So I stood there and let them say it. Then I mocked them, I scoffed at them, I laughed at them. And that might make you think I forgot why I started this. You know why all these white men want to carry these guns? Not just pistols that you hide in your clothes, but semiautomatic rifles. A white female farmer had some pet potbelly pigs--

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

Floor Debate  
April 11, 2019

---

SCHEER: One minute.

CHAMBERS: Did you say time?

SCHEER: One minute, Senator.

CHAMBERS: Okay, thank you. And one of these brave gunsels took a semiautomatic rifle and did target practice on those potbelly pigs. That's why I have so much contempt for these gun carriers. They are cowards, they are dangerous, but since they're so afraid you never know when a potbelly pig might come out from hiding and you have to defend yourself, so you need a semiautomatic rifle to defend yourself in Nebraska against the potbelly pig, pets at that, on a woman's farm. That's why you carry guns. So I'll leave you alone now. I didn't know you were that fearful and that crazy. But now that I know, you might be crazy enough to carry a gun in here and get mad and just pull it and start shooting. Now, you wouldn't shoot me because I'm watching you.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. I want to thank Senator Chambers for giving me an opening on raising awareness on Sexual Assault Awareness Month. I don't know if you know this or not, Senator Chambers, but the book by Maya Angelou, *I Know Why the Caged Bird Sings*, is actually a biographical story telling of her own sexual assault. It's a beautiful, beautiful story. It's heartbreaking. It's something I read as a teenager that made a huge impact on my life. Maya Angelou is one of our greatest poet laureates in this country and a strong woman of color, and she tells her story of racism, sexual assault, and the triumph of a beautiful soul. So thank you for bringing that up this morning, Senator Chambers, and thank you for giving me the time to speak about this important issue.

SCHEER: Thank you, Senator Cavanaugh. Colleagues, would you please return to your seats as we are in Final Reading. Senator Chambers, are you wishing to withdraw the motion before us?

CHAMBERS: A close.

Floor Debate  
April 11, 2019

---

SCHEER: You'd like to close.

CHAMBERS: Was that my closing?

SCHEER: No, you have a close left, if you'd like.

CHAMBERS: Okay, that's what I'll do.

SCHEER: You're recognized, Senator Chambers.

CHAMBERS: Thank you, Senator Cavanaugh, for filling in a gap. I didn't know if anybody on the floor knew where that came from and what the story behind it was, but I stick by what I said. I don't understand why and how the caged bird can sing. Birds were not put here to be in cages. They were given wings so that they can fly. They were given the ability to make sounds that human beings refer to as singing. And yet there are people who put them in cages. There are people who shoot them for sport, and the people who do that, I think, are very cruel. I think they're vicious, and I think they're cowardly. I get more threats than Senator Halloran would in a lifetime in a week. You see the shirts that I wear. I wear what I wear because I've always worn these kind of things. I cannot conceal a gun under this shirt. If I have a gun under my shirt, you'd see it. A cop, he can shoot me, because that's allowed, but he can't shoot me saying he thought I had a gun. I don't carry a telephone. I cannot be using a telephone, he'd say, I thought-- he thought I had a gun. But what he can say, if he says let me see your hands and I don't show my hands quickly enough in my pocket, he'll shoot me and say he thought I had a gun. If I show him my hands, he'll say he thought I had a gun in my hands. You all don't deal with this, and you think it doesn't happen, but you know it happens and you don't want it talked about, and you justify it. Well, if I have to be that one voice, which I've been, I'm going to be that voice. That's the greatest service I can do for the people I represent, and they're not just people of my complexion. More of them are of your complexion because there are more of you, and more of you are hounded, harassed, and oppressed by your own kind because there are more of you. Ten times as many of you as there are of nonwhite people in this state, yet I get all of these calls, all of these letters full of salt water tears, asking for help. Help me, because you all won't do your job. And you know why you won't do it, because the Governor put you here or he threatened to take you out of here if you don't do what he tells you to do. I'm not the kind of person who can be in an environment like that and just go along with it. So you all are going hear me say things like this. And when I first started, I was not even going to take all of the opportunities I have to speak on a bill, but circumstances alter cases. And I was just going to talk on Senator Kolterman's bill, but I may have to demonstrate to you all how I can change my mind when I decide to do so. Then you'll stop that misogynistic comment that you make that a woman always



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

Floor Debate  
April 11, 2019

---

changes her mind. I assure you that I'm not a woman, and you'll just have to take my word for it, but I change my mind and I have the right to--

SCHEER: One minute.

CHAMBERS: --change my mind, and I'll change my mind whenever I think I should. Mr. President, I withdraw that motion.

SCHEER: So ordered. Again, colleagues, would you please return to your seats. We are under call. Final Reading. Mr. Clerk, first item.

CLERK: Mr. President, with respect to LB34, there's a motion.

SCHEER: First motion is to dispense with Final Reading-- at-large reading. All those in favor please vote aye. All those opposed vote nay. Please record.

CLERK: 39 ayes, excuse me, 41 ayes, 6 nays, Mr. President, to dispense with the at-large reading.

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

CLERK: (Read title of LB34.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB34 pass? All those in favor vote aye; all those opposed vote nay. It has a E-clause. It will take 30 votes to be successful. Excuse me, 33. Have all voted that wish to? Record, Mr. Clerk.

CLERK: (Record vote read.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SCHEER: LB34 passes with the emergency clause attached. We'll now proceed to LB243.

CLERK: Mr. President, I have a motion on the desk. Senator Chambers would move to return the bill.

SCHEER: Senator Chambers, you're welcome to open on your amendment.

Floor Debate  
April 11, 2019

---

CHAMBERS: Thank you. Mr. President and members of the Legislature, I was able to write out the entire motion correctly. The motion is to return this bill to Select File for the following, specific amendment to strike the enacting clause. That's how you make a motion to kill a bill on Final Reading. That's not the lesson that I wanted to present this morning, but I have to speak while I have the opportunity. At my advanced age, although what I'm going to say applies to every one of you and anybody who is birthed into this world alive, the next day is not promised to us. We're not promised that when we exhale, we will inhale again. The International Harvester is on the trail of each one of us, and the only difference between us and those unfortunate people who wind up on death row because they are human beings who are flawed, who are subject to making mistakes, placed them there, so that the state, because it is so powerful, will kill them. The sentence, when those of you who believe in the death penalty, is that the state killed the person, not that the person died. So if a person has cancer, the state has hired flunkies, functionaries, psychopaths, whose job it is to keep that person alive, because the sentence is to be killed by the state. So that person must be nursed, must be medicated, must be given the attention of medical experts at whatever the cost may be to keep him alive in order that he may be put to death. How macabre can you be? How cruel? How uncivilized? How barbaric? How savage can you be? And with practices like that, you run around pontificating to all of the world about American values. One of them you talk about is democracy, but for black people it is a mockery of democracy. Much of the time in this country right now is spent by politicians from the President on down to the Secretaries of State, finding ways to suppress the vote of black people. Black people whose numbers during the Civil War reached 180,000; 180,000 black men fighting for a country that enslaved them. But because they had been promised freedom, they fought harder than the white soldiers. There were no black deserters during the Civil War, but there were white deserters. I should have reminded you all, oh, the time hasn't come when I have to do it yet. What year-- don't give an answer. What year was Abraham Lincoln assassinated? How many years ago was Abraham Lincoln assassinated? Is there a day or date commemorating the assassination of Abraham Lincoln? What month was Abraham Lincoln assassinated in? People who study military history may not even be aware of this, but April is a month when wars generally started, and when they generally ended. April was the month of war. Abraham Lincoln frankly acknowledged that black soldiers provided the balance of power that allowed the union to win the war. If Abraham Lincoln's emancipation proclamation had freed black people, there would have been no need for the XIII Amendment. And Abraham Lincoln was a pragmatist. He did what he could do, and did not undertake to do more than he knew he could do. So here's the way Lincoln freed what slaves he freed. I'm standing over here with shackles. Senator Wayne is sitting over there without shackles. Senator Wayne lives in a part of the country controlled by the union, so he has no shackles. I live in a part of the country where I am shackled. And Abraham Lincoln carefully crafted his emancipation proclamation to free Senator Wayne who has no shackles, but every place where there was a rebellion going on against the union, the emancipation proclamation did not reach. As soon as any state was no longer in rebellion, according to the actual words of the emancipation proclamation, slavery would continue to exist.

Floor Debate  
April 11, 2019

---

He used terms such as, states in rebellion, where his proclamation could not reach because it could not be enforced. And during the Civil War when black soldiers were fighting for the freedom of white people, they were fighting based on the promise they would be freed, but white people's liberty is what was at stake. When black people would hazard all kinds of terrible things if they were caught, would manage to escape that plantation, make their way through all of the territory controlled by these racist savages, and get into the lines of the Union Army. There were some generals, and when I'm going to give you that lecture, I'll give you the names of those generals. They would keep them there and not allow them to be returned to slavery. Other generals sent them back. White generals, and these silly white people write me letters about the white soldiers who fought to free me. Black people fought for white people, and that's what Abraham Lincoln said. If you don't want to fight to free the Negroes-- that's what they called us --don't do it, but fight to free white people. However, it seems that there are plenty of Negroes willing to fight for white men. And the fighting that the black men do for us just reduces the number of white men who have to do that. That's the way Lincoln had to argue with these white Americans. You know in the country with liberty and justice for all. Land of the free and the home of the brave. Where are the brave white people? They will not even speak when they ought to speak. Where are they? Every step, every half step that can be called change-- I don't call it progress --change in the condition of black people was fought tooth and nail by the white American government and the white American people. Nothing was handed to us. We fought for it. Our children were out there. You don't see white children being set upon by police dogs both in and out of uniform, subjected to fire hoses. White children, you wouldn't tolerate it. A white child, five years old, going to kindergarten having to be accompanied by big, beefy federal marshals because there were crowds of white adults--

SCHEER: One minute.

CHAMBERS: --screaming, hollering, threatening and throwing missiles at this little girl. And there was a depiction of this memorialized by an artist who drew very warm pictures and scenes of white people around the Christmas dinner, turkey dinner. His name was Norman Rockwell, and he drew that picture. He painted it. And that's what ought to be on the wall of every schoolhouse in this country, not In God We Trust. What God do you trust? I'll mock him like that prophet mocked the God of those who didn't believe in Jehovah. Where's your God? Is he asleep? Is he on vacation? Is he traveling? Maybe he's talking. Maybe he's engaged in discussions with Satan--

SCHEER: Time, Senator.

CHAMBERS: --as he was known to do. Thank you, Mr. President.

Floor Debate  
April 11, 2019

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SCHEER: Thank you, Senator Chambers. You're next in the queue. You're recognized.

CHAMBERS: Thank you, Mr. President. Those are things that black people are well-aware of. You don't know how difficult it is to have a history like that and then try to function among those whose forebears carried out that and would do it right now if they could. And you know why I know they would? Because I see how they mistreat their own who have no voice, who have no power, who are on the outside. And you all want to run around the world talking about how great America is, and that bill that you passed, that Americanism bill. The worst collection of propaganda's claptrap and white nationalism I had ever seen. I had suggested they change George Washington's birthday to say President's Day, but they wouldn't do that. They wanted to keep enshrined that rapist, that sex trafficker, which is glorified in the statutes of the state of Nebraska. You lionize a sex trafficker, a raper of women, and a raper of black girls. And you know what one of the verses in the "Bible" says? I'm going to tell you because you don't know. If this is what they will do in a green tree, what will they do in the dry? In other words, let this be the green tree now. This period in history when people, like Joe Biden even, they put their hands all over women, the man you elected to President grabs women's genitalia, jokes about it, and you all vote for him anyway. These big, important white men go to these Jezebel sex places. Now, if they're going to do that today, what do you think they did when they had some of these beautiful, black women owned like property? You think they're not going to rape them and rape their little girls. As you have white men who rape white women and rape little white girls right now, and you think I'm not going to object when you want to praise the number one rapist who was George Washington. What do you think would happen if some idiotic American gave a speech in Israel, and he said, I think it's time now to give Hitler his due. Give Hitler his due. And since his man who orchestrated and presided over the final solution, Adolf Eichmann should be given his place in the honor roll. You wouldn't dare say that in Israel or in a synagogue, but on this floor you put into the statute that the children ought to be taught to honor the birthday of a rapist, a sex trafficker, one who acknowledged property in human beings. And I'm supposed to be here today, sit here to represent the interest of black people, and I'm not supposed to say anything about it because I'm trying to get along with you? What kind of person would I be? And some of that indignation spills over on some of these bills that you all bring here that will hurt white people who have no voice here, will hurt your own. I know why you hate me and my kind. It's not justified, but I know that you do.

SCHEER: One minute.

CHAMBERS: Circumstances alter cases, so I have some other things to present that will not burn ears that should not be burned. But you all will understand exactly what I have on my mind. And because burnable ears are not here all the time, I, at this point, will withdraw that motion pending now. Thank you, Mr. President.

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

Floor Debate  
April 11, 2019

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SCHEER: So ordered. Again, colleagues, would you please return to your seats. Colleagues, would you please return to your seats. Returning to LB243. Mr. Clerk.

CLERK: (Read LB243 on Final Reading.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB243E pass with emergency clause attached? All those in favor vote aye; all those opposed vote nay. This will need 33 votes as well. Have all voted that wish to? Please record.

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

SCHEER: LB243 passes with the emergency clause attached. We'll now proceed to LB449.

CLERK: (Read LB449 on Final Reading.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB449 pass? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 49 ayes, 0 nays on the passage of LB449.

SCHEER: LB449 passes. (Visitors introduced.) We'll now proceed to LB619.

CLERK: (Read LB619 on Final Reading.)

SCHEER: All provisions relative to procedure have been complied with, the question is, shall LB619 pass? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 49 ayes, 0 nays on the passage of LB619.

SCHEER: LB619 passes. We'll now proceed to LB217.

CLERK: (Read LB217 on Final Reading.)

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

Floor Debate  
April 11, 2019

---

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB217 pass? All those in favor please vote aye; all those opposed vote nay. Have all those that wish to vote, voted? Please record.

CLERK: (Record vote read.) 46 ayes, 1 nay, 2 present and not voting, Mr. President.

SCHEER: LB217 passes. We'll now proceed to LB269. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor please vote aye; all those opposed vote nay. Please record.

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

SCHEER: At-large reading is dispensed with. Mr. Clerk, read the title.

CLERK: (Read title of LB269.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB269 pass? All those in favor please vote aye; all those opposed vote nay. Please record.

CLERK: (Record vote read.) 49 ayes, 0 nays on the final passage of LB269.

SCHEER: LB269 passes. We'll now proceed to LB590.

CLERK: (Read LB590 on Final Reading.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB590 pass? All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SCHEER: LB590 passes. We'll now proceed to LB270. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor please vote aye; all those opposed vote nay. Please record.

CLERK: 38 ayes, 6 nays, Mr. President, to dispense with the at-large reading.

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

Floor Debate  
April 11, 2019

---

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

CLERK: (Read title of LB270.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB270 pass? All those in favor please vote aye; all those opposed vote nay. Please record.

CLERK: (Record vote read.) 49 ayes, 0 nays on the passage of LB270.

SCHEER: LB270 passes. We'll now proceed to LB348.

CLERK: (Read LB348 on Final Reading.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB348 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

SCHEER: LB348 does pass. We will now proceed to LB409.

CLERK: (Read LB409 on Final Reading.)

SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB409 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 48 ayes, 0 nays, 1 present and not voting on the final passage of LB409.

SCHEER: LB409 does pass. While the Legislature is in session and capable of transacting business, I propose to sign and here do sign LB34, LB243, LB449, LB619, LB217, LB269, LB590, LB270, LB348 and LB409. Next item.

CLERK: Mr. President, if I might, some items. Select Files. LB512, LB334, LB334A, LB356, LB6 and LB524 all to Select File, some having Enrollment and Review amendments attached.

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

Floor Debate  
April 11, 2019

---

Also Revenue Committee reports LB303 and LB315 to General File. Those reports signed by Senator Linehan.

Mr. President, first bill on General File this morning. LB641 is by Senator McDonnell. (Read title.) The bill was introduced on January 23, referred to the Transportation and Telecommunications Committee, advanced to General File. There are committee amendments pending.

SCHEER: Thank you, Mr. Clerk. Senator McDonnell, you're welcome to open on LB641.

McDONNELL: Thank you, Mr. President. Good morning, colleagues. LB641, my personal priority bill, provides for a grant process to be administered by the Public Service Commission for a statewide 211 informational referral help line. The funds will be used to return the 211 help line to 24 hours a day, seven days a week service for outreach in the community and for disaster response all over our great state. 211 is a free informational and referral system linking Nebraska residents to Health and Human Service programs, community services, disaster services, and governmental programs. It is essentially a one-stop referral shop for any kind of nonemergency service that our constituents are looking for. It provides referrals in every legislative district in Nebraska. Over the past year they have had over 58,000 calls and offered almost 64,000 referrals to just under 3,500 programs. The top referral categories are for utilities, housing, and food security. Additionally, 211 receives calls forwarded to them from the Department of Health and Human Services. Many of the calls received by 211 can pull at your heart strings. I've heard a recorded call from a man in Omaha who simply fell behind on some bills and needed some assistance for one month for his heating bill. I've also heard a call from a woman in rural Nebraska in a domestic violence situation that needed help in locating safe housing. 211 serves as a catalyst between people looking for help and those wanting to help them. Approximately 90 percent of the money going towards helping these people is coming from the private sector. In 2010, the Public Service Commission gave authority to the United Way of the Midlands to operate the 211 number statewide. From 2010 to 2017, 211 was operating statewide on a 24-hour a day basis, seven days a week. Because of financial constraints, they had to stop the 24/7 service in 2017. For \$300,000 per year, this bill will provide help to the 211 operator to expand services back to 24/7. The funds will also be used to provide outreach and awareness of 211 throughout our state. The Public Service Commission voted to support LB641. LB641 was advanced out of the Transportation and Telecommunication Committee on an 8-0 vote with the committee amendment AM724. AM724 changes the funding mechanism from a phone surcharge to the Health Care Cash Fund. AM724 appropriates \$300,000 per year to the Public Service Commission for the next two fiscal years for the purpose of carrying out LB641. I will be working with Senator Stinner and the Governor and my colleagues on the Appropriations Committee to possibly use General Funds or a different cash fund over the next budget cycle. The public dollars used in LB641 will be joined together with philanthropic dollars and the



Floor Debate  
April 11, 2019

---

nonprofit industry at large to provide a great service to any Nebraska resident that chooses to dial or text 211 or to go to their Web site. This will provide stability to the help line. When a veteran in your district calls 211 because bills piled up and they can't afford groceries for their family that week, someone will pick up and connect them to people willing to help. When a senior citizen in one of our districts calls 211 because they get their heat shut off notice from their utility company, someone will answer their call and make sure their house stays warm in the winter. Right now, 211 is vulnerable to downturns in Omaha's economy and the changes in the philanthropic community. LB641 helps to ensure 211 will continue to be available throughout the entire state 24 hours a day, seven days a week. Since we had the committee hearing on February 19th, LB641 has become more crucial due to the devastating flooding. 211 has taken nearly 1,300 disaster-related calls since March 14th. In the past couple weeks, they have been averaging 40 calls a day pertaining to the flooding in addition to their normal call volume of 300 calls per day for this time of year. Well, they would like-- well, they have liked to have been staffed for the huge influx of calls the first couple of days post-flooding within 48 hours. Quality call statistics around average wait time and abandonment rates were excellent and have continued to be. United Way of the Midlands, 211 has worked closely with the Douglas County emergency management office for a number of years and they test emergency activation once, one to two times a year. No other emergency management office or manager had included 211 in their plans prior to the flood. United Way of the Midlands and 211 were approached by FEMA, NEMA, and the AmeriCorps to activate a pop-up call center for the use of AmeriCorps staffers who will provide registration and reporting for volunteers assisting in the flood relief effort. United Way of the Midlands, IT, and computer staffers set up a half dozen work stations in the conference room in the United Way space. They will be broadcasting an appeal for volunteers and ask them to call 211. In this case, instead of referring to Salvation Army, the call will go to the AmeriCorps team. They are reviewing the United Way's volunteer software and may use that as part of the volunteer management solution. My experience with 211 goes back to my fire service. At times we would be dispatched to a call because a neighbor was concerned about their neighbor that they hadn't seen for a while. We would enter that home and find out at that point, that person did not need medical assistance, but possibly their heat had been turned out in their home. They had nowhere to go. We would refer them to 211. The firefighters and police officers would carry those cards. Now, I want you to think about a time in your life where you've been truly scared, you've been afraid, and you had to turn to possibly a family member, a friend, a neighbor for help. Now, go back to that moment in time when they-- you went to them and they said, here's some advice. Here's a way we can help. Here's a way we can make a difference. Now think about that person not being there. That happens in our state and it happened at least 55,000 times last year where someone did answer the question, but when there was at least a minimum of 10,000 people calling 211, there was no one there to answer. I think we as state senators, our obligation is to make sure we answer this call. We have to make sure that the 211 system is operating 24 hours a day, seven days a week, and making sure those citizens that need that help

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

Floor Debate  
April 11, 2019

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on possibly shelter, food during a natural disaster, during the flooding, someone is there 24 hours a day, seven days a week, 365 days to answer their call. Thank you, Mr. President.

LINDSTROM: Thank you, Senator McDonnell. As the Clerk stated, there are amendments from the Telecommunications and Transportation Committee. Senator Friesen, as Chair of the committee, you're recognized to open on AM724.

FRIESEN: Thank you, Mr. President. The committee amendment would make two substantial changes to the bill. First, it expands the definition of 211 information and referral network to require the network to provide information to the public regarding disaster and emergency response in addition to information regarding Health and Human Services. Second, the amendment removes all references to statutes relative to the telecommunications relay system and fees to be generated from telecommunication services. And instead it provides a \$300,000 transfer for the next two fiscal years from the Nebraska Health Care Cash Fund to the PSC. As the bill was introduced, the funds would have come from a surcharge on wired and wireless telecommunications services. The amendment would require each grant to a network to be in the amount of \$300,000. I urge your support of the committee amendment, becomes the bill, and I'd be happy to answer any questions. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. Turning to debate. Senator Howard, you're recognized.

HOWARD: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB641 with concerns about its funding source and Senator McDonnell has assured me that he will find another funding source besides the Health Care Cash Fund between now and Select. But in the meantime, I thought maybe it would be wise for us to take a moment and learn a little bit about the Health Care Cash Fund because I don't think that we've had a bill that is trying to use the Health Care Cash Fund as a new source of revenue during this session. So in 1998, Nebraska joined with, along with 40 other states in a lawsuit against big tobacco. And they ended up winning and in 2001, Jim Jensen created the Health Care Cash Fund. It was combined with the Medicaid Intergovernmental Transfer Fund, but I'm not going to go into that because that fund is gone now. The basis of the settlement was that states had paid more in Medicaid for tobacco-related illnesses because of the marketing of the tobacco products and the funds to the state go to the state and they're unrestricted. There's no formula for the distribution of funds, which includes the tobacco sales in the state and requires the states to enforce provisions related to the Health Care Cash Fund. What is important to remember about the Health Care Cash Fund is that we are the only state that has one. Forty other states got this money and they used it all and it's gone. Previous legislators in their wisdom created the Health Care Cash Fund knowing that we would have ongoing healthcare needs for our state that we would want to make an investment in. The

Floor Debate  
April 11, 2019

---

idea was we would take the balance of the principal and we would use the interest for ongoing healthcare needs so that we would be able to have this fund in perpetuity. Colleagues, we are currently eating the principal of this fund and when you consider the sustainability of this fund, we've maybe got less than 20 years left on it. So with the rest of my time, I want to talk about what we're using the money for so that we're all clear that when this fund goes away, if we continue making new allocations from it, all of these programs will also go away. So I want you to remember with our Health Care Cash Fund we are paying for the dominant amount of our mental healthcare services through the region. So when you talk about corrections, when we talk about child welfare, when we talk about juvenile justice and how much we need help with mental healthcare, we are predominantly paying for it through the Health Care Cash Fund. So we should take pause when we have new allocations from the Health Care Cash Fund. We pay for our children's health insurance program, our CHIP program. A portion of our federal match for children's healthcare in this state comes from the Health Care Cash Fund. If the cash fund was not there, we would have to use General Funds for it, or we would have to consider not providing healthcare to children. All right? A big chunk of the Health Care Cash Fund is for biomedical research that goes to the university. When the university doesn't have enough money, obviously they come to us for more. And if the Health Care Cash Fund is gone, the university would be out more than \$15 million. Every year we get about 37 to 36 million dollars into the Health Care Cash Fund from the settlement, and we are using more of that annually. As of June last year, the balance in the fund was \$451 million. And that sounds like a big amount. But I want to remind you this is not a piggy bank. This is not where we go when we have fund ideas and we just want to fund them for a little while. The 211 program is going to need this funding for more than two years. And so it makes sense to look at surcharges on phones if you're accessing it with your phone.

LINDSTROM: One minute.

HOWARD: The Health Care Cash Fund is supposed to be used for healthcare-related services. And to that, I go back to the original statute. Section 71-7606 states that the purpose of the Health Care Cash Fund is to provide for the use of dedicated revenue for healthcare-related expenditures-- healthcare-related expenditures. Now, we have extended what we mean by healthcare in the past. We have used it to maintain solvency for the state and I will talk about that on my next time on the mike. But I want to be really clear that this Legislature should take pause any time we are thinking of taking additional money out of the Health Care Cash Fund because it is meant to go on in perpetuity. And when it is gone, and it will certainly be gone at the rate that we are utilizing it now, all of those programs and services that I spoke about, that I talked about, all of those programs and services will either--

LINDSTROM: Time, Senator.

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

Floor Debate  
April 11, 2019

---

HOWARD: --go away-- oh, thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I think LB641 is a good bill and I'm enthusiastic about what 211 does. I think it's a good program, something that we should, in fact, fund. But I also share Senator Howard's concern about taking the money out of the Health Care Cash Fund. I am wondering if Senator McDonnell would answer a few questions.

LINDSTROM: Senator McDonnell, would you yield?

McDONNELL: Yes.

McCOLLISTER: Senator, how is 211 currently being funded?

McDONNELL: 100 percent right now through the private sector.

McCOLLISTER: Through the private sector, through contributions?

McDONNELL: Yes.

McCOLLISTER: And the current provider of that service is the United Way in Omaha?

McDONNELL: It's run through the Public Service Commission, but that authority has been given to the United Way of the Midlands in Omaha to cover all of the 18 United Ways throughout the state of Nebraska and cover the whole state, east, west, north, south.

McCOLLISTER: And I take it from the intent of the bill that the private funding is going to cease at some point soon?

McDONNELL: No, it's still will be a private-public partnership with more than half coming from the private sector, but this would be able to give it sustainability and help it go back to 24 hours a day, seven days a week, which it was cut back in 2017 because of lack of funding.

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

Floor Debate  
April 11, 2019

---

McCOLLISTER: You mentioned that before it was financed with a surcharge on the-- our typical phone bills. Is that correct?

McDONNELL: No. We were proposing a potential surcharge on the 711 number, which is one of the eight N11 numbers we have in the state of Nebraska for a two cents on the-- that surcharge but through committee and working with Senator Friesen, we removed that and now it's going to be at this point funded through the Health Care Cash Fund.

McCOLLISTER: In my view, I think financing that with phone bills is a better way to go, but you had dismissed that idea. Why was that the case?

McDONNELL: We, through discussing this with the members of the committee and knowing that there has been a bill brought this session based on the idea that we are the fourth highest surcharge state in the country for surcharges, we decided as a-- working with members of the Transportation Committee to go a different direction on the funding source.

McCOLLISTER: If it were to be a surcharge on our phone bills, how much per minute or how would that be calculated?

McDONNELL: It would have been two cents per month, per user.

McCOLLISTER: Two cents. Right. And the Public Service Commission was unwilling to cover that expense?

McDONNELL: No, no. The Public Service Commission is supporting the bill. And they supported the surcharge. What we were working on was through the committee process of having to come out of committee with a different funding source.

McCOLLISTER: You correctly noted that we have fairly-high cell phone bills, fourth highest in the country. Is that correct?

McDONNELL: Yes.

McCOLLISTER: Would there be a way that you could simply reduce the amount of money going to the Universal Service Fund and finance this two cents cost in that way?

Floor Debate  
April 11, 2019

---

McDONNELL: Well, as Senator Howard said, and as we've had discussions with the Appropriations Committee, we are looking at a number of different ways to fund 211. So is that an option? Yes, that's something that we could discuss and I committed to Senator Howard that I would look at all other ways to fund this and this is for two years because in the next,--

LINDSTROM: One minute.

McDONNELL: -- I believe, budget cycle, we should look at having this permanently funded in the budget with the Public Service Commission based on possibly another cash fund or the General Funds possibly.

McCOLLISTER: Thank you, Senator McDonnell. I appreciate your concern for this program. It's a good program. I would just hope that we could fund it in a slightly different way. Thank you, Mr. President.

LINDSTROM: Thank you, Senator McDonnell and Senator McCollister. (Visitors introduced.) Return to debate. Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. Speaker. I rise to support LB641. This summer, I had a-- on my calendar it said 211 tour. And I thought it was over at the United Way of the Midlands and I thought this was a mistake that Matthew had put in my deal. I figured it was the 911. I hadn't seen the 911 call center, so I thought this is going to be interesting and so I went to the United Way of the Midlands headquarters and I got there and I said, I'm here to see the 911. They said no, don't think you're going to see the 911. You're going to see the 211, and that was the first that I had learned about this program. I saw it actually in action. Some of the persons taking calls and realized that this is a very worthwhile program. I know Senator McDonnell feels passionately about it. I think it's something that we need to try to find a way to finance. I, too, as Senator Howard has mentioned, I'm concerned about our Health Care Cash Fund. I looked down our-- the programs that we are funding right now on our Health Care Cash Fund and probably all of them are worthy causes. The concern I also have is that I think that we need to start looking at some of these and maybe switch them over to general cash funds that we have in our Appropriations. And Senator Howard, I'm working on that to find ways that we can get some of these moved over to be funded on a regular basis because we need to have this available, particularly for health-related care. When I look back not knowing all of the history other than you said Senator Jensen set this up, I-- and certainly this is one of those situations where we have to thank our colleagues that went before us who made good decisions and that was a good decision as this has become a source of income that we've had. I know many states gave away, basically gave away their funding or spent it all right off the bat. And some did some really weird things, as I hear. But at either rate, so I particularly should find a way to fund this. It's a

Floor Debate  
April 11, 2019

---

great program. Senator McDonnell, thanks for bringing it to us. We will certainly have to-- hopefully, we'll find a way to finance this program. And I also with Senator Howard agree that we need to look at our Health Care Cash Fund to make sure that this is a sustainable fund and that it's being used for cash thing and not-- you know, I look at some of these and I think, maybe the decision was made while we're a little tight in our budget right now. We can't-- we're not going to put as much money into our developmental disabilities, so let's take it out of the cash fund. And that probably should have been put into the-- should be within our budget for Health and Human Services and those are some of the things that have been done with it down the line. But at either rate, thank you, Mr. Speaker. And if Senator McDonnell wants the rest of my time, he may, otherwise, thank you.

LINDSTROM: Senator McDonnell, you're yield 1:30.

McDONNELL: Thank you, Senator Hilkemann. Yes, we are going to continue to work through this process and with the Appropriations Committee and we are looking at funding sources. But let's not lose focus of what we're trying to do here. There's people out there, again, that need this help and we know there's people that need the help. We know there's people that want to help them and 211 is the front door to that help.

LINDSTROM: One minute.

McDONNELL: This is that bridges those people together that need help and want the help-- want to help them. So please let's not lose focus on that. But for this kind of investment, the difference that we're going to make in people's lives and how we're going to fund this for this year, next year, and into the future, I think that's what we can't lose focus on the people that we're trying to help and they're going to make a difference in their lives. Thank you, Mr. Speaker.

LINDSTROM: Thank you, Senators Hilkemann and McDonnell. Senator Stinner, you're recognized.

STINNER: Thank you, Mr. President. Members of the Legislature, I do want to say I highly support this bill. 211, I spent some time just locally in Scottsbluff. It is truly a help line, highly used, obviously with the flooding situation it's more used. It gets more use and more use. And we can't just rely on the United Way of the Midlands to support this 24/7 activity. Senator McDonnell came to me and said, hey, I need a funding source. We looked up a bunch of cash funds. I said it belongs in the PSC. Found that fund. I think this is absolutely a critical function that we ought to pay attention to. We ought to put it on a high priority list. It needs to be funded out of the PSC, but the problem was they wanted it-- and actually it was voted, I believe, for the PSC. But it's going to raise your cell phone bill by two cents. My answer to that is, really?

Floor Debate  
April 11, 2019

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There's money flowing into this fund, should be used for this purpose. I'll back off on that. But anyhow, now they've come to the Health Care Cash Fund and I agree with a lot of the comments, but let's do a math problem. Okay? This idea not sustainable, I get what everybody is talking about from a sustainability factor. But if you look at the rate of return that the investment folks say that they can get, it's 6.6 percent. I'll back it off to 6 percent. Six percent times \$451 million balance, which has been growing, is how much? It's, I think, like around 27 million. That's the earnings. So you got 36 million and 37 million coming in from the tobacco settlement side. Add the two, you get 63 to 64 million dollars of available funding. Now, if you want to take and back off at 2 percent inflation factor like the investment people do, then obviously it isn't sustainable because you haven't put in the 2 percent inflation fact. That's the only way it's not sustainable. So if you want to continue to try to increase and give everybody inflation, increases within imbedded into the Health Care Cash Fund, then obviously it isn't. But we haven't done that. And we do have a couple things falling off in terms of funding off the Health Care Cash Fund. It might make some room for this, but I'm going to say this, from my aspect, it doesn't belong in this. It belongs in the PSC and it should be passed with the two cents and hopefully the Governor won't go and veto it. But obviously, he has set his satchel down, no increases in fees or taxes. I get what he's saying, but there are exceptions and this should be an exception. So thank you, Mr. President.

LINDSTROM: Thank you, Senator Stinner. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. It's interesting to have a job where you're supposed to speak as part of your job and to sound like this, so I apologize. I'll be sure to do whatever I can over the long weekend to get better. I rise in support of Senator McDonnell's bill, LB641. I supported it out of committee and I think it's something that is very much needed to be maintained by the state as a resource for the people of Nebraska and I appreciate Senator McDonnell for bringing this bill. I did want to take a moment to discuss the Health Care Cash Fund. I have brought a piece of legislation this session that went to the Revenue Committee, LB710, that would increase revenue for the Health Care Cash Fund through the tobacco tax by raising the tobacco tax by \$1.50 to decrease smoking in Nebraska and increase revenue for the Health Care Cash Fund. There was an article out early this morning about the Revenue Committee's new bill that would increase the tobacco, LB289, that would increase the tobacco tax by 36 cents and it would not go into the Health Care Cash Fund. I think it's really important that we remember that the tobacco tax settlement that Senator Howard was referencing in her remarks was established to create the Health Care Cash Fund. And we are approaching a crisis over the next couple of decades of completely depleting the Health Care Cash Fund as it is managed currently. I think it's important for us to look long-term, not short-term, on where the revenue is, and how we're going to continue to pay for things such as healthcare for children and addiction services and cancer research in the state. And the Health Care Cash Fund is where those things happen and where that money lives. So it's really important to protect that and to



Floor Debate  
April 11, 2019

---

make sure that we're investing in that. So I just wanted to raise everyone's awareness that we do have an opportunity through LB710 to increase a significant amount of revenue for the Health Care Cash Fund and that 36 cents a pack for raising \$29 million for the General Fund is just not doing enough for the people of Nebraska and for the children of Nebraska. Thank you.

LINDSTROM: Thank you, Senator Cavanaugh. Senator Howard, you're recognized.

HOWARD: Thank you, Mr. President. And I want to be really clear. I absolutely support LB641. My concern is exclusively with the funding source and the utilization of the Health Care Cash Fund. And I want to make sure that this body understands what we use the Health Care Cash Fund for. I don't disagree with Senator Stinner that perhaps their sustainability projections are conservative. I don't care if they're conservative or if they're liberal. What I care about is whether or not this funding will remain into perpetuity beyond my years in the Legislature. So there have been a few opportunities where these funds have been used for one time or time-limited activities. There were three studies who have gotten funding from this. One was about methamphetamine treatment in 2006. One was a behavioral health rate study in 2002, and a Medicaid reform in 2008. There's also a current study on medical cannabis that's been going on since 2016 to this year. And those funds, I think, would be available and I would feel comfortable with them being used for this purpose for a limited amount of time. They funded in 2008 a Behavioral Health Commission. There were several capital construction projects in 2006 and 2008, which were health-related. Two at the Regional Center, one in Corrections, so we can use these funds for healthcare in Corrections as well. And another at the Med Center. There was an autism treatment act that provided one million a year for four years, but it required the approval of a Medicaid waiver and a private match and the waiver was approved, but the private funding didn't materialize and none of the funding had been spent. And in tight budget times, and I want us to remember because I think we will have tight budget times in the future, especially during-- and I'm looking at the new senators, your tenure, in tight budget times, we have used the Health Care Cash Fund to fill in healthcare-related gaps in our budget. So in 2004, we used about 3.6 million to reduce the amount of General Fund to meet our state Medicaid match obligation, and then those funds were restored the next year. In the current biennium, 10 million is being transferred each year from the Health Care Cash Fund to the General Fund. And so if we intend to keep using these funds to shore up the General Fund, we should make sure that the principal itself is being shored up as well. And then just-- this one is important because I think there will be more lawsuits to the state, especially from our Health and Human Services Department. There was a one-time transfer that was made to supplement a settlement that the state made to the estate of Joseph Sloup. Joseph Sloup had been inappropriately put in the Beatrice State Developmental Center, even when he did not have a developmental disability and we had to pay an enormous settlement to his estate after he passed away and we were able to use Health Care Cash Funds for that settlement. Recently we've used the Health Care Cash Fund to fund-- temporarily fund A bills and in the 2018 session, LB439 required additional funding for a

Floor Debate  
April 11, 2019

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part-time nursing facility surveyor. For those of you who have seen our nursing facilities, we don't have enough inspectors and so we funded a part-time surveyor to go look at how our nursing facilities are doing and then last year we also continued our age and disabled resource centers. Just in particular, Health Care Cash Fund also funds EMS technicians, which when we think about, I know Senator Bostelman and Senator Stinner care very much about our rural EMS, Health Care Cash Fund pays for those as well. We have the only statewide Parkinson's registry in the country. And Senator Moser isn't here, but Columbus actually has a bigger issue with this than any other city around emergency protective custody or EPCs. So when someone is mentally unstable, they don't feel like it's appropriate to put them in jail. They don't actually have somewhere else to put them. Sometimes you'll hear about police officers driving them around in their cars--

LINDSTROM: One minute.

HOWARD: --because there is nowhere for them to go. The Health Care Cash Fund actually funds the mental health regions to address the issue around emergency protective custody. For those of you if your counties have public health departments, a large portion of them are exclusively funded by the Health Care Cash Fund and so those would go away if this fund went away as well. And so I just-- while I support LB641 and I want to be very clear about that, I do not support funding for this program to come out of the Health Care Cash Fund. I don't think it's an appropriate place for it and I think that the two cents surcharge is far more appropriate than the Health Care Cash Fund when we're already eating into the principal of this very important fund. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President. And I do-- I was on the committee that supported this coming out of committee, finding the funding source seems to be an issue right now with what we're talking about. And I have some questions from the discussion now this morning, a little bit about how these funds are being used now. And Senator Howard has been talking, speaking about that just a little bit and I wondered if Senator Howard would yield to some questions.

LINDSTROM: Senator Howard, would you yield?

HOWARD: Yes, I will.

BOSTELMAN: Thank you, Senator Howard. I guess my question, some of the questions come around is how these funds currently are being used with what you're saying, and especially since

Floor Debate  
April 11, 2019

---

we're talking about the extent how long this funding, this may last into the future. So on some of the projects, some of the areas you were talking about in funding sources where we're using the funding, it's a need. So we're paying the money out, if you will, because of a need. Do we have and did I understand earlier that there may be some research projects, some other type of projects that this funding may be going to? And if so, do you know if it's in a grant or otherwise is it a matching type thing or is this just funding that is available for research in cannabis or whatever it was you talked about before? Are these-- do we provide it as a match so that it's not 100 percent or is that something that could be looked at in the future in some areas?

HOWARD: So the biggest chunk that comes out of the Health Care Cash Fund is for biomedical research and it goes to UNMC, Creighton, University of Nebraska, and Boys Town Research Hospital. They're eligible for funding, so it's utilized through a grant program. I don't know if there is a match required.

BOSTELMAN: Yeah, I just didn't know like if it's a pharmaceutical company or something that work with our BIOTEC company that they're working with. That was my thought, if they're matching, that stretches their dollars further. If they weren't, perhaps that's something we need to look at in the future so we have a requirement then to make sure our funding is going to be there that we have some requirement from the private sector to come in and supplement or match, if you will, for that funding. So that was one concern I have, or not concern, question I had from what it was, 'cause I do believe there's a significant amount of funding there, but if it is going to be-- if we're on a trajectory to where it's going down, do you know how many more years is it-- have you looked at that, how much further out that might be before really could be-- have a shortage.

HOWARD: Sure, and all of my sort of understanding of this program is from the report that the Fiscal Office has to provide to the legislators. So I'll make a copy of it for you as well. Essentially the sustainability projections are done by the state investment officer, and he's required to report to the Legislature every October 1st. My understanding is that if we continue utilizing it at the rate that we are utilizing it out, we'll have maybe two decades most-likely left.

BOSTELMAN: Okay. All right. And I think-- I borrowed this from Senator McDonnell, it is a Nebraska Health Care Cash Fund and related funds prepared by the Fiscal Office. So that's what I was looking at. And that's why I was asking the questions 'cause it's \$451.9 million from Nebraska tobacco settlement and the balance in the fund as of the 30th-- June 30th this year is 25.9 million.

HOWARD: It's 451.9, is the balance.

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

Floor Debate  
April 11, 2019

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BOSTELMAN: Sorry. Okay, 451.9 million, yeah.

HOWARD: And then we receive 37 to 36 million, depending on how tobacco utilization in our state as our apportion annually.

BOSTELMAN: And that will always come in as long as there is tobacco use?

HOWARD: Well, as long as people keep smoking and using tobacco. So it actually has been declining because tobacco utilization is going down.

BOSTELMAN: Okay. All right. Thank you very much. I appreciate the conversation. I yield the rest of my time back to the Chair. Thank you.

LINDSTROM: Thank you, Senators Bostelman and Howard. Mr. Clerk for an announcement.

ASSISTANT CLERK: Thank you, Mr. President. The Business and Labor Committee will hold an Exec Session at 11:00 in Room 2022; Business and Labor at 11:00, Room 2022. That's all I have at this time, Mr. President.

LINDSTROM: Thank you. Return to debate. Senator Arch, you're recognized.

ARCH: Thank you. I just have an observation, comment to make and I took the opportunity to join Senator McDonnell at the 211 tour this summer and it was fascinating. I went back into the room where the calls were being taken. We had a lot of information provided to us about the types of calls received and the help that's being provided, and I think it's an essential service to have, a resource where individuals can find the door to receive some of the help that is out there in the community. But the one thing that struck me is having some experience as well with other hot lines and help lines, and in particular the Nebraska help line. And also having sat through another community effort within my community to help people find resources and I guess the observation that I made was, we have a very fragmented system. We have a variety of systems that are trying to provide this resource to the community so that from anything from how do I receive behavioral health help to how can I get help with my utilities, to where can I find some temporary help with my rent payment, to a variety of other issues. And everybody has some very basic overhead costs that are necessary. One being, of course, the system itself, the call system, the hardware, the software, everything involved with that. But there is another piece to it and that is the maintaining of this master database where-- that requires constant updating of what is the most recent resources that are available in the community? And sometimes in communities that have very limited resources, but there is an awareness that there is a particular community

Floor Debate  
April 11, 2019

---

service that is available in that community, but down the road 20 miles there may be a different services available, and maintaining of that database is also very expensive to be accurate, to maintain it in an up-to-date fashion. So my observation is simple. And it doesn't relate directly to this 211 bill. But my observation is simple and that is that I think that there needs to be an effort for us to take a look at our fragmented services so that we're not duplicating our cost over and over. And if there's a way for these services to find more collaboration, the sharing of cost, whatever it might be, we really need to encourage that as a Legislature. We need to encourage that as a community, which would provide the most up-to-date accurate information available, as well as the lowest overhead to provide these services. And so it was just an observation that I made. The 211 service is providing a service. I'm certainly not-- I'm certainly not saying anything against that service. But if there is a way to put these together that we can be more efficient, I think that that is an effort that we need to undertake. Thank you.

LINDSTROM: Thank you, Senator Arch. Seeing no one else in the queue, Senator Friesen, you're welcome to close on AM724.

FRIESEN: Thank you, Mr. President. What this bill does and where the money comes, I guess from my standpoint I feel it's appropriate. It's dealing with a lot of mental health issues. It comes from the Health Care Cash Fund. I know in two years he's going to have to look for some new revenue. Hopefully in that time he can find that place where it comes from. I think it is appropriate that we fund it. It is something I think is used statewide. It's put to a good use. I appreciated his efforts to get the bill out there. He's worked really hard on this, so I do support the amendment and I do support LB641. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. The question before us is the adoption of AM724. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the committee amendment.

LINDSTROM: The amendment is adopted. Returning to LB641. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President. I want to take just a few minutes to talk, I think follow up with Senator Arch what he was talking about just a little bit ago. I got engaged in another conversation so I didn't track with you all the way through. So let me tell you a little bit about, I think things that need to be worked on within the United Way if it continues to function as it is. My experience during this last flood cycle what happened was, I was in Bellwood at the shelter where people were being evacuated into and looking for a place to stay. So I picked up

Floor Debate  
April 11, 2019

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that when I was talking to my emergency manager sitting there, I said, do you know-- and this was the Saturday, the first Saturday during the flooding. So we had people who were getting pulled out of Brandenburg Lake, I think areas where it was. We were evacuating those people out of that area. So people were coming in for shelter at the fire station there. So we're looking for places to put them, where they may go. They could stay, there's some other place. So I said, you know what, we just had a hearing on 211. Let's try it out, let's make a phone call. So I called 211. The person answered the phone, I said, I have people evacuating coming in to my shelter, where can we send them? Can we find some funds for them? What can we do for them? The person said well, you can send them to the Bellwood Shelter. I said, I know, I'm sitting in it. I'm there. Well, then you can go to Fremont or Columbus. You don't understand, I can't get across the river. I'm on the south side of the river, they're on the north side of the river. So then they said, well, we can call Red Cross person for you and then have them get back in touch with you. I said, no, I don't want to-- don't get back in touch with me, get in touch with my emergency manager because I was going to be leaving then to another location, so call my emergency manager back so he can know is there funding, is there another place that we could find some funds for these people to put them into the motel because the motel is rather expensive, the one we had in the local area. Unfortunately, we never received a phone call back. No one ever called us back with that information. So Senator McDonnell and I spoke about that a little bit when we got back into the Legislature. I said, Senator McDonnell, here's what happened, and he says, what day, what time, let me make a phone call and get it checked out. So he did and then the United Way, I think was the United Way person sent me an e-mail explaining what was going on. I also talked to Senator McCollister a little bit, or he talked with me about it and he also talked to the board of directors, I believe it was, and just the concerns there. And what I'm saying and maybe Senator Arch was getting to the same point, the 211 system works really well once things are set up and established. When the disaster or whatever it is initially happens, they're just a conduit of information. So I think one thing that they need to work on or we need to work on on a larger scale is how do we get the information to the appropriate locations so we can get it out to the people that need it as quickly as we can. And I think that's something that Senator Arch was talking about, is trying to consolidate that type of information. So if it is the United Way, we have one place that we go with that information. We get that information to them as quickly as possible so that when people are literally being taken, fleeing their homes and looking for-- needing funding, needing food, whatever it is, or a place to stay, then we-- when we call in to that 211, we have resources there ready to go. Now that does happen over time. And that over time is what we're talking about. And I think that's something the United Way is probably going to be looking at or other agencies here going to be looking at, is how to bring that together so that we do have a timely response and that information gets out to people that need it when they need it, and not three or four days down the line. So I still-- I do support the bill. I think Senator McDonnell has a good approach to what we need to be doing. But we do need some work and we have talked about that already I think--

Floor Debate  
April 11, 2019

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LINDSTROM: One minute.

BOSTELMAN: --with them as far as how we need to respond, how they could respond better, how we need to get that information to them at a quicker pace so that we can help those who are in need at the time that they are in need and not a couple of days down the line. I yield the rest of my time back to the Chair. Thank you.

LINDSTROM: Thank you, Senator Bostelman. Seeing no one else in the queue, Senator McDonnell, you're recognized to close on LB641.

McDONNELL: Thank you, Mr. President. I appreciate the discussion this morning as I've committed to Senator Howard and all of you, we will continue to work on funding sources and discuss those, and again, the importance of this bill. I can't overly emphasize that the idea that we have people out there that need help and we have people that definitely want to help them and the front door to that help is the 211. And we'll continue to try to improve on it between General and Select and I appreciate today your green vote on LB641. Thank you.

LINDSTROM: Thank you, Senator McDonnell. The question is the advancement of LB641 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.

ASSISTANT CLERK: 35 ayes, 0 nays on the advancement of the bill.

LINDSTROM: LB641 advances. (Visitors introduced.) Speaker Scheer for an announcement.

SCHEER: Thank you, Mr. President. Colleagues, last day of the week, we'll give you a clue on what we're looking at for next week. First, as I discussed last week, I will be passing out a list of late nights. The list is the nights that I'm reserving. That does not necessarily mean we'll be utilizing every one of the late nights, but I am reserving those nights, so please don't make plans otherwise. I will try to give you as much notice as possible if I choose to cancel those and I will be quite honest, this is a cover myself announcement. We may not need a lot of them, we may need all of them, but we won't know until we move much further into the session. Late nights, to me, will mean 9:00 or later. If I think we can be successful in just maybe running to say 7:00, we will probably just run through the afternoon and adjourn at 7:00 or 7:30 rather than taking a break for dinner and going to 10:00 or 10:30. I think that's more practical for most of us. If we do have late nights, we will recess for dinner for somewhere between 45 minutes and an hour. So we'll give everybody a break if indeed we do that. So when you get the list, it's going to look like a lot of days and it is. Please know that we will not be utilizing all of them that I know of. Again,

Floor Debate  
April 11, 2019

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I'm not going to make commitments right now, but please make sure that you schedule yourself accordingly in case we do need to utilize those. And there is a difference, I may cancel the late night but those might be the nights that we will move to like 7:00 without a dinner break trying just to get some things finished on the agenda. In relationship to what we will be adding for this next week, the bills and if those people that are watching want to grab a pencil to write these down, and again, in no particular order, and they will show up as the next couple of hunks on the agenda as we move forward. After-- and I've always had some questions what does that mean? Well, they are going on after the end of the agenda that is posted right now. I'm not taking anything off the agenda. These are just additions to the agenda. Those bills being added will be LB610, Senator Lindstrom; LB550, Senator Vargas; LB155, Senator Brewer; LB424, Senator Quick; LB600, Senator Walz; LB460, Health and Human Services; LB184, Transportation, Senator Friesen; and LB700, Senator Bostelman, a Natural Resources Committee bill. So those will be the ones that you'll see showing up probably sometime at least on the agenda next week, not necessarily will we be acting on them, but they will be put in the queue as we start moving down the agenda. We'll just continue to add on the end of this agenda. So, again, as always, if there's any questions, concerns in relationships to the announcements, I'm usually hanging out back here or you can contact my staff. We have a nice long weekend. Some of you will not probably be able to get home. Sorry for the weather, but please take the time to relax and I appreciate everyone's hard work and cooperation this week. We actually accomplished quite a bit. Thank you, Mr. President.

LINDSTROM: Thank you, Speaker Scheer. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. Bills read this morning on Final Reading have been presented to the Governor. (re LB34E, LB243E, LB449, LB619, LB217, LB269, LB590, LB270, LB348, and LB409.) Notice of committee hearing from the Revenue Committee. Additionally, your Committee on Enrollment and Review reports LB428, LB31, LB31A, LB638, and LB698 placed on Select File, some having E&R amendments. That's all I have at this time, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. We'll now proceed to General File, LB663.

ASSISTANT CLERK: Thank you, Mr. President. LB663 introduced by Senator Friesen. (Read title.) The bill was read for the first time on January 23rd of this year and referred to the Revenue Committee. That committee placed the bill on General File with no committee amendments.

LINDSTROM: Thank you, Mr. Clerk. Senator Friesen, you're recognized to open on LB663.



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

Floor Debate  
April 11, 2019

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FRIESEN: Thank you, Mr. President. LB663 is a culmination of what we attempted to do last year in fixing what we call the 1031 exchange portion of our tax code. With the federal changes last-- a year ago, we tried to adapt them all. We got the language a little wrong and so this is a correction to that language and so it changes the Nebraska adjusted basis to the remaining federal tax basis for purchase of depreciable personal property occurring on or after January 1, 2018, if similar personal property is traded in as a part of the payment for the newly acquired property, plus the additional amount that was paid by the taxpayer for the newly acquired property. It also strikes a reference to Section 179 of the Internal Revenue code. The language stricken in LB663 was amended into LB1089 last year as a personal property tax fix relating to that 1031 exchange. And last year when we adopted the amendment to LB1089 to fix the 1031 exchange issue, it was brought on by a passage of that federal tax cut bill. The Nebraska adjusted basis then became the remaining net book value instead of the federal tax basis which as a result was going to raise the personal property tax basis instead of just maintaining what was done prior to the adoption of the 2017 federal tax cut bill. The Revenue Committee advanced LB663 unanimously and has no state fiscal impact and I urge you to vote for LB663 and I would be glad to answer any questions if I could. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. Returning to debate, Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. Senator Friesen, would you yield for a question?

LINDSTROM: Senator Friesen, would you yield?

FRIESEN: Yes, I would.

CAVANAUGH: Thank you. I'm sorry, I was just looking this over now and trying to wrap my brain around it. So, does this-- the fiscal note, does this change property taxes that we will be collecting?

FRIESEN: If we don't adopt this, yes, it would raise the property taxes that we're collecting on personal property that is purchased. And now you would pay personal property tax on the full value of it even if you traded in some equipment, and your net that you paid is less than that, you would have to report the full value of the equipment purchased.

CAVANAUGH: I'm sorry, what is like an example of personal property?

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

Floor Debate  
April 11, 2019

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FRIESEN: Okay, any kind of commercial machinery or farm equipment. And since I'm a farmer, I'll use farm equipment. So if I want to buy a new combine and I'm trading in a five-year-old combine, so I'm purchasing a combine, it costs \$250,000, I'm trading in a combine that's worth \$150,000, I'm paying net cash of \$100,000. And so on my personal property tax, if we don't change this, I have to list \$250,000 on my personal property statement versus the way it was before, I would have listed the \$100,000 that I paid to boot.

CAVANAUGH: The way it was before last year?

FRIESEN: Yes, before they made the federal tax changes.

CAVANAUGH: So this is-- so there were-- I'm sorry.

FRIESEN: This is a correction to the tax code. Last year we had a bill that dealt with the-- trying to match what the federal tax code did in changes to our tax code. And as Senator Smith said last year when we were doing the bill, he said there's probably going to be more things that we have to fix and this is one of those things that we ran across that we did not fix properly. And so the wording of it was wrong. This fixes it so that our personal property tax the way we did it before the federal tax code changes, will be the same as it is now with this change.

CAVANAUGH: Okay. I think I understand. Thank you. Oh, sorry, I yield my time.

LINDSTROM: Thank you, Senators Cavanaugh and Friesen. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. As a tax preparer, the change that was made last year, even when I read it as we were working on it last year, I didn't quite understand it. First of all, the word personal property tax is-- it sounds like it's just your furniture in your house but it is not. It is business equipment. In my bank, my calculators and my computers are personal property that we pay tax on, but the largest amount of personal property is paid by farmers on their machinery. And the change in the federal law for 2018, the income tax law was that there is no longer a like-kind exchange allowed of equipment. Like-kind exchange is only now with real estate and in the past, the like-kind exchange was a tractor for a tractor or a combine for a tractor, and you could just work with the difference of the-- how much was paid-- difference on the trade-in. Well, having no like-kind exchange, in the federal law now requires Nebraska to make a change and the reference to Section 179 was confusing. I've been doing tax returns this year for farmers and businesses with trade-ins of equipment and it has been hard to interpret the current Nebraska statute that was put in last year. This change is much more understandable. I didn't

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

Floor Debate  
April 11, 2019

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think the Section 179 reference was necessary and that's been removed. And so I think this will clarify the situation for taxing equipment when there's a trade-in of equipment of like-kind. The bill doesn't use the word like-kind exchange. It uses a trade for similar property and as a tax preparer, I think that is adequate. We're pretty well use to how the old federal law was well-established and when it changed, Nebraska had to make a change because it created a void in Nebraska statutes. So I support LB663 as a needed update to the Nebraska income tax code, which should help a lot of my tax preparer friends who have been scratching their heads on exactly how to properly adapt to the wording that was put in last year. I think last year's wording was put in just at the last minute without a lot of thought as to what it was really doing, and this is more clear to me anyway. And I think that's about all I had. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Clements. Senator Dorn, you're recognized.

DORN: Thank you, Mr. Speaker. And colleagues, I, too, rise in support of this LB663 bill. I thank Senator Friesen for bringing this. Part of what I found out as you visit with people in the last 3 to 6 months, a lot of tax accountants have come forward to me and said, hey, this is not the way they intended this to be. This is how they had to interpret the wordage that what we originally were doing with the previous tax codes now could not be done. So I think Senator Clements explained it pretty good. This is just clarifying and putting it back just like last year when they intended to have no difference in the tax policies coming from the federal side of this, and this does clarify and does put the wordage in there so that as people go do their income taxes now, the accountants have the wordage they need to do it the same as it was previously. Thank you.

LINDSTROM: Thank you, Senator Dorn. Seeing no one else in the queue, Senator Friesen, you're welcome to close on LB663. Senator Friesen waives closing. The question is the advancement of LB663 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.

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill.

LINDSTROM: LB663 advances. We will now turn to LB138. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB138 introduced by Senator Blood. (Read title.) The bill was read for the first time on January 11 of this year and referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File with committee amendments.

Floor Debate  
April 11, 2019

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LINDSTROM: Thank you, Mr. Clerk. Senator Blood, you're welcome to open on LB138.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, today I rise to bring LB138, which is my personal priority bill. Now many of you have asked why I selected a license plate bill as my priority bill, but there's much more to this bill than just plate designs. This bill will provide for additional Military Honor plates and also create a new plate in support of our military in general. The latter plate's purpose is designed to not only show support for our troops, but also to generate revenue that will increase our efforts to recruit this highly-skilled work force to stay and work here in the state of Nebraska upon retirement. So let's begin with the license plate design that we refer to as Military Honor plates. Nebraska has created designs for all branches of the military and for many of our veterans. Through an amendment to my original bill that I brought to the Transportation and Telecommunications Committee, I am asking the Department of Motor Vehicles create five additional designs honoring persons who are serving or have served in the Armed Forces of the United States and have been awarded the Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Southwest Asia Service Medal, or Vietnam Service Medal. I'm especially proud to bring forward the Vietnam Service plate, as I feel that many Americans did not welcome home these veterans as enthusiastically as the generations that came before. This plate and the other Military Honor plates are in direct response to the many meetings that I have had over the last few years with Nebraska veterans. As with all of our honor plates, the revenue collected from the purchase of these plates will be used to support Nebraska Veterans Cemetery. Now, I'm also bringing forward the Support Our Troops plate and that revenue stream will be used to recruit and retain veterans for Nebraska's work force to create the Nebraska Veterans Employment Fund. The fund will be administered by the Department of Veterans Affairs and they will use that revenue in tandem with the Department of Labor to expand their efforts to recruit and attract retiring veterans to live, work, and raise their families and stay here in Nebraska. It is also providing a specialty plate choice for the family members and friends who are unable to support their own honor plates but would like to show their support for Nebraska's military. For the most part, I support the amendment that Senator Friesen will be explaining shortly. I spoke with Senator Bostelman previously about amending part of his license plate bill into my priority bill, and I was happy to accommodate. Unfortunately, there is one part of AM783 I respectfully do not support in reference to the fees. And I will be addressing that in a few minutes, so I'm asking you to put a pin in it and we will visit that issue shortly. But with that, I will wrap up my opening on LB138 and ask you to support the bill with both AM739 and AM930 attached as we move forward. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Blood. As the Clerk stated, there are amendments from the Transportation and Telecommunications Committee. Senator Friesen, as Chair of the committee, you're recognized to open on the amendment.

Floor Debate  
April 11, 2019

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FRIESEN: Thank you, Mr. President and members of the Legislature. I rise to urge your adoption of the committee amendment to LB138. The amendment substitutes for the bill and revises the language of LB138 as introduced and in addition adds portions of the provisions of LB696 and LB697. Amendments to original LB138 provided for five additional Military Honor plate designs rather than four as the original bill, by including the Global War on Terrorism plates. It would also reduce the cost of an application for the new Support Our Troops plates from \$70 to \$40 to conform to the price of other specialty plates. It would change the agency administering the recruiting and education to attract veterans program from the Department of Economic Development to the Department of Veterans Affairs. Finally, it would provide for an operative date of January 1, 2021, for all new plates. The provisions of LB696, incorporated into LB138, include the substitution for National Guard Military Honor plates with the Army National Guard and Air National Guard Military Honor plates with an operative date of January 1, 2021. The provisions of LB697 that were incorporated into LB138 include technical amendments requested by the DMV, a provision providing for elimination of the plate fee for Purple Heart, Ex-POW, Pearl Harbor Survivor, Disabled American Veteran, and Global Star plate applicants who qualify. And a waiver of the application fee for Purple Heart and the Ex-POW, Pearl Harbor Survivor, Disabled American Veteran, and Gold Star plate applicants, with the exception of the Gold Star message plate applicants who would pay the normal message plate application fee of \$40. The bill would provide all those types of plates would be permanent as long as the vehicle to which the plates are attached is properly registered to the applicant. I urge your adoption of the committee amendment. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. Mr. Clerk, there's an amendment to the committee amendment.

ASSISTANT CLERK: Thank you, Mr. President. Senator Blood would move to amend the committee amendments with AM930.

LINDSTROM: Senator Blood, you're recognized to open on your amendment to the committee amendments.

BLOOD: Thank you again, Mr. President. Fellow senators, I really ask that you pay really close attention to what I'm going to say because it's going to get a little bit complicated and I need your support. As I mentioned in my opening for LB138, I've brought AM930 as an amendment to the committee amendment to change one detail of AM738. In my original bill, I had specifically set the price for the Support Our Troops plates at \$70 because the money generated from those plates is designated to go to a new fund LB138 establishes that is geared towards recruiting veterans to stay in Nebraska once they finish their tours. The committee amendment changes the fee for the Support Our Troop plates to \$40. AM930 is an amendment to the

Floor Debate  
April 11, 2019

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committee amendment that changes the fee back to 70. That's all it does. It leaves everything else in the committee amendment alone. I'm bringing this amendment because first and foremost, the committee did not talk to me about changing the fee and if they had, they might have had a better understanding as to why I set it where I did. I know that the committee changed it to \$40 because they want uniformity in license plate fees, but there actually is already uniformity when it comes to these kinds of plates being \$70. There are at least twelve \$70 plates currently offered by the Nebraska DMV. This would be lucky number 13 so it's not like this is never done. I was also told that all plate funds go to the DMV and the Highway Fund and that's not accurate either. There are multiple plate designs that have their proceeds directly to certain funds outside of the DMV's purview. Another rationale offered was that the change to 40 for the Support Our Troop plates was better because \$70 was too expensive and we'd sell more plates at \$40. Well, I have great confidence that we could end up selling three to five times as many plates as what the DMV has estimated. I think we need to hit the ground running when it comes to these funds on these plates and the money that it goes to. We've seen that people are more than willing and are eager to purchase plates at \$70 if they are for a cause that they support, especially a just cause like this. Just this past Monday night, I had the spouse of a Marine speak with me about this particular plate. The spouse works for Cox Communications and when she wanted to show her support for her husband's military service, she was disappointed that she was not able to purchase a Military Honor plate unless her husband's name was also on her car registration. She said it was disappointing as she personally paid for her vehicle and originally had it in her name as a strong and self-sufficient woman. She was thrilled to learn that she now will have the option of showing her support for her Marine husband and all that serve. She and the others who I have spoken with have all said the same thing, the fee is for a just cause. The revenue goes to an important cause and we aren't talking about bargain shopping or looking for the lowest price or cutest design. It's about the cause. And consumers who look at the plates will see the explanation as they do now on other plates promoted on the DMV Web site. I'll also note that neither the DMV, the DOL, or the Nebraska Department of Veterans Affairs requested the committee's reduction in the fee for the plates. I'm going to repeat that because I hope everybody is listening. Neither the DMV, DOL, or the Nebraska Department of Veterans Affairs requested the committee's reduction in the fee for the plates. So knowing all that, I don't know why we would undercut a fund designed to help out Nebraska shortage of highly-qualified workers by recruiting veterans to stay or/and work in our great state. Well, I'm not happy that the committee did it. I understand that it is their prerogative, and I do understand their rationale. I just really disagree with it. Still, I want to be clear that I support the rest of the committee amendment. This is not a hostile amendment to AM783 in any way. I believe this makes the underlining bill that much better and that is why I urge your support and green vote on AM930, then AM783 and finally, LB138. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Blood. Turning to debate on the amendments and underlining bill, Senator DeBoer, you're recognized.

Floor Debate  
April 11, 2019

---

DeBOER: Thank you, Mr. President. I made a mistake. In this body we're all not always able to know everything about every issue, which is why there are 49 of us and why we vote three times on every bill as well as having a lot of committee work. I think it's vitally important to rely on the work of our committee members and so while I voted for the lower fees in committee, I wanted to take this opportunity to say, I think it was the wrong vote. Senator Blood brought to my attention the reasons why she wanted the fees to be a bit higher and I agree. The committee, I think rightfully considered the state interest of wanting uniformity of license plates and license plate fees and that's why I voted for this uniformity in the first place. But Senator Blood is raising money for veterans' causes and we should, even if for no other cause, make an exception for veterans when we are weighing the balance against uniformity, I think the veterans should win every time. So I support this amendment, AM930, to put the fees back to \$70. And I would encourage the rest of you to support AM930 as well. Thank you.

LINDSTROM: Thank you, Senator DeBoer. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. I also rise in support of Senator Blood's amendment, the committee amendment, and Senator Blood's underlining bill. And I also would like to apologize for not realizing that we were changing the fee amount for Senator Blood's priority bill. That was important to raising the funds for the working-- recruitment of work force for veterans and I appreciate Senator Blood's good work on this bill and her dedication to our military and to our veterans. This is such an important thing for us to be doing, and Senator Blood has been a dedicated public servant and she's been very dedicated to the veterans of this state and this country. And so I apologize that I had that misstep in committee but I think that this AM930 adequately addresses those concerns while maintaining the integrity of what the committee was trying to do in our other amendment, AM783, which is streamlining and making the license plate process a little bit more clear. So thank you to Senator Blood and to the Transportation and Telecommunications Committee. I hope that everybody will press their green light for both the amendment and the underlining bill. This is a really good bill and it does something great for recruiting our veterans work forces. Thank you very much, Senator Blood, and I yield you the remainder of my time.

LINDSTROM: Senator Blood, you're yielded 3:28.

BLOOD: Thank you, Senator, and thank you, both of you. I know you sit on that committee and I am appreciative of your support. And originally, I really thought this was going to be a simple, little bill that became not as simple, and that's okay, and that's why we're here to debate. The one thing I'd like you to know is that Senator Pansing Brooks had a similar bill and she's also going to be offering an amendment. And basically, I had a verbal agreement with all the parties involved to utilize this money for this specific purpose, but Senator Pansing Brooks is going to

Floor Debate  
April 11, 2019

---

offer an actual infrastructure that we've taken from her bill that's really going to tie this up in a nice ribbon. So not only will we have the funds if we're able to do the 70, but we'll have infrastructure and know exactly how the money is going to be spent. And we're going to have, hopefully, a lot of happy veterans to stay in Nebraska. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Cavanaugh and Senator Blood. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I stand in opposition to AM930. When we spent time looking at all of our license plates that we have out there and we have right now, lots of them. They were all over the place on where the money went, how much they charged. And so the memo I sent out, it just gave a list of recommendations and I guess we went through that whole process. We looked at all those and I think you can document the fact that more license plates are sold when they're at the lower level of the price range. There is-- people look at prices, they buy the cheaper one if there's an option. But again, we tried to get uniformity and standardized in this license plate bills. There's only one other plate like this and that's the Sesquicentennial one, which will be going away shortly. And on top of that, it wasn't a very good looking plate. I applaud what they're trying to do for the veterans, but if it's that important that we do things like that, we should just appropriate the money rather than charge them for license plates. I don't have a problem. It's a good fund, it's a good process, it's a good point she's trying to make, she's supporting the troops. I'm all for that. But to do it through license plates, if it's a good program, let's fund it. But again, do as you want, I'm not going to filibuster this. This is not worth my time to do that. If she wants it at \$70, go ahead. But, again, if we're going to start going through our numerous license plates and try to raise money for all the good things that out there, we're going to have a mishmash of things and I, as Transportation Chair, will continue to try to standardize our plates as we move forward. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you very much, Mr. President. I stand in support of AM930, Senator Blood's amendment. Senator Friesen is correct, there are three license plates for the Sesquicentennial license plate charges \$70. The numeric, the message, two messages, but also there is also the Husker Spirit message is \$70 as well. So there's more than just one in it. So if the Huskers Spirit message and Husker Spirit numeric. So there is precedence for this. Also as Senator Blood indicated, there's a bill-- an amendment coming which is a friendly amendment that will help veterans to create a Web site that is similar to something that's going on in Iowa and other states to encourage to have essential place for veterans to be able to find jobs and housing. So this is a value to the veterans and we have all sorts of places where-- I mean, all of the license plates go to some fund or some-- and are some way to raise money for a group, or an



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

Floor Debate  
April 11, 2019

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organization or a mission. So I have no problem with this. The veterans with whom I've spoken have no problem. And I just think it's unfortunate the committee did that without speaking to Senator Blood. So with that, thank you very much, Mr. President.

LINDSTROM: Thank you, Senator Pansing Brooks. Senator Clements, you're recognized.

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

LINDSTROM: Senator Friesen, would you yield?

FRIESEN: Yes, I would.

CLEMENTS: I'm curious about what the dollar difference is that actually goes to the benefit the fund if you go from \$70 to \$40. What portion of \$70 goes to the fund or what portion of \$40?

FRIESEN: Three-fourths of the money would go to the organization, the rest is split between DMV and the Highway Trust Fund.

CLEMENTS: Okay. So three-fourths of \$70, I already figured that at \$52.50.

FRIESEN: The remainder goes all to the DMV, not to the Highway Trust.

CLEMENTS: Oh, the DMV get the difference. So \$40 fee, three-fourths of that would go to the benefit of the fund which is \$30, so it's a \$22.50 difference, not a \$30 difference but it's-- okay. I had a question for Senator Blood, please.

LINDSTROM: Senator Blood, would you yield?

BLOOD: Sure. I am happy to yield.

CLEMENTS: Thank you. I didn't-- I'm sorry that I missed your opening and I was wondering, is this a fund that's already existing?

BLOOD: This is not an existing fund and that's why it's so important that we do promptly raise funds. This is one area that we are, as you know, woefully behind when it comes to our veteran

Floor Debate  
April 11, 2019

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community. We can do better when it comes to recruiting and retaining veterans and as you know, it's a priority for those that reach out to us.

CLEMENTS: All right. And they-- would you just restate what the fund will do and the purpose?

BLOOD: The funds are going to be utilized by the Department of Veteran Affairs in tandem with the Department of Labor for their efforts to recruit and retain veterans in Nebraska. One of those efforts will be, as you see, a Web site that's been handed out by Senator Pansing Brooks will be to update our Web site to make it easier for veterans to find, to find-- she's providing the infrastructure, but there's already an existing infrastructure. But basically what we're doing is we're amping it up to make sure that we can do a better job through this fund.

CLEMENTS: All right. I was just told that an amendment will follow that will fill in more of those details. Thank you, Senator Blood.

BLOOD: You're welcome, Senator.

CLEMENTS: The final thing I'll mention is that I do have a real soft spot in my heart for Vietnam veterans. I was subject to the Vietnam draft in 1973 but President Nixon ended the draft three months before I would have been called. And so, I had friends that went and some that didn't survive. And I've always appreciated them very much. And I appreciate your efforts. Thank you, Senator Blood, for bringing this forward and I yield my time to the Chair.

LINDSTROM: Thank you, Senators Clements, Friesen, and Blood. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. I just wanted to lead with an example. The Husker Spirit plate in 2018 sold 2,093 plates. We have the potential to generate some real income. One of the things that I took upon myself to do was to figure out how we could do this without creating a fiscal note. There is no money to be had. We just heard from Senator Howard how tight things could possibly be and we have a lot of things to pay for. And so, I never thought I would bring a plate forward to generate income but here I am. But I'm going to generate income. And we're going to start a program and expand an existing program and hopefully keep, retain, or bring in some more qualified veterans, especially in the IT area. Almost everybody in this body has talked about how we have a worker shortage. Everybody in this body talks about how we don't have money to pay for things. Well, here you go. Now it's time to put your money where your mouth is. Thank you, Mr. President.

Floor Debate  
April 11, 2019

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LINDSTROM: Thank you, Senator Blood. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I rise opposed to AM930, in support of AM783, and in support of LB138, which I think is a fantastic bill and I'd like to thank Senator Blood for her work on it. But I rise opposed to Senator Blood's amendment for the simple reason that a constituent whose husband is a Vietnam vet and comes from five generations of military service, raised concerns to me yesterday about the affordability of plates for veterans. Looking at this bill, it's evident to me that vets or their families are more likely to buy them. And I don't have the data here to complete a contrasting supply and demand curve model, but I just want to make sure our veterans and their families can afford to have these plates. And when lines are said like, put our money where our mouth is, this is money coming from our veterans and their families more likely than not. So we should really take into account where this money is going to be coming from before we decide again to raise the rates on these plates by \$30 because those \$30 can make a difference for our vets and their families and could be the difference in them being able to afford this plate or not. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Slama. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I'm not going to speak on this bill unless somebody makes a false statement. There is only one other plate like this that charges \$70. It's the Sesquicentennial plate. All of the other \$70 plates do not send any money to any other organizations. There are \$70 plates but they do not send any money anywhere else. So I just want to keep the record clear and again, I'm done speaking on the bill. I just want to keep the record straight. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. I actually agree with Senator Friesen, I didn't say it went to any other program. I said that we had other \$70 plates that sell quite well, for clarification. But I do ask that Senator Slama yield for a question because I think there's a misunderstanding.

LINDSTROM: Senator Slama, would you yield?

SLAMA: Yes.

BLOOD: Senator Slama, did you say that Vietnam veterans wouldn't be able to afford a plate?

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

Floor Debate  
April 11, 2019

---

SLAMA: I said that our veterans may not be able to afford the plate with a \$30 difference in price.

BLOOD: Okay. So you do understand that all the other plates are not \$70, it's only this one Support Our Troops plates for people who specifically want to support military in Nebraska.

SLAMA: And wouldn't those people be connected to the military in some way?

BLOOD: Did you hear my story in reference to the wife of the Marine? Did you hear the whole introduction?

SLAMA: Did you hear my story about the constituent who contacted me yesterday concerned about the price of plates?

BLOOD: I'm sorry. I asked you a question. Can you please give me an answer? Did you actually hear the introduction?

SLAMA: I did, yes.

BLOOD: Okay.

SLAMA: Thank you.

BLOOD: I certainly don't want to be snarky with you on the mike and I don't appreciate it back. So yes, I heard what you had to say and I think that there's some confusion. So the Support Our Troops plate are for people who otherwise can't get military plates, as I'm sure you may know if you actually spoke to the veteran, as you said you did, that you would know that if I'm the spouse of a veteran, I can't get a veterans plate unless I put my spouse's name on my registration. I don't have the option of supporting the troops on my own unless I do it under the umbrella of their service, which is fine. And the spouses are okay with that. But there are many, many people, especially in Sarpy County who have nothing to do with the military except that they support the heck out of them. There are plenty of families and people who have nobody serving in the military that want to purchase this plate. I think it's really inaccurate-- and thank you, Senator Slama for answering the question. I think it's really inaccurate to say, well, \$70, well, then, certain people can't afford the plate. Well, it's like any \$70 plate. And I'm going to say this again, we're not shoe shopping. We're not talking about groceries, we're talking about money for a cause that people know they're purchasing for a cause. And the fact that people are looking at the price and not looking at the cause has me not really happy. Because we're not talking about,

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

Floor Debate  
April 11, 2019

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oh, you know, poor people can't afford this plate then. Well, first of all, poor people aren't buying special plates. They're lucky if they can get a car and the plates in general. Second of all, our veterans are going to purchase the plates that pertain to them, especially now that we've added the Military Honor plates that have to do with the medals, which we did not have before, especially the Cold War one. I have heard that complaint the most. I respect the heck out of Senator Friesen. This is one time I disagree and there's a substantial difference in the amount of money that this is going to make if you switch it to 40, and it is not responsible to ignore the fact that we had programming in place that was not effective and needed--

LINDSTROM: One minute.

BLOOD: --more money generated to help that program, that we are now going to be bringing in better infrastructure and that there's not a single veteran that I have talked to in the state of Nebraska that does not want this to move forward to keep veterans in, because they're sick of seeing people move to other states. Please, put this in perspective everybody. Thank you.

LINDSTROM: Thank you, Senators Blood and Slama. (Visitors introduced.) Returning to debate. Senator Howard, you're recognized.

HOWARD: Thank you, Mr. President. Would Senator Blood yield for a very quick question?

LINDSTROM: Senator Blood, would you yield?

BLOOD: For you, Senator Howard, I will always yield.

HOWARD: That's awesome. Okay. I actually, I don't have any issue with the bill as presented. I have a concern about this process. I want to make sure that I understand. Did you see and approve the committee amendment before it was put on your bill?

BLOOD: I did not. And then, in fact, I spoke to the committee Chair several days leading up to their Exec meeting because my gut told me they were going to be doing this, begging them not to do this.

HOWARD: Okay. Thank you. I don't have any other questions for you. So-- my mom served for eight years. She sort of came in with the old guard. I have been here for seven years. And in my committee, we do things maybe a little bit differently but we do things with as much transparency as possible. So we hear the bills one week, the next week we have an Executive Session on Wednesdays. We expect all changes in amendments to be given to the committee by

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

Floor Debate  
April 11, 2019

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noon the day before so that the committee counsel has the opportunity to review them. And in my committee, if there are changes that the committee would like to see, it's my responsibility as Chair then to go back to the person. Senator Erdman actually has a really good example. He had a mobile massage therapy bill, we had small changes, a "shall" to "may." And so I went back to him and I said, are you comfortable with these changes that the committee would like to see? And he said, yes, I'm comfortable, and we worked with his office and it came out unanimously and please vote for it on consent calendar. And so what I have concerns about is that a committee Chair would maybe not take the time to close that loop. And so would Senator Friesen yield to a question?

LINDSTROM: Senator Friesen, would you yield?

FRIESEN: Yes, I would.

HOWARD: Thank you. I just want to be clear on my understanding of the process. Did you have the opportunity to sort of share this amendment with Senator Blood and get her approval before it was placed on it by the committee?

FRIESEN: I will admit I probably should have, but we didn't ask any of the other plate holders either that we changed, we just changed them all.

HOWARD: Oh, okay, okay. So perhaps this is a learning moment for all of us. As Chairs, our responsibility is to shepherd these bills and make sure that they are in perfect shape for the floor so that they're well-thought through. But also make sure that those sponsors that we're working with have the opportunity to know of any changes to their bills that are occurring. Because I think what happens then is, there's quite a lot of heartburn when something comes on to somebody's bill that you don't know-- that you don't know is coming. And that doesn't sort of get us to the civility that I think we like to see. And so, I have to say then, this is Senator Blood's bill. I respect the will of the Transportation and Telecommunications Committee. I would have liked to see some maybe different choices in their process and hopefully this is a learning opportunity for Chairs and future Chairs. And so I happily support Senator Blood's amendment to make sure that this bill is what her original intentions were. So, thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard and Senator Blood. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. The Revenue Committee reports to General File LB670 with committee amendments. Amendments to be printed: Senator Brewer to LB511. The Appropriations Committee will have Exec Session at noon in Room 1003. The Judiciary

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

Floor Debate  
April 11, 2019

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Committee will have an Exec Session in Room 1507 upon adjournment. Single name adds:  
Senator Hunt would like to add her name to LB492.

Finally, Mr. President, a priority motion. Senator Brandt would move to adjourn the body until  
Monday, April 15, 2019, at 9:00 a.m.

LINDSTROM: The motion before us is to adjourn. All those in favor say aye. All those opposed  
say nay. The ayes have it. We are adjourned.