

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 21, 2020

SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-fifth-- yes, forty-fifth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Senator DeBoer. Would you please rise?

DeBOER: Oh, holy one, grant us humility. We who proclaim ourselves the pinnacle of all creatures, just as we are brought low by a creature too small for us to even see. Grant us the humility to realize that we do not have all the answers. That alone, we are doomed to act selfishly. Even when we do not want to. Grant us the humility to listen, to seek to understand the experience of others and not always insist on our own ways. The humility to learn and change. And know we need others' experiences to inform our own. Holy one, I confess that I have not always acted in humility, that I have sometimes loved being right more than doing right. I have not always listened with humility to my brothers and sisters in this room to learn how to do better for all. When my colleagues have given me grace, I have been too quick to criticize and too quick to rebuke criticism against me. For this and many other lacks, I ask forgiveness and help to do better. Oh, holy one, pour out a spirit of humility on these you're gathered ones today. Open our hearts and minds to one another so that we may seek first to understand before insisting on being understood. In humility, we thank you for all these-- all those in this building who take risks to help us do our job. Humbly, we ask for healing for our broken world and for the brokenness within each of us. Humbly, we ask for comfort for those who mourn. Make us instruments of healing and comfort. In the work we do to govern our state and in our lives together, keep us from being ruled by despair, anger, selfishness, conceit, and fear. But instead, bless us with wisdom, patience, open hearts, hope, grace, and love. We ask all these things in the name of the one who was, who is, and who always will be. Amen.

SCHEER: Thank you, Senator DeBoer. I call to order the forty-fifth day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SCHEER: Thank you, Mr. Clerk. Are there any corrections to the Journal?

CLERK: I have no corrections.

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SCHEER: Thank you. Are there any messages, reports or amendments?

CLERK: One item, new A bill, LB755A, by Senator Blood, it appropriates funds to implement LB755. That's all that I had, Mr. President.

SCHEER: Thank you. We'll now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, Senator Slama, LB944A. I have no amendments to the bill.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB944A be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor, please say aye. All those opposed say nay. Oh, I'm sorry, Senator Chambers. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I must begin this morning as I ended yesterday. And it's appropriate that I start with this bill because I had a bit of a set-to with the introducer. But what I have to say has nothing to do with this bill or the introducer, but it has to do with these masks. People ask me what I think about them. I say, well, I go by what scientists and doctors suggest. It doesn't hurt me. But the main reason I will wear it is not to harm other people. I'm not a doctor, but to the extent that I'm able, first, do no harm. Now, brothers and sisters, I have a constitutional right to exude body odor. I do. I can-- I have a right to stink like a skunk. I don't have to cleanse my body. Don't have to wash under my arms and other locations and put on deodorant. And it's not gonna hurt my health if I don't carry myself like that long enough for fungi and other wildlife to graze or live on me like they pasture. So why don't I carry body odor? Out of regard and consideration of and for other people. You don't have to wear the mask. Nobody makes you wear the mask. But it has become politicized and it's a "Repelican" thing. I would not be the one to compel anybody to do anything. If those who don't wear the mask would have the consequences follow that and they just croak, then that's fine. That's their choice. But as far as it being a constitutional right to disregard health requirements, should some day there be a mandate, your constitutional right is where my nose begins. You all don't pay attention to the constitution. You don't pay attention to science. Some of you all think the earth is

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flat and you can think whatever you want to. You can do whatever you want to as long as you don't hurt anybody else. So don't wear the mask. I will wear mine. But if you talk to me and you're not wearing a mask, we may as well be frank, we're all adults, stand at least six feet away. I will have my mask on. And I don't care what any of you all do. As far as I'm concerned, you could come in here naked, although in most instances I wouldn't look at you. And if you're somewhat prideful, you wouldn't want anybody to see you in that stage of undress. When I speak at this mike, I will not be close enough to Senator Blood, who's on my right, to infect her if I have the virus, but I don't have the virus. I'm like one of these baseball players that has butterfingers. I can't catch anything. I'm 83 years old. I've never been in the hospital for a treatment. I was not even born in a hospital. But for those fat mouths yesterday who wanted to make implications or draw--

SCHEER: One minute.

CHAMBERS: --implications from my remarks, I love women more than anybody on this floor does. I love women so much that I was born in bed with a woman. Now you top that. We are gonna have some rocky roads in here and they're gonna continue to be rocky. Now, if you throw a stone at me, don't expect me to go away voluntarily and not retaliate because you all are Christians. And the "Bibble" say-- says, as you would, that men do unto you, do you even so unto them likewise. So since you all profess to be Christians, then what you do to me is what you want me to do to you. So if you throw a stone at me, then expect me to throw a stone at you because I'm helping to carry out--

SCHEER: Time, Senator.

CHAMBERS: --what Jesus--

SCHEER: Time, Senator.

CHAMBERS: --said. Thank you, Mr. President.

SCHEER: Senator Chambers, you are the next in the queue. You're welcome to continue.

CHAMBERS: Thank you. And I'm not gonna speak on every bill this morning. I found three that I'm not gonna speak on. I like to lighten the mood a little bit, if I can, because I can dim it down whenever I please. But I hear things on the news that require me to say

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something. But before I say that, Senator Groene said, don't treat women differently, treat them like men. Then he and others get upset because I deal with Senator Slama like I dealt with her. You can't have it both ways, although you want it that way. And generally where a black person is involved, you do. How dare a black man say something offensive to a white woman. Why, in the old days all she had to do on the street was point at me and say rape. And they'd hang me from a tree. And some of you all wish it was that way now. But see, I have better taste than that. They would say, you might wish Chambers had done that, but he wouldn't do that to that person. And let me tell you something else, that shows how inferior you white people are and how white men don't trust you white women and you're too dumb to see it. Yeah, I said dumb. White men are the ones who said interracial marriage is against the law. How crazy can you be? You set up the law of marriage and it's a voluntary activity. I cannot compel a white woman against her will to marry me. But you white men know what your white women are thinking about. So you make it against the law for her to make the choice to marry somebody like me if I would have her. Black people cannot force anybody to marry them. Black people would not want to. So why? And I say these things to make you all think if, if I can. You accept all this trash that we're taught in school and you're taught in school about how you mongrelate-- mongrelize the white race if they're marriages. And there are southern judges and northern judges who said the same thing in upholding laws against interracial marriages and stopping people who want to engage in them. I'm going to say it again, because you all don't understand when you hear something once. Marriage is a voluntary activity. If white women don't want to marry black men, you don't need the law to stop them. I've searched all of Nebraska's statute books even when it was against the law to have interracial marriage in Nebraska. I did not see in there a law against a white woman marrying a jackass. There's no law against her marrying a dog because that's not going to happen. You are worried about her marrying somebody whom you fear. You know how inadequate you are and your women know how inadequate you are. I'm gonna lay these facts out here on the basis of what your laws say, your laws, white men laws. There were times when women could not even hold office in this country. So all those laws were passed by white men. Why don't you pass a law saying, go out and marry whomever you want to, and because you told your white women they are so pure and virtuous and superior to black people, they wouldn't think of marrying a black person. But you think that's what's on their mind all the time because you're worried and you know your inadequacies and they know it, too. Why do you think Thomas Jefferson had a room in Monticello

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where Sally Hemings lived and the sexual relationships that produced six children occurred in Thomas Jefferson's house?

SCHEER: One minute.

CHAMBERS: That Christian that you all honor. We're gonna have some rocky roads this session. And if you want to jump up on this floor and tangle with me, I welcome it. I don't run. I don't get angry when you respond to what I say. I think vigorous, unencumbered debate is good. Don't you all run out of here and grumble behind your hands and talk to people about what a terrible person I am and what I say on the floor, say it to me. I say it to you all. I'll call your flag a rag, 'cause that's what it is to me. And I'm going to ask again, how many of you all think that there should be monuments, memorials, and statues to Adolf Hitler in Berlin?

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Senator Chambers, you're recognized.

CHAMBERS: Thank you.

SCHEER: And this is your third time at the mike.

CHAMBERS: Right. I counted this time. Should there be monuments to Hitler? Why not? And I'm gonna shock you all by using a word that your President used to describe countries in Africa. He said it to a roomful of people and he was asking, why cannot we have more immigrants from countries like Norway and Sweden? He knew two or three of them and not these ****hole countries in Africa and like Haiti. Yeah, he said ****hole. Your President. Don't get upset. He can say it about and against us. Well, that's the way he talks. I'm gonna talk to you like your President, whom you all honor. He is a gutbucket. He's a guttersnipe. He is a dirty, filthy womanizer. He is a would-be rapist. And based on what some women said, he has raped. He bragged about groping women between their legs and he did it on tape. And some of you sitting around here, you say you shouldn't say that about the President. Well, yes, I should. You all support him. You vote for him. You love him. You follow him. Well, when I'm no longer in this Legislature, people will say there was a man one time in that Legislature. There was a man named John. There are all kinds of things in the "Bibble" that you can extract to make a point. To be frank with

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you all, I don't see any bills on here that even make any difference to me. And if it were not for the fact that I agree that in the Legislature, I'll participate in what happens. I'm gonna be here. And the one bill that I have an interest in, and it's because I don't like it. We'll get to it at 7:30 p.m. And that says, quote, motion to place on General File pursuant to Rule 3, Section 20(b), LB814. Prohibit dismemberment abortions. Motion made by Senator Geist. You can find it on Journal page 903. When I left my office, I said to the two ladies who work with me. Well, I guess I'm gonna go do some farming. They said, farming? I say, yeah, I got to go raise some cane. I'm waiting. Oh, you didn't get it. See cane, sugar cane is a plant. Sugar does not come in boxes. They can liquefy what comes out of that plant. And then they can granulate it or they can make it into a powder. And because it's sweet, it's used to sweeten things that people eat. And it's known as sugar. How many of you have heard of C&H Pure Cane Sugar from Hawaii growing in the sun. Island sugar growing sweet, fresh and clean. C&H Pure Cane Sugar. That's the one. Now let's sing it altogether. As Lawrence Welk says, a one and a two and a three.

SCHEER: One minute.

CHAMBERS: C&H Pure Cane Sugar from Hawaii growing in the sun. Island sugar growing sweet, pure and clean. C&H Pure Cane Sugar. That's the one. Thank you. Thank you. Thank you. That's all I have, Mr. President, thank you.

SCHEER: Thank you, Senator Chambers. The motion before us was advancement of LB944A to E&R Engrossing. All those in favor, please say aye. All those opposed nay. LB944A, is advanced. Mr. Clerk, we'll move to Final Reading. Members should return to their seats, which you all are at, thank you very much, for the Final Reading. Mr. Clerk, the first bill is LB1140.

CLERK: Mr. President, Senator Howard would move to return LB1140 to Select File for a specific amendment. That amendment being AM3121.

SCHEER: Senator Howard, you're welcome to open.

HOWARD: Thank you, Mr. President. Good morning, callings-- colleagues. AM3121 is a technical amendment to clarify and correct the sections of LB1140 that are subject to the E clause. On page 10, line 15, we strike the number 2. And my apologies that we didn't catch this yesterday when we were working on the bill. It was just we were moving

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quite quickly. So I would urge your green vote on AM3121 for this technical amendment. Thank you, Mr. President.

SCHEER: Seeing no discussion, the question before us is advancement of AM3121 to LB1140. Pardon me, the motion before us is actually to return LB1140 to Select File. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 45 ayes, 0 nays on the motion to return.

SCHEER: LB1140 is returned to Select. Mr. Clerk.

CLERK: Senator Howard, AM3121, excuse me.

SCHEER: Senator Howard, you're now welcome to open on 11-- AM3121.

HOWARD: Colleagues, my apologies for the confusion. Thank you for returning LB1140 to Select File so that we can add AM3121. On page 10, line 15, we strike the number 2. This is a technical amendment and I would urge your green vote. Thank you, Mr. President.

SCHEER: Thank you, Senator Howard. Seeing no one wishing to speak. Now the question before us is adoption of AM3121 to LB1140. All those in favor, please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

CLERK: 46 ayes, 0 nays, Mr. President, on the adoption of Senator Howard's amendment.

SCHEER: AM3121 is adopted to LB1140. Next item on the agenda, LB344. Senator Slama for a motion on LB1140.

SLAMA: Mr. President, I move that LB1140, be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor, please say aye. All those opposed vote-- say nay. LB1140 is advanced. Item, Final Reading, LB344. Mr. Clerk, the first vote is to dispense with the at-large reading. Those-- all those in favor, please vote aye; all those opposed vote nay. Please record.

CLERK: 36 ayes, 5 nays, Mr. President, to dispense with the at-large reading.

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

CLERK: [READ TITLE OF LB344]

SCHEER: All provisions of law relative to proceeding have been complied with, the question is, shall LB344 pass? All those in favor, please vote aye; all those opposed vote nay. Please, please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Matt Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Cavanaugh and Hilkemann. 47 ayes, 0 nays, 1 present not voting, 1 excused not voting, Mr. President.

SCHEER: LB344 passes. We'll now proceed to LB770.

CLERK: [READ LB770 ON FINAL READING]

SCHEER: All provisions of law relative to procedure have been complied with. The question is-- before us is, shall LB770 pass? All those in favor, please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senator Hilkemann. 48 ayes, 0 nays, 1 excused not voting, Mr. President.

SCHEER: LB770 passes. We'll now proceed to LB870e.

CLERK: [READ LB870e ON FINAL READING]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB870e pass with emergency clause attached? All those in favor, please vote aye-- colleagues, this will

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require 33 votes. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Senator Crawford, you might want to vote. Please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not Voting: Senator Hilkemann. 48 ayes, 0 nays, 1 excused not voting, Mr. President.

SCHEER: LB870e passes with emergency clause. We'll now move-- proceed to LB909e. The first, the first item 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, 4 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 LB909e]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB909e pass with emergency clause attached? This requires 33 votes as well. All those in favor, please vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senator Hilkemann. 48 ayes, 0 nays, 1 excused not voting.

SCHEER: LB909e passes with emergency clause attached. We'll now proceed to LB962.

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CLERK: [READ LB962 ON FINAL READING]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB962 pass? All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: Voting aye: Senators Arch, Blood, Bolz, Brandt, Brewer, Briese, Cavanaugh, Chambers, Crawford, DeBoer, Dorn, Gragert, Matt Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: Senators Albrecht, Bostelman, Clements, Erdman, Friesen, Lowe. Not voting: Senators Geist, Groene, Halloran, Ben Hansen, Linehan, Hilkemann. 40-- excuse me, 37 ayes, 6 nays, 5 present not voting, 1 excused not voting, Mr. President.

SCHEER: LB962 does pass. We will now proceed to LB996e.

CLERK: [READ LB996e ON FINAL READING]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB996e pass with emergency clause attached? Colleagues, this will take 33 votes, affirmative votes. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Erdman and Hilkemann. 30-- excuse me, 47 ayes, 0 nays, 1 present not voting, 1 excused not voting, Mr. President.

SCHEER: LB996e passes with emergency clause attached. We'll now proceed to LB997.

CLERK: [READ LB997 ON FINAL READING]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB997 pass? All those in favor, please

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vote aye; all those opposed vote nay. Have all voted that wish to?
Please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Ben Hansen and Hilkemann. 47 ayes, 0 nays, 1 present not voting, 1 excused not voting, Mr. President.

SCHEER: LB997 passes. We'll now proceed to LB1014.

CLERK: [READ LB1014 ON FINAL READING]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB1014 pass? All those in favor, please vote aye; all those opposed vote nay. Please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senator Hilkemann. 48 ayes; 0 nays, 1 present-- or 1 excused not voting, excuse me.

SCHEER: LB1014 passes. We'll now proceed to LB1016e.

CLERK: Mr. President, Senator Hansen, Matt Hansen, I have FA112, but a note you wish to withdraw. [READ LB1016e ON FINAL READING]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB1016e pass with emergency clause? This will require 33 affirmative votes. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: Voting aye: Senators-- voting aye: Senators Blood, Bolz, Bostelman, Brandt, Briese, Cavanaugh, Chambers, Crawford, DeBoer, Dorn, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Matt

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Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: Senators Albrecht, Clements, Erdman, Lowe. Not Voting: Senators Arch, Brewer, and Hilkemann. 42 ayes, 4 nays, 2 present not voting, 1 excused not voting, Mr. President.

SCHEER: LB1016e passes with emergency clause attached. We will now proceed to LB1054e. 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: 35 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 LB1054e]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB1054e pass with emergency clause attached? All those in favor, please vote aye; all those opposed vote nay. This will take 33 affirmative votes. Please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senator Hilkemann. 48 ayes, 0 nays, 1 excused not voting.

SCHEER: LB1054e passes with emergency clause attached. We'll now proceed to LB1061. The first vote is dispense with the at-large reading. All those in favor, please vote aye; all those opposed vote nay. Please record.

CLERK: 32 ayes, 4 nays to dispense with the at-large reading.

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

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CLERK: [READ TITLE OF LB1061]

SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB1061 pass? All those in favor, please vote aye; all those opposed vote nay. Have all those voted that wish to? Please record.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Vargas, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senator Stinner, Walz, and Hilkemann. 46 ayes, 0 nays, 2 present not voting, 1 present [SIC] not voting, Mr. President.

SCHEER: LB1061 passes. We will now proceed to LB858.

CLERK: Mr. President, with respect to LB858 on Final Reading, Senator Hughes would move to return the bill for a specific amendment. That amendment being AM2997.

SCHEER: Senator Hughes, you're welcome to open.

HUGHES: Thank you, Mr. President. Good morning, colleagues. Just a first quick refresher on LB858, the Natural Resources first committee priority bill. This bill extends the sunset date for two important funds: the Petroleum Release Remediation, Remediation Action Cash Fund and the Nebraska Litter Reduction and Recycling Fund, modernizes governance of the Municipal Energy Agency of Nebraska and changes eligibility requirements for the Niobrara Council. AM2997, in taking-- I am taking LB858 off Final Reading to address time-sensitive issues. This bill extends the sunset date for the Petroleum Release Remediation Action Cash Fund, better known as the LUST Fund and the Nebraska Litter Reduction and Recycling Fund. The LUST Fund's sunset date was July 1 of this year, which has obviously passed. The Recycling Fund sunset date is October 30 of this year, which will pass before the bill's effective date. Both of these fund extensions need to go into effect immediately. AM2997 will apply an emergency clause to the entire bill to solve this problem. It will also make it clear that the LUST Fund coverage will be retroactive and there has been no gap in the fund coverage. The Petroleum Marketers Association, one of the primary stakeholders to the LUST Fund, supports this amendment. I

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would appreciate a green vote on the amendment and a yes vote on the underlying bill. Thank you, Mr. President.

SCHEER: Thank you, Senator Hughes. Seeing no one wishing to comment, the question before us is to return LB858 to Select File. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 47 ayes, 0 nays on the motion to return the bill.

SCHEER: AM299-- or the LB858 is returned to Select File. Senator Hughes, you're welcome to open on AM2997.

HUGHES: Thank you, Mr. President. I did get a little ahead of myself. But as I stated, AM2997 is very sensitive to the time issues with those to the petroleum fund and the litter reduction fund. I would appreciate a green vote on AM2997. Thank you.

SCHEER: Colleagues, the question before us is adoption of AM2997 to LB858. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 45 ayes, 0 nays on adoption of the Select File amendment.

SCHEER: AM2997 is returned-- is approved attached to LB858. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB858 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor, please say aye. All those opposed say nay. LB858 is advanced. Next item is LB924.

CLERK: Mr. President, Senator Chambers would move to return LB924 for an amendment, AM3000.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, this is my bill, which I have described as a peewee bill. What it does, to quote the language directly that will be amended into the law, these sheriffs will have to take at least two hours of antibias and implicit bias training designed to minimize apparent or actual racial profiling. There are other parts of the existing law that deal with

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racial profiling. This language needed to be included here to complete the picture. There are certain reporting dates under the existing law, which must be met in order for qualifications to be completed. If this bill does not have the emergency clause, this bill will not take effect until 90 days after the session ends, which would be sometime in November. Some reporting dates occur in October. So before the bill would take effect, the reporting date would have passed. And those people who would have to make that report cannot make it because the law does not require it at that time. All this amendment will do, and it was detected by the staff, is give the emergency clause. So as soon as it takes effect-- I mean, as soon as we pass it and the Governor signs it, it will take effect. There will be time between the taking effect of this law and the reporting date in October for all of these steps to be taken that are necessary. I hope that explanation is adequate, but if it's not, I'm prepared to answer any questions. Thank you.

SCHEER: Thank you, Senator Chambers. Seeing no discussion, the question before us is a motion to return LB924 to Select File. All those in favor, please vote aye; all those opposed vote nay. Have have all voted that wish to? Please record.

CLERK: 47 ayes, 0 nays on the motion to return the bill.

SCHEER: The request to return the bill to Select File is approved. Senator Chambers, you're welcome to open on AM3000.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I will not give the individual's name, but there was an author who wrote a piece called Twice-Told Tales. There are certain animals which will chew up food, drop it down into their stomach. When they feel that an adequate amount of time has passed, they can call it back up and chew it again. I don't want to rechew the cud. I don't want to twice tell the tale. So what I've said should be sufficient. But if it's not, I will give additional explanation as to why this amendment is necessary and should be adopted. Thank you.

SCHEER: Thank you for your brevity, Senator Chambers. The question before us is adoption of AM3000 to LB924. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 47 ayes, 0 nays on adoption of the Select File amendment.

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SCHEER: AM3000 is adopted to LB924. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB924 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor of moving LB924 to E&R Engrossing vote-- please, please say aye. Folks, it's 10:00. All those in favor, please say aye. Any opposed say nay. LB924 is advanced to E&R Engrossing. Next item is LB153. Mr. Clerk.

CLERK: Mr. President, Senator Brewer would move to return the bill for consideration of AM3003.

SCHEER: Senator Brewer, you're welcome to open.

BREWER: Thank you, Mr. President. Just as a quick refresher, LB153 is the priority bill to "detax" 50 percent of military retirement. Because of the situation this year, we have opted to change the-- a date that will be implemented, and that is what the AM will be addressing.

SCHEER: Thank you, Senator Brewer. Seeing no one wishing to discuss, the question before us is to return LB155 [SIC] to Select File. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 47 ayes, 0 nays on the motion to return the bill.

SCHEER: LB153 is returned to Select File. Senator Brewer, you're welcome to open on AM3003.

BREWER: Thank you, Mr. President. AM3003 is a very basic change on line 8-- or page 8, line 27 and page 9, line 9. We're changing 2021 to 2022. That is the amendment. Thank you, Mr. President.

SCHEER: Thank you, Senator Brewer. Those wishing to speak, Senator Cavanaugh, you're recognized, followed by Senator Bolz and Senator DeBoer.

CAVANAUGH: Thank you, Mr. Speaker. Senator Brewer, would you yield to question?

SCHEER: Senator Brewer, would you please yield?

BREWER: Yes.

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CAVANAUGH: Thank you. I-- I'm a supporter of this bill. I-- I'm really excited that you've brought it to begin with. I was wondering if, if perhaps we were doing this too soon before the Fiscal Office comes out with their analysis. And I guess I just wanted to know your thoughts on that.

BREWER: The discussion with the Speaker because of the current restrictions on any bills that do have an A bill with them, it would have essentially died on the vine. And we have gone too long and hard trying to get this benefit to our veterans. So it seemed like the best option so that we didn't lose the bill and have to start from scratch next year.

CAVANAUGH: OK. Thank you. I-- I'm gonna continue to support this bill. I just wanted some clarification. Thank you. I yield my time to the chair.

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

BOLZ: Thank you, Mr. President. Thank you, Senator Brewer, for bringing this important bill. I do intend to support the amendment and the underlying bill. I, I simply wanted to rise and say that I don't, as a general practice, like to vote for bills that push the fiscal impact into the future. I don't think that's best practice budgeting. These are extraordinary circumstances and this is a bill of high priority. And so I'll make an exception for this bill this year. But for the sake of setting a record and for the sake of setting a precedent, I don't think typically we should push the cost of bills into the future. We should be able to have a plan for how we afford legislation that we're moving forward in this body as we move it forward. Thank you, Mr. President.

SCHEER: Thank you, Senator Bolz. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. Senator Brewer, would you yield to a question?

SCHEER: Senator Brewer, would you please yield?

BREWER: Yes.

DeBOER: Senator Brewer, I was wondering if you could-- you sort of answered this question with Senator Cavanaugh, but could you tell me

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the reason that you decided to put this amendment on? Was this something that you did yourself or did somebody ask you to do this?

BREWER: No, we made the conscious decision to do this because had we not, then it would not have appeared on the calendar at any point. And we would have run out of time this year and, and the bill would have had no action.

DeBOER: OK, thank you. I, I will support the bill. I will support the amendment with reluctance. I would like to see that if we are prioritizing what we're going to spend money on this year, that this would be one of those things that we would consider spending it on. And therefore, I would have liked to have had a little more secure knowledge of the economic picture we're looking at. But I'll remember this, I guess, that we had to make this decision today. So thank you. I support the bill. I will reluctantly support the amendment. Thank you, Mr. President.

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

CHAMBERS: Mr. President, members of the Legislature, I'm conflicted this morning. If it were not for certain things, I would not support this effort. But there are circumstances that have been created by activities by the Republican Party, the Governor, and Senator Slama working together. That's just by way of background. Senator Brewer first got into this Legislature with the support of Governor Ricketts. Governor Ricketts was very offended because a senator had voted in a way he did not want. Now, Senator Brewer was gonna run for the Legislature, but Governor Ricketts gave support to Senator Brewer. But I don't think it was because-- I'm giving my opinion, I don't think it was because he cares for Senator Brewer. I think he was more hostile toward that senator he wanted to get rid of. I think Senator Brewer, while being on this floor, has acquitted himself in an honorable way. And the people who elected him certainly did not make a mistake. I told you all that if something happens that I disagree with, I will make it clear. Senator Brewer does not need any defense from me. So this is not really to defend Senator Brewer. It's to go against the Governor. I have an article that appeared talking about how willing the Governor is to spend money to get involved in campaigns. Senator Brewer made it possible for the senator that the Governor didn't like to be defeated. Senator Brewer is running for reelect-- well, before I

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get ahead of myself, I'd like to ask Senator Brewer a question if he would yield.

SCHEER: Senator Brewer, would you please yield?

BREWER: Certainly.

CHAMBERS: Senator Brewer, are you running for reelection?

BREWER: Yes, I am.

CHAMBERS: Thank you. That's what I thought. Senator Brewer is running for reelection. You know what, you know what the forked-tongue paleface did? He did not support Senator Brewer. He did not support Senator Brewer. Because there are white people running against him. Now, you saw what he did for Senator Slama. I'm working on an Ernie-gram that would tell and make it explicit how much contempt I have for Ricketts. He's not a statesman. He is a state official. He is not competent. The World-Herald and others, when he fouled up so badly during the year that the death penalty was passed, they said it would be attributed to his being new. He was a spoiled, privileged, "bratified" adolescent in an adult body. He has more hair on his head than he has principles in his character. And the last time I looked, there was not one hair anywhere, for his head was bare, b-a-r-e.

SCHEER: One minute.

CHAMBERS: So I'm going to present an Ernie-gram to show how treacherously people like Senator [SIC] Ricketts have always dealt with native peoples. I've studied their history along with that of Latinx people and ours, because we're all lumped together under the rubric "people of color." And I just want that clear. Senator Brewer, if I get this correct-- well, I have to put on my glasses because my time will run out. But I want to read something off this sheet and be sure that I got it correct. Thank you, Mr. President.

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

CAVANAUGH: Thank you, Mr. Speaker. Senator Brewer, would you yield again?

BREWER: Yes.

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CAVANAUGH: Thank you.

SCHEER: Senator Brewer, would you please yield?

BREWER: Yes.

CAVANAUGH: Thank you. I'm just-- I'm looking at the, the fiscal note on this. I apologize, I didn't do that before I asked the questions previously. It looks like this is \$5 million in revenue in the first year and \$12 million-- \$12.6 million in the second year. I guess considering all of the things that we have coming, coming down the pipeline, I don't, I don't want to give you heartburn over, over your really great bill, but I guess, I guess I just wanted to reiterate, I would be supportive. I would still support this bill after the fiscal analysis comes out, because I know that we are trying to find money for a lot of different things. But this seems like this should be a priority for our state. And so I just, I don't, I don't know if, if you took that into consideration or if, if this is just a hard and fast how you want to move forward.

BREWER: Well, I wouldn't say it's hard and fast, I want to move forward. But first off, thank you for, for taking a look at how this bill is, is staggered, staggered in how it is implemented. But at the time that the guidance was given from the Speaker, there wasn't flexibility. And this really has been a, a long process to try and figure out a way to, to give a benefit back to the veterans. We've lost so many from Offutt and other places that retire and leave Nebraska. So to take it through two rounds, to be so close to making it final and giving them hope, to step away because of that rule that we could not move forward and to have a bill on the schedule that had an A note, it was really the only place that I could go to save this, this bill. And that was my intent. But I do not agree-- do not disagree with Senator Bolz. I think she's right. We shouldn't have a procedure where we, we kick the can down the road or move it to the right. But this one is kind of unique and I had no other options.

CAVANAUGH: Thank you. If you'd like, I'd, I'd yield you the remainder of my time.

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

CHAMBERS: Thank you. Mr. President, a circle, if I remember, and when you're 83 years old, your brain cells are Teflon. Nothing sticks. You

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young people have Velcro brain cells where everything sticks without any differentiation. But I think that a circle is described as a curved line connected, each part of the line being equidistant from the center. So I guess the way you could demonstrate that you could take this thing called a compass. It's like a pyramid-shaped device. You put a pencil in one part and there is a sharp pointed piece on the other. So if you stick that sharp piece into a surface and you put your hand on that pencil and move it, it will describe a circle. Every part of that curved line where ever you measure from will be the same distance from that center as every other part of that circle. I guess, I guess there might be a bit of Velcro still on my ordinarily Teflon brain cells. But I want to get to the point. Senator Brewer, this says that the bill was introduced at the request of the Governor. Does that refer only to what you're doing this morning or to the actual introduction of the bill?

SCHEER: Senator Chambers, are you asking Senator Brewer to yield?
Senator Chambers.

CHAMBERS: Yes, I would like-- I would ask Senator Brewer to yield.

SCHEER: Senator Brewer, would you please yield?

BREWER: Yes, I would be honored.

CHAMBERS: Senator Brewer, does these-- do these words at the request of the Governor refer to your introducing the bill in the first instance at the request of the Governor, or it refers only to what you're trying to do this morning?

BREWER: It has that title with it. But please understand that this bill has been a passion of mine to, to help veterans and that, that just simply indicated that the Governor supported it. Please understand that Senator Lowe also supported it with a, with a priority. So it's kind of a mix of efforts that have gone into this. But please understand, my heart is in trying to find a way to help the veterans, and that's solely it.

CHAMBERS: And Senator Brewer, I believe you would have introduced this bill whether the Governor made any request or even expressed an opinion. Is that true?

BREWER: Absolutely true.

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CHAMBERS: So, in effect, what you did was allowed the Governor to hitch a ride on a very good and meritorious matter. Those are my terms. But would you agree with that? He was hitching a ride rather than flagging you down and saying, I want you to do something. This was your intent, and he hitched a ride.

BREWER: I would have went forward with this bill regardless.

CHAMBERS: Now, Senator Brewer, you know that if a lawyer is examining a witness, the lawyer should be able to anticipate what the answer is before asking the question. Senator Brewer, at the time that you acceded to the Governor's request and allowed these words to appear on this bill, quote, Brewer, at the request of the Governor. Were you aware at that time that the Governor was not offering to bankroll your campaign?

BREWER: No, but it, it really wasn't part of the conversation at that time. We were more focused on legislation and what was right.

SCHEER: One minute.

CHAMBERS: Do you think, Senator Brewer, that you have any control over me in terms of anything I'm going to do based on what I believe I ought to do?

BREWER: Absolutely not.

CHAMBERS: Have you and I colluded or conspired for me to write anything about the Governor's unwillingness, for whatever reason, to support you with funding as he did the first time? Did we conspire on anything in terms of me producing anything with reference to that issue?

BREWER: No, nothing.

CHAMBERS: Thank you. I want that in the record. We all know Senator Brewer is an honorable person. If you know him in the way I've come to know him. So what I put out is based strictly on me, moi. I speak a little French. I said a little.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

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SCHEER: Thank you, Senator Chambers and Senator Brewer. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you, Mr. Speaker. Good, good morning, Nebraskans. Our state's unique motto is "Equality Before the Law." So know that whoever you are, wherever you are on life's journey and whomever you love, we want you here. You are loved. So I'm rising today with just a little bit of, of confusion. I wish the Speaker were in his seat so I could ask him some direct questions. I have been informed and I think we all have that there will be no-- absolutely no bills that come forward with any kind of fiscal impact. Now, I understand that this bill is highly important and I have supported it. And I've told Senator Brewer that I wholeheartedly support it. I guess what I don't understand, though, is this-- it, it seems like we're talking out of two different sides of our, of our mouths, because one side is we're not going to bring anything forward. And the other side is, well, we're going to bring this \$5 million bill forward. So I-- I'm really having trouble. And the reason that I'm rising on this is because Senator Brewer and I have another package of, of a bill. It's called-- it's the LB848 package. And this has to do with the Bridge to Independence. And it's about \$61,000 for some Native American children who are falling through the cracks. This is something that was an oversight. It was not meant to happen. It is only \$61,000. In the state of Nebraska, we have the age of majority is 19. So for-- so when somebody ages out of the foster care system, a child ages out, the Bridge to Independence is to take care of those children from ages 19 to 21. There are two tribes that have 18 as the age of majority. So Bridge to Independence does not cover those children that age out at 18 until they get to 19. So here we are in the middle of a pandemic. We have a period where, where people are getting kicked out of their homes. We now have children who are very vulnerable, that are not getting covered. It was never intended to exclude two tribes. The other tribes are included that have 18 as the age of indepen-- of 19 as the age. And so we have a dichotomy here. And we're talking \$61,000, which is not a huge amount. Fifty-one-- or \$5 million, that is a huge amount. So I, I don't really understand what is going on. Couldn't we have waited on this bill to see what the forecast says and what's going on? To me, this is-- this doesn't make any sense. I'm very concerned about these young native children that are falling through the cracks. But again, these are children. You know, they probably did something wrong. That's why we don't give them attorneys. That's why we say that they're all bad kids at the YRTC. So, you know, these kids that fall through the cracks, to heck with them, \$61,000.

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I'm working my darndest right now to try to find the money and try to find some way to get that to happen. We have children, children who are falling through the cracks. We are under a pandemic. We have all sorts of protests and different things going on. But we cannot scramble up \$61,000 for these children. Am I angry about it? You bet I am. I've been told, sorry, anything with any kind of fiscal note is not going through. Well, it's just wrong. So what is that? Nobody said, oh, except for the military.

SCHEER: One minute.

PANSING BROOKS: So I know I am supporting this bill for Senator Brewer. But to me, this is not consistent. It wasn't spoken to me when I called with a, with a concern about this. And I am concerned about our children in this state. And I will continue to sing about those, those concerns and I will continue to talk about protecting our Nebraska children. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Pansing Brooks. Waiting in the queue: Senator Clements, Chambers, and Crawford. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I wanted to call your attention to the General Fund green sheet that you had this morning with the agenda. On line 30, it, it says the difference of variance from the minimum reserve of \$138,600,000. That's what the Appropriations Committee had ended up with for some extra funds to be able to fund bills like this and property tax and other bills. So there was, there was going to be \$138 million there. Now, we're not sure until the Revenue Forecasting Board tells us on Thursday. If they don't change that number, then there are the funds there. If it's less then, then the only thing is to do is to postpone this, unless you take it from the Cash Reserve. And the Cash Reserve depends on how, how low that is. But there-- in the Appropriations Committee, we did prioritize this military bill and, and left money for the floor for this bill to pass. But now we'll have to find out how the Forecasting Board does. But today's vote, if I'm not mistaken, we're returning this to Select and it will come back on Final Reading again and could be amended. If the Forecasting Board doesn't take too much money away, it could be amended to start it back up in 2021. And that's more into the procedures. I'm not sure, but I'm hoping if we have a good report, maybe we can put it back for an amendment to keep funding this. But I just wanted to show you that there had been funds available and we had hoped this would be funded. And it's possible if we have good news

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Thursday, that we can do that. And well, well, there's a potential another chance to have this take into effect in 2021. And I hope we do. I'm supporting the amendment and supporting the bill. Thank you, Mr. President.

SCHNEER: Thank you, Senator Clements. Senator Chambers, you're recognized and this is your third time at the mike.

CHAMBERS: Mr. President, members of the Legislature. Senator Pansing Brooks, I appreciate what you said, the conviction that was in your voice. And with all of the ferment going on in this country now, it is so significant that some people who have been in this world for more than five decades and not known what was going on really became aware as a result of the ferment in the country. If what you're trying to do is something I am trying-- first of all, I'd like to ask Senator Pansing Brooks a question if she would yield.

SCHNEER: Senator Pansing Brooks, would you please yield?

PANSING BROOKS: I will.

CHAMBERS: Senator Pansing Brooks, what you were describing, if I understood, was a bill with a-- what was it? And I won't misstate anything.

PANSING BROOKS: Well, it's a bill. It was LB849. It's been made part of the package that Senator Brewer and I have brought regarding the tribes and tribal flags and Indigenous Peoples' Day. And it is a bill that help-- that funds the Bridge to Independence program, which that's--

CHAMBERS: Thank, thank you, Senator. Since I'm speaking, I want if anybody to read the transcript to know what I was referring to. And it's an actual bill. That bill is not on the agenda. We can amend the Speaker's agenda. Some things are so important that we need to assert our authority and do some things because of decency, just ordinary common decency. Process cannot be allowed to get into the way-- get in the way of this piddling amount that Senator Pansing Brooks is requesting for such a profoundly impactful act. She-- if she wants me to, I will offer a motion to amend the agenda and put this on it. And if the Speaker was willing and would like to show some flexibility as is being shown with a bill that has much more impact than what Senator Pansing Brooks is asking for there wouldn't have to be a bloodbath on the floor. But I am-- now I'm not angry, but this is for emphasis. I

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am sick and tired of being sick and tired. Whenever something comes to nonwhite people, everything changes. Well, the rule says it. There's nothing in the rulebook that requires what we're doing here, this is something a Speaker, one man decided. Now, you all may go along with that. I didn't discuss this with the Speaker because I didn't realize it had happened. I had said I would not support this bill, this that Senator Brewer is asking us to do. But I had reasons for changing my mind and going along with it. I'm not gonna question the Speaker while he's in the chair. That is not going to happen. I'm not trying to embarrass him, but I'm trying to let him know what I will do. And you can take that as a threat. You can take it as a warning. But I will pledge to have something to say on every bill that comes before us for the rest of the session. If Senator Pansing Brooks cannot get this piddly little bill on the agenda.

SCHEER: One minute.

CHAMBERS: And if I have to find a way to do it, like Frank Sinatra, I'll do it my way. And my way is not one that comprises obtaining cooperation from a majority of this body when there is a conflict of the kind that's here now. I'm not going to start that process until I have a chance to have a word with the Speaker not on the mike to see what his intentions are. And I'm not gonna have him say anything to anybody, that, that is not what I'm interested in. I'm just offering a way out of a bad situation.

SCHEER: Time, Senator. Senator Chambers, that was your third time at the mike. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. Speaker. Senator Chambers, that was your third time at the mike, is what he said. I didn't, I didn't mean to start something when I, I stood up at the start of this, but I just-- I am concerned about this. This is a bill that made it all the way to Final Reading and to pull it back now when we're gonna have a fiscal forecast later this week, I just want it in the record that I, I disagree with the process of how we're doing things with a fiscal note on them. We should be waiting until after the fiscal forecast to decide whether or not changes need to be made or what changes need to be made. And I'm disappointed that we are at this point with this particular bill. I know that this is something that Senator Brewer has worked really hard on and so many of us in this body are extremely supportive of. And I hate to see it being delayed unnecessarily. And we don't know if it's necessary until we know the fiscal forecast. So I am just extremely disappointed that this was scheduled today instead

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of after the Forecasting Board met. And I'm disappointed that Senator Pansing Brooks's bill that we passed out of the Health and Human Services Committee bill is not going to be scheduled because it has a very small, very, very, very small fiscal note in the grand scheme of things. And I'm also disappointed that I keep being asked about other very large ticket items like property tax and tax incentives. If we can't take care of our service members and vulnerable populations, then what are we doing? What-- why are we here? Why are any of you here? Why am I here? If we-- if we're not here to serve those who have served and we're not here to serve those who, who can't stand up for themselves, I just, I, I don't understand. Maybe this is for people that have a greater vision than I do. But logic seems pretty straightforward to me here. We've got a fiscal forecast coming in later this week. Bills like this should not be determined until after we have that fiscal forecast. And if we do have to delay this implementation, then that's what we have to do. But we don't know that. And so we're spending time on this, debating this, not knowing if this is even necessary. And we keep talking about how precious time is in these remaining days. We must not find it that precious if we're having this debate today, because we could have had this conversation after the forecast and known whether or not this was necessary. And so I stand with our service members. I think this is a good bill. I stand with them having this be effective on the original timeline, not a delayed timeline. That's also bad public policy, as Senator Bolz had mentioned, to put things off into the future. It's also a different Legislature that will be dealing with the fiscal impact of that in the future. So I just think this is irresponsible and I'm disappointed that this is what we're doing today. And I wanted to make sure that that was in the record. Thank you.

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

DORN: Thank you, Mr. Speaker. Would Senator Brewer yield to a question?

SCHEER: Senator Brewer, would you please yield?

BREWER: Yes.

DORN: Thank you. The bill today or I guess the motions we're going through today, this had to be brought up on Final Reading so that you could then bring it back to Select to basically change some dates in the bill.

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BREWER: This is correct. Understand that the guidance that was given did not give us a, a timeline of you cannot have any legislate-- any bills put on the schedule that have a fiscal note until this date. It was-- it's cut and dry. And, and if you had a fiscal note then you were not gonna have it placed on the schedule. So that's why it ended up being on the schedule here today. Because if we take no action, obviously it will, it will die.

DORN: Correct. But moving it back to Select, now it will-- if we move this bill on or if we approve it in Select, then it still has to lay over to come back on Final Reading. In other words, my point being we will have the Forecasting Board. It will come back at a later time when we know more on numbers. We are not voting on the final approval of this bill today. When I talked to Patrick, he said, no, it has to lay over at least a day. So all we're discussing really is the amendment there and the addition of or the correction or changes to some dates. So part of that discussion or part of this discussion we can have is this necessary or not for funding and all of those, there might be or probably will be an opportunity at a later date. Today, what we're doing is actually going to vote to adopt or not adopt AM3003. And I am in support of both of those.

SCHEER: Thank you, Senator Dorn and Senator Brewer. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: I just stood-- number one, thank you, Senator Dorn, for that clarification. You are correct on that. And I appreciate that. And I presume that's why the Speaker chose to schedule this bill today. So I'm-- I still feel strongly that my bill-- that the bill to protect the children is really important. But I do see also that this was put up because of the amendment. So I'm glad you said it. I was gonna stand up and say that as well. I hope that you will vote for AM3003 and that we will then be able to discuss it after we know what the Forecasting Board says. And of course, we all support the military wholeheartedly. So, Speaker Scheer, I'm sorry if I misunderstood what the process was on that. As you know, Senator Brewer cares as much about the native packet as I do. And so I felt like it was an appropriate time to talk about it. I do hope that we all support AM3003 for Senator Brewer. Thank you.

SCHEER: Thank you, Senator Pansing Brooks. Senator Gragert, you're recognized.

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GRAGERT: Thank you, Mr. President, colleagues. Sitting here listening to the whole process, how it went down, of course, this bill is near and dear to my heart also. However, what I would like to clarify in my own mind is-- would Senator Pansing Brooks, please-- Patty Pansing Brooks please yield to a question?

SCHEER: Senator Pansing Brooks, would you please yield?

PANSING BROOKS: I will.

GRAGERT: Thank you. Weeks ago, the Speaker sent out notification to all of us that if we had a bill with a fiscal note to get in touch with him to deal with that particular bill in a certain-- I guess, in a certain way which may have happened with this bill. I was just wondering, were you able to contact the Speaker and work that \$61,000 bill with him?

PANSING BROOKS: I did contact him. And, and he felt that that was going to be a, a large climb for us to be able to cover that. And so I've been trying to work with other entities to try to find the \$61,000 to cover those kids that were initially intended to be covered. It was to intent to cover all kids, not exclude two tribes, because the other tribes are included. It was a mistake in the Legislature we were rectifying.

GRAGERT: OK, thanks a lot. It clears up a lot with me that we're, we're all on the same wavelength here and, and work in the process, as the Speaker requested, and clears it up for me. Thank you.

SCHEER: Thank you, Senator Gragert and Senator Pansing Brooks. Seeing no one in the queue, the question before us is adoption of AM3003 to LB153. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 45 ayes, 0 nays on the adoption of Senator Brewer's amendment.

SCHEER: AM3003 is attached to the LB153. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB153 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion, advancement of LB153 to E&R Engrossing. All those in favor, please vote aye-- please voice aye. Those opposed voice nay. LB153 is advanced. Just a second. While the Legislature is in session and capable of transacting business, I

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propose to sign and do hereby sign LB39-- 1140, LB344-- oh, excuse me, not LB1140, excuse me. Starting over, I do here sign LB344, LB770, LB870e, LB8-- 909e, LB962, LB996e, LB997, LB1014, LB1016e, LB1054e, LB1061. Mr. Clerk, for announcements.

CLERK: Thank you, Mr. President. Just a series of items, your committee on Judiciary reports LB966, LB1004, and LB1221 to General File with amendments attached. Senator Arch offers LR350, it's an interim study resolution that'll be referred to the Executive Board. That's all that I have, Mr. President.

SCHEER: Thank you, Mr. Clerk. Returning to the agenda, LB910. Mr. Clerk.

CLERK: Mr. President, LB910 is a bill originally introduced by Senator Stinner; relates to the Secretary of State; it amends numerous sections; it provides for change and eliminates fees and the collection and distribution of fees; creates and eliminates and transfers funds; eliminates provisions regarding failure to report interests to certain real estate and powers and duties. The bill was introduced on January 10 of this year. At that time, referred to the Appropriations Committee for public hearing. The bill was reported to floor, has been discussed on the floor, committee amendments have been considered and adopted. I do have a motion pending from the earlier debate, Mr. President.

SCHEER: Thank you, Mr. Clerk. Senator Stinner, could you bring us back to date in relationship to the bill?

STINNER: Thank you, Mr. President. Members of the Legislature, I first want to thank the Speaker for making this a Speaker priority. Just to give you a refresher on LB910, this bill would consolidate four cash funds under the Secretary of State into a single fund called the Secretary of State Cash Fund. It would also reduce General Fund reliance and align the organizational structure of the office with its funding structure. In support of the foregoing, it would change the-- and restructure certain fees assessed by the Secretary of State, which would also promote consistency and uniformity among business filings, as well as incentivize on-line filing. I'd like to point out that most of these fees have not been changed for more than 20 years, and most of those that are changed under this bill are less than the inflationary rate. There also in this is an elimination of the one page filing fees, the five cents. So there-- there's a combination of both reduction of fees and increases in fees and sending on-line with

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that, with the variance. If you go on-line, you'll get a break in the filing fees. The four budget programs and cash funds included under the consolidation in this bill would be the Uniform Commercial Code Cash Fund, Corporate Cash Fund, Collection Agency Fund, and Administrative Cash Fund. For management and accountability purposes, the activity of all of these funds will continue to be separately tracked. They would be subprograms under the Secretary Cash Fund. Under LB910, General Fund reliance would be eliminated entirely for these programs. It should be noted that the General Fund impact is around \$400,000 per year. Also, it's important to keep in mind that there is an upgrade planned at \$1.5 million spend for technology that is planned to be spent over the next three years. Finally, an important objective of this legislation is to streamline the business entities, filing fees, and incentive filing-- on-line filing. To the extent possible, there is a break in fees to file on-line versus in paper. Before I close, I just want to step back a little bit and maybe give you a big picture of why I'm bringing this bill, why I support this bill. Certainly with-- from my perspective, I've been on the Appropriations Committee for a period of about six years. Four of those are as Chair. And I can tell you, there's tremendous, tremendous competition for general funds money. There's competition. Obviously, we want property tax relief. There is competition because education K-12 needs funding. There's competition because HHS and Medicaid's been expanded. There's competition between provider rates. When I see an opportunity to bring something to the-- to this body which would help release some of those funds. And I truly believe that the filing fees here, which we actually went back to the stakeholders, both the attorneys and, and the banks, have agreed that this is a fair fee for what, what, what is in this new schedule. So we have checked that part of it out. But I also look at this as kind of a user fee. Why would the, us, as general taxpayers, pay in sales tax and income tax, miscellaneous tax, have to go for a specific group of folks that are using the Secretary of State services? I think when a filing fee's put in many times it's contemplated that that filing fee pays for those services. But if you don't, if you don't increase that filing fee from time to time or revisit that whole schedule from time to time, the operating costs associated with that outstrip your ability to continue to cover that under the filing fee. So that is why I've-- I brought the vote, the-- and I endorse this. Certainly I'm bringing it on behalf of the Secretary of State. And I would urge your green vote on LB910. Thank you.

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WILLIAMS: Thank you, Senator Stinner. Mr. Clerk.

CLERK: Mr. President, Senator Chambers had pending at the time we left the bill in early March a motion to bracket. I understand, Senator Chambers, you wish to withdraw that it this time. I have nothing further on the bill, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Debate is open on LB910. No one wishing to speak-- excuse me, Senator Lathrop, you're recognized.

LATHROP: Good morning, colleagues. Could I ask Senator Stinner a few questions?

WILLIAMS: Senator Stinner, would you yield?

STINNER: Yes, I will.

LATHROP: Senator Stinner, if I understand what we're going to do is allow the Treasurer's Office now to be cash funded-- or pardon me, the Secretary of State to be cash funded. In other words, the fees will pay for the costs to run the office.

STINNER: Just in these four programs, yes. There's more programs, elect-- the electoral program. That's still general funds money.

LATHROP: OK. And now the, the Secretary of State will collect fees, have the fund. What control do we, the Legislature, have over those funds, if any?

STINNER: Oh, it, it-- they still have to go through the appropriations process. Cash funds always go through it, just like federal funds go through an appropriations process along with general funds. So we will still have oversight and say in how these funds are spent.

LATHROP: OK. The, the reason I rise and ask this question, maybe you can help me with this, is we've seen the Treasurer's Office with some what I'll call self-promoting expenditures, where we've seen ads on TV that feature our Treasurer. Is the Secretary of State able to use any of these fees for a like purpose?

STINNER: We actually have a, a fairly detailed budget on the Secretary of State, and this is the detailed budget. There are line items in here. He has to conform and comply with those. We do not have any lines that have a whole lot of discretion in them.

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LATHROP: So there's no marketing, no advertising, no television budget, no marketing budget, any of that sort of business?

STINNER: Well, there is a component that is directed to the Secretary of State on international and trying to develop international trade and relationships. So there is some in there. I think it's like \$50 or \$60,000 that helps promote the state of Nebraska internationally.

LATHROP: But not within the state. We're not running TV ads or using any of the cash funds for that type of--

STINNER: Not that I'm aware of.

LATHROP: OK. Just wanted to make sure. Thank you.

WILLIAMS: Thank you, Senator Lathrop and Senator Stinner. Seeing no one in the queue to speak, Senator Stinner, you're recognized to close on the advancement of the bill. Senator Stinner waives closing. The question is the advancement of LB910 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted? Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB910.

WILLIAMS: The bill advances. Mr. Clerk.

CLERK: Mr. President, next bill, LB424, originally introduced by Senator Quick and others. It's a bill for an act relating to municipalities; it transfers and changes provisions of the Nebraska Municipal Land Bank Act; harmonizes provisions; it provides a duty. It was introduced in January of 2019, advanced to General File, debated in April of last year and again in February of this year. When-- there are committee amendments pending by the Urban Affairs Committee. When we left the issue on February 24 of this year, there was an amendment to the committee amendments adopted by-- was offered by Senator Quick, that amendment was adopted. There was an amendment by Senator Wayne to the committee amendments that was adopted. Pending: Senator Hilgers' FA102 as an amendment to the committee amendments.

WILLIAMS: Thank you, Mr. Clerk. Senator Quick, would you like to spend a few minutes bringing us up to date on LB424?

QUICK: Yes. Thank you, Mr. President. Colleagues, LB424 would expand the ability to create or join land banks to the-- to communities across the state. The purpose of a land bank is to facilitate the return of vacant, abandoned, and tax-delinquent properties to

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productive use. Currently, only municipalities located in Douglas or Sarpy County have that ability. Land banks are designed to address the vacant, abandoned, and tax-delinquent properties in our communities that the private sector has been able to address. A land bank solves this problem by acquiring property, clearing the title, and repurpose-- repurposing it in line with the priorities of the community. Cities across the state have been asking for the ability to create and join land banks for several years now, and LB424 will give them that tool. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Quick. Senator Wayne, would you like to refresh us on the committee amendment to LB424?

WAYNE: Can I answer, no? Honestly, I don't remember. This was an amendment that was worked out with all the parties involved, I believe, except for we didn't get to all the way where Senator Hilgers was comfortable with the bill. But these are just the amendments and technical amendments that we did to clean up the bill and to make sure that all the parties were involved with the city of Omaha and LIBA and other folks. Thank you.

WILLIAMS: Thank you, Senator Wayne. Senator Hilgers, you're recognized. You have previously opened on the floor amendment, but you're given five minutes.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to LB424. Before we get into some of the discussion of the land bank bill, which we've had earlier this year and we've had last year and I think we had a year before. I do want to take a little bit of a step back and just sort of help frame the discussion, kind of take everyone back to the previous discussion. I know it's been a few months. A couple things I want to say first. First, first and foremost, that my primary objections with the bill really are, are not directly related to anything that Senator Quick drafted. Senator Quick is basing his bill on a, on a foundation that precedes and predates my time in the Legislature. And it precedes and predates Senator Quick's time in the Legislature. This foundation was drafted with Omaha in mind back, I believe, in 2015. What Senator Quick is doing with his bill, with LB424, it is, it is extending that bill to apply around the state. And so my first point that I want to be clear is that I'm not objecting directly to anything that Senator Quick has come up with. And when I criticize certain provisions of this particular bill, it is not with the intent of criticizing anything that Senator Quick has done. I completely understand the process and the intent of what he is

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trying to accomplish. The second point that I want to make is that I appreciate Senator Quick's-- and the dialogue that we've had with Senator Quick in his efforts to try to find compromise. If you recall, earlier this year when we had this particular debate, I had a number of motions or amendments, floor amendments, that, that were not intended to filibuster. Those, those amendments were intended and are intended to, to make the bill better. Senator Quick has worked with me, he's worked with the Governor. He's worked with opponents and he's come up with some amendments of his own. And I appreciate his effort to do that. And I've tried to reciprocate. I pull-- I withdrew my amendments to allow him to have the bill in the form in which he chooses. Even with that amendment, however, does not address all of my concerns. So I still oppose the bill. Now, let me catch you up to where we are today, and I will be speaking a few times this morning on LB424. So I have a floor amendment and I'll talk about the floor amendment here in a second. But it is one of many criticisms that I have with the structure of the land bank bill. And ultimately, my foundational criticism is that we are creating a mechanism, the Legislature's created a mechanism, and this would extend that mechanism throughout the state that has almost no accountability, has very little accountability to the, to the citizens of the municipalities in which land banks are created. And when you combine the lack of accountability with the tremendous powers and loopholes and ways that the land bank could be used, I believe that it is incumbent on this Legislature to not extend that authority throughout the state. And if we're going to, we ought to, we ought to make significant changes to ensure that the accountability exists. And all of my criticisms stem from what I believe to be hundreds of years of human experience. We have laws relating to conflict of interest that we've had for decades. We know that if we, if we give people the authority to manage other people's money without oversight, bad things can happen. They don't always happen, but they certainly can happen. I'm not drawing on anything that's novel, anything that's unique or anything that we haven't learned from other experiences in other places. Now where we are today, is Senator Quick does have an amendment. Now I, I, I do intend I believe sitting here at this moment this morning that I will withdraw my FA102. That's my current thinking, we'll see how the debate goes, to allow Senator Quick to have that amendment get on it. Next time on the mike, I'm gonna walk through those changes to the body is where the efforts that have been made to improve the bill. Now, and a whole-- for a whole lot of reasons I think those amendments, that amendment and those changes don't go far enough. And we're gonna spend some time this morning

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talking about why I think that is the case. So we're gonna talk about this. This is gonna be substantive. I'm not here just to filibuster and to talk and take time on the floor. We have a lot of important issues with the remaining 15 and a half days that we have here in this body. But this is a very important issue. And even though we don't have a lot of time left, I don't think that means that we ought to rush through something that could have a tremendous impact on citizens in this state.

WILLIAMS: One minute.

HILGERS: Thank you, Mr. President. And so we're gonna take time, and if I don't get cut off, and we're, we're gonna, we're gonna take time just to slow it down a little bit and walk through each one of those provisions so that, ultimately, if the body approves it and I'm gonna vote, right, I'm voting no. And I hope-- and I encourage the body to vote no, that we will have a really good understanding, there will be a very clear record if there's an issue down the road at least this legislative body had the opportunity to address it in real time. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. I appreciate that this morning. And I appreciated Senator Hilgers's comments. I agree 100 percent what he said. We discussed this bill at length the last time it was up. I shared my opinion several times. These land banks are trying to circumvent what local private investors should be doing. But the reason they're not doing them is because there's no money to be made there doing that. So what we have to do because private investors see the disadvantage of trying to rebuild these communities, whatever they're gonna do on these rundown buildings is there's no money there. So if it doesn't work for the private sector, and I've said this many times, it won't work for the, for the government to do it. But that's what we do here. And that is wrong, because if there was money to be made in the free-market system we're now functioning under for now, someone would step up and they'd refurbish these buildings. And they would do what land banks are being authorized to do and Senator Hilgers correctly stated, when you give somebody authority to spend somebody else's money, it doesn't make any difference whether it's economical or not. It's not your money. And so when you put the land bank in place then they collect 50 percent of the taxes for five years. Give that opportunity to the local investor and see who steps

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up to do that. But the governance of these land banks is not supervisor overseen by anybody but the city council, not elected people. This is a difficult situation for me to get my hands around why we would allow people who have no authority or should say no responsibility to anybody except those who appointed them to spend our money. Many times the problem we have is people think that government is the answer and that's the problem, because most often government is the problem, not the answer. And so allowing these land banks to multiply across the state in all of the communities, and it was, as Senator Hilgers commented, it was set up for Omaha. Maybe it works well there. But it doesn't work in rural Nebraska because of the fact it's not economically feasible to do these things. So I'm not supporting LB424. And even if the amendments make it better, as Senator Chambers has said many times, a bad bill that starts out bad cannot be made good. And so I will be opposed to LB424 every time I get a chance to vote. And I would encourage you to be the same. Thank you.

WILLIAMS: Thank you, Senator Erdman. Mr. Clerk, for motions.

CLERK: Just first of all, Mr.-- Senator Hilgers, you you withdrew, right? Your floor amendment? Oh, I misunderstood. So you want your floor amendment?

HILGERS: For now, yeah, I want to be able to speak on the floor amendment for now. Yes, Mr. Clerk.

CLERK: OK. Very good. Excuse me.

WILLIAMS: OK, we will continue the debate on FA102 presented by Senator Hilgers. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Just to clarify, I had to go back because this has been like the 15th amendments that I've went through on this bill. The amendment, the committee amendment simply allows cities of the primary class, primary class to have their stand-alone land bank. And that was the issue brought up by Lincoln, because the way the bill was written originally, you had to do an interlocal agreement or some kind of joint partnership with a current land bank or more than one municipality has to start a land bank. So it would be two or more. And because the size of Lincoln, the primary class, we, we had an amendment to say that Lincoln can create their own. That's pretty much what, what that does in the primary class. As far as the underlining bill and the amendment that will be proposed by Senator

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Quick, I do support the bill. I do support the underlying issue. For those who remember, I had issues with the land bank. That issue was addressed in the amendment that I introduced on this bill, and it was adopted by this body. That issue is no longer an issue. So I would ask everybody to vote green on the amendment, green on Senator Quick's amendment, and green on the underlying bill. Thank you.

WILLIAMS: Thank you, Senator Wayne. Senator Hilgers, you're recognized.

HILGERS: Thank you, thank you, Mr. President. Would Senator Wayne actually yield to, to a question just briefly?

WILLIAMS: Senator Wayne, would you please yield?

WAYNE: Yes, yes.

HILGERS: Senator Wayne, I, I wasn't gonna ask you a question, but when you went through each of the amendments and that you encourage green votes on them. Did-- are you gonna vote green on FA102, or did I mishear you?

WAYNE: No, I said on Senator Quick's amendment.

HILGERS: OK.

WAYNE: On the Urban Affairs amendment, not your amendments.

HILGERS: All right. Thank you, Senator Wayne. I appreciate that. And the reason I ask was, I, I, I will at the end of my opportunity to speak three times on my amendment, my floor amendment, I do intend to withdraw it to allow Senator Quick to get the-- his amendment on and get the bill in the shape in which he would like it. Now, that does not mean I won't bring that amendment back as an amendment to what he has done. But I do want to give Senator Quick, I've tried to reciprocate the approach that he has taken on this particular bill and give him the opportunity to make those changes. And I want to be very clear to the body, I will be bringing amendments to this bill. I will-- I intend to bring-- I likely will bring amendments at General File, certainly at Select File and maybe even at Final Reading. So I don't want there to be any, be any misunderstanding about my intent or any-- or suggestion of surprise when we get to the end of this process if I introduce additional amendments, the-- to address issues that I

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believe exist in this particular bill. With that being said, would Senator Quick yield to a few questions?

WILLIAMS: Senator Quick, would you yield?

QUICK: Yes, I will.

HILGERS: Thank you, Senator Quick, and I probably have about three minutes left, so I'd like to just briefly go through so we can have a record of the changes that you have in your amendment. Is that OK?

QUICK: Yeah, that'd be fine.

HILGERS: So the first change, it looks like is on, it's on, it's only a two-page amendment, so the first change on line 2 adding the immediate family language. Can you just describe what that's meant to do?

QUICK: So to add the immediate family, you mean as far as defining what the immediate family is for the land bank board.

HILGERS: And that's for the conflict of interest provision.

QUICK: That's for the conflict of interest. That's correct.

HILGERS: Thank you, Senator Quick. And then on line 6 through 8, that, that appears to be language that will, that will prohibit a land bank from issuing bonds after the effective date. Is that right?

QUICK: That's correct. So before they could issue, I believe it was revenue bonds, now they can't-- they will not be able to issue bonds of any kind.

HILGERS: Thank you, Senator Quick. And the next change is on lines 9 through 14, and this appears to be relating, relating to some of the conflict of issue-- issues-- conflict of interest issues that I raised previously. Can you just describe what that's meant to do?

QUICK: OK. And you're talking about the conflict of interest among the board members.

HILGERS: Yes, correct.

QUICK: So they can't-- it allows the land banks-- it does allow land banks to invest in anything that is not a conflict of interest for land bank board members, employees, or their families, or businesses

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associated with them. So more or less, it's not-- we'll know if a board member is actually-- say they have interest in the bank and they're gonna take a loan out at the bank or what they want to invest or put in some of their savings in that bank, they will not be able to put it in that bank.

HILGERS: Thank you. Thank you, Senator. How much time do I have left, Mr. President?

WILLIAMS: 1:45.

HILGERS: Thank you, Mr. President. So the next one, I'll sort of do a quick lightning round here, Senator Quick so I can get it all done in this time at the mike. So the next provision, it looks like it does-- is this meant to prohibit the land bank from receiving property tax revenue under the JPA. Is that right or, or is something more there?

QUICK: No, yeah, and they can't-- actually they, they can't receive property taxes. And this will make sure that codifies that in language that they can't receive property tax dollars or they can't-- let's say-- I can't think of the word that I'm trying to find here, but to be able to--

WILLIAMS: One minute.

QUICK: --take in property tax dollars from the community by putting on--

HILGERS: Through the joint public agency.

QUICK: Through-- yes.

HILGERS: Thank you, Senator. Yeah, that's right. And then the last change, just to get this in this time on the mike, is-- and the last change looks to be largely related to the ability to dissolve the land bank. Is that right?

QUICK: What's that again now?

HILGERS: The last change starting on page 1, lines 24.

QUICK: OK.

HILGERS: Twenty-three.

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QUICK: I don't have it in front of me right now.

HILGERS: Well, that's-- so the last change, just for the record, I don't want to-- I appreciate your time, Senator Quick. I'm not-- I just want to get the record clear. The last change appears to relate to the dissolution-- that would allow for dissolution of land bank with two-thirds of the membership vote of the governing body of the municipality. So we'll talk more about this when I come back. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers and Senator Quick. The next three speakers in the queue are Stinner, Blood, and Erdman. Senator Stinner, you're recognized.

STINNER: Thank you, Mr. President. Members of the Legislature, I first want to thank Senator Quick, his dogged determination on this bill is, is really impressive. We've made the last time I checked about 19 changes to this bill. So we're not rushing it to the floor. This is a work in progress. We've tried to comply with the veto provisions of the Governor. We've talked to Senator Hilgers and tried to, to deal with his issues and other issues that have come up. So this is really a well- worked bill. It's my priority. And it's the second time, third time, third year that I've come back with this priority. And why did I come back with a priority after getting beat once, twice? Because this is a solution to a problem that is a growing problem. I don't know how to deal with nuisance properties, deteriorating properties that pull down values for neighborhoods. I don't know how else to deal with it. Private enterprise is not gonna pick up those, and that cannot possibly be the test. I mean, when I first started out on the senatorial chase here, my first year, I was in Morrill, village of Morrill. They said, how do we deal with these five or six properties that are in decay, that are falling down, that are health hazards? We don't have any way of doing that. We don't have the resources. I have now talked to a regional board that has been put together out in western Nebraska. And we have donors that are private enterprise donors. And obviously the towns may contribute to make sure that we have a pool of money that we can deal with some of those problems. Just think of these small towns. You'd pull into a small town and you see buildings fallen down. You see houses falling down. You think you're gonna move there? No. But if you can clean those properties up, maybe repurpose some of the housing if it's-- if they're capable. And obviously, by repurposing the housing, you're gonna, you're gonna hire local builders. And at any time somebody wants to buy out that house,

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I can guarantee it, it'll replenish those funds. I just don't have another answer and it's a critical problem. Certainly, it's a problem that can easily be addressed by this. Land banks have been out there for a long, long period of time. They've been very successful, very successful and helping renew different parts of towns and cities. It's something, if it's good for Omaha, it should be good for certainly western Nebraska. But this group that got together wrote an article supporting the land bank as a necessary component to try to revitalize our western Nebraska. So that's why I prioritized it. It's a problem. It's a big problem. This is the solution to that big problem. So I encourage you to, to support us, to pass this bill. Like I said, it's been worked, reworked. We've dealt with a lot of the issues. And I would highly recommend a, a green vote and ask you for your green vote. Thank you.

WILLIAMS: Thank you, Senator Stinner. Senator Blood, you're recognized.

BLOOD: Thank you, Senator. Fellow senators, friends all, I stand opposed to Senator Hilgers's floor amendment and enthusiastic support of both the Urban Affairs' amendment and Senator Quick's underlying bill. I think what Senator Quick has done has really been to embrace the nonpartisan mission of this body, which is to continually work with people within the body to try and get the bill so we could move forward on land banking here in Nebraska. To me, what I see as an outsider observing is I see more partisan shenanigans. I see some people trying to kill a bill that Senator Quick has quite sincerely worked hard to try and bring others on board to support. And that makes me sick to my stomach. I-- I'm hearing the words that are being said on the mike, but I don't believe it. I'm gonna remind everybody that land banks were a direct response to a growing list of problem properties across the United States, but also here in Nebraska. I previously sat on the Bellevue City Council where I was on the League of Municipalities' board. We consistently talked about how do we handle these types of properties because they cost taxpayers real money. These, these properties are rejected by the private market. So the fact that we keep having that put in our ear is just total bull, because they-- these properties always have serious legal and/or financial barriers that do not interest private investors. I don't care how many times you hear opposite on this mike today, talk to anybody in your municipality and ask them what private investors are doing with these properties. There's back taxes, there's clouded titles, and the investment in the repairs itself keeps these private

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investors away. So the thing that irks me the most about it, I think, and the fact that we consistently can't seem to move this forward, is that you are always talking about property taxes. You are always talking about how taxes are a burden for the people that we represent. So when you ignore land banks and the ability to move this bill forward, you're ignoring the fact that this costs your taxpayers money all the time. Be it law enforcement, be it first responders having to come and put out fires or having to board something up, be it the next door neighbors or the business next to it that is sick of people going into those buildings and doing drugs or seeing feral animals make homes in those buildings. Don't stand here and tell me that it doesn't work in rural Nebraska, because I'm telling you that your representatives sat there in meetings in League of Municipalities for years saying how are we gonna address these properties? The private sector is not interested in these properties. To say that there's no accountability, to say that there's loopholes, I don't agree with that. However, Senator Hilgers, I would say that if these problems that you keep bringing up are consistently problems. Are you telling me that Senator Quick is unwilling to work with you on this? Because I find that impossible to believe. Or are you just using these little things over and over and over again to prevent a good bill from moving forward? And that is most definitely not in the spirit of this nonpartisan body.

WILLIAMS: One minute.

BLOOD: I just ask that everybody really pay attention to what's going on. Don't listen to the smoke and mirrors. Contact your local representatives right now while this is gonna be going on for a while and ask them. Say, hey, who in the private sector has been lined up to take these properties off our hands and to help protect our taxpayers? Because I can tell you right now what the answer is. I encourage you to please support LB424. Senator Quick has worked very hard on it. He has shown true bipartisan cooperation. And I wish more of us would do that on this bill. Thank you.

WILLIAMS: Thank you, Senator Blood. The next three senators are Erdman, Groene, and Hilgers. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker. I appreciate that. I listened to Senator Blood there and interesting comments she makes. One of the things that I think needs to be flushed out a little bit is the fact that she said there are back taxes and liens and things on these properties. That's why the private sector is not interested in dealing

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with them. So instead of making the playing field level for everyone and offer the private contractor the same benefits that government gets as far as clearing the title or forgiving the back taxes, we make that only eligible for government to do that. And so to stand up here and say the reason that these private contractors don't want to do it is because they don't have the same advantage that a land bank does. That's the problem. If you want to give these private investors the same advantage and forgive the back taxes, clear the title, they would be interested in doing what the land bank does. But when you leave those things in place, it is a burden that they can't get over, a hurdle they can't jump. And so they're not interested. And so to say the land bank is the solution is, as Senator Blood alerted to-- alluded to that it is smoke and mirrors. And here's the other problem, she said Senator Quick has worked hard on this bill. Well, let me tell you something. There's nobody in this floor-- on this floor today that has worked harder over the last four years about property tax relief. So if working hard is a prerequisite for success, I should have had success a long time ago. And Senator Stinner says he has brought this as his priority bill two years prior. Wow, that's, that's bad. That's terrible that it failed two years. I've tried property tax relief for four years. I know how he feels. Because his bill doesn't accomplish what we need to accomplish. It doesn't allow the private sector to do what they need to do. It doesn't fix the problem. It lets government fix the problem. That's my opposition to LB424. And when we get these properties restored, then the land bank collects property tax and they will tell you that that property wasn't paying any property tax before. Now that we refurbished it, it does pay property tax and that 50 percent that the local units of government collect is greater than the zero they were getting before. But the point is, if you make it a level playing field, those local contractors, those local investors will do the same thing the land bank will do if they have the same opportunity. But we don't want to do that. So we're gonna make it available for a land bank to join with other land banks and own property. In St. Louis, they've done this land bank thing for a long time. They own enough property in St. Louis, if you will go and mow the lot, if you will commit to keeping the weeds down, they will give you the lot. They will give it to you. And the significant amount of investment a land bank can have in these small communities is absurd. It's been a while since I looked at the bill, but I think it was like 25 percent of the parcels in a community can be owned by a land bank. Pretty hard to compete with someone who doesn't pay the total property tax bill--

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WILLIAMS: One minute.

ERDMAN: --with 50 percent back. So to say we're standing up here trying to filibuster a good bill and trying to stop something that's needed is not necessarily the case. There are other avenues to fix this if we're willing to deal with those. But we're not. And so I don't disagree, Senator Quick has worked hard on getting this bill this far. But I'm not willing to give up and let this pass and take more of our tax dollars to do things that the private sector should be doing. Thank you.

WILLIAMS: Thank you, Senator Erdman. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I'm opposition to the bill, and it's on a philosophical stance. Government getting themselves involved, and I know they do, in economic development and free-market decisions of land purchases and what that land is used for. This throws the government in the middle of it. One of the biggest problems I have with this bill is the, on page 19, if approved by two-thirds vote of the board give an automatically accepted bid on such real property in an amount equal to the total amount of taxes, interest, and costs due to the real property. The county treasurer shall accept that bid. So a neighbor wants to buy that piece of land, a vacant house to expand theirs, and they come in to the auction and say, I'll give them \$100 more. Free market's out of it. That person cannot buy that piece of property because the government is giving an automatic bid at the low, low bid. It's a low bid. That's wrong. I have a bill coming out. Many of you heard about it, a micro-TIF. And I believe I have the votes, I'd been told. And so I believe it that I have the votes to bring my micro-TIF out of, out of committee. I agree 100 percent with Senator Stinner. There's a problem. If any of you have a district like I do and you knocked on some doors in certain neighborhoods. And the amount of buildings that you found boarded up. And then people coming out of them, unbelievable, sometimes people answered the door. Tax increment financing was to fix that problem. That's why we created it in 1978. We failed. We failed miserably to help those people in them-- living in those communities of poverty. Because we took the project for economic development, moved it on the outskirts of the towns. The micro-TIF I am presenting will fix that. A small carpenter, a family buys a tax deed, buys an old house, goes down to city hall and says I'm gonna fix it up. You don't have legal fees. You don't have to buy-- hire somebody to do a survey or a study. For the next ten years,

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you get your property tax-- the high-- back to you, the owner of the property. We just fixed with the land grant bill tries to do, the land bank bill tries to do. Hopefully, that's on the floor and we get it voted on, it's a free-market answer to the problem. People won't TIF neighborhoods or old houses because one person has a nice home, they've lived in 50 years with tulips in the front yard and on each side of them is an old burned-out building or boarded-up building. The developer can't buy that one person out. So therefore, those buildings sit and they build on, on the edge of town. That is what caused these areas and these buildings to be abandoned. Small towns have their main streets the same way. Go to Senator Stinner's area and go to Minatare, Nebraska on a school day. It's a sign-- it comes right out of science fiction, ghost town, you hear kids playing in-- off in the distance. And a main street that sits there with empty buildings. Why isn't anybody fixing that up? Because of the cost. Why doesn't what you call a slumlord, we used to call a slumlord, why doesn't he fix up his property? Because the market demands his tenants can only pay \$500 to \$600 if they're lucky--

WILLIAMS: One minute.

GROENE: --with government help for rent. He fixes up that house, puts \$50,000 in it. He gets \$1,000 or \$1,200 tax increase. That just took two months' profit. Government comes in bulldozes it, puts in houses of \$200,000 to \$250,000 and runs the people out of the community. That's why these buildings sit empty. There's no economic incentive to fix them up. This puts the government in-- it puts the government in the middle of free market. Takes the investor out of it. And now the government gets to decide what's built there. Let me tell you what an investor will do. They buy that, somebody comes in, I'll give you this much for it. I don't care what you're doing with it, you put a bar there. You can put a restaurant, you put an apartment complex. When government gets involved, then they start dictating what can be built there. And they go out and recruit their friend who helped them get elected.

WILLIAMS: Time, Senator. Thank you, Senator Groene. Senator Hilgers, you're recognized. And this is your second time.

HILGERS: Thank you, Mr. President. Would Senator Blood yield to a question?

WILLIAMS: Senator Blood, would you please yield?

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BLOOD: Yes.

HILGERS: Thank you, Senator Blood. I, I listened very closely to your comments, and I thought I heard you say partisan shenanigans. Did I hear that correctly?

BLOOD: You did hear it.

HILGERS: Was that directed at me, Senator Blood?

BLOOD: It was directed in general at some of the comments I've heard on Senator Quick's bill today. I question the reasoning because I know for a fact that he's been open to change. But yet I've not seen change.

HILGERS: Thank you, thank you, Senator Blood. So it was directed by comments you've heard, which I, I think Senator Erdman, Senator Groene, and Senator myself, Senator Hilgers, myself, are the ones who spoke on this particular bill. So I'll take that as a yes. Let me ask you, Senator Blood, is it partisan to care about trying to prevent fraud?

BLOOD: It is when you use smoke and mirrors.

HILGERS: Is it-- I'm sorry, Senator Blood, is it partisan to try to prevent fraud?

BLOOD: Yes, when you use smoke and mirrors--

HILGERS: OK. I'll take that-- OK,--

BLOOD: --and don't tell the truth.

HILGERS: --it's partisan. Apparently, that's a partisan concept.

BLOOD: And don't tell the truth.

HILGERS: Let me ask you, Senator Blood, is it partisan to try to have accountability of, of local elected officials and elected bodies?

BLOOD: Senator Hilgers, the way the questions are framed are not yes or no because they're framed in ways that you're not using facts to, to say your comments--

HILGERS: Senator Blood, is it partisan?

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BLOOD: --so I can't answer them yes or no, sir.

HILGERS: OK. Thank you, Senator Blood. I'll take that as a yes.

BLOOD: As I, I can't an answer without facts. And you're not giving me facts.

HILGERS: Let me, let me tell them-- thank you, Senator Blood. Thank you for taking the time to answer my questions. Colleagues,--

BLOOD: You're very welcome.

HILGERS: --I got to tell you, I'm gonna-- I don't get very frustrated on this floor very often. I've had plenty of names called. You want to talk about political races and things that are said about people. I'll tell you all about my races. I'll tell you about all the lies that have been said about me. I don't bring that up on this floor. I don't bring up the petty things that are said on this floor about people. I'm here to talk about the issues and the merits. This is a very special body. I-- we are here as a nonpartisan body. We are here to talk the merits. We are here to talk policy. We all have our own ideologies. We all have our own positions. But I have come to this particular debate and I've said time and time again that I have worked with Senator Quick. I have articulated the issues. And if this is a body that we want to defend, that we want to protect the nonpartisan nature, that means that we also defend and protect against the bomb-throwers who want to come in here and lob bombs, call it partisan shenanigans and walk away. They don't want to address the issues. Nothing I have said, Senator Blood, is partisan. Nothing I have said is Republican or Democrat. Yes, I have policy differences with Senator Quick. There is no doubt about it. He and I have talked about those policy issues. We've-- in fact, many of the amendments address those policy issues. But if you're telling me trying to prevent fraud is partisan, that you have to be Republican to want to prevent fraud. I reject that. That it's partisan to want to have accountability over unelected boards. I reject that, too. Is it partisan to want to prevent conflicts of interests? Is that what this body's come to? I will fight all day long on the merits. And this may be the only time you hear me ever raise my voice in this body. But I've got to tell you, if you come and you allege those things after what I've said on the floor, what I've done with Senator Quick, what I've worked on with this particular bill on the merits and the substance of my arguments, and you just want to come in and say, this is partisan shenanigans, Senator Blood, then you haven't been listening. And if you want this

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body to function nonpartisan where we can work with across the aisle, work with Republicans, work with Democrats, work with independents, then let's work and focus on the merits of the issues. And if you got any problem with any of the arguments I made, fair enough. Senator Stinner does. Senator Quick does. There are others that do. Fair enough. Vote no. It will not hurt my feelings. Vote green on the bill. Vote green on the underlying amendment. Vote down every single one of my amendments. We're in the arena to talk issues and to fight. And if I lose fair, fine with me.

WILLIAMS: One minute.

HILGERS: At least I'm here representing my constituents. Thank you, Mr. President. There is nothing partisan about the arguments that I'm making, and I will talk through every single one of them. And we're gonna go for a little while on this. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers and Senator Blood. Senator Erdman, you're recognized, and this is your third time.

ERDMAN: Thank you, Mr. Speaker or Mr. President. I was counting, so I do understand it was my third time. But I appreciate that. I believe Senator Hilgers has stated it quite emphatically and correctly, I don't believe any of the comments that I made were shenanigans or trying to be smoke and mirrors. Every one of those comments had some substance as to why these communities do not have the opportunity to fix these properties is because the local contractor, the local investor, can't compete with the government with a land bank when the land bank has an unfair advantage by the tax forgiveness and clearing the title for them. It makes a lot of sense. And Senator Hilgers exactly explained why the land bank is a problem, it's because those people who are elected to the board who make the decisions on which properties they buy and which ones they fix up and what they do are appointed by someone, not an elected official. There needs to be accountability. In every position that I've ever served on, whether it was a school board, whether it was a co-op board or this office I now hold, I was accountable to somebody because they elected me. When you're a land bank board member, you're accountable to the investors, and that's it. Doesn't seem to make any sense. But we're gonna continue to say the government is the answer. And the reason these properties are run down and they're not fixed up, as Senator Groene was alluding to, is the fact that the private sector doesn't have the same advantage that the land bank does. So this is a third try on this bill for Senator Stinner, and I would hope that the results are the

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same the third time as it was the first two. And then we'll have a real fair, honest, and straight-up discussion about how we really fix the problem, and that is we make it an advantage also to the contractor, to the private investor on how to get involved and fix these properties. For the life of me, I don't understand why we want to allow the government to step in and have a bid accepted when someone in the private sector offers more. And it's because they have the authority to accept whatever bid they want. I think Senator Groene outlined in his comments the things that happen or can happen with a land bank. I understand that. Senator Stinner commented about the communities in his district that are in need of revitalization. And Senator Groene made a comment about Minatare, Nebraska. And if you've ever been there, he is stating it correctly. There are many communities like that. It's not economically feasible to do those things because of the stipulations that are put on those people, because they can't get a clear title of the property or there's back taxes that won't be forgiven. And there's some of those things that are a problem. So we can fix those. We can work on those. And then the people in the community would fix it, and then they would be at the place where they would pay the property tax to the local units of government and not 50 percent goes back to the land bank. So I'm not in favor of this bill. As you know, I never have been and I will continue to be an opposition to land banks. The government needs to get out of our life and let us function like we should in a free-market system. So I'm asking and encourage you to vote red on LB424. Thank you.

WILLIAMS: Thank you, Senator Erdman. The next three senators in the queue are Blood, Hilgers, and Friesen. Senator Blood, you're recognized.

BLOOD: Thank you, Senator. Fellow senators, friends all, I want to clarify something. I still stand in support of LB424 and the amendment, AM509, and against the FA102. So the angry comments by Senator Hilgers actually are exactly what I'm talking about. Smoke and mirrors. So he's bringing up the issues that he alleges are wrong with this bill. He is saying that there's not transparency, etcetera, etcetera. But what I know is that when you want to see a bill go through and you want to see a bill pass and you have individual concerns about that bill, you don't love it to death on the floor unless you're trying to kill it. And I'd love to be proven wrong by Senator Hilgers, to think that Senator Hilgers is actually gonna talk to Senator Quick and resolve what these issues are, because we've had

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months to do so and create a better bill. But I don't see that happening. And so when I hear those comments and then when I hear them yell back at me as to fighting for constituents. If you're fighting for constituents, you're fighting without faux comments about the bill. Right? You're gonna say, I would support this bill, but I can't because of this, this, and this. But what you're hearing is I'm not gonna support the bill because this, this, and this. I appreciate Senator Quick. I'd like to work on things. Why have those things not been worked on? And so to me, yes, it does appear, it does appear partisan. I-- do I think that Senator Hilgers has the best interests of his constituents in mind? I have no opinion on that. But I have worked with people at the municipal level in Lincoln before through the League of Municipalities. And I know that they have the same issues that every municipality has here in Nebraska. And what I don't understand is why I don't see people having their staff calling their mayors and calling their, their area boards and saying, hey, what are you doing with these properties? What tools do you have? What tools do you need? Because they were also voted to represent your constituents. And they're the ones that are at that level that can tell you on a day-to-day basis the issues that they've been having. Now, I also know that when, when private entities come in that I've seen municipalities actually release overdue taxes and, and, and help people get things corrected so they can go ahead to get the title to the property because they want to see that property developed. So to say that this also will ignore the private industry is just silly because those deals are already being made. But there aren't people in the private sector lined up to try and get those properties. And that's the truth. And that's what you're gonna find out when you call your municipalities. So I want to take somebody at their word, and when they are saying on the mike that there are issues with the bill that they'd really like to see fixed, then why are those issues not being fixed? Because then I just consider those comments faux comments. I don't consider them legit. I consider somebody loving a bill to death trying to, to kill a bill. And I think that that's unfortunate. I believe in land banks. I hate that people try and put fear into the constituents that are watching today because land banks have been around for decades and they have a long list of success. But like many other things, Nebraska's behind. And Nebraska has a lot of communities like Bellevue that are older communities and they need help.

WILLIAMS: One minute.

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BLOOD: And so what's gonna happen is the taxpayers are the ones who are taking the hit. And I personally am not willing to do that. I'm sorry I've angered Senator Hilgers, but I do stand behind my words that, Senator Hilgers, if indeed you want to see change and this is about protecting your constituents, then I am puzzled why you're not working with Senator Quick instead of just standing on the mike. If-- with that, if I have any extra time, I would yield it to Senator Quick.

WILLIAMS: Thank you, Senator Blood. Senator Quick, you're yielded 30 seconds. He waives. Senator Hilgers, you're recognized and this is your third time.

HILGERS: Thank you, Mr. President, and when I'm done with these comments, I'll withdraw the-- my amendment. I want to speak a little bit to people who are watching this on-line and particularly those younger Nebraskans or those outside of our state who might one day aspire to be a legislator. Let me explain so the record is clear what has happened and what hasn't happened and the difference between a partisan approach and a nonpartisan approach. I have had several disagreements, substantive policy disagreements with this bill. About ten, give or take. I met with Senator Quick over a year ago and Senator Stinner. They worked through some of them. They gave me some that they could work on and some that they would not agree to. When it came up for debate earlier this year, Senator Quick had an amendment that addressed some of my issues. I let him get the amendment on. I withdrew every single one of my amendments to give Senator Quick the opportunity to make his bill better. After that debate, we sat down again. There were more changes that Senator Stinner and Senator Quick thought that they could accept. Not everyone, but there were more. Again, they came up with an amendment that will address more of the concerns that I have. I'm going to let Senator Quick get his amendment on. Now, I've told Senator Quick and Senator Stinner that I understand there are certain issues that they won't agree to that I wanted to have the body the opportunity to vote on. Now, a partisan approach to this bill would be to come up with ten reasons to oppose it. Never meet, never agree, and filibuster the thing and never give Senator Quick the opportunity to have his bill amended the way that he wants it to be amended. Not once, not once, not twice, never. A partisan approach would never to talk Senator Quick, never talk with Senator Stinner, never try to understand areas of compromise. A partisan approach would go to a, a cloture vote today. So if you're an aspiring legislator out there and you're watching this, that's the approach I

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discourage you from taking. Let me tell you the approach I took is the one that would make this body proud. Senator Quick, Senator Stinner, the Governor, myself, we worked hours together and ultimately we can't agree on everything. We can't find compromise on every bill, on all issues all the time. That's the nature of this business, what we could agree on, we will. And that amendment's gonna get on and I'm gonna vote for it. And Senator Quick knows that I'm gonna bring some amendments on issues that I think are important that I want to try to get up or down votes on. Now, if that's a partisan approach, if that is a partisan approach, agreeing to compromise where we can find it and fighting on the merits, on the merits on the others, then I don't want to have any part of that kind of approach. I started this debate on the merits. I started this debate thanking Senator Quick, thanking Senator Stinner for sitting down and working with me. I started this debate previewing for the body. No surprises. I'm not gonna surprise anyone. On the merits. So if you're wondering and you're watching at home and you hope to one day serve in this body or in any other, read this transcript, listen to my words, and try to follow that approach. This country needs more of that, more of the listening, more of the collaboration, more of the principle disagreement. There's nothing wrong with having an up or down vote on an issue. But bomb throwing, tossing in little grenades in the middle of a debate that have no-- that are no-- not based at all in the record of what's happened. I will not let that go without having the record corrected. That is absolutely not what happened here. And it's important to me to make sure that this body knows the work that we have done collaboratively. And this is how I've approached every issue with every senator in this body. Some issues we can't agree on. And some issues, there's no compromise.

WILLIAMS: One minute.

HILGERS: Senator Lathrop and I've had some issues where we haven't had any agreement, but we've had good debates on the floor. We've worked through the issues that we can. So in a second, I'm going to withdraw this amendment as I said because I'm going to let Senator Quick get his compromise amendment on. I'm gonna vote for that compromise amendment. And when we come up on Select File, I may speak another time or two because, because I have not had the opportunity to talk through some of the substantive disagreements that I have. I may talk a time or two yet today, but I'm not taking this to cloture so we can have an opportunity on Select so Senator Quick can work with some other stakeholders outside the glass on additional changes. I'm proud

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of the work that we've done together on this particular bill, even though we ultimately haven't agreed on its final product. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers. Mr. Clerk.

CLERK: Senator, do I now understand you do want to withdraw that amendment, is that correct?

HILGERS: Yes.

CLERK: Thank you. Mr. President, Senator Quick, AM2886-- 2686, excuse me, and-- but I have a note you want to withdraw that. Senator Quick would move to amend with AM2847.

WILLIAMS: Senator Quick, you're recognized to open on your amendment.

QUICK: Thank you, Mr. President. Colleagues, this is AM2847 to LB424. This amendment would make series-- make a series of changes that will address some of the concerns Senator Hilgers raised during the last debate. The stakeholders have agreed to these changes in order to narrowly tailor the ability of land banks while retaining the option to use necessary tools. We have worked to address as many of the concerns about land banks as we can without making it so restrictive that land banks can't accomplish its goals. This amendment would add language that clarifies that land banks will not invest money in anything that is a conflict of interest for land bank board members, land bank employees, or family members of board members or employees or businesses associated with the board members or employees. This, this retains the ability for land banks to invest their money responsibly while strengthening their conflict of interest provisions. AM2847 also defines immediate family more clearly. This amendment adds language that permits a municipality to dissolve the land bank, but retains the requirement for a two-thirds majority vote for cities of the metropolitan and primary class, which are Omaha and Lincoln. This strikes the ability for land banks to issue revenue bonds. Section 5 was added at the Governor's request and further clarifies land banks cannot receive property tax revenue from a political subdivision pursuant to an agreement entered into under the Joint Public Agency Act. This amendment represents compromises made by all the stakeholders on this, on this issue-- on these issues. In order to move the bill forward, I tried to tally all the compromises we've made on this bill over the last two years, and I think we're nearing 20 significant changes and compromises. I think it has made the bill

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better. However, we need to adopt this amendment and preserve the tools land banks are allowed to use so that they can make our communities better, especially during the economic downturn we are facing. I would urge your green vote on this amendment and on LB424. Thank you.

WILLIAMS: Thank you, Senator Quick. Senator Friesen, you're recognized to debate.

FRIESEN: Thank you, Mr. President. So on this bill, I've, I've-- have supported it in the past. And yet I've also supported numerous amendments that Senator Hilgers has brought. I do acknowledge that there is a problem out there. Small cities, especially, there's properties that they can no longer find the owners. They're-- they inherited the property and moved and no one can even find where they live anymore. And so you have these properties sitting there abandoned and rundown and there needs to be a mechanism for cleaning them up. But I do appreciate very much how Senator Hilgers has worked with Senator Quick and come up with numerous issues that he's had problems with. Because I think, too, when I look back on how we find solutions to some of these things, the government isn't always the best answer on how we do that. I have asked numerous times if there's a better process, if there is another process for clearing titles that would allow the private sector to be able to build on these lots and develop properties. No one has had a answer yet really, because I think it's a tough subject to tackle. But again, I think there has been a lot of discussion here on problems with the bill and there were numerous problems. There still are some problems. I do appreciate Senator Quick has been responsive to looking at these discussions and making changes and bringing amendments that fix things. Are there still some more issues? There might be. I'm still listening to the debate. I don't know where I'll be on this bill when it's done. But I do think that there's some other amendments coming that bring me further along. And one of them will be Senator Quick's that bring me further to supporting the bill in the end. We do have an issue and it needs to be addressed. Is this the right, is this the proper method? Is this the way that we should address it? I still can't answer that. Senator Hilgers, would you yield to a question?

FRIESEN: Senator Hilgers, would you yield?

HILGERS: Absolutely.

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FRIESEN: Senator Hilgers, I asked you earlier, you know, is there a better way to do this? And I don't want to put you on the spot this quickly, but if you, if you have an answer to me on that you can address it. If not, I just yield you the rest of my time.

HILGERS: Thank you, Senator, thank you, Senator Friesen. How much time do I have, Mr. President?

WILLIAMS: Two minutes and 35 seconds.

HILGERS: Thank you, Mr. President. Thank you, Senator Friesen, for the time. I don't sit on the Urban Affairs Committee. I would give maybe two different approaches. I think the current approach, which is one that I, I don't favor, Senator Friesen, in general, I think there are a lot of issues with having government try to solve this particular problem. But if, if you were to have the current approach, some of the amendments that I have proposed, if they were adopted I would support the bill. So, for instance, I've got an amendment that would reduce the level of, of parcels that could be held. So right now the cap is 7 percent. It seems awfully high to me. It seems like these, these properties, if the purpose is to get them back functioning back onto the property tax rolls, that we ought to get them off and not allow the land bank just to hold 7 seven percent of the property for whatever, you know, long-term vision they might have. So that-- that's a concern of mine. The conflict of interest is a, a very significant concern of mine. But I think if that were addressed, that would help. I think the ability, the land bank really to be able to invest its funds into other enterprises, there's nothing restricting it from investing its money in some private equity, that private equity venture that has nothing to do with land or real estate or of any kind. I think those give me pause. But I certainly the amendments that I've laid out, I think set a substantive direction towards trimming it back to where I could support it. I do-- I would like to-- if, if truly the private sector mechanisms are not working and I will, I will stipulate that that's a problem. I've never disagreed with the problem or stated or at least brought any evidence to suggest that it's not a problem. I'd like to maybe see some different changes on the, on the private sector. Could a micro-TIF solution be something that we could look at? I'm not sure. So at least with the bill presented to me since I'm not on the committee, the way that I'd try to solve the problem is through trimming these issues that I've, that I've identified. Would love to see a private sector solution if there is one, but other than maybe micro-TIF solution, I don't have one to present.

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WILLIAMS: One minute.

HILGERS: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers. Mr. Clerk, for announcements.

CLERK: Mr. President, bills read on Final Reading this morning were presented to the Governor at 11:15 (LB344, LB770, LB870e, LB909e, LB962, LB996e, LB997, LB1014, LB1016e, LB1054e, and LB1061). Explanation of votes from Senator Hilkemann (LB344, LB770, LB870e, LB909e, LB962, LB996e, LB997, LB1014, LB1016e, LB1054e, and LB1061). Senator Cavanaugh would like to add her name to LB43 as a cointroducer. Business and Labor will have an Executive Session at noon in 1113. Business and Labor at noon in 1113. Senator McCollister would move to recess the body until 1:30 p.m.

WILLIAMS: Members, there's a motion to recess the body till 1:30. All in favor say aye. Opposed same sign. Motion carried. We are recessed till 1:30.

RECESS

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

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

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

CLERK: One item: Business and Labor Committee reports LB1160 to General File with amendments. That's all that I have.

HUGHES: Thank you, Mr. Clerk. Returning to debate on LB242 [SIC LB424], Senator Quick, do you want to give us a brief reminder where we're at?

QUICK: Yes. Thank you, Mr. President. So AM2847, will-- we're trying to make some of the changes that we've worked on with Senator Hilgers and also with some of the other stakeholders. These are things that we've sat down at the table and agreed upon, and so I'm hoping that we can pass this amendment, the Urban Affairs amendment, and then move it on to Select File. So I know there's some more work to do on the bill, but we'd like to get-- like to have-- like to have the opportunity. We won't have the opportunity to work on it if we don't move it to

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Select, so there's some other things that I've talked to Senator Hilgers about that we can work on. So with that, thank you, Mr. President.

HUGHES: Thank you, Senator Quick. Those in the queue are Senators Groene, Matt Hansen, and McCollister. Senator Groene, you're recognized.

GROENE: Thank you. As I said, I'm not filibustering this. I-- I identify with the problem that Senator Quick and Stinner were trying to address in the past, vacant buildings sitting in small towns and communities and just sitting there and continuing to deteriorate. I just don't think government's the answer. I think the free markets are still the answer. Senator Quick said the cities plan, but that's not in the bill. That's what-- that's a fear I have. They have a plan. A mayor, a city administrator has a plan of his vision of the city, not the free market's plan, his plan. And then the plan includes acquiring certain amounts, lots and certain lands so they can create their plan. That isn't America. That's the five-year plan used in other economies. I understand the problem. Senator Blood, would you answer a quick question?

HUGHES: Senator Blood, will you yield?

BLOOD: For Senator--

GROENE: You were one-- you were at one time involved in city government, weren't you?

BLOOD: Yeah, I didn't say yes.

HUGHES: Senator-- she has not answered, Senator Groene. Senator Blood, will you yield?

BLOOD: Yes.

GROENE: Senator Blood, you were at one time involved in state and city government. Weren't you a city council person?

BLOOD: Yes, sir.

GROENE: Thank you. That exchange between Senator Hilgers and her earlier is a rationale why I don't want government in charge, because personal beliefs in free market, nobody cares about the other guy's opinion. If they supported you for the election or if you disagree

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with their political philosophy, if you buy-- if you give the best bid, you're gonna get it. In government, political decisions are made. I don't like that guy. I don't like his plan for what he's gonna do in the free market with that land, doesn't fit into my image. I don't own the land. I don't have any stake in it. If we-- if the city owns it for a while longer, I have no problem with that. I see it too much in-- in local governments. The best answer for this problem is the free market. The micro-TIF that we're bringing later is a good answer for it. The only problem-- I don't mind if this passes, but the minimum bid, the exclusive bid by the-- by the government entity over that of a bid by a free-market bidder has to come out of this, because if a free-market person looks at this and says, I can use micro-TIF on this, I want to build a house but the plan of the city is, no, we're gonna use that and turn it into a park, when the land bank purpose is not that at all, the purpose is to take possession. They can mow the grass, I guess. I don't know how they can. They don't own the property. They've got to get permission still to trespass, I would think. But the free-market person can buy it, buy the tax lien. He can turn around and the person-- and he can contact the person who owns it and said, hey, I'll just buy this property from you, I got the tax lien, how much more would you want? The city won't do that. The individual will because he sees a profit motive; he sees the ability to use the micro-TIF on it; he sees the ability that he could build his own home on there or fix the old house up himself and live in it with a tax break for the next ten years. The city is out of it; government's out of it.

HUGHES: One minute.

GROENE: The government plan is out of it. The tax dollars are out of it. There's a huge-- there's loss of tax dollars here, folks, you understand, too, to the schools in the counties and everybody else, because the city gets to keep half of it, I understand, when the tax lien is paid off. Elected officials on a city council are not venture capitalists; they're not developers. They're schoolteachers, public employees, small business owners, housewives, retired people. They don't need to be making development plans or-- or getting involved in economic development. They don't know it. The entrepreneur does. That is what America was built on, on the entrepreneur. So I'm not filibustering this. I'll probably sit on it. It fits into my micro-TIF if the city don't get an exclusive bid on the land.

HUGHES: Time, Senator.

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GROENE: That has to come out. Thank you.

HUGHES: Thank you, Senator Groene. Senator Matt Hansen, you are recognized.

M. HANSEN: Thank you, Mr. President. And good afternoon, colleagues. I do rise in support of I guess everything on the board, the Quick amendment, the Quick bill, and the Urban Affairs amendment. I'm appreciative by the kind of acknowledgment that there's, at least by several senators, not a filibuster going on. That's good to hear. So I'll just kind of try and cut my talk shorter than I intended on kind of a spirit of good faith to let Senator Quick move his bill on this afternoon. I did want to rise and talk about what the Urban Affairs Committee has looked at or why we keep looking at land banks. There's a specific-- as somebody who's been on the Urban Affairs Committee for six years now, there's a specific constitutional provision, and it's Article VIII, Section 4, that says the Legislature doesn't have the power nor could give its political subdivisions the power to cancel back taxes unless they come into possession by the state or governmental subdivisions. And that is kind of the purpose of the land bank, is it fits into this limitation we have in our constitution on who can clear off some of these messy titles and back taxes on some of these most neglected properties. And that is the purpose and that is the goal. That is an-- I think that is a good limitation to have in our constitution. That is not something that I think we should change or-- or blow open at this point to allow other people to be able to-- the power to cancel these taxes. Having a very limited provision through the city, through the land bank is what we have. But that fundamental key is why the land bank was originally introduced, why we've gone this way, and why we keep coming back to it, is our constitution has this limited provision that we, as a Legislature, are even pretty limited in what we can do in terms of some of these back taxes and cloudy title on individual parcels of property. I just wanted to put that in the record. Again, I remain supportive of the land bank concept, and I'm very appreciative of Senator Quick and for Senator Stinner for being such great champions of this over the years. With that, Mr. President, thank you, and I'll-- don't need the rest of my time.

HUGHES: Thank you, Senator Hansen. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. I support the amendments on the board and LB424 by Senator Quick. I've

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been through Nebraska. I've seen the abandoned buildings, small towns, big towns, abandoned buildings claimed by nobody. You should, I think, know that this bill was first introduced in LB97 in 2013. I created the landmark authority-- the land bank authority in Omaha. It was approved by the Unicameral on a vote of 47 to 0 to 2 and was signed by Governor Heineman. Omaha implemented the land bank-- first land bank in 2014. In six years, none of the problems that we've discussed this morning about land banks has ever materialized. It was successful, no fraud, no conflicts of interest, no crimes, no charges, no nefarious conduct. It has worked well in Omaha and could work well in many other parts of the city and of the state, I should say. Having worked with it in Omaha, there's many reasons for a good land bank. Some of these properties have-- have utilities that need to be disconnected; they have pollution; they have other issues that make the role of government important in correcting some of these issues in some of these rundown areas. I've enjoyed the conversation about free markets, the profit motive, and I agree. Whenever possible, that should be the way we conduct business. But there are certain roles that government should have, and creation of a land bank is one of those roles because it takes the role of government to consolidate these properties, demolish the buildings, disconnect the utilities, and it's a great way to get the properties ready for sale. Selling those properties ultimately is the best way to go. I agree. I support the bill and I encourage your support as well.

HUGHES: Thank you, Senator McCollister. Those in the queue are Hilgers, Dorn, and Moser. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good afternoon, colleagues. Picking up where we left off, I do-- before I get into the substance of some of these objections that I have to the land bank bill, I do want to at least let the-- the-- about to say the court-- let the body know where it is that we're going so you have an idea of where we're headed. I-- and as I said earlier today, no surprises here, no surprises. I want to talk the merits. I'm talking substance. So I've told Senator Quick; I've spoken to Senator Erdman. We're gonna take the-- we have two hours, according to the Speaker, before cloture. I intend to turn my light off before then, talk for about an hour and a half, so that Senator Quick can get up-or-down vote on his amendments and his bill. Now I'll tell you, I'm gonna vote green on the underlying amendments because I do think that it makes his bill better, but I'm absolutely gonna vote red on LB424. And between General and Select, Senator Quick and I are gonna continue to work, Senator Erdman, see if there's

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additional improvements that can be made. And I do intend, just so the body's aware, that over Select File and-- and very likely on Final Reading as well, I'll have additional amendments. Each one of these amendments are meant to address a specific issue that I've identified in the particular bill, which is, as I mentioned earlier, is based-- it is based on the 2014 Land Bank Act that was passed just a few years ago. So I want-- I appreciate Senator McCollister's comments, Senator Matt Hansen's comments. And I-- I want to sort of-- I think Senator McCollister gave me a nice segue to a point that I'd like to make. So Senator McCollister made the point, and I think it's a very valid one. Senator McCollister's point was, look, this has been in Omaha for six years, there hasn't been any evidence of fraud, there hasn't been any evidence of conflict of interest, so what's the problem? And I think that's a-- that is a-- that's a fact that we should have on the table; it's a great point to address. But what I would tell you is, in a lots of other contexts, it doesn't matter if there hasn't been something bad that's occurred in the last three or four or five years when it relates to conflicts of interest or fraud. As a best practice in a number of other places where we are concerned about fiduciary responsibilities and board members, we put in conflict-of-interest provisions. It's not because we are trying to react to something that's happened in the near-- the near past. It's because we're trying to solve a potential problem in the future, a problem that we know is more likely than not to happen when we don't have these safeguards. So I'll give you just two examples that are already in our statutes. So one example is in-- in Chapter 21, and this is the UCC that I believe-- I believe it's the UCC provision, but it relates to fiduciaries, board members of a company. And the conflict-of-interest provision there talks about direct or indirect benefit for the-- for the board-- board member. In other words, in a corporation where you have fiduciary responsibilities, based on previous experience, the law has evolved to say, well, look, we know you put-- you put someone who has the keys to the vault in a position where they can control who gets the money or not, if we don't have some-- some safeguards, some accountability for those individuals, bad things can happen, not always, maybe not even most of the time, but they can, and they can happen with enough frequency and sufficient magnitude that we ought to be proactive. So when it comes to board members of a corporation, we actually have a pretty stringent and broad fiduciary duty, conflict-of-interest provision. Similarly, elected officials, in Chapter 49, there's a similar conflict of interest and we-- and this is something that all applies to us. If there's something from which we can have a financial benefit or fin-- to-- from which we would have

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a financial detriment that we're gonna vote on, there's a potential conflict of interest. So the first point I would make is the idea of having conflict-of-interest safeguards in the law is one that has been widely accepted for decades, if not over 100 years in all area-- all different areas of law from election-- from elected law applying to elected officials to corporations. So it certainly would stand to reason that we would want to have a similar provision here. Now, Senator Quick, to his credit, when I made this argument on General File the first time around, did say, hey, look, let's come up with some conflict-of-interest language, and he does have some conflict-of-interest language in AM2847. And that is one of the reasons I'm gonna vote for it, be--

HUGHES: One minute.

HILGERS: Thank you, Mr. President. It makes the bill a little better. The problem I have, and you'll see this on Select File, and I'll work with Senator Quick because he might agree to this, is that the conflict-of-interest language in the bill only is tied to ownership, so you can't enter into a contract with a company in which the board member has actual ownership tie. But that's a very narrow financial benefit. If you talk about the language that I just referenced in Chapter 21 or Chapter 49, which was direct or indirect benefit in the case of corporate officers or a financial benefit or detriment in the case of elected officeholders, that's far broader. And I think that's a very sound public policy because you want to ensure it's not just limited to ownership. There are other ways that someone could use the public trust to benefit themselves. So one change I would like to have on Select File is to broaden that so that we're covering financial benefit detriment, something that's more akin to what we already have in statute. Thank you, Mr. President.

HUGHES: Thank you, Senator Hilgers. Senator Dorn, you're recognized.

DORN: Thank you, Mr. Chairman. Stand up in support of the AM, the amendment, AM2847, and AM509 and the bill, LB424. I do want to thank very much part of the discussion that's gone on here today and the fact that Senator Hilgers, Senator Quick, and others have very much talked about the fact that they have been working together-- they've been working together on this bill. I think they're all kind of in agreement that they would like it to proceed to Select and then they could work to fine-tune it some more. Did want to get up and talk a little bit about, though, some issues going out there in some of our rural areas. In the town where I live, Adams, about five, six years

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ago, was more than that, had a house, had the roof fall in. A lot of those people in town wanted something done with that. The city council started legal proceedings. The property owner lived out of state, didn't care, didn't-- didn't pay the taxes, didn't care about doing anything to the property, didn't want to take the money to spend to take it down. It took six years of legal proceedings by the city attorney to get that to the point that the town now had ownership of it and could take the building down, take the house down. That lot currently sits as a grass lot in town, a lot better than a house with a roof done in or whatever. Another issue that happened while I was on the county board, and you find out some, I call it, attorney things that happen when you sit on a county board, city of Wymore had a property and it had come up for tax sheriff auction. And that had gone through all the proceedings. It takes about six years to get to that point that the sheriff will auct-- auction it off for lack of taxes. It was a building that had-- basically the roof and everything had fallen in. City of Wymore also had done their work with their attorney, and they found out that if nobody comes and bids on that property, it doesn't revert to the city of Wymore. It reverts to the county. The county had to pay \$16 because that was still the legal filing fees in the assessor's office and such to get property ownership to the county, \$28,000 later of removing the stuff in about three years. The county then-- we entered into an agreement with the two neighboring property owners for a total of \$500 each they paid, and we gave half of the property back to them. So it's not just the issue of the property taxes that are due on there and not getting paid for them. It is also the issue of some other, I call it, government entities that now are having to come up with money. I do agree very much that we need to work out some kind of solution. We need to work this out so that if there is a formation of a group or land bank or whatever you want to call it, that they now have the ability to work through some of these issues, that you're not spending all that time in court, that you are there to clean those properties up. I think that's the goal of most people here is, how do we clean those properties up, get them back on the tax roll, make them productive, or at least make them, I call it, nice to look at so there is a grass lot or something there and that it's not a building with a roof that has fallen in and an eyesore to everybody. I think if you ask most people in any community, they want nice-looking structures, nice-looking houses. It not only adds to the value of the beauty of the landscape, but it also will add to the value of their-- their own property. So thank you very much for the discussion that's gone on today.

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HUGHES: Thank you, Senator Dorn. Senator Moser, Hilgers, and Erdman are in the queue. Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. I support the land bank bill. I don't begrudge Senator Hilgers trying to make it better. I think he thinks it may pass and he wants to try to make it the best product that he can. And I don't think that there's any reason to decry his tactics versus anybody else's tactics here. As long as we're operating within the rules, we're free to represent our views however we want. And if we want to waste time, we want to read the Gettysburg Address or whatever we want to do, as long as it's within the rules, you know, there's no reason to start a separate fight about tactics when we are talking about important business for the state. Cities and counties across Nebraska have properties in them that have deteriorated and economically they just don't work out. The-- the private ownership just is not economically feasible. And there are people who own property that are just plain stupid. They won't do the sensible thing, even though it may be profitable to them to sell the property or to improve it. So there are times when the land bank would have application. Now that's not to say that we want to give authority to the land banks that they could abuse. Sure, our intention is to do it the way we should, use our conscience in how we proceed. But I think Senator Hilgers is saying, you know, in the future, this is the law forever, and in the future people may not have the same conscience and the same gentleman agreement-- gentlemen's agreement that we have now. So I'm gonna look at the improvements that Senator Hilgers is proposing and, as long as they don't completely obfuscate the bill, I'm gonna support them. So I just thought I'd weigh in. I've had some questions about, you know, how I felt about it. But in my history with the city of Columbus, we had numerous properties where this could have helped us. So thank you, Mr. President.

HUGHES: Thank you, Senator Moser. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good afternoon again. Colleagues, as I mentioned before, I intend to vote for the underlying amendments because I think they make the bill better, although I still oppose the bill in its current form. And I appreciate the comments from Senator Moser. One of those amendments that I will bring on Select File, either agreed to by Senator Quick or one that I think I will bring to the body that I hope will get widespread support, is just to broaden the conflict-of-interest language a little bit so that it's a little broader than just ownership, as I talked about on the last time on the

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mike. I couldn't find a conflict-of-interest provision in our statutes that were-- that was limited just to ownership [INAUDIBLE] of an entity, and so I think having some broadening there makes a lot of sense. I'll give you another one that we've talked about a little bit on the floor before, but although not today, which I think we should take a very close look at, and so there's-- and that is the provision that caps the amount of parcels that a land bank can have in a particular jurisdiction. So in Omaha, or in Omaha currently, but this would be the law going-- if this were to be expanded across Nebraska, is a land bank can have 7 percent of the parcels of-- of a-- of a city or municipality, and that strikes me as quite a few. If the goal is to get-- to get properties that are dilapidated back on the property tax rolls, it strikes me that that process should move. Right? We shouldn't accumulate. That's sort of the antithesis of accumulating property, accumulating parcels. But it's exactly what this bill contemplates. Seven percent-- 7 percent of the property of a municipality could be held by the land bank. That's an incredible amount of property. And so one of the questions I-- I would ask is, well, why would a land bank need to hold that many-- that many parcels? Why would they need to have a cabinet? Now the answer that I've received is, well, there are more than 7 percent, or-- or maybe roughly around 7 percent, of the parcels in Omaha, for instance, that are dilapidated. Well, that might be true, but the idea that we-- that all of those parcels ought to be in the hands of the land bank at the same time ought to give us a lot of pause as to what that's doing to the marketplace. If you take nearly 10 percent of the property off the market and there's no restrictions, by the way, as to how long they can hold them-- now there-- Senator Wayne's AM509 does have-- deals a little bit with that. But if there's no restrictions as to how long that they can hold all these properties and they can accumulate nearly 10 percent of the parcels in a city, I think that's a question we ought to ask. And I have not heard a policy justification or an argument as to why the cap ought to be that high other than there are this many parcels. Well, in my view, we ought to force the land bank to get those parcels out of its hands. The whole point is to get them into the market. We don't want the land bank to hold those parcels. So 7 percent is the limit, the current cap, and one of my amendments that I brought before that I had withdrawn to allow Senator Quick to have his previous amendment on, was an amendment to lower that cap. Now I know that's not one that Senator Quick will accept, and he and I have had a conversation about that. But it's one that I think the body ought to vote on, because in 5 years or 10 years or 15 years or hopefully never, but if it ever comes to pass that a land bank in

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Norfolk or North Platte or some other community in our state has nearly 10 percent of the parcels and everyone's scratching their head and saying, why in the world does this land bank have all this property, why-- why can't we get them to move, they at least can go back and-- and find out that the Legislature talked about it, talked about that issue and voted on it. Now I would like to see that amendment pass, but maybe it doesn't. But at least we've got a record as to our action. Now on that particular issue, I sure would like to hear what the policy justification is to allow them to accumulate nearly 10 percent of the parcels on-- in a particular city. I just-- it doesn't-- that doesn't make sense to me and I-- and I-- and I want-- I would like to see that changed. Another change that Senator Quick brought, which I think was a good change-- and by the way, if you look at this bill today versus when he first brought it-- I remember having the debate on the bill three years ago. I'm sure Senator Quick remembers it as well. We were-- I think it was an omnibus Urban Affairs bill. And we were-- it was late at night and we were-- you know, it was 8:00, 9:00, and we're reading through this thing and talking about it.

HUGHES: One minute.

HILGERS: Thank you, Mr. President. This bill today, as amended so far and as it will be amended with AM2847, is a much better bill than it was before. I think the process is working. It has worked. I hope it continues to work some more. But that bill didn't have conflict-of-interest provisions in it. That-- that bill didn't have any of the property tax restrictions on the JPAs that's gonna be in this AM2847. So the bill today is far better than it was before, in my opinion. Senator Quick might disagree, but I think the conflict-of-interest provisions are good ones, and I think it will get better still. And so we're going to continue to have these-- the dialogue on these particular issues. And when we get to Select File, if we get there, we will be able to have some up-or-down votes, I hope, on some of these discrete issues, and maybe we'll continue to be able to agree with Senator Quick. Thank you, Mr. President.

HUGHES: Thank you, Senator Hilgers. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. Good afternoon. Senator Hilgers, you brought up a question in my mind when you were talking about the 7 percent of the parcels being owned in a city. So I had to go back and refresh my memory and look at the bill. Those are for metropolitan

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cities. And the amount of property that can be owned in second-class cities or villages is 25 percent. So if you think 7 percent is a high number for Omaha, 25 percent is a significant number in a small community or a second-class city. So I was wondering-- I have a few questions about the comments that Senator Stinner made and I wonder if he'd yield to a couple of questions.

HUGHES: Senator Stinner, will you yield?

STINNER: I will.

ERDMAN: Senator Stinner, thank you. Can you-- can you share with me, what do you think the biggest detriment is for private investors or contractors or whomever to buy these properties and re-- reestablish them?

STINNER: A lot of it has to do with condition of the property and where they're located.

ERDMAN: OK, so is getting a clear title and clearing up the back taxes ever an issue?

STINNER: Yes.

ERDMAN: OK. So if these properties that are in that condition, if we would afford or offer the opportunity to an investor or a contractor to have the same advantage a land bank does, and by that I mean a free and clear title, taxes are forgiven, and all of those encumbrances have gone away, would that entice a local investor to buy these properties?

STINNER: I think Senator Hansen addressed that, that constitutionally we're not allowed to do that.

ERDMAN: Well, I-- I couldn't hear anything Senator Hansen said, so I'm sorry about that.

STINNER: Oh, well, that has come up before. Constitutionally, we cannot do that.

ERDMAN: OK. But in your-- in your opinion, just a hypothetical, would you say that that would be an issue that would solve that problem if we could-- if we could do that?

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STINNER: Theoretically, there might be a mechanism to get that done, yes.

ERDMAN: Because you were-- you were talking earlier, if I remember right, you said you have private investors and people willing to donate to do that to reestablish those properties. Is that correct?

STINNER: These are community-minded people that want to contribute to a pool to try to address some of these nuisance properties, yes.

ERDMAN: Could they do that now?

STINNER: They're not necessarily investing in them. They're investing in the land bank--

ERDMAN: Correct.

STINNER: --in order-- as a mechanism to clean their towns up.

ERDMAN: Is there another mechanism that would allow them to do that without having a land bank?

STINNER: You know, so far nothing has come to light except this is a mechanism. I-- I would like to see somebody invent something that may have more attributes that Senator Hilgers and you're talking about. I-- I just have not seen it.

ERDMAN: OK. So if you would, would you share with us your opinion of a land bank owning 25 percent of the parcels in a-- in a second class city or village?

STINNER: Well, you know that-- that percentage came out of, at least in Omaha, a survey that they actually did of the town about nuisance properties that were there, and I think they were at 10 percent; 7.5 was a compromise that we moved back. We thought that was-- that made sense. It behooves the land bank to go to cash as fast as they can, so it's trying to find these-- after you clean up a property, it's trying to turn that to cash as quick as you can so that, you know--

ERDMAN: Right.

STINNER: --you-- you can continue to-- to thrive as a land bank. Otherwise, you're just-- you know, you're-- you're stymied just

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because you don't have the capacity to-- to address a lot of the properties.

ERDMAN: Right. Well, as far as I can tell, the original bill said a second-- second-class city or village--

HUGHES: One minute.

ERDMAN: --can own up to 25 percent of the parcels, and I don't think that's been amended out, has it?

STINNER: I don't think so. I'll have to defer to Senator Quick for that.

ERDMAN: OK. Well, that's a significant number. I think it's-- it's out of line. I-- I can't imagine a city of the second class having 25 percent of their parcels owned by the land bank. Even if was for a short period of time, that seems like an excessive amount of property. So thank you for the-- taking my questions. I appreciate it.

STINNER: Yes.

HUGHES: Thank you, Senator Stinner and Senator Erdman. Senator Hilgers, you're recognized and this is your third opportunity.

HILGERS: Thank you, Mr. President. Good afternoon again, colleagues. So I-- I wanted to talk a little bit about two other issues that I've identified in the language that give me some pause. I will say someone forwarded me an article that just was released in the Journal Star about some issues with the State Board-- I'm sorry, the fair, the State Fair, and some-- maybe someone creating a vehicle that was a personal vehicle to which they directed State Fair Funds, at least that's my quick read of the article was. So if you don't think that it happ-- does-- can't happen or it doesn't happen, I mean, it-- there's-- there's an article suggesting that it did happen just-- that came out just today. And so the idea that we would have something pass without having some conflict-of-interest safeguards, I just think is inconsistent with almost every other area in which we're dealing with people having unguarded access to dollars that-- that aren't there. And I would hate if sometime in the future that someone looks back and says the Legislature didn't keep their eye on the ball and just whiffed on something that was very obvious. And so that's why I'm bringing the amendments and I hope that they pass. Now let me give you two other issues that I think are of concern to me that I'm gonna talk

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to Senator Quick about. One is one that he attempted to fix and I think goes a good amount of the way towards-- towards the goal with allowing the land bank to-- to dissolve-- to be dissolved by the municipality that created it. If you recall, the land bank as it was originally constructed-- and by the way, this is one of these changes where I-- I'm gonna look back and say, if this passes, I'm very glad we had this debate because, as it was originally constructed, the land bank could not be-- be dissolved by the entity that made it. Now if you want to talk about something that could run amok and could be totally unaccountable and totally lawless, it's creating a board that can actually acquire property through this automatic mechanism, could have conflict of interest, and do all these other things and no one could actually shut it down or dissolve it. Now that, to me-- without the approval of the land bank board so that a lawless actor has the veto over being dissolved. Now Senator Quick's amendment includes, and it's AM2847, includes a provision that does allow for it to be dissolved, and I think that's a good thing. We all ought to vote for that. We all ought to cheer that. And I think the standard is pretty high, which is one of the changes I'd like to see made. Right now it's a two-thirds vote. My read of the statute as it currently stands is that it can be-- the land bank can be created by a majority vote. And if that's the case, it doesn't list-- say that explicitly, I didn't see, but it does-- it is certainly implied because of the-- it doesn't have a higher threshold. Then, if that's the threshold, then symmetrically I think the threshold to dissolve it ought to be also a simple majority vote. We've got to make sure, if we're giving these abil-- the ability to the land bank-- and-- and by the way, this isn't just about they can get the parcels, but there's so much that they can do with the land. They can get the land. They could develop it. There could be a tremendous amount of money through the development that they can earn. They can invest that in other-- in other things. So if you view it narrowly that the only purpose that could-- this could ever be used is just getting these parcels that no one ever will want to buy and getting them into the-- into the marketplace, that's fine. That's not what the statute allows. And by the way, if the statute just allowed that, if it was that narrowly focused, I'm not sure I would get up beyond a couple of these accountability measures. But the-- but the way that the statute originally is drafted, and I don't think this was any malintent of the Drafters or the introducer. It just is-- we're guided by laws. We're not guided by the intent of the introducer. The laws are incredibly broad. You could collect these parcels, up to 7 percent, develop it into an apartment complex, hire, you know, your brother who-- brother's company to run it, take those

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proceeds and profits, put it into a private equity, put it into venture capital. And I know everyone's saying, Senator Hilgers, God, these hypotheticals, that's-- that would never, ever happen. Well, maybe no one ever thought people would take money from the Fair Board, and that's what's being reported today, for personal purposes. And I think human experiences tell us that that's-- that that's not-- just not the case. It can't happen, and we ought to put in those safeguards. So I think on the dissolution--

HUGHES: One minute.

HILGERS: Thank you, Mr. President. I think on the dissolution piece, it ought to be symmetrical. Seems more than fair-- excuse me-- it seems more than fair to have it be set up that way. Currently, AM2847 takes a big step in the right direction. I'd like to see it go a little bit further. And that's one that we'll have a discussion on, I believe, probably on Select File, and it's one that I-- I hope Senator Quick and I can talk about and-- and potentially agree on. So this is my last time to speak on this amendment. I am gonna vote green on AM2847. I'll probably have a few things to say on AM509, and then we'll get to the underlying bill here within the next probably 45 minutes or so. Thank you, Mr. President.

HUGHES: Thank you, Senator Hilgers. Seeing no one else in the queue, Senator Quick, you're recognized to close on AM248-- AM2847.

QUICK: Thank you, Mr. President. I'd just like to thank everybody-- everybody for the debate today. And I look forward to working more on this bill between now and Select to try to address some-- some of the issues. I know Senator Hilgers and I have talked off to the side, and there's-- there might be things-- some things in the end that we can't come to an agreement on. But it's not that we're-- not-- each of us is willing to work on those issues. And so I know there's stakeholders also wishing to talk about some of the things that are going on. So we plan on meeting with several people in the-- and between now and Select so we can address those issues. But I would urge you to-- to vote green on AM2847. We actually need this. These-- these are some of the changes that were critical for this, the bill to move forward, so, and then I would ask for you to-- to vote green on LB424, as well, and AM509. Thank you, Mr. President.

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HUGHES: Thank you, Senator Quick. The question is, shall AM2847 be adopted to LB424? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays on adoption of Senator Quick's amendment.

HUGHES: The amendment is adopted. Senator Wayne-- excuse me. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. I'm not sure if Senator Wayne's on the floor or not. This-- we already opened on this amendment, so I think we're OK. Thank you, Mr. President. Want to go-- go on a couple of other things. I do want to correct the record, though, that I misstated, or at least didn't get the comprehensive picture, that Senator Erdman helpfully reminded me. So I-- I referenced that it was a 7 percent cap, and that is true, but that's a city of-- of the metropolitan class. That's true, actually, only for Omaha. But the amendment, and this is in AM2122, so if you recall the original bill that passed before we were here or most of us were here, certainly when I was here, was only-- only applied to Omaha, so that was a 7 percent cap. And now that it's been extended to-- to municipalities in greater Nebraska, or outside of Omaha, we have to set a different threshold. Now you might say it should just stay at 7 percent. And in my view, the whole cap ought to be less than 7. But if there's-- I-- I don't see any reason why it ought to go beyond 7, but that's exactly what it does. So I'll just-- just for the record, so the body knows what it's voting on, it's 7 percent for metropolitan class and 7 percent for primary class-- that's Lincoln-- 10 percent of the total parcels in cities of the first class, and then 25 percent of the total number of parcels located in a city of the second class, 25 percent. A whole-- an entire quarter of a municipality, if it's a city of the second class, could be owned by the land bank. Now I would love to hear the policy rationale. And by the way, this is new. OK? So the cap was part of the original bill, the 7 percent. So I know I've-- I made some comments about Senator Quick just building on a foundation. That's true. This is new. The new-- the caps are new for the-- for the other cities, because obviously they weren't incorporated in the original bill. What is the policy justification? And there-- there might be one, right? There might be one. I don't know what-- I can't fathom what it would be. Why-- why 10 percent for a city of the first class and 25 percent, a full quarter of the parcels in a-- in a city of the second class? That's pretty incredible, and so I'd like to hear what the policy justification is for that. So I appreciate Senator

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Erdman making sure that I corrected the record so that the body was-- I didn't want to misstate that, and I unintentionally implied that it was just 7 percent for everything. It's actually 25 percent in some other cities. So that's a concern of mine that I think we'll talk about on Select File. And another concern of mine has to do this automatic bid requirement. Now we've had-- we've had discussion about this already, but there's-- you may recall that the way this works is that the-- the land bank can have an automatic bid that could be accepted, and there-- there-- it doesn't just happen kind of magically. There has to be some determination made. But the land bank that this is, that really goes to it being dilapidated or worn down. In other words, land bank just can't go into some town where the houses aren't dilapidated or rundown and just start buying pro-- properties through this automatic bid process. And so the law purports to set some guidelines on that, and they've got these lists, and it's on page 8 of the AM2122, and it's in subsection (a) and there's, you know, are the properties boarded up and they're-- are they exposed elements and all these things. And you could look at each one of these and say, yep, OK, I get-- I get why that's in there. I get why that's in there. I get why that's in there. And that all-- and that all kind of makes sense. And it used to be-- I think it was just one-- it was just more than one of those criteria. But now the-- the-- the amendment is now that it's four. So you say, Senator Hilgers, what is the problem? Four of the-- you-- it takes four of these, so you got to have-- you got to have them boarded up. You've got to have them-- there have been previous efforts to rehabilitate. All the-- they have to be, there's one or more major buildings that are unfit for human habitation. Senator Hilgers, what is the problem? Well, I'll tell you what the problem is. And the problem is, is that there's a gigantic loophole, I mean, as big of a loophole that essentially wipes out the requirements. So what it says in subsection (b)-- and actually I'll go back. So subsection (a) there are nine; it looks like there are nine of these requirements. And if you show four, you got enough. But then there's a subsection (b), and here's this-- the key word. It's two letters and it does a whole lot of work here, and that's "or"-- "or," so you could do four of the nine or-- or, if the property is contiguous to parcel that meets four or more. So in other words, you can have all these four or it could just be next-door and it could be none of the four. To-- to me, that's a-- there might be a policy rationale. I think Senator Stinner talked about some of the reasons that you might have it, for little slivers of property that couldn't sell, and I get-- I-- I understand Senator Stinner's point on that. But like the rest of this bill, the description of the proponents on

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the floor, narrow solution to a longstanding problem, does not describe, completely at least, the language of the bill and the underlying law. Fundamentally, that's my issue.

HUGHES: Time, Senator.

HILGERS: Thank you, Mr. President.

HUGHES: And you are next in the queue.

HILGERS: Thank you. Fundamentally, that's the issue. That is my-- that is my issue. I-- I would prefer to see a private enterprise mechanism for this, but that's not what we have. And if I-- if I were to have in-- in actual statutory language what the proponents describe is the solution, I might be able to get behind that, even if I was-- if I was on Urban Affairs, I'd be pushing for some private enterprise solution, but that's not what we have. That is just not fundamentally what we have in this bill, and this is a great example. It's on page 8, subsection (b). You can do-- you have to have all these restrictions or you can just be next-door with no restrictions. I am certain that that was not drafted with the intent of creating a loophole. I have no doubt. I don't question that at all. But ultimately, if someone goes and they get a lawyer and they see what authority they have and they want to act, what matters is what's in the statute. What matters is what's in the statute. And if you read this, the very plain language of what was written, that we will extend if LB424 is passed, is that you can have this loophole if you're just adjacent to the property. And I think that-- I just think fundamentally that's problematic. So one of the things, as we approach Select File on this particular bill, is I will talk with Senator Quick if there's a way that we can compromise and have some amendment that narrows that. But if not, I-- I very likely will bring an amendment to help address that particular loophole, because it really is-- it's a significant loophole. It's like saying, if you want to get into this college, you got to have a high SAT, you got to have a high GPA, you have all these extracurriculars and all this stuff, or you just can be friends with somebody who has all those things. That's the equivalent of what is in this particular bill. And so words matter; language matters; the statutes really matter. It's one thing that this loophole was created potentially, incidentally, the first time around, but I think it's another when it's being pointed out and say, hey, let's-- let's fix this now. This is an opportunity to fix this particular issue. So

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that's-- that's another one that I think is worth-- worth addressing.
How much time do I have, Mr. President?

HUGHES: 2:40.

HILGERS: 2:40, OK, thank you. So I'll just go through a couple more things. And I do-- I am grateful. I've given Senator Quick a lot of compliments today, but I also want to thank Senator Stinner. We had a really good meeting with us and the Governor before we broke for COVID where we worked through a lot of these issues. And in fact, one of the things that we just adopted on LB424 was an issue that the Governor had raised and was part of his veto override letter from a couple years ago, so that related to the JPAs and the ability potentially to use that as a loophole to get property-- to-- to-- for the land bank to get property tax revenue through that mechanism. So this bill has gotten better with time, and I think it will continue to get better with time as we go beyond General File to Select. And one of the things-- and I'm-- I'm gonna preview this on the floor so Senator Quick has the benefit of it, and as I've told everyone from the beginning, I have no surprises here. I'm not-- I'm not-- I'm not trying to blindsides anyone. But one thing I would like to see in this bill is some reporting mechanism to the Legislature. What we're doing right now is we are sending this bill sort of-- we're sending-- if this passes, we're just sending it out and we're sending out to the world, into the-- into the state, and these land banks are gonna get created and the Legislature is almost just doing this, right? If any problem shows up, if there's a problem in Bayard or Norfolk that occurs, you know, the citizens have to clean that up. Now maybe, in a couple years, someone in the Legislature will say, let's go back and look and see if we can fix the underlying statute and open it up again, and maybe some of these problems that I've identified don't get fixed now but do get fixed later. Maybe they do that.

HUGHES: One minute.

HILGERS: But in the era of-- thank you, Mr. President. In the era of term limits, we can't count on that. And so without that mechanism, without a sunset, without a reason for the body to come back, what we're gonna do is, if this passes, it's just gonna get created and it's gonna be someone else's problem. Now I'm-- I'm not gonna argue that there's not gonna be some good things that come out of this, but I don't think it's incumbent on us just to try to pass things that have some good elements without considering the downside. And I've identified a whole lot of downside: excessive accumulation of parcels,

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self-dealing, conflict of interest, those types of things, getting into industries that have nothing to do with transforming that land into-- and getting it back on the productive rolls. So one of the things that I would like to have, and I'm not gonna propose a sunset, although I'd be interested in that but I'm not gonna propose that, but I think one of the things that I'm gonna work on and talk to Senator Quick and see if he has an appetite for is to have some reporting mechanism to the Legislature. It seems to me there's a whole lot of things that the land banks have that are within their-- within their possession that are easy to report--

HUGHES: Time, Senator.

HILGERS: Thank you, Mr. President.

HUGHES: You are next in the queue and this is your third opportunity.

HILGERS: Thank you-- that are-- that would not be burdensome to-- to have them collect and provide, but to give the Urban Affairs Committee, the Legislature, the Exec Board, some just simple report. You know what I'd like to know? I'd like to know how many parcels does the city of Omaha have. I'd like to know how many contracts they've got. I'd like to know-- I'd like to have-- it'd be really nice if they could certify that they-- they don't have any financial interest in those-- those companies with which the land bank has contracts. I mean, I think-- I would like to think everyone here would like to-- would like that to be true. Right? We're gonna-- the land banks get expanded, we want to make sure that those land banks operate on the up-and-up, that they don't self-deal, that they don't take so much property in a particular city that it becomes a problem, it-- it becomes a much bigger problem than the one that it was intended to solve. So it seems to me that one way we could-- we could have that is to ensure that those land banks are giving us the information where we can assess. We can assess. We're not gonna put it on the citizens to wait until there's a problem, because when there's a problem that means taxpayer money is likely getting lost or misappropriated or taken or their local-- their local economy or market for real estate development is disrupted by government player. We don't have to wait for that. The information will be given to us. And if it turns out that all of the things that are being said that we think will happen with-- with land banks, and I-- I believe with-- I believe 100 percent that Senator Stinner and Senator Quick, Senator McCollister, Senator Hansen, all the proponents think absolutely it's gonna happen. And you know what? I hope they're right. I hope that this is exactly the way

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that it works, that they say it's gonna work, but if it doesn't work out that way, that we are doing our part to say we're gonna create a-- we're gonna create an accountability mechanism such that when we're gone-- because this is in the era of term limits, people are gonna be leaving and this debate is long faded into our memories and no one cares and no one remembers, we are getting the information, some future legislative body is getting the information where they can assess land banks, which are creatures of government that we are authorizing. We can assess that they're holding true to their promises. That strikes me as a reasonable addition to this bill. It strikes me as good governance. It strikes me as a sober-minded accountability mechanism that we will wish we had if and when there's ever a problem, and I hope there isn't, but human nature tells us that there's a good chance that there would be. At least the Legislature will have the impetus to act. So one of the things I'm gonna talk to Senator Quick between General and Select is to talk through some simple, nonburdensome but real reporting mechanism so that future legislative bodies can determine, hey, has this worked out the way that we intended or do we need to make changes? I don't have that amendment in front of us now, but it is one that I'm gonna work on between General and Select, and we'll see if that gets some traction with the body. I would hope that it would. Thank you, Mr. President.

HUGHES: Thank you, Senator Hilgers. Seeing no one else in the queue, Senator Wayne, you're recognized to close on your amendment to the-- your committee amendment to LB424. Senator Wayne. Senator Hunt, as Vice Chair, would you be willing to close on the amendment?

HUNT: Thank you, Mr. President. I'm just waiting on a-- a text from our committee counsel, Trevor Fitzgerald, so I can just more clearly explain what the amendment is. Well, as we all know, it incorporates all the Quick amendments, so I urge your green vote on AM509 and on LB424. Thank you.

HUGHES: Thank you, Senator Hunt. The question is, shall the amendment-- the committee amendment, AM509, be adopted to LB424? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on adoption of committee amendments.

HUGHES: Senator Hilgers, you're recognized.

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HILGERS: Thank you, Mr. President. This may be the last time I speak on this particular issue. I can feel it. The land bank discussion is pulling the energy out of the room, so-- and we-- a lot of these points have been made on the record, which I'm happy to have. As I stated at the beginning of this conversation, I'm trying to convince the body that there are issues, and if we're gonna pass it, at a minimum, to consider the amendments that I'm bringing. And I will bring some additional ones at Select File. I haven't brought them in-- in general, I pulled the amendment at the beginning of this conversation to allow Senator Quick to have the bill in the form that he'd like it to have in it. I voted for those amendments because I thought it made the bill better. Ultimately, I think there are a lot of flaws in this particular underlying legislation. I think we're expanding it. I think we're expanding it in a way that I would consider to be too rash and too broad without taking the opportunity given to us to actually make some changes that maybe the introducers of the bill or supporters of the bill in 2014, if they had the choice, could go back and make those changes. These are changes that are not ideological. These are changes that are-- similar changes have been made in other aspects of-- of state statutes or common law that are based on decades, if not hundreds, of years of human experience. It's meant to-- to tighten and narrowly tailor, to the purpose of the proponents, a bill and a statute that otherwise are-- it's too broad. They have been drafted too broadly in a way that provides too many loopholes and too many opportunities for future mischief. Now I do want to clarify one thing because I did speak to legal counsel a second ago for Urban Affairs, and he-- he actually-- he-- he told me there are some reporting requirements already in the legislation. That's great. I didn't see that. This was something that I was thinking about today. I looked through the bill, didn't see it, but I really appreciate him giving me that piece of information. There's also some reporting requirements to the city council. So what I'm gonna do between General and Select is I'm-- I'm gonna work through those current reporting requirements and see how they can be bolstered and see if they address some of the issues that we've got. I know I've never-- I have not seen the report, and I understand it wouldn't naturally go necessarily to the body or necessarily to the Exec Board. It makes perfect sense to go to Urban Affairs, but I think maybe it's a report that ought to go to the entire body. So I'm gonna vote red on LB424. I would encourage others to vote red on LB424. I appreciate Senator Quick and Senator Stinner throughout this process. It's been one where we've had good discussion on the mike; we've had good discussion off the mike. The bill is far better today than it was

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three years ago. If it ultimately passes, we may have solved future problems by going through that process. Before, it would have been Wild, Wild West. So I'm grateful for that. I'm grateful for the conversation. I told you in the beginning, no surprises, I'm not taking this to cloture today. I look forward to having an up-and-down vote and-- but when we get to Select File, if we can't work out all these agreements, I'm gonna bring some amendments, and I hope some of them pass because it will make this bill even better. And I hope we'll look back in 10 or 15 years and we won't ever care because there won't have ever been a problem. But if there is a problem and we can solve it now with commonsense, well-known accountability measures, I think we ought to do it. So with that, I would encourage your red vote on LB424. I appreciate the opportunity to have the debate this morning and this afternoon and thank you for the discussion. Thank you, Mr. President.

HUGHES: Thank you, Senator Hilgers. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President, and I appreciate that. Senator Hilgers, I appreciate your due diligence looking into this bill and thinking of those things that may be a problem for us down the road. In that discussion that you have with Senator Quick and Stinner, I would hope that we would also include the percentage that is allowable to be owned by the land bank in each community, and we make that adjustment that would make common sense. And I would-- I would encourage the adjustment to be made on-- especially on the city of the second class and villages of 25 percent. That is a significant number of properties in a small community, and I don't know that that would be necessary. There cannot be 25 percent of the properties that need to be rehabilitated all at once. So I would appreciate that. I understand that what you have done made the bill better. I do agree with you on that, if the bill does pass or would pass, that you have made it better, I think your reporting idea is a good idea and suggestion. And I would hope that we would clear up some of that language on what they can buy and-- and what they can put under their control just because it's adjacent or contiguous with what they currently own. So there are some issues that need to be dealt with, and I would hope that if it does pass, that we can work on those between General and Select. But it would be my goal to vote red on this, and I would encourage you do the same. Thank you.

HUGHES: Thank you, Senator Erdman. Seeing no one else in the queue, Senator Quick, you're recognized to close on the advancement of LB424.

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QUICK: Thank you, Mr. President. And I'd like to thank everybody again for their-- for the debate that we've heard today. And I-- like I said before, I'm gonna continue to work on this bill. We want to make it the best bill we can so it works for our communities. I didn't address this earlier, but Grand Island has 200 properties alone that they need to address. So these are things that-- that will help some of our communities. This is a really important bill to-- to communities across the state of Nebraska and I would urge you to vote green on LB424. Thank you, Mr. President.

HUGHES: Thank you, Senator Quick. The question is the advancement of LB424 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Senator Quick, the bill is passing. Thank you. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 11 nays on the advancement of the bill.

HUGHES: The bill advances. Next item, Mr. Clerk.

CLERK: Mr. President, if I may, one item before we proceed, a new resolution, LR351 by Senator Brewer, that will be laid over. Next bill, LB147 on General file. Bill was introduced by Senator Groene, relates to the Student Discipline Act. It provides for the use of physical contact or physical restraint. Bill was introduced last year. On May 21 of last year, Senator Groene prevailed with a motion to place LB147 on General File. I have amendments pending to that bill, including one that Senator Wayne opened on-- or a motion with respect to LB147 that was opened on, on January of this year, Mr. President.

HUGHES: Senator Groene, we give you five minutes to bring us up to speed on where the bill's at, please.

GROENE: I was told by the Clerk's-- by the Speaker's Office I'd get ten, but five? All right. Thank you, Mr. President. I'll have to break this up into segments, so I could use some help, because I was assuming I had ten minutes, but we'll have more than ten to discuss this. Education is the great equalizer in American society. LB147's goal is to encourage that outcome. Education cannot occur without a safe and focused learning environment where all children can maximize their learning experience. Every student entering a public school must be assured that in that building they are safe and will be treated with equality, with no judgment taken on their behavior based on their physical presence or their family's socioeconomic condition. When LB147 becomes law, teachers, students, parents and administrators will

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be given much needed tools to assure that time spent in the classroom is used to maximize educational opportunity with minimal disruptions. Over the last four years, we have met with teachers, administrators, school board representatives, special education advocates and many others. We were told by a majority of them that LB147 was needed to clarify what employment and legal protections were available for school employees and districts when they acted correctly in those moments when a student's harmful behavior happened in a school. Our conversations were-- with interested parties soon turned away from clarifying the handling of classroom disruptions to instead anticipating and preventing these disruptions from ever happening. School personnel wanted to do things correctly. They wanted training on how to de-escalate situations before they became violent. They wanted assurance that they would have administrative and community support. They wanted the students to know the teacher was in charge of the classroom and the teacher could remove them from the classroom if they were disruptive. They wanted policy that allowed them to protect themselves and others. They wanted to have a safe work environment. Most of all, they simply wanted to be able to focus on teaching. Administrators wanted to be assured that when a child was removed from a classroom for-- for assistance and intervention, that they were in charge of the child's return to the classroom. They wanted help with the expectations of what school policy should be regarding behavior awareness and intervention. And they wanted to state-- they wanted the state to help pay for their employers' training-- employees' training. Parents wanted to be informed when their child was disruptive. They wanted a clear school policy where they could know in advance what was expected of their child and the tools available to help them and the school address the offensive student behavior. They wanted school personnel to care, to have the tools to reason with and calm the child before they were removed from the classroom. They wanted to know that their child knew they would receive equal treatment so they would not choose bad behavior as a path to truancy and expulsion from the school, which happens too often today. Special education advocates wanted to make sure those children's individual education plans were adhered to. They wanted to be sure school personnel were trained in addressing those children's needs when the emotion-- an emotional crisis occurred. LB147, as proposed today, addresses their concerns. Many of you, after hearing from teachers and citizens, have offered support for LB147, but you wanted assurance our training would be a focal point of the legislation. Today we have introduced AM3067. It will become the text of the bill. This year, Senator Murman introduced LB998 to put in place behavior awareness and intervention training

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requirements for school employees. AM3067 incorporates LB998 into LB147--

HUGHES: One minute.

GROENE: --creating a complete package that covers training, management of classroom disruptions, employees and student protections, and how we help the districts pay for the training. Senator Murman has chosen to make LB147 his priority bill, the details which I'll get into the next time I speak. LB147 is the answer, folks. It addresses the situation we've had in society over the summer about inequities and young people believing that they are treated differently. They spend a lot of time in schools. It starts there. We need to change that atmosphere. We need to assure students that they will be treated equally-- equally. So we hope that you will address-- help and pass LB147 when we come-- hopefully we don't go three hours, that rational thinking happens, and we do--

HUGHES: Time, Senator.

GROENE: --what's best for our students. Thank you.

HUGHES: Thank you, Senator Groene. Senator Wayne, you'll be given five minutes to refresh us on your kill motion.

WAYNE: Thank you, Mr. President. Colleagues, I do hope to get to a vote on my IPP primarily because I want to see where the vote count is. I have not went around and vote counted today. I did not go around and vote count months ago. This bill fails for three simple reasons. And this is important, and I'm gonna get into a little bit more as we go on today about why we have to start changing how we view systems and the biases and the discrimination and disparities that exist and what this bill will do. And this bill is gonna do-- or my problems are simple. There's three problems. One, this bill destroys the relationship between the parent and the teacher, the student and the teacher, and the district and the community. And I can show how this system that we're gonna institute or support is exactly the failed system that we have in policing, at least in the community where I come from. The second thing this bill does is it basically endorses this notion of qualified immunity that officers have. We are now gonna give immunity to teachers, whether it's reasonable or unreasonable, and so I know that there's not a lot of other personal injury attorneys here, so Senator Lathrop and I are probably gonna have a dialogue around qualified immunity and whether it's reasonable or

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unreasonable and how parents can hold the district accountable, or lack thereof, underneath this bill. And the last reason: The training that's established goes over the next four to five years, but the qualified immunity starts immediately. So what does that mean? That means before training is actually ever rolled out, teachers can intervene in a physical way-- or not just teachers, anybody, because it says personnel, anybody can intervene in a physical way without even properly being trained. We don't do that anywhere else. We don't do that in any other government position in Nebraska where we send somebody out who could physically intervene, whether it's social workers, whether it's police, without first being properly trained. While Senator Murman's bill, I think, is a great start to dealing with some of the issues that are in our schools, the training is spread out over years, yet the qualified immunity or the immunity-- I don't even know if it's qualified-- actually, it's immunity-- starts immediately. So if we want to endorse a system that will create a bigger divide in an education system that already has disparities, and we're gonna talk a little bit about stats, that we are creating the same framework that we see in other government agencies, particularly our law enforcement, where the community doesn't trust them, where the community won't interact with them, and where ultimately it will hurt young people, particularly people who come from my community in Omaha, Nebraska, and other areas of poverty. So this is a simple, in my thought, simple reason why we should indefinitely postpone this bill immediately, bring it back maybe next year when we talk about how we can make sure training's already rolled out, we have a year or two training underneath our belt before something like this happens. So I'm gonna ask my colleagues to listen, listen to this debate differently than what we did a couple of months ago, because I think, as people have seen, this is a different time. And I'm gonna talk a little bit about my perspective because I have a unique perspective, being that I was right there when almost-- Omaha almost exploded. And that same type of disparity, that same type of frustration, is the reason why some people in this body introduce bills about vouchers and charter schools and other things, because there is a disparity and there is an issue in our education system. And in no way am I supporting any of that. I'm telling you, you can't recognize the problem and say we have to find a solution--

HUGHES: One minute.

WAYNE: --and then vote yes on this bill. You cannot say that we need to stop or we need to start prison reform and vote for this bill.

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There is a direct link. So I will be watching the vote very carefully because don't talk to me about prison reform if you're supporting this bill when there's a direct datapoint line to the prison pipeline and how this will exacerbate that situation. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Beginning in the queue, those in the queue are Senator Groene, Halloran, Murman, and others. Senator Groene, you are recognized.

GROENE: First I'll address Senator Wayne's point about the Political Subdivision Tort Claim Act. Today, teachers and public employees are protected under the Political Subdivision Tort Claim Act, but they are not trained. So we are not starting immunity all of a sudden with this bill. It is there; it is there today. All public employees' incidents arising from battery, assault, a government employee is immune unless the employee is acting outside the scope of his employment, including acting contrary to policy. That's one of the problems. What's happening in the schools. The schools don't have a policy. So the-- so one teacher is at risk of being charged for battery. Another one does the right thing and they have a policy, they're covered under the Political Subdivision Tort Claims Act. I will continue now with my opening, the details of this bill. Training requirements were defined with the assistance of behavioral intervention professionals trained in Boys Town, Mandt, and CPI methods. Each school district shall offer training that includes recognition of detrimental factors impacting student behavior including, but not limited to, signs of trauma; positive behavior support and proactive teaching strategies including, but not limited to, expectations and boundaries; verbal intervention and de-escalation techniques; clear guidelines on remove-- moving students from and returning students to a class; behavioral intervention and support that will-- will take place when a student has been removed from the class; physical intervention for safety reasons; information for employees of their legal protection and of the requirements that parent-- parental permission must be given before psychological or psychiatric evaluation or counseling can be given to a child. Does that sound like this bill puts a divide between parents and students and teachers? It forces communication. If it isn't there, it will now be required. Physical intervention, student and teacher protections, it puts into law the findings of the Nebraska Supreme Court's 1999 Daily case, the case that determines that Nebraska Statute 79-258 language already implied that physical contact was an action school personnel could use when reasonably necessary to handle student behavior. Physical intervention is what we added to the

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bill in interpretation of that court case. It defines when physical intervention may be safely used to manage the behavior of a student in that moment in time when a child engages in dangerous behavior to protect such student, another student, themselves or other school personnel, or another person from physical injury. If they use physical intervention for any other reason than those, to protect a child, protect a student, protect another student, they are out of policy. That is not the case today. It defines when property in the possession of such student can be secured by a teacher. That is only when the possession by the student poses a threat of physical injury to such student, another student, teacher or other student, school personnel or other person. It makes it clear that physical intervention shall not be used for the purpose of inflicting bodily pain as a penalty for disapproved behavior. That's already in court case and law. Corporal punishment is not allowed in the state of Nebraska. It clearly states it again here in statute. It makes clear that no school personnel shall be subject to professional or administrative discipline if such physical intervention was reasonable. That's under the Political Subdivision Tort Claims Act. And it reaffirms the protection school employees already have under the laws concerning self-protection, protection of others--

HUGHES: One minute.

GROENE: --or as provided by the Political Subdivision Tort Claims Act. Classroom removal: It directs all school districts to have a policy on the process of removing and returning a student to the classroom and allows the teacher to decide if a student should be removed for intervention purposes, not punishment, intervention. The pol-- the policy must use a process that is proactive, instructive, and restorative. It must include appropriate communication between administrators, teachers. There, again, we are reaffirming communication between parents, students, and administrators, students and parents or guardians in-- in a communication process. It protects special education students with an individual education program from removal from a classroom if prohibited by their IEP. It gives teachers who have followed school policy, parents and students, the assurance that the teacher is in control of their classroom and that the teacher may have a disruptive student removed--

HUGHES: Time, Senator.

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GROENE: --from the classroom to protect students' learning opportunities. I'll finish next time.

HUGHES: Thank you, Senator Groene. Those in the queue are Senators Halloran, Murman, and Erdman. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. President. Good afternoon, colleagues. I stand in support of LB147 and the feature amendment that I hope will pass, AM3067. It's hard for me to relate to this issue, having gone to school in the middle of the last century when we had behavior problems from time to time and it was-- and it was dealt with in not a very politically correct way, but it was dealt with and those discipline issues did not disrupt the class repeatedly. When I was in school, I was not afraid of the teacher, I was not afraid of the superintendent, I was not afraid of the principal. I was more concerned that if I did something in school and a note was sent home with me to my parents, I was more concerned with how they would deal with it. Today, the teachers, I-- my heart goes out to them. They have to deal with students that are handed to them from the parents that raised them. And this is getting into a subject that we're not gonna be able to fix, but too often those students, if they are disruptive and the parent is called in, the parents supports the disruptive student. I can't relate to the teachers in your district. I can only relate to the teachers in my district. And there have been calls that I have received that-- from teachers who say, I feel threatened on a frequent basis in the classroom and there's not much I can do about it. They're there to teach. They're not there to have to deal with a disruptive student, or they shouldn't have to, but they-- they have to. Sometimes they don't get a lot of assistance from the administration and this problem isn't gonna go away on-- on its own. And I hope, through a constructive discussion here on this floor, on this bill, that we can come up with something to give support to the teachers and the students. And with that, I will yield the balance of my time to Senator Groene. I yield the balance of my time to Senator Groene.

HUGHES: Senator Groene, 2:25.

GROENE: Thank you, Senator Halloran. Back to classroom removal: It gives teachers who have followed school policy, parents and students assurance that the teacher is in control of their classroom, that the teacher may have a disruptive student removed from the classroom to protect students' learning opportunities. It makes it clear that students should be returned to the classroom by the administration as soon as possible after they have appropriately implemented

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instructional or behavioral supports to increase the likelihood that the student will be successful. Who's against that? It protects teachers from professional or administrative discipline or legal liability for the removal of students if they follow school policy. They can do the right thing. It requires parental notification when a student has been removed from the classroom or physically-- a physical intervention was found necessary to protect the teacher or others. This is under the parental-- parental rights that are reaffirmed in this bill. It requires a school district's student behavioral policy be available to the public. There will be a policy. No matter where you enroll your school, no matter where a teacher decides to teach, there will be a policy that's similar across the state guided by our guidance; doesn't happen today. It requires a school employee be appointed at the-- as the behavioral awareness point of contact and point of contact for a school. They shall be trained in behavioral awareness and intervention--

HUGHES: One minute.

GROENE: --and shall have knowledge of the community service provided. They shall give assistance to families and students if they desire assistance. Does that sound like we're dividing or putting law and making divisions between parents and administrators and teachers and students? We're encouraging it. Paying for the training: State funding will be made available through the state lottery funds that are allocated to public education. Every school district will be allocated an equal amount of money for training per each elementary, middle, and high school in the district. Lottery funds will be allocated to training through LB920. That will be the bill up after this one, after this one is passed on to Select File. Thank you. I'll finish up when somebody yields me some more time. Thank you.

HUGHES: Thank you, Senators Groene and Halloran. Those in the queue are Senators Murman, Erdman, and Albrecht. Senator Murman, you're recognized.

MURMAN: Thank you, Mr. President. I stand in support of LB147 and against Senator Wayne's motion. I want to take the time to thank Senator Groene for giving me the opportunity to prioritize this bill. I am pleased that my bill, my training bill, LB998, will be included with AM3067. I believe the two bills together are a well-rounded plan to help teachers in our schools. My main focus as a member of the Education Committee is the student, especially the vulnerable students most affected by classroom violence. Now I-- now I look to all of my

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peers in this Legislature to do the same. It is our job to enact the laws that will protect-- protect everyone in our schools. Schools should be a place where kids can focus on learning, be creative, and be free to explore the topics that are important to them. If children are endangering the safety of themselves, others or the teacher, that is a threat to what schools should be about, and the teacher should be able to intervene with a minimal risk to their license to teach. Violent acts by students don't always happen in the classroom or in front of a teacher. Sometimes these things happen in the hallways, school buses or other areas of the school grounds. A key important part of this bill is that every employee will receive basic training so that they are aware of how they can appropriately and reasonably intervene to make sure that students don't harm each other, themselves, or anybody else in the school. Representatives from administrators, teachers, and ESUs approved of this structure because it allows for much-needed flexibility while still providing clear baseline for-- for behavioral awareness and intervention training. LB147, amended with AM3067, will provide expectations of what school policies should be regarding behavioral awareness and intervention. I know many of our colleagues in the body were concerned about the language in LB147, which lays out clear steps that compose the behavioral awareness and intervention training. Senator Groene spoke about the training requirements, but I wanted to make sure to give them as well. These requirements for training were defined with the assistance of behavioral intervention professionals trained in Boys Town, Mandt, and CPI methods. The six steps are as follows, in order: recognizing the detrimental signs, that is number one; number two, positive behavioral support and proactive teaching strategies; number three, verbal intervention and de-escalation techniques; number four, guidelines on removal from and returning students to the classroom; number five, behavioral interventions and supports that will take place when a student has been removed from a class; number six, finally, the last possible step is physical intervention for safety. This is an issue that the Education Committee has been focused on for years. As Senator Groene mentioned, this protective plan is long overdue. Last year, there were multiple listening sessions hosted by the NSEA--

HUGHES: One minute.

MURMAN: --for senators on the Education Committee to come and listen to the concerns that the teachers and administrators had. There were nine teachers that came and spoke to us about their concerns and

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expressed what we could do to help them. I have heard from school personnel that have been kicked, hit, bitten, spit upon, slapped, punched or worse. One of the teachers had a traumatic brain injury due to a student who assaulted her. Too many students have been placed in danger. Educators have been injured and enough learning time has been lost. Overall, it's important to remember that the vast majority of the students across Nebraska are attending classes or coming to school ready to learn and excited to learn. It's only a small percentage of students in schools that are being disruptive and causing incidents. The five steps will help administrators, teachers, paraprofessionals, and all school employees de-escalate the situation to establish a secure and learning establishment for students.

HUGHES: Time, Senator.

MURMAN: Thank you, Mr. President.

HUGHES: Thank you, Senator Murman. Those in the queue are Senators Erdman, Albrecht, and Hansen, B. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President, and good afternoon. I listened to Senator Hilgers-- or Senator Halloran make his comments about the training and the discipline he received in school, and I was under that same authority. It worked. I learned to obey the teacher and do what I was told. I want to share a story about three years ago when I had a town hall meeting in a small community. One of my counties has one retail business. It's a little restaurant, cafe, if you will, seats about 20 people. We were having a town hall meeting in the one corner. It was six or eight consti-- constituents there. And the conversation came up about education. And as we were talking about education, there was a lady and her family there and she had a shirt on that said, "I Love Public Schools." And so she could not help but overhear our conversation about schools and school discipline. And so she approached the group and asked if she could make a comment. And I said, most certainly. She said, I am a teacher, I'm a third grade teacher in Lexington, Nebraska. She said, our school has multiple languages spoken. I think she said something like 38. And she said, I want to share with you why young people can't read to a third grade level. And I said, please do. And she said, in our school, when a student acts up and throws chairs or whatever else they do, we are to take the whole class into the hallway, and then someone comes and tries to take control of a child that's out of order. She said, we lose a whole session of learning. She said the problem in public schools is we have no control of discipline in the classroom, and she

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shared with me some of the same things that Senator Murman just shared on the mike about being hit, kicked and whatever else. And she said, when we get control of discipline, we'll have better learning. She also went on to say that the people who had their kids coming there that didn't speak English, when they arrived for their parent-teacher conference, the first question they asked with the interpreter was, are my children behaving in class? They were most concerned about the behavior of their children because they wanted them to get an education to better themselves. That's why they came to this country. She said the local kids' parents would come in, the people, the kids who hit them and throw chairs and disrupt class, and would say, if you mess with my child, I will sue you. So one group of parents was interested in education; the other in-- was interested in protecting the-- whatever it is about their child that's out of order. So I appreciate Senator Groene working on LB147 and Senator Murman having a training bill put in place to help with this issue. Senator Groene has worked on this a long time. I appreciate, Senator Groene, what you have done and what you have tried to do, and relentlessly you have tried to fix the problem and I believe you have a solution that will work. I am proud to tell you that I'm going to vote for the amendments and for LB147, and I am not voting for the indefinitely postpone motion by Senator Wayne. I don't believe that's appropriate at this time. And if I have any time left, I would yield that to Senator Groene. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Groene, 1:00.

GROENE: Enacting LB147 is long overdue. Parents want to be assured that when they drop their child off at the front door of the school, they know their child will be safe and their child will have the best opportunity possible to learn. Students and parents want to be assured that they will be treated with equality and expectations about student behavior are the same for all. They want to be assured that school policy is not designed to punish but, instead, to be a restorative process. Teachers and other school personnel want stability in policy, that no matter who is on the school board, who is present administrator or what district they work in, a policy reflecting state law is already in place. I also heard the-- the fears of teachers about the growing physical attacks on teachers and their students that are occurring in our classrooms. No student should have to experience the fear of being attacked in the classroom.

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FOLEY: That's time, Senator. That's time. Thank you, Senator Groene. Senator Albrecht, to be followed by Senator Ben Hansen and Senator Cavanaugh. Senator Albrecht.

ALBRECHT: Thank you, President Foley. And I rise today in support of LB147 and certainly in opposition of indefinitely postponing this. This has been in the-- in the works for a number of years, since I've been here, at least, for the last four. I just want to read into the record. I know all of us have received a letter from the Nebraska State Education Association-- Jenni Benson is the president-- and on July 20 of 2020: Members of the Nebraska Legislature, regarding LB147, change the Student Discipline Act, teachers and administrators must collaborate to develop and maintain a safe and healthy learning environment in every Nebraska school building and classroom. Our goal is to ensure that all students and staff can learn and teach in a safe and supportive environment, but we must have the help from local administrators and lawmakers, state lawmakers. We have heard from school personnel who have been kicked, hit, bitten, spit on, slapped, punched or worse. Too many educators have been injured, too many students endangered too. Too much teaching and learning time has been lost. Nebraska teachers are pleading for your help. They need LB147 to provide a safe school environment for all students and school personnel. A number of amendments have been filed on LB147. We have worked with education groups to arrive at a compromise language now encapsulated within AM3067. The amendment protects teachers from administrative discipline for intervening to protect a student from being harmed or having a student removed from a class if a teacher was acting in a responsible manner. AM3067 also includes provisions of LB998, which we support, requiring behavioral awareness and intervention training for all school employees. AM3067 is a full rewrite of the original LB147 and represents language agreed to by representatives of the Nebraska State Education Association and the Nebraska Association of School Boards and the Nebraska Council of School Administrators and the Nebraska Rural Community Schools Association. There are two primary components to AM3067. The first would allow school personnel to use physical intervention to safely manage the dangerous behavior of a student until the student is no longer a danger to themselves or others. AM3067 states: Teachers and other school personnel may use reasonable physical intervention to safely manage the behavior of a student to (a) protect student, another student, a teacher or other school personnel, or another person from physical injury, or (b) secure property in the possession of a student if the possession of such property by such student

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possesses a threat of physical injury to a student, another student, a teacher or other school personnel or another person. The second component would require school districts to have a publicly available policy on how and when a student can be removed from and returned to class and the need to provide instructional or behavioral interventions. Each school district shall have a policy that describes the process of removing a student from class and returning a student to class. Such a policy (a) describes how and when a student may be removed from the class and re-- returned to the class, and (b) use a discipline process that is protective-- excuse me, proactive, instructive, and restorative, (c) requires appropriate communication between administration-- or the administrators, teachers or other school personnel--

FOLEY: One minute.

ALBRECHT: --students and parents or guardians. Such policies shall be made available to the public. Our members do not want any child to miss the opportunity to learn, even though those are-- those who are disruptive and need to be removed from the classroom. They do not want to ensure-- they want-- they do want to ensure all students are safe and that chronically disruptive or violent students receive the help they need. Teachers need to be supported by the administration in order to maintain a classroom environment that is most conducive to learning. In order to do this, it may be necessary to remove a student from the classroom. All students deserve to have a safe and productive learning environment where they are free from the distractions and disruptions. Please support the advancement and adoption of LB147 with AM3067. I just want to thank Senator Groene and Senator Murman for their unwavering support of the teachers, of the students and the faculty and everyone involved. I have several grandchildren and I want them to have a safe and healthy work-- working environment while they're learning, and I just would ask for your support on this bill. Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Ben Hansen, Cavanaugh, and Wayne. Senator Ben Hansen.

B. HANSEN: Thank you, Mr. President. I do support LB147, and I do appreciate Senator Groene and Senator Murman taking the time and the effort to work with the teachers and the administration and the state of Nebraska to come to a good compromise and come to something that everyone can kind of live with. And so I do just want to reiterate one thing. Senator Albrecht mentioned. One line from the same letter that

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the NSEA sent out was: We have heard from school personnel who have been kicked, hit, bitten, spit upon, slapped, punched or worse. And this is the reality that we seem to see teachers face more and more every day from all kinds of students, not just from one demographic but from all. And so it is time. It is time to listen to our teachers and the personnel and how to not only protect the teachers but also protect the students as well. I've tried to educate myself a little bit on some of the current school violence and school personnel interventions since times have changed a little bit since I've graduated. I was still-- I wasn't probably the nicest kid in the world, I guess, but I've gotten my ear yanked on quite a few times, pulled out of the classroom when I was misbehaving, so it may be time to change a little bit. So I try to educate myself a little bit more on how it works currently. I watch videos. I've discussed with local schoolteachers, read what other states have been doing to address disruptions. And right now, compared to what I have dealt with in the past when I've talked with other teachers who have been doing this for decades, it seems like chaos in our classrooms when one kid, one kid-- they have to remove the whole classroom now when one kid throws a fit and destroys-- destroy the classroom. I think something fundamentally needs to change because that does not seem right to me. And when I tried to look at how many other states have similar legislation, compared to what Senator Groene is trying to pass here about physical intervention, we're one of the few in the nation who do not have one. We do not have a law to help teachers out when-- with safe physical intervention. Forty-one states in the country have some form of physical intervention-- intervention legislation to help protect their teachers. We're one of the few who do not. I know there has been some disagreements between teachers, the teachers' union, the school board administration, about how best to move forward with this and it looks like they have come to a very reasonable solution. And so I think we should listen to them, not our own personal bias sometimes, but listen to the teachers. And we are allowing them to make the best decisions they view they can make through policy changes as well. That was one of the components that requires school districts to have a publicly available policy on how and when a student can be removed based on what they feel is best. So the state isn't usurping local control. We're just allowing them to do what they feel like they need to do to protect themselves. So I appreciate the bill. I'd appreciate a green vote from everybody for Senator Groene's bill, and I appreciate the hard work they've done. And with that, I will yield the rest my time to Senator Groene.

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FOLEY: Thank you, Senator Ben Hansen. Senator Groene, 1:30.

GROENE: Thank you, Mr. President. Finally getting to my opening, I could not make it any shorter because the facts need to be told here. I also heard from the fear of teachers about their growing physical attacks on teachers and their students that are occurring in our classrooms; not only the teachers, it's other students. No student should have to experience the fear of being attacked in a classroom or watch others being attacked. What kind of memory does that leave them? Or watch another child tear up a classroom, what type of memories does that instill in them? If we cannot achieve equality in the classrooms, we cannot achieve equality in our society. We have a problem in this society. And where's the best place to address it, where a child comes into school at the age of five? And from that moment on they're create-- they're treated equally with a policy and training where a teacher looks at a child's behavior and not the child's physical presence, their height, color of their eyes, their sex. They're trained. They're not trained now. This is a comprehensive plan, well thought out over four years with input from the stakeholders, the people who live it every day. When I started, the administrators and the teachers--

FOLEY: That's time, Senator.

GROENE: --were at direct odds.

FOLEY: That's time, Senator.

GROENE: No longer.

FOLEY: Thank you, Senator Groene. Senators Cavanaugh, Wayne, and DeBoer. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. As we've witnessed heightened tensions around race and equality in our communities across the state, I've committed myself to work on-- on addressing my own white privilege as I can continue to work to be an ally to my brothers and sisters of color. The first step for me has been to develop a statement of commitment, which I will share with this body now. I commit to bring black and brown voices in every conversation surrounding public policy, not just when public policy is specific to people of color. I commit to be a partner in the work ahead, not a leader. I commit to take real concrete actions on concerns and issues of people of color. I have heard from families of color and families

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with children with disabilities. They are concerned about this legislation. We all want to ensure that our school environments are safe and foster learning. I certainly do not want my children to be in an unsafe environment. I do not believe this addresses the underlying issues that cause disruptions in the classroom. If this body wants to ensure schools are able to foster learning, then those who are most impacted by these policies should be at the table before a single word is drafted. This bill continues to institutionalize systems of racism and discrimination, and we should be considering something completely different. I will yield the remainder of my time to Senator Chambers.

FOLEY: Thank you, Senator Cavanaugh. Senator Chambers, 3:30.

CHAMBERS: Thank you, Mr. President. Thank you, Senator Cavanaugh. Members of the Legislature, if this bill were about anything other than something Senator Groene wants, he would be up here, the first one talking about "loosey-goosey" language that is not definite in meaning or specific. There is a lot of gobbledygook in this bill and it does not meet the standard, in my opinion, that a bill that is dealing primarily with removing liability for any kind of conduct where somebody else might be harmed. I would like to ask Senator Groene a question or two if he would respond.

FOLEY: Senator Groene, would you yield, please?

GROENE: Yes.

CHAMBERS: Senator Groene, I assure you, none of these questions are designed to be tricky. Would you turn to page 9 of the amendment?

GROENE: Of AM3067? I appreciate that, Senator Chambers, your addressing the amendment. Nine? Yes.

CHAMBERS: Yes. Page 9 of AM3067.

GROENE: I am here now to answer a question.

CHAMBERS: Do you have it?

GROENE: Yes.

CHAMBERS: OK. In line 13 it says, in addition, all school employees shall have a basic awareness of the goals and so forth. What does

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basic awareness mean? What does the word "awareness" mean, as you perceive it?

GROENE: To understand the basic how a child will be-- what the policy is of the school is, is basically the basics.

CHAMBERS: Well, awareness could also just mean that this person has a knowledge that there are such policies but may not know anything about them. Isn't that true?

GROENE: That's true.

CHAMBERS: What would be wrong with striking the word "awareness" and inserting "knowledge?"

GROENE: I--

CHAMBERS: What I don't want to see happen is have very vague, "loosey-goosey" language which would enable a person who had not received training to simply say, well, I know that there are these policies, and that would meet the requirement of this bill.

FOLEY: One minute.

CHAMBERS: I wanted to bring that to your--

GROENE: Yes.

CHAMBERS: --attention, not to debate it with you at this time. There's a--

GROENE: I see nothing wrong with the word "knowledge."

CHAMBERS: There's a provision-- OK. There's a provision in this bill that relates to training. But it says that when you're talking about the protections to teachers, it is not dependent on whether they had completed this training. So on the one hand, you say the training is necessary and all this talk about it being there, but when we start to get to the nitty-gritty, the protections that these teachers would be given from liability will not be based on whether this training has been completed. So you erase the necessity for having training. And since I intend to stay on this bill--

FOLEY: That's time.

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CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senators Wayne, DeBoer, and Pansing Brooks. Senator Wayne.

WAYNE: Thank you, Mr. President. And so I would like some more time since the queue was kind of clogged up. I think we need to have a bigger conversation. I want to ask Senator Lathrop and a couple other attorneys here some questions about qualified immunity and how it works and how it doesn't work in the real world. But I want to start off with May 20 of this-- May 30 of this year to June 1, my life fundamentally changed. A young man lost his life in Omaha, Nebraska and we were on verge of riots. And that night, if people were watching me on Facebook Live, I was around the corner and I said the message was lost. But when James Scurlock lost his life and was murdered, the focus began to look again at the injustices, not just in the criminal system but across all systems, and that changed how I look at every piece of legislation coming through this body or any political body. And I-- and I was looking at it before but I didn't look at how the small increment changes get to the point to where when Don Kleine announced that he wasn't going to press charges, my senator hat had to come on, not just my attorney hat, to talk about nonviolence and how did we get here, and we got here from simple things like this. So the police and community relations, and I'm gonna bring it back to why it matters in this, there's two fundamental reasons why there is distrust for the criminal justice system, and that first part is the history of it. And you have to look no farther than the data that supports the disparity that exists for disproportionate minority contact, which is a real term, a real legal term, that shows that juveniles all the way through adulthood have run-in with police officers at a higher rate, not just run-in, but the interactions between those police officers are different based off of race. We can't deny that, and nobody in this body can deny that, because the data is clear. But to add insult to injury is this idea of qualified immunity because it bores this-- this system of distrust because you can't hold anybody accountable. And so I want to take a little bit of time to talk about why this destroys that relationship between the community, and all you have to do is look no farther to when I was on the OPS School Board in 2013, when the state-- the state sanctioned Omaha Public Schools \$1.8 million because too many African American males were placed in special ed, a disproportionate number. It wasn't just a little bit. It was an egregious number. And they fined the city or-- or they-- they-- they penalized OPS to use that \$1.8 million to reduce that special ed

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number, because we were sending kids into special education without really any qualifications of why they should be there. That year, Senator Snow-- I mean Senator-- Marque Snow, Senator Vargas, Matt Scanlan and I, we redid the code of conduct. We changed one thing that said that was critical for us, that mandatory reassignments was now optional. What happened for the next two years is no Caucasian kid was mandatorily reassigned for the same offenses that happen to black and brown children, not one out of 5-- 55,000 students out of all the reassignments, not one. Why is that important? Because it shows the inherent bias. I don't like the word-- use the word "explicit" bias. I think it's just something that's overused. But there's an inherent bias. That parent oftentimes has a relationship with the school--

FOLEY: One minute.

WAYNE: --whereas some children from poverty are working two or three jobs. But I hope my colleagues, even if you're on the other side of me on this issue, would press your button and give me time because I think it's important if we're going to put a institution that deals with young people every day, a government institution, that you at least hear and understand the other side of why this is detrimental to the community that I represent. The disparities in Nebraska: Black students are 5.3 times more likely to be suspended than white students. Hispanic students are 1.6 times more likely to be suspended than white students. White students are 1-- 1.3 times as likely to be suspended as Asian Pacific and native Hawaiian students. If you have two or three-- two or more races, 3.2 times you are more likely to be suspended than white students. So if you look at the disproportionate minority contact within the school system, then logic teaches you, if you have physical intervention, you are going to physically intervene--

FOLEY: That's time.

WAYNE: Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senators DeBoer, Pansing Brooks, and Matt Hansen. Senator DeBoer.

DeBOER: Thank you, Mr. President. I have to be honest. I do not know how I'm going to vote on this bill because I don't know exactly what it does yet. So I would like to ask some questions of a variety of people, including the bill's introducer and Senator Wayne, since he's been leading a part of this discussion. But first let me say there are

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things that I like about this bill. I really like that there's training in here. I like that there's a policy on the process to remove a student from a classroom and also to return that student to the classroom. I'm concerned about parts of this bill because I have questions about whether it allows a disproportionate effect on students in vulnerable groups, whether it's the best way to solve the problem which Senator Groene is trying to get to, whether-- when we have seen the dangers and the horrible results of holds by people who have much more training than we're providing in other contexts, why would we expand the ability of other people to perform those holds in our society? That's something that I'm struggling with. But on the other hand, how do we help teachers to promote a learning environment in their classroom? How do we help them to manage a classroom, to give them the tools that they need to manage a classroom? So I'm gonna talk several times. I've told Senator Groene this. I had a discussion with Senator Wayne briefly about that. So I am gonna ask questions. And I appreciate both of these senators for saying that they would talk me through some of this as I'm trying to make up my decision. So first I would like to talk about whether the-- the training is mandatory. So the way I would like to do this is first I'll ask Senator Groene if he'll yield. I'll ask him that question, then I'll ask Senator Wayne if he'll yield and I'll ask him that question. Is that OK? So--

FOLEY: Senator Groene-- Senator Groene, would you yield, please?

DeBOER: --Senator Groene, would you yield?

GROENE: Yes.

DeBOER: Senator Groene, is the training mandatory?

GROENE: Yes.

DeBOER: For all students-- or for all teachers?

GROENE: For all-- if it says-- it's ensure that each-- that administrators, teachers, paraprofessionals and school nurses and counselors, they'll-- they are the ones that have the contact with the students on a day-to-day basis. They're-- they're around students all the time.

DeBOER: So they're-- so they're mandated to have it. The money, this is something that I thought about. Is the money adequate to do this training? This seems like an astronomical endeavor. So is there enough

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money to pay for all of these people you've just listed to get training on a regular basis?

GROENE: That's one reason we spread it out over three years. And when you look at a smaller school district, the ESU will do it. They will pool their money and they will-- they will-- the ESU already does, a lot of them, help with training behavioral and they-- they're willing and happy. They support the bill, the ESUs--

DeBOER: So you're saying--

GROENE: In the bigger school districts, Omaha, would get over \$150,000 the first year. They could hire two of their own-- own trainers--

DeBOER: And do you think that the--

GROENE: --and have full-time trainers.

DeBOER: Would two trainers be adequate, in your mind? You said that the--

GROENE: Over time, yes, and then you can train and you can make-- you can train trainers. That's why we give them time.

DeBOER: So you think it would be kind of a pyramid scheme.

GROENE: Yeah. Yeah, and it's--

DeBOER: OK. Thank you, Senator-- Senator Groene.

GROENE: Yeah.

DeBOER: Sorry, I just-- I want to get through some things.

GROENE: Yeah.

DeBOER: Senator Wayne, is the training mandatory?

FOLEY: Senator Wayne, would you yield, please?

DeBOER: Senator Wayne, would you yield?

WAYNE: For those individuals but not for all the other personnel, such as engineers, in the building. So, no, it's only-- only those specific

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individuals he listed, but not everybody else who has the qualified immunity to intervene.

DeBOER: And is the-- Senator Wayne, is the amount of money which has been allocated to training adequate to train? Let's just go with the individuals that Senator Groene listed.

WAYNE: No, there's two reasons. One, the money-- well, there's two reasons. One, it's not enough money; but two, training comes afterwards and qualified immunity isn't dependent on training, as Senator Chambers pointed out.

DeBOER: OK. Thank you. All right. So my next question has to do with legal rights.

FOLEY: One minute.

DeBOER: I may need more time. Does this bill do anything, Senator Groene, to create or remove legal rights for teachers or students, or anyone else, for that matter?

GROENE: No, we create no new legal rights. This idea that we're creating a new immunity, schools-- every school employee, the janitor down, is covered by the Public [SIC] Subdivision Tort Claims Act right now, they are, so that we're creating and then training. There's no training now.

DeBOER: OK.

GROENE: So we are-- we are reaffirming that they do have this-- this protection, and then we are encouraging and ensuring training.

DeBOER: OK, thank you. I'll-- now I'll ask Senator Wayne. Same question: Does the bill do anything to create or remove legal rights for teachers or students?

WAYNE: Yes, it creates qualified immunity, and how those apply in the courts are questions that I'm gonna ask Senator Lathrop, because in federal law--

FOLEY: That's time.

DeBOER: Thank you.

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FOLEY: Thank you, Senators. Senator Pansing Brooks, Matt Hansen, and Walz. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. President. Well, I am standing just to help us remember how this bill came to be a little bit. Remember, Senator Groene has brought this bill numerous years. And so two years ago, Senator Walz and I were at a function at the-- that the administrators had put on at lunch. And I just said at that point to the administrators, you guys need to help figure this out, because the-- the teachers keep bringing this bill forward and we have got to do something or else we're going to do something that you don't like. So at that point, the teachers, the administrators all agreed, and Senator Groene agreed, that we would-- we would get these groups together to try to find some common ground. What came out of that common ground was AM1803 that, I mean, if you see the mess of all those bills-- and you remember that this has been through a pull motion. So after the pull motion, Senator Murman prioritized the bill, so that's why we have another three hours on it, and then we'll have three more if he can show 33. So what happened is that the administrators and the teachers got together and decided what they could live with as far as a bill. They came up with AM1803. And my-- and my response at that point was, that's fine, but we need to bring the advocates in: Appleseed, ACLU, Voices for Children, those groups that protect children. And so they came in and within five minutes the administrators walked out. They wouldn't discuss it. They wouldn't find common ground. So it was very frustrating. That didn't matter. So we got to the committee hearing and the committee-- during the committee time, we had gotten to an agreement because the advocates and the teachers had come to an agreement together and they created what was AM1750 and also AM2078. That's currently on legislation-- that's currently filed right now. I filed that and it's the exact same bill as AM1750. When Senator Groene made his pull motion, he filed LB-- he filed AM1750. That-- that amendment had the agreement of the teachers and all the advocates except for Disability Nebraska. But it had all sorts of parts that took care of the children, that took care and made sure that the children were not being over-arrested, that those with special needs or kids of color were not being over-arrested. And then all of a sudden-- we were going forward. I had an interim study, you all may remember that, last year after Senator Groene's bill was passed. We had an interim study and I had about 38 people sign on to that interim study. During that interim study, again, we heard from all sorts of people, people talking. Yes, we heard about teachers. And of course, we are very concerned about the

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teachers. That's why we've been working with the teachers so wholeheartedly. But we're also concerned about the kids, the kids who are getting over-arrested. Senator Hansen or-- I can't remember who-- talked about, you know, well, you know, they got in trouble in school. Well, yeah, the times have changed. I had a superintendent tell me that the county attorney told them that they must arrest for every schoolyard fight, every schoolyard fight. So now we want to allow the-- the teachers to use as much discipline and-- and force as they can and we are not doing what we need to do to protect the children. I passed out a letter that came from Senator-- or, excuse me, from Edison McDonald. And if you look at it, I've highlighted the places where there are protections and why AM1750, which is also AM2807-- AM2078--

FOLEY: One minute.

PANSING BROOKS: --is better. It clarifies definitions of terms. It limits the amount of time restraint can be used. Think George Floyd: the amount of time that restraint can be used. It sets limits to training requirements and standards. It prevents prone, on-the-ground restraint. Again, think George Floyd. And if you go down to-- down farther, it talks about 24-hour notice to-- on restraint being given to the teachers or to the parents. It sets conditions for removal from class. It protects due process. So the NSEA has agreed to all three of those amendments. The administrators did not like the original bill, nor did they like the AM1750. The advocates, including ACLU, Voices for Children, all thought AM1750 was better. So I know it's confusing. There are a lot of things out there. It was like Lucy and Charlie Brown, where I really felt it important to work with Senator Groene and try to find some happy ground on this.

FOLEY: That's time, Senator.

PANSING BROOKS: And we got to a point where everybody was--

FOLEY: That's time, Senator.

PANSING BROOKS: --in agreement and the ball was lifted and he ran the other way. Thank you.

FOLEY: Thank you, Senator Pansing Brooks. Senator Matt Hansen, Walz, and Bostelman. Senator Matt Hansen.

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M. HANSEN: Thank you, Mr. President. Colleagues, we've gone through several iterations of this bill. We've gone through several amendments on this bill. And kind of the core crux of the issue for me has been, what are we creating and what does it do? Could I get a gavel, Mr. President. Oh, I'm good, thank you. Could I-- and that's kind of the crux of the issue for me. Are we creating a new affirmative defense? Are we creating a new immunity? Or is everything staying the same and we're just enacting the exact same case law we have? I've gotten variations of this answer at various times, all three of which are pretty significant differences in terms of what power we're giving to teachers, what powers we're giving to administrators, what powers we're giving to the courts, what powers we're potentially giving to parents. Knowing what this is and how this rolls out is going to be incredibly important. And with that, that's the point Senator Wayne was working on, so I'll yield the balance of my time to Senator Wayne.

FOLEY: Thank you, Senator Hansen. Senator Wayne, 4:00.

WAYNE: Thank you. Because of the disparity that already exists within the student discipline, it's logical to assume that the physical intervention is gonna have that same-- same disparity. It's just-- it's-- it's logic and-- and the data can't be more clear than that. But since we started talking about qualified immunity, I want to ask a couple questions of Senator Lathrop, if he would yield some time.

FOLEY: Senator Lathrop, would you yield, please?

LATHROP: Yes.

WAYNE: Under the proposed law, if a teacher is-- uses reasonable force, then neither the teacher or the school district is civilly liable. Is that correct how you understand it?

LATHROP: I have to tell you, I'm not sure what we're on. I've-- I've seen an amendment and the board has LB137 [SIC] on it, and so I don't know if I'm looking at--

WAYNE: Well, based on the amendment that Senator--

LATHROP: AM3067?

WAYNE: Yeah, that's-- AM3067, I'll start there.

LATHROP: OK, AM3067 basically says you have the-- the normal civil defenses, which is the right to protect yourself, the right to protect

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another person that's in some kind of a physical altercation, and you're not subject to administrative discipline unless your conduct is not reasonable.

WAYNE: So if the-- if the conduct is unreasonable, do you believe that there is a civil-- civil liability, somebody can sue?

LATHROP: So if the conduct at issue is an assault, what we understand to be an intentional tort, then the-- then the Political Subdivision Tort Claims Act prohibition or sovereign immunity allowed for, for intentional torts, would apply. And that's the-- the City of Kimball case that was decided last year.

WAYNE: Yes. And the Daily's case basically said that if it is reasonable, it's within your scope. But what I'm understanding is this bill is also saying if it's unreasonable, it'll still be with-- within your scope. Would you agree that no matter if it's unreasonable or reasonable, it's within your scope of employment, therefore, you are not civilly liable?

LATHROP: I would say that's true if it is an assault-- if the-- if the use of force rises to the level of an intentional tort, a battery, then the Political Subdivision Tort Claims Act would provide immunity for the employee in the scope and course of their employment.

WAYNE: So--

LATHROP: And that's true whether it's unreasonable or reasonable force. If it were a personal thing, like I-- I beat a student up in the cafeteria because they set my car on fire over the weekend, we may be outside the scope of our employment at that point in time.

WAYNE: So then who-- let's talk from a practical standpoint. Who carries that burden?

LATHROP: The person making a claim always carries the burden.

WAYNE: So in federal court under qualified immunity, because that's pretty much what we're talking about here, that's a automatic dec-- well, you get decided early and if it's denied, you can do an interlocutory appeal. There's no provision in the statute for anything like that, is there?

FOLEY: One minute.

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LATHROP: Actually, last year we passed the interlocutory appeal for sovereign immunity.

WAYNE: For any sovereign immun-- for qualified immunity? I forgot about that. I was on that committee.

LATHROP: For immunities in-- under the State Tort Claims Act and the Political Subdivision Tort Claims Act.

WAYNE: So my broader question is, underneath this bill, and I'm talking about this bill, what can a parent do if their child is wrongfully or inappropriately or unreasonably assaulted?

LATHROP: If that assault is by another student, you can make a claim for failing to protect my child. If it is by an employee who commits a battery on a student, then the Political Subdivision Tort Claims Act would provide immunity--

WAYNE: In the--

LATHROP: --under holding in Kimball-- in the City of Kimball case.

WAYNE: So essentially what we are saying-- and I want the-- I want the body to understand what we are endorsing right now by-- by--

FOLEY: That's time. Thank you, Senators Wayne and Lathrop. Senator Walz, Bostelman, and Morfeld. Senator Walz.

WALZ: Thank you, Mr. President. This has been a pretty dear issue to me for a long time, as well, and I, you know, being a past teacher, have-- have thoughts about, you know, being put into the position of being the teacher and also trying to put myself in the shoes of the kids that I taught. And I've had a lot of time. I took a lot of time, the past three or four months, to reach out and talk to probably hundreds of teachers because I wanted to make sure that I heard what they were saying for myself. And much of our discussions were about our children's education during the pandemic. But I will tell you that almost every single time our discussion would turn to LB147, it was-- probably the one consistent comment from every teacher-- or the one consistent comment from every teacher was their concern that they had regarding the lack of training. Senator Pansing Brooks talked about a listening session and I don't-- I'm not sure this is the same one, but we also went to a listening session-- I think it was our-- our Education Committee-- a couple years ago that NSEA put on with probably seven to ten teachers. And there were teachers there who

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talked about the injuries that they'd received from kids, and they were pretty severe injuries, but their-- regardless of those injuries, their number-one comment was about training. They felt that training was the number-one issue. So it's pretty clear to me that training was and still is our teachers' number-one priority. It was the priority last year and it continues to be the priority this year. I am also concerned about the lack of training in this bill prior to any enabling legislation that allows a teacher to use physical contact to intervene without taking any responsibility or professional and administrative discipline. I am not in total disagreement with this bill, but I do have a number of concerns regarding the timeline of this bill and the time it takes to train all teachers. Senator Groene, would you be willing to yield to a couple questions?

FOLEY: Senator Groene, would you yield, please?

GROENE: Yes.

WALZ: Thank you. If LB147 is passed, how soon will this piece of legislation be enacted?

GROENE: This next school year.

WALZ: And what's the timeline that we have in this legislation for making sure that all teachers--

FOLEY: One minute.

WALZ: --are trained?

GROENE: It's-- it's a three-year period. But remember, all of these things you're concerned about are happening today. Teachers are restraining students every day. Teachers are not trained to do that, so we're giving the school districts some time to-- to choose which teachers to start training over a three-year period, then they have a three-year rotation that each teacher has to have at least an update or retraining every-- by every three years.

WALZ: OK. So teachers are restraining kids every single day now. Is that what you're saying?

GROENE: Yes.

WALZ: What does this bill do?

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GROENE: What does this bill do?

WALZ: Right.

GROENE: Assures those who-- who are doing the right thing that they are protected from administrative discipline. It assures them teachers that--

FOLEY: That's time, Senators.

GROENE: --in the future there will be a policy--

WALZ: Thank you.

GROENE: --that they can follow--

FOLEY: Thank you, Senators.

GROENE: --instead of just freelancing.

FOLEY: Thank you, Senators. Thank you, Senator Walz and Senator Groene. Senator Bostelman, Morfeld, and Briese. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. And to continue on this conversation, I'll yield my time to Senator Groene to let him continue his discussion.

FOLEY: Senator Groene, you've been yielded 4:50.

GROENE: I want to make sure everybody understands that today every school employee is a public employee covered under the-- the Public [SIC] Subdivision Tort Claims Act. When the teachers' union, NSEA, did a survey of their members, they didn't know that. They didn't know they were protected if they did the right thing, protected a child from harming themselves, protected a child, protected themselves. They didn't know that. They had no policy. Many of them had no policy, would change when a new administrator would come into the school, and what they had done for 20 years changed. As Senator Hansen said, Ben Hansen, 41 states do something in this, but I think this bill will lead the nation because it'd be the first one that incorporates training, how you pay for it, mandating a policy that teachers can follow, protecting children. Yes, it protects children. You tell me what-- what's the worse memory a child can have, being hugged by a teacher to stop or to remember that sometime they tore a classroom apart? What memory would you rather have as you got older? As to what

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Senator Wayne was getting at, the Political Subdivision Tort Claims Act, the law that specifies when the state of Nebraska and its subdivisions can be sued for tort, if the incident arises from battery/assault, it's what-- what it handles. A government employee is immune unless the employee is acting outside the scope of his employment, including acting contrary to policy. If the school says we do not use prone and that teacher does it in their policy, they can be sued civilly and they can be-- charges pressed against him. Policy, that is what we are dictating here. Every school has a policy. That is clear. They don't have policies. Schools will now have a policy. They will have-- and it won't take them long to have a pretty similar policy. It'll be local control. They get to choose which method of training, Mandt, Boys Town, and-- and we did. We went through all 244 school districts and looked at their policies. Believe it or not, which you would, because of this effort. Many of them have looked at it and updated; many school boards have updated. One of the major schools in the top eight size in this state, their policy was at the discretion of the superintendent. How would you like to be a teacher or a parent in that school district? At the discretion of the superintendent was their policy. They will have a policy now. I think that school does now. They have a new administrator, a good manager. We are creating no new immunities here. We're not creating an immunity and they're untrained. That immunity exists today and they are untrained. Bad things happen. They escalate. One of the things that I-- brought my attention to this--

FOLEY: One minute.

GROENE: --was a-- a teacher, well-known in my hometown, 30 some years of-- well respected, didn't have any help, one of the last persons in the building. In his PE class, a child ran out. He didn't know what to do. The kid was beating his head against the wall. He-- he and the other kids were raising Cain. He went out there yelling for help, grabbed the kid. He lay him down, drug him down the hall until he got him back into class. If that teacher was trained, if there was a policy in place, he would have knew what to do. We are human beings. Teachers are human beings. In that moment, in 32 years, he never had experience that happen to him. Other situations had, but not that one. He wasn't trained. What he did, he got fired, well respected in the community. Guess what? He got rehired. The superintendent got fired. That happens more--

FOLEY: That's time.

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GROENE: --than you know.

FOLEY: That's time, Senator.

GROENE: We need to stop that.

FOLEY: Thank you, Senator Groene. Senators Morfeld, Briese and Chambers. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to LB147 and the proposed amendment. I think that a lot of important points have been brought up by many of my colleagues today, and this has been an issue that we've been addressing over the last two or three years, and I still remain convinced that this is not the right policy. In just reading the amendment, there's several different conflicting parts of the amendment which make it even more confusing than I think what is currently the case. If teachers are confused as to what their protection is, then that same email that was sent out by the NSEA for a survey of the teachers can be sent out in explaining what rights they have and what protections they currently have under the case law. I do think that there's work that needs to be done on this, but I don't think that this is the correct policy. It also does not address the underlying issue of why are we seeing more violence in our classrooms among students. Well, I can tell you why we don't-- I can tell you why that's happening more and more. It's because their families, their households they're coming from are more economically distressed; they have less resources to be able to cope with some of these issues; and they're-- they're experiencing things that we haven't had to experience in many decades, many years, because of these economic stressors and many other societal things that are going on. So there's other ways to address this, and I thought the conversation that Senator Wayne and Senator Lathrop-- was going in a place where it was explaining a little bit more in detail and in depth what some of the issues are with this. So I'm gonna yield my time to Senator Wayne to continue that conversation and urge your opposition to the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Wayne, you've been yielded 3:10.

WAYNE: OK, I will keep this at 3:10. So what I was gonna say is what we are essentially saying when we vote green on this bill, and I'm gonna give you a fact pattern that-- that we are saying that children and parents' rights and remedies don't matter. That's what we're

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saying. Whether that's current case law or not, once we codify that, we are saying that is Nebraska policy. So think about this. If I'm in my scope of employment and I am a teacher and I get hurt by a student, I get paid workers' comp, whether that student acted reasonable or unreasonable. But if a teacher acts reasonable or unreasonable to my child, I get nothing. My child gets nothing. There's no remedy. There's no, OK, let's fix it. There's nothing, and we are stamping that as approved, as Nebraska law, Nebraska policy, that a teacher can get workers' comp for being injured by a student but a parent and a student can't get any recourse if a teacher does something wrong to them in-- as it relates to assault or battery, I think that is fundamentally wrong, and here's why I think that's fundamentally wrong. It might have been this year, because my years are blending together, when Senator Hughes brought a nuisance bill, and we argued about the right to sue over smells, the right to protect property interest because a neighbor might have changed their farming operations. But yet somebody can accidentally, or unreasonable or reasonable, during a physical intervention, hurt my daughter and I have no recourse. And we're gonna stamp that here today in Nebraska Legislature as a sign of approval. Regardless of whether that's case law or not, when we vote green, we are saying we approve it. We are endorsing this law. So I sat through three rounds of debate over a property interest to make sure people had the right to sue when somebody changed their farming operation.

FOLEY: One minute.

WAYNE: But yet we're going to stamp that a parent and a child can do nothing when a teacher does something wrong, whether it's reasonable or unreasonable. Think about that. That's what we're doing today. Regardless of disparity, regardless of racial, think about that basic thing. A teacher will always get compensated if something happens at their school. In fact, Senator Hilgers had a bill to make sure they don't have sick time the first seven days, but a student and a parent can do nothing. And if that's what we're gonna stand by, then let's not talk about property interest no more; let's not talk about all these other interests when a basic child has no due process rights, a basic child or that parent has no ability to correct that wrong. Size up those two votes, because on Select we'll go through and call out who voted for that and who couldn't vote for making sure that we don't establish this and endorse this type of policy.

FOLEY: That's time, Senator.

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WAYNE: Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senator Briese, to be followed by Senator Chambers and Hunt. Senator Briese.

BRIESE: Thank you, Mr. President. And good afternoon, colleagues. I appreciate the discussion on this bill. It's been informative and a good two-sided discussion. I once heard a school administrator say that absolutely no child has the right to interfere with the education of another child, and I believe that wholeheartedly, 110 percent. So whether you're talking about the schoolyard bully or you're talking about little Johnny or Susie with behavioral issues or maybe the class clown, they don't have the right to interfere with another child's education. And teachers need the ability to take reasonable action to stop that and to protect themselves and other students. That's their job and we need to help them do their job. And perhaps the original bill that was introduced way back when went too far. But I think AM3067 is a reasonable compromise. It requires the teacher's conduct and this intervention to be reasonable. And-- and, of course, reasonableness is a fluid concept. It's a concept that will req-- will require the teacher's conduct to be commensurate to the-- to the threat involved. I think it's good policy. If-- if adopted, a teacher will have to use this authority judiciously. His or her conduct must be reasonable or he or she will be subject to administrative or professional discipline. His or her conduct will be judged and reviewed in the context of whether it was reasonable, and I-- I think that's a good policy position to be in. And I-- I think the bill, as I look at it, is good policy and I'm gonna support the amendment, and I'd yield the rest of my time to Senator Groene if he would like it. Thank you, Mr. President.

FOLEY: Thank you, Senator Briese. Senator Groene, 3:00.

GROENE: Thank you for bringing up that point, Senator Briese. We are putting in law it must be reasonable. We don't care what other public subdivision cases, tort claim cases said about unreasonable. We first put a standard it must be reasonable. And then it says they're also protected under these other provisions. We are putting a standard here of reasonable. And we also put a standard it must fit under the-- of the-- the policy of the school. This is new. This was a-- reasonable was brought to me by the trial attorneys. As long as it said reasonable, they didn't have a problem with this, the trial attorneys. They understand the problem in education. We use the word "reasonable." Also, anybody can sue. A parent can sue. The judge can

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throw it out immediately. The judge can say, I'm gonna look at it. The county attorney can look at it and say, I don't believe this-- this statute says reasonable. I don't believe that was reasonable. I'm gonna take it to court. Senator Wayne can take up that case and sue in civic court, civil court, and he can argue in a court of law, was it reasonable or unreasonable? We are setting a new standard for these employees. It has to be reasonable. That gives guidance to the courts, gives guidance to the courts. There's no unreasonable behavior protected by the Public Subdivision Courts Claim Act [SIC], not in this statute, not in this statute. It's a new standard for these employees. This is well thought out, folks, over four years. Yes, I've heard on the floor, we keep bringing this. This is good. We're making sausage here, folks. And, yes, I appreciate Senator Pansing Brooks and Walz bringing me together--

FOLEY: One minute.

GROENE: --breaking that barrier-- barrier I had with the administrators. Those administrators are good people. They want to do the best for children, but they have to manage a massive chaos sometimes. They had a natural labor management dispute with the teachers. They came together reasonably and helped create good statute. Most of you against this are usually on their side. Why today are you against the teachers? Why today are you against the administrators? Why are you good-- against those good people that volunteer their time on school boards? Why? If it was Patty's bill, would it be OK? AM1750 amendment was rejected by the administrators, was rejected by the school boards.

FOLEY: That's time, Senator.

GROENE: They never agreed to it.

FOLEY: Thank you, Senator Groene. Senator Chambers, Hunt, and Friesen. Senator Chambers.

CHAMBERS: Mr. President, members of the Legislature, down through the years, I've tried to bring sense out of nonsense in complicated bills like this, where you get a lot of people together who don't know the law and they put contradictory, conflicting things into it. They put language that has no meaning whatsoever. Senator Slama had a so-called Americanism bill, and I was against the whole thing. I tried to offer individual amendments. Their instructions were to reject everything. Then I took the time to write what amounted to a brief dissertation,

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and even Senator Groene said, there are things in this that are better than the bill. And amendments were adopted and some of the work was done by the Bill Drafters Office and inserting the language where it should be. This bill needs it, but I'm not gonna waste my time doing that. I will take time on the bill because Senator Groene has put a group of disparate-- disparate, some people pronounce it-- people together and they made no sense. So I'm gonna give an example. On page 5, in lines 4-- lines 18 through 19, Section 4: Teachers and other school personnel may use reasonable physical intervention-- other school personnel. Go to page 9, lines 11 through 13: Each school district may provide such training or similar training to any other school employees, meaning other than teachers, at the discretion of the school district. So you flat-out say other employees can use this physical force. Senator Groene and others have talked about training. They then put a provision in the law that says the schools don't have to give this training to other employees. If they want to-- they don't have to, therefore, if an employee, untrained and is not a teacher, any other employee lays hands on a child, that is allowed under this law, which contradicts all this yow-yow about training. Then, on page 9, we're talking about liability: Any protect-- and connecting it to training: Any protections and defenses for teachers found in the Student Discipline Act shall not be made contingent on whether or not an employee of a school district has completed behavioral awareness and intervention training. They don't have to have completed this training, but they have all of the defenses as though they had been given the training. I'm sure Senator Groene has not read all of this bill in the detail that I have. But in the past, I wasted time trying to reason with people, so I'm just gonna take a lot of time on the bill, offer amendments, and then he can get his cloture vote, and that is going to poison the well. I'm not gonna waste a lot of time on this bill reasoning. I'm just gonna start drafting amendments and offering motions. If he can get cloture, he could maybe move it today. But you all can forget about some of these bills you all think are important, forget about giveaways to the big companies, forget about property tax. There will not be enough days in this session to deal with all of the amendments that I will offer. And you might say--

FOLEY: One minute.

CHAMBERS: --but we can get our bill through. But there are other bills before you get to your bills. Watch me. This is the last of the show for me. We have 16 days. Watch what I can do. And if this bill were not so bad, I would try to work with them. If they were not so

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unreasonable, I would try to work with them. But when they've got three or four different groups and they are not going to agree, my time would be wasted. I just gave these examples to show you that I have read the bill. I see problems with it. I wouldn't even know who to talk to, to try to get some sense into the discussion. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Hunt, Friesen, and Groene. Senator Hunt.

HUNT: Thank you, Mr. President. First, on LB147, what I'm not gonna do is support a bill that allows teachers to use physical force against children. And none of you should be supporting this, especially given the national conversation we are having right now around racial violence and the way I'm sure many of you are waking up to some information that perhaps, because of your upbringing or your experience, you are learning for the first time. Yesterday, we passed a bill. It was Senator Lathrop's amendment to Senator Hansen's bill, AM3066 to LB881, that created a new offense for a teacher to sexually abuse a child, sexual contact, and today we're trying to make it OK for a teacher to physically abuse a child so long as it's not sexual. So when a teacher restrains a student, what if a student alleges sexual contact? Sexual contact is defined in our statute. It's in Section 28-313. Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching of the victim of the actor's sexual or intimate parts or the clothing covering the immediate area. So how are you gonna restrain a child if you're not touching their clothing? What would prevent some students from-- from claiming that there was sexual contact? And so I think given that-- given some things that we've already been working on in the body, this is a little bit contradictory to the goal that we all share of fighting this problem of sexual abuse in our schools as well. Later tonight, we're discussing LB814, which is an abortion ban. So we have this unconstitutional bill, LB814, that's in committee, that has not been voted out of committee. And the last time that happened on the floor was LB147, which is this bill, which is a mess, and we're not close to any consensus. And I'm telling you guys, it's not gonna be any easier on abortion. And I'm patting myself on the back for my own restraint because I had planned to file a motion to take up Senator Geist's motion earlier in the agenda, to move the schedule around when my mind was focused on it and it wasn't so late in the

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night, and also to make some points about process. But I didn't do that because I thought that would be a really selfish act and I'm trying to get what's important to the state done, which Nebraskans say is COVID relief, property tax relief, safely reopening our schools, etcetera. Nobody's top-- nobody's top priority right now is restricting healthcare. Even the hugest abortion opponents would agree privately with me, maybe not on the mike where they could be targeted by the anti-choice lobby, but they agree privately, at least, that this is nobody's top priority right now. LB814, which is Senator Geist's individual priority bill, yes, she may have many cosponsors, but sometimes that process works against people and the committee has just not advanced the bill out. And there's all kinds of priority bills that are kept in committees, and we don't get in the habit of filing a motion to just pull them out from committee and disrupt the agenda to do so. All of us are admonished from the very beginning of session when we come in, in January, by the Speaker to not prioritize a bill that won't come out of committee, to talk to committee Chairs, to build consensus, to work on amendments with our colleagues. And if something looks like it won't come out of committee, then you're really taking a gamble prioritizing it because it might not come to the floor if it doesn't get out.

FOLEY: One minute.

HUNT: But with LB147, and later tonight with LB814, I believe we see that this standard isn't really applied fairly, perhaps, or-- or maybe it's something that somebody who's more leftist or more progressive, like I am, if we tried it, I don't think that we would have as much luck. And let's just hope that nobody in the body tests positive for the virus, if any of you are getting tested regularly, which I doubt, and we have to close up here and head home early. We don't have to go for 15 more days. All we have to do is pass the budget. Just like all of the papers have said in their editorials, we could just do our job, pass the budget, do our business tax incentive thing, and then go home to our districts. But because of things like this, LB147, because of things like Senator Geist is doing with her pull motion on something that is nobody's top priority right now, we might not end up getting to some of those issues, and I would hate for any of you to go home to your districts and say--

FOLEY: That's time, Senator.

HUNT: Thank you.

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FOLEY: Thank you, Senator Hunt. Senator Friesen, Groene, and Crawford. Senator Friesen.

FRIESEN: Thank you, Mr. President. So as when my kids were going to school yet, I mean, there were incidents of students who would be disruptive in class. And it's changed a lot since the days that I was in school, obviously, so I-- I still think that this bill does provide an opportunity here, I think, to fix something that needs to be looked at. Now, whether it's not completely right or not, we can still work on that. But I do believe we have to address this issue. We've had it more and more times where you've had disruptive students who are disrupting the education of all the rest, and we have to have a process where we can have them removed from the classroom. And teachers have commented numerous times on how they don't feel safe in the classroom anymore so I fully support the-- the intent of what we're trying to do here and hopefully we can get there. With that, I will yield rest my time to Senator Groene.

FOLEY: Thank you, Senator Friesen. Senator Groene, 4:00.

GROENE: Let me be clear. Mike Groene, Senator Groene did not write this bill. The first version I did out of reaction two, three years ago. I turned this over to Senator Pansing Brooks and Walz, to the experts. I agreed to stay out of it. A lot of this language came over that consortium of-- group. And then after negotiations failed between Senator Pansing Brooks and Walz, after they had voted AM1750 as the amendment in-- in Exec, and then decided the next-- very next vote to not support it out of committee, I went back to the administrators and I said, you know what, you guys supported AM1803. I had five votes because Senator Kolowski was gonna vote it out. I said, let's work on it again, and they came to the table. They ran it by their attorneys, different school districts. The school boards ran it by their attorneys. Senator Chambers, I didn't write this bill, when you're insulting an awful lot of attorneys when you say this language is convoluted. And they're licensed. They passed the bar. This is good language. Make a point here. You say sexual assault, Senator Hunt? If there's sexual assault, there's sexual assault. It will be investigated and it-- and administration will take care of that and they will call the police. It's an insult to the-- the average administrator in this state. Sexual assault is sexual assault. Remember the only time physical intervention-- this is a minor part of the bill. The training is-- is the answer that it never happens. The only time in policy they can use it: protect such student, another

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student, a teacher or other school personnel or another person of physical injury. The only time they can intervene, if they have to, is if they-- on property. If they took property and they bust up the classroom, they throw it through the window, they cannot use physical intervention. But if they take that piece of property and attempt to harm another student or that teacher, they can use physical intervention. So you can try to paint this as some kind of turning teachers loose. It is defining to them that they can save a child. Senator Hunt, I would ask you a question, but I won't. A kid comes into the room with a gun. You're saying that teacher cannot touch that child. That's what you're saying. What do you want that teacher to do?

FOLEY: One minute.

GROENE: What do you want that teacher to do? Johnny's beating his head. He's a special education student. He's beating his head against the wall. What do you want that teacher to do? Have you seen the Crete video, the teachers and school employees dancing around the fight when the one young lady was absolutely beating up another child? Those teachers didn't know what to do. They didn't know if they'd be fired if they intervened. They didn't know if they'd be sued. They didn't know if charges would be pressed against them. They had no policy. That's not against that school. That poor administrator don't know either exactly which direction to go. Now that administrator can point at that law, talk to his school board and said, we agreed to this, let's get a policy in place, let's inform the teachers, let's inform the school, let's inform the parents and the children that you will be treated equally in this school. You don't want that.

FOLEY: That's time, Senator.

GROENE: What I'm hearing is you want--

FOLEY: That's time, Senator.

GROENE: --to continue what's happening now.

FOLEY: Thank you, Senator Groene. Mr. Clerk, items?

CLERK: Mr. President, very quickly, thank you. A new resolution, LR352 by Senator Morfeld, it's an interim study resolution that will be referred to the Executive Board. I have amendments from Senator Blood to LB814 to be printed. Mr. President, with respect to LB147--

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FOLEY: Excuse me, Mr. Clerk, may I just read something into the record? While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following five legislative resolutions: number LR338, LR339, LR341, LR342, and LR343. Mr. Clerk.

CLERK: Thank you, Mr. President. Priority motion: Senator Chambers would move to recommit LB147.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, now it begins. I shall not raise my voice or engage in any unnecessary expenditure of energy. I'm just going to take time. There was a race between a tortoise and a hare. Some people don't know that there's a difference between a turtle and a tortoise; they don't know there's a difference between a hare and a rabbit. But that is inconsequential. The idea is that an animal which ordinarily is much speedier than the other ought to win a race if the two run or proceed to motivate, however they do it, toward a finish line. So when the race started, the rabbit, which was very fast, took off, looked in his rearview mirror, and the tortoise had taken four steps. So the rabbit decided to wait for the tortoise. But while waiting, he became drowsy and he went to sleep. An old, slow, and steady and stolid tortoise continued to move. You all have heard that story. And ultimately, the tortoise reached the finish line before the much-speedier rabbit. That was possible because the one with the speed did not employ all of its ability, with reference to speed, to move from point A to point B. The tortoise did use all of its ability and it took longer than it would have taken the speedy one, had the speedy one used its ability, but the speedy one had not. The tortoise did, so slow and steady beat fast. I'm going to do like the tortoise. Others will speak, but I don't care whether they do or not because I have a yellow pad, and all I need to do to write an amendment while I'm speaking or somebody else is speaking, after we get off this amendment, which is a priority motion, is to start writing amendments that will come up and be debated and defeated because the first amendment will be to strike Section 1, the second amendment will be to strike Section 2, and we will get to a cloture vote. Senator Groene may get his cloture vote. But unlike him, I don't care how many lawyers worked on something, they can get it wrong because too many cooks spoil the broth. I have actually won cases in court where lawyers had said that would not

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happen. One dealt with Omaha's attempt to install red-light traffic cameras. The city attorney and all of the lawyers in that department had crafted what they thought was a foolproof bill, but they reckoned without me. They went by what other states did, but I read that law of Nebraska and I wrote a brief and submitted it to the judge. She set a hearing. I attended the hearing and argued my case. The city, with its lawyers, plural, had presented their case, which would have defeated Senator Groene right away because he thought the numbers would equate to competency. I studied the law. I read the constitution, which entities of government, state or local, possess paramount authority to enact certain types of legislation, and it was clear that the state wins. The city was usurping authority that went only to the state. And in doing so, they had to violate or abrogate certain constitutional rights that a person accused of a crime would have, and a traffic infraction is a crime. So after the arguments, the judge took it under advisement. And guess what the judge ruled? That Chambers is right, the city is wrong, their ordinance is unconstitutional. So they had the city council rescind the ordinance; the same thing with a grand jury that made some very negative statements against me in their report, but they did not indict me, all of the knowledgeable judges, all knowledgeable attorneys. But the attorneys were not as knowledgeable as I was because I study Opinions written by knowledgeable judges; I study decisions that uphold-- upheld those Opinions given by knowledgeable judges. And I simply pointed out that under the statutory provisions of Nebraska, if a person is not indicted by a grand jury, there can be nothing in the way of a report issued which criticizes that person. An individual has a right to meet and counter any accusations. A grand jury is an arm of the court. Since they could issue their report, which would be published, the one who was criticized, and maybe even accused but not indicted, would not have a similar forum to vindicate his or her name, so the statute of Nebraska makes it clear, as do court decisions, that if a person is not indicted, a grand jury cannot criticize that person. Other people have been criticized without being indicted, so when I filed my action in district court, I lost because I was critical of the judge earlier. I didn't worry about that. That was the kid. I was gonna go to the daddy, which was the Supreme Court, and guess what happened? The Supreme Court said, Chambers is right, that report must be completely expunged. That doesn't mean sealed so nobody can read it. That means it is removed from the court records and it does not exist. And do you know why that happened? Because I read the law and I knew what it said, and in vindicating my right to not be criticized without being indicted, it protected everybody else in that report similarly

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situated and the court expunged the entire report. And that's the only time that has happened in the history of Nebraska. That's what I do. I know the law. I can't practice it for-- with-- for anybody else because I don't belong to the Bar Association; consequently, I cannot practice law. But I can give people suggestions.

FOLEY: One minute.

CHAMBERS: I can talk to their lawyers. So when I look at something like this and Senator Groene tells me all the people who worked on it, that automatically lets me know that it's a hodgepodge and botched because A will say something that counteracts what C and D said. And since there are 26 people, you can go to the whole-- through the whole alphabet: Z, Y, X, W, V, U, T, S, R, Q, P, O, N, M, L, K, J, I, H, G, F, E, D, C, B, A or A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z. Whether you start examining a zebra from the tail end or the nose end, when you get through, what you've examined is a zebra. This is a "push me, pull you," in-- like in the story of Dr. Doolittle: one animal, a head on each end, and they can go nowhere. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senators Groene, Crawford, and Albrecht. Senator Groene.

GROENE: Yes.

FOLEY: You're recognized to speak, Senator Groene, 5:00.

GROENE: You know, I am hearing doubts from some people. That's what lawyers do. They put doubts in folks. But don't doubt supporters of this bill. This has been through the ringer. This has been washed and rinsed, legal Opinions. I took it to Senator Lathrop. He said he liked it. He helped me talk to the trial attorneys. He was for it. He said, this covers us. So I don't know what he was talking about earlier, but he said, let's go forward, it makes common sense, we-- we need protections like this, we need to explain to government employees, as long as the "reasonable" was in there. We did it. I mean, it was done by the trial attorneys, the word "reasonable." This incorporates things that are already done. Call it common law. Teachers are restraining kids, and thank God they are. Kids will hurt themselves. Three hundred teachers in 2019 filed workmen's compensation claims and were awarded in the state of Nebraska, 300 for assault. Three hundred, you know what that means? You have to be off work 12 weeks. You have to be harmed so much that you are off work 12 weeks. You know, I made

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a stupid mis-- comment one time. I've learned to be more rational. Teachers are lazy. They were retiring at 55. You know what I got a raft of emails? It wasn't, you're a jerk. I got some of them. I was that day. You know what I got? The classroom environment has changed. It's not safe. I no longer get to do what I wanted to do, and love to do is teach. That is what I heard from teachers. When I sat in that room and listened to those teachers that Senator Pansing Brooks and Walz brought in and the teachers' union-- and they were-- they were of all colors, by the way, Senator Cavanaugh-- and I met with some of-- just this last week, I met with some of the groups of the minorities in Omaha. I couldn't find my way around down by the stockyards, but I finally found the place. And when we talked reasonably, they understood that I want to protect children, I want to make sure their kids go to school and their kids come out understanding every day that they are equal. And they will be treated equally. They don't want this as a playground for lawyers to sue. They don't want that. None of them want to sue the school. They want their children safe. And you're-- and you're gonna let what is happening now continue, and your answer is to put psychologists into the school to tell these kids they're mentally ill, and their parents? Is that your answer? I had 35 people say they would support this bill as it is. Nobody's walked up to me yet and said they would pull out their support. One is wavering. Ought to sit on this side of room and the wavering would go away. But lawyers are good at throwing doubt. Isn't that their livelihood, shadow of a doubt? They're trained to do it. Meanwhile, we have teachers--

FOLEY: One minute.

GROENE: --retiring early, children being harmed, children bad-- very bad memories watching-- here's what my granddaughter told me. I said, how's school? And this is a little town in Nebraska. Johnny gets to do these awful things in classroom, and I don't get to learn. I don't know why he gets away with that. That's what I was told. Teachers with broken noses, fingers bitten off, and they had to backpedal because they didn't know what to do. Do you think that little child in memory, in his mind, has bit that teacher's mind [SIC] off is good for his psyche-- psyche? But that's what you want to do. You want to continue what is happening. We can't-- it isn't pay that drives teachers out of the business. It's the classroom atmosphere. And it's not Omaha. It's not Lincoln.

FOLEY: That's time, Senator. Thank you, Senator Groene.

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GROENE: It's rural Nebraska.

FOLEY: Thank you, Senator Groene. Senators Crawford, Albrecht, and Vargas. Senator Crawford.

CRAWFORD: Thank you, Mr. President. Good afternoon, colleagues. I have struggled with this bill. I've been listening to the debate and watching email that's coming across from various interests. And I've-- I have over my years heard from teachers that they need support to help them deal with the challenging behavioral issues that they face. And there are elements of the bill that I like; for example, I would like to see better training on de-escalation and consistent policies on removal of students from the classroom with a strong emphasis on returning students to the classroom as soon as possible. I would think that these policies could help reduce disparities in discipline that occur that impact children of color and children with disabilities. However, I'm hearing from advocates for individuals with disabilities and advocates for children's rights that the bill doesn't go far enough to offer substantial protections; for example, the bill requires a policy on removal, but not clear policies on restraint. Moreover, I'm disappointed that the amendment moves backwards on protections that would have been in the bill with AM750 [SIC] to actively protect against disparate disciplinary treatment. At this time, especially at this time, I am particularly attentive to what I'm hearing from advocates of children of color and children with disabilities. I feel it's critical to listen to those voices, and so at this time I cannot support the bill. I do hope that the Legislature will move forward with policies that support our teachers and provide resources to our teachers to manage the difficult challenges that occur because of behavioral and mental health challenges of their students. I hope that we do move forward with policies to improve training, but that we do so in a way that is attentive to addressing concerns with disparate disciplinary practices. I hope that we also strengthen the counseling and support services for our children in the schools so that disciplinary actions become less frequent and classrooms less chaotic. And I yield the remainder of my time to Senator Wayne.

FOLEY: Thank you, Senator Crawford. Senator Wayne, 2:40.

WAYNE: Thank you. I'd like to ask Senator Groene a question.

FOLEY: Senator Groene, would you yield, please?

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GROENE: Yes.

WAYNE: What does removal from class mean? And I'm asking-- it's not a trick question. I'm asking from a practical sense, because elementary students often don't change classes, but high school child-- high school students change multiple classes throughout the day. So if they're removed from one class, then are they removed from all their classes? I'm trying to find out the definition of--

GROENE: No--

WAYNE: --removal of class.

GROENE: --they're removed-- at that instant of time when they are distracting the class, they're removed. The administration, whoever their appointee is, sits the child down and says, what's the problem? Let's find out what your problem is and what's causing this, and then says, well-- and then we-- then they say, all right, you calm down, we're gonna put you back to class. If that's the next class, they go back to class as soon as possible back to class. If the child doesn't calm down, he doesn't go back to class. And then, though, the administrator and whoever his-- his appointees are, they sit down and say, what can we do for this child? Let's get-- get together with the parents-- it's dictated-- and we'll find-- come up with a plan to address this child's problems. That's what removal means.

WAYNE: So is that a hope that you hope school districts do or is that in this bill that--

GROENE: That's-- that's in the bill. They must--

WAYNE: --that they're gonna walk-- they're gonna walk through all of this?

GROENE: Yes, it's in the bill.

WAYNE: So then what happens when a child is physically restrained? What resources are provided and dictated in this bill?

GROENE: He is restrained until he calms-- as long as necessary, physically restrained. All right?

WAYNE: So as long as-- so as long as we restrain the person-- the child in the classroom, there's no--

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FOLEY: One minute.

WAYNE: --there's no mandated supports?

GROENE: Yeah, there's supports. It's the same thing. He'll be removed from the classroom act naturally and then there will be supports. There's supports in here for removal. They-- they overlap, the two training-- the training overlaps with the--

WAYNE: But the statutes don't, right? So what I'm trying to-- because I'm trying to figure out-- I see supports for removal, but I don't-- I didn't see supports for physical intervention. And so what I'm thinking of physical intervention, how you define it, Senator Groene, is typically around a fight, so they're not typically in a classroom; they're typically in a hallway. So there is no mandated supports for physical intervention, but only if the fight happens in-- in a classroom and where they're removed.

GROENE: No, it falls under the training, the child-- the training-- the de-escalation, the-- to find out what the cause was. That teacher will naturally kick in to her training or his training and react to the situation.

WAYNE: So I'm glad you brought that up.

FOLEY: That's time, Senators.

WAYNE: Thank you.

FOLEY: Thank you, Senator Wayne and Senator Groene. Senators Albrecht, Vargas, and Lathrop. Senator Albrecht.

ALBRECHT: Thank you, President Foley. I'd like to yield my time to Senator Murman, if he'd like it.

FOLEY: Did you say Groene?

ALBRECHT: Murman.

FOLEY: Murman. Senator Murman, you've been yielded 4:50.

MURMAN: Thank you, Senator Albrecht. I'd like to just answer a few of the things that have kind of been brought up on the floor so far today. As was mentioned many times, this bill is designed to enhance the classroom learning environment. The-- the vast majority of

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students are in the school to learn, and we want to enhance that environment for all students. And with the training that is now included, will be included in the bill with the-- the-- the amendment coming up, that is something that we have absolutely nothing now that is funded from the state. So this is something totally new. With-- with training that is funded from the state, it will enhance the way that all school personnel can be and are involved with-- with the students. So-- so that's a big step forward. As-- as Senator Groene mentioned, it's like make-- making sausage; you know, nothing's perfect, but it's a huge start. There is a guarantee that this will be funded for five years, and-- and it takes three years to train everybody because-- the number that we want to get trained, so that, because it takes three years, we have to have-- have the protections in place right away for everyone in the school and-- but-- but after the three-year training, everyone, all schools, all school personnel should be trained. But-- but it-- it'll just take that long because we can't do everything, all of them at once, because of the cost and just the time involved. Another thing I would like to talk about is there's a handout going-- going around, or has gone around, to all the senators, should have went to all the senators, and there's several mistakes on that handout. Just some of them that I found at a quick glance, it says, exempts IEPs, 504 plans, and IDEA. And under AM3060-- AM3067 that'll be coming up-- it says it doesn't do that, but actually it does do that. I have the line and the page written out. I can't-- can't identify that right away, but-- but it definitely does do that. And it says, provides-- the next line says, provides adequate training. And it says AM36-- AM3067 doesn't do that. But actually, that training is guaranteed for five years. It-- it says focus on de-escalation. It says AM3067 does not do that. But on page 9, line 31 of AM3067--

FOLEY: One minute.

MURMAN: I'll read it here, page 9, line 31, focus on de-escalation, and it says verbal intervention and de-escalation techniques are included. That's actually number-- number three in the-- the three steps. I'm not gonna get through all these, but research supported-- and that's page 9, line 25. It says, not to be limited to evidence-based training on a continuum. And the training, as was mentioned already, is--

FOLEY: That's time, Senator.

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MURMAN: Thank you.

FOLEY: Thank you, Senator Murman. Senator Vargas, Senator Lathrop, and Senator Cavanaugh. Senator Vargas.

VARGAS: Thank you very much, colleagues. It's 4:42. OK. So I haven't really talked on this too much, but part of it is sometimes I think it's important that we try to get educated and listen to in-- individuals, and I also think it's important that I try to listen. I have an inherent bias, so I-- I'll say that. My inherent bias is, well, my background. So many of you know this. I was a public schoolteacher in New York City. I then went on and became a teacher coach for schools that were the highest-need schools in the city. And then I became an education consultant, working with principals and working with superintendents and school districts all across the country. And most of my career has been in the education sphere, education consulting sphere, working with public entities to try to implement policies that better improve outcomes for students, better improve outcomes for school districts. And that's been most of my professional career. The reason I got on the school board and worked with Senator Wayne, and-- and we mentioned school board member Snow, is because I wanted to make a difference and-- and I thought one way of doing that was utilizing my professional experience and policy and having been in-- in-- I think I've been in about 45 states and in each of those states, at least one major school district on the ground in classrooms. And so I-- that's the experience I bring, and that's oftentimes why you see me bring education bills and-- but the reason I'm speaking up today and-- and sharing that is because I don't disagree with the notion that there is more that we need to do in regards to-- in regards to behavior in our classroom. I think one of the places where I fundamentally disagree is that-- the evaluation of the underlying reasons. When we hear that there are behavioral problems in our classrooms, what I've heard a lot in people's speeches today in their-- in their-- is that that means this bill will solve that problem. I'm really trying hard, folks. I'm trying really hard to see how this bill will solve that specific problem. We aspire to make sure our bills solve problems. And I-- and I wrote it down. I was like, how does providing some level of immunity to teachers from discipline solve the problem of student behavior in our classrooms? How-- how does that solve the problem? I am encouraged that we're talking about training more. Training does solve more of the problem. But how does that solve the problem? I actually had to Google this that-- I was like, what are some of the challenges facing our public

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schools? Because I know earlier I heard that teacher pay is definitely not one of their biggest challenges as student behavior. I don't disagree student behavior is, but I think we hear a lot of different things coming from our challenges of our schools. I don't think every single challenge is equally weighted. What we should be focusing in on is what is really the underlying reasons that something's happening. I think we can expect more from our system. Expecting more from our system doesn't simply just say that we provide immunity. I think it also expects that we need to have not only advanced training, but a higher expectation of what is possible from our education work force. I also don't expect that we elevate those expectations only without looking at other resources we provide to schools specifically for training. Too often, I think we're looking at this as-- and I-- and I-- and I'm-- I'm telling you, I've been-- it hurts hearing us talk about kids and talking about them so generalized as they are trying to harm people and we need to save people from kids. And we say these kids sometimes--

FOLEY: One minute.

VARGAS: --it-- it kills me. We should be focusing more of our efforts on trying to figure out why our classrooms, certain classrooms, aren't welcoming environments to the extent that everybody feels safe and then also making sure teachers feel trained. If we're gonna give immunity, some level of immunity to teachers for at least two and a half years before they actually get trained, that's a problem I have. That's-- I had an amendment. I took it down. I told-- I told-- I told the senator I would take that down. But I have a problem that we're gonna allow people to have the immunity without having the training immediately. We wouldn't do that with most of our other-- we won't let barbers become barbers full time without them having training and licensing. But in this instance, we're saying you can have the immunity, but you have three years to do the training. I think we should have the training first and then you can have some protections if we're gonna go down that route. We need more specifications in this policy that's dictated to schools as well. Timelines, making sure we're actually defining what it means--

FOLEY: That's time, Senator.

VARGAS: Thank you.

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FOLEY: Thank you, Senator Vargas. Senators Lathrop, Cavanaugh, and Linehan. Senator Lathrop.

LATHROP: Thank you, Mr. President. Colleagues, I'd like to visit with you about Sections 4 and 5 of AM3067. And I appreciate that it's not on the board, but that seems to be the amendment that we're talking about. And I want to start with Section 4 because Section 4 basically says that a teacher or somebody from the school district may use reasonable force to defend themselves or to defend another person. Right? That's the sum and substance of Section 4. I want to talk to you about what the law is for a second, because it's kind of important. The first thing I want to say is it doesn't take 12 weeks of being off work to get a work comp injury. It takes one medical bill. That aside, let's talk about the-- the defense of another or self-defense. Everybody has that right. Everybody has the right to defend themselves with reasonable force or to defend another person. So if you're in the hallway, you're a teacher, you see somebody getting beat up, currently-- that's tort law-- you can defend another using reasonable force. So this really-- this really just says what is current law, Section 4. In fact, I will tell you that a school district employee has a duty to provide a safe place for kids to go to school. So if I'm a teacher and I see a kid getting beat up or sexually assaulted, I have a responsibility as the school district to intervene. Let me say that again. If the school district doesn't provide a safe place and the-- and the school employees don't intervene when a student is being harmed, they can be responsible for that, and that's a case that was decided by our Supreme Court called Doe v. OPS. That principle is, the school district has a duty to provide a safe place, including intervening when a student is being harmed. So Section 4 causes me no heartburn because it is setting out what is existing law and it makes it sound like we're giving them permission to do something they have a duty to do. Where there is a little hiccup is when you get to Section 5. And I will just tell Senator Groene, having read this a little closer, Section 4 tells you when you can use physical intervention. Section 5 does something different. It says, when can you pull a kid out of class? Now I talked to Senator Groene about this. This-- this isn't part of Section 4, like you can pull the kid out of class if he's beating up another student. This just says you can pull them out of class as long as you're following policy. So now we're at a different place. We're not talking about somebody getting hurt or hit or beat up or intervening or defending one's self or another. But now we're talking about the disruptive kid. And it doesn't say when and it doesn't say how. Right?

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Now all of us think, if a kid's going to create a disturbance in the classroom and start dropping the F-bomb on the teacher and nobody can get anything done, something's got to be done. But is it enough to say all they have to do is follow the policy? What if the policy says you can go grab the kid and drag him down to the principal's office? So Section 5 may need a little rework before we get to Select File or before we start talking about this. But-- but Section 4, in my judgment, is a statement of existing law, and those things are a duty on the part of the school district when it comes to providing a safe place for students to go to school. Still requires reasonable force, not excessive force.

FOLEY: One minute.

LATHROP: You can't hit a kid with a baseball bat because he's pushing somebody around. But you do have a duty to provide a safe place for kids to go to school. Section 5 doesn't really tell us anything about pulling a kid out who's being disruptive other than it has to follow policy. It doesn't say anything about reasonable force there. So if the intent is to have or allow the use of reasonable force to remove a disruptive child from a classroom, this needs some clarity and probably a lot more guidance than is provided by simply saying all you got to do is follow policy. I talked to Senator Groene about this bill a long time ago, and we worked through some of the issues regarding immunity. I told him I would support it. We're not at the amendment that I said I would support. But in fairness, I will agree to vote for cloture so the bill can move to the next round of debate, assuming we get to cloture tonight, if that's gonna happen. But I-- but I haven't seen the amendment that I agreed to support at this point in time.

FOLEY: That's time.

LATHROP: Thank you, colleagues.

FOLEY: Thank you, Senator Lathrop. Senators Cavanaugh, Linehan, and Hilgers. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. Good evening, colleagues. I am going to read an article. It is by a woman who is a parent here in Omaha, Nebraska. It was published in The Washington Post in 2014 from-- by Tunette Powell. I received a call from my son's school in March telling me that my oldest needed to be picked up early. He had been given a one-day suspension because he had thrown a chair. He did not hit any-- hit anyone, but he could have, the school

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officials told me. JJ was four at the time. I agreed his behavior was inappropriate, but I was shocked that it resulted in a suspension. For weeks, it seemed as if JJ was on the chopping block. He was suspended two more times, once for throwing another chair and then for spitting on a student who was bo-- bothering him at breakfast. Again, these are behaviors I found inappropriate, but I did not agree with suspension. Still, I kept quiet. I knew my history. I was a bad preschooler. I was expelled from preschool and went on to serve more suspensions than I can remember. But I do remember my teachers' disparaging words. I remember being told I was bad and believing it. I remembered just how long it took me to believe anything else about myself. And even still, when my children were born. I promised myself that I would not let my negative school experiences affect them. I believed my experience was isolated. I searched for excuses. Maybe I was just a bad kid. Maybe it had something to do with my father's incarceration, which forced my mother to raise me and my brothers alone. So I punished JJ at home and ignored my concerns. Then, two months later, I was called back to pick up my three-year-old son, Joah. Joah was-- had hit a staff member on the arm. After that incident, they deemed him a danger to the staff. Joah was suspended a total of five times. In 2014, my children have received eight suspensions. Just like before, I tried to find excuses. I looked at myself, what I was doing-- what-- what was I doing wrong? My children are living a comfortable life. My husband is an amazing father. At home, they have given us very few problems; the same goes for time with babysitters. I blamed myself and my past, and I would have continued to blame myself had I not taken the boys to a birthday party for one of JJ's classmates. At the parties, the mothers congregated to talk about everyday parenting things, including preschool. As we talked, I admitted that JJ had been suspended three times. All of-- all of the mothers were shocked at the news. "JJ?" one mother asked. My son threw something at a kid on purpose and the kid had to be rushed to the hospital, another parent said, all I got was a phone call. One after another, white mothers confessed the trouble their children had gotten into. Some of the behavior was similar to JJ's; some was much worse. Most startling, none of their children had been suspended. There's much more to this article, but I think that that illustrates the point. I'd like to refocus on institutional systems of racism. Institutionalized racism isn't the result of one person's bad intentions. It's the result of decades and decades of not being purposeful and diligent in the way that we approach policy in this country. This bill is another piece of institutional racism. It is a problem, children being disruptive in school, teachers getting hurt, students getting hurt. It is a problem, but continuing to

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perpetuate the system of racism is not the answer. That doesn't mean that an introducer of a bill is racist. It does--

FOLEY: One minute.

CAVANAUGH: --it doesn't mean that the intention of the bill is racist. But the execution institutionalizes and continues the systems of racism, continues the systems of incarcer-- incarceration of young black men. Young black boys are at risk every single day in this country, and this bill does nothing to help that. It does nothing to address that. And if I passed around the picture of these two adorable little toddlers, it breaks my heart that they would be suspended from preschool for throwing a chair at no one. My goodness, the calls I've gotten from preschool of my children being bit or my children biting somebody or cutting their head on something or somebody hitting them because they took a toy. Nothing ever happens except for a phone call to let me know that it happened, and they don't even tell me who the kid is so that you don't get mad at the other kid and their parents. That's-- that's what these children should be living in.

FOLEY: That's time.

CAVANAUGH: Thank you.

FOLEY: Thank you, Senator Cavanaugh. Senators Linehan, Hilgers, and Halloran. Senator Linehan.

LINEHAN: Thank you, Mr. President. I was wondering if Senator Lathrop would yield for a question.

FOLEY: Senator Lathrop, would you yield, please?

LATHROP: Yes, I will.

LINEHAN: I was listening very intently a few minutes ago when you were speaking. And could you again describe Doe versus-- whichever you were saying the Supreme Court had decided.

LATHROP: Doe v. OPS.

LINEHAN: OK, yeah.

LATHROP: And I'm reading a summary that the court put in a more recent case called Rutledge v. the City of Kimball. And in that case, the court distinguished a circumstance where an employee committed an

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intentional act. In this case, it was a police officer using excessive force. And they said that is-- there is an immunity under the Political Subdivision Tort Claims Act for all intentional torts performed by or-- or acted by an employee. They distinguish that from the Doe v. OPS case in which a student-on-student assault was taking place and no one intervened. I don't know the facts other than it was a sexual assault and a claim that the school district was negligent in failing to provide a safe place for a child that was assaulted by another student. So the distinction is an intentional act by one student on another that is not stopped when the school district has an opportunity to do that can give rise to a negligence claim. But if a-- an employee of a political subdivision performs an intentional act, like an assault, on another individual, it's outside the scope and covered by sovereign immunity.

LINEHAN: So I think what I understood you to say earlier is it's already a teacher or any school official, employee, already has an obligation to protect the student if they're endangered by another student, another employee. They have an obligation under current law to protect that child.

LATHROP: By anything, they have a duty to provide a safe place. Now the duty to defend and provide a safe place wouldn't mean that I need to jump in front of somebody with an assault rifle and have myself killed. It's a-- there's-- when we talk about negligence, we talk about reasonableness, so take reasonable measures to provide a safe place.

LINEHAN: So go back to the film that was sent out, I think, by Ms. Benson in a-- from the teachers' union about a child-- two girls in a lunchroom in Crete. I think it was Crete. And one girl is just beating the heck out of the other girl. The one girl has her hands over her head trying to protect herself, and the other girl with her fist is just pounding her. And there's an-- there's plenty of adults around because it's in a lunchroom. So if those teachers, or whoever, the employees-- maybe they weren't teachers. The employees in the lunchroom, they had a duty to intervene then, right?

LATHROP: They did, because they owe a special-- because of a special relationship, if it happened at Walmart and I walked by it, no liability; but if it happens at a school and I'm a school employee, I have a duty to intervene if I can do it without, you know, getting myself killed.

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LINEHAN: So here seems to be the whole kind of crux when I've listened to this issue. I think we have a lot of educators and school employees who don't understand that.

LATHROP: I would agree with you, and I think that's pretty much the impetus behind the bill.

LINEHAN: So we can make sure that people who are actually legally obligated to intervene understand that they're not going to be in trouble if they intervene to protect another--

FOLEY: One minute.

LATHROP: Yes.

LINEHAN: OK. Thank you, Senator Lathrop. How much time do I have left?

FOLEY: Fifty seconds.

LINEHAN: Fifteen?

FOLEY: 5-0.

LINEHAN: I would yield to Senator Groene. Senator Groene, I would yield a minute.

FOLEY: Senator Groene, you have 45 seconds.

GROENE: You yielded it to me? You made a very good point, Senator Linehan. I forgot that one. There is a-- there is common law statutes out there about custodial responsibilities. Somebody puts their child under the adult care of any public entity, even a private daycare center, and that child is harmed or somebody attacks them or they walk out in the street and get hit by a car, they can be sued because they did not do their custodial duty. I never thought of it this way, but Senator Linehan very wise. That parent should have sued the Crete Public Schools.

FOLEY: That's time. Thank you, Senator Groene. Senator Hilgers, Halloran, and Wayne. Senator Hilgers.

HILGERS: Thank you, Mr. President. Good evening, colleagues. I rise in support of LB147, appreciate all the work that Senator Groene's done. I understand he has an amendment that he's worked hard on with various stakeholders. I sure would like to see that amendment come up. I know

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on LB424, some opponents of that bill, including myself, let Senator Quick get his amendment on, and I'd like to be able to see Senator Groene get the opportunity to get the bill in the shape that he would like it. And with that, I would yield my time to Senator Groene.

FOLEY: Thank you, Senator Hilgers. Senator Groene, 4:30.

GROENE: Thank you. That's a good point again, Senator Hilgers. Senator Wayne, would you take a question?

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

WAYNE: Yes.

GROENE: Did you vote for the pull motion? You gave me the 25th vote to pull out LB147, didn't you?

WAYNE: Yes, the biggest mistake I ever made.

GROENE: You're an adult.

WAYNE: I will-- I will not vote for any more pull motions.

GROENE: And second, you dropped-- when you had your mountain lion moment-- we all have him. I had one the other day with Senator Chambers. You dropped amendments, IPPs on every one of my bills. You were gonna teach me a lesson. Is that true?

WAYNE: It wasn't just your bills. It was everybody who lied to me that day, including you.

GROENE: Nobody filibustered that bill. In fact, I brought an amendment later, if you'll remember, to that bill that settled the whole issue, and you accepted the amendment and it passed. That's collegiality. Then did you not tell me in the off-- in the-- in the interim that you would pull all of those IPPs after we worked together on your bill?

WAYNE: No, I said we would work together on the bill, but I never said I'd pull it.

GROENE: No, you told me you'd pull all of them.

WAYNE: No, Senator Groene. No, I did not.

GROENE: Well, we misunderstand our agreement. Do you think it's collegial that-- I haven't seen Senator Chambers ever do this and I

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never heard of anybody said he did. Do you think it's collegial to drop an IPP motion prior to opening of a bill and the-- the sponsor or the committee's amendment--

WAYNE: I believe that--

GROENE: --prior-- before-- before they have a chance to open on their amendment?

WAYNE: I believe I did it my first year on a voter ID bill by Senator Murante and he didn't have any issue with it, so I thought that was part of the rules. Since it's in the rules, you should be able to ex-- exercise those rules.

GROENE: Well, anyway, I understand. You and I get along. We agree on most things, on TIF and everything, but I would like to have a chance to have this body vote on our amendment. Would you consider pulling your IPP, let me introduce the amendment, and we will go-- and then you can redrop your IPP?

WAYNE: Senator Groene, two hours ago I said to you and I said to the body that I would like a straight up-or-down vote on the IPP. At that point, ten of your allies got into the queue, so I couldn't even make a point until an hour later. That's how we got here.

GROENE: If I can get my allies to pull, would you get all of your allies to pull?

WAYNE: I will do my best, but I can't guarantee you all mine will at this point.

GROENE: They all mention you when I talk to them about what you do on this bill.

WAYNE: I want a--

GROENE: You're the leader on this bill.

WAYNE: Well, there's a vote before my bill, Chambers' vote, that you're going to have to take. And I want an up-or-down vote on the IPP because I think--

GROENE: Thank you.

WAYNE: Thank you.

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GROENE: Thank you, sir. Anyway, I appreciate Senator Cavanaugh's testimony. That is what we're fixing. That is what we're fixing is what happened to that mother, training, training where we will now train our employees in the school to not tell that little child that they are bad, that they are evil. That they have no hope. Positive intervention is what the training will be. There's none of that right now. Oh, good school districts are doing it. All school districts would like to do it. They have no money for the training. They have no direction. The administrator is driving the bus for the basketball game if we ever have a basketball game. He's helping clean his halls. He doesn't have time to put a policy together. The farmer on the school board doesn't have time to come in--

FOLEY: One minute.

GROENE: --from the field and-- and the expertise to put a policy together. This bill creates that. Senator Lathrop, it creates a mandatory policy on removal from the classroom that the teachers can follow. There is no negative to this bill, none. Collegiality? I watched it yesterday. I watched some bad bills go through, but we had debated them and-- and this side of the aisle supported them. I read in editorials from the liberal press about collegiality and the left-- and the right doesn't do it. I want to see the editorial correction of who does not do collegiality around here. It's sad. I heard attack on a gov-- on a bill because the Governor liked it. What happened to rational thinking, deductive-- I taught-- I learned deductive reasoning in school. You look at the facts and you come to a conclusion.

FOLEY: That's time, Senator. Thank you, Senator Groene. Senators Halloran, Wayne, and Arch. Senator Halloran.

HALLORAN: Thank you, Lieutenant Governor. I yield my time to Senator Murman.

FOLEY: Thank you, Senator Halloran. Senator Groene, 4:50.

HALLORAN: Senator Murman.

FOLEY: Oh, I'm sorry. Senator Murman, 4:50.

MURMAN: Thank you, Senator Halloran and Mr. Lieutenant Governor. Going back to the sheet that was being passed around earlier, there's a line on there that says, exempts IEPs and 504 plans. I mentioned that

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earlier, but on AM3067, if we ever get to it, on page 6, I'll just read it, lines 18 through 20, it says: unless prohibited by the federal Individuals with Disabilities Education Act or a plan developed pursuant to education-- to Section 504 of the Rehabilitation Act. So it does exempt IEPs, 504 plans, and IDEA specifically. That's with AM3067 if we get to it. Another line says, avoid targeting kids with disabilities. It says that AM3067 does not do that and the line I just read does say it does do that, so another false-- false statement on there. Sets conditions for class removal, that's on page 6, line 12 and 13 of AM3067. I'll read those. It describes how and when a student may be removed from a class and returned to a class, so that's exactly what it does. And then in summary, on the bottom of that sheet, it says an NSEA does not support AM3067. There's no checkmark there that says that they do support it. That's totally false. NSEA strongly supports AM3067. Same way with administrators, there's no checkmark there that says AM3067 is supported by administrators. Actually, it is strongly supported by administrators, another false statement on there. And then I'd like to address the ACLU, that I will admit they're not in total support of AM3067 right now, but I can personally-- I have personal experience with that. We have a disabled daughter that went completely through the school system. She's 31 now. But we were always really happy and satisfied, totally satisfied with how well the Nebraska school system did support her. She's in a wheelchair, nonverbal. And I remember when-- when we started, we-- we told the school and the teachers, the administrators, that if she causes any problem in the-- the classroom, we don't want the classroom to be disturbed, interrupted, learning process to be interrupted for the rest of the class, just take her out. Fortunately, she didn't do that very often, but when she did, it was no big deal--

FOLEY: One minute.

MURMAN: --just took her out the class, so-- and-- and another thing, I-- I-- I guess I don't understand the opposition from the disability groups or the-- even the groups con-- that are concerned about-- or everyone that's concerned about race, because to me, when there is someone that's picked on in school, when my past experience and-- and experience with our kids in school, it was typically the-- the child with disabilities or the child that's a little-- little different, maybe different race, that might get picked on. So with all the training that will pro-- be provided with the-- with the training bill

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included, AM3067 included in LB147, with that amendment, that problem should be addressed much better than it is now.

FOLEY: That's time, Senator.

MURMAN: Thank you--

FOLEY: Thank you, Senator Murman.

MURMAN: --Mr. Lieutenant Governor.

FOLEY: Senators Wayne, Arch, and Pansing Brooks. Senator Wayne.

WAYNE: Thank you, Mr. President. I just want to remind everybody of-- of the facts, not the alternative facts in the situation. I set up at the beginning of my opening and said I wanted a vote on the IPP. I told Senator Groene that I wanted a vote on the IPP and see where the vote count is, told the whole body I did not even vote count, just wanted a vote on the IPP. That could have been done in ten minutes; however, the supporters of the bill stacked the queue with ten people, so I couldn't even raise my point until an hour in. And I think it's disingenuous-- yeah, I was-- I was the tenth speaker. I think it's disingenuous-- I know I sure wasn't the eighth-- to say at 20 minutes left, let's pull off. I learned this from Senator Hughes first year when we had a deal with Senator Pansing-- Pansing Brooks, and what happened was our side filibustered her own bill. That's what happened here. And he had about a half-hour left and he said, well, I'm against this bill, and he decided to take it the rest of the way, and it was the juvenile attorney bill. We were gonna let a straight up-and-down vote, but our side decided to keep talking. That's what happened here. That's the facts. They continue to press their side-- their button. So we're gonna talk when they keep talking. We're gonna respond. And what's interesting about this entire bill is nobody is telling me how, if a student hits a teacher, how that stops it. They're still gonna physically intervene at that point. Nobody tells me how that's gonna stop that from happening. What's interesting about this bill, as Senator Lathrop will stand up and say, this is current law. But we're saying if it's current law, we're gonna put-- we're gonna-- we're gonna endorse the law as it is, which I have a fundamental problem with. I think we should change the current law. But then, too, we're gonna leave it to districts to create a policy on how they should remove kids when they're do-- when they're not doing it, obviously, right now. According to Senator Groene, most teachers don't know they have this current law and the current ability, so we're still relying

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on the school districts to educate them on the law. I think what's more troubling to me than anything is that we are actually-- and this is what's gonna be critical, and I hope people are listening to anything else. We are creating qualified immunity for untrained people. That's never happened before. The reason the police have qualified immunity in part is because of all their training. We are setting aside \$1.8 million over a period of time because we as a state are saying they need more training. But before we provide that training, we're gonna go ahead and-- and endorse the current law and make it so that they have immunity, qualified immunity before training occurs. That is absurd to me. In what other area will we say we're gonna give you qualified immunity, government employee, without training you first, that we're gonna endorse that option? And I think we're just leaving out the whole dynamic of what's gonna happen, particularly in my community. That's what's most troubling. And while I respect and everybody knows I have the utmost respect for Senator Linehan and Senator Lathrop, committing to a deal in January is not the same as today. My community has fundamentally changed in the last 60 days, and the relationship with the government and frontline defense has fundamentally changed in the last 60 days. And to ignore that, to say I have to keep my word to a policy decision with not taking into effect the change, see, there was commitment on LB720, there was commitment on property taxes, but there are people who are saying it changed due to COVID. We might not have enough money. It changed because of a pandemic.

FOLEY: One minute.

WAYNE: Well, it's changed because of what is going on in the community. When racial tensions are at an all-time high, when it's-- when governments across the country are looking to figure out ways to reduce qualified immunity, we are going to endorse it and give it to untrained people. That is sending a completely different message to my community. That was in February. When we talked about this bill in January, we didn't talk about that. This is different. Our community is different. My community is different. And at some point, this body has to listen. At some point, we can't just talk about we want some changes down the road. It starts here in school. There is a direct link from our prison population to school, and we're ignoring that conversation.

FOLEY: That's time.

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WAYNE: Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senator Arch.

ARCH: Thank you, Lieutenant Governor. I-- I want to comment a little bit about the development of LB998 with Senator Murman and the-- and the training portion of this bill. When-- when I began to consider running for the Legislature, I knew that one of my larger issues was-- was the issue of behavioral-- behavioral issues within the classroom, and-- and that is because of my-- obviously, my association with Boys Town, as well as my wife is a-- is a substitute teacher and she brings home real-life situations. We know that teachers are quitting. She's related that to me. Teachers are retiring directly related to the issues with not being able to successfully manage behavior so that they can teach, which is what-- why they went into teaching and-- and that's where their heart is and their passion. So we do need to help them. This-- I-- I think we can all-- we can all agree that this is-- that this is a large issue. So I-- I-- I went to my school district. I'm-- I-- I represent one school district, the Papillion La Vista School District. I sat down with administration. I've had conversations with teachers. And whenever I have that opportunity, I-- I talk to them about behavioral. And what-- what I am told is that the issues that they're seeing now are really elementary school issues. That's probably where they have the biggest challenges, one of the reasons being that there really are no alternatives for the elementary school student. And-- and so the-- the ability to manage that child within the classroom is-- is extremely important. So when Senator Murman began the development of-- of LB998, I was very interested and I-- and I asked to understand what was going on. And so I-- I asked Boys Town to participate excuse me, participate in that process. But it wasn't just Boys Town. It was many, many other people, very, very knowledgeable and in engaged in that behavior management of classroom, to develop what are those absolute must-haves when-- if you go out and you do a behavioral training program, what must you have? I mean, there's a lot of things we would like and that would cost a whole lot more money, but what must you have? And so that's the list that's in this-- in this bill and in this amendment now, was the list that came out of that-- out of that process. And-- and so Boys Town has been engaged in South High School now for a couple of years. And I-- and I asked Boys Town, so what's the benefit of behavioral training? Now I-- I have to readily admit that the program that they have implemented at South High School, the largest high school in OPS, is a very robust program. This is not your two-hour training program, but it was pretty

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much top down, from principal down to all employees, engaged in the behavioral intervention. And here's what they told me, and this-- this-- this data is from-- is comparing school year 2017-18 to 2018-19, and what they saw there was they saw disciplinary referrals were down by 32 percent, or 620 fewer referrals. Suspension and expulsions decreased 41 percent in one year; 24 percent decrease in absences in one year. I-- I say that-- I say that only to say that this can be done. There is technology. There is training. There are resources available to these schools, to the teachers that desire to teach and manage their classroom well, administrators that want to have a well-managed school. These resources exist, and I believe that this is a step. It is-- certainly isn't the end-all of training. It isn't all the resources available, but it is a step. We need to help our teachers. We need to help our students. We need to help our administrators. I-- I do support this, and I yield the balance of my time to Senator Groene.

FOLEY: Thank you, Senator Arch. Senator Groene, 1:00.

GROENE: I think we're running out of time. I'm not gonna take this to closure [SIC]. We got another three hours because it's a new priority bill. Here's what's got to happen. Certain people have to be collegial. I've told Senator Pansing Brooks, if we pull the IPPs, we will take her AM1750 up and we will vote on it first, her amendment, up or down. Then we'll bring AM3067 and if it fails-- if it succeeds, it becomes the bill. The reason it is no longer the bill is when we-- that bill was written by me, special education people, nobody trained in the law. Senator Pansing Brooks, I guess, has been trained in the law, but not the people in the industry. It has big, huge flaws. AM3067 was written by professionals--

FOLEY: That's time, Senator.

GROENE: --involved in the industry.

FOLEY: That's time. Thank you, Senator Groene. Senator Pansing Brooks, to be followed by Senator Matt Hansen. Senator Pansing Brooks.

PANSING BROOKS: Thank you very much, Mr. President. So a couple things. First off, we do need to listen to those with incredible experience, and I mentioned Senator Arch because they are doing amazing things up at Boys Town right now and-- and the-- the arrests and felonies have gone down. They have got an amazing system going. That fact, to me, doesn't mean that this bill is the right vehicle, so

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I do-- I do really appreciate Senator Arch. I appreciate Senator Murman and his-- his thoughtful words. Of course, what he lives every day is-- is a huge part of what we need to listen to and what-- what is important as we go forward and look at this very difficult bill. Then there's, of course, Senator Wayne and Senator Chambers and what they live every single day in their community and what we have seen happening, and Senator Vargas-- I'm so sorry-- and, of course, Senator Vargas, the prejudice, the discrimination, the racism that they feel every day that we know by the numbers that our prisons are over capacity with people of color, that our schools have way higher arrests of people of color and, of course, kids with disabilities. So those are things we have to consider. Now I'm running out of time. Senator Groene says he'll agree to this bill that-- that I brought. Well, that was something that he brought with his pull motion. AM1750 is what came out of committee when he did the pull motion. He filed AM1750 at the same time. Now, all of a sudden, it's Charlie Brown and Lucy has picked up the ball and is running the other direction. What's happened is that this new bill, this new amendment that Senator Groene wants to do has no limits on reasonable physical contact. It-- it-- it-- under AM1750 we had reasonable physical contact as for-- for as long as necessary to protect people from injury, and it defines reasonable physical contact, which Senator Groene's bill does not do. And it can't be used to-- to cause pain. It can't be used to put a child face down because that's a dangerous restraint and a child in California died from being held in that manner. And it can't involve mechanical restraints, which we have heard has happened multiple times, zip ties, handcuffs, etcetera. It also has the-- the new amendment also has no-- sorry, I'm on the wrong thing-- has-- it also has-- the new amendment has no timeframe for notice. LB17-- or the amendment, AM1750, which-- which Mr.-- which Senator Groene pulled out of committee and filed with the pull motion, requires the notice that they have been physically restrained, that they give notice to the parents within 24 hours. It also sets my amendment-- not mine, but it was a number of people. The teachers were involved with this. The advocates were involved. One thing I want to point out to you is that none of the child advocates were included in the negotiations on AM3067, Senator Groene's new amendment. So there were no advocates for children or for parents in the latest amendment what-- that we're all talking about. The-- the administrators and the teachers and the advocates were invited to all iterations of the meetings until this last one where the-- where the advocates were not allowed to come to the meeting for whatever reason. So also AM1750, the bill that the advocates and the teachers had agreed to, expressly puts normal limits

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on immunity for use of physical contact, for harm caused by (1) gross negligence--

FOLEY: One minute.

PANSING BROOKS: --(2) conscious, flagrant indifference to the rights and safety of others and (3) willful, criminal, or reckless conduct. It is unchecked. The-- the other thing that I want to mention is that-- that Senator Groene's new amendment goes up and beyond the Student Discipline Act. The Student Discipline Act that the schools use grant immunity for removal unless it can be proven it wasn't reasonable, but that completely conflicts with the Student Discipline Act because it-- the Student Discipline Act permits removal of a student for indefinite periods of time-- it-- because it does not allow removal of a student for indefinite periods of time without protection and due process, because it would-- it would conflict with the Student Discipline Act. There are all sorts of reasons that this new amendment that no one has been able to see-- Senator Murman said that-- that-- that this wasn't correct.

FOLEY: That's time, Senator.

PANSING BROOKS: People just didn't know what the other groups were standing on, so that's why it did not list what their opinions were.

FOLEY: That's time, Senator.

PANSING BROOKS: OK, thank you so much.

FOLEY: Thank you, Senator Pansing Brooks. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good afternoon-- actually, good evening, colleagues. I rise with kind of the same and similar concerns as I've had on this bill and variations of it throughout the process, in part because we're faced continually with this false dichotomy that we either support this bill or we're for chaos in the classroom, teachers being assaulted. And that notion and that repeated sense is just offensive to me. As somebody who knows people, who's had family, who's actually experienced some of these assaults, granted, not at a school but at a place-- a health clinic for children, I-- I-- I get this, like I get this. That is a terrible thing to experience. That is a terrible thing to-- to-- to feel to know your family's going through. That is terrifying. But at the same time, we're also presented with, oh, LB147 doesn't change case law, it just writes it

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down. Well, what are we changing then? We are fundamentally in this principle-- we can't both have this consequential, gigantic bill that completely changes everything or we're causing chaos in the classroom or what have you, what have you, what have you. I feel like the argument, the goalpost keeps changing and we kind of come back to this fundamental thing is like, do you want teachers to be assaulted or not? Well, no, of course not, of course not, and there's nobody up here talking about this bill who's like, yay, teacher assaults. That is just a false argument, yet it gets brought up time and time again. I've had it brought up to me, my-- you know, by advocates outside of the body. That is not what this is, and don't let anybody try and get away with framing that debate like this. We have an obligation when we bring the heavy hand of government. Well, here we are saying that an agent of the government, somebody employed by the government, can physically do something to a child, they can physically restrain a child, and we don't even have an understanding on what the words mean. Who determines it's reasonable? Is this an immunity? Is this an affirmative defense? What does this bill do? And we're going round and round and round and round, and I've been trying to wrap my head around a new amendment today, and I-- that was filed today, I believe. And now all of a sudden, I'm told this amendment from a year and a half ago is the new amendment and the one I should be focusing on. How am I, as a senator, supposed to figure out what's going on? How am I, as a senator, supposed to figure out what's going on so that I can protect the children of our state, that I can make sure that our children and their parents know what standards and know what their teachers are allowed to do? I, of course, absolutely, 100 percent think that teachers should have an orderly classroom. I would love to pour more support into schools. I would love smaller class sizes. I would love more schools. I'd love more parents. I'd love more principals. I would love all sorts of things that we can invest in and we can do, and that is not the debate we're having. Right now, we're having the debate on what can a teacher do to a student and if they do-- and if it goes past a line, what the line is and what repercussions there could be or what protections there are. And at this point, we don't even agree on what the language is. So if somebody wants to frame, hey, this bill, any opposition to this bill is 100 percent-- you know, we're against teachers, we're against safety or against whatever, that is not what it is. What we want is when we're dealing with the heavy hand of the government, we're dealing with actual physical contact from an employee of the government on a child, we need to know what that is and what the appropriate line is. And that's something that's been festering for me

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as somebody who used to work through the schools. I, in my old job, would have both been covered by this bill, I would have been given immunity, and I would have also not been required to be trained. And that's somebody who was not that long ago working in an elementary school. I'm trying to wrap my head around that where I could have some unclear definition as an-- as an employee to have some sort of very large, very clear-- unclear immunity, and I'm not even provided--

FOLEY: One minute.

M. HANSEN: --this minimal training that we're kind of scrounging up some money for at the last minute. If we want to talk about collegiality, if we want to talk about moving this together-- bill together, moving this bill forward, we need to drop some of this rhetoric and talk about what the bill actually does. It's not a referendum on teachers. It's not a referendum on students. It is a technical court procedure, immunity, shield bill. And that's what we need to, frankly, just get some clearer answers on what the language means so that we can decide whether we like it or not. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Items for the record, Mr. Clerk?

CLERK: Mr. President, Senator Hilkemann would move or offer an amendment to LB1106 to be printed. Senator Quick would move to recess the body until 6:45 p.m.

FOLEY: Members, you heard the motion to re-- recess till 6:45 p.m. Those in favor say aye. Those opposed say nay. We are in recess till 6:45 p.m.

RECESS

FOLEY: Good evening. Senators, we will now reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

ASSISTANT CLERK: No items at this time.

FOLEY: Thank you, sir. Members, we will proceed to General File 2020 committee priority bills. LB920, Mr. Clerk.

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ASSISTANT CLERK: Mr. President, LB920, introduced by Senator Groene. It's a bill for an act relating to education to change provisions relating to the State Lottery Operations Trust Fund, the Nebraska Education Improvement Fund, the Opportunity Grant Fund, the Excellence in Teaching Cash Fund, the Excellence in Teaching Act, the Department of Education Innovative Grant Fund, the State Department of Education Cash Fund, the Coordinating Commission for Postsecondary Education; to change the name and provisions of the Nebraska Teacher Program; define and redefine terms; provide for funding of school improvement and offering distance education and expanded learning opportunities; to eliminate obsolete statutes and repeal the original sections. The bill was introduced on January 10 of this year, it was referred to the Education Committee. That committee reports the bill to General File with committee amendments attached.

FOLEY: Thank you, Mr. Clerk. Senator Groene, you're recognized to open on LB920.

GROENE: Thank you, Mr. President. Thank you, Mr. President, and members of the Legislature. LB920 is the result of the lottery study we completed during-- the Education Committee completed during the 2019 interim. If anybody wants a copy of it, it's very detailed. And you want to understand the history of the lottery funding for education, committee clerk Nicole has some copies in the back. And if we run out, we have at least one for every senator. Those findings we incorporated into LB920. Every five years, the Legislature is to look at it again and reappropriate the lottery funds to examine what we've done in the past and create a new model of what we're going to do. The current lottery allocations in statute sun-- sunset on June 30, 2021, and we'll begin on that date. I guess that's-- that's enough to know. You can read the details of it in the-- on the bill, and I would appreciate to help take this bill to Select File. Thank you.

FOLEY: Thank you, Senator Groene. As the Clerk indicated, there are amendments from the Education Committee. As the chair of the committee, you're welcome to open the committee amendments.

GROENE: Thank you. On LB-- AM2388, simplify the process. We'll reapportion the amount of money. Fifty-eight percent will go to Nebraska Opportunity Grant Fund, 5 percent to the Community College Gap Assistance Program Fund, 3 percent to the Expanded Learning Opportunity Grant Fund, 3 percent for distance education incentives, and 8 percent to the Excellence in Teaching Cash Fund. Nine point five percent will be to the Behavioral Training Cash Fund after LB147

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passes. Five percent will go to Department of Education Innovative Grant Fund, 7 percent for career readiness and dual credit education, and 1.5 percent to Mental Health Training Cash Fund. That will be the new allocation. I appreciate your support of AM2388.

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

ASSISTANT CLERK: Mr. President, Senator Groene would offer AM2907 to the committee amendments.

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

GROENE: Thank you, Mr. President. This amendment simply corrects an inadvertent error in the bill and allows DNE [SIC] and CCPE to continue to retain funds for actual necessary expenses for all recipient programs except NOG. This should offset those, these administration costs included in the first one up. Thank you.

FOLEY: Thank you, Senator Groene. Debate is now open on LB920 and the pending amendments. Senator Kolowski.

KOLOWSKI: Thank you, Mr.-- Mr. Speaker. I rise in support of LB920 and the committee amendment, AM2388. Part of AM2388 originated as a bill I introduced, LB1168. I want to thank Senator Groene and Nicole Barrett for working collaboratively with me and my staff on these bills. The goal of this language is to increase the availability of an enrollment in career and technical education and dual-credit programs by allocating funds to the Nebraska Department of Education in order to pay for a web-based career planning tool. This tool is currently available to all Nebraskans. The federal funding that previously supporting this tool is no longer available. Please note that the majority of the persons using this tool are high school students, but it also-- it is also used by the Department of Labor and Corrections, as well as the general public. Under (b), creating access-- early college, early scholarship cash fund, the Coordinating Commission estimates turning down around 500 applicants a year for the scholarship. There is also-- there are also students that don't apply because the funding has run out. Hopefully our additional dollars will come close to fully funding the scholarship program. (c), Creating the College Credit Testing Fee Cash Fund and establishing a College Credit Testing Fee Reduction Program. This program, pardon me, will enable districts to waive the testing fee for low-income students taking courses and testing for college credit. The program will be administered by the Nebraska Department of Education. The promulgation

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of rules and regulation is required, as well as the annual-- annual report to the Legislature. There used to be a federal grant specific to this, but those funds are no longer available. Even with this small amount of money, we estimate 1,800 students will be able to take the course with the fee waived. (d), Creating a Career-Readiness and Dual-Credit Education Grant Program and related cash fund. There is a shortage of teachers that are able to teach career and technical courses and dual credit courses. Working with the Nebraska Department of Education, the Department of Labor, and K-12 and the postsecondary educational entities, the commission will put together a task force to develop educational pathways so Nebraska teachers will have a local resource where they can obtain the extra coursework needed to teach career and technical education courses and dual credit courses. The grant program will provide scholarships to teachers taking the additionally required courses. The commission will also establish a directory of available teacher education pathways and provide an annual report to the Legislature. Since it's likely to be a mid-- multi-year process for teachers, we estimate that over four years, this grant will-- would fully fund around 600 teachers. Since some teachers already have part of the extra required hours, the real number will be more than that. With this relatively small amount of funding, I think we can make a big impact on the availability of career and technical education classes and dual credit classes. I also think that this added scholarship dollars more students will enroll.

FOLEY: One minute.

KOLOWSKI: That helps. In turn, that-- that will prepare students to increase the available workforce for the jobs in demand in Nebraska, which is a hot topic these days in a very economic development and educational forum. I ask for your support of LB920 with AM2388. Reminder, these are lottery funds, not General Funds. Thank you very much.

FOLEY: Thank you, Senator Kolowski. Senator Dorn.

DORN: Thank you, Lieutenant Governor. Just have some questions, I guess, of looking at the funding of this, and, excuse me, where some of it's allocated down to or whatever. I wondered if Senator Groene would entertain some questions.

FOLEY: Senator Groene, would you yield, please?

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GROENE: Yes, Senator Dorn.

DORN: Yeah. When I look at this and look at the fiscal note, it shows that our lottery proceeds are approximately, they're estimating them to be \$20,500,000 for the next two fiscal years. And then it shows where there are some decreases for next year of about \$2 million for innovate-- less for innovation grants and \$1.8 million less for testing for ACT testing for juniors. And when you scroll down about two pages, it makes a comment there that-- I'm trying to find it. Basically, it now assumes that that \$1.8 million is going to be allocated out of General Funds by the Appropriations Committee. I guess I'm trying to understand that.

GROENE: When Senator Scheer introduced that bill, and it was a good bill, to get it started, lottery funds. But now is an ongoing program. Lottery funds are for innovation, for something new. The Department of Education said it is a part of their duty now, so they'll just put it in their General Fund request to the Appropriations Committee next budget cycle.

DORN: So, but maybe I'm reading it wrong, but then it is an increase coming out of our General Fund. I know Senator Kolowski said that there was no increase in costs to the General Fund there just a minute ago. He said that those new programs were all fund-- part of the lottery funding. However, unless I'm wrong, I still read this as there will be an increased cost out of the General Fund.

GROENE: Yes. I mean, there has to be.

DORN: There has to be.

GROENE: Because it is something we-- we passed and it's a duty of the Department of Education to do ongoing. And lottery funds are-- are for new ideas, innovation and stuff like that. I know we don't follow rules around here. NOG should have been gone to General Fund a long time ago, but it hasn't. But that's the one instance where Department of Ed said it's-- it's going to be in our budget, it's part of our operating costs. And then what was the other one you said some--?

DORN: No, well, the other one was it-- pull this back down. It was a little over \$2 million less for NDE innovation grants next year.

GROENE: That was a program that really didn't work. It-- schools would apply for it. We never got a report if any of these innovation things

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happened. They would reward it out. We took that money with the permission of the Department of Education to better-- to-- to try some other-- other programs with the lottery funds. For example, the-- well, the funding for the training on LB147, that was something they thought was a good idea and they were willing to spend the money over there. Oh, and the mental health one was one that I worked collegially with a Democrat to put this into the-- into the-- the lottery funds. So we moved it around. So, but they-- there was no complaint from the Department of Ed.

DORN: OK. No, thank you for clarifying it. It does show up where the new-- the new things that you're putting it into, it does show up there and explain what they are going to fund or whatever. I just had a question about why, if some of them are now being decreased, and then later on--

FOLEY: One minute.

--where it says that will be coming out of the General Fund and the Appropriation Committee will appropriate that in the budget, just trying to make sure that this isn't something that would be now, even though it comes out of the Education Department's budget, it still is something that needs to be accounted for and expended. So thank you very much, Senator Groene.

FOLEY: Thank you, Senators Dorn and Groene. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. Good evening, senators. Wonder if Senator Groene would yield just for a simple question or two.

FOLEY: Senator Groene, would you yield, please?

GROENE: Yes.

McCOLLISTER: Senator Groene, this diversion of money from the lottery fund, is that something that occurs every year?

GROENE: Yes, it's in the Constitution, I believe. Forty four and a half percent of it has to go to education, of the lottery funds. And 44.5 percent goes to the conservative-- I can't remember the-- the building across the street. And they get 44.5, the state fair gets 10 percent, and then there's a 1 percent or 2 percent for gambling. We allow gambling and then we have to give money to those that have problems with gambling--

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McCOLLISTER: Is--

GROENE: --is every year.

McCOLLISTER: Do we go through this procedure every year?

GROENE: Every five years.

McCOLLISTER: Every five years.

GROENE: Senator Sullivan and I was on the board, it was a-- it was a mess. People were coming at that money all the time. Have you ever heard the theory around here, find money to pay for? Well, guess what?

McCOLLISTER: Are there any other special--

GROENE: People went after the lottery funds every year trying to divert them somewhere else. So when I was on the committee, we-- we said every five years we'll-- we'll see if something works. Then every five years, we'll take a look at it again. The five years is next year.

McCOLLISTER: Are there are any other expenditures from the lottery fund that would be considered unusual or doesn't happen every year?

GROENE: No. Well, the conservative-- can't think of their final-- of their titles. Somebody might help me out. They apply-- people apply for grants every year.

McCOLLISTER: OK.

GROENE: And then they have-- they have a pool of money, and 44.5 percent of it, and they provide grants. And there was a little controversy on one they did this year, I believe.

McCOLLISTER: Thank you, Senator Groene. I'm grateful for the information.

FOLEY: Thank you, Senator McCollister and Groene. Seeing no further debate, Senator Groene, you're recognized to close on AM2907. He waives closing. The question for the body is the adoption of AM2907. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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ASSISTANT CLERK: 41 ayes, 0 nays on the adoption of the amendment to the committee amendments.

FOLEY: AM2907 is adopted. Is there further discussion of the bill or the committee amendment? I see none. Senator Groene, you're recognized to close on the committee amendment. He waives closing. The question for the body is the adoption of AM2388, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 43 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: AM2388, the committee amendment has been adopted. I see no further discussion on the bill. Senator Groene, you're recognized to close on the advance of the bill. He waives closing. The question for the body is the advance of LB920 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 43 ayes, 0 nays on the advancement of the bill.

FOLEY: LB920 advances. Proceeding now to LB1064, Mr. Clerk.

ASSISTANT CLERK: LB1064, introduced by Senator Briese, is a bill for an act relating to tobacco. Change provisions relating to the sale and use of tobacco products, electronic nicotine delivery systems and alternative nicotine products; provide an operative date; repeal the original sections; declare an emergency. The bill was introduced on January 21 of this year. It was referred to the General Affairs Committee. That committee placed the bill on General File with no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Briese, you're recognized to open on LB1064.

BRIESE: Thank you, Mr. President. Colleagues, I present for your consideration today, LB1064. LB1064 is a bill I introduced that serves as a General Affairs Committee priority bill. LB1064 would raise the legal age for use of cigarettes, cigars, electronic nicotine delivery systems, alternative nicotine products or tobacco products to 21 years of age to match federal law. LB1064 was heard before the General Affairs Committee on February 3. Several groups testified in support, including representatives from Heartland Family Services, the Nebraska Hospital Association, Nebraska Grocery Industry Association, Nebraska

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Petroleum Marketers and Convenience Store Association, and the Attorney General's Office. There was no opposition testimony. It's my understanding that PRO, the Governor's Office also supports the bill. As you may remember, last year this body heard and passed LB149, a bill by Senator Quick, raising the minimum age for use of tobacco products to 19. LB149 went into effect on January 1, 2020. However, a change at the federal level in December-- on December 20, 2019, raised the federal age for use of such products to 21. This created enforcement confusion at the state level. In an effort to curb youth use of traditional and e-cigarettes, Congress included a raise in the age to buy tobacco and similar products and broader legislation funding domestic programs. The President then signed the underlying measure, which included raising the age to use or purchase tobacco to 21 years of age on December 20. Shortly after the legislation was signed, the Food and Drug Administration released a statement indicating that the change would take place immediately, making it currently illegal at the federal level to sell tobacco to those under 21. However, Nebraska state law, pursuant to LB149, went into effect on January 1 to raise it to 19 years of age. This created confusion for retailers, consumers, and enforcement officers on what legal age to enforce here in the state. The Nebraska Attorney General, Doug Petersen, issued a statement on December 31, 2019, which indicated that since Nebraska law stated 19 is the legal age, Nebraska law enforcement and agencies would only be enforcing the age of 19 unless a change is made by the Legislature. I introduced LB1064 and it was prioritized by the General Affairs Committee in order to help solve this problem and match federal law for the legal age to buy and use cigarette and tobacco products. Currently, there are some businesses which have already switched to only selling cigarette and tobacco products to those 21 and over. However, others have continued to utilize the state law age of 19. This has created confusion and led to a patchwork of legal age limits for such products to be present-- presently sold across Nebraska. Even if Nebraska enforcement officers only enforce the state age of 19, businesses remain at risk of civil fines and penalties by the FDA from federal compliance checks if they are selling to those under 21. And there are additional consequences if Nebraska does not enforce the new federal age of 21, including the loss of certain federal block grants, specifically substance abuse prevention block grants could be jeopardized. Additional penalties and consequences are probably likely in the future if we do not match up with federal law. And specifically, some have suggested MSA dollars could be-- also be jeopardized. Matching state and federal law and the age limit for tobacco and cigarette products helps ease confusion for

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Nebraska residents, businesses, and enforcement officers and protects Nebraska retailers from federal civil penalties. And it levels the playing field among our retailers. This change would also further support an effort to curtail teen tobacco and e-cigarette use that continues to be identified as a major issue in our schools and communities. And there is an amendment I will introduce, AM3062 that simply changes the operative date of the bill. Originally, the bill would have taken effect June 1. However, since that date has already passed during our Covid-19 recess, an amendment was necessary. That amendment changes the date from June 1 to October 1. This date will make certain that Nebraska is in compliance with the federal age limit in a timely manner while providing enough time for retail and enforcement groups to ensure the proper signage, training, and enforcement mechanisms are in place to create a smooth transition to the new federal age limit. Without these changes, we're putting Nebraska retailers at risk and allowing confusion to continue to retailers, enforcement officers, and the public here in Nebraska. LB1064 was advanced unanimously from the General Affairs Committee. I urge the body to vote green and advance LB1064 and ultimately AM3062 to Select File.

FOLEY: Thanks, Senator Briese. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Briese would offer AM3062.

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

BRIESE: Thank you, Mr. Speaker. As I mentioned earlier, AM3062 is a simple amendment that just changes the operative date for LB1064 from June 1 to October 1 of 2020. I urge your support of this amendment. Thank you.

FOLEY: Thanks, Senator Briese. Discussion on the bill and pending amendment. Senator Erdman.

ERDMAN: Lieutenant Governor, good afternoon-- or evening, I should say. I was wondering if Senator Briese would yield to a question.

FOLEY: Senator Briese, would you yield, please?

BRIESE: Yes, I will.

ERDMAN: Senator Briese, in your comments you said that this makes us coincide with the federal statute or federal law, is that true?

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BRIESE: Yes.

ERDMAN: So does federal law trump the state law?

BRIESE: Trump the state law? It would be my impression that it would in most circumstances.

ERDMAN: So if the federal law supersedes our statute, why do we need to do this?

BRIESE: Because we have retailers out there that are still selling to 19-year-olds. The Attorney General has indicated that we're not going to enforce the federal provisions. And plus it's the FDA issued these and I'm not sure-- and the Attorney General is probably right, we probably shouldn't be enforcing something that federal-- or excuse me, an FDA regulation.

ERDMAN: Well, it-- help me with this. You're a lawyer, so maybe you can help me. If it's a federal law and the Attorney General should enforce the federal laws, shouldn't he just enforce the 21 and we shouldn't have to do this?

BRIESE: If he would do that, that would possibly take care of some of these concerns. We have an obligation under federal law to ensure compliance with the federal age limit. And our failure to ensure compliance jeopardizes these block grants I referred to earlier. And the Attorney General's Office thinks that eventually it could possibly jeopardize MSA funding. And so the easiest way to enforce federal law is to change our age to 21. Enforce the same age that federal law requires.

ERDMAN: Wouldn't it be easier for the Attorney General just to enforce the federal law and we wouldn't have to get involved?

BRIESE: If you had that much pull with him, that might be an option.

ERDMAN: I don't have to have any pull, it's federal law.

BRIESE: He's not charged with enforcing federal law.

ERDMAN: OK. All right, thank you.

FOLEY: Thank you, Senators Erdman and Briese. Is there further discussion on the bill or the amendment? I see none. Senator Briese, you're recognized to close on the amendment, AM3062. He waives

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closing. The question for the body is the adoption of AM3062. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 41 ayes, 0 nays on the adoption of Senator Briese's amendment.

FOLEY: AM3062 is adopted. Further discussion on the bill. I see none. Senator Briese, you're recognized to close on the advance of the bill. He waives closing. The question for the body is the advance of LB1064 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 42 ayes, 0 nays on the advancement of the bill.

FOLEY: LB1064 advances. Proceeding now to General File 2020, senator priority bills. LB1052, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB1052. It's a bill for an act relating to the Medical Assistance Act. Amends Section 68-955; change provision relating to prescription drugs not on the preferred drug list; and repeal the original sections. The bill was introduced on January 16 of this year, referred to the Health and Human Services Committee. That committee placed the bill on General File with amendments attached.

FOLEY: Thank you, Mr. Clerk. Senator Wishart, you're recognized to open on LB1052.

WISHART: Well, good morning colleagues. I'm here today to introduce LB1052. This bill is a reintroduction of a bill I introduced last year, and it's a bill that I will keep bringing until this problem is addressed. Over two years ago, I was contacted by a constituent of mine about a situation concerning her brother, who she is guardian for. His name is Curtis and he has schizophrenia, the paranoid type, and he suffers from significant obsessive thoughts causing suicidal and homicidal ideation at times, which has led to several hospitalizations in the past. After many years of work with his doctors, they were able to find a combination of medications and treatments that allowed Curtis to live in his own apartment in Norfolk, hold a part-time job, and enjoy relative stability and independence. He was able to enjoy this independence with no psychiatric hospitalizations from 2006 to 2017. In February, 2017, Curtis was denied coverage of one of his medications critical to his

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stability. The cost of the medication at the time was \$97 per month, about a thousand dollars a year. After he was no longer able to have the medication covered, Curtis, who I remind you, had remained independent and hospital-free for two-- from 2006 to 2017, was hospitalized five times at an approximate cost of \$32,000 covered by Medicaid. Since the March, 2017, hospitalization, he has been living, first, in a therapeutic group home, and currently he is in an assisted living facility. He now receives an additional \$442 per month. That's \$5,000-plus a year from the state of Nebraska, from the state aid to aged, blind and disabled to cover the additional costs of living in those facilities. While he's now back on the original drug his managed care organization denied him originally, Curtis may never get back to the level of independence he had for over 10 years. He's lucky to have a sister, Marlene, advocating for his care, and I'm sure she is here today in spirit with us, watching as I work through this bill and introduce it, because she's worked so hard in this for the past four years-- excuse me, two years. When I originally started to look into this issue, I was serving on the Mental Health Task Force. We visited assisted living facilities across the state that-- that care for a significant portion of people who have severe mental health issues. And what I found is that they had similar situations to Curtis. All of these facilities, every one of them, said that this happens to their clients. Colleagues, this has to change. Our goal is that the state should be working towards people with mental health issues living as independently as possible, as long as possible, as healthy as possible, and with the least cost possible to the state. In my opinion, and from what I've witnessed on the Mental Health Task Force, people are not being provided the level of care that will help them towards this kind of independence and quality of life. So it really frustrates me when I hear a situation where an individual has been able to achieve 11 years of independence on medications that allowed him to be healthy enough to hold a part-time job, and his health insurance made it financially impossible for him to continue on that successful path. In addition to the moral and public health imperative to solve this problem, it's crucial that we ensure thousands of dollars, public dollars, are not spent due to similar fallout from what happened to Curtis. The bill you see today adds language that explicitly says the department, a managed care organization, or a pharmacy benefit manager cannot deny coverage of a drug that falls into one of three categories: antidepressant, antipsychotic, or anticonvulsants that is deemed medically necessary for the patients-- from the patient's health care provider. AM2645 represents a compromise with the Department of Health and Human Services, managed

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care organizations, and representatives from the pharmacists, and I want to thank Chairwoman Howard for her work on this as well, and the committee. It allows someone who has had success on a drug and one of these three categories to be grandfathered in on that medication and not face any new prior authorizations or barriers. Following several meetings with them, with the department, AM2645 also will remove the fiscal note from the bill by ensuring that we are still in compliance with the federal regularization-- regulations. And AM2645 also includes two bills from Senator Arch that I fully support and wanted to ensure that he had a path to these policy-- to these bills becoming law. So I offered my priority as a vehicle-- vehicle, and he will talk to those as well. I am committed to solving this problem so that what happened to Curtis and what is happening to other vulner-- vulnerable Nebraskans is stopped. Thank you. And I will yield my time to-- to the president.

FOLEY: Thank you, Senator Wishart. As the Clerk indicated, there are amendments from the Health and Human Services Committee. Senator Arch, as Vice Chair of the committee, I understand you're going to handle the committee amendments for us. Senator Arch.

ARCH: Thank you, Lieutenant Governor. First, I want to thank Senator Wishart for allowing me to add on to her priority bill. As mentioned, the committee amendment, AM2645, reflects the hard work Senator Wishart has done with respect to LB1052 since its introduction in order to reach an agreement with the Department of Health and Human Services and the MCOs. The committee amendment also contains the language of two of my bills, LB887 and LB847. All three of these bills were supported unanimously by the Health and Human Services Committee. Section 4 on pages 5 and 6 of the amendment contains the amended provisions of LB1052. As Senator Wishart has said, the amendment states that neither the department nor a managed care organization shall require prior authorization for coverage of an antidepressant, antipsychotic or anticonvulsant prescription drug if it is deemed medically necessary by the Medicaid recipients' health care provider and if the Medicaid recipient has a prescription history of that drug within the immediately previous 90-day period. It also specifically allows for a prospective drug utilization review to occur. Sections 2, 3, 8, 10 and 11 comprise the provisions of LB847, one of my bills, which deals with medications in assisted living facilities and nursing facilities. I believe it's important to give you a little background to understand this issue. Recently, nursing facilities began receiving citations from DHHS for their medication administration processes. Due

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to the impact these citations were having on the facilities and pharmacies, a work group was convened to find a solution. The working group consisted of the Nebraska Pharmacists Association, the Nebraska Health Care Association, LeadingAge Nebraska, the Nebraska Hospital Association, and staff from the Nebraska Department of Health and Human Services Regulation and Licensure. The bill addresses ongoing issues regarding label changes when there is a medication dose change for residents in these facilities. For example, a resident might have an adverse reaction to some medication and either their doctor or perhaps the medical director of the facility may say, take one tablet instead of two. That change in dosage presently requires a new label on the medication, which can only be affixed by a pharmacist. However, the pharmacist can't appear spontaneously to change the label, and oftentimes many facilities utilize pharmacies that are not even located in the same community, let alone the same facility. This bill addresses what happens in the time frame between the change in the dosage and the attachment of a new label. Under the language in AM2645, a credentialed individual, usually a nurse in the facility, would be allowed to attach an auxiliary sticker to the medication that serves as an alert that there has been a change. The change will be noted in the patient's medical administration records, or MAR. An MAR is basically like a person's hospital chart. It's an administration record. That temporary auxiliary sticker directs the individual giving the meds to consult the MAR to see the change in dosage. It's my understanding this has been the practice for quite some time, and is the practice in nursing facilities across the country generally addressed through regulations. However, as I mentioned, the department has decided these auxiliary stickers constitute labeling in violation of the Pharmacy Practice Act, or Prescription Drug Safety Act, which is why we need to change the statute. I do want to be upfront and say the department, though it was part of the working group, did oppose the bill at the hearing. Since that time, we attempted to address those concerns through amendments. It's been argued that this bill won't work for assisted living facilities because they aren't required by law to maintain an MAR. This bill does not change that. MARs are not required for assisted living facilities. Generally, the residents are in control of their own medication. However, there are some assisted living facilities that do assist residents with their medication. Those facilities do maintain MARs. This bill directs a person to consult the MAR only if one exists. As far as nursing facilities and skilled nursing facilities, both are required by law to maintain a MAR. Other provisions in the bill include statutory changes to clarify that a patient can ask a pharmacist at their local pharmacy

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to compliance package medications they receive from the Veteran's Administration or a different pharmacy at the pharmacist's discretion. And it also makes technical changes to the Emergency Box Drug Act in recognition of electronic e-boxes. Sections 1 and 16 of the amendment contain the provisions of LB887, which authorizes pharmacists to adapt prescriptions in certain circumstances and with patient consent unless a prescriber specifically indicates no changes can occur. Here's how it works everyday. Every day, pharmacists receive prescription orders that need minor adjustments before the prescription can be filled for a patient. Currently, when adjustment has to be made, whether it is a quantity adjustment or because the drug isn't on the insurance company's formulary, the pharmacist must contact the prescriber, which causes unnecessary delays for the patient. The measure would permit pharmacists to-- and this is very specific --change the quantity if the quantity or package size is not commercially available or if the change in quantity relates to a change in dosage. Change the dosage form, like tablets to gel caps, dispense multiple months' supply if prescription is written with sufficient refills, and substitute any chemically equivalent drug product to comply with a drug formulary covered by a patient's health insurance. This is brand name to another brand name. If generics are involved, those regulations are covered under the Drug Product Selection Act. And again, these slight modifications are only allowed if the prescriber hasn't specified that substitutions are prohibited. These are minor adjustments. Pharmacists are not changing prescriptions or writing prescriptions. This saves both pharmacists and prescribers time, reduces a lot of unnecessary hassle, but most importantly allows consumers to get their medications in a timely manner. I may mention that this bill is supported by both the Nebraska Pharmacists Association and the Nebraska Medical Association. With that, I encourage you to adopt AM2645 and advance the underlying bill. And again, I want to thank Senator Wishart for allowing the committee to attach my bills on to LB1052. Thank you.

FOLEY: Thank you, Senator Arch. Pursuant to the agenda, we're going to move off this, members, and move on to the 7:30 agenda item. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next bill. Senator Geist would move to place LB814 on General File pursuant to Rule 3, Section 20 (b).

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

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GEIST: Thank you, Mr. President, and members of the Legislature. As we begin debate on my motion to pull LB814 from the Judiciary Committee, I wanted to first share that I have great respect for the Judiciary Committee and the committee process itself. I decided to file a pull motion after speaking with Senator Lathrop and learning that the committee was at an impasse. They did not have enough votes to kill my bill or to move it out of committee. Since LB814 is my priority bill, I would like the chance to have the whole Legislature debate it. Therefore, I-- I filed this motion. Pull motions aren't used very often, and probably shouldn't be used very often. However, when the committee is at an impasse, it's one reason we have a pull motion rule and I'm following the proper use of that rule. Earlier today, there was discussion about the process not being allowed to stand in the way of something that was very important. In this case, I'm not putting process aside. I'm following the rules as they are prescribed. Some object to pull motions because they feel that usurps the second house. However, I'll let you know that in the committee hearing, 86 people sent in letters of support for my bill, as opposed to only 16 letters in opposition. Pro-life is something I campaigned on openly. I spoke regularly from house to house in my district. It is an issue that is very important to my district. And the second house in my district, and I would also challenge probably across the state, supports LB814. I believe the citizens of Nebraska deserve to hear the details of my bill and that the majority of its citizens will agree with its premise. And the premise is this: it is barbaric to cause the death of a living human being by pulling it apart limb by limb in the 12 to 24 weeks of pregnancy. As I talked to constituents and other citizens of Nebraska, they have the same reaction I did when they first-- when I first learned about this bill. First, they're surprised that this procedure is actually legal. Second, they're horrified it's taking place in our state. And in both cases, it is. In this procedure, again, the doctor will actually tear off the arms and legs of the child piece by piece, until the child either bleeds to death, its spinal cord is broken or its skull is crushed. So really, regardless of our individual opinions on abortion, I think most of us, if not all, can agree that no living creature and certainly no human being should be subjected to this barbaric act in the name of women's health. LB814 does not remove access to abortion in Nebraska. It simply requires that this particular method in the second trimester no longer be practiced in our state. And I'll be clear, this practice is a common second trimester procedure nationwide, but it is uncommon in Nebraska. In 2019, there were six dismemberment abortions in Nebraska out of 181 total second trimester abortions. That's only 3 percent of

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that total. In 2018, there were 32 out of a total of 178, or 18 percent, and in 2017, there were 21 out of a total 133, or 16 percent. So obviously this bill is not designed-- designed to deny access to abortions. Once again, I would like to say that I bring this motion with no disrespect to the Judiciary Committee or to Senator Lathrop. I'm simply following the rules that govern this body in order to have this priority bill heard and debated. There are many important issues we will be debating in the remaining days of the session. The budget, property taxes, and business incentives, just to name a few. I believe the discussion of human dignity belongs at the top of that list. How we as a society treat the vulnerable and defenseless is worthy of a hearing and worthy of our debate. If ever there were a least, a last, or a lost, these are them. Thank you, Mr. President.

FOLEY: Thanks, Senator Geist. There's a long list of senators in the queue. The first three are Senators Hunt, Slama, and Hilgers. Senator Hunt.

HUNT: Thank you, Mr. President. Thank you, colleagues. Colleagues, please understand that this bill is going to go the distance. We're going to take every minute possible on this bill. I'm going to pull every shenanigan out of my sleeve to stop this bill. And that might not be something you like, but when you play stupid games, you win stupid prizes. And that's what I feel is going on right now with this type of bill right now in the type of climate that we have in our culture, in our community in Nebraska, based on the things that Nebraskans are asking us to work on. In a pandemic when we're in this unventilated Chamber, when half of you aren't wearing masks most of the time, when we know Nebraskans are in serious economic distress because they tell us all the time, using any channel they can get their hands on to reach out to us and get us to care about what they're facing, forcing a conversation on a pull motion for an unconstitutional bill that will take away health care is not appropriate. Before we adjourned because of the pandemic, Senator Geist filed a motion to move this extremely controversial bill to General File, this bill that was never voted out of committee. And now instead of doing the responsible thing for Nebraskans and withdrawing her motion, we're here, and it's been scheduled very last on the agenda for a late night. So this is a time when fewer people are watching us on NET. We've seen this happen in many states across the country. These abortion bills, these abortion bans that get passed in the dark of night when fewer people are paying attention, when anti-abortion legislators think that they can slip something, you

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know, under constituents' noses. Since we adjourned, over 22,000 Nebraskans have contracted Covid. More than 300 Nebraskans have died of Covid. Over 160,000 Nebraskans have filed for unemployment, and \$225 million has been paid out in unemployment. And Black Lives Matter protests and racial justice protests have been occurring for multiple days. My inbox is full of people who are asking for financial relief and greater economic security, not people asking me to restrict people's health care. So it's really rich to me to hear people talk about the least, the last, and the lost, and to talk about caring for the most vulnerable in our society when people are reaching out to us all the time, when we can't even get-- when we can't even beat a filibuster on something like raising the tipped minimum wage from \$2.13 an hour. If some of those servers, people who have been out of work, some of them for over three months now, some of them who I hear from who haven't gotten a single unemployment check yet, maybe they would have had enough to get by if they had been able to get a raise, if they'd been able to have more take-home pay to take home. Maybe if we had expanded Medicaid, people would have the resources they need who are vulnerable in our society. But we have not done the basic things as a body to care for Nebraskans in the way that they are now pleading with us to. And we're going to take 15-maybe-plus hours to talk about an abortion ban in the Legislature. This is irresponsible. If you look up these two bills-- well, there's these two bills. A bill just like this was introduced in 2016, it was LB767, and you can see that these bills are really trying to accomplish the same goal. I know that we have an expectation for these remaining days that the Speaker set that we would not be bringing bills that have a cost. This bill, of course, does not have a fiscal note, LB814 that we're discussing today. But one thing that really confused me about this bill is that it's identical to this bill that's from 2016, which is LB677 [SIC], which was introduced by Senator Garrett. If you look at the two bills, you can see that they're trying to accomplish the same goal. They're the same bill. The bills are almost identical, including entitlement to a hearing that was the basis of a \$10,000 fiscal note on LB677--

FOLEY: One minute.

HUNT: --LB767. So in the bill before us today, you can find that the same language on page 4, line 26. So in 2016, that language that's in this bill led to a \$10,000 fiscal note. But in 2020, there's no fiscal note, even though language is the same. So I would ask you colleagues the question, what is the true cost of this bill? Well, there may be a cost similar to LB6-- or LB767 in 2016 of \$10,000. But there's also

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the cost of litigation that I promise you is going to come if this bill passes. In the past four years, taxpayers in states that have tried to restrict abortion have paid over \$10 million in attorneys' fees for abortion providers. And in every single state that has passed this same bill that we're debating today, it has been overturned. Every state where that bill has been challenged--

FOLEY: That's time, Senator.

HUNT: --it's been overturned at a great cost to taxpayers. Thank you.

FOLEY: Thank you, Senator Hunt. Senator Slama.

SLAMA: Thank you, Mr. President. I believe, just to kind of follow up on a few of Senator Hunt's comments, Senators La Grone and Hilgers will be addressing Senator Hunt's legal concerns with this bill. I rise today in support of LB814. As a member of the Judiciary Committee, I wholeheartedly endorse this pull motion. I think Senator Geist gave a very accurate description of the situation in Judiciary Committee where the bill is stuck. There's not enough votes to kill it, there's enough votes to pass it out, so we have a very rare occasion in which a pull up motion is appropriate. For those who don't like the fact that that's an option available to Senator Geist, remove it from the rules. To follow up on some of Senator Hunt's comments, because they did strike a few thoughts within me. Folks are reaching out about LB814 to my office by the dozens in support of this bill. These are constituents reaching out in support of this bill. So if that's our gauge for the things that matter in this body, LB814 has that going for it because my emails and my calls into my office have been overwhelmingly in support of this bill. Moreover, Senator Hunt's reference that this bill is being pulled from committee in the dark of the night is false. First off, it is still light outside. And second off, I think this is a great time to be bringing this bill. Folks are off work and can actually watch the Legislature. That's one thing that I do hear is a common complaint from folks in my district, that most of our proceedings go on when my constituents are at work. So I think this is a great time, an opportunity for the second house to tune in and watch our proceedings, and I'm sure we've got plenty of people tuned in today. The last thing that I want to address from Senator Hunt is the, quote, play stupid games and win stupid prizes comment. Let's talk about what we're discussing here with LB814. This is a ban on dismemberment abortions of a living baby. I'll reference Dr. Kathi Aultman's testimony from the Judiciary Committee hearing on February 20, 2020: During a dismemberment abortion, I would drain the amniotic

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fluid using a suction curette, bringing the baby into the lower portion of the uterus. I used a clamp to grasp whatever I could, usually an arm or a leg, and by pulling down and twisting, I would tear it from the body and place it on a tray. Once I couldn't get anything else, I would open my clamp wider and grasp and crush the chest and then the head. I would-- I could tell when I had done this because the white sub-- substance, the brains would leak out. LB814 does not outright ban the removal of a dead baby from a mother's womb. If the baby is killed through other means, whether it be a chemical injection, that's the most common method, or if the child has passed before the removal, LB814 does not ban that removal. It simply says that you cannot pull a living baby limb from limb from its mother's womb. You cannot pull a baby limb from limb from its mother's womb. So, Senator Hunt, I do you take issue with your quote, the-- of playing stupid games to win stupid prizes, because this is a very serious issue. And just because you can't hear a baby's scream doesn't mean that it's in pain as its limbs are being ripped from its body without any sort of anesthetic and without any sort of demise occurring before this child is removed from the womb. I'd like to thank Senator Geist for bringing this bill, and again, I stand in full support of LB814 and the pull motion to bring it to the floor for debate. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Hilgers, to be followed by Senators Crawford and Clements. Senator Hilgers.

HILGERS: Thank you, Mr. President. Good evening, colleagues. I stand in support of LB814. I'm a proud co-sponsor and I stand firmly with Senator Geist on this particular motion. I want to address primarily the rule, the argument on the pull motion itself. There will be plenty of time, I hope, to talk about the merits of this particular bill. And I will tell you that this particular debate may be happening at night, but as Senator Hunt mentioned, if this goes through this stage, there will be a lot of debate on this. And there will be an opportunity to-- to speak to Nebraskans. I guarantee you that we want Nebraskans to know what it is that's going on here in this gruesome procedure that Senator Slama just described. It's abhorrent that it occurs in the state, and I'm proud of Senator Geist for the work that she has done bringing this particular bill. So we will talk about the merits. And I will, at the end of my comments, speak just briefly to the constitutional argument. But-- but this is a bill-- or this is a motion to pull, it's not on the merits, at least right now. And so I do want to speak to that, because I think it's an important point for

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the body to consider. So the rules are very clear. This is not some part, you know, kind of arcane parliamentary procedure where it's like a nuclear option of some kind. So if those of you watching at home hear phrases like shenanigans or-- or something that suggests something that's underhanded, quite to the contrary. The rules say something very simple. It's in Rule 3, Section 20, and that is any senator can bring a pull motion. And that pull motion can-- will be successful with only a majority of the elected members, only 25 votes. It's not 30, it's not 33, it's not something more than that. The rule itself only requires really one thing, and that is that the-- the-- the senator who is bringing the motion wait 20 calendar days. And I've got to tell you, that makes a ton of sense. And the reason is, is because you do want the committee process to work. You absolutely want the chair and the committee to work through issues and try to find compromise and dialogue. That's exactly what Senator Geist has done. She didn't just wait 20 calendar days, she waited 40 legislative days. And I think Senator Lathrop runs a great committee. I think there's a lot of great members on the Judiciary Committee. And out of the 250-so bills introduced over the last two years, this is the only one, at least that I've seen, and I could-- I might need my memory to be refreshed, that-- that had a pull motion. I think that's a testament to the work that that committee has done. There are a lot of hard issues and you can't always get agreement on those issues and that's OK. So the rule doesn't say anything about the standard against which we should-- we should apply our decision here. It just says, give the committee the time to work, and the committee had the time to work. And I think by bringing the motion, it doesn't suggest anything negative about the committee process. To the contrary, I think it says this is an opportunity for the body to weigh in. And Senator Geist, I believe, has majority support, I believe has supermajority support for this particular bill, because I think this bill has supermajority support across the state of Nebraska. It's her priority bill, she has every right to bring this motion. And I'm going to be voting in favor. Now, just briefly on the constitutional arguments, again, we'll have the opportunity to be-- to discuss the merits of this bill on the floor, I hope on General File. And there are other bills that like this that have been declared unconstitutional. But I just want to stress to the body, and this is something we'll talk about, we'll go through the case law. The bills-- the Supreme Court doesn't rule on bills just because they look facially the same on an as-applied challenge. They look about how-- they look at what those particular bills do within the context of the state in which they're passed. So one state might look totally different than another state. The bills

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may be facially identical, but the impact is different. One state's impact might be uncon-- unconstitutional and another state's impact may not. And that is precisely what is the case here. And we'll talk about the merits when we get to it on the floor. But ultimately, in the states in which-- in which bills similar to this have been declared unconstitutional, it's because by restricting this procedure, you have functionally restricted abortions in toto. And under Supreme Court precedent, that's-- that is unconstitutional. The facts here--

FOLEY: One minute.

HILGERS: Thank you, Mr. President. --the facts here are quite different and I believe strongly support the constitutionality of this particular bill. And I agree with Senator Hunt that we have a lot of important issues, this body has a lot of important issues and in the large degree, the cake on the session was baked in January. And I have heard from many of my constituents about all the issues that they're facing economically. And unfortunately, I can't hear from the babies that are impacted by this procedure. But Nebraska will hear from us on this bill and they-- their voice will be here today and on the-- on the rest of this debate. I urge you to vote green. Thank you, Mr. President.

FOLEY: Thanks, Senator Hilgers. Senator Crawford, Clements, and Morfeld. Senator Crawford.

CRAWFORD: Thank you, Mr. President. Colleagues, Nebraskans, my comments and my vote at this stage are procedural. I have only a few days left in my nearly eight years here. I have never voted for a pull motion before and I don't intend to vote for one now. I do think that the committee process is critical. I appreciate that it is an option in the rules. I just don't tend to vote for pull motions and-- and prefer that we make sure that the bills get their full work and full support from the committees. So again, I will not be voting for the pull motion. And I appreciate the debate we're having tonight. And I just wanted to make that clear that my comments and my vote tonight are procedural. Thank you.

FOLEY: Thanks, Senator Crawford. Senator Clements, Morfeld, and Howard. Senator Clements.

CLEMENTS: Thank you, Mr. President. I rise in support of this motion. I'm also a co-sponsor of LB814. I also ran as a pro-life candidate in my district and was successful. And I listened to many constituents

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who were thankful when I knocked on their door that I told them I was going to be a pro-life candidate. I also had many emails of support for this vote. I also listened to the committee debate on this bill earlier this year, and I especially was interested in Dr. Kathi Aultman, the Ob/Gyn former abortionist. One quote that she said was: A major benefit of LB814 is that it will spare mothers the agony and guilt of knowing that their child was born-- was torn limb from limb while it was alive. And that was shocking to me. I, before this, hadn't really realized what was going on in those clinics. Back in the 60s, less evidence was known about a fetus and since-- what a fetus could feel and what the development was. Since then, science with, especially with ultrasound technology, we know that babies this age feel pain and are tiny human beings. They're not just globs of inert tissue. The other testimony that was striking was by Kristen New, who said she worked as a counselor in an abortion clinic. She says: I believed that abortion helped women. These beliefs drastically changed once I observed a second trimester dismemberment abortion under ultrasound. Kristen saw the baby had feelings and was trying to get away and was alive. She quit the abortion clinic after that. LB814 is not unconstitutional, in my opinion. It's not going to prohibit second-term abortions. Other methods will still be legal. A little bit less gruesome as they are able to put the baby to sleep with other methods without live dismemberment. And the statistics prove that in the last three years there were 59 live dismemberments in Nebraska out of 492 total procedures. That's 12 percent, only 1 out of 8. Seven out of eight of those were not-- would not be prohibited at all by this bill. And by passing LB814, the clinics will still have access to methods in the second trimester that won't be prevented. So I urge your support for the motion and I strongly support LB814. I would like to yield the rest of my time to Senator Geist.

FOLEY: Thank you, Senator Clements. Senator Geist, 1:20.

GEIST: Thank you, Mr. President. Just on a personal note, I'd like to answer the question that Senator Hunt inferred, and that is, why take time on this? In a-- in a session that we have so many pressing needs-- needs for the state, and I certainly understand that. And on a personal note, as I said, the reason to take time on this is because to the degree that we as a society value those who are vulnerable, who have no voice, who can't speak for themselves, that is a direct corollary of how we treat each other as adult human beings. When we devalue life in its very most innocent form, we devalue each other's lives as adults. That is of utmost importance to me. It's more

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important to me than a tax credit. It talks about the very bedrock of our society. And because I feel that strongly, now others may not.

FOLEY: That's time, Senator.

GEIST: Thank you, Mr. President.

FOLEY: Thanks, Senator Geist. Senator Morfeld, Howard, and Senator Ben Hansen. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to the pull motion for a few different reasons. First, the introducer of the bill, who I have a great amount of respect for, noted that they have respect for the process. It's correct. There is a process by which you can pull a bill from committee, but we have a committee process in this body for a reason. The reason why we have a committee process in this body is so that people can become subject matter experts of the jurisdiction of the subjects in which the committee addresses. That's why I sit in the Judiciary Committee with many of my colleagues for hours, sometimes not getting home until 11:00 or midnight, more often than not. It's because we have the subject matter jurisdiction, and respecting that committee process is important. Now, I respect that there's a rule that Senator Geist is availing herself of today that allows her to pull that. That being said, I think that disrespects the committee process, and I respectfully will vote against it. It was her prerogative to prioritize her bill before it was out of committee. The first thing I was told when I came down to this body is don't prioritize your bill until it's out of committee. That's a choice that she made. I will make the choice to vote against the motion because I respect the committee process and the people and the members of the body who spent hours in the committee listening to the expert testimony and the testimony that's just as important from regular Nebraskans. So I just wanted to address that briefly. It's hard to really know where to begin on this subject. I think, first, restrictions like this place a substantial obstacle to the path of women seeking a pre-viability abortion. They constitute an undue burden on abortion access and thus violate the constitution pursuant to Supreme Court precedent that is already in place. A woman's health, not politics, should guide the important medical decisions at every point in a pregnancy. This bill bans care for women who need and desire these abortions and what doctors recommend. The decision about the most appropriate method in which to end a pregnancy belongs with the woman and her doctor, not politicians, and that's what we're doing here today. Every pregnancy is different, which is why a

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one-size-fits-all law has no place in our health care decisions. We need to stop trying to force our personal beliefs on women when it comes to abortion. I respect that many people have strongly-held beliefs on abortion, and I respect their choice to decide whether or not to have an abortion. And when it comes to caring about our most vulnerable, as Senator Geist so eloquently said on the floor, that how we treat the least among us reflects upon us as a society, I agree. That is what's guided all of my decisions in this body. And I would like to ask where some of the members of this body, including the introducer of this bill, was on Medicaid expansion, paid family leave, access to affordable contraception, expansion of SNAP benefits, increasing the minimum wage. I know-- I know where many of you were on those pieces of legislation. So when we get up on the floor and we talk about taking care of the most vulnerable among us, let's be consistent.

FOLEY: One minute.

MORFELD: Let's be consistent. Because I tell you what, the first year that I was in this body, I watched people who advanced bills like this vote against having accessible, affordable contraception for low-income women. It was mind-boggling to me. How is that pro-life? Colleagues, I'm opposed to the pull motion both on the basis of principle of respecting the committee process. I have-- I have no qualms with the fact that Senator Geist is availing herself of the rules and there's a process for that and she's following the rules. I get it. But I respectfully object to it based on respecting the committee process. I also object to this legislation and I object to the premise that it's based on caring about those that are--

FOLEY: That's time, Senator.

MORFELD: --the least vulnerable. Thank you, Mr. President.

FOLEY: Thanks, Senator Morfeld. Senator Howard, Senator Ben Hansen, Senator Friesen. Senator Howard.

HOWARD: Thank you, Mr. President. Good evening, colleagues. I rise in opposition to the pull motion. And I want to thank Senator Hunt because she shared with me my own transcript from LB147 and the pull motion debate that we had then, and so I'm just going to revisit that because the arguments haven't changed. I've never voted for a pull motion in all eight years that I've been here, and I don't intend to start tonight. I think the main challenge here is that I never want to

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subvert the committee process. And like Senator Hilgers mentioned, it is in the rules. We are allowed to do this. We can do this. The question is whether we should. The question here is whether we should. So let's talk about how we built the committees. I serve on Committee on Committees, and we try to find people who are subject matter experts who have-- or who have a specific interest. So when you look at the Judiciary Committee, there are a lot of lawyers on that. There are a lot of thoughtful leaders who have a background in the law and they're there for a reason. And we want them to be there to really vet these bills and to do this work. And not only am I on Committee on Committees, I also serve as Chair of our Health and Human Services Committee. And so I'm going to talk to you about how we do things in my committee. Every week, we hear the bills. And then the next week on a Wednesday, we have an executive session, and all we do is discuss them. We talk about the merits, we talk about the language. We talk about whether or not we think this can go all the way, whether it's a good idea, whether it's a bad idea, whether there's a better way to do it or whether it's dead on arrival. We talk about them and we try to make sure that the language matches the introducer's intent, and we try to make sure that the language works for the state of Nebraska. It is a deliberative, slow, thoughtful process. But every single person who has brought a bill to the HHS committee has benefited from that process. And I'm thinking about folks like Senator Wishart, who had a great bill that we had to pass over earlier to help her vulnerable constituent, Curtis, who went off his meds because the managed care companies didn't take care of him. I think of Senator Bostelman, who has a great package of bills around emergency medical services. I think of Senator Blood, who brought a package of bills around scopes that wouldn't have been-- that wouldn't have moved the way that it did but for the thoughtful committee process. We rely on the committees and we need to let them do their work. When I think about the way that the HHS committee runs, you can see it because most of our votes are unanimous. Pretty much to a person we can explain the bills that we voted on because we have talked them through. We have thought about them to death. That is what we're supposed to do in the committees. The question here is not whether or not we can do this, it's whether we should do this. And in my opinion, when we think about things that are vulnerable, and I will say every single day I'm here, I'm thinking about kids and families and elderly folks and people who do not have somebody who has a voice on this floor. I think about those girls at the YRTC who did not have a voice on this floor and couldn't even imagine the opportunity to be on this floor. That's our job. But we also need to consider that we are standing in an institution that is

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only as strong as the people who are in it and the people who respect the rules and its own process. So when we think about things that are vulnerable, and I survived the 2017 session, our institution is just as vulnerable as the people that we believe we're trying to protect. We have to follow the process. We have to follow our own rules. And we have to really consider what type of legislature we want to be in. I have plenty of bills that are still in committee and they have so much merit. They're just the best bills you've ever seen. And I only need 25 votes to pull them out, but you know what? I trust the committees that are keeping them in. I trust the committees to do the work and to tell me, hey, this isn't a good idea. This isn't written well. This isn't the right thing to do at this time.

FOLEY: One minute.

HOWARD: I will use my last minute because I don't think I'll get another chance to talk about this. Colleagues, Covid is real. And if you see what's happening on the coast, it's coming in. The dire circumstances in hospitals, we're just a couple of weeks away from something like that here. We have been lucky. We started a remdesivir trial early, we have a great medical center, but we are not immune and we need to be really mindful of that. I do not believe, and I will bet anybody \$10 here that we will make it to August 13 without an exposure. It's too easy. It passes up too quickly. You breathe on something, you touch something, you don't wash your hands. And so let's be mindful of the fact that we don't have time for things that will take a lot of time. Let's think of what we can get done for our vulnerable, for our families. Let's get our budget done. And let's get out of here to the safety of our own homes where we're not breathing on each other. As much as I love you guys, let's not breathe on each other.

FOLEY: That's time.

HOWARD: Let's wear masks. Thank you, Mr. President.

FOLEY: Thanks, Senator Howard. Next three senators in the queue are Senator Ben Hansen, Senator Friesen, and Senator Lowe. Senator Ben Hansen.

B. HANSEN: Thank you, Mr. President. I do appreciate everything the Judiciary Committee does, especially in light of the current racial and social unrest that we've been having lately, and their willingness and their availability to listen to our community during those times.

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I also appreciate Senator Hilger's eloquently describing the merits of the pull motion and why we should be able to do it. I just want to describe a couple arguments about why we should have this on the floor and why we should discuss it. I'd first like to discuss more about the bioethical argument against dismember-- dismemberment abortion within the greater context of abortion in general. I believe that the two arguments can be made irrelevant of religious implication. First is the idea of biological authenticity of an unborn child's identity. Every embryological textbook used today recognizes that the human organism that begins from fertilization is a living member of the human species. It's a member of the species *Homo sapiens*. This isn't just a polyp or a wart that is growing, but a human organism, a living whole organism that directs the child along a developmental path that is species specific. And it's on that child's own authority. The fetus needs, of course, like we all do, a natural environment to support life and so on. In essence, we're talking about a living member of the human species, and that's non-debatable as a biological issue. That doesn't require any religious or special interest conceptions at all. The second argument is an argument that has received more attention lately in light of what's been going on in the nation. It's about justice and equality derived from some of our nation's most institutional important documents. More-- more specifically, the Declaration of Independence and the Constitution, and the idea that individuals, yes, including those inside the womb, deserve equal protection under the law. If you're going to reject an entire segment of the human family from the protection of the law because they have no heartbeat, many today wear pace-- pacemakers, or because they don't breathe air yet, they remain in the world with an iron lung, or because they are temporarily incapable of certain kinds of high-level neurological or behavioral functioning, there are many people today in a coma, have Alzheimer's or have neurological deficiencies, what rights do they have then? To deny them protection under the law, that's an injustice of the highest order. If you comprehend the essential categories of biology and the principles of equality and equal justice under the law, which we all do as Americans, I hope, then you should be able to understand and agree to the idea of not only the gruesome act of tearing a fetus apart in the womb, but of the pro-life proposition in general. It's what we call fundamental equality. And I do have to address a couple of things that my colleagues who oppose this mentioned. One of them mentioned that this is irresponsible for us to bring this forward today. Irresponsible? In light of tearing a baby apart inside of a womb, this is irresponsible? And somebody's inbox is full of people asking for assistance of Covid.

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My inbox is full of people asking us not to murder children inside the womb by tearing them apart. So in my priority of issues I need to legislate, that's pretty high, probably one of the highest order. And we are talking about some of the most vulnerable people in our society. There are people who do need food stamps, there are new-- do need-- people who need medical assistance to some degree. But there are some people who also deserve not to be murdered inside of a womb. Man, what the hell are we doing? We're actually up here talking about not tearing a child apart inside of a womb. We're actually debating this right now. We're not even debating this. We're debating bringing this on to the floor to debate it. That's how ridiculous this sounds. So I'm sorry if I get a little emotional sometimes, it's an emotional subject to me.

FOLEY: One minute.

B. HANSEN: And if any-- anybody who has ever seen pictures of what it looks like after it's done or while somebody is doing it, I think that take some self-reflection if you're still going to vote for this. You know, I understand right now we're just discussing the merits of bringing it onto the floor, which are laudable. I just hope we remember this during the-- during the debate and when we do bring it on the floor. Thank you, Mr. President.

FOLEY: Thanks, Senator Hansen. Senator Friesen, Lowe, and Albrecht. Senator Friesen.

FRIESEN: Thank you, Mr. President. So I do share Senator Crawford's concerns about pull motions, and I have participated in several now. I do respect the committee process, and I guess some committees work better than others. Some handle tougher subjects than others. So even though I do strongly support the bill, I reluctantly do support the pull motion, because I think this is one of those subjects that rise to the top, too, a little bit like Senator Hansen said. It's one of those things that's maybe it's tough to talk about, but it's something that needs to rise to the level that we're going to talk about it on the floor. And so I reluctantly will support the pull motion, but I will support it. And with that, I'll yield rest my time to Senator Geist.

FOLEY: Thanks, Senator Friesen. Senator Geist, 4:00.

GEIST: Thank you, Mr. President. I probably won't need that long. And I just want to make the record clear that doing a pull motion is not

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that peculiar. Back in 2016, Senator Chambers did a pull motion, and it was for a medical aid in dying bill. And some of my colleagues supported that pull motion and that was Senator Morfeld and Senator Howard. So sometimes we support a pull motion when there are things that we feel strongly enough about that we need to discuss them on the floor. And as I said earlier in my testimony, pull motions should be rare. I don't always support them, but I support this. Thank you, Mr. President.

FOLEY: Thanks, Senator Geist. Senator Lowe, Albrecht and Murman. Senator Lowe.

LOWE: Thank you, Lieutenant Governor. We're talking about a pull motion. I think Senator Geist said it right, that sometimes we support things and then sometimes we don't. It all depends on-- on the bill on the floor at that time. And sometimes it has to do with the introducer. Sometimes because one person introduces it, you're against that bill, but that same bill brought by another person that you might agree with, you wholeheartedly support it. This is a pull motion. I support the pull of LB814 and the motion 165. It's in our rules. We're allowed to do it. This time, I am in support of a pull motion. Maybe I won't be next time, but that's what we are. We're humans. We do things. LB814, the D&E abortion procedure. I want you to look that up on your smart devices, on your laptops, on your phones. I want you to look for a video by Dr. Anthony Levatino. It is the procedure, but is done in animation, so it's not a live baby, but it is done in animation. D&E abortion procedure. It will make your heart wrench for that little animated baby. If you don't have a tear in your eye for life after watching that, you're coldhearted. And I'd like to quote Senator Ben Hansen-- what in the hell are we doing here? This shouldn't be allowed. This is the dismemberment, not of a dead baby inside a womb, but of a live baby. At 12 weeks, they can feel pain. And this is allowed through the third trimester-- the second trimester. Senator Moser, I'd like to ask you a question, if I may?

FOLEY: Senator Moser, would you yield, please?

MOSER: Yes, I would. Thank you.

LOWE: Senator Moser, why did you co-sign on to this bill?

MOSER: Well, I think it's an important bill. It's strongly supported by my constituents in my district. And I really felt strongly that it should be addressed. I admire Senator Geist for bringing it because I

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knew that there would be a lot of vocal opposition, but she's got the determination to stand up against it. And I think the co-sponsors have that same determination. And we're not going to back down in the face of a few owly senators who are against this. We're going to stand up for what we believe. We're going to fight for what we believe, and we're going to use every rule and-- and argument in our arsenal to support this bill. And thank you, Senator.

LOWE: Thank you, Senator Moser. You know, this bill is a very important bill. We have-- I have several bills up this year. Several didn't make it out of committee. I didn't do a pull motion on any of those, because they do not come close--

FOLEY: One minute.

LOWE: --to the importance of this. Thank you, Mr. Lieutenant Governor. I'd like to finish up my last minute in silence for those babies. So I'd like to use the rest of my time in silence.

FOLEY: Thanks, Senator Lowe. Next three senators are Senator Albrecht, Murman, and Cavanaugh. Senator Albrecht.

ALBRECHT: Thank you, Mr. President. I rise in support of LB814, the motion to place it on General File. The pull motion is in the rules book, as we've heard. It is something that we can use as a tool. You know, I applaud the Judiciary Committee for listening to, I think they had 250 bills this year. But I'll tell you what, when each and every one of us decide on a priority bill-- I mean, I already know what mine is going to be for next year. And if I have to find 25 votes and if I have to pull it and if it has to go to a committee that is split 4-4 and I can't get it out, those are the times that you have to make that choice. But you also have to select a priority bill that has enough meaning, that means enough to-- to the majority of the state of Nebraska to be able to carry it over the finish line. And I'll tell you what, these pro-life bills are not easy. You know, they-- they are very difficult. But at the same time it's the most rewarding bill that I think I could have even considered carrying. I had no idea when I came down here that-- that that's where I would be, I would be in that arena with pro-life bills. But-- but it is so evident that the state of Nebraska is a pro-life state. They care about the families, they care about the babies that can't speak for themselves. I can't thank Senator Geist for taking this on. It's-- it's not truly, I don't believe, a strong hill to climb. You know, we can spend the ten and a half hours on this bill if people want to, but we don't have to. We

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can vote it up or down. There's-- I mean, you can argue till the cows come home but it doesn't really matter if you're going to vote one way and you're gonna threaten to sue and you're going to threaten to take it to the next level, you can do all those things. But the point is, you're either in or out on this subject. And if you-- if you don't want to stand with us, just vote no. It's-- it's as simple as that. We've taken a lot of time. We've taken a lot of time on a teacher bill tonight, and we still get to go another three hours. Your choice, not mine. I'm ready to vote on it. But people want to block things. You know, we had a great day yesterday. We passed more bills than the Judiciary Committee might even bring to us as a committee amendment because they, I mean, they don't have to even worry about bringing anything out, it's on everybody else's bills. So everybody can play whatever kind of game they want to play. They can do whatever it is they want to do. But you know what? I worked with the Judiciary Committee last year. I had five people. I was so grateful to Senator Lathrop for working with me. You know, he-- I mean, it was truly him. It-- it took a long time. But-- but in the back of my mind was the pull motion. But I gave it time to work, but they had time last year to work. They didn't have time to work this year. It's very evident, or they didn't have five votes to get it out. I had five votes to get it out. But of those five, only three voted for the bill in the-- in the end. Two of them did not, and that's OK. But give it-- give it the chance it deserves to go to the floor. When people select that priority bill, that is so important to them. They see nothing else but that. I mean, we have a lot of bills that are just bills just to see how many you can get over the finish line in my eyes. You know, if they tell you you get one priority bill and you get one committee-- or a Speaker priority bill, OK. And you can only hope that your committee will also have some votes that they will bring to the floor for you, but that's not a guarantee. But all I'm saying is we need to allow something like this to happen. If we have the votes, we'll get it done tonight and we'll move on. But the more that we talk about these bills, the less we're gonna get done. It's pretty simple to me.

FOLEY: One minute.

ALBRECHT: You're either in or you're out. Again, I appreciate all the-- the mailings that I've had into my office on-- on my emails. You know, LB814 truly is about banning the barbaric practice of dismemberment abortion, to enact criminal penalties against abortionists who violate the law, and to protect society from the degrading effects of tolerating such a practice. I'm all in to be the

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voice of the unborn. And I just certainly hope that others will join us and get this done so we can move on to the rest of the state's business. Thank you, Mr. President.

FOLEY: Thanks, Senator Albrecht. Senators Murman, Cavanaugh, and Linehan. Senator Murman.

MURMAN: Thank you, Lieutenant Governor. I stand today in support of LB814 and a bill to end dismemberment abortions in Nebraska. As I spent time reading through the committee hearing transcript, I wanted to commend Senator Geist and her courage to bring this bill in January, and now for following through with a pull motion. Colleagues, it is important that we take the time to discuss the sanctity of human life. I do respect the committee process, but some decisions don't need any special experience or insight. I've realized that when I was campaigning, this was one of the number one issues I heard about. Also my-- abortion in-- in particular was one of the issues that I often heard about, most often heard about. My inbox was-- it is full of emails in support of the pull motion and LB814. Many of you have also read through the committee transcripts and have seen the powerful testimony by Dr. Kathi Aultman, the former abortionist. Dr. Aultman's vivid description of using a clamp to tear the limbs off a living child's body were difficult to read. It was even harder to read the following: Once I couldn't get anything else, I would open my clamp wider and grasp and crush the chest and then the head. Dismemberment abortions are performed-- performed on living unborn children. I believe that all forms of abortion are horrific and harrowing, but dismemberment abortions are particu-- particularly appalling and monstrous. Dismemberment abortions are typically performed between 13 and 24 weeks of pregnant-- pregnancy when a baby is too large to remove as a whole. At this stage of development, a baby has a beating heart, fully developed arms and legs, and can swallow, yawn, hiccup, and smile. Abortions, dismemberment or not, are not a light decision. The decision harms many people involved. Significant emotional reactions of medical and counseling staff have been recorded in the past. I have a study here on my desk, if you want to see it. Many of those who responded to the study questions report sleep disturbances, psychological symptoms, effects on relationships and moral anguish. To provide an instance that was shared in front of the Judiciary Committee during the LB814 hearing, Kristen New, a former abortion counselor, shared an experience that she had while provi-- providing emotional support for a woman: I was horrified, nauseated and ready to faint. Seeing my reaction, the doctor excused me from the room. I sat

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in the hallway utterly sickened by what I had witnessed. I watched a preborn baby experience pain, attempt to fight for its life, and ultimately lose. A-- a senator earlier today suggested that LB814 isn't a top priority. I don't think it's any secret that property tax is one of my biggest priorities and I want to achieve that for our taxpayers across the state, especially our agriculture producers who are struggling immensely. But my other top priority is protecting the unborn. If our main priority as human beings isn't to protect those who can't protect themselves, then I am deeply saddened. The sanctity of precious human life should always be our top priority. Dismemberment abortions are grotesque, gruesome and ultimately inhumane. I stand in full support to protecting the unborn and LB814 and the pull-- pull motion. Thank you very much.

FOLEY: Thanks, Senator Murman. Senators Cavanaugh, Linehan, and Pansing Brooks. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. I rise this evening in opposition to the motion to pull LB814 from committee. Many have already spoken to the concerns around a pull motion, so I'm going to talk about something else. I represent this body and our state at the National Council [SIC] of State Legislators as the early learning fellow. I also represent this state and this body at the National Council [SIC] of State Legislators as the maternal and child health fellow. I take that responsibility very serious. I attend trainings, learn what other states are doing, and work to address those issues in our state. This body last year passed my bill, LB690, the adoption of Healthy Pregnancies for Incarcerated Women Act. This is a bill that directly impacted the outcomes for women who are incarcerated to ensure that they have every possible advantage in a terrible situation to have a healthy pregnancy. This year I introduced LB901. It's to appropriate funds for the Nebraska Perinatal Quality Improvement Collaborative. This bill would increase the current funding that we give from \$100,000 to \$200,000 because there is no longer the federal match. I imagine that it's something that will be cut because of funding this year. But this is something that is critically important to improving outcomes in maternal health and decreasing infant mortality. I also introduced LB1039, adopt Hunger-Free Schools Act. This also could easily have been spoken about in LB147, a bill to make sure that every child starts their day with a full tummy and leaves school with a full tummy, so that they are ready to learn. So that every child in this state is taken care of while they are in the care of the state. I also introduced LB1170, provide for implicit bias

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training covered under the medical assistance program for-- cover medical assistance program for doula services and postpartum women, expand Medicaid to cover Medicaid women postpartum for up to a year. If we're concerned about maternal health and infant mortality, we should be concerned about the fact that women, especially women of color, are dying. They're dying in labor and they're dying within a year of giving birth, and that doesn't move from committee. And I didn't pull it. LB1171, change provisions under the Healthy Pregnancy for Incarcerated Women Act. This is my bill this year. This bill would change the way that we treat women who are incarcerated who are pregnant or who have a young child under the age of two. We have the facility that we can have those women in and we are not utilizing it. And I took a step back on that bill because Corrections had issues with it and I'm working with Corrections on it. And if I need to, I'll bring a new version next year. But I didn't try to pull the bill. Senator Crawford's bill, LB311, my priority bill last year couldn't even get a vote on it. Paid family medical leave. If you care about healthy babies, make sure that their moms can take time off to give birth. This radicalization of reading descriptions of--

FOLEY: One minute.

CAVANAUGH: --a medical procedure into the record is abusive to women, horrific, theatrical, scarring, triggering. You don't know me, you don't know my experiences. And you don't know any woman who is sitting in this Chamber, whether elected or not. And you sit here with the audacity to describe these procedures for theater. This is an important issue. This is a life or death issue. LB306 saken-- safe and sick leave; LB255, change provisions related to SNAP, filibustered here on the floor. LB329, change eligibility-- eligibility provisions for transitional child care assistance under the federal Child Care Subsidy Program.

FOLEY: That's time, Senator.

CAVANAUGH: Thank you.

FOLEY: Thanks, Senator Cavanaugh. Senator Linehan, Senator Pansing Brooks, and Senator Erdman. Senator Linehan.

LINEHAN: Thank you, Mr. President. Good evening, everyone. I rise in support of the pull motion on LB814, and I would like to thank Senator Geist for all her hard work on this. I actually think the pull motion is an important tool. Senator Pansing Brooks and I worked on a bill a

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couple of years ago. She did not agree with me on the bill. We pulled it from committee and then everybody got sev-- serious and we got something done that I think benefits all Nebraska. I'm also a little bit confused that the pull motion is such a big deal when I know it's allowed, at least I believe it's allowed, that if a bill is in committee and has had a hearing, any one of us can take that bill and use it as an amendment to a bill that's on the floor. So to me, if that's allowed and practice, which my understanding is going to happen maybe in the next 24 hours, why is this not OK? We're actually voting. So we've got 49 senators, 25 of us would have to agree that we need to pull this from committee. This is a tough issue. I know that people's emotions are very high on it. It's really tough. But it is important to Nebraska. It's stuck in committee. At least from my emails, the vast majority of people want us to vote on it, so I absolutely think we should vote to pull this from committee and we should have a debate. Thank you.

FOLEY: Thanks, Senator Linehan. Senator Pansing Brooks, Erdman, and Halloran. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. President. I stand in opposition to the pull motion. No surprise there. I would like to ask Senator Geist a couple questions.

FOLEY: Senator Geist, would you yield, please?

GEIST: I would.

PANSING BROOKS: Senator Geist, I was-- I had talked to you off the mike just to clarify, as the bill states, that this is for a baby that is-- or a fetus that is alive in utero. Is that correct?

FOLEY: That is correct.

PANSING BROOKS: So if the baby, either through the doctor's efforts or something else, is either put to sleep and then and dies, then that doctor would not be charged with this kind of procedure, is that correct?

GEIST: That's correct. And actually, there are several procedures that a doctor can use that this bill does not affect. This bill only affects a-- a D&E on a living baby. So if a doctor should cause fetal demise in some other method, then this within this bill, that is OK. This bill specifically speaks to the dismemberment of a living baby.

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PANSING BROOKS: OK, thank you. Thank you very much,--

GEIST: Thank you.

PANSING BROOKS: --Senator Geist. So I wanted to at least get that on the record. You know, the fact that we're contemplating charging criminally doctors for doing their job or for saving the lives of a mother to me is truly beyond anything I can really believe. I know we've heard lots of people incensed by what's going on. Every person is a living member of the human species. We all have equal protection under the law. Well, that's just not true, is it, colleagues? My LGBT son does not have equal protection under the law. Senator Geist or Senator-- sorry, Senator Hunt could be fired for being bisexual. But, you know, there's a certain point where that baby comes out of the womb and is alive. When is that point that that life then becomes a guilty life, not worthy of our protections, not worthy of the force of the law? I've heard a number of you say, oh, well, I believe in protecting LGBTQ people, but-- it's that big but. But, and everything else behind it means whatever you just said doesn't matter. So I don't know how we get past this. I believe it's a hypocrisy. There-- at some point, you all decide that life is guilty, the children don't need to have counsel, the children don't need to have food or health care, it's the mother's fault. The stupid mother opened her legs and got pregnant. Forget the man that might have had something to do with it. Again, where is that-- where is that little dividing line? I should probably go around and ask you each, where is that line? When is it that a life becomes a guilty life, not worthy of our protections? That's what I'm really interested in. So my inbox has not been packed full. And I was also elected as a pro-choice senator, I was quite clear about my stand.

FOLEY: One minute.

PANSING BROOKS: And so what I am not going to do right now is do what Senator Lowe did. I'm not going to ask for a minute of silence to stand for the-- I did stand in silence for the babies that have died. But I did not-- I am not asking you to stand in silence for the women who are forced to have a baby without compensation. For the baby-- for the women who are forced to not have access to birth control, for the women who are forced to be shamed, time and again, because of their health care decisions. For those forced into poverty by this decision where they must have the baby, and that's that. Where they will be forced to risk their lives, where they will be forced to bring a child

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into the world, and if they are a child of color, then they are bringing a child that is at risk of being arrested and killed--

FOLEY: That's time, Senator.

PANSING BROOKS: --because of the color of their skin.

FOLEY: That's time, Senator.

PANSING BROOKS: Thank you.

FOLEY: Thanks, Senator Pansing Brooks. Senator Erdman, Halloran and Groene. Senator Erdman.

ERDMAN: Thank you, Mr. Lieutenant Governor. Good evening. I listen to the debate this evening, and I think probably Senator Hansen said it best. Why are we even talking about this? If you were to do this to a dog, you would probably be in prison, but we can do it to a baby. Think about that. So we're talking about all this prestigious committee work, right? Well, let me tell you this. Here's my opinion. Pull motions should be plentiful when the committee is not in agreement with the majority of the body. I don't look at committees as being some sacred function of the Legislature that we shouldn't override. Some of these committees are set up to fail. Face it, that's a fact. And so when they're constructed the way they are, there are things that need to be taken into consideration and pull motions need to be made. So some say pull motions should be few and far between. I don't agree. When we know and we understand that the majority of the people on this floor are in favor of something, we should pull it. Just because the committee didn't bring it out because of the makeup of the committee has nothing to do with that. This is one of those issues. We will be judged as a people, what we do here this evening and what we decide on the way we tear our babies apart in the womb for the sake of abortion. God help us. And Senator Lowe, I appreciate you taking a moment of silence. Senator Moser, I appreciated your answer. It was appropriate. It was well said. There are 21 people in this body that signed on to this bill, 21. They didn't sign on lightly. They understand the significance of what we're doing here. And so we talk about we're gonna protect the committee structure and we've never voted for a pull motion when, in fact, we probably have. So it's time to make a decision. Let's vote on the issue and let's move forward and do the right thing of what the majority of the people live in this state would expect us to do. I think we've had enough discussion. We all understand where we're at. No one's going to change your mind by

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anything that I say or anyone else. It's 8:40. It's time to vote. Let's vote and move on, we've got other things to do. Thank you.

FOLEY: Thanks, Senator Erdman. We're going to interrupt the debate for a moment here and have some items for the record. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed to LB1124 by Senator Howard; to LB781, Senator Brewer. In addition to that, your Committee on Enrollment and Review re-- respectfully reports that it has carefully examined engrossed LB1140, LB1144, and LB1188 and finds the same correctly engrossed and ready to be placed on Final Reading. That's all I have at this time.

FOLEY: Thank you, Mr. Clerk. Continuing discussion, Senators Halloran, Groene, and Hunt. Senator Halloran.

HALLORAN: Thank you, Mr. Lieutenant Governor. I stand in full support of Senator Geist's pull motion for LB814. Let's all just get a little personal here, OK? Let's all use our imaginations just a little bit and go back to where we all began, in our mother's womb. It's quiet. You hear your mom's heartbeat. You may hear your own faint heartbeat. Life's pretty simple. You're floating in amniotic fluid, being nourished by your mother's umbilical cord. Well, let's just imagine, and you can think for yourself, that your mother decided to have a dismemberment abortion. So while you're floating in your mother innocently, the dismemberment abortionist uses the laminaria, and I'm sorry, I'm not going to apologize for this offending anyone's sensitive ears because I'm not concerned about your sensitive psyche while we're talking about a baby being torn apart in the mother's womb. But let's just imagine you're floating in your mother's womb and the abortionist starts the procedure. He uses his laminaria, a form of sterilized seaweed, to open up the woman's cervix, your mother's cervix, 24 to 48 hours before the procedure. Laminaria soaks up liquid from the woman's body and expands, widening or dilating the cervix. When your mother returns to the abortion clinic, the abortionist may administer an anesthesia, further opening the cervix using metal dilators and speculum. The abortionist inserts a large suction catheter into your mother's uterus and turns it on, emptying that amniotic fluid that you have been so comfortably floating in. After the amniotic fluid is removed, the abortionist uses a sulfur clamp, a grasping instrument with rows of sharp teeth to grasp and pull at your arms and legs, tearing your limbs from your body. The abortionist continues to grasp your intestines, your spine, your heart, lungs and any other limb or body part from your body. The most difficult part

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about the procedure is usually finding, grasping and crushing your head. After removing the pieces of your skull, the abortionist uses a curette to scrape your mother's uterus and remove the placenta and any remaining parts of the body. The abortionist then collects all of your parts, all of your parts, and reassembles them to make sure there are two arms, two legs, and that all the pieces have been removed. So you're in a pan now, in a sink, and the abortionist is inventorying your body parts. I'm sorry if that-- I'm not sorry if that offends anybody. We're alive. We can talk about this. We can debate about it. As Senator Ben Hansen says, what the hell are we talking about this for? We've gone this far that we have to stand here and talk about whether it's right to go through that experience. How much time do I have, please?

FOLEY: One minute.

HALLORAN: I want to use the minute of silence. I'm going to sit down and use that myself for a quick prayer. Thank you.

FOLEY: Thanks, Senator Halloran. Senator Groene, Senator Hunt, and Senator McCollister. Senator Groene.

GROENE: I'll say what I always say on these issues, I wish my wife was here to do the testimony. I just can't believe this. I mean, when I walk by on the street and meet a pregnant women-- woman, I meet two people. It's in my heart, there's two people that I'm-- in front of me. Did you ever hear the verse, I knew you before you were born? Selfishness, that's all can be said about this. This is pure and simple promotion of selfishness. Do you know how short life is compared to eternity? These few years we spend on Earth, there's such a short amount of time. And we're so selfish we will support denying that access to certain humans. Because somebody so selfish, their career or something is more important. Selfishness, that's what this is. I can't stomach it. I mean, I just don't understand it. I look at the things that have changed, that altered my life. Children arriving, marriage, losing a job, gaining a job. Never once do I look back at the fact that we had two children that they ever altered my life. They expanded on it. How selfish can you be? How can you be a Bernie Sanders Democrat? How can you spend your life in that mode? How can you bend the rules, change things? Pull motion? You distorted the committee process in Committee on Committees, you know you did. And when we followed the committee process on chairmanships, you pouted for three weeks. Selfishness. It's all about you. Always, always about you. Your whole life centered around you. What a pathetic way to live

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life. Love your neighbor more than yourself. Love an unborn-- love an unborn baby more than yourself. Life is better. Life is better when you do that than focusing on yourself. Killing an unborn baby. That's your right? Senator Pansing Brooks, life and the will to live has nothing to do with state borders, county borders, national borders. You ask a child in China if they would rather live or they worried about the rights they didn't have. That's pathetic. Life is special. All the other minor things, your sex life-- your sex life is that important to you, that defines who you are? Get a life. You live your whole life worrying about your sex life and your rights to it. Shut up. Anyway, it's my mike. Call yourself a Christian. Amen.

FOLEY: Thanks, Senator Groene. Senator Hunt, McCollister, and Chambers. Senator Hunt.

HUNT: A lot is going on here. Got some bad blood. I don't think we need to have any bad blood. We know that we all feel strongly about this issue. And, you know, I'm-- I think that Senator Groene was referring to me. And I'm not worried about my sex life, I don't define myself by-- by who I love. A lot of you do. A lot of you are obsessed with what people do in their bedroom. And that's why, you know, we've taken hours and hours and hours on this floor to legislate what people can do in their bedrooms. But, boy, I'm sure we'll talk about that soon too. When this bill was previously introduced in 2016, that bill also did not make it out of committee. And every minute we debate this controversial motion is a minute that we're not providing emergency relief to children, to families, to businesses in Nebraska. And we should also talk about that cost of litigation. Somebody said, well, you can threaten to sue. It's not a threat, it's a promise. It's a promise, and Nebraska could pay out the nose for it. In other states where-- where this law has been struck down, which, by the way, in every state where this has been challenged, it has been struck down and it will happen in Nebraska too. Texas paid out over \$2 million, Arizona paid out over \$500,000, Mississippi, \$755,000. So some of you, what you're saying is you'd gladly spend taxpayer dollars tomorrow so that the anti-abortion lobby doesn't come after your reelection campaign today. And that's-- that's too bad that people in Nebraska are having to pay because of your pettiness for this type of thing. Erdman and Albrecht say that this should be an up or down vote and we shouldn't have to take this much time. It's late and we should go home. But no, this is the stupid prize I was referring to. When you bring bills that restrict access to reproductive health care, I will take every minute on the clock to punish you and take up your time for

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doing that. That's the price. The price for introducing bills like this is your time. I hate restrictions on women's health care like Senator Hilgers hates land banks. Like that's the level. So this is my issue. Senator Howard says that we don't have time for things that take up a lot of time. There doesn't have to be this bad blood. There has to be an understanding that this is the way it's going to go when you mess with reproductive health care. I know we live in Nebraska. I know it's a conservative body, a lot of which is thanks to your conservative billionaire Governor who bankrolls a lot of your elections, who handpicks our appointees to put a rubber stamp on whatever he wants. No one's in the mood for this. The right thing for Senator Geist to do would be to withdraw her motion. Another thing in here is that we legislate way too much based on Christian beliefs. In the Jewish faith, abortion is not immoral. This just drives home the point that a person's health, a person's health and a doctor's best judgment, not politicians, should guide important medical decisions at every phase in pregnancy. Pregnancy is the only type of medical condition or procedure where we legislate like this. A lot of you are also saying you hear how your constituents are affected economically by the pandemic. Well, then why are so many of your constituents reaching out to my office to get help? Maybe you hear from them, but you don't do anything about it. Do you help them? Do you advance any policies that help them? I'm not going to name names, but I could. My office helped over 120 people who weren't from my district who specifically told me that they could not get their senator to help them. And we were happy to do that. We're worried about unborn fetuses, but we don't care about a global pandemic that is killing Nebraskans. Some of the people in this body aren't wearing masks. They don't care about life,--

FOLEY: One minute.

HUNT: --the unborn or the living. They care about controlling women's bodies. And what is this Legislature doing for the living who are constantly threatened by the Governor's unwillingness to implement a mask mandate? The bartenders who reach out to my office from your districts who are forced back into work so that some of you can go grab a drink? Or let's talk about what the kids at UNL law school are going through, the clear violation of directed health measures because some people need to take a bar exam. This is a whole mess going on right now. You're talking about the sanctity of human life when you won't even wear a mask during a pandemic. Your President is responsible for over 100,000 deaths. Ricketts attacks the mayor for

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exerting local control in Lincoln and bringing on a mask mandate that's actually very, very lenient.

FOLEY: That's time, Senator. Senators McCollister, Chambers, and Bostelman. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. Good-- good evening, colleagues. This bill, I believe, and even in the sponsor's words, is constitutionally suspect. It's on shaky ground. In fact, Senator Geist herself acknowledged in her own words: The bill is suspect from a legal perspective. Geist-- Geist said she intends to pursue the bill despite questions about the bill's constitutionality. She said: That can be dealt with by the courts. And that's out of the Omaha World-Herald. Well, is it going to be constitutionally suspect? Well, it has been in 12 states. Let me name them off: Alabama. The bill was passed banning dismemberment abortions. Alabama it was passed, it's not in effect now. Arkansas, not in effect. Indiana, not in effect. Kansas, not in effect. Kentucky, not in effect. Louisiana, not in effect. Mississippi, it is in effect. North Dakota, not in effect. Ohio, not in effect. Oklahoma, in effect, upheld in the Supreme Court, but it's not in effect now. Texas not in effect. West Virginia, it's effective May 29, 2016. So of those 12 states, 10 are constitutionally suspect and not in effect. Well, when that occurs, what happens? Well, let me name off some of those same states and let you know when the attorneys-- when the state paid off the bill to the plaintiffs, what they had to pay. Texas, \$2.3 million. Alaska, nearly \$100,000. Ohio, \$382,000. Mississippi, \$755,000. Arizona, 55-- \$550,000. Missouri, \$156,000. North Carolina, \$1 million. Arkansas, nearly a million dollars. Alabama, \$1.7 million. Wisconsin, \$1.6 million. North Dakota, \$245,000. That's what's going to happen to this bill should it be enacted. Do we really want to enact a bill that is constitutionally suspect? I know most of my Republican friends say we support the rule of law. Why in the devil do we pursue a bill that's likely to end up in court? How much time do I have?

FOLEY: Two minutes.

McCOLLISTER: Two minutes. Some testimony at the Judiciary hearing caught my attention. It's from Tiffany L. Somer-Shely, and she's in Omaha. Skipping the first two paragraphs: As you know, approximately 90 percent of terminations are performed in the first trimester. Senator Geist indicated that as well. Women may need a second trimester-- trimester abortion for a number of reasons. The most common reason I see in my personal practice and that of my partners is

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of that of significant pregnancy complications or severe fetal diagnosis that develops or is diagnosed in the second trimester. And in these cases, the D&E is the medically preferred surgical method. If this bill advances, it interferes directly with our doctor-patient relationship and lets politicians, not women and their families, determine health care decisions.

FOLEY: One minute.

McCOLLISTER: I urge the Judiciary Committee to flatly reject it. It also poorly-- it is also poorly written, using both medical and nonmedical terms interchangeably. It uses inflammatory, nonmedical language to incite discomfort with abortion care and with doctors who provide it. It is clearly designed to limit physicians' treatment options and limit access to reproductive health care in our state. It is not right for a politician or the state, or of any state to interfere with that doctor-patient relationship, and this bill would do exactly that. Thank you, Mr. President.

FOLEY: Thanks, Senator McCollister. Senator Chambers, Bostelman, and Wishart. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, more lies are told at funerals than anywhere else and more hypocrisy is spoken during these abortion issues. Senator Groene almost teared up talking about an unborn-- whatever he said. And the other day, he referred to young girls as violent criminals, which is an outright lie. I heard what Senator-- the Hansen who's got the glistening smiles, say about a human being. There is a potential human being, but an acorn is not an oak tree. You don't go in the restaurant and say, I want scrambled chicken and ham. You say scrambled eggs and ham. So you make all these statements, and I've been around too long to forget what you all do all the rest of the time. If a child comes here and the mother is poor and we try to provide additional aid, you all become moralistic and say she shouldn't of had the-- and some of you use the term bastard. That's what you do. I see ya. I've been here years. I've watched it. Senator Halloran up there with that nonsense he was talking, trying to be dramatic. And he fought tooth and nail against a tiny increase in the minimum wage, which would have helped struggling women who had to work in restaurants like those his sister owns, and she employs him. So all of you hypocritical men, you simple-minded women make me ill. But I've seen it so much. Senator Slama, she's got a paper out there that lies on a woman, tells lies. Here's what they did and I'm going to show it to you all. I can talk

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about anything because, as somebody said, no minds are going to be changed. I finally got a picture copy of that handout that the liars, Senator Slama, the Governor, and the Republican Party put out. It is a picture of me and one of her opponent. There is a circle on each of us. On my circle, it says: The one who tried to sue God. Not tried, I did. On her, they put the words: I agree with Ernie on this one. But Senator Slama lied when she put that on there because the World-Herald or the Journal had a paragraph where she said, and this is the-- her opponent, I agree with Ernie on this one, talking about the 30 percent raise given to Frakes. And she further said, I never got a 30 percent raise. Senator Slama knows her paper is a lie. And she's talking about women. All of this concern. Straighten up and fly right, Senator Slama. Pull that lying document that you're willing to use to try to get elected to this body where you can put on the hypocritical front. I would one of these days want to talk to Senator Geist about what I read about a doctor in Arkansas who-- now, in Arkansas is one of the worst prisons. The prisoners don't get any money. So this doctor decided that he could get a business started. He arranged with the prison system to let the convicts sell their blood and the money from the blood that was sold, a third-- well, they didn't break it down into thirds, but it was shared with the doctor, with the convict, and with the prison system. Then this doctor got greedy. And since many of the prisoners there were on drugs, they had an inclination toward hepatitis and a tendency toward AIDS, which he knew, but he concealed it and continued to sell this blood. When the state authorities found out about what he was doing, they pulled any authority he had but he still sold this blood internationally. He sold a lot of it to Canada and a lot of Canadians fell ill. And there was a front page article about what this vicious doctor had done. So he made quite a bit of money. Now, if a relative of mine had amassed a fortune, literally selling the blood of unfortunate people, I wouldn't want any of that blood money, which it literally is.

FOLEY: That's time, Senator.

CHAMBERS: So what did you say, is that my time?

FOLEY: That's time.

CHAMBERS: Thank you.

FOLEY: Thanks, Senator Chambers. Senators Bostelman, Wishart, and Vargas. Senator Bostelman.

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BOSTELMAN: Question.

FOLEY: Members, as a point of reference, we've been on this motion for over 90 minutes. I think we've heard 21 or 22 speeches. I'm going to allow the body to decide whether or not to continue the debate or to cease debate. Do I see five hands to cease debate? I do. The question is, shall debate cease? Those in favor of ceasing debate shall vote aye; those opposed vote nay. Have you all voted who care to? There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 33 ayes, 1 nay to go under call.

FOLEY: The house is under call. All members, please return to the Chamber and check in. The house is under call. Senator Kolowski, could you check in, please? All unexcused members are now present. The question before the body is whether or not to cease debate. There has been a request for a roll call vote in regular order. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Albrecht.

ALBRECHT: Yes.

ASSISTANT CLERK: Voting yes. Senator Arch.

ARCH: Yes.

ASSISTANT CLERK: Voting yes. Senator Bostelman.

BOSTELMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Brandt.

BRANDT: Yes.

ASSISTANT CLERK: Voting yes. Senator Brewer.

BREWER: Yes.

ASSISTANT CLERK: Voting yes. Senator Chambers.

CHAMBERS: No.

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ASSISTANT CLERK: Voting no. Senator Clements. Excuse me, Senator Briese.

BRIESE: Yes.

ASSISTANT CLERK: Voting yes. Senator Chambers, you had voted no. Senator Clements.

CLEMENTS: Yes.

ASSISTANT CLERK: Voting yes. Senator Crawford.

CRAWFORD: No.

ASSISTANT CLERK: Voting no. Senator DeBoer. Senator, I'll come back to you. Senator DeBoer.

DeBOER: No.

ASSISTANT CLERK: Voting no. Senator Erdman. By way of explanation, the system jumped and I'm going to continue down the roll and come back and pick up anyone that I missed, and I'll verify the vote at the conclusion. Senator Erdman.

ERDMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Geist.

GEIST: Yes.

ASSISTANT CLERK: Voting yes. Senator Gragert.

GRAGERT: Yes.

ASSISTANT CLERK: Voting yes. Senator Groene.

GROENE: Yes.

ASSISTANT CLERK: Voting yes. Senator Halloran.

HALLORAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Ben Hansen.

B. HANSEN: Yes.

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ASSISTANT CLERK: Voting yes. Senator Matt Hansen.

M. HANSEN: No.

ASSISTANT CLERK: Voting no. Senator Hilgers.

HILGERS: Yes.

ASSISTANT CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: Yes.

ASSISTANT CLERK: Voting yes. Senator Hughes.

HUGHES: Yes.

ASSISTANT CLERK: Voting yes. Senator Hunt.

HUNT: Not voting.

ASSISTANT CLERK: Not voting. Senator Kolterman.

KOLTERMAN: Not voting.

ASSISTANT CLERK: Not voting. Senator La Grone.

La GRONE: Yes.

ASSISTANT CLERK: Voting yes. Senator Lathrop.

LATHROP: Not voting.

ASSISTANT CLERK: Not voting. Senator Lindstrom.

LINDSTROM: Yes.

ASSISTANT CLERK: Voting yes. Senator Linehan.

LINEHAN: Yes.

ASSISTANT CLERK: Voting yes. Senator McCollister.

McCOLLISTER: No.

ASSISTANT CLERK: Voting no. Senator Moser.

MOSER: Yes.

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ASSISTANT CLERK: Voting yes. Senator Murman.

MURMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Quick.

QUICK: Not voting.

ASSISTANT CLERK: Not voting. Senator Scheer.

SCHEER: Yes.

ASSISTANT CLERK: Voting yes. Senator Slama.

SLAMA: Yes.

ASSISTANT CLERK: Voting yes. Senator Williams.

WILLIAMS: Not voting.

ASSISTANT CLERK: Not voting. Senator Wishart.

WISHART: Not voting.

ASSISTANT CLERK: Not voting. Senator Lowe.

LOWE: Yes.

ASSISTANT CLERK: Voting yes. Senator Dorn.

DORN: Yes.

ASSISTANT CLERK: Voting yes. Senator Friesen.

FRIESEN: Yes.

ASSISTANT CLERK: Voting yes. Senator Howard.

HOWARD: Not voting.

HOWARD: Not voting. Senator McDonnell.

MCDONNELL: Yes.

ASSISTANT CLERK: Voting yes. Senator Morfeld.

MORFELD: No.

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ASSISTANT CLERK: Voting no. Senator Pansing Brooks.

PANSING BROOKS: No.

ASSISTANT CLERK: Voting no. Senator Stinner.

STINNER: Not voting.

ASSISTANT CLERK: Not voting. Senator Vargas.

VARGAS: Not voting.

ASSISTANT CLERK: Not voting. Senator Walz.

WALZ: Not voting.

ASSISTANT CLERK: Not voting. Senator Cavanaugh.

CAVANAUGH: No.

ASSISTANT CLERK: Voting no. Whoops, I just cleared it. Yeah. How do I get back to the screen?

FOLEY: Members, we've had a machine malfunction. We're going to have to do a repeat of the roll call vote in regular order. Mr. Clerk, when you're prepared, please call the roll.

CLERK: Was it in regular order, Mr. President, or reverse?

FOLEY: Regular order, please.

CLERK: Regular order. Very good. Senator Albrecht.

ALBRECHT: Yes.

CLERK: Voting yes. Senator Arch.

ARCH: Yes.

CLERK: Voting yes. Senator Blood. Senator Bolz. Senator Bostelman.

BOSTELMAN: Yes.

CLERK: Voting yes. Senator Brandt.

BRANDT: Yes.

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CLERK: Voting yes. Senator Brewer.

BREWER: Yes.

CLERK: Voting yes. Senator Briese.

BRIESE: Yes.

CLERK: Voting yes. Senator Cavanaugh.

CAVANAUGH: No.

CLERK: Voting no. Senator Chambers.

CHAMBERS: No.

CLERK: Voting no. Senator Clements.

CLEMENTS: Yes.

CLERK: Voting yes. Senator Crawford. I'm sorry, Senator.

CRAWFORD: No.

CLERK: Voting no. Senator DeBoer.

DeBOER: No.

CLERK: Voting no. Senator Dorn.

DORN: Yes.

CLERK: Voting yes. Senator Erdman.

ERDMAN: Yes.

CLERK: Voting yes. Senator Friesen.

FRIESEN: Yes.

CLERK: Voting yes. Senator Geist.

GEIST: Yes.

CLERK: Voting yes. Senator Gragert.

GRAGERT: Yes.

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CLERK: Voting yes. Senator Groene.

GROENE: Yes.

CLERK: Voting yes. Senator Halloran.

HALLORAN: Yes.

CLERK: Voting yes. Senator Ben Hansen.

B. HANSEN: Yes.

CLERK: Voting yes. Senator Matt Hansen.

M. HANSEN: No.

CLERK: Voting no. Senator Hilgers.

HILGERS: Yes.

CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: Yes.

CLERK: Voting yes. Senator Howard.

HOWARD: No.

CLERK: Voting no. Senator Hughes.

HUGHES: Yes.

CLERK: Voting yes. Senator Hunt.

HUNT: No.

CLERK: Voting no. Senator Kolowski. Senator Kolterman.

KOLTERMAN: Not voting.

CLERK: Not voting. Senator La Grone.

La GRONE: Yes.

CLERK: Voting yes. Senator Lathrop.

LATHROP: No.

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CLERK: Voting no. Senator Lindstrom.

LINDSTROM: Yes.

CLERK: Voting yes. Senator Linehan.

LINEHAN: Yes.

CLERK: Voting yes. Senator Lowe.

LOWE: Yes.

CLERK: Voting yes. Senator McCollister.

McCOLLISTER: No.

CLERK: Voting no. Senator McDonnell.

McDONNELL: Yes.

CLERK: Voting yes. Senator Morfeld.

MORFELD: No.

CLERK: Voting no. Senator Moser.

MOSER: Yes.

CLERK: Voting yes. Senator Murman.

MURMAN: Yes.

CLERK: Voting yes. Senator Pansing Brooks.

PANSING BROOKS: No.

CLERK: Voting no. Senator Quick.

QUICK: Not voting.

CLERK: Not voting. Senator Scheer.

SCHEER: Yes.

CLERK: Voting yes. Senator Slama.

SLAMA: Yes.

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CLERK: Voting yes. Senator Stinner.

STINNER: Not voting.

CLERK: Not voting. Senator Vargas.

VARGAS: No.

CLERK: Voting no. Senator Walz.

WALZ: Not voting.

CLERK: Not voting. Senator Wayne. Senator Williams.

WILLIAMS: Not voting.

CLERK: Not voting. Senator Wishart.

WISHART: Not voting.

CLERK: Not voting. 27 ayes, 12 nays, Mr. President, to cease debate.

FOLEY: Debate does cease. We're still under call. Senator Geist, you're recognized to close on your motion.

GEIST: Thank you, Mr. President. Thank you, colleagues, for your words. I thank you for your-- the shared passion that many of you have for this bill. And I thank you for a green vote on this motion to pull this bill from committee. Thank you, Mr. President.

FOLEY: Thanks, Senator Geist. The question for the body is the motion to pull LB814 from committee and place the bill on General File. Those in favor of the motion vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 30 ayes, 8 nays on the motion to place the bill on General File.

FOLEY: The motion is successful. Items for the record, please.

CLERK: Mr. President, I have a series of motions. Senator Cavanaugh would move to place LB901, LB1039, LB1171, and LB1170 on General File pursuant to Rule 3, Section 20(b). Priority motion, Senator Hilgers would move to adjourn the body until Wednesday, July 22 at 9:00.

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