

FOLEY: Morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the fifty-seventh day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Pastor Tom Starkjohn of Louisville Evangelical Church, Plattsmouth, Plattsmouth, Nebraska, Senator Clements' district. Please rise.

PASTOR TOM STARKJOHN: Would you please bow your heads with me in prayer? Oh, Lord, you are the ancient of days. You had no beginning and you will have no end. Kingdoms and nations rise and fall by your wisdom and your plan. Nothing escapes your notice and there is no fact of history or thought of a person that you do not perfectly know. You yourself are invisible to our eyes, but your works surround us at every level. We can only guess at the things we miss or misunderstand because compared to you, we are as fleeting as an April snow. And so we come before you asking you for the understanding and wisdom that you alone are able to provide. Each of us has done what is right in our own eyes and that has led us to make choices bad for life and liberty and happiness. God of heaven, we ask that you would guide us better than we alone could guide ourselves. We pray today that when a man or woman here turns to you and asks you for wisdom and how to think or how to speak to another or how to vote, please answer their request for understanding. When a person here is given an assignment, direct their thoughts and their integrity. And when anyone here makes an error in judgment or sins against another, give them the courage to repent. We thank you, Lord God, for this country and this state and these public servants. Bless them and their work today. Each one has concerns and goals in this job and each one also has family and friends that lay upon them personal joys and sorrows unknown to the others. You know each one and somehow, in your greatness, you are able to care for each one. So we ask that you care for them today, even as a father cares for his children. In the name of your only son, Jesus Christ, we pray this. Amen.

FOLEY: Thank you, Pastor Starkjohn. Senator Sanders, if I could ask you to lead us, please, in the Pledge of Allegiance.

SANDERS: Thank you. Please join me in the Pledge of Allegiance. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

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FOLEY: Thank you, Senator Sanders. I call to order the fifty-seventh day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: No corrections.

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

CLERK: I have neither message, reports or-- nor announcements at this time.

FOLEY: Thank you, sir. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following two legislative resolutions: LR426 and LR427. Senator Geist would like us to recognize Dr. George Voigtlander of Lincoln, Nebraska, who is serving us today as family physician of the day. Dr. Voigtlander is with us under the north balcony. Doctor, please rise so we can welcome you to the Nebraska Legislature. Speaker Hilgers.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I wanted to give two, just two updates on the agenda this morning. First, I had at least one person, Senator Erdman, who was an eagle eye who read the agenda who noted that we had what's listed as General File committee bills and was wondering how could we have General File today when we were supposed to have it on Friday? The answer is that was a mistake on the agenda, so it is Select File commit-- as you know, those bills all came up last week, so we have no General File on the agenda today. It is Select File, but I wanted to note that for those of you who had questions. And then secondly, you'll note on the agenda at 6:30 today, we have a placeholder for motions to return to Select File for specific amendment. That is primarily relating to any potential A bill-- Final Reading bills that we might have to move back to trim. That's for A bills, so spending or tax bills. I'm working with Senator Linehan and Senator Stinner this morning. We don't know of any specifically yet this morning and I'll try to announce that in advance of 6:30, but that's what that placeholder is for because we do have some bills that will be on Final Reading now that the budget is done and there may be some adjustments and we want to have the opportunity to do that. But since we're working through that today and we didn't have that done on Friday, we couldn't put that on the agenda so that's

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why the placeholder is there, though, for us to address this evening if we need to. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Moving now to the agenda, Select File 2022 senator priority bill. Mr. Clerk.

CLERK: LB773, no Enrollment and Review. Senator Brewer would move to amend, A1-- AM2106.

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

BREWER: Thank you, Mr. President. AM2106 is an agreement that we were able to work out through extensive negotiations with the city of Omaha and Omaha Police Department and the Omaha Gang Unit. When we were looking at LB773, we noticed some areas that would make it more difficult for the police to do their mission and so, through this negotiation, we came up with three things that we need to change. I want to say-- thank the Speaker and Senator McDonnell for their constant, unending support to get us through all of the negotiations. Keep in mind that LB773 was heard the second day of committee hearings. It went through a pull motion, it went through an eight-hour filibuster, and that's how we got to where we are here today. The three things that AM2106 changes is that it allows the Omaha-- allows Omaha to continue to operate with more limited versions of its handgun registry. It will continue to require people without permits to register handguns in Omaha, but they would not deny people the right to a handgun like they can do sometimes now. The second thing that it would do with this amendment is a list of crimes-- a list of a number of different crimes, which we're going to cover, called-- covering offenses in this amendment. A person who is committing one of those crimes will not have the right to carry concealed at the same time. This means if they are convicted of one of these crimes while carrying, they would still be charged with carrying a concealed weapon in addition to their crime. This is not an enhancement. The world will be a nowhere-- will not be a worse place for folks after today because of this. The third element of this amendment is the duty to inform. Under this permit right now, permit holders have to tell a police officer that they have, when they are pulled over, a weapon or make contact with a first responder or a police officer. Our bill would apply to anyone carrying concealed. This amendment would make this third offense for failure to notify a Class IV felony. Currently, a first offense is a Class III misdemeanor, second offense is a Class I misdemeanor. I do not think that there has ever been a person convicted of a third-time failure so far, but if a person has gotten to a point where they will not follow the rules, I think at some point

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we have to have the stick to go along with the carrot on this rule. This amendment makes the bill more workable and manageable for law enforcement. I think it strikes a balance that we can live with. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Moving now to the speaking queue, Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to LB773 and the underlying amendment for a few different reasons. So first off, with the underlying amendment, this does not get all of law enforcement on board. Unless something's changed over the weekend, the Lincoln Police Department and then also the Lincoln police officers-- Lincoln Police Union is still opposed to this legislation. In addition, I will say that the amendment does not solve some of the underlying concerns and problems. The amendment actually creates a bunch of new crimes and penalties, which I'm opposed to for a lot of different reasons, but it also does not address the fact that this still eliminates the training requirement and the background check requirement that I think is really important to keep our communities safe, and not only to keep our communities safe, but also to protect law-abiding gun owners. Now we all know that after legislation passes sometimes, not all the time, but sometimes people are more aware of what the new law is and have heightened awareness of that. In this case, what we are going to be doing is we're going to be increasing penalties for gun owners. We're going to be eliminating the training requirement. And remember, the training not only talks about gun safety, the ability to defend yourself, the law surrounding those types of things, that the use of deadly force, but it also trains-- excuse me, still getting over a cold here-- it also trains gun owners on what the special laws are that apply to them as a concealed carry owner. And there's plenty of those different laws that people otherwise may not be aware of. Now listen, they teach you in law school right away that ignorance is no excuse to breaking the law. That being said, we all know that when you have multiple different laws surrounding an individual who is particularly concealed carrying, there's going to be times, unless you have training that's mandated, in which people unknowingly break the law. So, for instance, one of the laws if you're a concealed carry owner is, is that if you have a concealed firearm, you must notify law enforcement immediately if they approach you. Otherwise, it's a fairly serious misdemeanor. I think the second time, it's a felony. I'll double-check that and get back, but it's the second or third time, it's a felony. And so that's just one example. Another example is you can't go into an establishment that more than 50 percent of sales are alcohol, and there's a whole

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host of other ones. So what we are doing, colleagues, is we are eliminating the training requirement, which is fairly comprehensive. We're eliminating the training requirement and then we're increasing penalties and we're expecting gun owners from here on until eternity or whenever this law is changed, if it passes, to know all of those different laws. And listen, again, ignorance is no excuse to breaking the law, but I'm telling you that there's going to be a bunch of law-abiding gun owners that are going to be caught up in this. In addition, one of the concerns that has been around for ever since I was in the Legislature was this patchwork of different laws across the state that people can get caught up in. Now, in fairness, I have preserved local authority and local control to be able to create ordinances because the gun issues that Lincoln and Omaha faces are very different than some of the gun issues that rural Nebraska faces. So I think having that ability to do that is important and I have defended local communities to be able to have that local control. But if you're concerned about local control, you should be also concerned about this amendment because it has a carve-out to maintain things like the gun registration in Omaha.

FOLEY: One minute.

MORFELD: And I do think that there are potential legal and constitutional concerns there, very similar to the legal and constitutional concerns that existed with the original bill that had special carve-outs last session that was found to be unconstitutional via an Attorney General's Opinion. So we're going to talk about all of those different things today, particularly the creation of new crimes and penalties. We're also going to talk about the importance of training and also the importance of background checks for people who decide to conceal carry. And this is done from the perspective of somebody who's a concealed carry holder, who is a gun owner, who believes in the Second Amendment and believes that it should be protected. But just as the Supreme Court has found, there can be reasonable rules and regulations surrounding that right. So, colleagues, I urge you to read the amendment.

FOLEY: That's time.

MORFELD: Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. Good morning. I rise in opposition to AM2106 and LB773. As is consistent with my positions in

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the Legislature, I guess. I, I really have a problem with the process of pulling bills out of committee. I agree that it's a rule that's in place for a good reason, but I also think that it's a, it's a rule that has been abused to the point where we're really breaking a norm. It's definitely not against the rules. But this practice of kind of bulldozing bills out of committee that don't have a committee amendment, that didn't have, you know, an opportunity to be crafted and improved by the committee, and then folks in the Legislature just saying we don't care what shape the bill is in, we just want to move it to the floor as quickly as possible and get it passed, I don't think that that's good governance and I think it's setting a bad precedent, not only for the people of Nebraska but for the generations of state lawmakers that will come after us. And I'm not even speaking to the merits of the bill, right? It's not saying there isn't a way that LB773 could be improved. I'm not saying there's not a way that permitless concealed carry could be something I would support. There's definitely scenarios where I would support a law like that. What I don't support is this body's continued pattern of taking a controversial bill, pulling it out of committee through a floor procedure, and not allowing it to go through the committee process. I think that that's disrespectful to the people on that committee who have the subject-matter expertise, who have the experience on the committee, and it's really taking away an opportunity from them to improve the bill. We, of course, saw this last Wednesday on the total abortion ban. That was another bill that had a lot of problems with the language, so you can completely separate your, your questions about the policy and your opinions about the validity of the idea from the language of the bill. And I have similar concerns with LB773. This bill was pulled from committee, it was put on General File, it did not go through the committee process in a, in a way that would lead me to be able to support it. And again, there, there are scenarios where I would support something like this, but I don't like the, the pulling from the committee process and I don't think that this is a good precedent for us to set or a good precedent for us to continue to normalize in this body. I wish that more of us would be willing to talk to each other and say, you know, I've got this permitless concealed carry bill, take a look at the language, let me know what you think, instead of just barging and ramming these things through, because bills like this can be improved and then we don't have to use a pull motion. Then it can be voted out of committee, it can have an amendment, we can have a fair debate, and then these things don't go eight hours and four hours and two hours and get filibustered and take time away from things that Nebraskans really want us to address. So the problem I have with AM2106 and LB773 is that this wasn't a part of

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the committee process either. There were a lot of stakeholders that weren't at the table when AM2106 was drafted and put together and it doesn't have support of all law enforcement. When you look at what happ-- you know, whether we're talking about January 6th and the insurrection at the Capitol, you know, that's over here as like a very extreme example of, of what has happened on the conservative right in the last couple of years--

FOLEY: One minute.

HUNT: --thank you, Mr. Lieutenant Governor-- in regards to disrespect for law enforcement. I feel like the, the moniker, the, the stereotype of disliking law enforcement has been hung on progressives. And you know, I've certainly been accused of this. I respect the people who keep our communities safe. And when the people who keep our communities safe are mowed down at the Capitol by people who are trying to defend Donald Trump or when the people who are trying to keep our communities safe by opposing LB773 saying things like this isn't going to keep our communities safer, this is going to make our jobs harder as law enforcement officers and we would like to be at the table when we're talking about an amendment-- the Lincoln Police and prosecutors and the League of Municipalities, they weren't at the table when this amendment was discussed. So it is hard for me to hear people talk about respecting law enforcement, this and that--

FOLEY: That's time, Senator.

HUNT: Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hunt. Senator McKinney.

McKINNEY: Thank you, Mr. President. I rise not sure where I'm going to be at on LB773 because I strongly dislike AM2106, primarily because the Omaha Police would like to continue targeting individuals in the city of Omaha, and I have a problem with that, especially when it comes, especially when it comes from the gang unit who operates as-- it's just a gang in itself and they have a lot of horrible tactics that they like to pull, especially in my community. And that's why I oppose the amendment, because I don't think there should be a carve-out for Omaha, the OPOA, or the gang unit. Tell them to do their job. They shouldn't have the right to just go around and target people, and that is my problem with the amendment and it's why I'm kind of open to LB773 because they pretty much said that, if passed in its original form, LB773 would take away their ability to target individuals in the community and I just disagree with that. You know,

there's-- when you look at the data, black people have the highest of-- one of-- the highest arrest rate in a state, which is tenth highest in the nation. So why should we allow them to continue to target when the data points to something else? And, you know, I've received a bunch of messages about this bill and had talks with people in the community about this bill and it's split. There's some people that support it, some people don't support it, which is why I don't know where I'm going to be at. But I definitely would not support an amendment to allow the police to continue to target individuals and especially an amendment that was crafted from the perspective of the gang unit in Omaha; definitely will never support anything they support because of the things they do, the things they advocate for. They fought against criminal justice reform this year. Why should they get anything? The gang unit, it does a bunch of bad things and that's where I'm at. I'll probably get back on, listen to the conversation, but LB773 in its original form, if you're listening, would take away the ability for the Omaha Police to target people. With the amendment, they still would be able to target people and pretty much do business as usual and that's what I'm against. Thank you.

FOLEY: Thank you, Senator McKinney. Senator Blood.

BLOOD: Thank you, Mr. President. So I stand puzzled in reference to AM2106, and I'm not sure I, I support LB773 anymore as a result of it. Here's what I know. Federal laws are really the floor and not the ceiling, which means Nebraska is allowed to change and adopt gun laws for the betterment of all Nebraskans. I'm really clear on that and I always like to talk about the things I'm clear on so I can better address the things I'm kind of fuzzy on. So I've always been clear that I believe in responsible gun ownership, always talk about growing out-- up in the country because I truly didn't know a household that didn't have a gun when I grew up out in rural Nebraska because you needed it to put animals down, you needed it to hunt, and quite frankly, law enforcement was several hours away, lots of times, and you needed it to protect your home and your family. But nobody ever touched that gun unless you needed that gun. But I've also been just as vocal about patchwork laws. They drive me insane because it's not fair to the gun owners when you have to go from community to community trying to figure out which law pertains to you. So unless you actually live in that community, you do have those issues that you have to address. So the courts continue to uphold the Second Amendment protection of responsible gun owners to possess a handgun in their homes for self-defense. And we know, even though there's been a fear put into people that folks are coming for your guns and folks are, are trying to take away your Second Amendment rights, the courts prove

differently. They protect your rights and they're going to continue to do that for as long as we're on this planet because that's how the courts have always worked, to protect your rights as a gun owner. So the concern that I have for Senator Brewer isn't that he hasn't worked hard and he hasn't been determined and he has-- I mean, he's made this his goal and I have nothing but mad respect for Senator Brewer. My concern is, is the answer to do an amendment like this, doing a patchwork, is that the answer to getting everybody on board? And if it is, I mean, our previous conversation on the mike during the last debate, I find it hard to believe that that's something that he feels strongly about. And maybe he'll want to address this later. I don't want to talk for Senator Brewer, but I know based on the emails that I've received that the gun owners don't like patchwork laws either. But at the same token, I want to support law enforcement. So it's just-- it's quite the quandary and I'm not getting a clear message either way. And it's not because of anything that Senator Brewer is doing. It's because he's stuck in a position where he has to try and appease people in order to get something done and law enforcement is concerned about how this is going to affect their communities. I mean, this is the first time Sarpy County hasn't jumped on board, but they've been guilty of it as well. And of course, when my county wants to do something or not do something, I get behind it because that's who I represent. So I'm hoping Senator Brewer will kind of walk through the process a little bit more. And really, is he comfortable with this amendment? Because it seems to me to go against everything that he believes about gun ownership. So if it's our right, is it a pure right? And if it's a pure right, is there room for patchwork laws? And if there's room for patchwork laws, does that mean that as other counties start figuring out that they can have a carve-out, that we're going to have to revisit this and keep amending it? So again, I'm clear on what I know. Your Second Amendment rights are protected by the courts. No one's coming after your guns. I'm a dead eye with a Ruger, if that matters to anybody. But when it comes to policy, there's this gray area and are we going to be addressing that with this amendment?

FOLEY: One minute.

BLOOD: Is it going to make it a better bill? Not necessarily, but I know that Senator Brewer is very astute and is going to be able to answer those questions for me. But at this time, I'm, I'm not a big supporter of either the amendment or the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Blood. Senator Brewer.

BREWER: Thank you, Mr. President. I've asked those that support the Second Amendment to stay out of the queue. Let's have this filibuster by those who truly do not want to have either one, the amendment or the bill. Senator Blood has brought up some good issues. She thinks things through and is good at picking up on things. This carve-out came because, when we had the bill go before the committee in the first week of the hearings, I was approached by the Omaha Police Department specifically with their problems with the gang unit and, and some of the consequences of that. We did a lot of video conferences, face to face. It was a process that took almost two months to get completely through. And I gotta admit, I got very impatient because every time I did that, it moved the ball farther and farther down. And as you can see, we are here on the last possible day. So I was in a position where if I wanted to help them do their job-- and I think they have a very unique position there. They have a situation no other town in Nebraska has. So in order to help them with their challenges, that's why AM2106 came about, and it was through a lot of negotiation, because originally they had wanted to have a felony for a second-offense failure to notify and we said, no, that, that, that just isn't reasonable. You can, you can have a mistake and the second mistake become a felon, that is not right. So we went back and forth. They negotiated in good faith, but they were hard bargainers and this is the end result of that. Now back to the base bill, LB773. This is the bill that's the same in all of the states that surround us but Colorado. Since we had the first hearing on LB773, we went from 21 to 25 states that have constitutional carry. What we're asking here is nothing that isn't being done in many other states. And guess what? They have not turned into the wild, wild west. The world has not come to an end. They're moving ahead just fine. Now on the issue of training, last time we said that the Nebraska firearms owners had started a program of volunteers to train folks at no cost and we have increased that number to over 50 volunteers that can cover all 93 counties. So training is not something the government should mandate to you when you have a right given in the Constitution to an individual. We won't do that for any of our other amendments and I don't think we should do it for the Second Amendment. We've talked about the cost and some say, well, if you can't afford that cost, you shouldn't have a gun. Let's for a second think about the fact that, say, you're, you're a single parent and you might be in a domestic violence situation. You would have to wait 60 to 90 days to be able to get that permit through the system. That may not be enough time for you to protect you or your family. So we have a need for LB773 and it's nothing that the other states haven't done and had no issues with it. Now on the issue of law enforcement, all of my county sheriffs

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want it. I understand Omaha and Lincoln have different issues than the little counties to do, but there are a lot of places where law enforcement is so--

FOLEY: One minute.

BREWER: --very limited that, without someone there who has a gun, they have no options. So please understand. Think outside of Lincoln and Omaha with this bill also because they are watching and they're trying to figure out why, if they send literally thousands of emails, cards, and phone calls, we can't figure out how to give them the right to concealed carry in the state of Nebraska. Again, this bill is simply-- whether you're wearing a coat and covering the gun or not, open carry is legal in Nebraska. What we're saying is, if you wear that coat and it's concealed, you no longer are a criminal. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senator Lathrop.

LATHROP: Thank you, Mr. President and colleagues. I was thinking back to the words of Senator Erdman when he said sometimes people are for a bill, my bill, because of who introduced it and against it because of who introduced it. And today I want to be in favor of a bill Senator Brewer has introduced. I have a great deal of respect for my colleague, but I, but I don't support LB773, I haven't, mostly because, mostly because I believe that the training is necessary when we're talking about something as consequential as pulling a handgun out and using it in any circumstance. I happen to have, as you know, been through law school. I took criminal law, criminal procedure. I practiced law for 40 years. If I had a gun, in a lot of circumstances, I'm not sure I'm confident in my own ability to make a judgment about when I can use that handgun and when I'm not permitted to or when I'm going to get in trouble, if I do. And to me, having training as a requirement is necessary and appropriate. When we had a hearing on this bill in Judiciary Committee, we had an awful lot of people that came in and said, if you pass this bill, there will be more training. I'm struggling with that one because, if there will be more training if we pass the bill, then what's the problem with requiring the training and, and what's the necessity of the bill? I think LB773 represents something else too. I have, I have no issue with people who are in more sparsely populated counties being able to carry concealed with or without a permit. And the reason I say that is that those folks that are in more sparsely populated counties, this is very much part of the culture; it's very much part of the relationship they have growing up with firearms. They-- it's different than people in, in the

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cities. We, we are in different circumstances when you talk about people in the metropolitan area versus people who are in, for example, Cherry County. Those people grow up with guns. We would essentially greenlight somebody going over to Cabela's and picking up a handgun. Maybe they never, never touched one. Maybe they never spent any time with their father or other person explaining to them gun safety, explaining to them when or-- when they can or may not use a handgun without in fact getting in criminal liability themselves. But because there are people that want it without training, I have a problem with LB773. The amendment is concerning to me as well. When LB920 was on the floor, we talked about the, the challenges in this state with the imposition of consecutive sentences. And what we're doing with AM2106 is setting people up for consecutive sentences, which we refuse to do anything about, and that causes me concern too. So now I was looking through the list-- and by the way, I can't think of a single crime or municipal code--

FOLEY: One minute.

LATHROP: --infraction or violation that isn't on this list and when I look at the failure to obey a lawful order. So if I'm driving down the street and there's a traffic accident and there's confusion and the cop waves me over here and I don't see him or I go the other direction, now I'm going to be charged with something else, carrying a concealed handgun, because when I, when I didn't do what the law enforcement officer told me to do in the middle of confusion around a car accident, I've just committed another violation. This is going to turn into an add-on, it's going to turn into consecutive sentences, and it's just going to be part of the problem that I tried to address in LB920, consecutive sentences, and obviously I got nowhere in this place trying to address the problems that were identified through the CJI process--

FOLEY: That's time.

LATHROP: --on consecutive sentences. Did you say time?

FOLEY: That's time.

LATHROP: Yeah, thank you.

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

CLERK: Mr. President, Senator Morfeld would move to amend the Brewer amendment with FA207.

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FOLEY: Senator Morfeld, you're recognized to open on FA207.

MORFELD: Thank you, colleagues. This, this amendment is not a substantive amendment. I just wanted to be able to have the opportunity to get in the queue and talk a little bit more. But to respond to a few things that my colleague Senator Brewer brought up in his last floor speech. So right now, in terms of, in terms of open carry, I think there is, there is a distinct difference. And the distinct difference is this: is when somebody is open carrying, they're openly and notoriously carrying that, people can see that they're open carrying, they can adjust their conduct or avoid that individual if they so choose accordingly. Now I do think people can make good arguments for why, if somebody is open carrying in public, not on their private property or anything like that but open carrying in public, that they should have the same training requirements, quite frankly, as somebody who is not open carrying. It just so happens that that's not what we did several years ago, well before I was in the Legislature, in terms of requiring that. So for me, the argument that, hey, listen, right now you can open carry and you don't have to have the training requirements and things like that, that really kind of rings hollow to me because I think that there are some strong policy arguments to be made in terms of public safety and training for folks who are open carrying to be required to have that same amount of training. In fact, I think that training would be very beneficial for those gun owners. I think it'd be very beneficial in terms of public safety. I do want to confirm that Lincoln Police Union and Lincoln Police Department are both opposed to this, even with the amendment. So my law enforcement officials, excuse me, both rank and file and the leadership, have serious concerns about this legislation. And not only that, if you look at the committee transcript, Omaha police officers also had concerns about this as well. In addition, I believe-- and I have not double-checked since last time-- I believe the police chiefs association is also still opposed. So it's not just a Lincoln thing. In addition, the League of Municipalities remains opposed as well. Last time, some folks brought up, well, this is just a Lincoln thing and, and kind of disparaged, I think, in my opinion, the reputation of some of our leadership there based on where they served previously. But it's not just simply a Lincoln thing. There are statewide representation of law enforcement that is opposed to this legislation because of very serious concerns. And my understanding-- and if I'm wrong, I, I hope somebody will correct me either on the mike or off to the side-- but my understanding is even adopting AM2106 brings the Omaha Police Officers Association just neutral. It doesn't even bring them to support. So if that doesn't get attached, their opposition

remains; and if it does get attached, they're only neutral, which to me shows that there's still serious public safety concerns. And a lot of times we hear people, particularly proponents of this legislation, get up and talk about how they stand with law enforcement and they stand with police, and what I have found when it comes to guns is that standing with police oftentimes ends right when they have serious concerns about changes that we make about our gun safety laws. So I'm asking that we be consistent. The folks that say that they stand with police, they should vote consistently on this legislation and that vote should be in opposition. I support our law enforcement and I'm going to oppose this legislation because of that. And because it's been a little while since we've debated this, I want to read into the record the opposition in committee from the Lincoln Police Union. Letter is dated January 18, 2022, regarding LB773 opposition. Senator Brewer and members of the Judiciary Committee, the Lincoln Police Union is opposed to LB773. This legislation would embolden criminals to carry weapons frequently and limit law enforcement's ability to prevent violent crimes. It's difficult to say how many violent crimes have been stopped from an arrest for carrying a concealed weapon, but even if it's only one, it's worth it. Our current CCW law and permit process is necessary to provide training and certification to citizens-- going to get over this cold here one day-- our current CCW law and permit process is necessary to provide training and certification to citizens who wish to carry concealed weapons, and anything short of that would create unneeded recklessness. I want to read that last sentence again. Our current CCW law and permit process is necessary to provide training and certification to citizens who wish to carry concealed weapons, and anything short of that would create unneeded recklessness. Thank you, Jason Wesch, vice president, Lincoln Police Union. I want to read the city of Lincoln opposition to this legislation, as well, because I think it points out many of the concerns that law enforcement have and that have been expressed by others. Then after that, I'm going to go through the committee transcript, as well, and we'll read through the testimony of many of the law enforcement officials that showed up in opposition. This is dated January 19, 2022, regarding LB773, letter of opposition from the city of Lincoln. This is a letter from Chief Teresa Ewins. Dear Senator Lathrop and members of the Judiciary Committee, after review of this proposed legislation and internal conversations of its impact to our organization and the community in Lincoln, I oppose LB773 for the following reasons. First-- I added first-- officer and public safety: While Lincoln is generally a safe community, we have experienced our share of gun violence related to gangs, drugs, and robberies. Allowing persons to freely carry a concealed weapon,

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handguns, shotguns, knives, and rifles, will make our job of safeguarding Lincoln more difficult. This bill will allow a criminal element of our communities to carry legally, as they have-- may not have been a prohibited person. Without a permitting process and training, you will have individuals who shouldn't be carrying or carrying without the proper skills necessary to assess a situation and determine when legal force is lawful. This also increases propensity for mistakes which can result in innocent people being injured, including our officers. Background and training: Nebraska's self-defense laws are complex. Those who use a firearm in self-defense must do so lawfully or be exposed to both civil and criminal penalties. Officers are required to go through a background check, hours of training, and certification process. Without requiring a permitting process where training and background checks are required, our communities will not be safe. Allowing unregulated carrying of concealed weapons empowers those individuals to act instead of calling the police. Police are trained to de-escalate situations, use lethal-- lethal force, and, if required-- use less lethal force and, if required, lethal force. Fiscal impact: If this legislation is approved, new policies and training will be needed for our members, which will impact us financially and reduce personnel on the street. The department will need to increase the storage facility to account for any additional weapons storage. If cost to the public is the issue, the state should reduce the permit fee and subsidize training costs. And, colleagues, I actually have an amendment that did that on the first round. I can bring it back on the second round. In its current state-- going back to the letter-- in its current state, this bill allows anyone, except those prohibited as defined by NRS 28-1206, to carry a concealed weapon without the requirements of additional training, knowledge, and background checks. Abolishing these requirements will put an end to the public's assurance that those carrying a concealed weapon possess adequate skills and knowledge and are doing so in a safe manner as to not endanger the public. We believe that we are best situated to understand and continually assess the safety--

FOLEY: One minute.

MORFELD: --and security needs of our community. We have ordinances in place that protect our community and this bill strips Lincoln and all the political subdivisions of the local control related to CCW. Respectfully, Chief Theresa Ewins, Lincoln Police Department. Colleagues, I'll go through the testimony and then also some of the other letters that were submitted, but the bottom line is, is that law enforcement have serious concerns about this. So if you're one of the

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people that have gotten up on the mike before and talked about how you support law enforcement and how we need to make sure that they have the tools and resources necessary to be successful, I ask that you continue to support law enforcement by opposing LB773. I have yet to hear from a law enforcement agency, and I'll double-check the record--

FOLEY: That's time, Senator.

MORFELD: Thank you, Mr. President.

FOLEY: But you're next in the queue. You may continue, five additional minutes.

MORFELD: Oh, perfect. I have yet to hear from law enforcement that is in support. And I'm going to double-check the record because I think this hearing was back in, in January, so I may be mistaken, but the bottom line is, is that there is statewide opposition to this legislation from the law enforcement community. One of the things that I want to talk a little bit about, too, today is our gun and homicide rates across the country. Now violent crime or crime in general, I should say, has been on a downward trend, but violent crime with firearms has been up. And so I think it's important to talk about that and to put that into the record. And I think it's also important to note that, while I don't know the solution to gun violence, I think I know a few different things that could maybe reduce gun violence. I don't know the full solution to gun violence. I do know that getting rid of background checks and getting rid of training requirements is not going to lead to less gun violence, and the statistics indicate that and I read some of those statistics into the record the last time that we debated this, but we'll go back and refresh everybody's memory today. So here's gun violence in Nebraska, some statistics right away. In an average year, 178 people die and 348 are wounded by guns in Nebraska. Nebraska has the 35th highest rate of gun violence in the United States-- good that we're on the lower end there. Gun deaths over time: In Nebraska, the rate of gun deaths increased 26 percent from 2010 to 2019, compared to a 17 percent increase nationwide. So we have a pretty significant increase in gun deaths, 9 percent. The rate of gun suicides increased 38 percent and gun homicides decreased 3 percent, compared to a 13 percent increase and 26 percent increase nationwide, respectively. And if you look at some of the statistics of states that passed constitutional carry and has had it in effect for a while, it shows that those gun deaths have gone up in those states. And there's also anecdotal evidence that we'll talk about a little bit earlier that says that confrontations with law enforcement officers and firearms have also increased in those states. Talking about the

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cost of gun violence, Nebraska has the 42nd highest societal cost of gun violence in the United States at \$619 per person each year. Gun deaths and injuries cost Nebraska \$1 billion, of which \$34 million is paid for by taxpayers. Let's also talk about gun deaths by intent. In Nebraska, 74 percent of gun deaths are suicides and 21 percent are homicides. This is compared to 60 percent and 38 percent nationwide, respectfully. Gun suicides and suicide attempts: every year, an average of 131 people in Nebraska die by gun suicides and 16 are wounded by gun suicide attempts, a rate of 6.6 suicides and .08-- 0.8 suicide attempts per 100,000 people. Nebraska has the 38th highest rate of gun suicides and gun suicide attempts in the U.S. And if you'll hear a recurring theme from all of these statistics, is that, compared to the rest of our peers in the United States, Nebraska is actually doing fairly well with our current laws in place. Now that being said, one gun death, whether intentional or by suicide-- well, I guess they're all intentional-- but whether homicide or by suicide, is too many. So I don't want to diminish that at all. But the bottom line is, is we rank towards the bottom as compared to many of our peers in the United States, and that's because we have sensible laws on the books--

FOLEY: One minute.

MORFELD: --sensible laws that LB773 is attempting to repeal. Gun homicides and assaults-- going back to the statistics-- every year, an average of 40 people in Nebraska die by gun homicides and 180 are wounded by gun assaults, a rate of 2.2 homicides and 9.4 assaults per 100,000 people. Nebraska has the 34th highest rate of gun homicides and gun assaults in the U.S. In Nebraska, 69 percent of all homicides involve a gun, compared to 75 percent nationwide. Gun deaths among children and teens: guns are the second-leading cause of death among children and teens in Nebraska. That's pretty striking. In Nebraska, an average of 14 children and teens die by guns every single year and 59 percent of these deaths are suicide. In the U.S., 58 percent of all gun deaths among children and teens are homicides. Intimate partner homicides--

FOLEY: That's time, Senator.

MORFELD: Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Machaela Cavanaugh.

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M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I would-- was wondering if Senator Brewer would mind yielding to some questions about the amendment?

FOLEY: Senator Brewer, would you yield, please?

BREWER: Yes.

M. CAVANAUGH: Thank you, Senator Brewer. So this amendment carves out cities and villages, that they can do their own ordinance, correct?

BREWER: No.

M. CAVANAUGH: Oh, OK. Can you explain it to me? I'm sorry.

BREWER: Only-- only Omaha and only on those three areas that I presented in the opening.

M. CAVANAUGH: So only Omaha. I know we had this question last year when we tried to do something. How is it going to work differently this time that it's constitutional to do only Omaha?

BREWER: Well, last year on LB236, it was, it was more of the issue of the structure of the bill, not the fact that we identified a particular county. So this one we specifically identified-- a carve-out is really what it is, you're right. And in this case, there, there's not any constitutionality issues with it. You know, the issues is that, that we have identified a particular spot in Nebraska as opposed to a bill like LB773, the base bill, which would cover all of Nebraska.

M. CAVANAUGH: OK, thank you.

BREWER: You bet.

M. CAVANAUGH: So this, this amendment-- and I apologize because I don't have a committee statement to look at, but was this a separate bill that this amendment is then being amended into this?

BREWER: Yeah, AM2106 is being amended into LB773 and--

M. CAVANAUGH: Is AM2106 from a different bill or is it new con--

BREWER: Well, no. It's, it's an amendment that we drew up after the bill was, was heard in committee and that was--

M. CAVANAUGH: So it's, it's sort of new cont-- I mean it's--

BREWER: It's a, an amendment. Yeah, well it's an amendment to--

M. CAVANAUGH: Right. OK.

BREWER: --to the base bill.

M. CAVANAUGH: I was asking me because I was curious. I know you talked about working with the Omaha Police, but were-- did you also work with the public defender and the attorney-- county attorney's office?

BREWER: We did. Most of the baseline negotiations were with the gang unit trying to address issues that they felt LB77-- LB773 would take away their ability to do active work and, and not be a hindrance. But I think the support or the neutrality on the city of Omaha, that came from, from all the offices, I think all the way up to the mayor.

M. CAVANAUGH: OK. So my concern about the bill is more-- and we've talked about this before-- but it's more the fact that we're eliminating the training piece. Is there any opp-- opportunity to put the training piece in and have the state pay for it?

BREWER: Well, we would, we would get into essentially where we're at with the co-- the permitted concealed carry, where you would have a state program and there would be the requirements and the cost that is involved with that and the time that it would take to go through that process. The idea behind LB773 is that those responsibilities are on the individual and it's, it's their rights, but it's also their responsibilities to go through training if they're going to carry. But that's why we worked on getting a civilian program that was available at no cost to do training because it would be hard to have a state program that provided training at no cost.

M. CAVANAUGH: OK. All right, thank you for answering my questions. I appreciate it.

BREWER: Yeah, sure.

M. CAVANAUGH: I, I'm-- still have some concerns over the, the amendment--

FOLEY: One minute.

M. CAVANAUGH: --because Omaha does have so many SIDs in the middle of it. I think that that can be confusing, just as the county question was last year. Again, my, my real underlying opposition to this bill is the, the taking away the training, and I understand what Senator

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Brewer is saying about that, but I do think that the training is really, really important. And if we could find a way for a state training program that the state paid for, I think that might be the middle ground that everybody is looking for. I do-- I just-- I'm very concerned about the city of Omaha's amendment and how that really impacts the SIDs and the rest of the state as well. I know that this doesn't bring on-- online the city of Lincoln, for example, and so we're really just having a very specific carve-out for only one community. And I think if we're going to make these, it's a--

FOLEY: That's time.

M. CAVANAUGH: Thank you.

FOLEY: Thank you, Senator Cavanaugh. Senator Moser would like us to recognize 45 fourth-graders from Emerson Elementary School in Columbus, Nebraska. Those students are with us in the north balcony. Students, please rise so we can welcome you to the Nebraska Legislature. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. Lieutenant Governor. My basic problem with LB773 is that this is another bill that was brought to us through a pull motion, that didn't go through the committee process, that's now going to take up the full eight hours on General, four hours on Select, two hours on Final in a filibuster that's taking time away from other issues that Nebraskans are asking us to address. As I've listened to debate, I have another concern that has been reactivated that I really have around this topic in general, which is, you know, we have to understand that there's a difference between conceal carrying and, and being armed and owning guns to protect yourself and your family, to put down animals, to go hunting, as Senator Lathrop was talking about. Some, some people have this utilitarian use. And then there's other people who want to carry guns because they want to become almost like a vigilante or somebody who sees themselves as law enforcement, and I don't think that this is something-- I'm like-- I'm surprised to hear Senator Brewer talking openly about this, honestly. I know that Senator Brewer is aware of lots of different Facebook groups. I know that his committee legal counsel, Dick Clark, is probably aware of lots of different Facebook groups where people in Nebraska are actively trying to organize people who have concealed carry permits and who do carry guns, who make guns, who manufacture guns-- what are called ghost guns, which are guns that don't have serial numbers. They're just made with 3-D printers and things like that. You can buy kits. And I, again, I don't even necessarily have a problem with that. My problem is that this is all contributing to a culture. It's

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throwing gasoline on the fire of a culture of people who want to role-play as law enforcement officers, who want to go around and act like they're helping their communities when they are not necessarily motivated by a desire to, to defend people or defend justice or defend the law. And all of the training that our law enforcement officers go through is not something that they are a part of. And I'm really concerned about, especially, the open discussion of vigilante justice and the need for it, in the opinion of some people. Historically, you know, not all of you have been supporters of that. You didn't like it when the Black Panthers were doing it, did you? So my concern is around who has access to guns and then who appoints themself in this position of being a vigilante law enforcement officer and then the fact that actual trained law enforcement officers are against this whole idea. We're about to go through a whole campaign cycle where I'm, I'm sure to be attacked and painted as an anti-law enforcement person. You know, that's already happening in the sheriff's race in, in Douglas County, where I live, in Omaha. People are already invoking my name to support the conservative candidate for that office. But what I'm only concerned about is public safety. And to say that we need something like LB773 so that the single mom who is worried for her family can go out and buy a gun real quick, that is not the scenario, colleagues, that's going to be happening. To that point, you know--

FOLEY: One minute.

HUNT: --we know that when there's a gun in the house, domestic violence goes up and that women who experience domestic violence are more likely to die of this violence if they live in a home with a gun. So I don't know the reason we should be encouraging vigilantism. I want to note that that's only ever applied to white people. And I also question the need to just have a gun all the time anyway and I-- these five minutes go by fast. I have some points about that too. But if you're afraid for your safety, get a Taser, get pepper spray. If you've ever been pepper sprayed, that will knock you down real quick. Not every problem is solved with guns. I'm not against the ownership of guns.

FOLEY: That's time, Senator.

HUNT: Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hunt. Senator Brewer.

BREWER: Me, sir?

FOLEY: Yes, you're recognized.

BREWER: OK. Thank you. All right, well, let's, let's start with Senator Hunt's issues. I understand that vigilante justice is a punishment they're looking for. What we're talking about here with self-defense is simply protecting people's lives. For some reason, we seem to be able to take and take everything horrible in the world and twist it in and make it part of a debate on a bill like this. I'm glad Nebraska gets to watch this. The ones that are getting on the mike and speaking are the ones who will never vote for this bill, who love to confuse everyone and think they might vote for it if something was different about it. They purely hate the Second Amendment and they're going to find reasons not to. I've tried to keep my temper on this thing, but I've got to tell you, the last comments have pissed me off in many ways. To bring up that only whites want to, want to have this law is probably fair in the sense that the reason gun laws were made in the first place were people like Senator Wayne and myself's descendents, wasn't because rich, white, rich white people wanted to keep themselves from having guns, so face some facts with this. The committee process we tried. There is nothing we could have ever done in that committee to get the bill out. The committee was designed so that couldn't happen, and next year we better fix that or we'll have more pull motions. And it's the people on the mike are the ones that have cost you eight hours, now four hours and two hours, plus the pull motion discussion. So don't blame anyone else when all these bills fall off the end today because we decided we're going to string this out unnecessarily. This bill has been convoluted by comments by Senator Morfeld. This does require you to have a background check because you can't get a gun unless you have a background check. Now I can sit here and listen to some of this and bite my tongue, but there's a point where I can't do it anymore. For the people watching-- and this is going to be documented on the news and you're going to get a lot of folks that are going to come and support your opposition because you decided to kill this bill here today, a bill that's got thousands of people behind it and we're hoping to get a fair shot. So next year, we'll do the same thing and we'll start this all over again. And we'll get the, the ones I didn't tell to come in to the committee hearings to come next year, and you don't want to be the Chairman of Judiciary because you'll remember when we filled the hallways and all the rooms available with the people that came during assault weapons ban. Again, that was Senator Morfeld. Don't you ever think for a second his purpose in life isn't to, to kill the Second Amendment. He come right out and said we need to rethink constitutional-- open carry. So just remember the facts as we go

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through this discussion today. And for you that will sit through four hours and accomplished nothing and see the bills end today, remember who did it. Go look at that screen, get the names and remember them well, and the people listening, remember too. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senator John Cavanaugh.

J. CAVANAUGH: Thank you, Mr. President. So I rise in opposition to AM2106 and I have been opposed to it the entire time. And I appreciate Senator Brewer's frustration. I do. I, I've been clear about my position on this bill and many other bills along the way, and obviously we all have disagreements, but we-- our job here is to articulate our oppositions and to-- and fight about them on the floor, discuss them on the floor with people. But just a quick problem I have with AM2106 is the enumerated offenses. And I was going through them and there's a few in here that are things like it's a violation if you are also-- if you're committing unlawful application of graffiti, which is spray painting on a wall, and you happen to have a concealed carry, so that makes it a violation of the concealed carry statute. But also, it's-- so thrown in, obviously, on the same level as spray painting a wall, is violating a sexual assault protection order. So that-- if you have a sexual assault protection order, if you have a protection order against you is-- it makes you a prohibited person. And this says, knowingly, violation of the sexual assault protection order would make it a carry concealed weapon. If you're knowingly violating a sexual assault protection order and you have a concealed weapon, you're a prohibited person. That's a Class ID felony that carries a minimum 3 years, up to 50 years. So just putting those two things on the same playing field, I think, makes a mess of our statutes and makes it confusing for people for implementation. Is this a lesser included offense to that offense? So could somebody be charged with that rather than the ID felony? That becomes problematic and there's a bunch of those in here that I would be happy to go through, but I-- Senator Morfeld asked me if I'd yield some time to him, so I remain opposed to AM2106 and I would yield the remainder of my time to Senator Morfeld.

FOLEY: Thank you, Senator John Cavanaugh. Senator Morfeld, 3:00.

MORFELD: Thank you, Mr. President. I'd like to withdraw my floor amendment.

FOLEY: FA207 has been withdrawn. I see no one in the speaking queue at this time. Senator Brewer, you're recognized to close on AM2106.

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BREWER: Thank you, Mr. President. I will keep this short. This bill, this amendment was negotiated with the Omaha Police Department. I understand some of the concerns on it, but please understand that they have a mission to do, day in and day out, and this is our way of helping them do that job. And I would just ask for your support on AM2106. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. The question before the body is the adoption of AM2106. Those in favor vote aye; those opposed vote nay. 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.

CLERK: 22 ayes, 6 nays to place the house under call.

FOLEY: The house is under call. All members please return to the Chamber and check in. The house is under call. Senators Gragert, Wishart, Hughes, Hilkemann, please return to the Chamber and check in. The house is under call. Senators Wishart, Hughes, and Hilkemann, please return to the Chamber. All unexcused members are now present. The question before the body is the adoption of Senator Brewer's AM2106. A roll call vote in regular order has been requested. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting yes. Senator Blood voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Day. Senator DeBoer voting yes. Senator Dorn voting yes. Senator Erdman voting no. Senator Flood. Senator Friesen voting no. Senator Geist voting yes. Senator Gragert voting yes. Senator Halloran voting no. Senator Ben Hansen voting no. Senator Matt Hansen voting no. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes voting no. Senator Hunt voting no. Senator Jacobson voting no. Senator Kolterman voting yes. Senator Lathrop voting no. Senator Lindstrom voting no. Senator Linehan not voting. Senator Lowe voting no. Senator McCollister voting no. Senator McDonnell voting yes. Senator McKinney voting no. Senator Morfeld voting no. Senator Moser voting yes. Senator Murman voting no. Senator Pahls. Senator Pansing Brooks voting no. Senator Sanders voting no. Senator Slama voting no. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz. Senator Wayne voting no. Senator Williams voting yes. Senator Wishart, voting no. Senator Arch changing from yes to no. 13 ayes, 29 nays, Mr. President.

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FOLEY: AM2106 is not successful. I raise the call. Mr. Clerk.

CLERK: Mr. President, I have another amendment, but I have a priority motion. Senator Morfeld would move to recommit LB773 to committee.

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

MORFELD: Thank you, Mr. President. Thank you, colleagues. In terms of-- going back to, going back to a little bit of our discussion a little bit earlier-- I was a little surprised by that vote, so I'm still processing a little bit, but-- to be honest with you. That being said, going back to our discussion a little bit earlier, I want to go through Nebraska's current laws and a snapshot of those laws. And actually, one thing that's pretty instructive is the Legislative Research Office's snapshot of current gun laws in Nebraska, particularly with firearm purchase background checks. And it is true that folks are required to have a background check if they purchase certain types of firearms in the state of Nebraska. And that being said, though, we also know that people fire-- purchase firearms in other states, they bring them into this state, and there are loopholes, and any gun owner would admit that. And quite frankly, we all know that it happens. So let's, just to put it into the record, talk a little bit about the Legislative Research Office's brief here that they have on firearm purchase background checks, and this is by Kate Gaul, a research analyst there. What is the system and how does it work? The Federal Firearms Background Check System was mandated by the Brady Handgun Violence Prevention Act of 1993, otherwise known as the Brady Law, and fully implemented in 1998. The law established the National Instant Criminal Background Check System and required federally licensed, required federally licensed gun sellers to confirm with the FBI or state official that gun buyers making purchases in their stores were not prohibited from law by receiving a firearm-- making a note here. Each state has the option of turning over all background checks on firearms to the FBI or it can choose to act as a point of contact, otherwise known as POC, to conduct background checks on either handguns, long guns, or both. Additionally, a state can choose to issue alternative permits. Alternate permits must be approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives, otherwise known as the ATF. Nebraska is a Brady alternative permit state and serves as the POC for purchasing handguns, but defers to the federal government to regulate long gun sales. Nebraska law prescribing handgun purchases actually predates the Brady Law. In Nebraska, an individual must apply in his or her county of residence for a firearm purchase certificate-- designated local law enforcement official. This is most often the county sheriff and it can also be the

police chief or the chief of police. The local law enforcement official performs the background check, which includes NICS, as well as the ability to search additional local criminal databases. Applications can be made in person or by mail. The local law enforcement official has three business days to complete a background check and is required to approve the certificate if the applicant is (1) 21 years of age or older and (2) not prohibited for purchasing or possessing a handgun per federal law. If the application is denied, the applicant must be told why in writing. Purchase certificates are valid for three years and allow the purchase holder to purchase an unlimited number of firearms with one background check. Federal law prescribes certain categories of individuals that cannot buy, possess, or sell firearms, including prohibitions enacted under state law. A bill introduced in 2018, LB990, would add a state prohibitor for juveniles adjudicated of serious or violent crime. Such juveniles would be barred from possessing firearms until age 25, with some exceptions. In 2006, the Legislature enacted the Concealed Carry Permit Act. Concealed handgun permits are proposed by the Nebraska State Patrol. The requirements for a concealed handgun permit exceed those required for a Nebraska firearms purchase certificate. However, once granted, a concealed carry handgun permit also qualifies as an alternative permit, which is kind of handy. That's my commentary. Concealed carry permits are valid for five years. ATF has approved both the state firearm purchase and concealed carry permits as alternative permits for purchasing long guns. State law does not require a purchase permit for buying long guns. If the buyer does not have a purchase permit, gun stores follow the Brady Law protocol and contact the FBI for an NICS check on long gun sales. We'll talk about the NICS databases in just a minute. I do want to respond a little bit to Senator Brewer's comments about my opposition to the bill and potential electoral consequences. Colleagues, I've been in strong support of both the Second Amendment, but also sensible, sensible laws that improve public safety and ensure proper training. And I will tell you-- and we'll get into the statistics in a little bit-- that the vast majority of Nebraskans also support that. So I agree there is a well-organized and loud and vocal minority in the state of folks that support reducing training requirements and background checks. But the vast majority of Nebraskans, and particularly the ones in my county, are with me. And even if they weren't with me, as a representative elected to inform myself, educate myself, I would do the right thing as an elected representative. We don't always act as delegates, simply doing exactly-- putting our finger up in the air and measuring public opinion. That's not always our job, simply just to be a delegate. Now, on some issues where I'm legitimately torn on which way to go, I will

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go, listen, I could see this going either way. And I've heard consistently, consistently from my constituents, that they want me to go one way or the other. And so we have to balance that as elected representatives, whether we're going to be a trustee or delegate. And in this case, I have the fortunate position of being not only a delegate but also a trustee because Nebraskans overwhelmingly support these common-sense types of laws that require training and require background checks for people that concealed carry. So when it comes to the rhetoric of, hey, listen, better watch out for your next election, people are going to be upset, sure, there are going to be some folks that are upset, but the majority of Nebraskans agree with these laws, agree that they're, they're common sense, and agree that they provide for the public safety of them and their family and their constituents and neighbors. And I can be pro-Second Amendment, and I am, but also believe that common-sense laws that have been deemed to be constitutional should be in place. Simply because I don't agree with a certain bill that may expand or limit access to firearms, does not mean that I'm anti-Second Amendment. There are plenty of rules, regulations, and restrictions that we put on the First Amendment in order to ensure public safety, and that's why we can do that as long as there is a compelling state interest. And just like there's a compelling state interest for certain rules, regulations, limitations, however you want to call it, on the First Amendment to protect people, everything from parade permits to you name it, we can also, we can also have those when it comes to the Second Amendment and the many other amendments and constitutional protections that we have. So, colleagues, simply because--

FOLEY: One minute.

MORFELD: --simply because I believe in making sure that we have reasonable rules, regulations, and training that has not been found to be unconstitutional by the Supreme Court, doesn't mean that I'm anti-Second Amendment. As a proud gun owner, I am pro-Second Amendment, but I also believe in common sense and I also believe that we should have reasonable rules, regulation, and training requirements for those that avail themselves of the right to conceal carry a firearm. And I think reasonable arguments can be made for open carry as well. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. You're actually first in the queue.

MORFELD: Thank you, Mr. President. I'm going to go back and talk a little bit about the NICS database, and this comes from the LRO snapshot. An NICS background check is actually a search of three

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national databases, including two broad criminal information databases and one database exclusively reserved for firearm purchases that can include databases of the U.S. Immigration and Customs Enforcement. These primary databases are National Crime Information Center, which, pertinent to firearm purchases, contains information on warrants and protection orders; Interstate Identification Index, which contains fingerprint-based criminal history records; and NICS Indices, which contains information specifically pertaining to persons who are prohibited from receiving firearms under state or federal law. The NICS indices contains records that do not meet the criteria for entry into NCIC or the Interstate Identification Index, such as information on time-limited, noncriminal, state-only prohibitors. Nebraska uses the NIC [SIC] indices primarily for reporting pertinent mental health information-- the Nebraska State Patrol, as a conduit through which the records from Nebraska are transmitted to the FBI for inclusion in the databases. These records are supplied by the, by the Patrol-- to the Patrol by sheriff's offices, police departments, and other qualified agencies, including court checks who enter mental health records. According to the FBI, approximately 92 percent of background checks it conducts take over a matter of minutes to approve or deny. However, the FBI has three days to make a decision, after which a sale can proceed without explicit approval. If the FBI eventually determines a firearm sale should have been denied, the information is referred to the ATF for retrieval of the firearm. NICS is specifically designed to broker firearm sales between federally licensed firearm dealers and individuals. Private firearm sales are not regulated under federal law, so unless required by state law, sales of firearms between private parties are not subject to background checks. This is an important loophole to consider. That's my commentary, not from the LRO. Notably, Nebraska includes private handgun sales in the requirement to have a purchase certificate. So that's the caveat to the caveat. Specifically, Nebraska Revised Statute Section 69-2403 states a person shall not sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate. However, there is no statutory mechanism for enforcement of sales between private sellers, sellers, nor can private firearms sellers access the federal NICS databases for background checks-- another important consideration and another important loophole, also my commentary. Further, the background check system relies on timely and accurate uploading of conviction records and other relevant information from multiple jurisdictions, including the 50 states, the military, and the federal government. The NICS Improvement Amendments Act of 2007 requires federal agencies to report records identifying prohibited persons no less than quarterly, but not states. Mental health and domestic

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violence records have been a particular source of incomplete information being relayed to NICS. Congressional efforts to fix NICS often center on the financially incentivizing states to provide timely and pertinent records. So, colleagues, I think the LRO snapshot is really kind of enlightening on the current state of firearm background checks in the state of Nebraska, and I'm happy to provide a copy of this if, if you would like it. That being said, in terms of opposition to this bill, not only is it rooted in my own principles as somebody who is pro-Second Amendment but also believes in public safety; it's also rooted in the fact that my law enforcement agency, both rank and file and leadership, remain opposed to this. And not only does my law enforcement agency remain opposed to this, other law enforcement agent--

FOLEY: One minute.

MORFELD: --other organizations that represent law enforcement agencies, like the police chiefs associations and others, also are opposed to it. So I remain firm in my commitment to support the constitution, to defend the Second Amendment, but also to have reasonable regulations that are constitutional, that protect public safety, and support our law enforcement. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator John Cavanaugh.

J. CAVANAUGH: Thank you, Mr. President. So I guess I rise in support of the motion to recommit. It seems like an appropriate motion at the time. I wanted to talk a little bit-- I was talking about those enumerated offenses in that last amendment that ultimately didn't get adopted. But in the bill, as it's currently constructed, there's a penalty section that I don't care for. It would be-- basically what the-- this was-- the amendment was AM1757 that we adopted last time and is now part of the bill. And what it does is it says that anybody under 21 so-- cannot possess a firearm or carry a concealed weapon. And if they do, the first offense is a Class I misdemeanor and the second offense is a Class IV felony. And, you know, as Senator Morfeld just went through, there are, you know, obviously the-- those of us who are opposed to this bill are, are not opposed to the Second Amendment, but we are in favor of reasonable regulations. And so I certainly think there's room for reasonable regulation, but the thing that strikes me about this is that that section says a minor and a prohibited person. And so a first-offense carrying a concealed weapon by a minor is a Class I misdemeanor, a first-offense carry a concealed weapon by a prohibited person is also a Class I misdemeanor, and a second offense for a minor is a Class IV felony and a second offense

for prohibited person is a Class IV felony. If a prohibited person is carrying a firearm, a concealable weapon, that is currently a ID felony that carries a minimum three years and up to 50 years. So the question I asked last time about all of those other lesser offenses than a ID felony is, does this become a lesser included offense if we adopt this? If a prohibited person, a person who has previously been convicted of a felony, previously convicted of domestic assault, person who's been-- who has a protection order, domestic assault, sexual assault, or other protection order against them, making them a prohibited person, if they are carrying a firearm where they would normally be subjected to a Class ID felony, are they-- is this now a lesser included offense under that? Is this an additional offense? So I-- I think it muddle-- muddies the water, for one, but I also am concerned about us equating the actions of a 20-year-old with a concealed weapon with that of a previously convicted felon carrying a firearm and-- or a person with a sexual assault protection order against them; as I think Senator Hunt just talked about, the higher risk of violence resulting in a situation where somebody has a firearm in a domestic violence situation, in a sexual assault situation, that the data shows that that is a higher incidence of something going even more wrong than has already gone wrong, some sort of more terrible outcome where the firearm gets used. And that is the reason for the prohibition in the-- in those offenses and that's why the-- that a person becomes a prohibited person when they're convicted of one of these offenses, is because the data has shown that. And so in this statute, the way we've done it is we're saying-- attempting to say constitutional carry, people have an absolute right to carry a concealed weapon, except for people under the age of 21. And if they, if they have yet to achieve the age of 21, they should be subjected to a felony for that conduct. And that doesn't sound right to me and that's problematic, so that's why I voted against that amendment. That's why I voted-- I've been opposed to some of this section of this bill and there are other sections of this that are similar that I have a problem with. I remember the first time I read this bill when Senator Brewer brought it. I went through and I flagged all of the places where there was still an offense for failure to notify, even though we don't have a requirement that individuals take a class. And so there is a potentiality for people--

FOLEY: One minute.

J. CAVANAUGH: --to become a felon based off of conduct that they were not necessarily informed of because they haven't gone through a class. I know Senator Brewer has talked about a lot of offers for volunteers to, to provide these classes, which is great. Volunteers, people doing

it, that's-- I've been through those voluntary classes myself, but it-- when we are making conduct criminal, we should make sure that people are going to be on notice of that because there is a whole section there where someone or a law enforcement or a volunteer firefighter can take your firearm from you and if you refuse, that becomes a criminal charge. And so an individual who is carrying a concealed weapon, is not taking a class, has not been informed that, could become a felon based off of-- well, in that case, I think it's a mis-- Class I misdemeanor on the first offense, but they could be criminally liable because they are not trusting a volunteer firefighter is correct on the law and telling them that they need to hold onto their firearm until the situation is dispensed with. So that, I think, is problematic without the classes and the notification. There's a lot of other reasons that Senator-- other people have talked about, the--

FOLEY: That's time.

J. CAVANAUGH: --importance of classes. Thank you, Mr. President.

FOLEY: Thank you, Sen-- thank you, Senator Cavanaugh. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President. I rise in continued opposition to LB773 and in support of Senator motion-- Morfeld's recommit motion. I think at this point, the kind of pieces moving around, sending it back to committee, is not the, not the worst idea. I do want to kind of explain my position on the bill, including my position on the amendment that we just voted down. And I fundamentally am one of those people that have been referenced that did not like Senator Brewer's amendment but also doesn't like the bill, and the reason for that is I think that if this is a policy we view as of statewide importance and if this is a policy we believe is kind of a fundamental right or however you want to frame it, if this is something that should apply to all Nebraskans, it should apply to all Nebraskans. And I think carving out Omaha was problematic for a lot of reasons, including groups that would end up getting charged under that, including the just confusion of where does Omaha start and stop and all those different things. That being said, I still have my same concerns that I expressed on the pull motion and on General File with LB773. I think, you know, there's the difference between open carrying and concealed carrying. When somebody is open carrying, a person who is not carrying can see that and make a decision for themselves, is, does this person-- somebody I want to be around, is this a situation I want to be in, and they can be mindful of that. So when you see somebody

openly carrying, you would know that they are armed and you can govern yourself and make choices on that accordingly. With concealed carry, you don't know that. And so in my mind, to lawfully concealed carry, I think there's that obligation we have as a state to make sure that person has at least some minimal understanding of gun laws, some minimal understanding of gun safety in addition to anything required before to allow for that. Especially I think that's important in light of some of the discussion we've had in terms of what the goal is or what the opportunity is for concealed carry. I personally have-- you know, I personally completely understand concealed carry for personal protection, for your own and kind of, you know, immediate family, self-defense. I get that. What a lot of people who are supporters of LB773 talk about it is kind of this pseudo-law enforcement or wanting to go intervene in situations in which they are not directly themselves at risk. And I understand that defense of others is allowed in necessary-- is necessary and things like that, but the notion that allowing more people to concealed carry with less training requirements so that they can intervene in more situations and take on more of a law enforcement role to me is kind of a-- really is, is in opposition to each other. If we want people to be essentially pseudo-law enforcement or take on some more of kind of an informal deputy role, I think those people should be licensed and trained and understood, not the opposite. If we want just to ease the burden and ease the cost of allowing people to have self-defense for themselves, for their home, for their family, I understand that. And that's why I'd be supportive of making this-- you know, eliminating or reducing the fee, providing free training, things of that nature. But for me, it's the, it's the-- it's kind of the intent and how we get there. If their intent is to, say, talk about people kind of taking on these pseudo-law enforcement, taking on this extra kind of enforcement, you know, wanting them to run into dangerous situations where they themselves aren't necessarily at risk, I want those individuals to be trained, I want those individuals to understand both how to operate as well as how to react in those situations, and that's the way I think we want to go. That's the way I would presume we would want to go. I have some concerns kind of on some of that framing. You know, again, there's been--

FOLEY: One minute.

M. CAVANAUGH: Thank you, Mr. President. Again, there's been some amendments and some discussions on whether or not to just make this free and more cost-effective. I think if all we're doing is making the permit free or cost-effective so people can learn and still get to go through the training, but get to, you know, provide concealed carry

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for their own defense easier, that's something I can be in support of. But again, just kind of the whole concept of completely repealing any sort of concealed carry permitting, training, licensure, however we want to frame it, is not something I'm planning on supporting today. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. We'll pause the debate for a moment for items for the record.

CLERK: Mr. President, Enrollment and Review reports LB1218, LB1218A, LB1261, LB984, LB729, LB984A, LB1144A, LB922, LB922A, LB921, LB921A all to Select File, some having Enrollment and Review amendments. Also, LB1144 has been reported as correctly engrossed. And finally, an amendment to be printed: Senator Linehan to LB853. That's all that I have. Thank you.

FOLEY: Thank you, Mr. Clerk. Continuing discussion, Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. President-- or Mr. Lieutenant Governor. So I just wanted to say my-- I have a tendency to support and believe Senator Brewer and I try to listen to him all the time on things military and, and about guns and the Second Amendment. I also have implanted in my mind what Supreme Court Justice Antonin Scalia said, conservative justice, that the Second Amendment means that not every gun in every place at every time, and there are limitations of those limitations. To me, training and permit requirements are important. But again, I, I always listen to my colleague and friend, Senator Brewer, and it's hard to be on opposite sides of something on this. And the fact that the police came forward on this and felt that, that they're safer without it, just-- it's, it's concerning to me. So now I'm switching gears. On the-- on my-- on the last day, Nebraskans, we get to talk about the positive experiences in the Legislature, and there is not all the time in the world to talk about the value and the friendships that we make. And so I'm spending a little bit of time, as many of you know, going through each of my legislative colleagues just to remind Nebraskans about something positive about each of them, but also to thank my colleagues. So let's see, I'm trying to see who's here right now. Senator Morfeld, is he in the room? Nope. OK, he stepped out. Senator Wayne is here. Senator Wayne, you are bigger than life. You are a great, incredible advocate for north Omaha. You have a sense of humor that is nonstop and it helps to cut tension at times. It's a wonderful, it's a wonderful asset that you have. You are an indomitable force. That's just the truth about it. And Senator Wayne works across the aisle better than almost anybody I know. I think I'm

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pretty good at it, but I think Senator Wayne's even better. He fights for kids, he fights for education, for housing, for north Omaha. And I've learned a lot from Senator Wayne and I-- Senator Wayne, it is-- it has been an honor to serve the people of Nebraska with you. Thank you. OK. Senator Morfeld, you're in here. Senator Morfeld-- I'm getting to this, sorry. Senator Morfeld, when I first met you, we met at a restaurant in town. It was-- I think it was Braeda. And you came running in and were filled with ideas. In fact, I felt a little bit intimidated, I have to say, by you. Your energy, your idea, your positions, your plans for the Legislature, your plans for protecting voting rights, your plans to use your legal skills to bring bills to protect and lift up all people, and the fact that you brought the first LGBTQ bill for workforce development, which I then prioritized. I-- you're an amazing, amazing person and it has been--

FOLEY: One minute.

PANSING BROOKS: It has been a joy to get to know you. In the early days, they used to call us "twinators," which I thought was sort of funny. And the other thing that I find interesting is that we're opening our eight-- I opened my eight years prioritizing your bill and now I'm closing my eight years prioritizing your bill, so-- increasing the benefits for the first responders, the death benefits. So I count on you for advice and for humor and I hope to be lifelong friends with you, Senator Morfeld. It really has been an honor to serve the people of Nebraska with you. Thank you, Senator Morfeld. Thank you, Mr. Lieutenant Governor.

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

HUNT: Thank you, Mr. Lieutenant Governor. Senator Brewer, I do not hate the Second Amendment. I also didn't say only white people want this law. I'm also not mad. And the debate on LB773 has been a perfect example of the danger of listening for what we want to hear instead of actually understanding what people are saying, and this is the problem with the black-and-white thinking that is so predominant in politics today that I've spoken about many times this session. It's not that you hate the Second Amendment and you want it off the constitution or you want absolutely no reasonable restrictions or regulations on owning a lethal, deadly weapon. I think if anybody thinks that black and white about something like that, that's-- that makes me concerned for their faculties, honestly. That's not a normal way to think. And Senator Brewer said, about Senator Morfeld, quote, don't you ever think his purpose in life isn't to kill the Second Amendment. Every debate about gun policy is, at its heart, a debate about violence.

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Every debate about gun policy is basically a debate about deadly force. And when you compare the affect and the comportment of the introducer versus those who are pushing back against the bill that was pulled from committee, I have concerns about the violence in our culture and the anger and the black-and-white thinking and the all or nothing, and the "you're with me or you're against me" of our political process and how that is signaling to people in the world, people in our communities, people in rural Nebraska, urban Nebraska, all parts of this country, about what the tenor of debate and attitudes around gun violence and gun policy really are. Senator Brewer knows how people in the world react when he says things like, she hates the Second Amendment, don't think for a second that Senator Morfeld doesn't want to get rid of the Second Amendment. He says these things, as an adult, as a decorated service member, as a senator, knowing the reaction that people have to this in our country; he says this knowing the way Senator Morfeld, I, other members of this body have been specifically targeted for violence by members of this community; and he's stoking that violence by saying that. I'm going to put it that way. That's what it is and it's driven by this black-and-white thinking that is not a healthy way to be. It has me concerned. When I was in college, I started a gun club. I started the Second Amendment club. And I was the president of the campus conservatives and I started the gun club and we talked about gun safety, we took people shooting. And since then, I've changed and evolved and been exposed to different people and different ideas and come to think about things in different ways.

FOLEY: One minute.

HUNT: And I don't need to have a gun on me anymore. And I'm not going to have my children and my loved ones embarrassed because I can't walk around without a gun. I have confidence in the people around me. I have trust in my community and I'm confident that, when it's my time to go, I'll go. I don't have the paranoid-- the, the paranoia that is so strong that I need to shout and yell and carry deadly force with me, and I don't need security. It's the people who have the guns, who have the access to deadly force, who have the access to violence, that are coming at people with-- like me, with threats of violence, and this type of political division that feeds this cultural attitude about--

FOLEY: That's time, Senator.

HUNT: --gun violence-- thank you.

FOLEY: Thank you, Senator Hunt. Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Mr. President, colleagues. I'm going to echo some of what has already been said. I, I've never been dishonest about where I stand on something, and if I say that I'm going to do something, I'm going to do it. I have said from the time that this was on General File that I didn't agree with taking out the training. And if that was the thing, the cost was the issue, then let's find a way to use state funds, set up a state training program, so that we still have the training. That was very genuine. It continues to be genuine. I am offended when somebody says that I'm against the Second Amendment just because I don't view the rail guards should be the same as what you think the rail guards should be. That doesn't mean I'm against it. I could just as easily say you're against the Second Amendment. That doesn't mean that you're against it. I support the Second Amendment and I support having commonsense regulations around it and for me, that's training. This-- we're talking about deadly weapons. People should know how to use them and know safety protocols and how to store them and keep them out of the hands of kids. All of those things are really, really important to me, and I think that they are important to gun owners as well. It's not-- you can't-- you're not just automatically either/or. You can support gun ownership and support smart gun ownership and regulations. They don't have to be diametrically opposed to one another. I did feel like the comments got a little bit out of hand and felt very aggressive about encouraging people to come into the building with guns again. I didn't appreciate that, but I've stated that so many times now, it's a broken record, I suppose, to this body. I am going to vote for Senator Morfeld's motion if we do go to a vote on it because I don't think that this bill, it has enough safeguards in it when the Omaha Police Department is opposed to what you're trying, I have to think-- I have to listen to them. I have to listen to what they are asking for as far as security goes. And, sure, putting-- even putting those enhanced penalties or those penalties in on the, the amendment that just failed, I mean, they still didn't like it, just got them to neutral. And we keep hearing people talking about backing the blue, but the blue doesn't support LB773. And apparently, we just pick and choose when we are backing the blue. I take into consideration, when it comes to safety, what law enforcement thinks. I take that very seriously. I might not agree with law enforcement on sentencing reform, but that doesn't mean that I don't agree with listening to them when it comes to safety protocols, which I think is their purview and their, their background and why we should be listening to them as experts on that. They are not experts on sentencing. That is a difference that I have in opinion

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on that because they don't do the actual sentencing, but they do enforce laws and we need to be listening to them when they tell us they feel concerned about safety. And so that is really a big issue with this bill. And I didn't agree with what the amendment was doing, which is why I didn't vote for it or against it, because I thought that there were some problems-- significant problems with that, especially carving out for only one municipality.

FOLEY: One minute.

M. CAVANAUGH: Thank you. So I am going to stand in opposition to this, and I am OK with that because I would rather ensure the safety of the people in my district and the state than-- I guess I'm OK being accused of being against the Second Amendment even though I'm not. But if people want to lie about who I am, that's up to them. I was genuine in my willingness to, to compromise on this, I was genuine about the things that I needed to see to compromise on this, and I was not lying. It was not political theater. I am where I am. And I think that people should be a little bit more respectful when they're calling people liars on the floor of the Legislature, which, you know, I made that mistake myself and I apologized for it. But, you know, I guess that's where we're at. Thank you.

FOLEY: Thank you, Senator Cavanaugh. Senator Morfeld, you're recognized, your third opportunity.

MORFELD: Thank you, Mr. President. Colleagues, I want to read into the record the Omaha Police Department's opposition here because I think it's important to understand their perspective now that I've read into the record the Lincoln Police Union and the Lincoln, Lincoln Police Department's opposition. So I'll just read it verbatim. This is a gentleman named Keith Williamson. Thank you. Good afternoon, Judiciary Committee members. For the record, my name is Keith Williamson. I won't, I won't spell it out. I'm a captain with the Omaha Police Department. I'm here on behalf of the police chief, Todd Schmaderer, in opposition to the proposed bill, how it is currently written. The Omaha Police Department strongly supports Second Amendment rights and legal and responsible gun ownership. I have worked with the Omaha Police Department for 22 years and I've almost had a quarter century of law enforcement experience between the Omaha Police Department and the Lincoln Police Department. A significant portion of my career has been dedicated to working within our gang unit as both a detective, a sergeant, a lieutenant in charge of that unit, and now a captain in charge of that section. The Omaha Police Department's gang unit targets the most active drivers of violence. Gun crimes remain a top

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priority for the Omaha Police Department, our unit in general. In fact, 45 percent of all seized firearms come from our gang unit. The proposed bill, as it is currently written, would severely hamper our ability to target and combat violent crimes. Going to make a note there because I want to go back to that. I just want to repeat that again. The proposed bill, as it is currently written, could severely hamper our ability to target and combat violent gun crimes. As currently written, this bill can negate several local Omaha-specific ordinances, which have been in place for years to target and reduce gun violence. This bill would counteract some of our local efforts to reduce the gun violence that we've seen an increase in across the country and over the past couple-- last couple of decades. This bill currently has cloudy language that appears to change penalties under the current bill for the second-offense violation of CCW. Also, there is no training requirements for anybody under the age of 18-- I'm going to highlight that as well, get back to that-- and it drops the requirement currently from 21 down to 18. What we know, that people-- what we know-- I want to make sure I get this right. What we know is that people the age of 18 to 21 are four times more likely to commit violent gun crimes than those 21 and older. That's an interesting statistic. I wasn't aware of that. That's my own commentary there. Going back to the testimony: The Omaha Police Department has seized close to 250 firearms for minors between the ages of 18 to 21 in the last two years alone. No holster requirements is also a concern with the current bill. Again, this would allow somebody to carry a gun without any sort-- excuse me, trigger guard. We see almost weekly incidents of negligent discharging in Omaha, where someone shoots himself in the leg or foot from improper carrying of a firearm. Also having some form of ID, the current CCW law, we have a permit which has a picture ID. Having somebody constitutionally carry with no form of government ID would bog down officers, having them to bring in other ways to confirm somebody's identification to make sure they are who they are telling us they are. It's also an interesting issue I hadn't thought of. Going to highlight that as well, we'll go back to that. Going back to the testimony here: Our existing laws are working currently in Omaha and we don't feel as though there's a need to change them. Again, we respect the Second Amendment, people's constitutional right to bear arms. We want to thank Senator Brewer and working with state law enforcement in support of that, and we believe we can find common ground--

FOLEY: One minute.

MORFELD: --and we're sure we're respecting both citizens' rights carry and keeping our city safe at this time. Thank you. I want to go back

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to just a few different things and a few different issues that, that were brought up. I mean, one, I think that somebody can oppose this bill and still be in support of the Second Amendment. And I don't know Captain Williamson very well, at all, other than he came to the committee hearing that day. But I would suspect that him and many other police officers are also pro-Second Amendment that still oppose this legislation. And I can tell you, I know a lot of the officers in the Lincoln Police Department a little bit better since that's my community, and I would say many of them are staunch Second Amendment supporters and them, through their unions, still oppose the legislation. So it's important to note that people can have differing views and differing ideas about the Second Amendment and still support reasonable gun laws--

FOLEY: That's time, Senator.

MORFELD: --that keep us safe. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good morning again, colleagues. I kind of want to just kind of continue on from where I left off earlier in the sense of the distinguishing between open and concealed carry and to, and to just give a full example of I've been going back and forth between the Chamber and out into the Rotunda, primarily on another bill working on later in the agenda. But while I was out there, I saw at least one individual open carrying, and that was a situation where I was kind of taken aback. Don't often see that, but I was kind of taken aback and I saw them and I recognized who they were. I felt comfortable being around them, so I stayed and finished my conversation. That's what being-- that's what encouraging open carry does. In another situation, would be able to, you know, size the situation, know, or go from there. Concealed carry, on the other hand, doesn't give a person like that, a person in my situation like that, the ability to decide what to do because they don't know. And I generally overall am uncomfortable with that. I understand that my own comfort with that doesn't trump overall the, the policy. But that's where the distinction comes in between open and concealed because-- and I bring this up because on multiple rounds people have brought up the notion of, well, you can open carry, open carry, open carry. It was like, yes, and I appreciate when people open carry because it gives me, as an individual, gives everyone as an individual the ability to look at you and realize that you are armed and make decisions based upon that. When we are switching to concealed carry, we don't have that. I-- you don't an individual myself, another member

of my family, anybody, doesn't have the ability to look at somebody and go, OK, they're armed, like, what do I want to do? You instead have this situation where you genuinely don't know. And that is a situation where I want those individuals, and I, I recognize those individuals who are doing it lawfully, to be trained, to have some sort of licensure, to have some sort of base understanding of the responsibilities, because I do think that changes the dynamic in that circumstance. And now I know a lot of people are going to maybe rebut with, well, the criminals won't do it, people who don't obey the law won't do that. And I recognize that, and that's part of the reason I want to keep the law as it is, that illegally concealing a weapon is itself a crime. You either have to be permitted, you have to open carry, or you're not allowed and can, can risk, can risk prosecution from it. I'm comfortable with that status quo. And like I said, I'm comfortable doing things to make sure that the concealed carry permit is easier and more accessible in terms of cost, something like that. But the outright repeal is not something that I'm going to be supportive of, and that's something I've been clear about. That's something I've been clear about to my constituents. That's something I think my constituents have been clear about to me, and that is generally kind of a, I think, in my mind, a pretty reasonable view and a pretty reasonable standard to stick to, one that has worked in the state for a number of years and one that is-- I think, will continue to work in the state. Again, we're talking about Second Amendment rights, you know, open carry, this permit process for concealed carry. There are, there are options, and I think we've done some work to clarify and encourage some good procedures. I think last year, we, for example, clarified and had some better understanding of what, you know, say, transporting a weapon safely looks like, and provided some more opportunity and some clarity there. That's something that I'd be-- worked on in the past or, or been a-- won't take credit for work done, but have supported in the past and, and, and been a part of the, I guess, the debate in the past. Those are things that I think we could be looking at, but this outright, say, anybody can conceal any time, no training, no licensure, no nothing, is concerning because again--

WILLIAMS: One minute.

M. HANSEN: --thank you, Mr. President-- because again, I as an individual, at least now, when I, I guess, rarely, when I see somebody concealed carrying, but somebody acknowledges they're concealed carrying or, you know, I have a suspicion somebody is concealed carrying, I can at least, you know, fall back on the, you know, have-- knowing that they're either in complete violation of the law or have

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been trained, and I kind of can make my decisions from there. So with that, I know I'm about out of time. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Matt Hansen. Members, Senator Hunt would like to recognize 30 members, the fourth graders from Holy Name School in Omaha. They are seated in the north balcony. If you would please rise and be recognized by your Nebraska Legislature. Returning to debate, Senator Hunt, you are recognized.

HUNT: Thank you, Mr. President. Suicide rates among men and women and children of all ages are higher in states where more households have guns. Domestic violence rates among children and women and men of all ages are higher in states where more households have guns. I am not against the Second Amendment. I understand that people need protection. I understand that guns are fun for some people. I understand that people can own guns responsibly and most people do. And by most, I don't mean 51 percent. I mean 99.9 percent. Most gun owners are responsible, and most gun owners oppose bills like LB773. Most gun owners agree that commonsense policies for gun safety are important for public health, for keeping us all safe, that gun technology, since the constitution was written, since the Second Amendment was written, is a completely different place. The framers could not have conceived of a gun that is as deadly, that can shoot as many rounds as quickly as the guns that we have today. The framers couldn't conceived of how big this country has become and how populated and how dense in some places and how diverse. These guys owned slaves, like they didn't conceive of the way gun policy would be exercised in the United States in 2022. The current permit requirements for concealed carry are not unreasonable in Nebraska, and the fact that speaking up for commonsense gun safety policy, the fact that speaking up for that opens anyone up to threats of gun violence or any violence from advocates of bills like LB773, says all you need to know about the tenor and the tone of culture in the United States right now. I haven't heard one advocate of LB773 denounce the violence and threats that proponents of commonsense gun safety bills and laws have experienced. To, to paraphrase a common phrase that has a swear word in it, they're saying you're messing around and you're finding out. That's what it's coming down to that-- to for them. Some people's loyalty to violence and to gun culture-- and I don't mean having a gun, like everybody has a gun, right? Most people in this body probably have a gun. All of our parents probably had guns. When I talk about gun culture, I'm not talking about that. I'm talking about gun culture. You know what I mean: the people who are fans, who are obsessed, who are the ones threatening violence against people who support commonsense gun reform. Their loyalty to violence is so

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disturbing. When people just want a life that's free from abuse, free from threats, free from--

WILLIAMS: One minute.

HUNT: --coercion, the first suggestion we often hear is to learn to fight back, learn to defend yourself. But we don't want our lives to be a fight. We don't all want to have to carry a gun all the time to defend ourselves. We don't want to defend ourselves constantly. We don't find violence satisfying. We don't feel tough holding a gun. We don't want to live in this state of hyper-vigilance. It's dehumanizing and it's exhausting and it's not safety. Hypervigilance and having a gun to defend yourself is not synonymous with safety, and it troubles me that in this culture there's a widespread view that it is. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hunt. Members, Senator Jacobson would like to recognize 16 seniors, 2 teachers, and 2 sponsors from Wallace High School in Wallace, Nebraska. They are seated in the north balcony. Would you please rise and be recognized by your Nebraska Legislature. Returning to debate, Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr President, colleagues. So I want to read some of the testimony from law enforcement on this bill. [INAUDIBLE]. Sorry. So this is from Lincoln, Lincoln Police Department Chief Teresa Ewin-- Ewins. Sorry if I'm probably mispronouncing that. OK. Dear Senator Lathrop and members of the Judiciary Committee, after the review of this proposed legislation and internal conversations of its impact on our organization and the community of Lincoln, I oppose LB773 for the following reasons. Officer and public safety: While Lincoln is generally a safe community, we have experienced our share of gun violence related to gangs, drugs, and robberies. Allowing persons to freely carry a concealed weapon, handguns, shotguns, knives, and rifles, will make our job of safeguarding Lincoln more difficult. This bill will allow the criminal element of our communities to carry legally as, as they may not be a prohibited person. Without a permitting process and training, you will have individuals who shouldn't be carrying or carrying without the proper skills necessary to assess a situation and determine when lethal force is, is lawful. This is-- this also increases the propensity for mistakes which can result in innocent people being injured, including our officers. Background, education, training: Nebraska's self-defense laws are complex. Those who use a firearm in self-defense must do so lawfully or be exposed to both civil and criminal penalties. Officers

are required to go through a background check, hours of training, and certification process. Without requiring a permitting process where training and background checks are required, our communities will not be safe. Allowing unregulated carrying of concealed weapons empowers these individuals to act instead of calling the police. Police are trained to de-escalate situations, use less lethal force and, if required, lethal force. Fiscal impact: If this legislation is approved, new policies and training will be needed for our members, which will impact us financially and reduce personnel on the street. The department will need to increase the storage facility to account for any additional weapons, weapons storage. If costs to the public is the issue, the state should reduce the permit fee and subsidize training costs. It is the current state of this bill-- in its current state, this bill allows anyone except those prohibited as defined in NRS 28-1206 to carry a concealed weapon without the requirements of additional training, knowledge, and background checks. Abolishing these requirements will end the public-- the public's assurance that those carrying a concealed weapon possess the adequate skills and knowledge and are doing so in a safe manner as to not endanger the public. We believe we are best situated to understand and continually assess the safety and security needs of our community. We have ordinances in place that protect our community, and this bill strips Lincoln and all political subdivisions of local control related to concealed carry weapons. So this police officer in the city of Lincoln outlines all of my concerns in their testimony, and so clearly at least law enforcement thinks that my concerns are valid. I didn't even know about the fiscal impact of it, which is important, I think might be what we call an unfunded mandate, if we-- if they're forced as a result of this to have to have additional storage. And the concern about having safety-- more police officers off the streets because they have to go through additional training that they don't currently need--

WILLIAMS: One minute.

M. CAVANAUGH: --is also of a pretty big concern to me, but the public safety issue is really at the forefront. There are other opportunities to protect yourself. And, yes, it is cumbersome to go through the training process, but we have to learn how to drive a car because you could kill somebody with a car. So this shouldn't be really any different. You should have to learn how to use proper gun safety, storage, etcetera. So I will continue to oppose this bill in its current form. Additionally, it doesn't give a presumption of innocence for people who are formerly convicted of a gun possession that this

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would then no longer make them eligible for that crime. And so that's another problem in disparity in equality. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Cavanaugh. Senator Brewer, you're recognized.

BREWER: Thank you, Mr. President. I will try and be calmer this time around. All right, you guys have seen the Congo [SIC] line of people that go back to the mike on this issue, so it should be pretty clear who supports it, who doesn't, and what their issues are. We got it. Lincoln Police Department doesn't like it. Omaha Police didn't like it until we worked on an amendment. But then the very people who are worried about backing the blue all of a sudden decided last time they don't want to vote on an amendment to help the police. So forgive me if I'm a little bit confused and frustrated here. Now for some reason we want to go and read testimony from the hearing. All right. Let's do that. Let me read you a little. Lincoln Police Chief: Allowing persons to freely carry a concealed weapon, and that means handguns, shotguns, knives, rifles, as per this legislation, will make our job of policing the elements, the criminal elements in our community dangerous because prohibited people can carry. All right, just take a couple of sentences of this of what she said and try and digest that. First of all, it's got nothing to do with rifles, got nothing to do with shotguns, and a prohibited person cannot carry, not under this law. So let's not read a whole lot of this testimony, put a lot of value in it, or else we need to start reading volumes of testimony from others who spoke on the other side. We get it. The police, in a perfect world, no one has a gun. That's the perfect scenario. But that's not what the constitution has given us. And you can bring up the issue of, of driving. But guess what? We didn't have that embedded into our constitution. So let's stop and take a deep breath for a moment and talk about some honest issues here. If we're going to back to blue, then back to blue all the time. Now I get it, too, Omaha and Lincoln, in that perfect world of no guns, everything is wonderful. But get out of Lincoln and Omaha again, which some of you will never do, and get out into the real world and see how bad some of this is needed out there. I have counties with one police officer. That's it, one sheriff, not even a deputy. So we can build all law around those who break the law in Lincoln or Omaha and that becomes a standard, but that is not reflecting of what our constitution says. And if what we did when we raised our hand the very first day here means anything, then step back and be a little more honest about this. We're going to go back and forth on testimony that was given. I guarantee in those testimonies, they are working toward an end state of no guns. Now you can find fault in those of us who appreciate our guns and hold them

very dear, and you can say that most gun owners don't support LB773. I shot a match yesterday in a little town just south of Lincoln and had a chance to talk to regular people, was out Friday night, Saturday in different events. When I drove west, it didn't matter what gas station I stopped at, people asked me about constitutional carry. And we may not be able to convince folks here and this bill may die, but I believe there will be new faces next year, and I believe this vote will help us to shape a lot of new faces.

WILLIAMS: One minute.

BREWER: And when we do that, we're going to get a chance to go back at this law again. And I think those who will be back in this body next year will have a very strong appreciation from those people that you see as a threat being a gun owner and they're going to reshape this Unicameral and we'll see LB773 next year back and become law. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brewer. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, I, I appreciate what Senator Brewer is saying, and, and I guess I don't know where all gun owners are on LB773. I've heard from a number of people in my district who are opposed to LB773 for a number of reasons, and some of them told me whether they were gun owners. One of them told me they were a CCW holder and explained their opposition and I can, if I have time, I'll find that email and get back in the queue and I can read it. But I wanted to talk about the, the importance of the education portion of this bill. And as Senator Brewer said, there-- there's a lot of people who oppose this bill who just don't like guns. And, you know, I-- that's-- believe it or not, that's not who I am. I'm not a person who doesn't-- who is opposed to guns in all circumstances. I'm a-- I believe in reasonable regulation that promotes safety and safe use. And so when I, I went to school in Vermont, which everybody I think knows at this point, it actually is a state that has the most lax gun laws in the country. And I, my friends and I, decided that we wanted to go and shoot guns on the weekends. And so I joined the Hartford Rod and Gun Club in Windsor, Vermont, which was the township I lived in, and would go to the-- went to the meetings at the local VFW hall and would socialize with those individuals there, and that, by joining the club, I had access to the Rod and Gun Club's firing range, which was just-- was a sandpit, outdoor firing range you go to. And so my friends and I joined that club, we'd go shoot guns there, rifles, handguns, shotguns, those sorts of things. But before I did that, I

had had very limited exposure and experience with guns. So I enrolled in the hunter safety, firearm safety class that was provided through the Rod and Gun Club so that I understood some of the safety features, requirements, and went through that class. It was, I think, one day a week for, you know, six weeks or something like that for a couple of hours on a Wednesday night. And then there was an all-day or a couple of hours, what, four-hour Saturday training where you'd walk, you know, how to walk through the field with a gun and how to make sure you were safe and clear downrange and those sorts of things. And so there was-- that was important that, to me, in a-- in that state that didn't have that requirement, that I participated and that I understood the safety features, but I still don't have the grasp of firearms that Senator Brewer has or a lot of other folks here have because I took that one class, though extensive it was. But that was a minimum to go and use that-- the range, to shoot at the range, not to carry it anywhere else, not to have it, you know, on me all the time. And that was important for safety to make sure that I understood how not to injure my friends when we were going and, and shooting guns for recreational purposes. So telling that story for two reasons. One is that my opposition is not just that I hate guns. I don't hate guns. I just think that we need to make sure that we use them-- they are a deadly weapon when used inappropriately, when used accidentally, and when used purposefully by some people. And so it's important that we make sure that everybody has a minimum level of safety. But one of the things that I remember learning in that class was they said that a, a safety is a mechanical device that can and will fail, and that was by way of saying never point a loaded gun at somebody, because even though it has a safety feature, that safety feature is not perfect and can and will fail at some point. And you don't want it to--

WILLIAMS: One minute.

J. CAVANAUGH: --fail at that point in time when it is pointed at something that you don't want to kill. So only point guns at living things that you want to be-- no longer be living. And that's how I view safety regulations, is that we should make them as good as possible, but they're not going to be perfect. They're not going to change-- not going to change all outcomes. But we should strive to make sure that people have, have education, information, they understand their obligations under the law, and that-- that people behave safely with these firearms, these weapons, these things that are designed to kill if used inappropriately, or often used appropriately being used to kill somebody. So that's, that's where I'm at on this. That's why I'm opposed to LB773. I think that we need to make sure that we are solving the problems that have been articulated,

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that we solve them in a way that still requires education and requires safety and makes the state of Nebraska safer in the way that we can. So thank you, Mr. President.

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

CLERK: Mr. President, I have a higher priority motion. Senator Morfeld would move to bracket the bill until April 20, 2022.

WILLIAMS: Senator Morfeld, you are recognized to open on your bracket motion.

MORFELD: Thank you, Mr. President. I want to read, you know, a few different things. I want to respond to some of the different concerns that have been brought up a little bit and then also just, quite frankly, correct the record based on what I said a little bit earlier. So Senator Brewer said, if you want to say all gun-- gun-- or a majority of gun owners across the state do not support LB773. I never said that. I said that a majority of Nebraskans support these types of commonsense rules and regulations and background checks and training. So I, I have not done a poll of gun owners across the state. I will say that I've heard from a lot of gun owners that are in support of this. I've also had a bunch of gun owners who are not in support of this and say, listen, that training was really valuable. It was very important for me to understand all the laws, understand self-defense, what it is, what it's not, what's appropriate, what's not. And it's also really important to be able to have that extra layer of, of background checks. So, so I just want to correct the record. My data and my polling that I read into the record last time was based on a poll of all Nebraskans, and it was pretty compelling. And I'll-- I-- once I find it again, I'll, I'll get up again and, and read through that. I know there was one or two other things that were said as well. Oh, Omaha and Lincoln, Senator Brewer stated that there's folks in Omaha on Lincoln or the people that testified or something like that, that their preference would be no guns. I-- that's certainly not my preference. I fully intend to keep my firearms, and I live in Lincoln, right in the middle. So, so that's certainly not what I'm saying as a supporter of the Second Amendment, as a gun owner. I suppose there probably could be some people in Omaha and Lincoln that might not want any guns in that city, but I haven't talked to them and I haven't met them. But I have no doubt there's somebody, given there's about a million people in both-- total in both communities. So I just wanted to, to note that for the record. And also, I, I think context matters, which is why I want to read into the record Chief Ewins' testimony, and then I think we also had somebody else that-- oh, and also OPOA's

testimony as well. So I'm going to read both those into the record. And I believe, if I'm not mistaken, either League of Municipalities or somebody else also testified in opposition, so I'm going to, I'm going to find that opposition testimony, as well, because I think that they had some-- yeah, Christy Abraham did. Yeah, let's, let's start out with the League of Municipalities testimony first, so Christy Abraham: Thank you, Senator Lathrop and members of the Judiciary Committee. My name is Christy Abraham. I'm here representing the League of Municipalities, and I come back, and I come back to a question that Senator Lathrop asked at the beginning of this afternoon about a simple question about what is the difference between constitutional carry and our current concealed carry permit process. And I think the answer was something about, well, training permits and fee involved. I just want to add that to that. I think the issue is also the loss of local control. And that's why it's important, why the League is here today. Historically, the League is always going to oppose any sort of legislation that takes away authority from municipalities. So you'll notice that the first few sections of this bill do take authority away from cities to regulate concealed carry. This is a concern that we have. So I do want to bring that up to the committee and let you know about our concerns. We're very happy to work with Senator Brewer to make changes that might be necessary to maintain some local control that we currently have. So thank you very much for your time. That was the end of her testimony. I think there was one or two questions from Senator Lathrop and some back-and-forth there. But in any case, I think it's important to bring up local control because the underlying bill now really eliminates a lot of local control, and that actually goes back to a debate and a bill that I had with my, my good friend and colleague, Senator Hilgers. I think it was his first year here. He had legislation that actually would strip all localities of their ability, of a certain class and size, of their ability to be able to have local gun ordinances. And there was a lot of really interesting floor debate there and some good research, too, so I'm going to have my legislative aide pull up that research so that we can have a little discussion on the importance of local control and cities being able to adapt. And Senator Brewer brought up earlier that, you know, greater Nebraska-- folks in greater Nebraska, it's very different than Lincoln and Omaha, and I actually-- I agree with him on that point. I brought up as well that what the needs are in greater Nebraska are very different than some of the needs and gun violence problems and gun crime problems that we have in Lincoln and Omaha. And so I 100 percent agree that it is different. That being said, and I didn't, I didn't write down the, the, the quote, so I don't want to misquote Senator Brewer. But he noted that, you know, essentially, like there's,

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there's one police officer in some of these communities and folks need to have a concealed carry. Well, they can. There's nothing prohibiting them right now from getting concealed carry other than the training and the background check. And if there's 50 people that have committed to doing training free of charge after this bill passes, they shouldn't have any problem or any barrier financially from the training aspect anymore. I actually have an amendment, I think it's up next, and it was my same amendment or similar amendment. I don't know if it's the exact same, but similar amendment on the first round of debate that would actually eliminate the background permit fee requirement from the state. And so between the 50 volunteers that have signed up that Senator Brewer mentioned and my amendment-- that being said, I, I don't want the underlying bill to pass. I just think it makes it a little bit better and addresses the actual problem. But we can eliminate the statewide permit fee and then that would reduce that cost, and then that, combined with the 50 or so volunteers that have offered free training, that would make it so that this would essentially be free of cost. And I would support-- I mean, I'm not going to be back here next year. I would support an amendment or, excuse me, a bill that would just get rid of the, the permit fee, period. I would also support legislation that provides free training from the state for folks. Now there's some disagreement among my colleagues on whether that training should be required to be in-person or online. I personally think in-person is way better or more fruitful because we all know with online training, you know, you can have the TV on, turn down the music or the, the sound a little bit and, and kind of punt the training when you're not in person. But that being said, I would support legislation that would address both issues, quite frankly. And that being said, I'm not going to be here next year so I wouldn't be able to support it anymore. But if it was introduced earlier in the year, that's something that I would support. You know, in terms of coming back next year and having new faces, I mean, that might very well be the case. There might be a bunch of folks that want to come here and vote against law enforcement and support a bill like this. But the bottom line is, is we are here now and this is what is facing us now. And if I can continue to keep Nebraskans safe by having commonsense training and background check requirements for the next year or so, then it's worth defeating the bill now. And if you have the votes next year, then so be it. But I've done my job now and I've done my job while I'm here and I've stuck, stuck up for my principles while I'm here. You could literally pass any bill that you oppose on the principle of, well, I'm opposed to it, but might pass next year. I suppose. I mean, maybe we should just pass all the bills then that come up because who knows? It could happen ten years from now, it

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could happen next year, could happen five years from now. But anyway, I digress. Let's go back to the committee transcript. Chief Ewins, let's go through her testimony here. I want to, I want to read the entire testimony to give the full context. And this is the hearing that's on January 20, 2022. My name is Teresa Ewins. I might be saying her last name wrong. I'll have to ask her about that. First name--

WILLIAMS: One minute.

MORFELD: --is Teresa-- I might have to read it on my next time here-- T-e-r-e-s-a, last name is Ewins, E-w-i-n-s. I'm the chief of police for the Lincoln Police Department and present today to offer testimony in opposition of LB773. Also, I've been asked to state the opposi-- that there is opposition from the Police Chiefs Association of Nebraska as well. And I'll see if we can't pull up the, the record there to see if they submitted a letter. I think they did, but I'll, I'll find that and we can read that into the record as well. OK, going back to the testimony: After review of this proposed legislation and internal conversations of its impact to our organization and community of Lincoln, I do have some major concerns. One, I've broken it down into the letter that I wrote in really three specific areas. Officer and public safety: While Lincoln is generally a safe community, we have experienced our fair share of gun violence-related gangs, drugs and robberies. Allowing persons to freely carry a concealed weapon--

WILLIAMS: Time, Senator.

MORFELD: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator Pansing Brooks, you are recognized.

PANSING BROOKS: Thank you, Sena-- Mr. President. So I've said my piece about supporting law enforcement. What I want to do now is to continue the talk about the positive things about people in this body. So, Senator Geist, I see you back there. Senator Geist, you are a great learner. You have a big heart. And Senator Geist cares about her community immensely. Senator Geist has fought on the floor for safety and being kind to others. She reminds us all of the value of all the voices that come across Nebraska because she has-- she's shown an incredible ability to learn and to advocate in judiciary matters, even though those weren't necessarily her areas in which she was formally trained. She, in my opinion, is a happy soul and she has a strong faith, and she's married to a wonderful man, whom I have labeled "Doc" because when I first had one of my parties, I thought it was-- that he

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was a doctor, so I sent it to Doctor and Senator Geist. So they-- as I say, she has a wonderful sense of humor. And it's, it's truly been an honor to serve the people of Nebraska with you, Senator Geist, thank you. OK, Senator Day-- where is this? Oh, no, sorry, Senator Sanders, sorry, Senator Sanders. So I've been fortunate to serve on, on the Education Committee with Senator Sanders. Senator Sanders has shown an amazing ability to listen and to work with other people. It takes a big and confident person to do that with her ability to work with others. She has worked really hard to make sure that her issues are effective and not just thrown out there. She's really done the research and, and done the work to make sure that everything's effective. She is a proponent of equity to all people and opportunity for all people. She's worked very hard to serve the military and the areas of her, her constituency. I, I feel that she's disciplined and an amazing addition to the Nebraska Legislature. So, Senator Sanders, this is-- it has been an honor to serve the people of Nebraska with you. Thank you. Let's see, how much time do I have left, Mr. President?

WILLIAMS: Two minutes.

PANSING BROOKS: Thank you. So next I'll go into Senator Williams. Senator Williams is a leader of substance and he has an incredibly strong mind. He's able to move from Banking to Judiciary to Health and Human Services. I, I don't think there's anything that this legislator cannot do. He's a supporter of public education and has fought hard for that. He has an incredible sense of humor, and I consider him a lifelong friend. He exudes kindness and-- but the really aggravating part is that I just found out that he's passed every bill and that is really, really aggravating. So I--

WILLIAMS: One minute. But you can go on. [LAUGHTER]

PANSING BROOKS: So, you know, I just should have worked harder, Senator Williams, to, you know, throw roadblocks here and there, passing all bills, and I just should have worked harder. But you know, we would have humbled him just a tad bit then there. But really, Senator Williams, you're a lifetime friend. I adore Susan. She's just an amazing woman and you married so well. And I just want to say that it has been an honor to serve the people of Nebraska with you. Thank you, Senator Williams.

WILLIAMS: Thank you, Senator Pansing Brooks. Members, Senator Bostelman would like to recognize 41 fourth and fifth graders from Mead Elementary in Mead. Included in this group is Senator Albrecht's

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granddaughter, Greely Girmus. Greely, if you would stand up first and be recognized. There she is. And now if you would all please rise and be recognized by your Nebraska Legislature. Returning to debate, Senator Matt Hansen, you are recognized.

M. HANSEN: Thank you, Mr. President, and good afternoon, colleagues. I rise and I'm going to continue some of the points I made earlier. I do want to kind of agree with-- well, first, I'll just agree with every-- all the nice things Senator Pansing Brooks is saying. I appreciate that she's taken the time to do that. It shows how kind and thoughtful she is, and I know she'd have some fear of missing out if somebody didn't recognize her, too, when she was recognizing everybody. So with that, I do want to agree with Senator Morfeld's perspective, including the perspective of, you know, elections and next year. And that's kind of a-- I know there's been some thought that the body next year might have a different take or things like that, there might be some changes in the elections, and that's kind of in my mind, agreeing with him, that's kind of the point of a legislative body. If we've missed the mark and this ultimately is much more popular or less popular than proves to be the case on this floor today among the general public, I imagine there will be some elections and I imagine things will change. I'll say from my perspective, obviously, I'm not coming back and I can't predict who's going to have my seat. It's four candidates at the moment-- I just voted yesterday-- four candidates at the moment, but I do know that they'll have the same constituents that I do, and I can tell you that my constituents have-- granted, I've had some supporters, but I've had plenty of opponents, too, and it is not overwhelming in support and it's, it's trending the other way. And so that's why I feel comfortable saying that, you know, I can represent my constituents. I can be clear with my constituents that I'm not supporting LB773 and whoever holds the seat after me is going to have all the same constituents as I do, and they will have the opportunity to double check that or see. But moving forward, I mean, that's kind of the perspective that we have, and I kind of agree with that philosophy in the sense of, you know, I get eight years here. The voters double checked on me four years in and decided I was doing a good job and sent me back. But I get eight years here to make sure I'm representing my constituents in the way I had seen and I interpret and I think I've been in pretty good step with my district and what they want, including on some of these issues that are very contentious or that have people strongly feeling on both sides. You know, it's obviously always a difficult, difficult thing to kind of figure out among-- in your district. But I just guess I just want to be clear, you know, with my constituents, you know, telling them that even the

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people, I think, who are in support of the bill, when you have the conversations and tell them that the police department has concerns, the police union has concerns, you know, there's not necessarily a desire to go all the way or, you know, even react, because after all, you know, kind of public opinion is a snapshot in time. New information, new changes, new things out there impact that all. So if we are off and the body wants to come back and try again next year and the elections have totally swung the body in one direction or the other, I understand that. That's not going to sway me today in the sense of I'm here to represent my constituents today and I won't be next year. And so I'm going to do what I need to do today. I do want to go back in a little bit and talk a little bit more about kind of-- I, I fundamentally feel like there's a disconnect between kind of the language and text of LB773 and kind of some of the stated goals or motivations. And I'm not saying it's like incorrect, but just that I look at it very differently. So again, multiple times we've had supporters talk about how LB773 is needed, particularly areas without law enforcement or with minimal law enforcement. In my mind, that's where I have some of the disconnect in between, you know, kind of, the process, the policy, and the goal is, if we're wanting people to kind of take on basically like a surrogate law enforcement duty, they're basically, you know, informal deputies, why on earth are we getting rid of some of the--

WILLIAMS: One minute.

M. HANSEN: Thank you, Mr. President. Why on earth are we getting rid of some of the training requirements? Why are we getting rid of all training requirements? Why are we getting rid of some of the extra background checks? Why are we getting rid of all of the things that are contained in the current concealed carry permit statute? Because if the goal is to have people kind of outside of their own situation, outside of their own personal fence, you know, kind of take on the surrogate law enforcement role, run into a dangerous situation, try and diffuse a dangerous situation, that's things that I think deserve more training and more oversight, not less. And I think that's one of the things that I keep getting stuck on in terms of the debate between the desire and the actual policy that's being presented to us. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hansen. Senator Hunt, you are recognized.

HUNT: Thank you, Mr. President, and thank you, Senator Matt Hansen. That's a point that I don't want to get lost. For members of this body who might be on the fence on this bill, and for Nebraskans watching

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who don't understand what the big problem is, the big problem, which is really frequent when there's problems with languages-- language in a bill that gets pulled from committee that doesn't go through the committee process, those bills often have problems with the language. And Senator Matt Hansen just hit the nail on the head with what one of my biggest problems with this is, which is, if this type of policy is so needed in parts of Nebraska where there isn't a lot of law enforcement and we're asking people to serve as some kind of surrogate law enforcement or self-appointed vigilante cop or something, why on earth would we reduce the amount of training and, you know, capacity that we're going to ask them to have to wield those deadly weapons? That doesn't make any sense at all. Instead of visualizing a world where people can increasingly arm themselves, increasingly amass firearms that shoot more bullets faster, more deadly, people are making them at home now, people are making them for each other and trading them-- there is a whole economy of this-- why, instead of moving toward this, are we not trying to instead visualize a society with less violence, with less need for guns? The only solution that I see to this whole problem that we have in the United States right now is fewer guns. But that's not something that the gun industry will ever economically allow, like I don't think that we can ever put that genie back in the bottle. We can never put that back in the box. I don't see how we can ever have fewer guns in the United States because it's going to take kind of a cultural compact and a mutual agreement among Americans that we don't want to have more guns than we already have. And when you look at the, the tenor of political conversation and viewpoints around the country right now, I don't think that that's a realistic thing that's ever going to happen. But I think we need to visualize a future where we don't find violence satisfying, where we don't feel better because we have a gun. Maybe you feel better because you have a Taser or because you have pepper spray or because you're watching out what you're doing, you're aware of your surroundings. You trust your neighbors in your community because you know who they are. That's the kind of future that I visualize, where people can feel safer and people know that they can defend themselves. It's not a future where gun laws are progressively opened up and opened up and opened up as more and more quantity of deadly weapons and even more deadly weapons than ever before get released into the market. One thing that the framers didn't necessarily understand, and maybe they did but they didn't write about it, when they wrote the Second Amendment is the capital motivation that there is in the gun industry that has used that amendment to motivate their entire industry and trade.

WILLIAMS: One minute.

HUNT: There is an interest in this country in keeping us afraid of each other, in keeping us paranoid, of saying you need to learn to defend yourself, you need to pack heat everywhere you go or you're going to be targeted. I think that's a sick world. Hypervigilance is not freedom. Fear is not freedom. And I don't know any other reason in 2022 that you would need to own a gun without going through a background check, without going through any kind of training, without having any kind of license, without this and that. There is no reason that LB773 is something that we need in Nebraska. And this is a failure of imagination, colleagues. Again, this is more page one, chapter one stuff that we're doing in Nebraska. The world is bigger.

WILLIAMS: Time, Senator.

HUNT: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hunt. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, let's see, I didn't know I was coming up that fast. I had my email from my constituent. Oh, here it is. So I had a constituent email me today and like I said, as, as Matt Hansen-- Senator Matt Hansen said, and others have said, and actually Senator Morfeld did a real nice job of describing the difference between our obligations and responsibilities here to represent our constituents and, and be a steward of their opinions. And in my district it's been pretty clear how they feel about this bill. And I've gotten a lot of contact from my constituents in their opposition to this bill as, as it is now and as several of the amendments were suggested. And if you all recall, I had an amendment to this bill that said if we had adopted it, we would have created a mechanism for expungements for individuals who had previously been convicted. And I actually got some pushback in my district about that amendment. And even though I-- my per-- opinion on that was, if this is adopted, this would be the right thing to do. Not that I was advocating for adopting this, but that's how, how my-- how forceful the people in my district feel about this. But I got an email this morning from an individual who said: This is a quick note to voice my opposition to LB773. As a combat veteran and CCW permit holder, I believe strongly that some form of license should be required. While I'm not a fan of requirements that, that-- sorry, my-- I need better glasses apparently-- that a requirement to take class for renewals, I do believe instruction and a fee and license is acceptable to monitor,

ensure a reasonable level of public safety. If this law passes, the idea that anyone I encounter may be, quote, packing is disturbing, to say the least. Those rural senators need to get in-- in their heads, through their heads, the dynamics of Omaha and Lincoln and the other large towns in Nebraska are quite different. And Senator Brewer has actually tried to address that. Though I disagree with the way he attempted to address it, I do respect that he made that attempt. But what this individual is saying is that they are opposed to this because, as Senator Hunt just talked through, that the-- well, kind of the nature of society, if everybody-- if the argument is that everybody needs to have a gun, but it also addresses that reasonable requirements, that people have to be educated about safety and how to behave and what the laws are, is not an unreasonable burden on people for carrying a gun around. And that's all really anybody that's arguing against this bill is, is asking for. I know that people are opposed-- are in favor of this bill because some people feel like they can't get the permit, the concealed carry license permit. It's too expensive. The classes are expensive. It's burdensome. But there's been a lot of conversation about ways to address that. I think Senator Morfeld had an amendment or has an amendment that would waive the fees, make sure that they get the classes be paid for so that's not a burden to someone. And those are reasonable steps that can be taken so that the only hurdle is your historic record, which people in this case, if you're a prohibited person, you're still a prohibited person under this bill, although, as I talked about earlier, I wonder if this bill would create a lesser included offense for carrying a weapon by a prohibited person, lowering it to a Class I misdemeanor on a first offense as opposed to a Class ID felony. And I think that is a--

WILLIAMS: One minute.

J. CAVANAUGH: --thank you, Mr. President-- unresolved question. Do I get more time if I compliment you? [LAUGH] But I think that is an unresolved question here, is that are we, are we-- in, in essence, we're not saying that they can carry-- a prohibited person can now carry a weapon, but we are potentially saying that a lesser included offense of a prohibited person in possession of a firearm is carrying a concealed weapon by a prohibited person. Because it is a lesser offense, the conduct is coextensive, meaning that the same act could be-- constitute both crimes and then whether or not that there is a significant nexus, I think, in the actual language of the statute, is going to be the question. And so that-- I think that's problematic here. But ultimately, the big problem is that we are taking away the, the assurance that someone who's carrying a concealed weapon knows, has had training on when it is appropriate to draw it, what situations

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they can-- they need to inform, the duty to inform, and general safety. And I think that is a very important aspect of--

WILLIAMS: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Cavanaugh. Mr. Clerk for items.

CLERK: Mr. President, confirmation report from Health and Human Services Committee, an amendment to LB773, Senator McDonnell. The Transportation Committee will have an Executive Session today at 1:20 under the south balcony. Senator Pansing Brooks would like to add her name to LR427. Senator Walz would move to recess the body until 1:00 p.m.

WILLIAMS: Members, you've heard the motion to recess until 1:00 p.m. All in favor say aye. Opposed say nay. We are in recess.

[RECESS]

WILLIAMS: Good afternoon, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Members, while we are waiting for a quorum, Senator McCollister would like to introduce 43 fourth and fifth graders from Oak Valley Elementary in Omaha. They are seated in the north balcony. Would you please stand and be recognized by your Nebraska Legislature? Mr. Clerk, please record.

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

WILLIAMS: Thank you, Mr. Clerk. Any items for the record?

CLERK: Three new resolutions: LR446, Ben Hansen; LR447, Ben Hansen; and Senator Brewer, LR448. That's all that I have, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Returning to the afternoon agenda, we return to Select File, LB773 and the motions that are pending. We have reserved the queue. Senator Morfeld, you are recognized.

MORFELD: Thank you, Mr. President. Colleagues, just to pick up where we left off on LB773, I remain in opposition to LB773. And actually I was eating lunch and preparing for this afternoon, and an email came across, I think, to all of us, from the Omaha Police Officer's Association. And since I'm reading in law enforcement opposition to

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the legislation, I thought I would read in this letter into the record, as well, given that it's a new one that came cross the desk just this afternoon. Excuse me. It's dated April 11, 2022. Dear Nebraska state senators, as the president of the Omaha Police Officer's Association, I'm writing this letter to voice my strong opposition to LB773 as written without the adoption of AM1206, which was defeated earlier. I think it received-- here, let me check. I misplaced the vote count. I'll get on the mike after this. In any case, going back to the letter: LB773 will decrease public safety, hinder law enforcement's ability to combat and target violent crime, and make populated urban areas such as Omaha more dangerous. Members of the Omaha Police Officer's Association are committed to ensuring the safety of all citizens we serve. However, LB773 as written would expose our most vulnerable neighborhoods to increased gun violence. LB773 would also put police officers in Omaha and in-- and across the state in more danger. Members of the Omaha Police Officer's Association are concerned with not having any training requirements written into LB773. We believe this to be a necessity to anyone wanting to carry a deadly weapon. Another reason for OPOA's strong opposition to LB773 is the ability for criminals to commit crimes while carrying a concealed weapon without repercussions for being in possession of a firearm. In March of 2021, an Omaha Police officer was shot while investigating a shoplifting incident at a local mall. As LB773 is currently written, the bill would have allowed for a serial shoplifter to legally possess his firearm while committing criminal acts. LB773 as currently written, it would-- as LB773 is currently written, it would be unlawful for anyone who is under the influence of narcotics, such as fentanyl or other dangerous drugs, to legally possess a firearm at that same time. It is illegal to drive a vehicle while under the influence of narcotics. It should be the same for carrying a fire-- carrying-- should be the same for carrying a firearm. The Omaha Police Officer's Association represents over 800 law enforcement officers who are involved in all aspects of the criminal justice system. We are committed to promoting and protecting the Constitution of the United States with commonsense legislation. Once again, I strongly urge you to oppose LB773 as currently written, without AM1205. Respectfully submitted, Sergeant Anthony Conner, President, Omaha Police Officer's Association. So, colleagues-- excuse me-- that's yet another example of opposition by a law enforcement agency that is saying that not only will it put our communities in more harm, it will also put their police officers in more harm as well. In addition, I want to pick up where I left off from Chief Ewins' opposition testimony, and I'll start exactly where I left off here. Actually, I'll start with that sentence I was about midway

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through. While Lincoln is generally a safe community, we have experienced our share of gun violence related to gangs, drugs and robberies. Allowing persons-- allowing persons to freely carry a concealed weapon, and that means--

WILLIAMS: One minute.

MORFELD: --handguns, shotguns, knives, rifles, per this legislation will make our job of safeguarding Lincoln more difficult. This bill will allow a criminal element in our communities to carry legally, as they may not be a prohibited person. Without a permitting process and training, you'll have individuals who shouldn't be carrying and carrying without the proper skills necessary to assess a situation, determine when the lethal force is lawful. This also increases the propensity for mistakes which can be-- result in innocent people being injured, including our officers. I'll pick up where I left off in my next time, because I don't want to get cut off halfway through a sentence here. But I do want to note and correct for the record that earlier I referred to my legislative aide as a legislative aide. Her official title is actually senior legislative aide, as she noted to me off to the side. Thank you, Mr. President.

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

CLERK: Mr. President, the Transportation Committee will have an Executive Session at 1:20, south balcony. Thank you.

WILLIAMS: Thank you, Mr. Clerk. Moving back to the queue. Senator Machaela Cavanaugh, you are recognized.

M. CAVANAUGH: Thank you, Mr. President. I would like to comment that she is-- Senator Morfeld's senior LA is the youngest senior LA in the building. And I would yield the remainder of my time to Senator Morfeld.

WILLIAMS: Senator Morfeld, you are yielded 4:45.

MORFELD: Thank you, Mr. President. It's always important to be accurate on the record. So I'll continue with the letter from Chief Ewins-- or, excuse me, not the letter, the testimony in committee in opposition. Next thing I'd like to point out is background education and training. Nebraska's self-defense laws are complex. Those who use a firearm in self-defense must do so lawfully or be exposed to both civil and criminal penalties. Officers are required to go through a background check, hours of training, and certification process. Without requiring a permitting process or training and the background

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checks are required, our communities will not be safe. And then let's just get in. And I'm reading verbatim, so obviously sometimes the transcript does not have complete sentences. And then let's just get in. I know this is a little bit simpler after we've heard everybody's testimony, but the fiscal impact on Lincoln itself. There are many things that are stated in here which not only impact law enforcement, but also the fire department, in which they have to hand over-- and it is "shall," all firearms that they should take from, from the people that they are treating, and a lot of times this is not something that we actually go out and do. And so now we have to do that and it's actually current law. But as you know, we have to adjust to that. We now have, have increased training. What is the physical and mental capability? What does that mean? The one thing I, I do want to kind of go off script a little bit, is no one has mentioned the need to call 911 in their testimonies. As the chief of police coming from a city of 800,000 people and worked in the worst crime areas, I will tell you that not calling 911 is a huge mistake and-- when you put it upon yourself to do what law enforcement should do. I'll leave it at that, and I've got my red light. So then there were a bunch of different questions from Chief Ewins, but I do think it's also important to talk about some of the preemption here too. So LB773, as it-- in its current form, would preempt some of the local laws. And we'll get into that in just a little bit here. But I actually pulled the transcript from LB68, and that was Senator Hilgers' bill, which was a preemption bill, and it brought back all kinds of fond memories from 2017. But I think that-- I think one of the things that I'm concerned about, quite frankly, is local control to be able to adapt to the varying needs of law enforcement and crime in different communities based on the size of those communities. So what happens in Lincoln and Omaha is very different than what happens in greater Nebraska. And I do understand that folks in greater Nebraska have less law enforcement coverage. They have much higher wait times. Sometimes law enforcement is an hour, sometimes more, away from being able to assist in many cases. But folks in rural Nebraska are not prohibited from carrying a concealed weapon. They simply have to avail themselves of the requirements and the training that everybody goes through. And I will tell you that, even as an attorney, it was very useful for me to have a refresher on not only the special laws that are incident to you carrying a concealed firearm, but also the self-defense and other statutes, so that I understood the legal standard in which I needed to conduct myself as a concealed carry holder. And quite frankly, just as a citizen in the state defending themselves. And so that's incredibly, incredibly important. And I don't think that we should dismiss that at all.

WILLIAMS: One minute.

MORFELD: The other thing that I want to talk a little bit about, and we'll get into this a little bit more, I do think that there are certain barriers to some of the different fees required, both for the training and then also both for the permit. And I, as I noted earlier in the morning, am in full support, absolute support of getting rid of the fee. Obviously, we would have to have an appropriation that would go to the State Patrol because it is, it is a process, anybody that's gone through it. It does take staff time, and I want to make sure that the State Patrol has all the resources necessary to be able to do that. So I'm in full support of getting rid of the fee, that's no problem for me at all. I'm also in full support of making the training free, not only from private individuals, but also the state. And I think that there's a lot of different ways that we could do that and, quite frankly, do it across the state so that there's a free training in several areas in greater Nebraska and that there be a free training in the major metropolitan areas.

WILLIAMS: Time, Senator.

MORFELD: That way, we reduce all the fees. Thank you very much, Mr. President.

WILLIAMS: Thank you, Senator Morfeld and Senator Cavanaugh. Senator Matt Hansen, you are recognized.

M. HANSEN: Thank you, Mr. President. And good afternoon now, colleagues. I'm going to rise and kind of continue upon some of the discussion from earlier. I appreciate all the points Senator Morfeld has been laying out, including, I think, not to make this an urban versus rural thing, but to-- but hearing that, particularly in the city of Lincoln, city of Omaha, hearing a pretty clear perspective from our law enforcement. I want to say my opposition to this bill is kind of bigger than just the law opp-- law enforcement's opposition, but that's certainly a factor I consider. And that's one of those, and that's one of those things that we're looking at in this perspective. Again, part of the stated goal and stated reason for this is to have people react in situations where law enforcement is not available. And obviously, that's not necessarily a situation that applies in Lincoln or Omaha in the same way, where there are quick response times and things of that nature. And I think that's one of the things that I've-- we wanted to-- I don't know quite how you address it, but that's one of the things that comes up throughout this debate. And again, that kind of comes back to my fundamental concept or a

fundamental principle of if we want people to be taking on, again, this kind of more pseudo-law enforcement, kind of informal deputy role, you know, maybe going to-- I won't say seeking out danger, but, you know, seeing a situation that they might not necessarily be directly involved with and approaching things of that nature, I would want those individuals to have a clear understanding of their roles, their responsibilities, the duties, the laws around that area, which is something I think that the current concealed carry classes provide a groundwork for. Again, I understand absolutely people's right for the Second Amendment, absolutely understand personal self-defense, and I get that. And that's why I get open carrying, I get the desire to concealed carry, and that is why I think having an opportunity to concealed carry, albeit with the training and with the extra licensure, makes sense to me. That's what we see, and that's what we see-- you know, I know some of our peer states have gone different routes than that, but obviously that's something that we've been in a process of in Nebraska for quite a long time. Overall, colleagues, I think part of this thing is, is again, we're all trying to represent our constituencies and trying to represent different individuals. I do feel that the people of Lincoln, at least the people of northeast Lincoln in my district, know where I stand on this, know where I would stand on things like this when they elected me. I don't think I've ever kind of-- I think I don't-- anyway, kind of losing that point. But, you know, this is something that I hear from my constituents. I hear a lot of constituents, including, I believe, Senator John Cavanaugh read from one of his. I've heard similar from some of my constituents who worry about this. So, you know, I understand that some of you may be coming from districts in which there is overwhelming support from this bill. I don't begrudge you for supporting this bill in those districts, but I got to let you know that there's a lot of people, myself included, who come from districts where that's not the case. I certainly do have some constituents who have written in support. I do certainly have some constituents who've written kind of strong opposition. You know, it's a mix. And I think knowing that and knowing all the things that I know, knowing that the stance of the Lincoln Police, both the department and the union has taken, really helps me to come to where I am at in this bill. I think balancing all of those things is important and one of the obligations that we have to do as senators of this body. So obviously, if we do a poll on our constituency on every issue, it's, it's certainly important information. But knowing, knowing the ins and outs of the bill, knowing the stance of stakeholders such as law enforcement, knowing all these things is important on its own.

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WILLIAMS: One minute.

M. HANSEN: Thank you, Mr. President. So with that, I will-- yeah. With that, I'll close for now and thank you, Mr. President.

WILLIAMS: Thank you, Senator Hansen. Senator John Cavanaugh, you are recognized.

J. CAVANAUGH: Thank you, Mr. President. So I was sitting here thinking about something I heard on the radio this morning. Today is April 11, if I'm correct? Yes. So 41 years ago today, President Ronald Reagan was released from the hospital after having been shot by John Hinckley. John Hinckley was a man who had mental health issues, ultimately was committed to a mental institution from that day until, I think, about four or five years ago, if I remember right, because he was found not guilty of the attempted assassination of President Reagan by reason of insanity. But John Hinckley went to the Hilton in Washington, D.C., with a .22, a small-caliber handgun that he purchased at a pawn shop, and he went there with the intention of assassinating President Reagan. But having-- carrying a concealed handgun on his person up until he took that act had, under this law wouldn't have violated any laws, although D.C., I'm sure, has a more strict carry concealed law than we currently have and John Hinckley would probably not be able to get a carry concealed weapons permit with his mental health issues. But he was able to do that, and he went and he shot-- he actually missed President Reagan and the type of bullet he was using fragmented and ricocheted off of the bulletproof vehicle that President Reagan was getting into and got lodged in President Reagan's lung two millimeters or-- from his heart. And that was on March 30 of 1981. He was in the hospital until April 11; created a lot of chaos in this country in that period, uncertainty about who was in charge in the immediate aftermath and then attempted-- there were some ultimate changes to the gun laws in this country as a result, if everybody remembers the Brady bill, which was named after President Reagan's press secretary, who was shot in the head by Mr. Hinckley in that incident. So we have-- there's a lot of academic conversation. Obviously, we're talking about statistics and reasonableness and what is the right policy. And I, of course, believe that that is the nature of a conversation like this, to be, I would say, clinical in our conversation. But there are stories like this one that can illustrate what happens when we don't have effective, reasonable gun policy in this country, and this one is just one outsized impact. This is one person who was president of the United States, surrounded by an army of security, had an armored vehicle, entered and exited buildings undercover. And in a 30-foot space, the

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only 30 feet that he was exposed to hazard, this person with a concealed handgun shot him and almost killed him, and injured several other people in the process. So requiring background checks is important. I think that's one of the things that came out of the Brady bill. In this case, he used some kind of fragmentation bullets that I'm not familiar with, but I'm sure somebody else here is better equipped to explain, that maybe were ultimately banned in the Brady bill as well. But he was a mentally ill individual who was doing this, as everybody famously remembers, to impress Jodie Foster. And if we don't have some sort of reasonable regulation ensuring that not everybody should be walking around with a gun, that people should have some kind of training, people should have a minimal--

WILLIAMS: One minute.

J. CAVANAUGH: Thank you, Mr. President. At minimum, we should make sure they don't have mental health issues and make sure that people don't have a serious criminal background that the data would show if people who have committed acts of domestic violence are much more dangerous with a gun. So there's a lot of those sorts of things that need to be considered aside from training, which, of course, is important. We should make sure that people are getting trained on proper use, storage, maintenance of guns, making sure that they're not pulling them out flippantly and that they're not overusing them, because, of course, in that incident, John Hinckley, again, was not killed. He was-- the Secret Service, somebody drove on top of him. They used restraint and were able to capture him, and then he was detained for the next 40 or so years. So there's a lot of room for reasonable regulations here that make sure that-- make their community safe but do not unduly infringe on people's rights. We need to preserve people's rights, of course, but, but reasonable regulation--

WILLIAMS: Time, Senator.

J. CAVANAUGH: Thank you.

WILLIAMS: Thank you, Senator Cavanaugh. Senator Brewer, you are recognized.

BREWER: All right, I hope all of those who are watching soaked up what was just said. So we took the case of a mentally ill person, who was a restricted person and could not have a gun, but he used a gun and we're going to use that as a reason not to have LB773, which now 25 other states have. But for some reason, the people in Nebraska are so evil and so wrong that they're going to use their guns in illegal

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ways. Now, since we want to get things on the record, I'd like to address a question to Senator Morfeld. Senator Morfeld, would you yield?

MORFELD: Yes. I'm sorry, I was having a side conversation, so I didn't hear what you were saying.

BREWER: Do you have a copy of LB773?

MORFELD: I do.

BREWER: Could you go to page 20, line 6?

MORFELD: Page 20, line 6.

BREWER: Would you read (a), (b), and then down to (2)?

MORFELD: Do you mind if I start with Section 10, to give the appropriate context?

BREWER: Sure, sure.

MORFELD: OK. Section 10. Except as provided in subsection (2) and (3) of this section, a person not otherwise prohibited by state law from possessing or carrying a concealed handgun shall not carry a concealed handgun while such person is: (a)-- this is line 6-- is consuming alcohol; or (b)-- line 7-- while such a person has remaining in the person's blood, urine, breath any previously consumed alcohol or any controlled substance as defined in Section 28-401. So I think what you're probably getting to is that contradicts the letter that I just read off?

BREWER: That is correct.

MORFELD: OK.

BREWER: All right. Thank you. All right, so what I'm trying to point out here is that in the heat of the moment, there's a lot of comments and a lot of written stuff going back and forth that are not true. I get it. This is something that will make jobs harder for certain people. Now we just had an amendment to try and help Omaha, and that was defeated. That was local control, that was addressing these very issues that were in that letter, and it was determined that that was not the right thing to do. So now we're back LB773. The Second Amendment is the only rights citizens must ask permission to use. Think about that for a minute. Wouldn't do this with voting rights.

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Second Amendment is the most heavily regulated regulation in our con-- in our constitution. Second Amendment is much easier taken than any other rules we have in the constitution. I mean, think about some of this for a while. What we're trying to do here is simply give the right to folks-- and everyone who wants to talk about, well, I'm much more comfortable with people open carrying. Like so many things that are said on this floor, I don't believe anybody. If you are packing a gun on your hip and you're walking around, you're making people nervous. And if you're someone bigger and stronger and you decide you want that gun, you will take it. You're putting yourself at risk in open carrying if you're not physically big enough to protect that gun. If you're concealed carrying, they don't know it. Now we went over the issue of training. We've got a method for folks to be trained. To say we need millions of dollars from the state of Nebraska to pay to have folks trained because they're so irresponsible that they won't do any training on their own--

WILLIAMS: One minute.

BREWER: --and then still want to carry, I think, isn't being accurate or true with people that want to have constitutional carry. And we're not saying everyone should carry. What we're saying is there are those out there who would like to and we are going to charge them to have a right that is given in our constitution. I don't care how you look at it, that's wrong. We will continue this filibuster. And for those watching on TV, you're getting to see why the rules of this Legislature are broken and why the 33 is a high mark that's almost impossible to meet. Any small group of people can kill anything good in this body. Thank you, Mr. President.

WILLIAMS: Thank you, Senator. Senator Morfeld, you are recognized. This is your third opportunity. You still will have an opportunity to close.

MORFELD: Thank you, Mr. President. Well, I want to, I want to thank Senator Brewer for pointing out that, that one inconsistency there. I did confirm with the Police Officer's Association in that they did rush to get this out after the amendment got out, so I think there is some good discussion to be had, particularly with that section. And clearly the bill does cons-- does include consuming alcohol, a prohibition on consuming alcohol or having narcotics like fentanyl in there. But the other parts of the letter, I'm going to review once I get off the mike here, do seem correct and accurate. Unfortunately, things move fairly quickly on the floor, and I think myself and a lot of other people were surprised that that amendment failed. So in any

case, I want to go back and talk a little bit about local control and why it's so important to have local control. And for those that did not-- were not elected and were not here in 2017, when we talked about LB68 and had that discussion, that bill also failed. And really, it failed because we decided as a body at that time that it was important to maintain local control, and it was important to maintain local control to keep our communities safe. And so I just want to read from-- I think this is the Unicameral Update. My senior legislative aide printed this off for me. But this is, I think, from the Unicameral Update and it's a brief summary of LB68. And I think it's important to bring that back because there are consequences in terms of local control if LB773 becomes law. So the title is Uniform Enforcement of Firearms Regulations Discussed. A bill discussed by lawmakers on April 4 would override individual city and local ordinances, making firearm regulations consistent statewide. LB68, introduced by Lincoln Senator Mike Hilgers, would authorize the state to regulate the registration, possession, transportation, transfer and storage of firearms and ammunition. Cities and villages would retain the authority to enforce prohibitions on firearm discharge. Hilgers said, the lack of statewide policy shows-- allows for a patchwork of local ordinances regarding firearm possession, creating the possibility that a responsible firearm owner could unknowingly violate city ordinances while traveling to different areas of the state. LB68 would remove a heavy burden placed on Nebraska citizens and their right to bear arms, he said. This is Senator Hilgers. At the same time, this will leave cities with tremendous ability to continue to fight and regulate gun violence. A pending Government, Military and Veterans Affairs Committee amendment would allow a city of the metropolitan class to prohibit handgun possession in public places. Exceptions to the prohibition would include safe transport in vehicle, possession for instructional purposes, and possession by concealed carry permit holders and military members. Omaha is currently the only metropolitan-class city in Nebraska. It left Lincoln out. That's my commentary. Committee Chairperson Senator John Murante said that the amendment is a result of months of negotiations with Omaha Police to address concerns about the ability of law enforcement to effectively fight gun violence in the city. The amendment would also prohibit the open transportation of handguns and long guns within the large metropolitan-class cities. It would require that firearms be unloaded and contained in an enclosed case or unloaded and broke down. There are-- there would be exceptions for firearm transport by law enforcement, concealed carry permit holders, military members and other lawful activity that does not endanger public safety and has received proper legal approval. Finally, the amendment would require

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that all firearms transported within the vehicle be unloaded, locked up either in a trunk or container--

WILLIAMS: One minute.

MORFELD: --or in the glove compartment or console. Concealed carry permit holders and military members would be excluded from this requirement. Gordon Senator Tom Brewer supported the bill. He-- his work teaching marksmanship to youth throughout the state has shown that proper gun ownership can teach valuable life lessons, he said. Brewer said it was difficult for law-abiding gun owners to travel throughout the state to know all the potential local ordinances that they may unintentionally be violating. I think that actually brings up a good point with this legislation. I'll digress from the, from the article. I'll read the rest of it, because I know all of you want to hear it, a little bit later. But this will also create a situation where law-abiding gun owners likely will unintentionally violate the law, particularly those that are concealed carrying, and they will not know the special laws that are in place for them to follow. And so I actually think this tracks with Senator Brewer's-- I actually think my position on this tracks with some of Senator Brewer's concerns on LB68 from many years ago. With that, thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator Hilkemann, you are recognized.

HILKEMANN: Thank you, Mr. President. It's the first time that I've talked about LB773. In general, I have to say, I don't like gun bills, haven't liked them all the eight years I've been here. People hold such deeply held beliefs on either side. You cannot-- there's no middle ground when it comes to gun bills. I can say that I have never owned a gun, and I hope that I never feel like I have to own a gun. But I certainly, if people want to have guns, I support your right to carry that gun. When this bill came up, I contacted Chief Schmaderer from the Omaha Public-- Police Department, and he said we're neutral on this bill, provided the amendment is in place. Now the amendment is not in place. We're being told that maybe the amendment could be added on Final Reading if we were to, to get a cloture vote at this point. Since my vote for the cloture and the pull motions, I've had-- I'm gonna share two conversations that I had. One was about three weeks ago for breakfast on a Saturday morning. I met with my quarterback that I coached 50 years ago in Table Rock, Nebraska. We had-- I had not seen this gentleman since 1972. From Table Rock, he went into the military police, and he served 30 years in law enforcement after, after the military in-- at Atlanta, Georgia, and surrounding counties,

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becoming a detective for it. And I suggested to him at the end of our conversation, I said, you know, we-- I said, we've got this gun legislation that I'm supporting, that, that I voted for. I said, what do you think about this? And he said, why do people need these guns? He said, I was always concerned that someone around the corner might have a gun aimed at me. He said, I'm very fortunate. He said, after 30 years, I was given a special revolver by the Atlanta Police Department. And he said, it's locked up in a safe in my house. He said, there's no need for us to be carrying guns. Saturday, I met with an individual that I've done business with occasionally over the years, and we bumped into one another, big gun advocate, owned guns, hunter, and he actually had sent me-- after I voted for that, he sent me a thank-you note-- I hadn't heard from him in some time-- thanking me for voting for-- to advance LB773. And I said to him, I said, is it really critical if we move this bill forward? I said, if we don't get the amendment, I don't think I can vote for it. He said, you know, he said, that's all right if you don't. He said, I'm glad I can car-- he said, I'll get a permit. People can take the class. I liked both of those conversations.

WILLIAMS: One minute.

HILKEMANN: We're not saying that they-- if we don't pass this bill, that they can't carry, but they just have-- they have a requirement they need to carry. So with the opposition that we now have from the Omaha Police Department, based on those conversations, and I think what-- I'm, I have always supported our law enforcement people. I'm going to support them today again. And I thank you, Mr. Speaker-- or Mr. President. I will surrender the rest of my time.

WILLIAMS: Thank you, Senator Hilkemann. Senator Machaela Cavanaugh, you are recognized.

M. CAVANAUGH: Thank you, Mr. President, colleagues. I just want to go through sort of procedurally. I heard Senator Hilkemann mention that there could be an amendment put on Final, pulling it back to Select. And where we're at in the session, that's just not possible. If we were to move this forward today to Final, it would have to lay over a day, so we wouldn't get to it until Wednesday. Then we pull it back to Select and then we move it forward to Final again. It has to have a layover day and that doesn't exist at that point. So that's, you know, we had the-- we had the amendment that the police were in favor of. It didn't pass, didn't get adopted. There's not another bite at this apple after today. So I just wanted to state that for the record, and yield the remainder of my time to Senator Morfeld.

WILLIAMS: Senator Morfeld, 4:10.

MORFELD: Thank you, Mr. President. I appreciate Senator Cavanaugh going through kind of procedurally how right now any amendment on Final Reading would be impossible to get to given the timeline and some of our layover. That being said, I also appreciate Senator Hilkemann standing with both local law enforcement in his community and law enforcement in my community, as well, and with the police chiefs across the state. I want to talk a little bit about some polling data with permitless carry. So the first statistic that I want to bring up here is, is a pretty significant poll across the country. So voters, random sample size, you know, scientific poll, 88 percent of Americans think you should have a permit before carrying a concealed gun in public. That's pretty compelling. Over 80 percent of gun owners, nongun owners, Republicans, Democrats and independents agree that high safety standards are critical in issuing concealed carry permits. That's also fairly compelling as well. Concealed carry-- and I'm just reading from this interesting article here in research. Concealed carry permitting systems enjoy overwhelmingly-- overwhelming support nationally. Eighty-eight percent of Americans think you should get a permit before carrying a concealed handgun in public. In fact, over 80 percent of gun owners, nongun owners, Republicans, Democrats and independents agree that high safety standards are critical in issuing concealed carry permits. This is one quote from a NRA-certified firearm instructor in Tennessee. Quote, live fire training is critical to making sure that people who carry guns in our state know how to load and fire a weapon properly and safely. When someone wants to get a license to drive a car, they have to prove they can operate a vehicle safely. It would be ludicrous to give someone a driver's license only after watching an online video. A handgun carry permit should be no different, end of quote. And reading from this here, this is just kind of a national overview. Concealed carrying permits typically require training to carry firearms responsible-- and how to be responsible in public. Permitless carry laws, also called constitutional carry laws, strip away this critical training component. Most states currently require firearm safety tree-- safety course before a person can get a permit to carry a concealed handgun, including 25 states and the Washington, D.C., as well-- not a state, much to their consternation-- that require training that involves the live firing of a gun. This training ensures that permit holders are aware and responsible at practices handling, carrying, fire-- guns in public. You know, I actually, you know, I'll look into this. I don't know if it's actually required to have live

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fire training for our training process, but I do know that when I did my eight-hour training course, that we did do live fire training.

WILLIAMS: One minute.

MORFELD: But I'll look into that and get back to all of you. Law enforcement experts, firearm trainers and military personnel overwhelmingly agree that people who carry concealed weapons in public should take firearm training, including live fire training. In self-defense experiment involving a firearms simulator, participants with lower levels of firearm training and experience performed worse than those with higher levels of training. Many accidentally shot innocent bystanders or unarmed people. Permitless carry laws let people who have never carried a gun carry one concealed and loaded in public. Moving on, concealed carry permitting systems ensure that only responsible gun owners can carry concealed handguns in public. Permitless carry bills remove these safeguards and allow carry by potentially irresponsible or dangerous people, such as violent criminals and weapons offenders. In many states, people convicted of certain violent crimes and weapon offenses are disqualified from getting a concealed carry permit. But under permitless carry, these convicted criminals would be legally allowed to carry hidden guns--

WILLIAMS: Time, Senator.

MORFELD: --in the streets. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator Matt Hansen, you are recognized, and this is your third opportunity.

M. HANSEN: Thank you, Mr. President. I'll yield my time to Senator Morfeld.

WILLIAMS: Senator Morfeld, 4:55.

MORFELD: Thank you, Senator Hansen. Probably lose my voice by the end of this with this cold. And my wife keeps texting me to pay the bills, so I'll get to that after this. Permitless carry legislation is a part-- oh, no, we already discussed that. Here we go. Emerging data shows that states have passed permitless carry legislation are experiencing a substantial increase in gun violence. And I think this data is particularly important, and we talked about it the first round of debate as well. Laws that weaken a state's firearm permitting system have been a precursor to permitless carry legislation, and a substantial body of research shows that this-- these states, these laws have led to a rise in gun violence and violent crime more

broadly. And this tracks with the concerns of our law enforcement in both OPOA, OPD, LPU, and then also LPD. States that have weakened their firearm permitting systems have experienced an 11 percent increase in handgun homicide rates, and a 13 to 15 percent increase in violent crime rates. Conversely, states provided-- states that provided law enforcement discretion to issue carry permits saw 11 percent lower homicide rates, saw 11 percent lower homicide rates compared to states that did not have that discretion. And here are some more statistics from some of these different studies. Eleven percent, states that have weakened-- oh, we just said that, 11 percent, 13, 15 percent. So states that have weakened their firearm permitting system have experienced an 11 percent increase in handgun homicide rates. And I'll just repeat these numbers again because I think they're important. States that have weakened their firearm permitting system have experienced a 13 to 15 percent increase in violent crime rates, again, tracking with our law enforcement's concerns. Once many states have recently passed permitless carry legislation, research is limited to the impact of these newer laws. But early signs are not good. States that have enacted permitless carry legislation are seeing increased violent gun crimes. States such as Alaska and Arizona have experienced an increase in the rate of aggravated assaults with a gun since the enactment of permitless carry legislation. This has resulted in hundreds more gun-related aggravated assaults in these states in 2017 to 2018, which is the latest years that is available for-- excuse me, the latest year for which data is available, compared to years prior to enactment. So the conclusion on this is that permitless carry legislation strips states of essential permitting and training standards for carrying concealed guns in public. It is a part of the gun lobby's broader agenda to weaken critical safety gun laws, allowing more guns everywhere, which in turn has led to an increase in gun violence. The majority of Americans support concealed carry permitting systems that provide firearms safety training to ensure that only responsible gun owners can carry concealed guns in public. And going back to the training real quick, I have the rules and regulations here somewhere. Here it is. It's actually Title 272, Nebraska Administrative Code, Chapter 21. It's from the Nebraska State Patrol, and it talks about concealed handgun permits. I was going to have this prepared for my next time, but because of Senator Hansen's generous yielding of time to me, I didn't have it ready, so just give me a second here. He's smirking over there. OK. Yeah, and--

WILLIAMS: One minute.

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MORFELD: Oh, thank you, Mr. President. Yeah, so in the administrative code, they do have the fees for permits, so I wanted to go back to that really quick. So if you look at page 9 of the Nebraska Administrative Code, Title 7-- 272, the permit for issuance are as follows. The permit is actually \$100 and then the permit renewal is \$50. You know, I don't have my wallet with me, but I'm pretty sure it's a five-year expiration timeline. So at the end of five years, you have to renew that for \$50. I believe that you can do it online, so it's not too burdensome in that sense. That being said, sometimes people forget, and I believe we passed a law recently for that to at least provide notification or some type of grace period. But as I said earlier, I'm in full support of actually eliminating the fees for these because I do think it can be a barrier to some folks. And I hope that somebody brings that legislation next year. But I also hope that the Legislature--

WILLIAMS: Time, Senator.

MORFELD: Oh, thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator Day, you are recognized.

DAY: Thank you, Mr. President, and good afternoon, colleagues. I rise in opposition to LB773. It took me a little bit of time to get to that position. I did vote yes on this on General File, partially because I was under the impression that an overwhelming majority of my constituency supported this. So I was a tentative yes on cloture on General File, and I decided to do some research in between General and Select into what the people in my district were really looking for. I started with some national research from the Pew Research Center, and I often go to Pew for research. They are a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world. They conduct public opinion polling, demographic research, content analysis and other data-driven social science research. We do not take policy positions. I feel like they're one of the most unbiased research centers that you can find, so I often go to them, and the national research that I found was really telling to me and overwhelmingly opposed to eliminating any kind of training when it comes to concealed carry. They had a poll from April 21 that asked if you would be in favor of less strict gun laws than they currently were or currently are, are they about right, or should they be more strict? Overall, 14 percent of Americans, only 14 percent of Americans support making gun laws less strict than they were in April of '21. And then when you divide it by party, only 27 percent of Republicans support making gun laws less strict. That was a really surprising number. I

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searched for Nebraska-specific data, and I couldn't find anything specific on Nebraska, so I decided to do my own little research. I, I posted a Twitter poll, which knowingly that got taken over by people from outside the district and outside the state. I had people from North Carolina, Arizona, Kansas, Washington sharing it and asking people to vote. But also within that Twitter post and also on Facebook and Instagram, all of my social media, I asked people to send in emails with their names and addresses and their position on this bill. So we got a ton of emails, and my staff has done an incredible job of going back through all of the emails, even through the ones from the beginning of the session, the emails that we solicited from people around that time frame. And then all the way up through today, we've been getting emails about this bill. And from the constituents whose ver-- whose email-- or I'm sorry, whose addresses we could verify-- when we would get an email with a position and they didn't give us an address, we would email them back and ask for an address. And, you know, there was even a few times where I emailed people back and I was like, if you feel this way and you feel strongly about this, you need to know that your friends need to keep emailing and, and letting me know how they feel about it; if you know anyone that lives in the area, please have them email me. I was trying to get the most accurate picture of what my constituency thinks of this specific bill. And so I was really surprised to find that, through all of the emails that we have received for LB773, 69 percent of the emails that I received from addresses that could be verified-- we cross-checked them with the voter database for my district-- were opposed to LB773.

WILLIAMS: One minute.

DAY: Thirty-one percent were in support. That surprised me, and it also provides me with a lot of direction in terms of how I should be voting on this bill. I think sometimes it's-- this bill I feel like is a lot like the abortion bill where these things are proposed to us as, well, this is what people want, this is what voters want, but when you actually get down and you start looking at data and talking to people, they don't want this; whether they're Republicans, Democrats, they're not looking for policy like this. I wanted to read an email. My wife and I are constituents. We are both military veterans, legal owners of firearms and both trained in how to use them. We oppose LB773. It's just not a good idea. Not only is it terrifying to think that every person you pass on the street might be carrying a concealed firearm with no licensing, training or background verification of any kind, but I also think about other consequences, such as the implications for law enforcement. Passing the bill would force another dangerous

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consideration onto the lives of police officers as they would have to--

HUGHES: Time, Senator.

DAY: Thank you, Mr. President.

HUGHES: Thank you, Senator Day. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. It is really lazy to represent to viewers and to voters and people in Nebraska watching that if you are against LB773, you are against the Second Amendment, or to say things like Senator So-and-So wants to get rid of the Second Amendment, especially knowing how that incites people who don't have the context, who don't have the full information, who take that and run with it and use it to excuse violence. People who are saying this on the mike know that that is going to be the outcome of what they're saying, that it's going to incite something. But the laziness behind it is what bothers me the most. It is also incredibly condescending to your constituents to think that the only thing that they can understand is either you're for the Second Amendment or you want to burn it to the ground and get rid of it. It's, it's so disrespectful to constituents to think that those are the only two binaries that they can understand. We do not live in a black-and-white world, colleagues. Everything is not so simple, Nebraskans. And Nebraskans get that. It's insulting to their intelligence to misrepresent people's positions on this bill. If this bill had gone through the committee process, if it hadn't been pulled to the floor through a procedural motion bypassing the committee process, we could have had a committee amendment that improved the bill. And for the introducer to say, oh, well, there was no way this bill was coming out of committee, I, I disagree. I think you can bring a better bill, you can change the bill, or you can go, you know what, this isn't going to be my year for this kind of thing. You know, I bring-- I've-- several times, I've brought a bill to allow people to use a gender-neutral sex marker on their license in Nebraska, and that goes through Transportation Committee. This is a policy that's already in place at the federal level. You can get-- on your passport in the United States, you can have it say M for male, F for female, or X, if you would decline to answer. And I wanted Nebraska's licenses to have the same thing for ID and for driving and everything, to have the option to have an X. That bill goes through Transportation and Telecommunications Committee. Do you guys think that bill gets voted out from all the equality-minded, LGBTQ, gender-expansive-loving folks on that committee? No, there's no scenario on Earth where a bill like that is going to come out of that committee. I don't then file a pull

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motion and say, well, what was I supposed to do, this is the only way for me to get the bill out because no one on the committee liked it. Read the room. Take the note. If no one on the committee likes it, that's the process we have here and that's, that's democracy. That's the way our institution works. You don't bully it out of committee. And then when your bill is losing on the floor, you don't scream and yell and run around, especially when we're talking about violence. We're talking about a bill that will make it easier for violent people to attack the people that they're already targeting. That is a serious, solemn issue to me and to the Nebraskans who have reached out to me in opposition to this bill. There is this sick mindset that we must always be aware, we must always be watching our backs, we must be ready at any time to be attacked, and if we get attacked--

HUGHES: One minute.

HUNT: --it's our fault because we weren't ready, and when you stay ready, you don't have to get ready, you know, this whole mindset that I think is very, very toxic in our culture. Let people live. Let people rest. Let people enjoy things. Let people move through the world pursuing, you know, life, liberty and happiness without needing to carry a gun for their protection, for their safety. We have gotten to a place in this country, and it is for political reasons, it is not for practical reasons, where there is this dichotomy between people who think they have to have a gun to be safe and then people who are exhausted from the hypervigilance and stress of living in a culture that acts-- asks us to live this way. Hypervigilance is not freedom.

FOLEY: That's time.

HUNT: Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hunt. Senator Erdman.

ERDMAN: Thank you, Mr. President, and good afternoon. I haven't spoken on this bill yet today, but I have a few comments to make about my own personal poll. I've been watching my email very closely. The majority of those emails I get are in support, and the majority of those are from Omaha people asking me not to vote for AM2106, but to vote for LB773. They don't want to be singled out. They want to be treated like the rest of the Nebraska people are treated: one state, one law. So we will vote here in a moment, few minutes. And it will be very similar, probably, to what happened last week with the abortion bill. So we had 31 vote in favor of the abortion bill. That is 67.4 percent. The minority was 32.6 and they win, 32.6 wins. That's less than one-third.

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Every email that I get, I try to review those. I have seen maybe two or three that are opposed to LB773. That's my district, your district, all districts. Most of the support that I've been receiving recently are from the eastern part of the state. But we're going to stand up here and say this is a bill that will incite riots and policemen will be unsafe if we pass this. Well, here is a newsflash for you people that agree with that statement. The criminals do not get a permit to carry a handgun. They don't. So whether you have an open carry, constitutional carry, conceal and carry, is not going to make any difference to the criminals. So for the police to stand up and say, we're going to be more in danger if you pass this is hogwash. It's not true. If we were in a state with a bicameral, we would have passed this in about 15 minutes because that's what the majority of the people want. And you can read all these national statistics that say 80 percent of the people are concerned about having a permit with training or whatever you say, because, see, on the floor of the Legislature, you can say whatever you want. But the fact is in my emails, it is an overwhelming majority want to pass, want us to vote and pass LB773. There is probably two other things that even come close in my emails to be equal to this. Convention of states has got to be number one. I've never received more emails over one issue since I've been there than convention of states. I have received a lot of emails on the consumption tax. This bill here is either second or third. That is a significant amount of effort that people are putting forward, asking us to give them their constitutional right to carry a weapon.

FOLEY: One minute.

ERDMAN: And Senator Hunt says we need to be aware, we should be aware of ourself at all time. Ask, ask Senator Lowe's wife about that. Ask Senator Lowe's wife. We should be aware of our surroundings. So we're going to vote here, and people will say, well, we'll get people on record, how they voted, whether they want the Second-- where they stand for the Second Amendment or not. The rhetoric here continues, not because they support the Second Amendment; it's because they have other issues that they want to deal with. So put those aside. And I think Senator Hughes said it best six years ago. When I arrived, he told me, he said, seldom, seldom, if ever, does floor debate ever change anybody's mind. Remember that.

FOLEY: That's time, Senator.

ERDMAN: Seldom, if ever-- did you say time?

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FOLEY: That's time.

ERDMAN: Thank you.

FOLEY: Thank you, Senator Erdman. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. It's the first time I've spoken on this bill and, unfortunately, I'm sadly opposed. Why sadly? Because this is a bill that's very, very important to Senator Brewer-- I know that-- and because I have such admiration for Senator Brewer. He's one of the most amazing Americans I have ever met, and for that reason, I'm sad that I'm opposed to this bill. Why am I opposed? Well, I think that the current regulations, the fees and the training, are not unduly restrictive, and I think I would be very in favor of modifying the fees, reducing the fees or even going to an online course. But I think what we have is not an undue burden for people to do it, and I recognize gun safety is probably enhanced by virtue of the current regulations we have. It also makes me sad because Senator Brewer was such a proponent for my LB709 that was heard last Friday and failed to advance. So I have the greatest admiration for Senator Brewer and what he's done in his life, but I have to sadly oppose the bill. With that, Mr. President, I yield the balance of my time to Senator Morfeld.

FOLEY: Thank you, Senator McCollister. Senator Morfeld, 3:30.

MORFELD: Thank you, Mr. President. Colleagues, it looks like we're coming up on the vote here pretty soon. I think Senator Brewer is next, and then there will likely be a cloture motion. That being said, I just want to reiterate a few different things. One, when it comes to issues like gun violence, in particular, I think that our police officers, both in our leadership and in our police unions, are uniquely positioned to have experience to speak to that. And so while I respect Senator Erdman, I think that him saying that police officers don't know what they're talking about, essentially, kind of rings hollow. And so when it comes to gun violence and enforcing the gun laws, I trust the law enforcement's opinion on those issues and particularly on this issue in particular. And quite frankly, it's pretty unified opposition. The second thing that we really need to remember is that gun training is incredibly important to ensuring that when people have to make split-second decisions, that they have the necessary and proper training in how to handle a firearm, but then also what their rights are and what their rights are not. And this training goes over principles of self-defense, when you have the ability to use deadly force and when you don't have the right to use

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deadly force, which can not only mean a life-and-death decision for the other individual on the end of that barrel, but it also could be a life-and-death decision for that individual, as well, pulling the trigger. And that's a serious responsibility, and it's one that should require training, and it's one that should require knowledge. The other thing that I think is important to remember is that nobody who is a lawful gun owner will be denied the ability to conceal carry as long as they go through the training and they have the background check. Nobody's rights are being denied here. Simply because you have a constitutional right does not mean that there cannot be responsible and reasonable rules and regulations that follow it. We have the same requirements for all kinds of other constitutional rights. Rights are not unlimited.

FOLEY: One minute.

MORFELD: If there is a compelling state interest, which there is when it comes to the use of deadly force and deadly weapons, when there's a compelling state interest, the state may have reasonable rules and regulations attached to exercising those constitutional rights. Justice Scalia has noted that, and many other Supreme Court decisions have said that these laws are constitutional and that the state may, when there is a compelling state interest, enact reasonable rules and regulations. So colleagues, it is important to maintain our training requirements, and it is important to maintain our background checks and it's important to maintain the status quo. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Brewer.

BREWER: Thank you, Mr. President. I will use this as a close, because I believe we have come to an end. A few things that we will once more try and stress is that this bill does not require anyone to be a concealed carry person. This is just simply taking that right that is in the constitution and allowing you to exercise it. To say I'm "flustrated" is an understatement. There are certain people in this body I trusted for a number of reasons. I made a mistake in so trusting some of them. There is an old Native tradition called taking coup with your enemies. I believe before this day is over, I will have some to add to that list, and I will know who to trust and what not to trust. And for the two-plus years we got left, we will have a different relationship. I've given six years of my life and my priority bill on this, and you better believe that I will have a long and clear memory. So you guys hide behind those things you think are going to protect you, because that's the reason you're going to vote

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against something that you never wanted to vote for in the first place. The words that Senator Erdman commented over there with, I think, are about as accurate as we can be. The people that watch today can take a quick tally on who all spoke today and previous times and figure out who's where. If it's true that 27 percent of Republicans are all that support this kind of legislation, it is ironic that we are almost 100 percent here. Nebraska does have a convoluted system, and I am disappointed in our government. We'll see how this comes out today, but rest assured I will be back. The idea that you can get something out of committee if the Chairman doesn't want you to get it out is ludicrous. The only way you can have a bill go before this body is by a pull motion. So I would ask your support on LB773. This, again, is simply a matter of allowing folks to exercise the rights that they're given in the constitution. Thank you, Mr. President.

FOLEY: Mr. Clerk, you have a motion on the desk?

CLERK: I do, Mr. President. Senator Brewer would move to invoke cloture pursuant to Rule 7, Section 10.

FOLEY: It's the ruling of the Chair there has been a full and fair debate afforded to LB773. Senator Brewer, for what purpose do you rise?

BREWER: I'd like to have a call the house and a roll call in reverse order, please.

FOLEY: 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.

CLERK: 38 ayes, 2 nays to place the house under call, Mr. President.

FOLEY: The house is under call. All members, please return to the Chamber and check in. The house is under call. All unexcused members are now present. The question before the body is whether or not to invoke cloture. A roll call vote in reverse order has been requested. Mr. Clerk.

CLERK: Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz not voting. Senator Vargas. Senator Stinner voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Pansing Brooks. Senator Pahls. Senator Murman voting yes. Senator Moser voting yes. Senator Morfeld voting no. Senator McKinney voting yes. Senator McDonnell not voting. Senator McCollister not voting. Senator Lowe voting yes. Senator Linehan

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voting yes. Senator Lindstrom voting yes. Senator Lathrop voting no. Senator Kolterman voting yes. Senator Jacobson voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Hilkemann not voting. Senator Hilgers voting yes. Senator Matt Hansen voting no. Senator Ben Hansen voting yes. Senator Halloran voting yes. Senator Gragert voting yes. Senator Geist not voting. Senator Friesen voting yes. Senator Flood voting yes. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting no. Senator Day voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting no. Senator Blood not voting. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. 31 ayes, 9 nays on the motion to invoke cloture, Mr. President.

FOLEY: Motion fails. I raise the call. Items for the record, please.

CLERK: I have one item, Mr. President, and that is a resolution by Senator Friesen (LR449). And that will be laid over at this time. That's all that I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Moving on to the agenda, Select File 2022 committee priority bills, LB876, Mr. Clerk.

CLERK: Mr. President, LB876 was considered last week. Enrollment and Review amendments were adopted. There were amendments from Senator Briese adopted. At this time, I have nothing further pending on the bill, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB876 to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB876 advances. LB792.

CLERK: LB792, Mr. President. I have E&Rs, first of all, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB792.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted.

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CLERK: Mr. President, Senator Lowe would move to amend with AM2700.

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

LOWE: Thank you, Lieutenant Governor. AM2700 is a very simple amendment. It simply adds the language "Board of Regents" on line 6. This change was recommended by the Fiscal Office to ensure the language in this bill matches the language in other bills that appropriate funds to the university system. Please vote yes on AM2700.

FOLEY: Mr. Clerk.

CLERK: Mr. President, Senator Lowe would move to amend his amendment with FA206.

FOLEY: Senator Lowe.

LOWE: Thank you, Lieutenant Governor. FA206 lowers the appropriation request for fiscal year 2022 to 2023, down to \$500,000. This amendment is supported by the university system, so please vote yes on FA206.

FOLEY: Thank you, Senator Lowe. Debate is now open on LB792 and the pending amendments. I see no one wishing to speak. Senator Lowe, you're recognized to close on FF206. He waives close, and the question before the body is the adoption of FA206. Those in favor of vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 20-- excuse me, 41 ayes, 0 nays on adoption FA206.

FOLEY: FA206 has been adopted. Debate now on AM2700 as amended. I see no one. Senator Lowe waives closing. The question before the body is the adopt of AM2700. Those in favor vote aye; those opposed vote nay. Have you all voted? Record.

CLERK: 40 ayes, 0 nays on adoption of the AM2700.

FOLEY: AM2700 has been adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB792 to E&R for engrossing.

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FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say-- excuse me, those in favor say aye. Those opposed say nay. LB792 advances. Proceeding to LB843.

CLERK: Mr. President, with respect to LB843, I have Enrollment and Review amendments first of all.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB843.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. E&R amendments are adopted.

CLERK: Senator Flood, AM2713.

FLOOD: Senator Flood, you're recognized to open open on your amendment.

FLOOD: Mr. President, I'd ask for unanimous, unanimous consent to sub in AM2816.

CLERK: Senator, that's not necessary. All you-- just withdraw AM2713 because you're next in the queue.

FLOOD: OK, I will do that.

CLERK: Thank you. Mr. President, Senator Flood would move to amend with 2-- AM2816.

FOLEY: Senator Flood.

FLOOD: Thank you, Mr. President. Members, I want to start off by thanking Senator Brewer for his work on this issue and state that I'm in support of LB843 and committee amendment, AM2075, which was adopted on General File. My amendment to the committee amendment, AM2816, includes a new section adding software systems to the definition of voting system. This amendment is intended to update and modern-- modernize statutory language within the Election Act, Chapter 32 of the Nebraska Revised Statutes. It's a simple change consistent with the existing language in Section 32-119.01 in the Election Act. I ask for your green vote on AM2816.

FOLEY: Thank you, Senator Flood. Any discussion on the amendment? Senator McCollister.

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McCOLLISTER: Thank you, Mr. President. Senator Flood, will you yield to a question?

FOLEY: Senator Flood, would you yield, please?

FLOOD: Yes, I will.

McCOLLISTER: Did the Secretary of State agree to these changes incorporated in AM2816?

FLOOD: I believe he has.

McCOLLISTER: Thank you, Senator Flood. That's all.

FOLEY: Thank you, Senators. I see no further discussion on the amendment. Senator Flood, you're recognized to close. He waives closing. The question before the body is the adoption of AM2816. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 36 ayes, 0 nays on adoption of Senator Flood's amendment.

FOLEY: AM2816 has been adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB843 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB843 advances. LB686.

CLERK: LB686. No E&Rs. Senator Matt Hansen had pending AM2296. I understand you want to withdraw, Senator? I have nothing on that bill, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB8-- I mean, LB686 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB686 advances. Moving on the agenda, Select File 2022 senator priority bills, LB598.

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CLERK: Mr. President, with respect to LB598, I have E&R amendments first of all, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB598.

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

CLERK: Mr. President, Senator Wishart, AM2293.

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

WISHART: Thank you, Mr. President. AM2293 would amend portions of LB1163, which is a bill that I brought. It advanced out of the Appropriations Committee unanimously. It seeks to change the BIA's annual-- actually, I don't know if it was unanimous, but it was generally supported. It seeks to change the BIA's annual program cap from \$4 million per year to \$6 million per year for the following subsections: phase one and two planning grants subject to the federal grant program, R&D product prototyping at a business in a state or a public or private college or university, the Innovation Fund and value-added agricultural program, financial assistance to prototyping a product or process for purpose of commercialization, and financial assistance to businesses using faculty or facilities at a college or university in the state for applied research projects. It also increases the cap for the Small Business Investment Program. The cap is increased from \$2 million per year to \$3 million. AM2293 only includes the program cap increases and does not have any fiscal note attached to it. These are dollars that have already been appropriated that cannot be spent unless we pass this amendment. At the hearing for LB1163, we heard increasing all of the BIA program limits would allow the Department of Economic Development to fully utilize its appropriation of \$13.7 million and fund an additional 50 startups before the end of the fiscal year, which is why I am seeking to amend this into my priority bill, LB598, my priority bill being a bill that fosters small businesses in Nebraska. So it is a natural fit. There was no opposition to this. Please, I encourage you to support it. And there will be another amendment from Senator Wayne following after the vote on this. Thank you.

FOLEY: Thank you, Senator Wishart. Any discussion on the amendment? I see none. Senator Wishart, you're recognized to close. She waives

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closing. The question before the body is the adoption of AM2293. Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: 44 ayes, 0 nays on adoption of--

FOLEY: AM2293 has been adopted. Mr. Clerk.

CLERK: Mr. President, next, Senator Cavanaugh would like to bracket, but I have a note to withdraw. Senator Wayne would move to amend, AM2817.

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

WAYNE: Thank you, Mr. President. Colleagues, AM2817 is LB1116, which was heard in Revenue. It also amends the Business Innovation Act relating to the Financial Assistance Program creating prototypes. This came out 8-0 out of Revenue. There's no fiscal note, there's no fiscal impact on LB1116. All this does is allow those in economic redevelopment areas to have the same match requirement as businesses who are focusing on rural development. So we're treating basically our "poverished" areas both in rural and in cities the same. Again, this came out 8-0 out of Revenue and there is no fiscal impact at all. Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Discussion on the amendment? Senator Erdman.

ERDMAN: Thank you, Mr. President. So I was wondering if Senator Wayne would yield to a question or two.

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes.

ERDMAN: Senator Wayne, I'm trying to get my hands around this. What happens if we don't do this? What are the ramifications of that?

WAYNE: Nothing. It's just this bill came out 8-0. We asked for consent calendar, and it didn't come out-- it didn't go onto consent calendar. This is just a way for businesses who are talking about starting companies for the prototype grant to be treated equally as no different than rural Nebraska. So we're just trying to treat them fairly.

ERDMAN: So you're saying there's a difference now?

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WAYNE: Yes. So if you're doing an agricultural business for a prototype grant, you only have to have 25 percent match. And if you're in our hardest-hit areas within the city limits, and that's Norfolk, everywhere, you have to, you have to have a 100 percent match.

ERDMAN: So--

WAYNE: So we're trying to treat them the same.

ERDMAN: So are you, are you indicating that rural might have an advantage in this case?

WAYNE: Yes. And I've always said, what's good for rural is good for north and south Omaha. I think you guys have a lot of great ideas.

ERDMAN: OK, thank you. I think in this budget and what we've done has been very, very generous to north Omaha and Omaha in general. Yeah, I can't think of another time that I've been here that we have made a contribution to that segment of our state like we have this time. So I don't, I don't know, maybe we should have a little advantage to the rural people once. I'm not sure how that works, but I'm not sure about AM2817. I'll have to give it some thought. Thank you.

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

PANSING BROOKS: Thank you. Guess what, I'm on the last three, everybody. So, Nebraskans, on the last day, we get to talk about positive experiences. As seniors in the Legislature, we don't have all the time in the world on the last day, so right now I want to talk about some of the valuable friendships and the, the wonderful parts about this body. So first I'd like to talk about Senator Bostar. I haven't gotten to him yet. Senator Bostar is focused and dedicated, and he's hardworking. He's very consistent on, on his actions and what he does, and he really has a strong mind and a quiet ability to lead and to, to work across the aisle. So I appreciate that. It's been a pleasure and an honor to serve the people of Nebraska with you, Senator Bostar. Senator-- let's see, Senator Vargas. Are you here? Yep. Senator Vargas is a strong leader, an incredible advocate for his community. He's been a teacher at OPS, he's been an educator, a father and a friend to all of us. Tony's path is remarkable, from, from a Presidential Leadership Scholar in 2018 to AmeriCorps alum and JCI, the ten Outstanding Young Americans. He is truly an amazing leader. I hope we'll be lifelong friends, and hope to get to work together in the future. And he has a beautiful wife, Lauren, whom I adore, and also precious Luca and Ava. So it truly has been an honor to serve the

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people of Nebraska with you, Senator Vargas. And finally, not last and certainly not least, darling Senator Wishart: bright, capable, brilliant, great at working across the aisle, cares about women and families and people on the margins. She is a wonderful member of the Appropriations Committee. It has made her engaged and an expert on financial issues and what's going on with the money in our state. She really is an amazing woman and with an incredible mind for money and numbers. So I also really have appreciated getting to know her husband, Joe. He's been wonderful at giving us perspectives on police and other matters from his previous position, and he's, he's an incredible person as well. And, Senator Wishart, I'm grateful to call you my friend, and it has been an honor to serve the people of Nebraska with you. Thank you, Senator Wishart. And thank you to all of you for indulging me on this little adventure to point out to the people of Nebraska the value of each person in this body, the value of our one-house Legislature, our Unicameral. And really, everyone works hard to give back in different ways, and we should always value those strengths in each of us. Thank you, Mr. Lieutenant Governor.

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

FRIESEN: Thank you, Mr. President. I do want to thank Senator Wishart for bringing this bill, because I think it's probably one of the few or one of the only bills that really addresses helping small businesses from the pandemic. Even though we spent billions of dollars this year, this is one of the few bills that actually targets businesses that what we'd call small business owners. I mean, I could have shrunk it smaller yet, but being a small business under 500 employees is still pretty good size. But there are a lot of small businesses across rural Nebraska that either closed down completely and will never return or were severely damaged by the coronavirus and the shutdowns, where we did have limited opportunities for people to go to restaurants. And they really did, in some cases, get hurt the worst of any of the businesses out there. Otherwise, you know, in rural Nebraska, we did keep going pretty well, but I know our restaurant business received a lot of damage over that time period, and a lot of other small businesses did too. And so I will say, with all of the billions of dollars we are spending this year, this is probably one of the bills who I think is-- it's headed in the right direction to the right people. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Any further discussion? I see none. Senator Wayne, you're recognized to close.

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WAYNE: Thank you, Mr. President. Colleagues, this is just for economic redevelopment areas. It does allow for a 25 percent match instead of the current 50 percent match that currently agribusiness already has. So we're just trying to treat, I think, our economically distressed areas the same. With that, I'll ask for a green vote. Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Members, you've heard the debate on AM2817. The question is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 42 ayes, 0 nays on the amendment.

FOLEY: AM2817 has been adopted. Anything further, Mr. Clerk?

CLERK: Nothing further.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB598 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB598 has been advanced. Proceeding to LB927.

CLERK: Senator, I have E&R amendments, first of all.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to 920-- LB927.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

CLERK: Senator Matt Hansen, FA173, a note to withdraw, Senator. Thank you. Mr. President, Senator Linehan would move to amend, AM2778.

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

LINEHAN: Thank you. This is a simple amendment. In the original bill, if you'll recall, this was to extend how much money turnback tax both Ralston and Omaha could use for the convention centers. In an amendment that we looked at on General File, we increased the distance from 600 to 1,200 yards, which I said at the time we would have to

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look at it because I didn't know what it would do to the fiscal note, and it did create a fiscal note. So if you look at your green sheet, on the last page, under revenues, and this is going to be a theme here the next three bills, we had a fiscal note of \$2.9 million in '23-- '22-23, \$3.1 million in '23-24, and \$3.25 million in '24-25. So as the green sheet reads, we're now in the hole. In other words, we have spent more money than we have. The first thing that was up on this is Senator Lowe, a couple bills ago, gave up some money to try and bring this in balance. And this is-- since this wasn't in the original bill and since it puts us in the hole, I'm putting it back to 600 yards from the 12, asking us-- asking you to put it back to \$600 [SIC] so we can balance our books. And I have no problem looking at 1,200 yards next year, but it needs to go through the regular process. Thank you.

FOLEY: Thank you, Senator McKinney [SIC]. Discussion on the amendment? Senator Flood.

FLOOD: Thank you, Mr. President. Members, as you may recall from General File, Senator Pahls asked me to take this bill on his behalf, given his absence here in this legislative body. And he does not agree with this amendment. I do not agree with this amendment. I respectfully disagree with the Revenue Chair and would offer some solutions. Just a correction, this doesn't have anything to do with Ralston. This has to do with the Omaha, what is known as the CHI Center and the Pinnacle Bank Arena. It changes the recapture area for the hotel-only state sales tax capture area from 600 to 1,200 feet, and it essentially would pick up a couple more hotels in Omaha. There's been some development at 16th and Cuming. There's also been some development in Lincoln, specifically a hotel you may be familiar with, the Kindler Hotel, and it would reach to the Cornhusker Hotel. The overriding principle with this amendment and this-- well, I shouldn't say this amendment-- with Senator Terrell McKinney's amendment that was adopted on General File, was to make it possible to put more money into this sales tax turnback fund used by the cities to help ref-- to help fund parking lot improvements, specifically at the CHI Center, building improvements at the CHI Center and also continued tax turnback money for the Pinnacle Bank Arena. These two facilities play an outsized role in our region and our state's entertainment opportunities. Recently, Elton John visited the city of Lincoln, drew in thousands from across the state of Nebraska. I saw for myself at the Cornhusker Hotel that the entire place was full, people celebrating the concert, coming in, spending their money, increasing economic development opportunities on a Sunday night. Senator Linehan correctly points out that the green sheet number will be out of balance. Two things I want to say is that there's a revenue

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Forecasting Board meeting, I believe it's this Friday. Second is that this is the mid-biennium budget, which is, which we don't have the same rules technically in the mid-biennium budget. And I would suggest that if we are really concerned about this, we could delay the implementation of the 600 to 1,200 foot rule by one year. That way, we'd have the opportunity to plan for it in our next mid-- in our next two-year biennial budget-- I guess that's redundant-- our biennial budget coming up next year. At any length, I think we're going to spend some time on talking about this. I do oppose AM2778 and will work with Senator Linehan off the mike to see if delayed implementation of the 600 to 1,200 could work. I was not in the room when this was discussed. This was Senator McKinney's amendment that he put on the bill and put it up there, and I'm simply defending it. Senator Rich Pahls feels very strongly about this and I agree with him. The sales tax turnback is something we've all discussed at length. The Revenue Committee has given this a lot of time. We have done not only this on the CHI Center, the Ralston Arena, and the Pinnacle Bank Arena, but we've also talked about the Youth Sports Facility Development Act. So I think this is going to be a discussion we'll have. I'll hit my light again, look forward to visiting with you after I have the opportunity to visit with some of our colleagues off mike.

FOLEY: Thank you, Senator Flood. Senator Friesen.

FRIESEN: Thank you, Mr. President, and I will support Senator Linehan and her AM2778. I do think it's time to pull back the distances. Again, this whole thing we have worked with for numerous years, trying to bring in more revenue for these entertainment centers, and there comes a point sometime when we're going to have to say no. And I know everybody says, well, this puts in more money into the Community Center Development Fund that small cities and stuff can-- can get to. And what that does really is, yes, it puts more money into that, but it doesn't 100 percent fund anything. It's just going to be a property tax increase down the road unless somebody raises the money to build the other half of these community centers, which again, I'm not saying is a bad thing. But there comes a point in time when you keep stretching this distance out and to where you're almost a mile in diameter trying to catch every revenue source you can get. And we have these entertainment centers now who have-- we helped build them and now we're going to help remodel them. And as soon as we're done with that, then we'll tear that one down and we'll help build a new one. And I think at some point in time, the city can step back and say enough is enough, the state can step back and say enough is enough. If we want to give them more money, maybe we should dedicate the city

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sales tax portion that they collect in those areas, too, and the city can have some buy-in with these facilities and help support them also, because, as someone who travels from out state to come to these entertainment centers, I see the hotels when they jack up the rates, they double their rates for hotel rooms. We spend lots of money in this town, and-- and now we're asking the state to also turn back the sales tax collected to help these facilities. I think there comes a point in time when you say enough is enough. The distance we have is good enough. We don't have to go out to a mile. Next year, they'll just come and ask for two miles. So I support Senator Linehan's amendment and look forward to more discussion on this. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Senator Linehan.

LINEHAN: Thank you, Mr. President. I want to congratulate Senator Flood on doing something which the Speaker has been trying to do all session, and he's got Chairman Stinner and Chairman Linehan on the same page, I do believe. What-- I didn't give him a heads up, but I know he's paying attention, would Senator Stinner yield to a question, please?

FOLEY: Senator Stinner, would you yield, please?

STINNER: Yes, I will.

LINEHAN: So Senator Stinner, did we meet earlier today and decide that we need a skinny-down some things?

STINNER: Yes, we are trying to, to bring the \$313 million of negative in the out-years down to under \$100 million.

LINEHAN: So we agreed-- thank you, Senator Stinner. So another thing Senator Flood said, it has nothing to do with Ralston. The original bill that came to the committee was only about Ralston. I shouldn't say the original bill, but my bill was about Ralston, and I agreed with Senator Pahls to put Senator Pahls's-- or put my bill, the Ralston bill, into the Omaha bill. Where the 1,200-- so understand, Senator Pahls introduced a bill. And what that bill does is to require-- we have agreed, this has passed, I don't want to talk us out of this, that the total amount that they will get in assistance went from-- I'm not sure I'm looking at the right thing-- from \$50 (million) to \$100 million, \$75 (million) to \$150 million. So we have in this bill, we're agreeing the city of Omaha is going to get not just \$75 million in this turnback tax, but we're taking it up to \$100

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million. So this is a big win for Omaha. What I was trying to do here-- and, and that bill didn't have a fiscal note because it's off in the years and it's money we're not getting now. What the 600 to 1,200 does is causes a fiscal note. So as Chairman, when I'm asked by Chairman of Appropriations, you have to skinny-down your ask, I went to those it wasn't in the bill, it wasn't addressed in the hearing, it was an amendment on the floor. So that seemed to me if I have to-- and other people are going to get-- Senator Murman's got a bill coming up that's going to have to be cut back. Senator-- somebody else's bill, I can't remember who, three bills I've had to trim today. Senator Lowe, well, Senator Lowe trimmed his own bill. These are only Revenue bills. So I'm asking you to please support AM2773 [SIC]-- am I reading it right-- and support LB927. I do want to get this done with Senator Pahls. This is Senator Pahls's priority bill. It is what he introduced and I do think we should do it, but I don't think we should spend money we don't have. Thank you.

FOLEY: Thank you, Senator Linehan. Senator Erdman.

ERDMAN: Thank you, Mr. President. I agree with Senator Linehan, I'm gonna support AM2778. And I've been sitting here since the vote on LB773. As some of you may know, I generally have an amendment in my desk to adjourn sine die, but I don't normally put the date on it. I fill it out, I sign it at the bottom and then when I think it's appropriate, I put the date on it. Today, I have filled in the date, April 11. If you look on the board up there, it says April 11. So I'm trying to decide at what point in the discussion do I drop this motion? Just for the sake of conversation, if you feel brave enough to raise your hand, how many would vote for sine die? Both of us, three of us, OK, so we'll decide when that's going to be. I think we've all had enough. I think we've all been here long enough. I think we are all aggravated enough with this session. I never was really enthused about LB927 and the turnback tax, it's a form of TIF, and the government will decide the winners and losers like they normally do. So I will vote for AM2778. It makes a bad bill somewhat better. But I haven't decided if I'm going to vote for LB927 or drop in the motion to sine die. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Flood. Is Senator Flood on the floor?

FLOOD: Thank you, Mr. President, members. I'm going to start with this. This is important to Senator Pahls. This is important to his district. His staff has been communicating with my staff. He can't be here today. He would like this extension. Senator Terrell McKinney

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filed the amendment on General File. And, no, it didn't go through me, and to be honest, I don't think it went through the Chair of the Revenue Committee either. You don't see me very often advocating opposite the Chair of the committee that I sit on, but I can tell you that when it comes to supporting these events centers, these are very important facilities to Omaha and Lincoln. Yes, Ralston is part of the bill, albeit please know that the Ralston Arena is in its own section of law, as it was created by Senator Lathrop, separate from the facilities act that governed both Omaha and Lincoln. I would ask that you vote no on Senator Linehan's amendment. I would be happy to put an amendment in that delayed the implementation of this one year. I want to emphasize that when I took over LB927, a bill that I gave and granted my priority designation to, Senator Pahls was very appreciative of that, and in communication with his office, has communicated how very strongly he feels about this being done for the citizens of the 31st Legislative District. Senator Stinner, would you yield to a question?

FOLEY: Senator Stinner, would you yield, please?

STINNER: Yes, I will.

FLOOD: Senator Stinner, you and I visited off the mike. I might have misspoke, I think I did misspeak when I said the Economic Forecasting Board was meeting Friday. Have you had an opportunity to understand where our receipts are compared to our projections for the month of March 2022?

STINNER: Unofficially, yes.

FLOOD: Would you say that generally, without listing any numbers, do our receipts exceed projections by not less than \$50 million?

STINNER: They are much greater than \$100 million, yes.

FLOOD: OK. Thank you, Senator Stinner. Listen, we're in an environment where Senator Terrell McKinney did this, and do you know where some of the money goes? Do you know why Senator McKinney cares about this? He stated it in his amendments on General File. He cares about this because a portion of the sales tax turnback back dollars go directly back into programs in north and south Omaha. Senator McKinney, Senator Wayne and others have been constant supporters of this program, and in the Revenue Committee last year, we made some significant changes to make sure that when the money goes into north Omaha, when the money goes into south Omaha, that it was going into programs that Senator

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McKinney and District 11 felt very strongly about. What I think is significant here is that we're going to take a vote on whether to go from 600 to 1,200 feet. I'm going to accept whatever the outcome of that vote is. This is not a 33-vote exercise. This is not a filibuster. This isn't even really a roadblock. It's a question. And Senator Pahls feels strongly enough about it--

FOLEY: One minute.

FLOOD: --I feel that backing this off from 1,200 to 600 doesn't sync up with what his goals are this session. And let me tell you, this is his number-one bill that he wanted passed. And where he's at right now and how he's, how he's engaging, this is the number-one thing he wants. When I, when I took over for him on this bill, I promised him that I would help him, and I will tell you he feels that strongly. Vote how you feel this should come out. But I'm telling you, what we're doing here, I believe, is reasonable, what Senator McKinney did here is reasonable, I respect those that disagree, and I look forward to the vote. Thank you, Mr. President.

FOLEY: Thank you, Senator Flood. Senator Jacobson.

JACOBSON: Thank you, Mr. President. I appreciate Senator Flood's comments. And candidly, I'm, I'm listening to what Senator Friesen said earlier, and I tend to agree with his thoughts, and-- and certainly Senator Linehan, that, you know, we spent a lot of money this session. And obviously, when it comes to the ARPA dollars, those are federal dollars that are going to be allocated one time, they're out the door. But when we start looking at allocating dollars and basically taking away some of our sales tax revenues to turn back, I get concerned about how many bites of the apple are we going to do on anything? And so I'm very sympathetic to Senator Linehan, who has that responsibility of chairing the Revenue Committee and making those determinations of what can we afford after all that we've spent thus far. So I would agree that I think that 1,200 feet is too far. Now, if you can work out something that's much less, that gets more within the confines of what we can afford under the current budget rec-- numbers, I could be supportive. But otherwise, I'm in favor of the-- of the base bill, would be opposed to the amendment for the very reasons that Senator Friesen laid out. I would be willing to consider something in between that number that would, that would lower the number, the cost. But I'm going to, I'm going to have to vote with Senator Friesen on this and vote against the amendment and for the base bill. Thank you, Mr. President.

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FOLEY: Thank you, Senator Jacobson. Senator Clements.

CLEMENTS: Thank you, Mr. President. I am in favor of the amendment. If you look on the-- like Senator Linehan said, the back page of the green sheet on LB927 now shows \$2.95 million of lowered revenue and the very bottom number shows a negative \$21.8 million. We're over our budget and we need to remedy that and this would be \$2.9 million. I think the original bill was 600 yards-- I believe that was the request-- would still be in place and this additional distance could possibly be expanded in the future. But for today, I'd like to be more fiscally responsible and keep it the way it originally was. And would Senator Linehan yield to a question?

FOLEY: Senator Linehan, would you yield, please?

LINEHAN: Certainly, yes.

CLEMENTS: On the committee statement, LB818 is mentioned. Is LB818 still part of this bill?

LINEHAN: Yes.

CLEMENTS: All right and I see a sentence that says it strikes existing law that requires the state assistance to be paid within 20 years of issuing the first bond for a facility. What's the purpose of that?

LINEHAN: Well, we extended it further. So now it's, now it's--

CLEMENTS: Is it unlimited now?

LINEHAN: Pardon?

CLEMENTS: Is it unlimited? Is it more-- is it--

LINEHAN: How many years-- I'm looking at staff. Did we go another 20 years on the extension? I think it's another 20 years.

CLEMENTS: Is that--

LINEHAN: So basically, we have doubled the time--

CLEMENTS: Is it measuring--

LINEHAN: --and the money.

CLEMENTS: This was the Ralston bill. Is that right? I'm not sure.

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LINEHAN: LB818 is, yes.

CLEMENTS: LB818?

LINEHAN: Yes.

CLEMENTS: And is the first bond for the facility, are we talking about originally when Ralston was built--

LINEHAN: Yes.

CLEMENTS: --to be the start date?

LINEHAN: Yes.

CLEMENTS: And so that 20 years is almost over. Is that getting close?

LINEHAN: Close.

CLEMENTS: All right. So now I understand. If that would not be extended, then it would effectively shut off their ability to use this-- these funds.

LINEHAN: Right.

CLEMENTS: All right.

LINEHAN: Correct.

CLEMENTS: And the staff, did they give you a number on what the increase was for a number of years?

LINEHAN: Pardon?

CLEMENTS: OK. They're saying it's unlimited. All right. Well, I just wanted to clarify that.

LINEHAN: Well, it's un-- it's-- the amount is not unlimited. It's up to a certain dollar amount.

CLEMENTS: Yes.

LINEHAN: What-- basically what we did is doubled how much they could take--

CLEMENTS: Yeah, it's \$100--

LINEHAN: --both Omaha and Ralston.

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CLEMENTS: --\$100 million maximum.

LINEHAN: Right.

CLEMENTS: And it's an unlimited period of time, but if they hit the \$100 million, then they would be done.

LINEHAN: Done.

CLEMENTS: I see. Thank you, Senator Linehan.

LINEHAN: Thank you.

CLEMENTS: I just wanted to clear, clear that up because it was a question. And I still support AM2778, which isn't going to-- isn't changing anything on the LB818. I just wanted to clarify that. And I just do hope that we do pass AM2778 so we can be fiscally responsible and save \$2.9 million that has been added in from the changes in the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Speaker Hilgers.

HILGERS: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of AM2778. I certainly understand the perspective of Senator Flood and I appreciate the work he's doing, both articulating on the merits, what he believes is the right decision, as well as argue on behalf of Senator Pahls, who couldn't be here today. I understand all that, but just taking a step back, the part-- and I just want to provide a little bit of the logic of what we tried to accomplish. So we have a number of bills. As you know, after the budget passes, any budget-- any bill that will spend dollars has an A bill. We have to hold it on Final Reading until the budget passes. So we are in this process now and if you look in your green sheets, you'll see everything on Select File, everything on Final Reading, and the dollar amount, whether it's a tax cut bill or a spending bill. Now we have more tax cut and spending bills than we really have dollars to spend on the floor. So there's really kind of two strategies you could approach in this kind of a situation. Either you could say, let-- like, let's not have anyone trim at all, in which case we'll just see what the body decides and we'll vote no on some, vote them down or eventually we'll just run out of money and whoever's at the end just might be out of luck; or we could take this approach where we try to trim in various different places, without saying no to any particular bill or any particular person, just on the dollar amount-- of course, the body could always vote no on the merits-- and maximize the opportunity for everyone to try to get some wins on the bills, again,

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if the body agrees on the merits. Now, I don't really prefer the first option because that creates maybe gamesmanship. It creates tactical decisions that might actually have nothing to do with the merits. And does a bill have to go first if it's to maximize its chance to actually get dollars or not? I didn't want to see that kind of an approach on the floor. And so in conversations with Senator Linehan and Senator Stinner, there were a few different places where we could modify bills to make sure that each one at least could stand or fall on the merits. And so this is one of them, as Senator Linehan mentioned in her opening on this amendment. There are others. We've already had one before this. There are going to be some more and, I'm going to tell you, I'm going to vote green on each one of those amendments and I would urge you to do the same. If this amendment falls and LB927 passes on Select to Final, we might be in a position where we're going to have to make some decisions, maybe not based on the merits, but just based on how much money is left. And I would submit to the body that the right way, the right way to do it, or maybe not the right way, the right way that-- or the way that I think-- the way we are taking it, I would encourage the body to, to go with this amendment and the others is to say, look, let's not-- let's avoid gamesmanship on the floor on Final Reading. Let's have each bill rise or fall on the merits and this way, maximizing opportunity for different bills to get to the floor, so-- or get to Final Reading and, and across the finish line. So I'd urge you to vote green on AM2778 and pass along LB927 to Final Reading. And each one of these amendments that you're going to get from Senator Linehan, and some others, I think, the rest of the day, I would urge you to vote green on those as well to maximize the opportunity for these bills to get, to get completed. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senator Linehan, you're recognized for your third opportunity.

LINEHAN: Thank you, Speaker Hilgers. I appreciate that. I do. And so if you'll go back to your green sheets here, I think maybe if I explained it in a bigger picture, so it's the last-- under Select File, E&R, and there are four revenue bills: LB927-- it's the one we're talking about right now-- LB984, LB1150, and LB1261. So what we have decided in consultation with each other today is on LB927, until we put the yard from 600 to 1,200-- there was no fiscal note. This is-- this fiscal note, \$2.9 million, \$3.1 million, \$3.25 million, that was new because of the yards change, so it wasn't in the original bill. So instead of killing the whole bill, which would have been another option that Senator Hilgers just talked about, we're taking that, changing the yard. On the next bill, LB984, which we'll get to

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as soon as we get done with this, there was a \$10 million. Well, it started out at about \$8 (million), then I think it went \$11 (million), then \$10 million bill that was in that. That was my personal bill, my bill. I took it out so we could afford the other bills. And then there's-- on LB1150, there's no revenue. And then on LB1261, Senator Murman and Senator Dorn, Senator Stinner, and myself worked on that this morning. They're making changes in that to bring that down. So everybody's giving here and I am not trying to, like-- I think I'm being fair. The biggest cost out of this whole package came from my bill. So I'd really appreciate your cooperation on fitting these into the budget. So if I could have your green vote on the amendment of this bill and on the next one and the next one-- because that's what we can do with the money we have without killing everybody's stuff-- not very articulate. Thank you, Mr. President.

FOLEY: Thank you, Senator Linehan. Senator Erdman.

ERDMAN: Thank you, Mr. President. You know, I listened to Senator Flood's comments and I just want to make this known to Senator Pahls. We've been praying for Senator Pahls, not sure what his ailment is, but we've been keeping him in our prayers because that's what's important. And Senator Flood said Senator Pahls feels very strongly about this bill. Just a few minutes ago, we voted on LB773 and Senator Brewer felt very strongly about that bill. There are several of us that feel strongly about their bills. But, Senator Flood, just because we don't agree, doesn't make us bad people. We are not reducing, we're not reducing the limit. We're not changing the, the amount. We're not changing that. We're just changing the distance and when they can collect-- where they can collect the taxes from. Senator Linehan hasn't adjusted that. It's the same. It's like it's the end of the world. So what I've done is someone handed me the research on the last time someone put in a sine die motion before the last day, and that happened to be day 57, 2004. And maybe the presiding officer was here that day. Gentleman's name was Senator Friend, and Senator Friend put in a sine die motion and there were three affirmative votes: Senator Friend, Stuthman, and Tyson. And there were 30 nay votes, and one of those had the same last name as I have. And there was another one, his name was Foley, he voted no. Interesting, interesting to see how that shook out, shook out. So it didn't happen then and I would assume that if I do it today, it won't happen either, but I went back and watched the video and there were people running around like their hair was on fire and the Speaker was about ready to pull his hair out. And he asked Senator Friend, do you know what this does? And Patrick is smiling. And Senator Friend said, I know exactly what this does. And he said to Friend, do you intend to take it to a vote? And he said, I

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most certainly do intend to take it to a vote and he had three. I didn't look up the rest of the session, but I suppose they went to the 60th day and then voted sine die, as they normally do. I hadn't talked to Friend or Lieutenant Governor Foley or my son to see what led up to him doing sine die, but it could have been that he feels very similar to the way we all feel here today. There's a point in time when you have come to the end and you say, you know, there's not one bill--

FOLEY: One minute.

ERDMAN: --on this agenda that I'm really-- I really care about. And so whether we go home today or on the 20th makes no difference to me. So I thought that was kind of interesting. If you went back and watched the video, it was kind of funny. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Briese.

BRIESE: Thank, Mr. President. Good afternoon, colleagues. Just want to speak briefly on this. Appreciate Senator Flood's sentiments here, but there has been a suggestion we're doing a disservice to what Senator Pahls would like to accomplish with this. And the amended version of LB927 does a lot of things, but I think it's clear that we really are adhering to what Senator Pahls intended to do here. You look at the green copy, LB927, you look at the statement of intent, Senator Pahls wanted to bring these parking facilities to qualify and he wanted to increase the total amount from \$75 million to \$150 million and we're doing both there. We're qualifying these parking facilities. We're taking the total up to \$150 million under the Convention Center Financing Assistance Act. And I think trying to bring the hotels within this out to 1,200 yards is just a bite of the apple that goes a bit too far, so I'm going to support AM2778. Thank you, Mr. President.

FOLEY: Thank you, Senator Briese. Senator Stinner.

STINNER: Thank you, Mr. President. Members of the Legislature, I just thought I'd weigh in and, and talk about process. And I think Senator Linehan and Hilgers have, have talked about that process, but trying to restore, that's my objective, trying to restore structural balance and fiscal integrity. All the time that I've been in this Legislature, when we did have money, it's trying to fit those fiscal notes into a predetermined target and that predetermined target right now is trying to get it to less than \$100 million shortfall, which, as I roll it forward, then the integrity and structural balance then is reestablished in the next outyears. So I feel pretty comfortable with what we're trying to get done here. I will not speak to the merits of

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any, any one bill here. We tried to sit down and determine the path forward that, that we would ask individual senators to, to modify their, their fiscal notes, and that has been done very successfully. We will get there. And I do support Senator Linehan's amendment on this particular bill, but we're not trying to cause major league problems. And I know people are tied to bills and are passionate about their numbers, but what we're trying to do is predetermined target. Structural balance will be, will be back in, in place certainly as we, we move this forward. You've have got plenty of flexibility within the budget as you move forward as well. So with that, I would ask that you vote for the amendment and certainly for the bill. Thank you.

FOLEY: Thank you, Senator Stinner. Senator Hilkemann.

HILKEMANN: Thank you, Mr. Lieutenant Governor. Wondering if Senator Stinner would take a question or two from me?

FOLEY: Senator Stinner, would you yield, please?

STINNER: Yes, I will.

HILKEMANN: Senator, I wanted-- I just want to understand this because I've been approached that this-- that we can-- so the big issue of doing this is that we're going to protect-- we'll, we'll save more revenue than we give back. Is that what we're, is that what we're saying here, by shortening-- by, by taking this, this down from 600 to-- or, yeah, from 1,200 to 600?

STINNER: You will eliminate \$9 million of lost revenue to the state of Nebraska that will be turned back to the turnback tax. So that \$9 million, if you have a predetermined goal to hit, will have to be replaced by other changes in the green sheets.

HILKEMANN: So the changes-- I, I was looking at that showing the \$3,200-- or \$3.2 million, you're saying it would actually be a \$9 million hit?

STINNER: Yes, and you have to go across the three, the three years because that's-- if you just look at this year, we got plenty of money this year, but that would be ignoring what we've done in terms of some of the tax legislation that grows over the period of time. So what I'm focused on and what I think everybody here should be focused on is that outyear, third-- second year of the outyear that shows \$313 million deficit. And what we're trying to do is take that deficit of \$313 million down to \$100 million so that we can reestablish structural balance as we go on out.

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HILKEMANN: Do you-- when we look at changing that-- well, geographically, in Omaha, if we go east, there's no-- we're up against the river, so we don't have that. Are we, are we looking at that and changing on those revenues? In other words, Ralston, basically, we have the, the, the 600-yard area and that goes all around. There's not, there's not geographical changes that's-- that are in Omaha. Is that being taken in consideration? Are we-- how is this, how is this change being--

STINNER: I--

HILKEMANN: --figured?

STINNER: I can only tell you what the Fiscal Office has put together as a fiscal note. As you went from 600 to 1,200, that created a \$9 million three-year fiscal note. And that is what we're focused on today is the total dollar impact of this legislation as it relates to that second year of your outyears.

HILKEMANN: And-- OK and I didn't take into consideration what facilities are going to be changed. Are, are-- or did they?

STINNER: I, I would presume they, they just looked at going out that extra amount and what sales tax would have to be turned back to this turnback tax--

HILKEMANN: Um-hum.

STINNER: --and would, would end up being short in revenue in the state of Nebraska's General Fund?

HILKEMANN: OK. Thank you, Senator Stinner. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hilkemann. I see no other members wishing to speak. Senator Linehan, you're recognized to close on your amendment.

LINEHAN: Thank you, Mr. President. I think, Senator Hilkemann, some of the confusion here is current law is 600 yards and all this amendment does is keep it at current law and-- but it does help both Lincoln, Omaha, and Ralston ensure that they can keep getting the turnback taxes; Ralston is for parking, Omaha is for parking. So they're not-- nobody's-- I'm not taking yardage away from them. They're keeping all they've got now. So hopefully that makes sense. So with that, I would really appreciate your green vote on AM2778 and on LB927. Thank you very much.

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FLOOD: Call of the house, reverse order, roll call vote.

FOLEY: Thank you. 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.

CLERK: 19 ayes, 5 nays to place the house under call.

FOLEY: The house is under call. All members please return to the Chamber and check in. The house is under call. Senator Morfeld, can you check in, please? Senator McDonnell, please return to the Chamber and check in. Senator Morfeld, check in, please. All unexcused members are now present. The question before the body is the adoption of AM2778. Senator Linehan, as maker of that amendment, has requested a roll call in regular order. Mr. Clerk.

CLERK: Senator Aguilar--

FOLEY: Senator-- this is Senator Linehan's amendment so she has the discretion of determining.

CLERK: --voting no. Senator Albrecht voting yes. Senator Arch voting yes. Senator Blood voting no. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Day voting yes. Senator DeBoer not voting. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting no. Senator Friesen voting yes. Senator Geist voting yes. Senator Gragert voting yes. Senator Halloran voting yes. Senator Ben Hansen. Senator Matt Hansen not voting. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Jacobson voting yes. Senator Kolterman voting yes. Senator Lathrop not voting. Senator Lindstrom voting no. Senator Linehan voting yes. Senator Lowe voting yes. Senator McCollister voting yes. Senator McDonnell not voting. Senator McKinney voting no. Senator Morfeld voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls. Senator Pansing Brooks voting no. Senator Sanders not voting. Senator Slama voting yes. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz voting yes. Senator Wayne voting no. Senator Williams voting yes. Senator Wishart. 30 ayes, 9 nays on the amendment, Mr. President.

FOLEY: AM2778 has been adopted. I raise the call.

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

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FOLEY: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB927 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB927 advances. Next bill is LB1261.

CLERK: LB1261. I have E&Rs, first of all, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB1261.

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

CLERK: Senator Matt Hansen, FA179. I have a note you want to withdraw, Senator. Thanks. Senator Linehan, FA-- or, I'm sorry, AM2829.

FOLEY: Senator Linehan, you're recognized to open on AM2829.

LINEHAN: So this is Senator Dorn's priority bill. I think Senator, Senator Murman's bill, Senator Dorn's priority. And again, because of the fiscal situation, they were going to go, I think, from \$1 million to \$25 million and now it's \$1 million to \$10 million and that's the change here. Again, just like the last bill. They still get their bill. It just won't be quite as robust as it was previously. So I'd appreciate your green vote on AM2829 and on LB1201-- or LB1261. Thank you.

FOLEY: Thank you, Senator Linehan. Any discussion on the amendment? I see none. Senator Linehan, you're recognized to close on the amendment. She waives closing. The question before the body is the adoption of AM2829. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 37 ayes, 1 nay, Mr. President, on the amendment.

FOLEY: AM2829 has been adopted. Anything further, Mr. Clerk?

CLERK: Senator Wayne would move to amend, AM2774.

FOLEY: Senator Wayne.

WAYNE: Thank you, Mr. President. Colleagues, this-- Senator Murman last-- on General File adopted an amendment, basically as a drafting

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error. In, in the incentive or rural projects act and incentive act, it has "location or locations" and that was left out of the urban redevelopment act that we passed. And so there's no fiscal cost, there's no change. We just keeping all the programs consistent; whether rural projects or rural development and urban or incentives altogether, we're just keeping all the wording the same and it was just an error on the part of Bill Drafting and myself for not catching it on Senator Murman's original amendment. But there's no issue, no cost, no fiscal, no impact. Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Any discussion on the amendment? I see none. Senator Wayne, you're recognized to close.

WAYNE: Folks, again, just to verify what happened, so Senator Murman's bill that was adopted with the rural projects had "location." They clarified that to have "locations." That was the original intent. When we copied the urban-- rural projects act and created the urban redevelopment act last year, it was the same issue because we-- I saw Senator Murman change it this year and because the incentive, the Imagine Act has "locations," we're trying to keep all the programs the same with the same language, so there's "location or locations." That's all it does. It's keeping all the programs the same. Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. The question before the body is the adoption of AM2774. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 40 ayes, 0 nays on the adoption of Senator Wayne's amendment.

FOLEY: AM2774 has been adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB1261 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB1261 advances. Next bill is LB984.

CLERK: LB984. I have E&R amendments, first of all, Senator.

FOLEY: Senator McKinney.

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McKINNEY: Mr. President, I move to, to adopt the E&R amendments to LB984.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

CLERK: Senator Linehan would move to amend, AM2830.

FOLEY: Senator Linehan, you're recognized to open on AM2830.

LINEHAN: So following the same theme-- sorry, thank you, Mr. President-- the fiscal bill on this was pushing this over the red mark, so I am asking you to support this amendment to take out what was originally LB1209, which is something we'll have to come back and try and fix next year. It will save-- by taking that part out of the bill, it will save \$9.8 million the first year, \$12 million the next year, and \$12 million, so, total, over \$30 million. So I'd appreciate your green vote on this and then your yes vote on LB984. Thank you.

FOLEY: Than you, Senator Linehan. Any discussion on the amendment? I see none. Excuse me, Senator Bostelman.

BOSTELMAN: Thank you. Would Senator Linehan yield to a question?

FOLEY: Senator Linehan, would you yield, please?

LINEHAN: Certainly.

BOSTELMAN: I apologize, I wasn't following. What is the bill that you're pulling out with this amendment and I what is-- what does that bill do?

LINEHAN: No, I appreciate-- thank you for asking. So if you're a manufacturer and the people that fix your equipment are inside the building, they're on your payroll, you don't have to hire a contractor, they're in the building, you don't have to pay sales tax on the things you buy to fix your equipment. If you don't have those people in your building and you have to go outside and hire a contractor to fix it, they have to pay sales tax. It's something that should be fixed. I will come back and fix it next year, but we don't have the money to fix it this year. So it's a, it's a different-- we treat different-- depending on who's doing the work, we tax it differently and there's-- we stumble over this in the Revenue Committee pretty frequently where there's-- you know, just the way bills were drafted. Sometimes it's because when they originally did

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it, they were part of an incentive package and they didn't care. Now they're not an incentive package, so they're paying taxes they didn't know they ever owed.

BOSTELMAN: So, and if I'm understanding, this is on new construction, new work then, or--

LINEHAN: No, this is--

BOSTELMAN: --or on the--

LINEHAN: If I understand it correctly, it's in a manufacturing plant that's already there, but something breaks or has to be updated, so it's, it's maintenance.

BOSTELMAN: OK, thank you.

LINEHAN: Uh-huh.

FOLEY: Thank you, Senator Bostelman and Senator Linehan. Any further discussion? I see none. Senator Linehan, you're recognized to close. She waives closing. The question before the body is the adoption of AM2830. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 35 ayes, 0 nays on adoption of Senator Linehan's amendment.

FOLEY: AM2830 has been adopted. Anything further, Mr. Clerk?

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

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB984 to E&R for engrossing.

FOLEY: The motion is to advance LB984 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB984 advances. LB984A.

CLERK: I have no amendments to LB984A, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB984A to E&R for engrossing.

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FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB984A advances. Continuing on the agenda, Select File 2022 committee priority bills. LB1150, Mr. Clerk.

CLERK: Senator, I have E&R amendments, first of all.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB1150.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

CLERK: Senator Matt Hansen had an amendment, but I understand he wishes to withdraw, Mr. President. I have nothing further pending on the bill, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB1150 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB1150 advances. Proceeding to LB1150A.

CLERK: No E&Rs. Senator Geist would move to amend, AM2822.

FOLEY: Senator Geist, you're recognized to open on AM2822.

GEIST: Thank you, Mr. President. AM2822 is the same as LB937, which is the other Legislative Performance Audit priority bill for the committee. AM2822 will provide the Legislature with higher quality economic modeling software. This software will allow the Legislative Audit Office to improve performance audits. The Legislative Audit Office and the Legislative Fiscal Office currently contract with a software company called REMI to use their PI+ software for economic modeling. When the Legislature first decided to pursue regular tax incentive evaluations, the decision was made to use a more basic version to explore its usefulness. We have found that for tax incentive audits, the version we have is useful but not sufficient for the kinds of analysis the Legislature expects. This will allow two offices to use REMI's tax PI, which includes the crucial ability to estimate revenue generation caused by new investment and employment. This will allow the Audit Office to provide a cost-versus-benefit analysis of incentive programs, which is required of them in statute,

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as well as improve other metrics like the "but-for" analysis. I urge you to vote green on AM2822.

FOLEY: Thank you, Senator Geist. Discussion on the amendment? Senator McCollister.

McCOLLISTER: Thank you, Mr. President. I strongly support LB1150A. We have used in the past static modeling instead of dynamic modeling and so it's going to help us better judge legislation if we have this, this opportunity, use this advanced and more sophisticated way of, of looking at future revenues. I urge your green vote on the amendment and the underlying bill.

FOLEY: Thank you, Senator McCollister. Senator Erdman.

ERDMAN: Thank you, Mr. President. You know, we, we talk a lot here about having things defined on how we're going to do things before we pass legislation. We passed the Imagine Act and now we're going to write the rules. And we've been functioning ever since that was passed on almost two years ago and now we're going to come back and we're going to write the rules for that. But we had all kinds of pushback last week on the consumption tax because we didn't have the provisions all written out as to how it was going to be implemented. But we can do these tax incentives with no-- without the filing requirements, without all the information that needs to be gathered, but that's OK. It doesn't make any sense, but that's how it works here. So I'm not sure how I'm going to vote on this yet, but it is peculiar that we have a double-standard here in this body. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Friesen.

FRIESEN: Thank you, Mr. President. This will give me the opportunity to talk one more time and vent a little bit about how we do things here. And Senator Erdman is-- maybe is kind of right, but I do support the amendment and I support the bill. But we have a-- you know, when we write bills here, we have a, a fiscal note, and if the fiscal note is in your favor, you're, you're all happy and you use it. If it comes out a little bit too high or it doesn't come out the way you like it, then you're opposed to it and you talk about how dumb it is that we do a fiscal note and nobody trusts it. We've got a-- an Auditing Committee that is supposed to look at whether or not bills that we pass are doing what we intended them to do with the legislation and to look at the-- the fiscal part of it, whether they're doing what we ask them to do. And then when we do that analysis and it shows that what we're doing costs us way more than it's bringing in, in revenue, then

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we discount it and say, well, they don't know what they're doing. So just for everybody that's watching, I will tell you that, in this body, facts really don't matter. We go with our emotions and we go with what sounds good and we, we dole out incentives and money to programs that are shown not to work, but we keep doing the same thing over and over. We don't look at our fiscal analysis. Once in a while, we do-- I, I will say that the Chair of the, the Audit Committee has brought fixes to what the, the Audit Committee shows is a problem. We'll bring a fix for it. But when data shows that the program that we're auditing doesn't really work, that doesn't matter. We can show that fiscally, it's not bringing any more revenue, it's costing us more revenue than it's bringing in, and yet we just keep doing things. And so we can talk about our, our Legislative Audit process here. We can talk about our fiscal notes. But in the end, facts really don't matter. It's how our narrative is driven and how we spin everything and make it work. And in the end, if we have money, we spend it. When we start to run short, we start to cut everybody back like we're doing now. We, we trim back until we get the green sheet back in the black and make everything look good. But those that went by first where we spent lots of money, those got fully funded. And now at the end, we have to trim back because we overdid it. So down the road again, when this body has money in front of it, facts don't matter. Let's get our bills done. Let's send the money out. Let's do programs that are shown not to return our investment and let's keep doing the same things we do over and over. With that, I do support AM2822 and LB1150A. Thank you, Senator Geist, and thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Any further discussion on the amendment? I see none. Senator Geist, you're recognized to close on the amendment.

GEIST: I will make this brief. I just wanted to let the body know this is not a, a last minute, oh, by the way, we need this software. We've been trying to get this software into the budget for the past two to three years, so it's not playing catch-up. It's something that we knew that we needed and we needed to have enhanced. And this year, there was some miscommunication on how it was to be added or not. We-- so anyway, just letting you know this isn't a new idea. This is something we've had for a number of years and just now have the opportunity to have it added. So with that, I'll-- I'd urge a green vote on AM2822 and the underlying bill, LB1150A. Thank you, Mr. President.

FOLEY: Thank you, Senator Geist. You've heard the discussion on AM2822. The question before the body is the adoption of the amendment.

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Those in favor vote aye; those opposed vote nay. Have you all voted?
Record, please.

CLERK: 33 ayes, 1 nay.

FOLEY: AM2822 has been adopted. Anything further on the bill, Mr. Clerk?

CLERK: Nothing further., Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB1150A to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB1150A advances. Proceeding to LB1218, Mr. Clerk.

CLERK: I have E&R amendments, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB1218.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

CLERK: I have nothing further on the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB1218 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB1218 advances. Proceeding to LB1218A.

CLERK: LB1218A, excuse me, no E&Rs. Senator Walz would move to amend, AM2827.

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

WALZ: Thank you, Mr. President. Good afternoon, colleagues. The amendment increases the fiscal note for 2022-2023 by \$108,000 because the Department of Revenue will have additional one-time operating

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expenses to accommodate the Teach for Nebraska Today Act, which is offering student loan reimbursement for teacher-- teachers. This is an important tool to help our educators and help our education workforce and, therefore, I ask you for your green vote on both the amendment and the underlying bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Walz. Any discussion on the amendment? I see none. Senator Walz, you're recognized to close. She waives closing. The question before the body is the adoption of AM2827. Those in favor of vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the Walz amendment.

FOLEY: AM2827 has been adopted.

CLERK: I have nothing further on the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB1218A to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB1218A advances. Proceeding to LB922.

CLERK: LB922. Senator, I have E&R amendments pending.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB922.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted.

CLERK: Senator Cavanaugh, AM2769. You want to withdraw that, Senator? I have nothing further on the bill-- pending on the bill, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move--

FOLEY: Excuse me, Senator.

McKINNEY: --to advance--

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FOLEY: Senator McKinney, excuse me. Senator Matt Hansen has his light on. Senator Hansen.

M. HANSEN: Thank you, Mr. President. I was under the balcony talking with Speaker Hilgers on a potential amendment to this bill when it came up, so I am just stalling long enough that he can get the amendment filed and address it. Let me just tell the body that I am in support of the amendment. It's a technical change to my provision of LB922, which was my bill, LB-- I believe LB870 dealing with the state claims bill and the state claims process. And with that, I believe it's been filed up front, so I will stop talking and urge your support of the coming amendment. Thank you, Mr. President.

FOLEY: We'll stand at ease for a moment.

[AT EASE]

FOLEY: Discussion on AM2834, please. Speaker Hilgers.

HILGERS: Thank you, Mr. President. Good afternoon, colleagues. Thank you to Senator Matt Hansen for two reasons; one is accommodating this particular technical change in this amendment and secondly, for quickly flagging down the President before we actually did the-- the motion to advance to Final Reading. So thank you, Senator Matt Hansen. This is an amendment to the bill that was amended into LB922 on General File, which deals with who pays for attorney's fees when the Attorney General is conflicted out. Within that subset and talking to the Attorney General's Office, there's one subset of those scenarios in which the Attorney General may have given advice to a particular agency, as an example, and that agency ignored the advice, and then there's a direct conflict because of that scenario, and that scenario, we wanted to exclude that from the overall payment of fees under this particular provision. So I spoke with Senator Matt Hansen about it. I believe he indicated already he's not opposed to it and I ask for your green light on AM2834. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Any further discussion on the amendment? I see none. Speaker Hilgers waives closing. The question before the body is the adoption of AM2834. Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: 38 ayes, 0 nays on the adoption of the amendment.

FOLEY: AM2834 has been adopted. Is there anything further on the bill?

CLERK: I have nothing further.

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FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB922 to E&R for engrossing.

FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB922 advances. Proceeding to LB922A.

CLERK: I have no amendments to that bill, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB922A to E&R for engrossing.

FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB922A advances. Further on the agenda, Select File 2022 Speaker priority bills, LB896, Mr. Clerk.

CLERK: LB896. Senator, I have E&R amendments first of all.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB896.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted.

CLERK: Senator Lathrop would move to amend, AM2502.

FOLEY: Senator Lathrop, you're recognized to open on AM2502.

LATHROP: Thank you, Mr. President. Colleagues, AM2502 makes two small changes to LB896. To refresh your memory, LB896 provides the Department of Correctional Services-- provides that they must do a detailed evaluation on the programs provided by the department, including clinical programs as well as nonclinical and structured programs. This is accomplished by the department contracting with an academic institution to conduct the evaluations. The first portion of AM2502 would add language to specify that the evaluations are done by an academic institution that's located in Nebraska. The second change would establish a time frame to complete the evaluations for nonclinical and structured program. The bill currently stands-- as the bill currently stands, it provides that clinical programming is evaluated on a three-year cycle, but is not specific as to nonclinical and structured program. AM2502 will replace the phrase "on a regular

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basis" with "at least once every eight years" for nonclinical and structured programming. In addition to providing direction to the department, which is the point of the, of the amendment, it will also reduce the fiscal note and the A bill, which will follow. I would encourage your support of AM2502. Thank you.

FOLEY: Thank you, Senator Lathrop. Any discussion on the amendment? I see none. Senator Lathrop waives closing. The question before the body is the adoption of AM2502. Those in favor vote aye. Those opposed vote nay. Have you all voted? Record, please.

CLERK: 30 ayes, 0 nays on the adoption of the amendment.

FOLEY: AM2502 has been adopted. Anything further on the bill?

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

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB896 to E&R for engrossing.

FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB896 advances. Proceeding to LB896A.

CLERK: No E&Rs. Senator Lathrop, AM2789.

FOLEY: Senator Lathrop, you're recognized to open AM2789.

LATHROP: Thank you, Mr. President. Colleagues, again, this is the A bill to the bill we just amended. The amendment to this A bill, actually, pardon me, reduces the fiscal note. I would encourage your support of the, of the amendment and the underlying bill. Thank you.

FOLEY: Thank you, Senator Lathrop. Any discussion on the amendment? I see none. Senator Lathrop waives closing. The question before the body is the adoption of AM2789. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 30 ayes, 0 nays on adoption of the amendment, Mr. President.

FOLEY: AM2789 has been adopted. Anything further on the bill?

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

FOLEY: Senator McKinney.

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McKINNEY: Mr. President, I move to advance LB896A to E&R for engrossing.

FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB896A advances. Proceeding to LB1130.

CLERK: Senator, I have E&R amendments to LB1130.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB1130.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted.

CLERK: I have nothing further on that bill, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move to advance LB1130 to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB1130 is-- has been advanced. Proceeding to LB1130A.

CLERK: Mr. President, no E&Rs. Senator Morfeld would move to indefinitely postpone LB1130A.

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

MORFELD: Thank you, Mr. President. Colleagues, this is your opportunity to kill one of my bills. LB1130A is no longer necessary because we significantly trimmed down LB1130 and we just received confirmation from the Fiscal Office that there is no fiscal impact. So the Clerk's Office said this is the best way for legislative record to be able to note this and kill the A bill. So I urge your red vote on LB1130A. Thank you. I urge your green vote on the motion to kill LB1130A.

FOLEY: Thank you, Senator Morfeld. Any discussion on the motion? Senator Morfeld, you're recognized to close on your motion. Senator?

MORFELD: I'll waive closing. Thank you.

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FOLEY: Motion is to adopt Senator Morfeld's motion to kill-- IPP LB1130A. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 36 ayes, 0 nays to indefinitely postpone LB1130A.

FOLEY: LB1130A has been IPPed. Proceeding to LB729.

CLERK: LB729, no E&Rs. I have no amendments to the bill, Senator. Hang-- just a minute, Mr. President. I do. Mr. President--

FOLEY: We'll stand at ease for a moment.

[AT EASE]

FOLEY: Mr. Clerk.

CLERK: Mr. President, Senator Erdman would move to bracket LB729 until April 20.

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

ERDMAN: Thank you, Mr. Speaker. I appreciate-- thank you, Mr. President. I appreciate that. LB729 is a bill that I, I believe needs to go away. And we're moving quite quickly through the agenda today, far too fast for my liking if-- as that-- if that is said. But LB729 is a slush fund that is to be set up for the next Governor. And I don't care who the Governor is. I don't care who is elected. This is inappropriate funding. And we talked about Oklahoma has done this; other states have done this. This is a slick way to payback political favors if you become Governor. I don't know what we were thinking last time when we voted on this. Obviously we weren't all thinking about it. The only, the only thing that we have control over is how many dollars we put in there and once that is done, we have no control at all. So LB729 creates the Quick Action Closing Fund Act. Here's what the committee statement says: the act would allow the Governor to expend funds for the purpose of economic development and related infrastructure development if the expenditure of such funds would likely be a determining factor in locating a high-impact business project or facility in the state or in retaining such project or facility in the state. Now you tell me if that isn't a slush fund. Explain to me what it is. We have the Imagine Act that these businesses can apply for and it goes on to talk about that. It has to be-- those businesses that apply for this have to qualify under the Imagine Act and it is going to be administered by the Department of Economic Development. Let me tell you why we do things like this. It's

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because our taxes are too high. So we need to speed up the process. Instead of having them go through all of the filings and the things that have to do with the ImagiNE Act, they just go to the Governor and they say, Governor, whatever the amount is you have in there, we are going to create this many jobs, it's going to be a new business, and if you don't give us the money, we're going to leave the state. We've tried this. We've tried this with other businesses, ConAgra and others, and it generally doesn't work. It's because we can't incentivize a business to stay in a state that has the broken tax system that we currently function under, but we're going to give it a try. So if you voted for LB729, please put your light on and stand up and tell me where I missed this. This is-- that's exactly what it is. It's a slush fund for the Governor to do whatever he wants without the approval of the Legislature once we put the money in there. The Governor approves the expenditure of funds and an agreement must be signed and-- to the designate-- to designate the amount of the funds, where the funds will be distributed, performance conditions and receive the funds, validation of such performance and provisions for the recapture. So we're going to put this all in there. If any of these funds are to be used for capital improvements, then the funds are to-- are deemed to be held in in trust for the state and if a capital improvement is sold, the business must either repay the money awarded with interest or share the proportionate amount of any profit with the state. Good luck. Good luck getting that done. This is a very, very peculiar bill. And I don't know if any of the other Governor candidates besides Senator Lindstrom feel the same way I do, but we should all be concerned about this. We should all be concerned about this, but obviously, we had enough votes to advance from General to Select. I never dreamt-- I never-- when I seen this, I thought there is no chance that this idea will get enough votes to advance, but this session has surprised me on many other areas that we've done. And we earlier had talked about-- somebody had said something about we're trying to get more funding to north Omaha. Let me tell you, we made a significant contribution to Omaha, significant, exorbitant amount. Senator Wayne and Senator McKinney have accomplished something no one else has ever been able to accomplish, the kind of funding that they secured for their districts. So I don't believe we need to have the opportunity for the Governor to pay back his friends for political favors or whatever it may look like. It will be really difficult, difficult for a Governor to differentiate and explain why I give that funding to that business at that time. So we can make this a very short discussion or we can make this a long discussion. That will be up to you. Thank you.

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HUGHES: Thank you, Senator Erdman. Debate is now open on MO233, the bracket motion. Senator Flood, you're recognized.

FLOOD: Thank you, Mr. President. Members, Senator Erdman and I are on the same page here. I voted against this bill in the Revenue Committee. I voted against it on General File. One of the things I want to remind everybody here is we fought a war-- our ancestors fought a war to get away from the king. We fought a war to get away from somebody that gets to make all the decisions and the framers of our Constitution-- and read The Federalist Papers-- Federalist 51, three branches of government. Article I, U.S. Constitution, the legislative branch is the closest to the people. The executive branch carries out the laws that the people want and the Supreme Court decides the disputes. We are short-circuiting that system by handing money to the king and saying, hand this out along your way to the corporations that want it. You can add private dollars so now that you can-- you can have an even bigger pot of money. If you want money to go to a corporation to keep them in the state, introduce a bill, have a hearing, let the appropriators look at it, and then the full Legislature. I know what Senator Brett Lindstrom is doing here and I understand it and I, I actually think every single motive he has is good, it's pure, it's intended for all the right reasons. He wants to do this for the right reasons. He wants to see Nebraska be aggressive. He wants to see jobs created. I want all those things too. But think for a second. In the last two and a half years, what has undermined confidence in government more than anything else? The executive branch making decisions by fiat. What do people get the most mad about? A President declaring a vaccine mandate. Bureaucrats in agencies making the rules that we lived under because the legislative branch has abdicated its authority. It really bothers me when I sit through drug court and I see judges, who I know are doing it for the right reason, but they wield the power of being send-- of sending someone to jail on a post-conviction plea or a preconviction plea to participate in the drug court and they say, if you don't do this this week, I'm going to put you in jail for three days. Does it help the drug addict? Yes. Does it water down our system of government? Yes, yes, yes. The system of government is supposed to be cumbersome. It's supposed to be difficult. It is designed to be in conflict with itself: the people represented by the legislative branch, the executive branch with a sole occupant, and then the judicial branch over here resolving disputes. In this case, we have a situation where we hand over the money before we know exactly where it's going and we give it to the executive branch. That is not how it's supposed to work. I'm in a unique position because I want all the things that Senator Brett

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Lindstrom wants, but I also know that if I was sitting on the Appropriations Committee and I saw this bill, I would say, what am I for? As an individual member of the Legislature, I'd say, what about my role? And we can keep handing things over to the executive branch. We can let them make all the decisions when we're out of Legislature-- legislative session. And over time, what we do becomes less and less and less and less important.

HUGHES: One minute.

FLOOD: Some people say, well, how about the Chair of this committee can do that or the Chair of that committee or the Speaker of the Legislature? No. That waters down the 1/49th authority that we have now. So while this is innocuous on so many levels, I don't agree with the policy here. I think it waters down the separation of powers, I think it diminishes the authority of the Legislature, and I think it's a step-- a, a tiny step backward for the long-term health of our system of government. And for that reason, I voted no in committee, I voted no on General File, I'm going to vote no on Select File, and if it makes it to Final Reading, I will vote no. And if our freedom-loving Governor decides to veto it, I will uphold and sustain the veto. Thank you, Mr. President.

HUGHES: Thank you, Senator Flood. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you, Mr. President. So I am-- I have received a number of different emails from constituents on this and I, I now have some questions. I did vote yes and I wanted to ask some questions because I'm, I'm listening to my constituents and I, I do have some questions for Senator Stinner on this because I've talked to him off the mike, so if Senator Stinner would yield?

HUGHES: Senator Stinner, will you yield?

STINNER: Yes, I will.

PANSING BROOKS: Thank you, Senator Stinner. So you voted no on this and I've talked about it to you. Of course, the fact that the, the Omaha Chamber came in in favor of it and-- it, it made-- it gave me pause because the initial arguments that I had-- that I was given was that this helps to bring in businesses in the interim, which sounds like a good idea. But when I talked with you, you said we already have-- the Governor already has the power to give incentives to businesses in the interim. And could you explain that a little bit?

STINNER: There, there are a lot of levers that the Governor has at their-- at his disposal from DED side. And I, I agree 100 percent with what Senator Flood said. It's our job to appropriate funds and I think when you open up discretionary funds, it really puts the Governor at risk. I mean, you acquire a whole lot of friends when you're, when you're running for public office, especially Governor. And there is always that issue of, OK, I gave this person \$1 million or \$2 million to attract or retain. Now he has to prove to, to the world that everything was above board and it actually worked that way. That's a little bit of what I'm, I'm thinking of, but the other side of it is if everything worked perfect like the chamber would like it to do, then there wouldn't be any problem. But over a long period of time, these discretionary funds many times are used in-- I would say, at least-- I wouldn't say inappropriately, but at least in a situation that, that would draw a lot of skepticism and it's our job to appropriate the funds.

PANSING BROOKS: So can you give me-- we talked off the mike about some of the other places that these funds are available in the interim, so--

STINNER: Yeah, you got site and-- the site and building fund that obviously can, can be worked out, and certainly contracts can be worked out to use some of the ImagiNE Nebraska Act for, for incentives for a job. So you could put together a, a pretty good package just using some of the existing legislation, and then obviously come back to the Legislature for any, any additional benefits that may, may have to, have to be added to a package.

PANSING BROOKS: And the, and the Department of Economic Development also has money available for this?

STINNER: It would be up to the Legislature to, to look at the merits of the program. And obviously, if it was something that the 49 of us would agree to, then that-- then the money could then be appropriated.

PANSING BROOKS: So if this kind of, of plan went forward, it would allow the Governor to-- whoever the Governor is to be able to put-- give out funding in ways which we are not directing as the Legislature, right?

STINNER: We, we would not be directing it. We could probably put some parameters around it for what they could use it for, but it would still be discretionary funds and that is not something that I, I feel comfortable doing.

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PANSING BROOKS: Yes. OK, thank you, Senator Stinner. So I, I feel that it's really important for the Legislature to be in charge of the purse strings and I am going to vote against LB729. Thank you, Mr. President.

HUGHES: Thank you, Senator Pansing Brooks and Senator Stinner. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. And I'm going to stand up and agree with Senator Flood, Senator Patty Pansing Brooks. You know, we're going to be told that there's no money in this. We're just going to put the framework in place so that down the road, a body can start to put funds in it. I've seen how this place works. We're going to create this framework and sooner or later, there's going to be some money left over somewhere and we're going to start to hide money in there, pile it in there, and pretty soon we'll have \$5 million, \$10 million, \$15 million in that fund. And we're told it's a quick reaction for us kind of to be able to react quickly, but until we put money into there, it is not a quick reaction. It is still waiting for the Legislature to appropriate money. So until we put money in there, which then turns it into a slush fund, it is not a quick-reaction pot of money. Again, I think separate branches of government need to be in place. I don't believe Senator Lindstrom is trying anything funny here. I think he's seen a program that he thinks works. I'm not saying that he is trying to do anything at all. I am like Senator Flood. I just don't think that this is appropriate and I know how this works down the road and anybody can take this money and whoever the Governor is down the road, suddenly it could either be paying off some political favors or buying some. And I just don't think that the Governor's Office, no matter who it would be, should even be put into the position of doing that. There should be some sort of process that this has to go through and I, for one, will not be voting for LB729. I do support the motion to bracket. Thank you, Mr. President.

HUGHES: Thank you, Senator Friesen. Senator Lindstrom, you're recognized.

LINDSTROM: Thank you, Mr. President. I rise in opposition to the motion to bracket, but I do, I do appreciate the conversation today and I, I get the philosophical differences here. You know, when I look at what we have as a state-- and I think Senator Edman's spot on. He said our tax system is broken. Well, that's why this bill exists. The reason why LB775, Advantage Act, Imagine Nebraska Act exists is because of the broken tax structure. This isn't something that is just a bill or an idea that states are doing. This is again trying to--

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tying into how Nebraska can be competitive. This bill, as written, was taken-- a lot of the language was taken from Oklahoma. There are a lot of states that have a quick-action closing fund: Florida, Texas, Arkansas, North Carolina, Iowa, and others. And in the previous debate on General File, I did hand out a sheet that talked about the closing awards that happened in Oklahoma in particular and the return on investment was very strong. Whomever the Governor is, I think that this is a-- an idea, again, still putting the hands in the-- or the power in the hands of the Legislature to appropriate the dollars. This does not carve off any money at this stage to go into a fund. This just sets up the framework, the concept. The, the Legislature would still have the ability to appropriate those dollars and say yes or no. So it's not changing any of that. And in fact, I would be OK with that original amendment that we had on General File, but the fact of the matter is, it wasn't constitutional and that was the reason that we pulled it is because the constitutionality of, of that particular amendment with the consultation of the Appropriations Chair, Revenue Committee, Speaker to make those decisions. But the fact still remains that Nebraska has to be looking at different ways to retain, recruit talent, retain and recruit business. And as I see it, when we think about the companies that can move here-- and I often talk to the dairy association. There are production facilities that have the chance to move here from Wisconsin and California. We have other businesses that could move here. And when, when companies start to stack up different states, they're going to look at workforce, they're going to look at the tax code, they're going to look at the incentive packages. And sometimes that gets down to the carve-- with a fine-tooth comb to say, OK, where are we going to make our decision? Are we going to say Nebraska or Iowa and what state has the ability to come in and close that deal, especially if the Legislature is out of session? It's-- let's call it September, October, November, when deals have to be made, when closing that deal to come to Nebraska is important. That's what the intent of this bill is. It's not to circumvent the authority of the Legislature. It's not to do what Senator Erdman describes as some slush fund or some political favor. This is about closing business and having the flexibility to do so, nothing more, nothing less. Over time-- if we can continue, obviously we've done major steps on tax reform here this year and we're going to continue to do that, but over time, if, if we can't make those steps necessary to close the deals, if we can't have other advantages within our Imagine Nebraska Act, this is just one extra tool for, in this case, the Governor to close that deal. And as it stands now, there is no money appropriated to this. Whomever is in that role next year, they could choose to come in and ask the Legislature for money. They can choose not to. That is

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up to-- that's for them to decide and it's up to the Legislature to decide whether or not they want to engage in this. When this bill came to the Revenue Committee and it got kicked to the floor, frankly, I didn't think this thing was going to be as controversial as it is right now-- what people are talking about.

HUGHES: One minute.

LINDSTROM: I get the philosophical discussion that we can have on separation of powers. This is just simply looking at the nature of the competitive situation that we're in from a regional standpoint, from a national-- other states that are doing these things and other states that are succeeding in utilizing a quick-action response fund and the return on investment to do so. And again, the handout speaks for itself, just in one state alone. So I appreciate the conversation. I encourage the Legislature to vote no on the motion and move the bill on, on a voice vote. I'll be happy to answer any questions as we move forward through this debate. Thank you, Mr. President.

HUGHES: Thank you, Senator Lindstrom. Senator Williams, you're recognized.

WILLIAMS: Thank you, Mr. President and good, good afternoon, colleagues. First of all, I want to clear the air that any criticism of Senator Lindstrom on this bill because he happens to be running for a different office, I think, is, is clearly out of place. He was working on this earlier and I think that's something that we shouldn't do. Second of all, I want to make it clear that in-- well, first of all, I, I've been very fortunate to work in this area for most of my career, working with the Department of Economic Development, working with the executive branch on recruitment efforts that we've had not just locally but across the state. So I've had an opportunity to see how this works and, and why it works. And I would tell you, we don't have incentives because our taxes are too high. We have incentives because we are competing against lots of very aggressive competitors out there, some of which have better tax situations, some of which have mountains, some of which have oceans, many of which have technology beyond what we have to offer in our state. And for us to continue to be successful for the future, we have to find ways to make the incentives that we can offer count and make it happen at the highest level. And we've seen that work, but I've also seen cases where we were just a little bit short, where if the Governor, in the case, had the opportunity to do something slightly different to make this little thing work, we could. We could do that. You know, companies looking at our state look at a lot of factors. They look at

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workforce, they look at the locations and transportation, whether there's rail, whether there's highways, they look at the local infrastructure, and they also look a great deal at local leadership. And I know there have been recruitment efforts that have been won and lost over the local leadership in a community and even broader in a state. I think LB729 sends a clear message to those businesses and industries that are looking at our state that we are open for business, that we are willing to think outside the box and do those kind of things that would be necessary to land them in our state and trust them with the future. So I stand in opposition, of course, to the bracket motion and support to the, the underlying bill. And I, I don't like the term "slush fund." I don't think that is what this is at all. This is an additional tool in the toolbox for our executive branch to use. Thank you, Mr. President.

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

McCOLLISTER: Thank you, Mr. President. Would Senator Lindstrom yield?

HUGHES: Senator Lindstrom, will you yield?

LINDSTROM: Yes.

McCOLLISTER: Senator Lindstrom, we talked off the mike about how this bill actually works. Is the money that's allocated in this bill come from the DED or is it a separate allocation or is it no allocation at all?

LINDSTROM: Well, there would be an allocation by the Legislature to the Quick Action Closing Fund. The-- if a project comes before the Department of Economic Development, the ability for the Governor to use the fund, it would have to meet the criteria that the Department of Economic Development would do an assessment and analysis of if it meets, meets within the ImagiNE Nebraska Act. Once it meets that criteria, then the Governor would have the ability to utilize those funds as he or she saw fit.

McCOLLISTER: Thank you. Is there an appropriation in this year's budget for the-- for this purpose?

LINDSTROM: There is not. This is just sets up the framework and the fund. The Legislature moving forward at some-- you know, next year, two years, three, ten years down the line, they could make the decision. If the Governor, future Governor comes in and asks for that

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appropriation, they ultimately could say yes or no and on the amount as well.

McCOLLISTER: So you could almost call it standby legislation, is that correct?

LINDSTROM: I would-- I-- you could call it that, yes.

McCOLLISTER: Thank you, Senator Lindstrom. Thank you, Mr. President.

HUGHES: Thank you, Senator Coll-- McCollister and Senator Lindstrom. Senator Linehan, you're recognized.

LINEHAN: Thank you, Mr. President. I stand against the motion to bracket this and in full support of Senator Lindstrom's LB729. So we have Imagine Nebraska. First, we had LB775, then we had Advantage Act, and we have Imagine Nebraska. And who wins in those things? And this is nothing against lawyers or tax accountants, but the companies that are big enough to hire the lawyers and tax accountants that can figure it out. We have a situation in Omaha where we're having a company move from midtown to downtown. It's going to get TIFed. It's going to get Imagine Act and it's going to get-- and it's a-- it doesn't pay income taxes. For us to sit here and say, like, the system's not broken, I would much rather have the Governor have a fund that we may or may not-- the Legislature may or may not put money in and use some common sense on each individual case than writing huge bills that get used or not used. I can't-- I don't-- if we, if we didn't have the Imagine Act, I could understand why there would be some consternation about this. But it's hundreds of millions of dollars. And I have said many times and I'll say it again, I don't like incentive packages. I don't like those big packages. I'd rather have a low rate. But even if we have a low rate, you're going to have situations where you've got an opportunity. And what if the Legislature isn't here? And as far as not trusting whomever the Governor might be, it's not like it won't be public. The Governor, whoever he or she may be, can't like spend money over here and not tell anybody. It would be public. It would be reported in the press. The Legislature could take action if it was abused. I just-- it seems to me that if we're-- the whole state is going to elect a new Governor and we're going to trust them-- and this is something to help them to help us grow. So again, I'm against the motion to bracket it and in full support of Senator Lindstrom's bill. Thank you.

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

ERDMAN: Thank you, Mr. President. I've been here six years and I have to this day never heard anyone stand up and say our taxes weren't too high. You heard Senator Williams say that our taxes aren't too high. Our taxes are too high. That's why we do these incentives because we can't compete with Iowa, Kansas, South Dakota, Wyoming, nearly anybody. Our taxes are too high and to stand up on the floor of the Legislature and say our taxes aren't too, aren't too high, those of you out there listening today remember that. Senator Williams said our taxes aren't too high. When you go to pay your taxes, just remember they're not too high. What was that? Well, we don't have mountains, we don't have beaches. Well, I got bad news for you. Nebraska is not for everybody, right? Remember that. Nebraska is not for everybody. And Senator Linehan says if we put money in this slush fund and the Governor spends it irrationally or foolishly or on a favor, we can take action. What kind of action are we going to take? Say, man, that was bad, you shouldn't have done that. What do you do? I mean, how do you pull that money back once it's been allocated to the Governor and then he then gives it to whomever? What requirements are in this bill to say, oh, hey, wait a minute, you've got to give us our money back because you didn't act according to what we wanted you to do. Think about that. The only control you have over this is the money you put in there. Once it's in there, the control is gone. The control is gone. It doesn't make any sense if we can stand up here on the floor and say, we're going to take action to fix that. Take what kind of action? Well, we're not going to give you any more next time. Oh, OK, so how do you get that back, what you're going to get-- what you gave away? We can't. We have the ImagiNE act, which they can apply for, and if they qualify, they can get the money. That's how it works. That's why we had LB775. That's why we had the Nebraska Advantage Act. And now "I can imagine how high your taxes are going to be now act," because that's what that is, because when you give tax incentives to somebody, when you give tax incentives to businesses, someone else has to pay more. Someone pays more. Remember, no government has ever given anybody anything that they didn't first take from somebody else. I was amazed that we got 27 votes on LB729 the last time. And as I said earlier, we can do this the easy way, vote for the bracket motion, kill the bill, we'll move on, and we'll get out of here before 11:59. This is very strange that we're even having this discussion at this point. I really expected that Senator Lindstrom would stand up and say, OK, just for the sake of moving things along, I withdraw my bill, but that didn't happen. And so I looked at the list of those who voted yes. It's a very thin margin. There was 27. So we can do this the easy way, like we did with Senator Morfeld's bill a few minutes ago--

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HUGHES: One minute.

ERDMAN: --and vote for the bracket motion, or we can continue the discussion longer and waste more time. And maybe this would be a good time for five minutes of silence the next time I stand up. Do the right thing. Keep the separation of powers and don't make or set up an agency or a, or a opportunity down the road to put money in there, because what we're saying is we're just, we're just setting this up. Don't worry about it. We're just setting this up. There's no money. There's no appropriations, just setting it up. I've heard that hundreds of times and every time I've heard that, the next year when the budget comes, we make an appropriation, and that's what will happen again. Thank you.

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

WILLIAMS: Thank you, Mr. President, and, and good afternoon. And again, I want to set the record straight, Senator Erdman. I did not say that our taxes are not too high. That is not what I said. What I said is we don't have incentives because our taxes are too high. There is a complete distinction between those. And if you look at my voting record, I have voted for every tax reduction bill that we have had before us and will continue to do that. But the states that we compete against, regardless of their tax structure, whether that's Texas with no state income tax, whether that is Utah, whether that is North Carolina, their tax structure is important, but we are compared by the incentives that we offer. And that's why I still believe this is an incentive that makes sense and one that we should consider. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. A year ago, Art Laffer had come to Nebraska and he was in my office most of the morning on that Friday and we had a discussion about taxation. We had a discussion about incentives and we talked about that, about how other state, how other states compete with each other. And he said, what happens with incentives, it's a race to the bottom, it's a race to see which state can outdo the other state, and those businesses play each one of those states against each other. No matter whether their tax system is better than ours or not, they're going to get all that they can get, and I don't blame them. That's what they should do. But we continue to talk about tax incentives, we talk about all those things we have to

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do to incentivize businesses to come here, to stay here, for young people when they graduate from college not to leave here, from older people like myself when they get to a fixed income, they have to make a decision whether to stay here, move to a state that doesn't have income tax and their property tax is significantly less. And so that's why we have all of those incentives: TIF, Imagine Act, the Advantage Act, LB775 before that, and there'll be another one after the Imagine Act until we fix our broken tax system. But we're not willing to do that, and Senator Williams has voted for every tax reduction or every property tax or tax reduction there is and all of those, all of those reductions that we made haven't moved us even to the middle. We still remain a high tax state. We have inheritance tax. Only six states have that. We can't give that up. So we have a situation where those who spend the tax dollars, they go shopping and they send you the bill and that's why we have incentives. So vote for the bracket motion and we can move on to the rest of the agenda. Thank you.

HUGHES: Thank you, Senator Erdman. Seeing no one else in the queue, you're welcome to close on your bracket motion. Senator Erdman waives closing. Colleagues, the question before us is the adoption of the bracket motion. All those in favor of vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays to place the house under call.

HUGHES: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Bostar, Day, and Friesen, the house is under call. All senators now present, colleagues, the vote before us is the adoption of the bracket motion. All the-- there's been a request for a roll call vote in regular order. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Blood voting yes. Senator Bostar voting no. Senator Bostelman. Senator Brandt voting no. Senator Brewer. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Day voting yes. Senator DeBoer voting no. Senator Dorn voting no. Senator Erdman voting yes. Senator Flood voting yes. Senator Friesen voting yes. Senator Geist voting no. Senator Gragert voting yes. Senator Halloran voting yes. Senator Ben Hansen not voting. Senator Matt Hansen voting

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yes. Senator Hilgers voting no. Senator Hilkemann voting no. Senator Hughes voting yes. Senator Hunt voting yes. Senator Jacobson voting no. Senator Kolterman voting no. Senator Lathrop voting yes. Senator Lindstrom voting no. Senator Linehan voting no. Senator Lowe. Senator McCollister voting yes. Senator McCollister voting no. Senator McDonnell. Senator McKinney voting no. Senator Morfeld voting yes. Senator Moser voting no. Senator Murman voting yes. Senator Pahls. Senator Pansing Brooks voting yes. Senator Sanders voting no. Senator Slama voting yes. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz voting no. Senator Wayne voting no. Senator Williams voting no. Senator Wishart voting no. 19 ayes, 24 nays on the bracket motion.

HUGHES: The bracket motion is not adopted. Returning to debate on LB729. Seeing no one in the queue-- Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I just want to briefly rise-- I, I think we might actually have a longer conversation about this bill-- and speak a bit as to why I'm opposed. So I share a lot of Senator Erdman's concerns about this bill. And honestly, when I picture this bill, it seems to me to be the Monopoly man running around with a bag of money. That's basically what we're doing with LB729 and I'm not going to vote to give the Governor a slush fund, or whoever the next Governor is, a slush fund when we can't even get a bill on gun rights across the finish line. I'm just not going to do that on the same day. And if Senator Erdman has any other thoughts for the good of the cause, I'd like to yield the remainder of my time to him.

HUGHES: Senator Erdman, 4:12. And, colleagues, I do raise the call.

ERDMAN: Thank you. Thank you, Senator Slama. I appreciate that. You're, you're exactly right, Senator Slama. As we move forward with this, and as I've said earlier, we'll create this fund or this opportunity to put funds in there, and it's-- I couldn't think of a better description than a Monopoly man with a bag of money. And you know, when we were in Appropriations this year, we had requests of \$4.3 billion for \$1,040,000,000 worth of, of ARPA money. That is a peculiar position to be in. We had a lot of friends. We have a lot of friends. A lot of people spoke to us about their project, their bill. Their bill is very important. I can't imagine if I were a Governor and I had the authority to distribute that money wherever I wanted, whatever I thought was appropriate, with no, no ramifications from it, whatever I did with it. As long as it met the criteria that I could figure out the ImagiNE Act has, I could give that money to whomever I wanted. It's a great idea if you're the Governor. And so I appreciate

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that, so we'll give you another chance. When we vote on this bill, vote no, vote no to advance this. It'll make everyone's life a lot easier going forward. Thank you.

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

FRIESEN: Thank you, Mr. President. Apologize for missing out on most of the debate, as I was downstairs talking to a group. But again, I'm, I'm fascinated by the idea that we're going to give one person the ability to dole out money and call it economic development. When we even had an investment group in town one time, this group was talking about, you know, we had two restaurants in town at the time, now we have none. They were talking about helping fund a third restaurant at the time. The investment group was going to put money into a third restaurant and I was like, man, that's, that's kind of brutal. You got two people in town who are barely making it and you're going to pick this third one now and you're going to help them out and get them started in town and down the road, all three will fail. And sure enough, they-- it turns out they didn't, but the other two restaurants since have failed. This is taking and saying, OK, you know, here we have this great project, but you might have a company that you're enticing to town that does the same thing as another company in town. Sure, they'll add more jobs, but maybe they hurt that other business. There's no responsibility here, no accountability. The Governor is term limited out. He's retiring. Let's take me, for instance. I'm term limited out. I'm not running for any other office. I can dole out that money however I want and nobody can do a dang thing about it, nobody. That's not transparent. That's not what the people of Nebraska expect us to do. They expect to hold us accountable. And, yes, we can tighten up the purse strings after it happens, but we don't have to let it happen the first time. This is accountability. This is on us. We have created programs under the DED that go through this process. There's numerous different pots of money for them to use; and if not, maybe we should design something more that they have to do. But right now, this fund would be overseen by nobody but the Governor and you can't tell me that that's appropriate. There's no one that can explain that to the people of Nebraska and say, yep, yep, just give them a pot of money, give them that bag of money, he can dole it out to whoever he wants. And, no, I can't imagine that they'd ever pay off any political favors or anything like that. That surely wouldn't happen here, but it shouldn't happen here because it shouldn't be there. We're talking about creating a framework of a quick-reaction pot of money with no money in it. And so in order to be a quick reaction, the Legislature would have to meet, appropriate some money to it, and then the Governor could be held accountable. But sooner or later, somebody will

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put money into it because we have some extra funds here. We will put money into that fund and there is no accountability to the person in that office. And I'm not concerned about this year or next year. Maybe it's five years from now; maybe it's ten years from now. We're creating a program that one person has control over the purse strings of that pot of money.

HUGHES: One minute.

FRIESEN: We have no accountability. Are we going to hold him personally liable if it's fraud or are we just going to say, oh, well, that's too bad, we, we should have done it differently? But there goes the citizens of Nebraska's money. Let's be more responsible. Thank you, Mr. President.

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

MOSER: From listening to the discussion from Senator Friesen, Senator Slama, talked to Senator Stinner, and listening to Senator Erdman, the discussion has kind of changed my opinion on this bill. I think I'm going to be voting no. Thank you.

HUGHES: Thank you, Senator Moser. Senator Lindstrom, you're recognized. There's no one else in the queue, so you may close.

LINDSTROM: Yeah, I think we've had a good discussion on this. I get the philosophical differences here. I think we can move on with the day, so I'll pull LB729. Thanks.

HUGHES: Per the Speaker's request, we are passing over this bill. Next item, Mr. Clerk.

CLERK: Mr. President, LB376A on Select File. I have no Enrollment and Review amendments. Senator Cavanaugh, Machaela, AM1395, a note she wants to withdraw. Senator Stinner had an amendment, AM1463, a note to withdraw, Mr. President. Another Cavanaugh, AM1456, a similar note to withdraw. Senator Cavanaugh, AM2172.

HUGHES: Senator Cavanaugh, you're welcome to open on AM2172.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, this is the amended language to include the committee bill that creates or authorizes the department to hire a consultant to do a strategic plan for all of our developmental disabilities programs. And so it includes that and the underlying bill for the family support waiver. I encourage you to vote yes. Thank you.

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HUGHES: Thank you, Senator Cavanaugh. Debate is now open on AM2172. Seeing no one in the queue, Senator Cavanaugh, you're welcome to close on AM70-- AM71-- AM2172. Senator Cavanaugh waives closing. Colleagues, the question before us is the adoption of AM2172. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Cavanaugh's amendment.

HUGHES: AM2172 is adopted.

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

HUGHES: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB376A to E&R for engrossing.

HUGHES: Colleagues, you've heard the motion. All those in favor say aye. All opposed, nay. LB376A advances. Next item, Mr. Clerk.

CLERK: LB1144A. No E&Rs. Senator Friesen would move to amend, AM2831.

HUGHES: Senator Friesen, you're welcome to open on your AM2831.

FRIESEN: Thank you, Mr. President. Very briefly, colleagues, following the adoption of the amendment on Select File to LB1144, the fiscal note was revised. The Public Service Commission has estimated that coordination with any political subdivision that wishes to coordinate ARPA-eligible broadband projects through the commission will require the addition of three additional staff positions. Funding for the positions will be from federal funds. I would ask you support for the amendment and to advance the bill to Final Reading. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. Debate is now open on AM2831. Seeing no one in the queue, Senator Friesen, you're recognized to close. Senator Friesen waives closing. Members, the question is the adoption of AM2831 to LB1144A. All those in favor vote aye; those opposed vote nay. Have all voted that wish to vote? Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of Senator Friesen's amendment.

WILLIAMS: The amendment is adopted.

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

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB1144A to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB1144A is advanced. Moving on, on the agenda, LB1173A.

CLERK: No E&Rs. Senator Arch, I have two amendments. I understand you want to withdraw AM2627.

WILLIAMS: Withdrawn.

CLERK: Thank you. Senator Arch would move to amend with AM2776.

WILLIAMS: Senator Arch, you are recognized to open on AM2776.

ARCH: Thank you, Mr. President. AM2776 amends the A bill for the Health and Human Services Committee child welfare package to reflect the adoption of the committee amendment and Senator Hunt's AM2597. AM2776 includes the appropriation for the original provisions of LB1173, which will fund the cost of a consultant to assist the child welfare work group with the development of a practice and finance model for child welfare system transformation. This is a-- this was one of the recommendations that came out of the LR29 Special Committee and its investigation into the state's contract with Saint Francis. AM2776 additionally reflects the inclusion of LB541 and LB932 in this child welfare package. The amendment appropriates funds to the Department of Health and Human Services to implement additional tiers of reimbursement for specialized foster care. By implementing additional tiers of standardized rates, the department can require more accountability from these placement providers, including licensing requirements, and draw down additional federal funding that has been lost out on under the department's current practices. Additionally, the amendment funds the cost of one additional child and family services worker. Due to the requirement, the DHHS notify child beneficiaries when DHHS begins collecting Social Security income on their behalf. This is one of the Health and Human Services Committee priority bills for the session, so I appreciate your green vote on LB1173A and AM2776.

WILLIAMS: Thank you, Senator Arch. Debate is now open. Seeing no one in the queue, Senator Arch, you are recognized to close. Senator Arch

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waives closing. Members, the question is the adoption of AM2776 to LB1173A. All those in favor vote aye; those opposed vote nay. Have all voted that wish to vote? Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of the amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk.

CLERK: Nothing further, Mr. President.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB1173A to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB1173A is advanced. [RECORDER MALFUNCTION] on the agenda to senator priority bills, LB921.

CLERK: LB921, I have E&R amendments, first of all, Senator.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB921.

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

CLERK: Senator John Cavanaugh would move to amend, AM2768.

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

J. CAVANAUGH: Mr. President, I'd move to withdraw that AM2768.

WILLIAMS: Amendment is withdrawn.

CLERK: Senator Arch, AM2826.

WILLIAMS: Senator Arch, you are recognized to open on AM2826.

ARCH: Thank you, Mr. President. When this bill came to the floor on General File, I raised a couple of issues with the bill, and I appreciate Senator Matt Hansen and Senator John Cavanaugh working with me to, to resolve a couple of those issues. My-- this particular AM2826 addresses the issues of the percentage of beds to be allocated

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and it, and it changes, it changes the bill in three ways. One, it identifies-- it, it-- rather than saying state hospitals for the mentally ill, it identifies the Lincoln Regional Center, so there's no confusion that Norfolk Regional Center is included in it, which is, which is-- serves a different purpose. Second thing it does is it changes the percentage of bed allocation. So while I didn't object to the percentages as far as the fact of having a percentage, one of the things that concerned me was that there was-- it, it was so tight that there was no flexibility for the department so that they could have some swing beds depending upon the demand for these-- for the utilization. So Senator Matt Hansen agreed that we could-- that we can make adjustments to that and provide them with, with that flexibility. And the third thing really was something that Senator John Cavanaugh wanted inserted, and, and I think very appropriately, and that is, how do you select, how do you select leadership for the committee? And so it identifies the committee shall select a chairperson and vice chairperson from among its members. So that's-- that is my amendment to this bill, and I'd appreciate a green vote on that.

WILLIAMS: Thank you, Senator Arch. Debate is now open. Senator Matt Hansen, you are recognized.

M. HANSEN: Thank you, Mr. President. And I'll just be real brief. But Senator Arch described his amendment well. He showed me his language and we talked about it. I'm in full support and would encourage your adoption of AM2826. I would just like to thank Senator Arch and his staff for working with us. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Matt Hansen. Senator Lathrop, you are recognized.

LATHROP: Thank you, Mr. President. Colleagues, I'll be brief. I just want to take a moment to thank Senators Hansen, Cavanaugh, and, in particular, Senator Arch for working through changes in two amendments that we'll take up tonight in a short timeline-- time frame between General and Select. So I appreciate the work these senators have done to improve LB921. Thank you.

WILLIAMS: Thank you, Senator Lathrop. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I stand in support of the amendment. I wanted to just mention that I do have a friend that works at the Lincoln Regional Center and has worked at Corrections, and I asked him over the weekend about competency evaluations and if the

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Regional Center had beds, and he said they've been very reluctant to make space for people that needed a competency evaluation, and they just send them over to the prison and the prison ends up with them and then they end up possibly harming staff and not being where they should be when they're in the, in the prison or the jail. And so I'm glad to see that we are making some directions to have room for these people at the Regional Center. So I'm in support of the amendment. Thank you.

WILLIAMS: Thank you, Senator Clements. Seeing no one in the queue, Senator Arch you are recognized to close. Senator Arch waives closing on AM2826. Members, the question is the adoption of AM2826. All those in favor vote aye; those opposed vote nay. Have all voted that wish to vote? Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk.

CLERK: Senator John Cavanaugh would move to amend, AM2835.

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

J. CAVANAUGH: Thank you, Mr. President. Colleagues, I'd ask for your green vote on AM2835. This is an amendment I worked on with Senator Arch to address some of the concerns that he raised on General File and that we talked about, he and I spoke about on here and it-- what it does is addresses concerns that HHS had about just really their ability to implement this program. And so I appreciate Senator Arch working with me and with HHS and my office and his office to make sure that this will actually be something that they can do and will be implemented. So what it does is basically three things: delays the start date until July 1, 2023, and that is at the request of HHS because they have a lot to do with, I guess-- well, Senator Arch could possibly explain it better than I can, but it's to-- the wind down of the pandemic; and then we have limiting the implementation to-- it will, will be-- this is for Medicaid for people-- getting people signed up for Medicaid when they leave correctional facilities. It will be limited to the state correctional facilities, so the Penitentiary, the prisons, the, the community corrections, and the, the correctional facilities in counties, county correctional facilities of counties over 100,000. So this is another concern in terms of just all-- allocation of resources. Those are the counties that will have the most people coming out of those facilities. It will

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get us the most bang for our buck, as it were. And then in terms of any logistical question again of how long individuals are there, we, we added, they have to be there for 21 days before the, the state has an obligation to help them facilitate them getting signed up for Medicaid as they leave. So that just gives a little more certainty, if somebody gets in and bonds out, then the state is, is still in compliance. So they have to be there for 21 days, which is long enough for them to find out that they're there, that there's-- that they are entitled to get signed up for these services. And so that's basically just-- it's the same bill we passed 39-0 on Friday last week, but it actually is a little bit easier for the state to implement, still achieves the objectives that we're trying to, which is this is a commonsense criminal justice reform in the sense that we get people signed up for Medicaid is-- that are already eligible. We're not creating any new eligibility. We're just making sure they get signed up, those that are eligible, which means they can get access to their medication and, and get them into drug and alcohol treatment if, if that is a facility that's covered by Medicaid and we'll have them sign up right away, they won't have a gap in services, they won't have a gap in coverage, they'll be able to get right into there and start making that progress outside of the Corrections system that we've already set them up for inside, reduce recidivism, reduce crime, increase positive outcomes. So I'd ask for your green vote on AM2835. And again, I thank Senator Arch for working with me on this. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Cavanaugh. Debate is now open on the amendment. Senator Arch, you are recognized.

ARCH: Thank you, Mr. President. Yes, again, since we're all appreciating everybody today, so I appreciate John Cavanaugh for working with me on this. So this, this really is borne of the just the volume that we're talking about, the volume of getting people signed up and helping them, helping them get signed up, more than just handing them a piece of paper but actually helping them. This, this unwinding of our-- of, of the pandemic right now, we don't know when that's going to hit. We know that at, at some point, the federal government is going to declare that the emergency is over and at which time every state will be required to go back through every beneficiary of Medicaid and recertify. And for the state of Nebraska, we're talking about 300,000, 300,000 individuals. And so the department will have to go through and recertify each one of those individually. So the delay in, in getting this done is much appreciated. There aren't enough staff and the training of those staff and all of that. So

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appreciate the, the effort to, to, to come to terms with this. So, yes, I support AM2835.

WILLIAMS: Thank you, Senator Arch. Seeing no one in the queue, Senator Cavanaugh, you are recognized to close on your amendment. Senator Cavanaugh waives closing. Members, the question is the adoption of AM2835 to LB921. All those in favor vote aye; those opposed vote nay. Have all voted that wish to vote? Record, Mr. Clerk.

CLERK: 37 ayes, 1 nay on the amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk.

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

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB921 to E&R for engrossing.

WILLIAMS: Members, you've heard the motion to advance LB921. All those in favor say aye. Those opposed say nay. LB921 is advanced. Members, we will be passing over LB921A. Speaker Hilgers, you are recognized.

HILGERS: Thank you, Mr. President. Good evening, colleagues. I want to give you a quick update as to the schedule as we head into the later hours. First, as the President just noted, we are waiting-- because of the amendments on LB921, LB921A has to have a few modifications, and so we're, we're still waiting for that to come back from Revisors. We will get that done, though, sometime this evening. So I just wanted to make a note that's why we passed over that. Secondly, we are going to have our dinner break as promised at 6:00, so we will take a 30-minute recess at 6:00. At 6:30 when we come back, we will come to the point of the agenda. It looks like we'll be on LB121. We will pause LB121 to take up what I think right now will be three different bills, three different amendments. I want to give you a heads up on what those are. Number one will be LB805. That's Senator Hughes's noxious weed bill. This is part of the larger conversation with Senator Linehan, Senator Stinner about modifying some funding sources. So that will be one. Number two will be LB598. Actually, that was a bill we passed this-- actually sent to Final Reading this morning. There was an error that we caught, so we have to-- we're going to put that in that, that slot as well to, to fix that error. That's Senator Wishart's bill that we did earlier today. And finally, we have an amendment on LB888, which is Senator, Senator Day's Holocaust bill. So those are the three that we'll have. We'll break at 6:00. We'll come back at 6:30, pick those

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up. After those are done, we'll go back to LB121 and pick up on the rest of our agenda, understanding that we're going to fit, fit in LB921A at some point this evening when convenient. Thank you, Mr. President.

WILLIAMS: Thank you, Speaker Hilgers. Returning to the agenda, Select File senator priority bills, LB121.

CLERK: LB121. Senator, I have E&R amendments, first of all.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB121.

WILLIAMS: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted.

CLERK: Senator Slama would move to amend.

WILLIAMS: Senator Slama, you are recognized to open on FA212.

SLAMA: Thank you, Mr. President. I am many things, some good, some bad, but I am a woman of my word, so buckle up. We are going to go four hours on this bill. I've been opposed to this concept since I got into the Legislature, so at least I'm consistent on that front. But today of all days, I, I do think it's important to get up and speak against this. I am opposed to expanding government benefits for felons, especially on the same day when we couldn't pass a very basic Second Amendment rights bill. So I, I hope that as you're considering where you're going to be at on cloture when we get to LB121 here sometime-- I'm guessing around 10:00 given the dinner break. I'll have to speak with the Speaker and see if that 30-minute dinner break is going to play into the four hours. Either way, I'll try to be very soothing with my voice. I've got some great studies to read from. So if you're interested in learning more about these studies, feel free to yield me time and I'll be able to get more in-depth on them. So the first study that I'm, I'm going to read from-- and, again, normally I wouldn't do this, but this is a very simple bill that I am opposed to just on a very core level. So this study was published in, let's see here, Behavioral Science Law, it's also published through the NIH, and it's entitled Violent Offenses Associated with Co-Occurring Substance Use and Mental Health Problems: Evidence from CJDATS. The abstract reads: The present study examines the relationship between substance use, mental health problems, and violence in a sample of offenders released from prison and referred to substance abuse treatment

programs. Data from 34 sites in a federally funded cooperative, the Criminal Justice Drug Abuse Treatment Studies, CJDATAS-- DATS, were analyzed. Among parolees referred to substance abuse treatment, self-reports for the six-month period before the arrest resulting in their incarceration revealed frequent problems with both substance abuse-- substance use and mental health. For most offenders with substance use problems, the quantity of alcohol consumed and the frequency of drug use were associated with a greater, greater probability of self-reported violence. Mental health problems were not indicative of increases in violent behavior, with the exception of antisocial personality problems, which were associated with violence. The paper emphasizes the importance of providing substance abuse treatment in relation to violent behavior among offenders with mental health problems being discharged to the community. Background: Mental Health and Substance Use among Offenders. The U.S. Department of Justice has reported that 18 percent of state prison inmates, 10 percent of federal prison inmates, and 14 percent of jail inmates cited either a mental condition or an overnight stay in a mental health hospital during their lifetimes. A systematic review of mental disorder prevalence worldwide suggested that about one in seven prisoners in western countries had a psychotic illness or major depression. These and other studies have found the prevalence of mental disorders to be higher in the prison system than in the general population. Furthermore, the number of correctional clients with mental disorders appears to be increasing; specifically, the Colorado Department of Corrections has reported that the proportion of inmates with mental illness has risen from 4 percent in 1991 to 14 percent in 2001. By 2004, fully 16 percent of new court-committed offenders had severe mental disorders. Substance use is a common problem among offenders. Teplin in 1994 found current substance use disorder in 29 percent and lifetime substance use disorder in 61 percent of male urban jail detainees. Peters and colleagues in 1998 found substance use disorders occurring in the 30-day period before incarceration in more than half of state prison inmates. More recently, Belenko and Peugh in 2005 found that half of male and two-thirds of female state prison inmates were in need of long-term substance abuse treatment. Similarly, a survey conducted by the Bureau of Justice Statistics in 2006 of state and federal prisons revealed that nearly half of the prisoners met criteria for drug abuse or dependence. A recent systematic review of substance use disorders among prison inmates showed that both alcohol use or dependence and drug abuse or dependence were much more common than in the general population; this observation was true for both male and female inmates, as found in 2006. Findings of elevated prevalence of mental health and substance

use disorders fuel concerns about offenders with these disorders since the disorders are often co-occurring. This was found in studies conducted in 1990, 2006, and 2003. For example, that 2006 study, Sacks and colleagues, found that 80 percent of state prison inmates entering substance abuse treatment had some form of mental health disorder; for 39 percent, the mental disorder was severe. Similarly, Swartz and Lurigio have shown that psychiatric disorders are common among offenders in substance abuse treatment. Substance Use and Violence: The relationship between offending and substance use has several hypothesized mechanisms. First, pharmacological properties of certain substances can affect the risk of violence; some substances increase anxiety, others dampen inhibition mechanisms, and some decrease pain sensitivity, all of which are elements of substance use that can increase the probability of violence. A second hypothesized mechanism is the high correlation of substance use and antisocial personality disorder, ASPD. Several investigations have found little to no association between co-occurring disorders and violence, except when the co-occurring mental disorder is ASPD. And that was found in studies in 1980, 1995, and 2004. A third hypothesized mechanism is that violent crime provides the means for some offenders to continue a substance use career; that is, maintenance of heavy, heavy substance use requires significant funding, and violent crime is a means of obtaining money. This was found in four studies: 1991, 1995, 2000, and 2002. Finally, substance abuse can interact with psychiatric symptoms, i.e., paranoia and hallucinations, to increase anxiety, tension, and cognitive perceptions, all of which are psychological symptoms that may increase the probability of violence. Many studies have established a relationship between substance use, particularly alcohol and violence. Investigators have found significant relationships between violence and specific substances; specifically, cocaine and alcohol were-- use were found to have the strongest associations with violence compared to other drug use variables. Two systematic reviews suggest that, even among samples of illicit substance users, alcohol is a substance with the strongest association with violence. Furthermore, among samples of persons with mental health problems, two studies found that, of all substances investigated, only alcohol consistently increased the risk of future violence. Monahan and colleagues have also demonstrated the relationship between substance use and increased risk of violence among individuals with mental disorders. A recent analysis of MacArthur risk data showed that, for patients classified as no drug use, little drug use, or met criteria for substance abuse disorder, the prevalence of violence climbed from 15 to 26 to 29 percent, respectively; the corresponding figures for alcohol were 14, 23, and 32 percent. And that was found by Melnick,

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Sacks, and Banks in 2006. Mental Health and Violence: The relationship between mental health and violence has not been studied as frequently, although research efforts have increased over the past decade. The MacArthur Risk Study is a primary source of evidence on the relationship between mental illness--

WILLIAMS: One minute.

SLAMA: --mental illness and violence. Thank you, Mr. President. And with that, I will pick up where I left off on my next turn on the mike. Hold on, let me get my--

WILLIAMS: Thank you, Senator Slama.

SLAMA: Oh, I wasn't quite done.

WILLIAMS: Go ahead.

SLAMA: Thank you very much, Mr. President. Sorry about that. I just needed to push my light for the Chair to make sure this didn't accidentally go to a vote. But just a quick update on what my process is going to be. I'll let this floor amendment go to a vote. I'll do a call of the house to burn some time. So if you are going to step off a little bit early for supper, please check out beforehand or not, like we could sit here and wait-- that'd be a good alternative, too-- and then I'll file a reconsider motion on the floor amendment. And then I've got another one and should take us four hours. In any case, I am opposed to this concept. I'm opposed to this bill. It's nothing personal against Senator Hunt, and I've given her a heads up beforehand, and I will give the remainder of my last few seconds to the Speaker.

WILLIAMS: Thank you, Senator Slama. Senator Hunt, you are recognized.

HUNT: Thank you, Mr. President. I was distracted. My kid was just texting, asking if I can take them to the mall this weekend, which I, I guess I didn't know if this generation wanted to go to the mall, so I was kind of chuckling about it. I want to explain what this bill does and remind folks this bill is one I've been working on for four years. I think some other people worked on it before that, and it would lift the ban on access to Supplemental Nutrition Assistance Program, or SNAP, formerly known as food stamps, for people with certain drug convictions. In Nebraska, only people who have drug offenses on their records are banned for life from accepting SNAP. And over the pandemic, we received a lot of feedback from advocates who were getting intake calls, so a lot of people who work at food banks

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and things like this, who were having people come in who do not use drugs, who do not distribute drugs, but maybe had a conviction on their record from, you know, 10, 20 years ago, and they were surprised to find out that they would not be eligible for food assistance. This bill costs nothing to Nebraska. SNAP is federally funded, and DHHS says that they will be able to absorb the cost. And with the prison crisis that we have here in Nebraska, we also know that this is a bill that's going to reduce recidivism. If you had to take all of the people who we could choose to take away food assistance from in Nebraska, all of the different offenses that people could commit where we say, once you've done your time and paid your debt to society, you still are going to be punished for the rest of your life by not being able to get food assistance when you need it if you would otherwise qualify. I think that this is the last group of people that we should be doing this to. These are people who have committed financially motivated crimes in a lot of cases, people who are poor, people who struggle in poverty. And these are the people who really should have access to this part of the safety net. Again, this costs nothing to Nebraska taxpayers. It makes common sense. Nebraska is one of the few states that doesn't already do this. And I, I will be eager to hear some arguments against it, I suppose, and not just reading, but we're in for four hours of it. So with that, I'll close and thank everybody for their support of LB121.

WILLIAMS: Thank you, Senator Hunt. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President, and a wonderful evening it is. It's now almost 5:30. And with that, I'd like to yield the rest of my time, as soon as she gets done having a sip, to Senator Slama.

WILLIAMS: Senator Slama, 4:45.

SLAMA: Thank you very much, Senator Lowe. I am convinced that you could successfully have a very lucrative career reading children's bedtime books. You have a very calming voice and I appreciate that about you. So I will just revisit-- and on each turn on my mike, on the mike, just revisit why I am opposed to this. From a foundational perspective, I'm opposed to expanding government benefits for felons, especially on the same day in which we voted down a crucial Second Amendment bill. So I'm, I'm filibustering this. As I promised, this is your regularly scheduled programming for this evening. So we're-- we are reading a, a study that I find interesting. It was published in Behavioral Science Law in 2009. It's in the NIH public access author manuscript page for those following along at home, so you can read along and fact check me. It's entitled Violent Offenses Associated

with Co-Occurring Substance Use and Mental Health Problems: Evidence from CJDATS. So this, this study, this paper was led by Sacks, Cleland, Melnick, Flynn, Knight, Friedmann, Prendergast, and Coen. And I am on page 3, in the section entitled Mental Health and Violence, in the third sentence. Early studies found that within an average of four months of release from a psychiatric hospital, 27 percent of patients, men and women, reported at least one violent act. That's from Monahan in 1993. Yet, for persons with a mental disorder, the predictive value of the type of mental disorder appears to be modest, according to Steadman and colleagues, who in 1998, found no appreciable difference in the risk of violence when they compared community samples to persons recently released from psychiatric hospital facilities when symptoms of substance abuse were absent from both groups. A subsequent study revealed that, when determining the risk of violence, the exact diagnosis should be considered; specifically, a diagnosis of schizophrenia reduced the likelihood of later violence, but personality disorders increased violence. It's from Monahan in 2005. It is important to note that the MacArthur Study sample consisted of released psychiatric inpatients, so schizophrenia, contrasted with other diagnoses, including substance use disorders. Co-occurring Disorders and Violence: As noted earlier, the MacArthur study data revealed that individuals with co-occurring disorders had a higher risk of violent behavior than did those with major psychiatric disorders alone. It's according to Melnick in 2006. Also, Steadman and colleagues in 1998 found a higher probability of violence among persons recently released from psychiatric hospital facilities than among others sampled from the same community when substance abuse symptoms were present in both groups. A relationship between violence and co-occurring substance use and mental illness has found-- has been found among jail inmates, as according to McNiel, Binder, and Robinson in 2005, and schizophrenic patients, as according to Swanson in 2006; however, other studies have not found an association between co-occurring disorders and violence. That's according to Abram and Teplin in 1990. On the whole, the literature presents mixed results with respect to relationships between mental illness and violence and--

WILLIAMS: One minute.

SLAMA: --between-- thank you, Mr. President-- and between co-occurring disorders and violence. And with that, I'll just wrap up my turn on the mike, as I well every turn on the mike, that I'm, I'm just fundamentally opposed to expanding government benefits to felons, especially on a day like today where we shot down a big Second Amendment bill. I'm, I'm going to begin and end my turn on the mike

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with that message just so everybody who's watching at home can keep track of what's going on. So I will pick up from where I left off on my next turn on the mike. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama and Senator Lowe. Senator Albrecht, you are recognized.

ALBRECHT: Thank you, President. And I just rise to take a look at the actual committee statement. It does look like this is Senator Hunt's priority bill, and I noticed in the actual committee, Senators Machaela Cavanaugh, Senator Day, Senator Walz, and Senator Williams said yea. There were three nays. The Chair Arch and Ben Hansen and Senator Murman were nays. I know a lot of people have left the floor. I'm going to want to find out why they were feeling the way they were. And I'm also looking for the only opponent, Stephanie Beasley, from the Department of Health and Human Services. I'd like to find out where she's coming from on this particular issue. And once I find that, I'll certainly be able to learn a little bit more about this particular bill. And with that, I'll yield some time to Senator Slama if she would like it. Thank you.

WILLIAMS: Senator Slama, 4:00.

SLAMA: Oh, thank you, Senator Albrecht. That's very, that's very generous of you. You also have a very calming voice, which I, I appreciate. I've never liked filibusters where there's a lot of screaming. It adds a little level of tension to the floor that I'm not as appreciative of. So I, I like that we're taking a very calming and relaxing approach to this. I mean, I-- I'm just personally very opposed to expanding government benefits to drug felons. And I will pick up in my study where I left off. And to Senator Albrecht's point, I might also join in with the opposition testimony from the Department of Health and Human Services from when this had a committee hearing last year. So picking up on where I left off, this is again Violent Offenses Associated with Co-Occurring Substance Use and Mental Health Problems: Evidence from CJDATS. This was published in the Behavioral Science Law, 2009 Edition. And I am on page 4 and this is published on the NI-- NIH public access author manuscript page. This is page 4. We're starting with the section titled ASPD and Violence. Incarcerated populations have a high prevalence, 50 to 80 percent of prisoners, of antisocial personality disorder, ASPD, and symptoms of psychopathy. Hare, 2003. Several studies have examined the co-occurrence of substance use with ASPD and/or psychopathy and relationship to violence. That's from someone called Coid, Co-- C-o-i-d, that's just for the transcribers, 2002; Crocker in 2005; Friedman, Kramer and

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Kreisher and Granick in 1996; Kaplan and Damphouse in 1995; Miller in 1990; Richards, Casey, and Lucente in 2003; Tengstrom in 2004; and Walsh in 1999. These studies have found that psychopathy increased the risk of violence. Given the overlap of antisocial personality characteristics, other mental health problems, and substance use, it is important to consider all of these factors and their potential influences when attempting to isolate their individual contributions to the relationship between co-occurring disorders and violence. The present study examines the relationship between substance abuse, mental health problems, and violence in a sample of offenders discharged from prison and referred to substance abuse treatment programs. Data from 34 sites were analyzed to explore the effects of frequency of substance use/abuse and of the type and severity of mental health problems on violent offenses.

WILLIAMS: One minute.

SLAMA: Thank you, Mr. President. In light of the findings of the previous studies, the differential effects of substance-- specific substances used/abused on violence were examined with an emphasis on alcohol consumption. And I'll start whenever I get on the mike next with an analysis of their methods. So that'll be on page 4 on the header labeled Methods. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama and Senator Albrecht. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. And I stand up and-- let's see, I'm in favor of the floor amendment but opposed to the bill. I voted no on General File on LB121. We've tried a bill like this before and it failed. And as it has been mentioned, in the committee, three committee members voted no and it just barely made it out of committee. And I see also that Health and Human Services testified in opposition. And currently we have, after three felony drug convictions, the SNAP ends but that means so after two convictions, they're still eligible for benefits, and I think allowing two chances is good enough. People I've talked to about this recently, friends of mine, agree that we don't need to expand these benefits. Two chances is reasonable, and expanding benefits for three-time drug dealers is not what I believe a majority of Nebraskans want. With that, I'd like to yield my time to Senator Slama.

WILLIAMS: Senator Slama, 3:30.

SLAMA: Thank you, Mr. President, and thank you, Senator Clements. I do appreciate that. Before we get back into the article, just a little anecdote about Senator Clements and I today. Senator Clements has Hot Tamales in his desk and after the vote on constitutional carry today, he came over with an envelope labeled Senator Slama and it was filled with hot tamales because he knows I'm a big fan. So thank you, Senator Clements, for being just a gem of a human being. You're just-- you represent District number 2, but you are number one in our hearts. Back to the study-- and again, I'm, I'm filibustering this bill. I'm philosophically opposed, and I've been consistent in that, to expanding government benefits to felons, especially three-time, three-time felons, as Senator Clements very definitely pointed out. You already have two chances and I, I do appreciate the approach of three strikes and you're out. So returning to the study on NI-- NIH public access, Violent Offenses Associated with Co-Occurring Substance Use and Mental Health Problems: Evidence from CJDATS, page 4. And we're starting with the section labeled Method-- Methods. Study Design and Sample: The analyses were conducted on data collected as part of the National Institute on Drug Abuse, NIDA, initiative, Criminal Justice Drug Abuse Treatment Studies, CJDATS, a cooperative research effort in which nine regional research centers, a coordinating center, and NIDA work with federal, state, and local criminal justice partners, in part, to develop and test new approaches for prison and reentry services to meet the needs of offenders with substance use disorders. Data from the CJDATS Intake Interview in 2005, administered in two reentry studies encompassing 34 sites, provided data for the study. Analyses used data collected from all participants who had been recruited as of October 2, 2007, who had consented to participate in the studies, and who had com-- complete data sets. Sample: Data from one study, Transitional Case Management, TCM, involved 812 participants who were recruited from prison--

WILLIAMS: One minute.

SLAMA: --thank you, Mr. President-- prison substance abuse treatment programs and scheduled for referral to community substance abuse treatment. Participants were men and women at least 18 years of age and within 3 months of release. And I will pick up from that point when I am next on the mike. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama. And you are next in the queue. You may continue.

SLAMA: Fabulous. Thank you, Mr. President. So we'll just continue on. I'll leave out the reference to the actual article. But again, I am

filibustering this bill. It got 25 votes on the last time around. So that's why I'm taking it four hours today, because I am opposed to the bill and we can filibuster things if we are opposed to them and would like to see that they receive 33 votes to advance. So if that happens this evening, LB121 will advance; but if not, it will die on filibuster, much in the same way that constitutional carry died earlier this afternoon. So returning back to the study, I'm on page 4 under the subsection Sample in the methodology section, and I am two sentences in. Only 6 percent of eligible offenders solicited refused participation in the TCM study. Data from the second investigation, Step'n Out, SNO, involved 565 male and female parolees who had histories of substance abuse treatment and for whom substance abuse treatment had been mandated or recommended as a condition of parole. Some were recruited in prison and some in the community; all were at least 18 years of age. Only 1 percent refused participation in the SNO study. Neither study excluded individuals for evidence of mental disorder; however, it is likely that severely disordered individuals, where recognized, would not have been admitted to substance abuse treatment programs. Of the 1,377 offenders recruited, 28 participants, 2 percent, were not included in the analyses for this paper because they had either not completed both of the instruments or were missing key variables. The final sample for analysis consists of 807 TCM participants and 542 SNO participants for a total of 1,349. Measures: The CJDATS Intake Interview in 2005, a structured interview used to collect socio-demographic background information, including education and employment, criminal history, health and psychological status, and drug use history, was administered to all participants. Most intake interviews were completed in one to two hours. CJDATS research centers conducting the studies obtained Institutional Review Board and HHS Office for Human Research Protections approvals, and a Data and Safety Monitoring Board reviewed the protection of human research subjects. In addition, participants completed the Client Evaluation of Self and Treatment Intake Version. It's the TCU CEST-Intake, and this is according to Joe, Broome, Rowan-Szal, and Simpson in 2002. Two scales from this instrument were used to indicate antisocial personality characteristics, the Childhood Problems Scale and a modified Hostility Scale. While these two scales are not diagnostic instruments, they do isolate features that are consistent with antisocial personality disorder. The Childhood Problems Scale consists of eight items indicative of childhood conduct disorder. Conduct problems during childhood indicate the early onset and pervasiveness of the antisocial characteristics, which define what is to have an antisocial personality disorder. Examples from the scale include: "You skipped school while growing up" and "You took things that did not belong to

you when you were young." Internal consistency for the scale was good. A Hostility Scale with items indicative of antisocial personality disorder was included; of the eight items, three seemed too close to the criterion--

WILLIAMS: One minute.

SLAMA: --thank you, Mr. President-- of recent violence, i.e., your temper gets to-- gets you into fights or other trouble, and were dropped from the analyses. Examples from the modified Hostility Scale are "You look others too feel-- "You like others to feel afraid of you" and "You feel a lot of anger inside you." Internal consistency for this scale was also good. And I will pick up from there where I left off. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama. Senator Ben Hansen, you are recognized.

B. HANSEN: Thank you, Mr. President. I will yield the rest of my time to Senator Slama if she so wishes to have it.

WILLIAMS: Slama, 5-- excuse me 4:55.

SLAMA: Thank you, Mr. President. Wow, people keep yielding me time. I must be doing this in a calming, reflective way. I do appreciate Senator Hansen. I, I believe he was one of the three senators who did vote against this coming out of committee, so I also appreciate his opposition to the bill. So picking up where we left off-- and again, just to remind everyone, I'm just fundamentally opposed to expanding government benefits to three-time felons. I've been consistent in that position since taking office and I said on first round, if the bill advanced, I would be taking this four hours on Select. It received 25 votes and advanced, so here we are at 5:45 on April 11. And I'm reading from a-- an article published in Behavioral Science Law in 2009. And if you'd like to follow along at home, it's published on the N-- NIH public access page and it's entitled Violent Offenses Associated with Co-Occurring Substance Use and Mental Health Problems: Evidence from CJDATS. Beginning again on page 5, subsection Substance Use: Participants were asked about the frequency of their last alcohol use in the 30-day and six-month periods before the arrest that led to their last incarceration. Respondents fell into one of nine levels of frequency, ranging from "never, not used" to "about four or more times per day." Several questions were asked about the quantity of alcohol consumed during the 30-day period before the arrest that resulted in their incarceration. Participants were asked about the size and number

of drinks of beer, malt liquor, wine, fortified wine, and liquor consumed on a typical day of drinking. Quantities were converted into standard drinks while-- with 12, 6, 5, 5, and 1.5 ounces corresponding to one standard drink for beer, malt liquor, wine, fortified wine, and liquor, respectively. The total number of standard drinks on a typical day of drinking served as an overall summary of the quantity of alcohol consumed. In the analyses described below, a natural log transformation was applied to this alcohol quantity variable to reduce positive skew. Participants were also asked about the frequency of their use of 18 different drugs of, of abuse in the 30-day and 6-month periods before the arrest that led to their incarceration, including marijuana, crack and powder cocaine, heroin, methamphetamines, inhalants, hallucin-- hallucin-- hallucinogenics, barbit-- I know, it's, it's been a, it's been a few minutes on the mike-- barbiturates, sedatives, minor tranquilizers, GHB, ketamine, street methadone, and other opiates. Again, nine levels of frequency range from "never, not used" to "about four or more times per day." Overall frequency was defined by the most frequently used drug. In addition, several frequency variables were constructed to summarize the use of specific types of drugs. Stimulants included crack, powder cocaine, methamphetamine, and amphetamine. Opioids included heroin, non-prescription methadone, and opiates, i.e., oxycontin. "Speedball" described the stimulus-- simultaneous use of either heroin and cocaine or heroin and methamphetamine. Psychedelics included marijuana and halluc-- hallucinogenics. Sedatives included tranquilizers, barbiturates, and other sedatives.

WILLIAMS: One minute.

SLAMA: Thank you, Mr. President. Similar to the overall frequency of drug use variable, for each drug type, frequency was defined by the drug most often used within that type. These additional frequency variables were constructed to determine whether the frequency of the use of sometimes-- some types of that drug would have a stronger association with violence and other types of drug. And I'll pick up from there where I left off. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama and Senator Ben Hansen. Senator Bostelman, you are recognized.

BOSTELMAN: Thank you, Mr. President. Excuse me. There's a couple of items within the bill that, that I haven't been supportive of and continue to not be supportive of. Couple of those was in 2003, Nebraska elected to provide food stamps to felons with two drug felonies or fewer. This would allow a convicted felony level drug

dealer to receive SNAP benefits. It also removes the requirement for an individual convicted of a drug felony for possession or use to complete a drug treatment program in order to be eligible for SNAP. This is to stop felons from selling SNAP benefits for cash to purchase more drugs. And I would yield the rest of my time to Senator Slama.

WILLIAMS: Senator Slama, 4:15.

SLAMA: Thank you, Mr. President, and thank you, Senator Bostelman. I do appreciate your thoughtful opposition to LB121. I will continue with the article, with the subsection entitled Mental Health Problems on page 6. Mental Health Problems: Mental health diagnoses were not available. Participants were asked whether they had experienced any of the following six problems, independent of the effects of alcohol or other drug use, during their lifetime: serious depression; serious anxiety or tension; trouble understanding, concentrating, or remembering; hallucinations; thoughts of suicide; and attempts at suicide. They were also asked whether they had received inpatient, outpatient, or emergency room treatment for mental or emotional difficulties in the 30-day period before the arrest that resulted in their last incarceration, and the number of times in their lives that they had been hospitalized for a psychiatric or emotional problem. If any of the six problems were present, or if any mental health treatments had been received, a lifetime mental health problem was considered to be present. Assessments of mental health problems contemporaneous with reported substance use, i.e., the six-month or 30-day period before the arrests resulting in their last incarceration, would have been preferred as predictors of violence if available, but treatment services for mental health problems during those periods occurred too infrequently to be used as the only indicators of mental health problems. Because questions about recent mental health problems overlapped or referred to a period of time in which offenders had been incarcerated, questions about lifetime mental health were considered to have more relevance to problems experienced in the community. Violent Offenses: Participants were asked how many offenses of various types they had committed in the six-month period before the arrest that led to their last incarceration. The following seven offense types were considered to be violent: (1) robbery/attempted robbery/mugging; (2) assault/aggravated assault/battery; (3) kidnapping/hostage taking; (4) terrorist threats/acts; (5) homicide/attempted homicide/manslaughter; (6) arson; (7) sex offenses. If the participant reported one or more of the types of offense during the six months preceding their arrest and incarceration, then a violent offense was considered to be present. Data Analysis: To account for the clustering of the 1,349 individuals

in 34 recruitment sites, a generalized linear mixed model analysis with a random intercept was used to predict the occurrence of the violent offense.

WILLIAMS: One minute.

SLAMA: Thank you, Mr. President. I will put a pin in that and pick up from there where we left off, whether it's after our upcoming 6:00 supper break or before then. I'd anticipate my odds are pretty good that I'll be up on the mike before then. But in any case, I will continue on my next turn on the mike. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama and Senator Bostelman. Senator Albrecht, you are recognized.

ALBRECHT: Well, thank you, President, and I will be yielding my time to Senator Slama, after she takes her drink, if she'd like to have rest of the time.

WILLIAMS: Senator Slama, 4:50.

SLAMA: Thank you, Mr.-- thank you, Mr. President, and thank you, Senator Albrecht. I was taking a delightful sip of the Legislature's coffee, which I do not drink coffee unless we're in session. And also, this coffee is horrible. So in any case, I am energized. I'm picking up where we left off under Data Analysis. This is on page 6, and we are on the second sentence. The lme4 package of the freely available, open-source R program was used to fit generalized linear mixed models. All predictors were individual participant characteristics, including gender, age, race, Hispanic ethnicity, alcohol quantity, drug frequency, childhood problems, hostility, and lifetime mental health problems. Following a standard statistical approach, an initial model was fit with main effects for all these variables, as well as two-way interactions between each mental health problem and alcohol quantity, each mental health problem and drug frequency, alcohol quantity and drug frequency, childhood conduct problems and alcohol quantity, childhood conduct problems and drug frequency, hostility and alcohol quantity, and hostility and drug frequency, 17 different two-way interactions in total. The model was reduced through a process of manual elimination of nonsignificant two-way interaction terms. Starting with the two-way interaction term that was farthest from the significance, i.e., highest p-value, terms were removed one at a time until only significant two-way interactions remained. The resulting reduced model was the basis for determining which variables had unique associations with violence. For two-- three two-way interactions that

remained in the final model, simple main effects were calculated to determine how the effect of one variable differed across levels of another variable. Prior to the primary modeling, substance use variables were explored to determine which variables were the best predictors of violence. Now we're on a new section. This one's entitled Results, and the subsection below that is Profiles. We're at the top of page 7, for those following along at home. Table 1 shows the characteristics of participants with and without a violent offense in the six-month period before the arrest that led to their last incarceration. Twenty-seven percent of all offenders reported at least one violent offense during this period. Apart from age, the demographic characteristics of offenders with and without violent offenses during this period were similar. Those with recent violent offenses had more lifetime arrests. As expected, mental health problems were common with problems of depression, anxiety, and concentration much more common than hallucinations, suicidal ideation, and suicide attempts. Offenders who had engaged in recent violent activities were more likely to have each individual mental health problem, had more problems in total, and had higher scores on the Childhood Problems and Hostility Scales. Recent substance use was frequent, and the most frequently used substances were stimulants, alcohol, and psychedelics. Except for opioid drugs and speedball, the use of both alcohol and drugs was more frequent among those with a recent violent offense.

WILLIAMS: One minute.

SLAMA: Thank you, Mr. President. Preliminary Analyses: Prior to the primary modeling, substance use variables were explored to determine which variables were the best predictors of violence. Separate generalized linear mixed models were fit for alcohol quantity and for alcohol frequency. In these models, quantity was a stronger predictor than frequency. When a model was fit with both alcohol quantity and frequency entered together, the quantity remained the stronger predictor; consequently, subsequent modeling used the alcohol quantity variable. And I'll pick up there on my next turn on the mike. Thank you very much, Mr. President.

WILLIAMS: Thank you, Senator Slama. Senator Linehan, you are recognized.

LINEHAN: Thank you, Mr. President. Would Senator Slama yield for a question?

WILLIAMS: Senator Slama, would you yield?

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SLAMA: Absolutely.

LINEHAN: So, Senator Slama, for anybody that's watching at home, this bill would give SNAP benefits to people who have-- explain to me--

SLAMA: Yes.

LINEHAN: --in simple terms what this bill does.

SLAMA: In simple, in simple terms, LB121 would expand SNAP benefits to increase-- to include three-time drug felons, which is the group of people that is currently excluded under our law, as the federal government has authorized that Nebraska is able to do.

LINEHAN: So this session, when we have heard people get up and say we won't do SNAP benefits, is this the bill they've been talking about? Is it-- it's the only bill that we've had on SNAP benefits this year, isn't it?

SLAMA: I believe so, unless I'm completely misremembering or forgetting something that happened on the floor.

LINEHAN: Well, maybe somebody else that's listening can tell us. So I think when it's been repeated on the floor that we don't care and we're not even willing to do SNAP benefits, it kind of leaves the impression, if you're unaware and you're watching from home, that somehow we won't provide SNAP benefits to young families or children. And that is nothing to do with this, right?

SLAMA: No, absolutely not. In fact, when you look at the numbers, the argument that this is somehow keeping food from children is absolutely untrue. And all you have to do without even looking at the statistics, which are minimal, is look at the number of three-time convicted drug felons that actually have custody of their children. And you'll see that that number is, I believe, zero, if not zero in the state of Nebraska. But moreover, those children through WIC already have access to those resources, so this is not excluding families at all. This is just excluding the three-time convicted drug felons themselves.

LINEHAN: Thank you. With that, I would yield the rest of my time to you.

WILLIAMS: Did she yield?

SLAMA: Yes.

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WILLIAMS: Yielded 2:50.

SLAMA: Thank you very much, Mr. President, and Senator Linehan, for your thoughtful questions. And it really gets to a core issue of a lot of discourse in this session saying that we're refusing SNAP benefits. I do refuse to expand SNAP benefits to three-time felons. I think our taxpayer money would be best used elsewhere. I will dig into this last paragraph on the Preliminary Analyses on page 7 and then wrap up my thoughts because I do believe we're getting to a 6:00 supper break. Separate models were fit for overall drug use frequency and for each of the other individual drug use frequencies-- stimulant, opioid speedball, psychedelic, sedative, and other-- in the past six months. In these models, alcohol quantity was included as a control variable in recognition of the established association of alcohol use with violence and because alcohol was more likely to be used in combination with certain substances and less likely to be used in combination with others. None of the more specific drug use frequency variables were better predictors of violence than overall drug use frequency; therefore, subsequent modeling used the overall drug frequency variable. And then, just as a preview of future attractions, the next subsection under the Results section that I'll be reading once we pick up after supper and the returning bills to Select Final-- Select Reading [SIC] from Final Reading for a specific amendment at 6:30 will be: The Association of Mental Health Problems and Substance Use Frequencies with Violent Offenses. And with that, I will wrap up our first hour-ish on the mike of this four-hour filibuster. Thank you to all of those who are still on the floor or tuned in at home, and I think we will break.

WILLIAMS: Thank you, Senator Slama and Senator Linehan. Mr. Clerk for items.

CLERK: Mr. President, I do have some items for the record. Amendments to be printed from Senator Morfeld (LB773; also Senator M. Hansen, LB773, and Senator Hunt, LB773); Senator Hughes to LB1112. I have a new resolution, LR450, by Senator Kolterman. That will be laid over. That's all that I had, Mr. President. Mr. President, Senator Lowe would move to recess the body until 6:30 p.m.

WILLIAMS: Members, you've heard the motion to recess until 6:30. All those in favor say aye. Those opposed say nay. We are in recess.

[RECESS]

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HUGHES: Good evening, ladies and gentlemen. We are about to reconvene. Would you please record your presence?

WAYNE: Record, Mr. Clerk.

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

WAYNE: Are there any messages, reports or announcements?

CLERK: I have nothing at this time. Thank you, Mr. President.

WAYNE: Per the Speaker's agenda, we will move into the no-later-than-6:30 Final Reading motions to return to Select File for possible specific-- for specific amendments. Mr. Clerk.

CLERK: Mr. President, the first bill, LB805A. Senator Hughes would move to return the bill for a specific amendment, AM2839.

WAYNE: Senator Hughes, you may open on your amendment-- or you may open on your return to Select.

HUGHES: Thank you, Mr. President. Colleagues, LB805, when we passed it-- the, the original bill LB805A, I was asking for \$6 million. There were \$2 million of ARPA funds and-- for years '22-- fiscal year '22-23, \$2 million for-- \$2 million of General Fund for '23-24, and \$2 million General Fund for '24-25. We have since learned, with the help of Senator Stinner, that there are ARPA funds available to fund all three years of this. So rather than taking General Funds for the last four years-- or two years, \$4 million, we were able to use ARPA funds for all three years of that, so a total of \$6 million. That's the change. Still \$2 million for '22-23 from federal funds and changing '23-24 and '24-25 to ARPA funds or federal funds from General Funds. I would appreciate a green vote. Thank you, Mr. President.

WAYNE: Thank you, Sen-- thank you, Senator Hughes. Seeing no one in the queue, Senator Hughes, if you wish to close on your motion. Senator Hughes waives closing. The motion before the body is to return Select File-- LB805A to Select File. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to vote? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on the motion to return the bill.

WAYNE: Motion is successful. Mister, Mr. Clerk for an amendment.

CLERK: Senator Hughes would move to amend, AM2839.

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WAYNE: Senator Hughes, your open on AM2839.

HUGHES: Thank you, Mr. President. As I explained, colleagues, this is just making sure that we take full advantage of the ARPA funds or the federal funds to fund this project. Would appreciate a green vote. Thank you.

WAYNE: Thank you, Senator Hughes. Senator Albrecht, you are recognized.

ALBRECHT: Did they redo the-- you? Must have-- oh, I'm sorry. You know what? Sorry, I thought-- I'm sorry. Pass.

WAYNE: Thank you, Senator Albrecht. Seeing no one else in the queue, Senator Hughes. Senator Hughes waives closing. Question before the body is the adoption of AM2839 to LB805A. All those in favor vote aye; all those opposed vote nay. All those voted who wish to vote? Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays on the adoption of the Select File amendment.

WAYNE: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB805A to E&R for engrossing.

WAYNE: You, you heard the motion. All those in favor say aye. All those opposed. Motion carries. Next item, Mr. Clerk.

CLERK: Mr. President, Senator Wishart would move to return LB598 to Select File for a specific amendment, AM2837.

WAYNE: Senator Wishart, you're open to close on your motion to return to Select File.

WISHART: Thank you, Mr. President. This is just a technical change. We amended Senator Wayne's bill onto mine and needed to make sure that the language worked together of his, his bill and mine. So it's just a technical change that Bill Drafters alerted us to. Thank you.

HUGHES: Thank you, Senator Wishart. Discussion is now open on AM2837. Seeing no one in the queue, Senator Wishart, you're welcome to close on your return motion. Senator Wishart waives closing. The question before us is the motion to return LB598 from Final Reading for a specific amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: 32 ayes, 0 nays on the motion to return the bill.

HUGHES: The bill is returned. Mr. Clerk for the amendment.

CLERK: AM2837.

HUGHES: Senator Wishart, you're welcome to open on AM2837.

WISHART: Thank you, Mr. President. As I said, when we passed Senator Wayne's bill that deals specifically with the Business Innovation Act, the prototyping grant program portion of it, onto my priority bill, we just had some issues with the language in my bill conflicting with the language in his amendment. So AM2837 just makes sure that the language works and this, this bill is able to work. So I encourage you to vote green. Thank you.

HUGHES: Thank you, Senator Wishart. Discussion is now open on AM2837. Seeing no one in the queue, Senator Wishart, you're welcome to close. Senator Wishart waives closing. Colleagues, the question before us is the adoption of AM2837 to LB598. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays on adoption of the amendment.

HUGHES: AM2837 is adopted. Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB598 to E&R for engrossing.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. Opposed nay. LB598 is advanced. Mr. Clerk for next item.

CLERK: LB888. Senator Day would move to return the bill for a specific amendment, AM2785.

HUGHES: Senator Day, you're welcome to open on your return to Select File motion.

DAY: Thank you, Mr. President, and good evening, colleagues. If you recall on Select File-- this is my Holocaust education bill. On Select File, Senator Maine-- Senator Wayne, excuse me, had attached an amendment to include slavery, lynching, and racist-- racial massacres in America. This bill is a Speaker priority bill and I understand there is an issue with the amendment being new and unrelated information, didn't have a hearing, those types of things, so we need to move it back to Select File and attach this amendment to strike

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Senator Wayne's amendment from the original bill leaving only the Holocaust education as the entire bill. So I encourage your green vote, please.

HUGHES: Thank you, Senator Day. Debate is now open on the return motion. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good evening, colleagues. I rise in support of this motion to return it to Select File. For this particular amendment, I just want to elaborate very briefly on what Senator Day stated. It's really not about the specific subject matter of the amendment. I want to be really clear about that. I did announce earlier in the session, consistent with historical practice, that a Speaker priority that adds new material typically, historically does not get rescheduled on debate. In this case, on Select File, there was an additional amendment on material that Senator Day referenced. The original bill modified the social studies standards to include the Holocaust and other acts of genocide. The amendment on Select File went beyond that. I think if it didn't go beyond that, if it was incorporated within the original bill, I don't know if there would have been a reason for the amendment in the first instance. That extra material did not have a hearing and it went beyond the scope of the original bill. Because of that, as a Speaker priority, it otherwise would not get scheduled again. That's again, consistent with historical practice. In this instance, we did have this opportunity to return it to Select on this Final Reading portion of the agenda here at 6:30 this evening. So I wanted to give Senator Day the opportunity to have the amendment taken out that was added. So if it is taken out, we'll schedule this on Final Reading. If it isn't taken out, in other words, if AM2785 fails, we just-- I, I will not schedule LB888, consistent with what I have said previously on Speaker priorities. Again, it's not related to the specific subject matter. It's only that it is new subject matter and that is why I'm asking for your vote on AM2785. Thank you, Mr. President.

HUGHES: Thank you, Speaker Hilgers. Senator Wayne, you're recognized.

WAYNE: Colleagues, I'm not going to spend a lot of time on this. We've attached many things to Speaker priorities. In fact, LB1107 was a Speaker priority. We've attached a lot of things. It's just conveniently that this one has already been started to be worked by PRO claiming somehow this is CRT. This is real simple for me. I got up on day one and I said this on day one, we knew the amendment was coming from the General File to Select where I said it's-- to me, it doesn't make sense to learn about massacres in other states-- I mean

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other countries and not talk about our own massacres here, everything from Wounded Knee to slavery. And if you need a little history lesson on Wounded Knee, you can talk to Senator Brewer about it. If we're going to require, if we're going to require anything, we should at least make sure we're talking about our own history. I, I find it convenient that now we're, we're calling a historical perspective to a Speaker priority bill. And then that means tonight, what I have to do now is go through every Speaker priority bill and see who has an amendment and pull those back too. But I'm not going to do that because we all know what this is about. So if you vote to return this and you vote to strike that language, you're speaking volumes to me. You're speaking volumes to people who in this country have been brutally-- I think it was 300, Senator Brewer, in Wounded Knee, 300 people. Racial massacre. Slavery. We can't have a conversation about slavery? We can't teach our own history? Let me be clear, by voting for this amendment, you are truly whitewashing our history, so there's nothing more for me to say. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I just was listening to the Speaker's comments about amendments on Speaker priorities and this wasn't the only amendment that we attached that day. We also attached AM2201 from Senator Bostelman and I'm-- I don't see another amendment pending after this amendment, but would Speaker Hilgers yield to a question?

HUGHES: Speaker Hilgers, will you yield?

HILGERS: Of course.

M. CAVANAUGH: Thank you, Speaker Hilgers. So this amendment from Senator Bostelman, are we going to be taking that out of the bill as well?

HILGERS: Which amendment are you referring to, Senator Cavanaugh?

M. CAVANAUGH: It's the one that we adopted right before we adopted Senator Wayne's amendment. It's on language about Congress and the United Nations.

HILGERS: So Senator Bostelman was refreshing my recollection that that defined genocide. So the bill related to genocide and so I think that's within the scope. But if-- I'll take a closer look at if it's

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outside of the scope, then we would just not bring up LB888 again, but I don't think that's the case.

M. CAVANAUGH: OK, so-- all right. Thank you. I, I'm going to do whatever Senator Day needs to do because I don't think that the Holocaust bill should suffer, but I also disagree with taking this out and I agree wholeheartedly with Senator Wayne that this appears to be whitewashing our history. Thank you.

HUGHES: Thank you, Senator Cavanaugh. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I think I've spoke about this before when we talked about the duties of the State Board of Education or whether we should be doing things. And I've been thinking about this more, and Senator Wayne, you can call my vote whatever you want, but I'm going to be voting for the amendment, but I'll also vote against the bill. I think we're-- we keep stepping in on what the State Board of Education should be doing. We should be letting them do that. The more we micromanage, the more we sit here and tell each of the entities that we're supposed to monitor, tell them what to do, I don't see a point of having a State Board of Education if we're going to dictate everything they do. So I will probably be voting against the bill now. Thank you, Mr. President.

HUGHES: Thank you, Senator Friesen. Senator Day, you're recognized.

DAY: Thank you, Mr. President. I appreciate what Senator Wayne has mentioned and he knows that I have supported his amendment from the day that he discussed it with me all the way through Select File and I still support him in his efforts to get slavery, lynching, and racial massacres into our social studies curriculum for the entire state. And I would be happy to work with him on a bill to do just that next session, but please do not forget that this is a bill about Holocaust education. It is a bill that is in direct response to antisemitism that people have suffered and the rise of white supremacy in the last several years. So when we move to move this back to Select File-- I understand Senator Wayne's concerns about removing this amendment and I'm not excited about removing it either. But if we do not remove this amendment, it kills the entire bill. It kills the Holocaust education. And quite frankly, I'm not willing to do that. So please vote yes. On the motion to return to Select and please vote on the amendment and I promise I will work with any senator that would like to get slavery, lynching, and racial massacres into our social studies curriculum next session. Thank you.

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HUGHES: Thank you, Senator Day. Senator Wayne, you're recognized.

WAYNE: Thank you. Thank you, Mr. President. This is exactly what I mean when I talk about you have to get comfortable with being uncomfortable. We don't get to say yes, I want it, but let's just wait. Now ain't the time. I don't want the Holocaust bill to die, but next year, Wounded Knee can get this opportunity, Tulsa might get their opportunity. We're here now and you file a motion after this motion dies if the Speaker won't schedule it. You file a motion to override and change the agenda. That gets taken up by this body and then we vote on that. I don't mind playing if you want to play the rules game, but I've always said just be consistent. Let's call it what it is. It's about CRT. Let's call it what it is. Because this was about Holocaust and then we added an amendment to include all the Holocaust in Africa-- I mean, all the genocides in Africa. That's a substantial change. From one group to the entire world is a substantial change. And you can't say that slavery wasn't a genocide, but the reason I use the word slavery because it's not recognized as genocide. It doesn't matter that over 4 million slaves died because they termed that slavery. But to vote down something to keep the bill alive is saying that-- is saying you're voting down our history to keep somebody else's history alive. It won't be the first time. I just expected something different this time. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Senator Day, you're recognized and this is your third opportunity.

DAY: Thank you, Mr. President. I find it unfortunate that Senator Wayne is framing this as though I-- he knows what this is about. He knows where this motion to move to Select File came from. He knows why it is being introduced and it has nothing to do with me. I'm just trying to save my bill for the thousands of people that have suffered antisemitism that came and brought this bill to me and showed up in that committee hearing, a committee hearing that we had people out the door. You know why we have this motion, you know why I had to bring the amendment, and you know that it has nothing to do with me and how I feel about teaching slavery, lynching, and racial massacre, massacres in America. So if you want to talk about the real reasons that we have this, we can talk about the real reasons, but I don't appreciate you blaming it on me as if me and my bill are the issue here. I would encourage a green vote on the motion to return to Select File and on the amendment and I would also like a call of the house, roll call vote in reverse order. Thank you, Mr. President.

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HUGHES: Senator Wayne, you're recognized and this is your third opportunity.

WAYNE: Let me be clear, I'm not saying this to Senator Day. I've said it multiple times. It's CRT and there's nobody, nobody on this floor-- let me be clear, nobody on this floor has come up to me since this bill passed and said CRT, not one person. There's only been one person in the hallway or two people in the hallway that are not from this body. So no, I have, I have not said anything negative about Senator Day, so I'm not sure where you got that from, but there shouldn't be any offense there, but not nobody said anything about it. There was one question about the definition of lynching by Senator Bostelman, but outside of that, this vote passed with over 30. We are an independent body of government. I hope we keep that same independence today. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Seeing no one else in the queue, Senator Day, you're welcome to close.

DAY: Thank you, Mr. President. It did feel a little personal when you were sort of instructing me how to handle the situation here. So although maybe it didn't seem personal to you, it felt personal to me about allowing my own bill to die as opposed to trying to create an amendment that would be satisfactory so we could get it all the way across the finish line. So that's where I took the personal offense. Please, I would ask for your green vote on the motion to return to Select File and the AM2785 so that we can at least save the Holocaust education portion of this bill. Thank you, Mr. President.

HUGHES: Thank you, Senator Day. Colleagues, the motion before the body is to return to Select File. I'll remind you, we are on Final Reading. Members, please check in. Senator Lathrop, please check in. All members are present. Senator Day, did you request a roll call?

DAY: Yes.

HUGHES: Reverse order?

DAY: Yes.

HUGHES: There's been a request for a roll call vote on the motion to return LB888 for a specific motion. Mr. Clerk, call the roll, please.

CLERK: Senator Wishart not voting. Senator Williams voting yes. Senator Wayne. Senator Wayne voting no. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner. Senator Slama voting no.

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Senator Sanders voting yes. Senator Pansing Brooks not voting. Senator Pahls. Senator Murman voting yes. Senator Moser voting yes. Senator Morfeld not voting. Senator McKinney voting no. Senator McDonnell. Senator McCollister voting yes. Senator Lowe voting yes. Senator Linehan voting no. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Jacobson voting yes. Senator Hunt voting yes. Senator Hughes voting yes. Senator Hilkemann. Senator Hilgers voting yes. Senator Matt Hansen voting yes. Senator Ben Hansen voting no. Senator Halloran voting no. Senator Gragert voting yes. Senator Geist voting yes. Senator Friesen voting yes. Senator Flood. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting no. Senator Day voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting yes. Senator Bostar. Senator Blood voting yes. Senator Arch voting yes. Senator Albrecht not voting. Senator Aguilar voting no. 28 ayes, 10 nays, Mr. President. I have announced the vote, Senator.

HUGHES: Motion is carried. Senator Day, you are welcome to open on AM2785.

DAY: Thank you for your support on moving the bill back to Select File so we can attach the amendment. Again, this is not about whitewashing history. It's about saving the underlying portion of the bill, which is the Holocaust education, which is an extremely piece-- important piece of race and religious-based education. Please vote green on AM2785 so we can save the Holocaust education portion of this bill. Thank you.

HUGHES: Thank you, Senator Day. Debate is now open on AM2785. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Well, I guess we are going to whitewash history. You can say how you want to say it, but we're picking one group over another and that's what we always do. So right now, I'm weighing the \$400 million dollars we used in my community, but we voted one year on a constitutional amendment to end slavery that actually physically does not change a whole lot in our community. And that passed, I believe, 48-0 and one person wasn't here. Because the symbolic-- the symbol of slavery for a punishment of a crime, knowing the history of that, didn't even sit well within this body. The symbol of whitewashing history to save a group should not sit well in this body because that's exactly what it is. I'm actually shaking because I'm so disappointed in many of my colleagues. You know, it's

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bad when Kolterman is telling me to-- let's go talk. He's probably right.

HUGHES: Thank you, Senator Wayne. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. I'm not sure if this is a good time, but Senator Wayne, would you yield to question?

HUGHES: Senator Wayne, will you yield?

WAYNE: Yes.

BLOOD: Senator Wayne, can we address the elephant in this room? Which you've addressed part of it, but it was my understanding-- and perhaps my understanding was incorrect-- that there was the chance that the bill could have been vetoed if your amendment stayed on the bill. Was that your understanding too?

WAYNE: That's what I heard through other senators and other people. Yes, that's what I heard. But I mean, I'm used to a veto. I got one this year.

BLOOD: So could there be an understanding that an amendment that didn't have a hearing, no matter how passionate people feel about that topic, that, that trying to save part of the bill would be better than no bill? Do you think that that thinking is wrong?

WAYNE: I think when it comes to zero-sum games and you leave out a community that's been far left behind, I think it's fundamentally wrong.

BLOOD: I-- and I don't disagree with that, but what I'm looking at right now is a senator who's worked really hard on a bill that had a hearing on her bill, who has the threat of this bill dying, not because of anything that she did, but because she also supports what you want to do and she's not being given the option of whether she can support your bill and have it go through or take it off and maybe still have it go through. Do you, do you see what the issue is on the other side?

WAYNE: No, I don't. I'm actually laughing about that because I get a veto every other year.

BLOOD: Yeah, that's true.

WAYNE: And I don't let that stop me.

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BLOOD: That is true.

WAYNE: Felon voting got vetoed my first year. I brought it back every year. And in fact, we overrode the Governor one year. We are-- we tried to-- overrode the Governor, Senator Hansen and I, this year. A threat of a veto doesn't change what I believe is right or wrong. You do what you're supposed to do and this is an education bill.

BLOOD: Would it be fair to say that everybody has to go about things their own way?

WAYNE: And so I'm not holding no grudge against anybody as of yet, but--

BLOOD: But, but you already said you did hold a grudge. That's my concern.

WAYNE: No, I said, I'm disappointed. I can be disappointed in a lot of people.

BLOOD: And I think that's fair.

WAYNE: I can be disappointed--

BLOOD: I get that, Senator.

WAYNE: --in those who are on the Education Committee who just wants to pick and choose what we want to do on education. I can be extremely disappointed and I am.

BLOOD: I think that's fair. Thank you, Senator Wayne. I know this wasn't the best time to ask you a question. Thank you, Mr. President.

HUGHES: Thank you, Senator Blood and Senator Wayne. Senator McKinney you're recognized.

McKINNEY: Thank you, Mr. President. I just wanted to rise and say that, you know, enslaved Africans arrived on the shores of this country in 1619. They weren't free until 1865, but technically they were free in 1863-64 because of the Emancipation Proclamation. But in Texas, slave owners didn't want to let those individuals go. Then, from those years on, descendants of enslaved Africans and even enslaved Africans who were later freed were lynched by the KKK and others, oppressed. Still, when you look across this country, every black neighborhood in this country is impoverished. And when you look at our prisons, they're overpopulated with black people and because of

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the 13th Amendment, that is considered legal slavery. I don't know how we consciously leave that out. And this is not to Senator Day or anybody else, but it's to the people that think this amendment is needed: just come out and say that we don't want black people in Nebraska or we don't want black people in the United States, honestly. Thank you.

HUGHES: Thank you, Senator McKinney. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President. And I'm going to speak to the particular procedure on the Speaker priority because, as I understand it, that Senator Day doesn't even have the option of facing a veto because if we don't accept this amendment, Speaker Hilgers won't schedule it. So colleagues, you'll note the rule-- or the "rule"-- I would use air quotes for the transcribers-- that Speaker priority bills can't add more on to it is-- it is what the Speaker considers in picking priorities. It's not necessarily in a rulebook. And the reason that's there is for a variety of reasons, but one of the reasons was my freshman year, I attempted to amend a Speaker priority bill on-- attach a different bill to it. I had the support of the committee chair, I had the support of the original introducer, and we had some technical concerns and we had some other issues that dragged out the debate. And what probably should have been a few minutes on Select File ended up being about half an hour. And the Speaker at the time came up and said you surprised me with this, take it off, you're wasting time, and I did. And then the very next year, we had this rule-- "rule"-- again with air quotes-- on the letter saying that you can't add new material on the Speaker priority. In my mind, it was to prevent Speaker priorities from being turned into Christmas trees. It was not intended to make any sort of new material not allowed and not allowable and I don't think that's been our tradition. I don't think that's been our practice. Again, that is something each individual Speaker gets to determine. So I appreciate that Speaker Hilgers is picking a pretty strict standard with this, but to say this has been a long-running practice, I would say it really hasn't been. It's something that hasn't even-- it's, it's younger than my tenure in the body, this even term or this rule even existing. So I wanted to provide that context before we took this vote. Thank you, Mr. President.

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

WAYNE: Thank you, colleagues. So I'm, I'm calmed down. I'm having some fun now. I'm just laughing. And the reason why I'm laughing and having

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a little bit of fun because go ahead and take this vote. Let's go with Speaker Hilgers' thought process, but then LB344, which is a Speaker priority that has so much new material that it had to go back and have a new hearing, cannot be heard next if we're going to be consistent. So I'm willing to follow the rules. I will concede that it is new material. Go ahead and vote. I still think if you vote the way that you're going to vote, you're whitewashing history, but then I expect LB344 to be passed over as new material. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Seeing no one else in the queue, Senator Day, you're welcome to close on AM2785.

DAY: Thank you, Mr. President. I appreciate Senator Hansen mentioning that if this amendment does not get adopted, this bill will not get scheduled on Final Reading. So I don't even have the opportunity for a veto or a veto override because the bill will not get scheduled. So if it, if it was up to me and I know that I could get it through and try to override a veto, I would be happy to do that including Senator Wayne's amendment, but that's not the case with this bill. So again, I'm just trying to save the Holocaust education part of this bill, which is an extremely important and timely piece of legislation and I think that it needs to get passed. So as I said earlier, I'm happy to work with Senator Wayne on a piece of legislation. It can have its own hearing and it can have its own day in court. This amendment did not have that and I understand that with Speaker priority bills, those things, you know, they don't follow what we-- how-- what we typically do with Speaker priorities. So please vote green on AM2785 and I appreciate the support. Thank you.

HUGHES: Thank you, Senator Day. Colleagues, the question before us is the adoption of AM2785 to LB88-- LB888. All those in favor of vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 13 nays on the adoption of the amendment.

HUGHES: AM2785 is adopted. Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB888 to E&R for engrossing.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. Opposed nay. LB888 is advanced. Mr. Clerk, next item.

CLERK: Mr. President, LB921A on Select File. Senator Lathrop would move to amend with AM2840.

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HUGHES: Senator Lathrop, you're welcome to open on AM2840.

LATHROP: Thank you, Mr. President. Colleagues, we moved LB921 with some amendments earlier. That amendment-- those amendments to LB921 actually lowered the A bill. This amendment reflects the new A bill, given those amendments that we adopted a little while ago, and it actually lowers the fiscal note. I would encourage your support of AM2840. Thank you.

HUGHES: Thank you, Senator Lathrop. Discussion is now open on LB-- AM2840. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good evening. I wonder if Senator Lathrop would yield to question?

HUGHES: Senator Lathrop, will you yield?

LATHROP: Yes, I will.

ERDMAN: Senator Lathrop, I didn't go back and look up what the prior fiscal note was. Can you share that with us? Do you know what it is?

LATHROP: Yes, I can. So this amendment would change the fiscal note in this respect. The original was \$1.258 million. It's now down to \$1.176; zero from the General Fund, where it was \$246,000 before.

ERDMAN: OK.

LATHROP: I think in the second year, it's down from \$1 million to \$951,000 and from \$493,000 down to \$148,000.

ERDMAN: OK.

LATHROP: So there's considerable savings as a result of the amendments.

ERDMAN: So why was the adjustment? What, what did you change that made the adjustment?

LATHROP: So that was the, the compromise or the work done by Senators Arch, Hansen, and Cavanaugh on-- remember, part of it is the competency piece--

ERDMAN: OK.

LATHROP: --and the other part was the enrollment piece. They were both narrowed through the work of Senator Arch--

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ERDMAN: OK.

LATHROP: --and Senators Cavanaugh and Hansen.

ERDMAN: Thank you. Thank you for clarifying that. Thank you.

HUGHES: Thank you, Senator Erdman and Senator Lathrop. Seeing no one else in the queue, Senator Lathrop, you're welcome to close on AM2840. Senator Lathrop waives closing. Colleagues, the question before us is the adoption of AM2840 to LB921A. All those in favor of vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays-- excuse me, 42 ayes, 0 nays on the adoption of the amendment.

HUGHES: AM2840 is adopted.

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

HUGHES: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB921A to E&R for engrossing.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. Opposed nay. LB921A is advanced. Mr. Clerk.

CLERK: Well, Mr. President, I believe we're returning to LB121. Right, Mr. Speaker? Thank you. Pending is Senator Slama's motion-- amendment, FA212.

HUGHES: Senator Slama, you're welcome to continue debate on your FA212.

SLAMA: Thank you, Mr. President, and just to update anyone watching from home or hasn't been around on the floor, I am doing a very calm-- respectful that this is the last late night of the session-- easy listening for our filibuster of LB121. That is because-- and this has been a consistent position since I've taken office-- I am opposed to expanding government benefits for three-time felons and I'm especially opposed on today, where we ended up killing a Second Amendment bill with 31 votes. So that's why I did promise to filibuster this bill if it advanced to Select File from General File. It received 25 votes and advanced so here we are. But I am reading from a study. Just a heads up to everyone on the floor, we're not going to be taking any votes

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until we get a cloture on this, which I estimate will be probably around 10:30, 11 o'clock--

HUGHES: Excuse me, Senator Slama. Colleagues, could we keep our conversations to a minimum? Thank you.

SLAMA: Thank you, Mr. President. I appreciate that. But this is-- like, if you're not listening to any part of what I'm talking about, you can hear this. I'm, I'm not taking anything to a vote. I'm not doing any calls of the house. So if you want to leave, hang out in your offices, or even head home, if you're not supportive of cloture on LB121, please feel free to check out if you'd like. I do anticipate this will be going to cloture. I have three more floor amendments posted after this, so if I run out of turns to speak on this one, I'll do a ten-minute introduction on my next one, have three turns at the mike, and then have a close. We'll repeat through that two more times and then I have motions on my desk. One is to indefinitely postpone LB121, which is treated the same in the order of priorities as an amendment, then after that, once I start running out of turns on that, I will drop a motion to recommit LB121 to the Health and Human Services Committee. And last but not least, we won't get this far because we will run out of time, but I do like having extra amendments handy if I need them and I will move to bracket LB121 until the last day of session. So if you take nothing else from this turn on the mike, it is feel free to take the night off. I, I won't be doing calls in the house. Nothing will go to a vote and I will just read from the studies I found and I will continue to remain opposed to LB121 and provide updates for anybody listening from home that might be confused as to what's going on. And yeah, I am reading, for those of you following along from your computers, from a study published in Behavioral Science Law in 2009. It's published on the NIH public access website and it is entitled "Violent Offenses Associated with Co-Occurring Substance Use and Mental Health Problems: Evidence from CJDATS. This is offered-- authored by Dr. Sacks, Dr. Cleland, Dr. Melnick, Dr. Flynn, Dr. Knight, Mr. Friedmann, Mr. Prendergast, and Ms. Coen. And it's, it's a pretty interesting analysis. I am on page-- I ended on page-- sorry, I lost my mark here. I am on page 7, in the results section, most of the way down the page on the subsection entitled "The Association of Mental Health Problems and Substance Use Frequencies with Violent Offenses." So I will continue there with this turn on the mike and any subsequent turns on the mike that I'm yielded by my colleagues or--

HUGHES: One minute.

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SLAMA: --thank you, Mr. President-- or I'm granted just by turning on my light, which I need to do right now. I'm not yielding any of my time, so please don't. Thank you, Mr. President. So going back to that paragraph, in generalized linear mixed model analyses 14 of 17 two-way interaction terms were not significant and were removed. The final model with these terms removed is summarized in Table 2. Older age was associated with a decrease in the probability of violence. And I will put a pin there and carry on at my next turn on the mike. But in short, I rise opposed to LB121 and that's a pretty good summary of why I am filibustering this bill and the process that I will use to get there. So thank you, Mr. President.

HUGHES: Thank you, Senator Slama. That was your third opportunity on your floor amendment so you still have your close. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, President. Is this my third time on the mike?

HUGHES: Your second.

ALBRECHT: My second, thank you. So you must have reset. OK, so I did-- I do rise in opposition of LB121. I had found finally on the 72 pages on page 37-- I'm reading from the transcript that Chairman Arch, which I don't believe he's here in the room this evening right now. So he was asking if there were any other proponents for LB121. Seeing none, there is-- is there anyone that would like to testify in opposition to LB121? And he has Director Stephanie Beasley: Good Morning, Chairperson Arch and members of the Health and Human Services Committee. My name is Stephanie Beasley-- she spells it-- and I am the director of the Division of Children and Family Services that is within the Nebraska Department of Health and Human Services. DHHS is here to testify in opposition to LB121 as it would allow a person convicted of a drug distributions to receive SNAP benefits. LB121 also removes the requirement for an individual convicted of a drug felony to participate in or complete a drug treatment program as appropriate in order to be eligible for the SNAP benefits. So again, they're asking for the treatment process that they do have to complete the drug treatment program. LB121 would allow someone still serving a term of parole, probation, or post-release supervision to receive SNAP benefits. It's important to note that as long as they receive treatment post conviction, that they can receive the benefits at this point while on parole. DHHS is supportive of Nebraska residents striving to overcome drug addiction and rebuilding their lives after a felony sentence. DHHS does not believe that the system should support individuals convicted of three or more felony charges. Rather, DHHS

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supports completion of sentencing and participation in treatment programs as appropriate before receiving SNAP benefits. She thanks him for the time and the opportunity to testify. Be happy to answer any questions. Senator Arch thanks her and asks if there's any questions. Senator Machaela Cavanaugh: Thank you and good morning, Director Beasley. Stephanie Beasley: Good morning, Senator. Senator Cavanaugh: So we've heard about the cost for incarceration, incarceration, excuse me. How much does that cost, the average cost for SNAP benefits a month for a person? Stephanie Beasley: So the average benefit I think is \$200, but hold on, I have the amount for you. It's the average benefit per household. In federal fiscal year 2020 was \$243 a month. The average benefit per person in federal fiscal year 2020 was \$112 per month. Senator Cavanaugh: OK. So oftentimes when the department is here testifying in opposition to bills, it's because of the fiscal note and this bill does not have a fiscal note. And so I thought perhaps that this time we would have you here in support because there's no fiscal impact. And it's clear that it's not a strain on the agency to execute this, this change in statute. Is that correct? Stephanie Beasley: Well, I think, I think that was testified earlier as to being pretty accurate. There's 750--

WILLIAMS: One minute.

ALBRECHT: --750-plus people were denied last year or deemed ineligible, so it-- and Senator Cavanaugh says, well, according to the fiscal note from DHHS, not from our Fiscal Office, it says that basically that the cost could be absorbed in within the department. Stephanie Beasley: Right, so-- Senator Cavanaugh: So there's not really a burden to executing this program. Stephanie Beasley: Correct. Senator Cavanaugh: OK, so it is a philosophical opposition? Stephanie Beasley: Yeah, the cost would be absorbed. The benefits that are coming through 100 percent federal. And so the cost for determining eligibility could be absorbed within current. Senator Cavanaugh: Right. Stephanie Beasley: Because we are already determining eligibility on these applicants. Senator Cavanaugh: Well, I'm just trying to be clear about what the actual opposition is--

WILLIAMS: Time, Senator.

ALBRECHT: Thank you.

WILLIAMS: Thank you, Senator Albrecht. Senator Ben Hansen, you are recognized.

B. HANSEN: Thank you, Mr. President. Appreciate what Senator Slama is trying to do here and, and open up and have some conversation about this topic, so I will yield the rest of my time to Senator Slama.

WILLIAMS: Senator Slama, you are yielded 4:40.

SLAMA: Thank you very much, Senator Hansen. Before I get back to the article, I was asked to remind everyone by the Speaker that in order to conduct the business of the state, we do need 25 people checked in. So if you are planning to check out for the evening, please ensure that you are not the 25th person to check out. This public service announcement has been brought to you by the Nebraska Legislature. Returning to the article, we're on page 7, section "Results" subsection "The Association of Mental Health Problems and Substance Use Frequencies with Violent Offenses." We are on the second sentence and-- no, the third sentence of that paragraph. Both childhood conduct problems and hostility, as measured by the two scales from the CEST-Intake, were associated with an increase in the probability of violence. Table 2 shows that, for the most part, no direct relationship between the mental health items and the probability of violence was evident, but the analyses revealed some statistically significant complexities in which the relationship between a specific variable in violence depended on the value or level of one or two other variables. Drug Use Frequency: drug use frequency interacted with lifetime problems of both anxiety and trouble in understanding, remembering, and concentrating. In other words, the association between drug use frequency and violence was conditional on the lifetime presence or absence of both anxiety and trouble understanding, remembering, or concentrating problems. When lifetime anxiety and trouble understanding, remembering, or concentrating were both absent, overall, drug frequency was associated with an increase in the probability of violence; when lifetime anxiety and trouble understanding, remembering, or concentrating were both present, overall, drug frequency was associated with an increase in the probability of violence. Also, when lifetime anxiety problems were absent in trouble, understanding, remembering, or concentrating was present, overall, drug frequency was associated with an increase in the probability of violence; however, when anxiety problems were present in trouble, understanding, remembering, or concentrating problems were absent, overall, drug frequency was not associated with violence. Alcohol quantity: alcohol quantity interacted with suicidal ideation. When suicidal ideation was absent, alcohol quantity was associated with an increase in the probability of violence; however, when suicidal ideation was present, alcohol quantity was not associated with violence. Mental health problems: when drug use

frequency was at its lowest, a lifetime anxiety problem was associated with an increase in the probability of violence; when drug use frequency was at its median and its highest, a lifetime anxiety problem was not associated with violence. When drug use frequency was at its highest, lifetime trouble understanding, remembering, or concentrating was associated with an increase in the probability of violence, but this was only marginally significant. When drug use frequency--

WILLIAMS: One minute.

SLAMA: --thank you, Mr. President-- when drug use frequency was at its lowest, lifetime trouble understanding, remembering, or concentrating was associated with a decrease in the probability of violence. Also, when drug use frequency was at its median, lifetime trouble, understanding, remembering, or concentrating was not associated with violence. I will pick up there on my next turn on the mike. Thank you very much, Mr. President.

WILLIAMS: Thank you, Senator Slama. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. I was looking in the bill and I wanted to make it clear as to what the objection is. On page-- bottom of a page 5, it starts talking about a person "shall be ineligible for these benefits," but it-- that's what stricken and its substitute, a person convicted of a felony involving, involving possession, use, or distribution of a controlled substance "shall only be eligible for Supplemental Nutrition Assistance Program benefits under this subsection if such person (i) has completed such persons, sentence for such felony or (ii) is serving a term of parole, probation, or post-release supervision for such felony." So that's the change that has been added in this bill, which you'll note is-- has no requirement, especially for treatment. The original statute said that a person shall be ineligible for Supplemental Nutrition Assistance benefits under this subsection if he or she has had three or more felony convictions for the possession use of a controlled substance or has been convicted of a felony involving the sale or distribution. And the-- one thing I wanted to get to was that they have completed a state-licensed or nationally accredited substance abuse treatment program since the date of conviction and that is part of the stricken language. And that's also why I'm in opposition to the bill. I would yield the rest of my time to Senator Slama.

WILLIAMS: Senator Slama, 2:54.

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SLAMA: Thank you, Mr. President and Senator Clements. Like Senator Lowe, Senator Clements does have a very soothing voice, so I, I think he provides a strong contribution and a voice of reason to this debate. Again, I'm filibustering LB121 because I am opposed to expanding government benefits for three-time felons, especially on a day where we've killed a bill on gun rights. I'll get back to my article that I'm reading from. We're on page 8, paragraph 3 of the subsection entitled "Mental Health Problems." When alcohol quantity was at its lowest and its median, suicidal ideation was not associated with violence; however, when alcohol quantity was its highest, suicidal ideation was associated with a decrease in the probability of violence. In sum, drug use frequency and alcohol quantity were associated with an increase in violence for all but a select subset of offenders, whereas, of six-- of the six mental health problem items, just one was associated with an increase in violence, and then only for a small number of offenders. Sensitivity Analysis: Two additional analytic strategies were employed to check that important associations between mental health problems and violence were not being missed. In one alternative strategy, each of the six mental health problems was considered separately to avoid any multicollinearity due to the co-occurrence of different problems. In these analyses, the unique association of each mental health problem was the probability of violence was essentially the same as when all--

WILLIAMS: One minute.

SLAMA: --six problems were considered together, as reported earlier. Thank you, Mr. President. In another alternative strategy, the total number of mental health problems endorsed replaced the six individual items. Following the same model simplification strategy as described above, an interaction between the mental health problem sum and alcohol quantity remained. When none of the six problems was present, alcohol quantity was associated with an increase in the probability of violence. The association between alcohol quantity and the probability of violence was weaker as the total number of mental health problems increased. And that wraps up page 8. I will continue on page 9 on my next turn on the mike. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama and Senator Clements. Senator Geist, you are recognized.

GEIST: Thank you, Mr. President. I am enjoying the easy listening of Senator Slama, so I will yield my time to her.

WILLIAMS: Senator Slama, 4:50.

SLAMA: Thank you, Mr. President. If law school doesn't work out and the legal profession also doesn't let me in, I do anticipate somewhat of a meandering career as a late-night NPR radio host, so stay tuned for that development. Continuing on page 9, at the lowest level of alcohol quantity, the number of mental health problems was marginally associated with an increase in the probability of violence. As alcohol quantity increased, the association became weaker in the negative, but was never significant. As in the primary analysis, aging was associated with the decrease in violence, whereas childhood conduct problems, hostility and overall drug use frequency were each associated with increases in the probability of violence. Moving on to the next section "Discussion" subsection "Summary of Findings." For most of the sample of paroled offenders who had been referred to substance abuse treatment programs in the community, recent alcohol quantity and drug use frequency were associated with an increase in the probability of violence and mental health problems were not; however, among a select group with lifetime anxiety and without a lifetime problem understanding, remembering, or concentrating, drug use frequency was not associated with violence. Also, among another select group with suicidal ideation, alcohol quantity was not associated with violence. A lifetime anxiety problem was associated with an increase in violence, but only among those at the lowest level of recent drug use frequency. A lifetime problem understanding, remembering, or concentrating was associated with an increase in violence, but only among those at the highest level of recent drug use frequency, and with only marginal significance. Suicidal ideation was associated with a decrease in violence, but only among those at the highest level of alcohol quantity. Two scales indicative of antisocial personality characteristics predicted an increase in the probability of violence independent of the frequency of recent drug use or of the quantity of alcohol consumed. "Discussion of Findings" Characteristics of the Sample: The analyses reported here showed higher rates of co-occurring mental health problems among paroled offenders who had been referred to substance abuse treatment services in the community, 61 percent on items indicative of any lifetime mental health problem. These rates are consistent with those found in the studies of substance abuse programs in the community, including studies in 2000 and 1997 and in prison (Swartz, 2006), despite the fact that the data were drawn from research interview items rather than from a diagnostic clinical interview or a standardized instrument. The prevalence rate for violent offenses, 27 percent, is considerably higher than violence rates found in community-based mental health populations. For example, the recent National Institute of Mental Health (NIMH) Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE) study found

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a six-month prevalence rate of 4 percent for serious violent behavior in the period prior to entry into the clinical trial. That rate is high, and the samples reported here is not surprising, given that all who participated in the current study were offenders and, by definition, many had been incarcerated--

WILLIAMS: One minute.

SLAMA: --thank you, Mr. President-- had been incarcerated for committing a violent offense. Comparison with Findings from the MacArthur Risk Study: The results of the curr-- the current analyses are similar to those of the MacArthur Risk Study, in that both studies demonstrated that the risk of violence increases alcohol and drug use increased. Both studies found more limited in specific associations between mental health problems and violence. The current results are from a sample of offenders referred to substance abuse treatment programs in the community, differing in some important aspects from those in the MacArthur study. That concludes page 9. We'll pick up on page 10 on my next turn on the mike. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama and Senator Geist. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President. That was so nice and so soothing I almost forgot I was going to speak. I was kind of almost dozing off there, so you have a very, very easy flowing voice and I'll let you have a drink of your tea and, and we'll just continue on with this here shortly. But good night, everybody. It's been a pleasure speaking with you. I'd like to yield the rest of my time to Senator Slama.

WILLIAMS: Senator Slama, you are yielded 4:30.

SLAMA: Thank you very much, Mr. President, and thank you, Senator Lowe, for that relaxing vacation from my voice. I will now pick up on page 10 of the study. I'm on the first sentence of-- first full sentence on page 10. Initial reports of the MacArthur data indicated that any drug or alcohol use among individuals discharged from mental hospitals increased the risk for violence, while mental disorders had only minimal effects, whereas a re-analysis of data from the MacArthur study found a relationship between severity of both drug and alcohol use and violence. In the analyses reported here, both the quantity of alcohol consumed and the overall frequency of drug use were associated with violence for most offenders. Taken together, the two studies demonstrated relationships between both alcohol and drug use and violence among hospitalized psychiatric patients and offenders

recently released from prison. Differences in the measurement of violence need to be taken into account in the comparison of the current study to the MacArthur study. The MacArthur Risk Study used an extensive structured assessment of specific aggressive behaviors, along with the probes for severity and context. The MacArthur Community Violence Instrument has become a standard in the field and has been used in many recent studies, including NIMH CATIE project cited above. The CJDATS study measured violence offenses by asking respondents whether they had committed any of several types of violent crime, such as mugging, aggravated assault, terrorist threats, homicide, arson, or sex offenses. The data on violent acts in the current study were obtained from self-reports, as are commonly employed in both substance use and criminal justice research, and results, while different from the MacArthur study, which focused exclusively on violent behavior, were consistent with the literature in those areas. Substance abuse, mental health and Violence: Two important findings emerged from the current analyses. First, the finding that the quantity of alcohol consumed and overall drug frequency were related to violence is consistent with the literature and underscores the need for post-release treatment focused on alcohol and drug use. Second, similar to the MacArthur Risk Study, associations between mental health problems and violence were limited and fairly specific; only indicators of antisocial personality were associated with violence, regardless of substance use. Other problems of anxiety and trouble understanding, remembering, or concentrating were related to violence only at specific and less common levels of substance use. These limited effects of mental health problems clearly warrant further exploration because they do not appear in the previous studies and do not seem to fit into a theoretical or clinical framework, which would explain why these particular mental health problems interact with substance use in idiosyncratic ways.

WILLIAMS: One minute.

SLAMA: Thank you, Mr. President. I will wrap up there and pick up on the subsection-- on the final subsection on page 10, "Co-Occurring Disorders and Violence." And just briefly explain-- I've explained why I am opposed to the bill. Again, this is nothing personal. I'm just opposed to this from a policy perspective. I'm not going to get up and shout and make arguments. I want this to be as relaxing of a filibuster as possible. I gave the bill's introducer a heads up, and I fully anticipate this to go four hours based on the motions and the amendments I have made to the bill. So we are going to be here for a while. Thank you, Mr. President.

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WILLIAMS: Thank you, Senator Slama and Senator Lowe. Senator Sanders, you are recognized.

SANDERS: Thank you, Mr. President. Good evening, colleagues. Senator Slama is doing such a great job this, this evening and I'd like to yield my, my-- rest of my time to Senator Slama.

WILLIAMS: Senator Slama, 4:50.

SLAMA: Senator Sanders, thank you very much. You are such a sweetheart. I'm going to start from the final subsection on page 10 entitled "Co-Occurring Disorders and Violence." It is useful to consider the findings with regard to co-occurring disorders. If substance use and mental health problems combined to increase the likelihood of violence beyond what one would expect given the separate effects of each, then mental health problems should be more strongly associated with violence when substance use problems are present, and substance use problems should be more strongly associated with violence when mental health problems are present; yet, in all of the interactions examined, this pattern emerged only once. A lifetime problem understanding, remembering, or concentrating increased the probability of violence when drug use frequency was high and decreased the probability of violence when drug use frequency was low. Although this interaction did follow the expected pattern, the simple effect of the mental health problem at the highest level of drug use frequency was only marginally significant. Other interaction effects emerged with an opposite pattern; that is, mental health problems increased violence most when drug use was less frequent and when less alcohol was consumed. Also, substance use did not interact with childhood conduct problems or with hostility. On the whole, the suggests that substance use and characteristics of antisocial personality disorder are relevant to violence, but these associations with violence remain, for the most part, unaffected by the presence of other mental health problems. Subsection "Limitations:" Because sex offenses were considered to be violent offenses and because registered sex offenders were excluded from the TCM study, offenders whose only violent offense was a sex offense were likely under-represented in the sample. Similarly, parolees who would have otherwise been eligible for the SNO study were excluded if psychotic features were present. This suggests that certain mental health problems, particularly the most severe types of mental illness, were likely underrepresented in this sample. Future studies of co-occurring disorders and violence should address this whole spectrum of substance use and mental health problems as well as all types of violent offense. Less restrictive inclusion criteria may be more feasible when these relationships are studied

outside of the context of treatment. It was not possible to ascertain whether substance use and mental health problems preceded violent offenses. It is possible that the mental health and substance use problems observed were the result of committing violent offenses rather than the cause. Ideally, the associations observed here should be confirmed in prospective, longitudinal studies. For example, it would be useful to follow individuals with co-occurring disorders prospectively so that the presence of co-occurring disorders would be established before violent offenses were observed. Items available to characterize mental health were limited in at least three ways that should be taken into account when comparing the study to others reported in the literature. First, participants were only asked whether a particular problem was present or absent. It would be useful if future research on co-occurring disorders and violence were to obtain greater detail on the age of onset, frequency, duration, and severity of mental health problems. Second, in the TCM and SNO studies, structured clinical interviews could not be conducted with participants--

WILLIAMS: One minute.

SLAMA: --thank you, Mr. President-- to obtain specific diagnoses. In future studies, it would be helpful to obtain information on diagnoses. In addition to specific dimensional measures of mental health problems or symptoms, which would permit the examination of the relative contribution of symptoms or problems in what specific disorders to risk for violent offenses. Finally, the items available to this analyses were far from comprehensive with respect to common mental health problems or symptoms. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama. Senator Brewer, you are recognized.

BREWER: Thank you, Mr. President. Senator Slama, sit down and take a break. You're not getting any of my time. All right. LB121, not a fan, but that's not why I'm going to help this filibuster. Filibustering seems to be the way we do business around here. Since Senator Hunt wanted to be prime and center in the middle of my filibuster, I want a front seat for hers. So with that said, we're going to go back to the subject that we were working on this afternoon. The first gun control laws in America were aimed at, as I said earlier, folks that look like Wayne and folks who may have looked like my ancestors. And I'm going to read from the very first gun control laws in America. Got the book right here, "The Laws and Liberties of Massachusetts," 1648. Keep in mind, this is old-school talk here. And I quote, nor shall any man

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with any jurisdiction directly or indirectly amend, repair, or for cause be amended to repair any gun small or great belonging to an Indian nor shall endeavor the same, nor shall sell or give any Indian directly or indirectly any gun or any powder, shot, lead, mold or any weapon or armor upon the pain of 10 pounds of fine or at least as much-- for at least as much of an offense and that the court of the assailant shall have the power to increase the fine or impose corporal punishment at their discretion. I'm thinking that before 1865, the end of the Civil War, there probably wasn't very many people of color that were allowed to have guns. At that time, the United States was engaged with the Native Americans all across the West. I'm pretty sure they weren't supposed to have them and they would have preferred they didn't have them. So if you look at gun control and the root of it, it is racist. Now earlier, I made comments about taking coup with my enemy. Most of your sloughed that off, that's fine. Go ahead and do that. But I will tell you that as soon as I finished up, I went downstairs, did three television, four radio interviews, got the weekly going to 28 radio-- newspapers and we're going to call out everyone who stood against the Second Amendment. And I also went farther to say, listen, I want to know if they're running for office, who they'll run against. I want to go out of my way to help them because the only way we're ever going to change this body is to change the faces in here because it's obvious the ones in here have a true dislike of the Second Amendment. They like to hide behind, well, you know, the police didn't feel comfortable with it, so I'm not comfortable with it. It was a good cop out and they were successful. I'll give them that, but that doesn't keep me from taking coup or making sure that everyone understands what happened here this afternoon and I think some folks are going to be surprised. I got a hold of--

WILLIAMS: One minute.

BREWER: --I got a hold of all the national gun organizations and I said, I want you to work as hard as you can to help everyone who is opposing these individuals because they are enemies of the Second Amendment. In many cases, they're also supporters of abortion. You're in Nebraska and you oppose both of those, good luck. We'll see how that works out for you. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brewer. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President, I appreciate that. I did-- I had forgotten that when they stopped for those bills that we brought back

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from Final Reading, my light had gone off and I went up and asked Senator Hughes what happened and he said, you need to be aware of the situation. He didn't say that. He just said, here's what happened. So I appreciate that. So we're talking about LB121 and I went back and looked at the vote and there was 25, 25 yes. So one more, one more no or not voting, we wouldn't be in this conversation this evening. So the committee statement, I reviewed that and it was 5-3. It barely got out of committee and then it barely passed General File and here we are on Select. So the committee statement says the following things about what LB121 does: it says LB121 relates to eligibility for Supplemental Nutrition Assistance Program, better known as SNAP, and would eliminate a lifetime ban on SNAP for drug felons if certain requirements are met. LB121 strikes the language in section [4][b] that makes any person with three or more convictions for the use or possession and persons convicted of distribution or the intent to sell or distribute a controlled substance ineligible for SNAP. Section 1, page 5, lines 15-17 [SIC]. These persons would now become eligible for SNAP, subject to other provisions in Section 4 [SIC]. So as I read that, I begin to think so if you're a felon that has done drugs and distribution twice, once or twice, you are still eligible for SNAP. It's only those people who have done it three times that makes them ineligible. Then it goes on to say the remainder of section 4 [SIC] is amended to limit SNAP participation for drug felons. Under the new language inserted into section [4][b], a person convicted of a felony involving the possession, use, or distribution of a controlled substance would only qualify for SNAP if they have completed their sentence for the felony or are serving a term of parole, probation, or post-release supervision for such a felony, according to sections 1, page 4, line 31, page 5, lines 1 through 5. OK, so it's amazing to see that you can have a felony, one felony for drug distribution and still get SNAP and the second one, you still get SNAP, on the third one, you don't get it anymore. And it's-- according to what this says in the state-- in the committee statement, it must be a lifetime ban on SNAP for felons. So you would think after the first and second time, you would have learned that if I do this again, I may not get anything to eat. I was opposed to LB121 when I came up the first time and nothing has changed. I'm still opposed. And so we spend a lot of time here talking about the people who break the law and we spend very little time talking about those who are injured or have ramifications from people who break the law. And we wonder why so many people are in jail or in prison.

ERDMAN: One minute.

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ERDMAN: I've got an idea on that. I think it's because they broke the law. Because I have never been in jail or in prison. It's because I don't want to go there, so I try to abide by the laws that are in place and I understand and I avoid going there. It's very simple. Don't break the law, you don't get to go to prison. I don't know-- you know, some think we need to have a sign in the bus that says it's illegal to beat up a bus driver. That is foreign to me. You know, as I said the other night on that bus driver thing, we protect animals more than we do babies. That is peculiar. Thank you for your time.

WILLIAMS: Thank you, Senator Erdman. Senator Albrecht, you are recognized.

ALBRECHT: Thank you, President. I'd like to continue with the opposition at the hearing from DHHS. So Senator Cavanaugh had-- it was her time up again.

WILLIAMS: Senator Albrecht, this is your third time. Also, I'm sorry, I didn't let you know that.

ALBRECHT: No, that's OK. Thank you very much. I'm just trying to be clear about what the actual opposition is, because normally it's fiscal and there's no fiscal impact. It's not hard to execute. It's actually very feasible to execute and it appears based on the notes in the fiscal note. So it's purely philosophical that the department doesn't think that we should be providing food to a particular group of individuals in our state. Yet, we will spend \$2,916 a month to house and feed those same individuals if they are reincarcerated. Stephanie Beasley from the Department of Health and Human Services: So the Department of Health and Human Services has opted to choose a modified ban. So SNAP program at the federal level basically says that there is a ban on felons receiving or persons who have felonies receiving benefits that states can modify. So they can. either-- they can have a lifetime ban, a modified ban, or no ban. And Nebraska is one of-- and I, I-- many states-- Senator Cavanaugh says we are the only one. Stephanie Beasley: I think there are about 25 states who have chose to modify, to modify their ban. Senator Cavanaugh: Well, we don't. We don't have-- we don't have nothing. Nebraska is the only state that has not done a modified ban or a no ban. Stephanie Beasley: The modified ban is a requirement for treatment prior to receiving benefits. Senator Cavanaugh: OK. So I, I just am struggling to understand the department's position on this. If, if the federal government had never implemented this program when they did the war on drugs, would the department be asking us to ban felon-- convicted drug felons from access to SNAP? Stephanie Beasley: I'm not sure I

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understand the question, so if, if SNAP-- if this program didn't exist? Senator Cavanaugh: Right, if, if-- Stephanie Beasley: Would be-- Senator Cavanaugh: No, if the drug felon banned never existed. If that never happened in history, then-- Stephanie Beasley: I think that's hard to say. I mean, I, I don't know what the federal policy versus what Nebraska's policy would be an application of federal policy at that point. I think that's a-- Senator Cavanaugh: Well, philosophically, your argument is philosophical or your opposition is philosophical. So philosophically, would the agent-- the department being asked us to ban convicted drug felons from receiving SNAP? Stephanie Beasley: So Nebraska Department of Health and Human Services has opted for that modification ban. Yes. Senator Cavanaugh: Why aren't you asking us to ban other types of felons? Stephanie Beasley: So there are other felons that are banned from receiving SNAP benefits if they are not in compliance with their sentence. And I can get you that list of those felonies. Senator Cavanaugh: Right, but if they're in compliance with their sentence, they're not banned. Stephanie Beasley: Correct. Senator Cavanaugh: Right. So why aren't you asking us to ban other felonies? Stephanie Beasley: We are--

WILLIAMS: One minute.

ALBRECHT: --we are looking at this. Senator Cavanaugh: Why are we-- Stephanie Beasley: --chosen-- Senator Cavanaugh: Why are we not expanding this to ban sex traffickers? Stephanie Beasley: So those felony convictions can be banned if they-- Senator Cavanaugh: They can be banned-- Stephanie Beasley: --they are not in compliance with-- Senator Cavanaugh: but they are not automatically banned. Stephanie Beasley: They are not automatically banned if they-- Senator Cavanaugh: Why not? Stephanie Beasley: --are in compliance with their treatment or their sentence? Senator Cavanaugh: Why don't you ask us to do that? I just, I just don't understand why this particular population of people is problematic for the department. Stephanie Beasley: So there are-- so when you look at the application of this provision in SNAP, so there are 25 states who have no ban on drug felons in any way.

WILLIAMS: Time, Senator.

ALBRECHT: Thank you.

WILLIAMS: Thank you, Senator Albrecht. Senator Clements, you are recognized.

CLEMENTS: Thank you.

WILLIAMS: This is your third opportunity.

CLEMENTS: Thank you, Mr. President. I had a conversation with Senator Hunt earlier. I had read this testimony from Stephanie Beasley about removing the requirement for a drug treatment program and I had quoted that and what the stricken language is. And Senator Hunt pointed out part of her bill says the person is serving a term of parole, probation, or post-release supervision for such felony. And she pointed out that a person who has qualified parole or probation or post-release supervision has already done a substitute-- substance abuse treatment and so she was, was not trying to completely eliminate treatment programs and I was glad to know that. But expanding benefits for the three-time felony drug dealers is still not what I support and I think two, two chances for-- to reform your actions is reasonable and, you know, after two convictions, a person's still eligible for SNAP and I see, you know, that the committee had three no votes from committee members. We've decided-- debated this bill-- a bill like this before and it did not pass and I voted no on General File and I still am in opposition and I would yield the rest of my time to Senator Albrecht.

WILLIAMS: Senator Albrecht, you are yielded 3:10.

ALBRECHT: Thank you, President, and thank you. Senator Clements. So I'll continue. Stephanie Beasley was just saying that there are 25 states who have no ban on drug felons in any way. Twenty-three states, including Nebraska, who have chosen to have a modified ban allowing under certain circumstances for the recipient to receive that and five other states with permanent bans for all felons for drug conviction. Senator Cavanaugh asks: I'm not talking about what the other states are doing or if it's modified ban. Stephanie Beasley: I understand, Senator. Senator Cavanaugh: I do not understand why the Department of Health and Human Services has a problem with approximately 700 Nebraskans having access to food. Why-- Stephanie Beasley: So-- Senator Cavanaugh: --why are you coming in opposition? I just don't understand. Stephanie Beasley: So the opposition is-- Senator Cavanaugh again: This is not clear. Stephanie Beasley: The opposition is the preference and the push for treatment. So if they have completed treatment, then they are eligible unless it's a-- Senator Cavanaugh interrupts: But they can't complete treatment-- Stephanie Beasley:-- it's a distribution or selling conviction. Senator Cavanaugh: Right? So we still-- OK. Arch: Thank you. Senator Walz. Senator Walz: Thank you, Senator Arch. The testimony from Derrick was really great. Thank you. It was five years he or his release from incarceration was in March of 2012 and then he became ill and asked

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for help again in 2000-- or 2017. I'm just wondering if there is a way that the department could possibly work with Senator Hunt to possibly fill that gap. The other thing that we heard was that it takes three to six months for somebody to even get into treatment--

WILLIAMS: One minute.

ALBRECHT: --which is, as you know, that's the first of three or four months is critical to a person's ability to succeed. So I 'm just, I'm just curious if there's an opportunity for you to work with Senator Hunt and maybe-- Stephanie said certainly. Senator Walz: --see if you can do something to help-- Stephanie Beasley: Certainly Senator Walz: --people since they're-- Stephanie Beasley said and Senator, you asked a question earlier about how many treatment facilities, and I believe there are 55 inpatient. I-- my team gave their answer as well. So I believe that for-- most are inpatient. And it's-- I don't really have a complete number of how many treatment facilities there are. Those that are only inpatient ones that we know of. Senator Walz: Right. Yes. All right. Well, I just-- and then Senator-- Stephanie Beasley says, Certainly, Senator. Senator Walz: --again hoping that there would be a conversation regarding those first three months. Stephanie Beasley: Certainly. Walz says thank you.

WILLIAMS: Time, Senator.

ALBRECHT: Thank you.

WILLIAMS: Thank you, Senator Albrecht and Senator Clements. Senator Wishart, you are recognized.

WISHART: Question.

WILLIAMS: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; those opposed vote nay. Have you all voted that wish to vote? Record, Mr. Clerk.

ASSISTANT CLERK: 9 ayes, 15 nays to cease debate, Mr. President.

WILLIAMS: The motion to call the question fails. Returning to debate. Senator Lowe, you are recognized and this is your third opportunity.

LOWE: Why, thank you, Mr. President, for letting me know that. I appreciate that. Senator Slama, you've been on the mike so much. I don't know if Senator Brewer would like a little bit more time, but, you know, he's got a little more fiery voice than you do at this time

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of the evening. So I think I'm going to yield my time to Senator Brewer at this time, if you don't mind.

WILLIAMS: Senator Brewer, you are yielded 4:30.

BREWER: Thank you, Mr. President. All right, following along with taking coup of my enemies, we have formally notified the National Association for Gun Rights, Gun Owners of America, National Rifle Association, Nebraska Farm Owners Association in very clear form who voted against that bill this afternoon so that we can make sure that we have an opportunity to have those new faces that I am really looking forward to seeing in this body. Now, I remind you that for the most part, I've sat out these filibusters for the last six years, but today that all changed. You guys want to see a different me? You've got it. And I'm not so sure you're going to like it. But if this is how you guys want to do business, then that's the way we do business. Now, we're going to go back to the subject this afternoon because I'm not done talking about it. We talked a little about constitutional carry and who all has got it. And for some reason, they're able to have it and everything seems to be working fine, even though they don't have the fictitious information that Senator Morfeld is able to come up with. Alaska, Arizona, Arkansas, Iowa, Idaho, Kansas, Kentucky, Missouri, Mississippi, Montana, New Hampshire, Idaho, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, Wyoming, and more recently, Alabama, Georgia, Indiana, Ohio, and Wisconsin. So for some reason, cities as big as St. Louis and Kansas City, Des Moines, Cheyenne, they're able to manage things with constitutional carry, but Nebraska can't. But we're going to have a chance to dive into that over this next year. Find out what is so limiting about law enforcement in Nebraska and why they can't do what others can. And I will not hold back in telling you that I am very disappointed with law enforcement. I have always been disappointed with Lincoln and now Omaha also. And we're going to go and dig into the fact that the Sheriffs Association has someone who speaks for them who represents Lancaster County and Terry Wagner does a good job of that and unfortunately, he's forgot about 91 of the other deputy sheriffs across the state. So as we dabble into why all these other states seem to be able to have concealed carry, we'll see why we're different. But we're going to have to take a look more at the defense-- or the criminal defense attorneys and ask them how many of these folks that are being arrested have concealed carry permits. Let's see who the criminals are and how many are breaking the rules that are just Nebraskans wanting to carry. Now, they said the price, the expense is not an issue.

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WILLIAMS: One minute.

BREWER: I will put that into question because there are some who that does make a difference whether they can have it or not. But it's an excuse not to vote for the bill, I understand that. But if we are in a position where we're going to disregard the Constitution-- and I think I'll take some time to read that too, since everyone seems to forget that that seems to be the document that you guys want to forget unless it's convenient or something that you want to use out of there, then it's a real important document. I think I'm next up in the queue, is that correct?

WILLIAMS: That's correct, Senator Brewer, and your first time is up so you're starting now on your second time.

BREWER: Thank you, Mr. President. There was a point in this body where I felt that friendships mattered and that even if you didn't necessarily like a bill, if someone had been there for you and helped you, whether it be in committee or here on the floor, that there was an unsaid oath of allegiance to work with one another. Now, for some reason this afternoon, we were able to throw that all out the window. And there are some folks in this floor that I am very disappointed with and that I'm going to have a real personal issue with for a very long time and maybe we'll get over it, maybe we won't. But I have come to question a lot of things. We were able to endure the committee hearing and again, I regret that I didn't bring everyone that I could have in for that hearing. I won't make that mistake again. Everyone said, well, you should have waited for that committee process, full well knowing that's a bunch of bull. There's no way to get it out of committee. So the only thing we could do is pull it. So we endured the pain of pulling it and everybody standing up and saying how-- boy, I like the bill, but they just can't handle this pull motion. That's just wrong. We shouldn't be pulling, even though it's in the Rulebook. It's not a rule you like so that's the reason you want to get up and talk on it. Plus, there's a good chance you might kill the bill there and then it would never make it to the floor. You don't have to discussion-- discuss it. Well, we endured that pull motion and then we went in to General File for eight marathon hours of listening to folks get up. Now on that first time around, I asked folks to get up and speak what they thought on the bill. And we heard good information. A lot of bull, but we went the eight hours. Then it got moved to Select and Select got moved and moved and moved until we were at the end of the line. And the problem with that is, guess what? You can't amend anything, so we went another four hours. This time, I asked folks to stand down, those that cared about the Second Amendment and they did

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and we let the crazy gun haters get on the mike and wear it out, and they did just exactly what I thought they would do. So they were able to manipulate things to have us end up empty handed after all of that. Gave up a priority bill. All that time, getting stuff prepared through committee, through the pull motion, through the eight-hour debate and the four-hour debate. So we're going to do it again, only this time we're going to shape the battle a whole lot different. We're going to bring all the combat multipliers we can find and we're going to come back next year. It will be my priority bill again, only we're going to have a different Chairman of the Judiciary Committee. In fact, we're going to have different chairmen of a lot of committees next year.

WILLIAMS: One minute.

BREWER: I'm going to have everyone who wants to come in here and just like we've done in Government-- and I have never turned folks back-- we're going to make them sit all day long and into the night and they're going to hear everybody. Judiciary Committee is notorious for saying well, we're just going to narrow it to a minute and a half. Well, we need to be reasonable. I've never asked for less than three minutes with folks in Government and that's on voter ID and all the other painful things that we end up with. So just remember next year, it all changes. We're coming back. We're going to shape the battlefield ahead of time and it's going to be a different story. So enjoy this win for the gun haters that spoke today because this ain't over. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brewer. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. I appreciate Senator Brewer's commitment to coming back with his priority bill again. I appreciate that. I understand, I understand where he's coming from. I've been here six years and I have yet to get one of my priority bills past General File. Maybe-- perhaps it is because some of those were change the valuation of ag land for taxation and a few others that are kind of significant. So make no small plans. They don't stir a man's soul, so I guess you got to think big. That's what Senator Brewer was doing. So Senator Brewer, one of the things that disturbed me as much as the vote on the consumption tax on Tuesday was the lack of attendance in the-- on the floor. At one point, I asked Senator McDonnell, how many are here? At one point it was 15 and another time it was 18. I passed out a three-ring binder with a dynamic study in it and all the information that was needed for them to understand what we were trying to do and most didn't even bother to open the book. That's not why

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we're sent here. We were sent here to try to figure out what each bill does and what our position should be, not some preconceived notion that the lobby or the Chamber of Commerce or whomever told you not to vote, so you go to your office. What I should have done is done a call of the house and had you all come and sit here and listen. The results would have been the same, but I didn't do that because I want to respect your time. But you had no respect for what I was trying to do. None. So there are several votes that were very significant this year, the abortion bill. There is a lot of people that thought the EPIC consumption tax should have moved. And what was disappointing about the vote was those who are supposed to be so-called friends voted no. I vote for all the things they bring, stand up and help them on all their issues and they don't even have the decency to vote to move it to Select. So Senator Brewer's bill today, 31 votes, over 67 percent of the body agreed with him, but it wasn't enough. So Senator Brewer, not only are we going to change the committee people-- chairmen, we're going to change the rules. I'm sick and tired of the minority winning here and that's what's happened. If we had a bicameral, we wouldn't have all of these issues that we continue to fight over. They would have been settled long, long ago. So when "Chuck" Norris put the Unicameral in place, he knew that he was going to shift the power to the east. It's working. It's working quite well. And you people listening back home, if you think you are the second house, you have totally missed it because you are not. Chamber of Commerce, university, schools--

WILLIAMS: One minute.

ERDMAN: --and those who collect property tax are the second house. I yield the rest of my time to Senator Slama.

WILLIAMS: Senator Slama, you are yielded 53 seconds.

SLAMA: Thank you, Mr. President. So I've just about wrapped up that study, so I will be taking a recommendation. I had John [PHONETIC] in Thedford reach out. So on my next turn on the mike, I will be reading the transcript from LB976 and former Douglas County Election Commissioner Scott Lautenbaugh and I'll do that on my next turn on the mike, which is next because I withdraw my amendment.

WILLIAMS: FA212 is withdrawn. Mr. Clerk.

ASSISTANT CLERK: Next amendment, Mr. President. Senator Slama, FA215.

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WILLIAMS: Senator Slama, you are recognized to open on your floor amendment.

SLAMA: Thank you, Mr. President. As I referenced earlier, John [PHONETIC] in Thedford shot me a message and recommended that I read former Douglas County Election Commissioner Scott Lautenbaugh's commentary on LB976, so I'll share that with you all now. Thank you, Mr. President and members of the body. Simply put, this is the other motion you file at times such as this. I can remember earlier in the session, I told a story about my experiences with firearms, which was a limited experience by any reasonable measure. And I haven't mentioned that I wasn't much of a fisherman either. I just don't have the patience or the temperament for it, but I did go fly fishing once, once. It was in the '90s, I recall, and I decided to join in on a trip. A bunch of guys always went to southwest Montana to some lodge there and one of the guys had backed out and they said, hey, why don't you come along? So I did. And I had just bought a new car at the time. It was a Grand Prix supercharge. I loved that car. And so I just set off on my own driving toward southwest Montana and that was a great experience. Just-- you got to be by yourself on the open road. And I'll tell you what, back then Montana did, Montana did not have a daytime speed limit and that was spectacular. This is something Senator Chambers and I can probably make common cause on. Speed limits are overrated. Again, this is Senator Scott Lautenbaugh's take on speed limits, not mine. In Montana, as you know, no speed limit back in the day. I took full advantage of that because there are a lot of long, straight roads in Montana, surrounded [RECORDER MALFUNCTION] but, you know, all good things must come to the end and that drive was one of them. This floor debate won't be, but that drive was one of them. It came to an end. I spent the night in Billings, drove all the way from Omaha to Billings in one day, and then continued on to-- I think it was outside of Dillon, Montana, very southwest corner. It was called the Sundance Lodge and I think it's since burned down. And the guys I met there had the pleasure of trying to teach me how to go fly fishing. And it was a rustic place, I remember. And the car was black, shiny black car and the lodge had peacocks, which I hadn't anticipated in Montana. And apparently there aren't a lot of shiny black cars in Montana because those peacocks were fascinated by my car and they would go up to the door and look at their reflections in it and kind of pick a fight with themselves and they scratched the heck out of my car. So I had the pleasure of going home and telling my insurance agent, Chuck, Chuck Sigerson [PHONETIC], that I'd driven to Montana and my car had been set upon by peacocks, as would happen to anyone. So I had to have an insurance claim, but I digress. It was State Farm.

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They took care of it to whoever asked that back there. So where was I? OK. We were in Dillon. We were getting ready to go fishing so we headed out and the fishing was terrible the first few days. I was a novice, but even I knew what terrible fishing meant; that meant when you don't have any fish. But they took me out one day in this park, in the beautiful, beautiful park and we found the most isolated stream you could find. And you know, it's a, it's a bendy one and you want the bends because that's where the good fish are. Where the bends are, that's, that's where it's deep and the fish will be down low, I was told. We were all kind of split off. The four of us, we went our separate ways and each found our own bend in the river, the stream, if you will, and set about to fly fishing, being alone with my thoughts. And it was fly fishing for me, largely consisted of constantly trying to cast back and losing all of my flies in the willows and the reeds behind me, so I was not a success. I found the perfect place. I could see the fish coming up and just snacking on things on top of the water and going back down. I mean, beautiful. They were there for the taking, but I was pretty quickly out of flies and I turned around to walk away thinking, well, I'm just standing here looking at the fish. This is kind of vexing for everyone involved. And I stepped in a sinkhole and one leg just sunk all the way down and-- to the point where the water was almost coming in the top of my hip wader, and I was sure I had broken my leg. I mean, there's just no way that I didn't. And I waited for the pain to start, but it never did. And I looked over beside me as I was trying to think, how am I going to extricate myself from this and who is going to find me out here? And there was a big-- I'm sorry, I did not read this beforehand and John [PHONETIC] in Thedford said I could not get through this without laughing and I'm, I'm trying my best-- a big dead moose that was half eaten. And I started to wonder, well, when is whatever ate it going to come back for the second half and find me here? You know, extra snack, because even then, the moose was bigger than me and even then, what was left of it. We managed to get my leg out of that sinkhole. And you don't just start yelling for your friends, hey, I'm out of flies, you know, because you're not supposed to make noise. You're fly fishing. You're communing with nature being quiet. So I just started kind of quietly walking along the banks of the stream until I could find the other guys. And some of them were apparently as bad at this as I was because pretty soon everyone was back out of flies. And then it fell to us to find our way back to the car, the truck, which was another adventure in of itself, but we all made it out alive and I never saw anything come back to finish that moose. It's probably for the best. I know about as much what was eating on that moose as I do what horses eat. You've heard me talk about them. Horse food would be the answer.

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So I just spent the rest of the trip-- you know, I can say I've done it. I can say I've gone. I went fly fishing. I wasn't successful at it, but I have the, the experience at least and I kind of spent the rest of the trip just tooling around in southwestern Montana. And it's beautiful country and I don't regret a minute of it and I can say I have been fly fishing now, but it really didn't take because I just don't think I have the temperament or the patience for that. And maybe I'm a social animal. I like having people around and being out there by myself, even without one leg stuck in a sinkhole, was not my idea of a good time. Maybe after this session, I'll feel differently. Maybe I'll just get in my car and drive out there again and look for whatever ate that moose, but and that might illustrate some of what we're talking about tonight in a roundabout way-- or in a roundabout way, I guess we have to have the patience for the process as well because we had a way out of this that we didn't take. And I think oddly enough, you're saying, well, you're the one who's putting us through this. I'm one of the ones, that's true, and I think people after this are making decisions too. If we keep on talking about the redistricting bill, we won't go to the things after it. And some people don't want to get to the things after it and that's OK too. When I was talking about the great things to come on the agenda before, I really hadn't read it. I think I need reading glasses now. I couldn't see what was on the agenda. I was bluffing. It may all be terrible things. We may be better off listening to me for the rest of the evening. For the record, that's the story of me and fishing. I like to keep my promises, but earlier in the session I did say I've got a fishing story too. There was not time to tell it this morning, but this evening we apparently have nothing but time. So the fish won the day, I would have to say. They got past me. But the old saying, there are no bad experiences, that would surely count because I enjoyed myself up there and I enjoyed the ride home honestly just as much as I enjoyed the ride there. And how often can you say that? Usually the way home from a trip is just drudgery. You've had all the fun you think you're going to have and oh, well. But I did love that car and it was pretty much just like the one I killed in 2008, driving down here on that snowy morning that I totaled out by Waverly. I've had three Grand Prix in a row. And by the time I wrecked that last one, they didn't make them anymore. So now they don't even have the Pontiacs anymore, so I guess that day is done and we're poorer for it. Now I have a big, slow 300 and I still don't fish, so I'm not sure what you take away from that story, but you can't say you weren't told. Thank you, Mr. President. And that is from John [PHONETIC] in Thedford, who recommended I read that part of the transcript from former Douglas County Election Commissioner Scott Lautenbaugh during a

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similar filibuster on a late night session in 2014. I think there's a lot we can take away from this story whether you find yourself feeling like the--

ARCH: One minute.

SLAMA: --former election commissioner stuck with his leg in a sinkhole looking down the cold, dark face of death, his friends watching his incompetence as he fly fishes, or the half-eaten moose or whatever came back to finish the moose. Thank you, Mr. President.

ARCH: Thank you, Senator Slama. Senator Sanders, you are recognized.

SANDERS: Thank you and good evening, Mr. President. Thank you, Senator Slama, for that great fishing story. It gets me all ready for my fly fishing trip in June, so thank you for that. I believe Senator Brewer had some thoughts to finish, so I yield my time to Senator Brewer.

ARCH: Senator Brewer, 4:40.

BREWER: Thank you, Mr. President. Thank you, Senator Sanders. All right, we're going to go back to where I was because I'm not going let go this one. Talking about what happened this afternoon and you're going to hear about it because everybody that wanted to hear about it I shared with on television radio. So you go home tonight or you get up in the morning, there's probably somebody going to be talking about my comment about taking coup with my enemies. Now that may seem harsh to some of you guys, that I want to call people to my enemies over that. Part of that's just a term used, but part of it is a disgust that's burning into my gut that isn't going to go away. So there's a few people here that need to cut a wide swath around me for a while because it ain't going to change. Maybe that's an old native thing. The Sioux hate the Crow and we've never changed. But let's run down this list of folks that decided this afternoon they didn't want to respect folks' desire to have the Second Amendment. Because a lot of these folks are running for office or they're running for reelection, that's why I don't have a problem telling the world exactly how they voted. And I think there's more to it than just this list, when we get down to it. We're going to go back and talk about that. Blood, Bostar, Cavanaugh, Cavanaugh, Day, DeBoer, Geist, Hansen, Hilkemann, Hunt, Lathrop, McCollister, McDonnell, Morfeld, Pansing Brooks, Vargas, and Walz. Now some have the trifecta, they decided they'd vote against the abortion bill, LB933, and they decided that they weren't going to let folks have a chance to have a say on consumption tax. So here, here are the trifectas. Now keep in mind, we're also talking about you

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trying to get elected in Nebraska and this is how you vote. So the trifectas: Blood, Bostar, Cavanaugh, John, Cavanaugh, Machaela voted for that, Day, DeBoer, Matt Hansen, McCollister, Morfeld, Pansing Brooks, Vargas, and Walz. All right. So I don't want any gray area where you guys are wondering whether or not I'm pissed off or not at you. It should be very clear. Now some are saying, listen, you're getting carried away. You have too much of a passion. Why do you love the Second Amendment so much? Well, let me share some of that with you. I grew up and you kind of had to hunt just to make enough money to have those extra things in life and to eat things. Went into the military and that was one way you can excel, shoot straight. Kind of come with a job. You shoot straight enough, they ask you to go and do other things. In '96, they asked me to come and compete for the Olympic team in shooting in Atlanta. I was blessed to be with a man by the name of Gary Anderson. So many not-- many in here probably know him. Ironically, he's got multiple gold medals. A little town of Axtell. Gary Anderson was one of the greatest men I've ever known. He coached me and taught me.

ARCH: One minute.

BREWER: And I learned to respect him and respect the fact that he had dedicated his lifetime to teaching people to shoot. Now he happened to also be a Nebraska state senator, go back and look. So I can't ask for a much better mentor. And he started me down that road of a love of the Second Amendment and respecting people who needed and wanted that privilege. I'll finish next time. Thank you, Mr. President.

ARCH: Thank you, Senator Brewer. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraska. Well, it is quite a paradox. We're dealing with LB121, sponsored by Senator Megan Hunt, to give some extra benefits to convicted felons convicted from drug offenses. It says a lot about the priorities of some folks. Senator Hunt has priority of taking care of those that have committed and broken the laws. And then in the same breath this morning and earlier this afternoon, she and Senator Morfeld and several others that Senator Brewer has listed off did a filibuster to fight against Americans being able to exercise to their fullest their Second Amendment rights. LB773 wasn't about guns. The bill was about people. Not just any people, the bill was about law-abiding people and only law-abiding people. The bill has-- had nothing, absolutely nothing to do with criminals or prohibited persons. Those who have lost their gun rights, LB773 does not apply to them whatsoever. Found a quote from a political philosopher from the

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1800s named Lysander Spooner. He said: To ban guns because criminals use them is to tell the law abiding that their rights and liberties depend not on their own conduct, but on the conduct of the guilty and the lawless. So that's what we did this afternoon, this morning, this afternoon, we, we forced law-abiding citizens to be measured by the conduct of those that commit crimes. I hope no one takes any comfort in not passing LB773. I hope no one thinks that from this point on, criminals will now be able to concealed carry without a permit-- or they'll have to have a permit, excuse me, to concealed carry. Like that's going to happen, right? Criminals are going to be carrying regardless of the law because guess what? By definition, criminals don't care about the law. They break the law. So take no comfort that criminals are going to be less prevalent and take no comfort at all that Nebraska citizens can't use their Second Amendment to the fullest. With that, I will extend the balance of my time to Senator Brewer.

ARCH: Senator Brewer, 2:10.

BREWER: Thank you, Mr. President. Thank you, Senator Halloran. All right, back to where we were; people thinking I got too much of a passion about the Second Amendment. Gary Anderson kind of set the building blocks to develop a love not just of, of shooting, but of the Second Amendment and teaching and training. It wasn't long after that I was assigned as a state training officer in Nebraska to train the Army National Guard. An additional duty was training the competitive shooting teams. Nebraska had finished two years in a row, 49th out of 50 states. Now this is back in the '90s when we had great football teams, but our shooting teams were a disaster. In two years, we won a national championship, followed by four more. In that time, we come up with 29 individual national champions. So while Nebraska was winning national championships, so was the military. It wasn't long after that I got invited to be on the international team.

ARCH: One minute.

BREWER: And traveled to most of Europe, Canada shooting competitively, learning, getting to shoot a variety of weapons, and it was through that that I, I gained a love not just of, of shooting and training, but of individuals who had a passion to teach others. So it was with that spirit that I went to Afghanistan and our mission there was simply to take Afghans who couldn't read and write and teach them how to shoot straight. And a good share of them had poor eyesight, so that was a challenge. But I felt blessed to have the opportunity to train

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them and at that time, they were trying to build a nation and making sure that they had an army--

ARCH: Time, Senator.

BREWER: Thank you, Mr. President.

ARCH: Mr. Speaker, you are recognized.

HILGERS: Thank you, Mr. President. Good evening, colleagues. I want to give you a little update as to our schedule the remainder of this evening. When I announced last week and then again this morning that we would go potentially up to 11:59, I want to make sure that everyone understands that wasn't just a commitment to just go to 11:59 just because. So the reason why we might go to 11:59 tonight would be to ensure that any bill on Select File that actually gets moved to Final Reading has the opportunity to go to the Revisors and then come back down to be read across. So my first goal tonight is to ensure that every bill that comes back that has already been passed up to this point to Final Reading has an opportunity to come back from the Revisors Office. That hasn't quite happened yet. I think we're fairly close. When-- we will not quit before that happens. So anything that's already moved from the beginning of this-- today to the things that we just moved to Final Reading at around 6:30, we will wait. And if that takes to 11:59, that's how long we're going to wait. Beyond that, my next criteria is will the next-- the other bills, will they actually have a likelihood of success to go to Final Reading? We're not going to stay on a debate for a bill that doesn't have a success and go all the way to 11:59 if in fact, we're just-- only for the purpose of having a debate. So the next-- this bill, as has been announced by one of the opponents, will have a filibuster. I know the next-- the one after that likely will as well. As soon as the bills are back from Revisors, we'll make a determination on where we go from here. But just to be clear, we're not going to stay until 11:59 just to debate on bills that are not going to actually have a chance of passing and getting across to Final Reading and also having the time to be able to come back down. So we'll update you here pretty shortly, but I just don't want people thinking we're just going to stay here till 11:59 just because. In fact, if we get everything back from Revisors, we may adjourn much earlier. Thank you, Mr. President.

ARCH: Thank you, Mr. Speaker, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review respectfully reports the following bills have

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been examined and engrossed and they report the same as correctly engrossed and placed on Final Reading: LB376A, LB598, LB686, LB792, LB805A, LB843, LB876, LB888, LB896, LB896A, LB921, LB921A, LB922, LB922A, LB927, LB984, LB984A, LB1130, LB1144A, LB1150, LB1150A, LB1173A, LB1218, LB1218A, and LB1261. That's all I have at this time, Mr. President. Thank you.

ARCH: Thank you, Mr. Clerk. We will return to debate. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President. I stand opposed to LB121 and I'm grateful for Senator Slama for putting up the FA215. Back on March 14, 2010, TV station NTV, which is a local TV station for us out in the middle of Nebraska-- it's an ABC affiliate-- said-- did an article. Whatever happened to Axtell Olympian Gary Anderson? And this was March 14th, 2010, and it states two Olympic gold medals, seven World Championship gold medals, six world records, 12 national titles. The winner of all that hails from Nebraska in Axtell. He's Gary Anderson, who graduated from Axtell High in 1957 and then signed up for the army, where his shooting accuracy got him assigned to the marksmanship unit at Fort Benning, Georgia. He received an award from President John F. Kennedy in 1963. Anderson got his first gold medal in the 300-meter free rifle at the 1964 Olympics in Tokyo. His second came in 1968 games in Mexico City. Anderson served one term in the Unicameral. If you don't know where Axtell is, it's just a little bit east of Funk. Anderson served one term in the Unicameral from 1973 to 1977, representing District 37. Huh, some other senator represents District 37. That seat now occupied by Senator Galen Hadley at that time. A new family lives at Gary Anderson's childhood home two miles west of Axtell, but still, there are old oak tree where he climbed and the fields where he learned to shoot. Tracy Danburg [SIC], the current owner-- homeowner, said it's fun to know the history there and that it was someone, someone people looked up to. Jean Roberts, Axtell's unofficial historian, brought NTV news out to the farm and then to the historical marker bearing his name. She remembers him as a little boy, a few grades below her in school. Jean Roberts, a lifelong Axtell resident, said he was a good kid. I can't remember him getting into much trouble. Huh. And he was shooting at the same time. How can that be? It was there, Axtell, Anderson discovered he could turn hunting on the family farm into something much more. Gary Anderson, Olympic gold medalist, said somewhere in the middle of high school, I found out shooting was an Olympic sport and that set off a spark that turned into an Olympic, Olympic dream. Yes, young kids from Nebraska can be Olympians. While Anderson no longer owns the home, he does still own the acreage, now 71 and living in Ohio. He says his-- he has fewer

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ties to the town, but just as much pride. If I succeed for any reason, it was because I somehow learned that hard work makes a difference. I have always been grateful that I grew up in a small town. After retiring from competition, Anderson started coaching and teaching shooting clinics and writing magazine articles and books about shooting. He worked for the National Rifle Association-- oh, that evil organization-- and the U.S. Civilian Marksmanship Program.

ARCH: One minute.

LOWE: Thank you, Mr. President. His greatest accomplishment, though, is not his two gold medals. Anderson explains, I probably feel a greater sense of pride in just seeing these young people develop as just fine human beings through their participation in sport. His passion for the Olympics remains strong today. As vice president of International Shooting Sport Federation, he'll still oversee all the shooting events at the 2012 Summer Games in London. He wants to make sure everyone complies with the rules. To the boys shooting basketball at his former home or even on his own grandchildren, Anderson said he's proof if there's the will, there's the way. Thank you, Mr. President.

ARCH: Thank you, Senator Lowe. Senator Albrecht, you are recognized.

ALBRECHT: Thank you, President. Colleagues, again, I rise in opposition of LB121. I want to give you a little bit of a history here on the program. And just expanding these food stamps for felons is just bad policy. The 1996 federal welfare reform law banned SNAP for any person convicted of a felony drug crime, but gave states flexibility to modify this ban through legislation. In 2003, Nebraska elected to provide food stamps to felons with two drug felonies-- excuse me-- or fewer. LB121 would allow a convicted felony level drug dealer to receive SNAP benefits. LB121 would allow someone still serving parole, probation, or post-release supervision to receive the SNAP benefits. LB121 removes the requirement for an individual convicted of a felony drug-- drug felony for possession or the use to complete drug treatment program in order to, to be eligible for the SNAP. Folks, this is to stop the felons from selling SNAP benefits for cash to purchase more drugs. LB121 would allow someone who has been convicted three or more drug felonies for possession or use to receive SNAP benefits, even though they have been to drug treatment twice before to remain on SNAP. SNAP disqualification of felons does not disqualify the rest of the household from receiving the SNAP benefits. A felon who has been convicted of drug possession or drug dealing should be required to at least complete their sentences to participate

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in the treatment and to be rehabilitated before becoming eligible for taxpayer benefits. In February of 2022, there were 72,228 SNAP households, or 154,773 individuals. That's an average of 776 individuals that were denied SNAP coverage each of the last three years and an average of 53 individuals lost SNAP coverage due to new felonies in each of the last three years. Income eligibility limits for SNAP in federal and fiscal years 2022-- October of 2021 through September of 2022. Let's just say there's a household of four and they receive all of the maximum benefits. That would be \$835. Now if that particular person was not eligible to receive it, then three people in that household would receive \$658. The problem here is there is a lot of fraud when it comes to these SNAP cards with the cash on them. Because you can go into a back alley somewhere, slide your card through. You're going to pay somebody \$100. You want \$300 off of it, you get \$200, they get \$100, and your family is left with \$500 to spend for food. That's why this is not good policy. People still-- families will still be provided for. They will have the, the benefit of the SNAP program and our food pantries that are full with food and certainly don't have qualifiers on those. But this, again, I believe, is just not good policy. We have to get them to get through treatment to get themselves rehabilitated so they don't reset-- recidivism rates continue to escalate in that particular area.

ARCH: One minute.

ALBRECHT: We want them to get the help they need to become law-abiding citizens that can stay out of the system and then start to provide for their families. But we can't do that if we just give to them when it's those very few that have issues with trying to stay out of the system. They definitely need not to, to think that they can get cash and, and go back to their old ways. So that's just my take and I'll yield the rest of the time back to you, President. Thank you.

ARCH: Thank you, Senator Albrecht. Senator Brewer, you are recognized.

BREWER: Thank you, Mr. President. Senator Lowe, thank you for that information on Gary Anderson. It's kind of sad that we've got a two-time Olympic champion and is so poorly known, but trust me that he is one of the finest human beings that you could ever know. Now back to the issue at hand, one of the positive things I guess out of today is that I had been on the fence on an offer to go to Europe this summer and train snipers. Job pays pretty well, between \$500 and \$1,000 a day. A little bit better than the job we got now, but unfortunately, it's not in some of the best places in the world. But you know what? Those that decided to bury this bill have inspired me

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to go and spend time in Europe, train snipers, and send as much of that money back as I can and give to those who are running for office or reelection. It would be a good use of my money. So again, understand I have sat out so many of these and I have avoided the fights, but you guys brought this on, so we're going to continue it. Now on the issue of why I have this passion for the Second Amendment, we let off-- left off where I was training the Afghan National Army in Afghanistan. In 2002, Afghanistan was a destroyed mess. The Taliban had been run out. The buildings were destroyed for the most part. There was little left. What we would do is take our trucks and go into villages and pay cash for volunteers to join the army. Then we'd bring them back and we would try and take them and dress them, prep them, and teach them how to be soldiers. Many of them, for the first time in their lives, were wearing a formal uniform. Our biggest challenge was teaching them how to shoot, mostly because most of them had trouble seeing. No one wore glasses over there. So after about three attempts at qualifying them-- and we determined that it was a bit hopeless because they couldn't hit a man-sized silhouette at 100 yards. We had an optometrist come in and check their eyes and sure enough, about half of them were blind as a bat. So they got fitted for glasses. The glasses came in, we issued them, and they refused to wear them. And it wasn't because their army issued birth-control-looking glasses, it was because it showed weakness. So I had to have all of my cadre get a safety glass that looked almost the same and wear them so that the soldiers would wear the glasses that we had for them. And the next thing I know, we had a riot because they all wanted glasses and we had to finally figure out how to get them on a range and qualify them with their new glasses. Most of them, once they qualified, took off their glasses and wouldn't wear them again. It's a mark of weakness, but we proved our point. They could shoot, they just don't want to shoot. The process of training that army, both with rifles and pistols, was a challenge none of us had anticipated in a place none of us really wanted to go. And I struggle now to see what's happened over there because if you've given most of eight years of your life--

ARCH: One minute.

BREWER: --to a cause like that and then you see it destroyed in a matter of days over poor decisions by our government, that hurts. You clearly remember all the faces of those that you left and lost and sometimes it just doesn't seem fair that so many paid so much to help them and then to have that lost because of poor decisions. I will continue to support the Second Amendment because that is ingrained in me and I can't help it. It's something that has been a part of my life

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since I was small and it will probably be a part of my life till my last days. Thank you, Mr. President.

ARCH: Thank you, Senator Brewer. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. Well, since Senator Brewer has been talking about the debate this morning, I had a letter that I was wanting to read this morning. I didn't get around to doing that. And it was actually an email from a man named Stan [PHONETIC] from Lincoln. He wrote it this morning in an email that some of-- the rest of you may have seen it, but it did come to me. Good morning, senators. I appreciate this opportunity to provide my own personal input on this important bill before you today the permitless carry bill. My family made a personal decision nearly five years ago to become Nebraskans. We were not blessed to be born here, but we have found our decision to be a perfect fit to our belief system and our lifestyle. We moved from southern California for many reasons. However, the straw that broke the camel's back was right after the state legislature passed and the California Governor signed a series of laws that made my once-legal firearms illegal. If I kept them, I would become a criminal. To make it even more absurd, Governor Newsom decided to sign an executive order that released 50,000 felons back onto the streets of California. That is an absolute insult to every law-abiding citizen. The state already had a debilitating grip on my ability to possess a firearm and actually carry it for protection. Almost every single request for a concealed handgun permit was denied. If you believe in the Bill of Rights and perhaps the First Amendment, then why on earth is there any consideration to step on our second? Just about all border states to Nebraska already have this law on the books. Nebraskans should also be given back our right to carry if we so choose to. Signed Stan. And that's what I don't want to have happen in Nebraska is the kind of rights being taken away that he's talking about. And I appreciate him writing to us and letting us know what can happen if government can-- does continue to step on constitutional rights. Would Senator Brewer yield to a question?

ARCH: Senator Brewer, will you yield?

BREWER: Yes.

CLEMENTS: Would you have any more comments about your part in the Second Amendment or Afghanistan?

BREWER: Well, I think the Second Amendment would be the part I'd like to focus on. The part that I probably left out is that in my family,

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everyone is a life member of the NRA. For some, that's an evil thing, I guess, but not in my world. The NRA does everything from safety classes for kids, the Eddie Eagle program, training shooters, running matches, so there's nothing evil about that, except that some people just want to hate. But more importantly, if--

ARCH: One minute.

BREWER: --peep-- the people that you work with, just like this weekend, went to a match and it wasn't a big fancy match, good golly, we shot 22s, we did shoot one of the evil AR-15s, but we also shot B.B. guns, wrist rockets, and threw axes. But these were the people that you see every day, just common people that wanted to have an enjoyable afternoon, have good friendship and enjoy this time doing these different activities. It's no different from what we're trying to have with people enjoying the right to keep and bear arms-- in this case, constitutional carry-- but some have made the decision that what they're going to do is make sure others never have that privilege. We've never asked them to be law enforcement folks. We've just asked them to be able to defend themselves and their families.

ARCH: Time, Senator. Thank you, Senator Clements, Senator Brewer. Senator Slama, you are recognized.

SLAMA: Thank you, Mr. President, and good evening, colleagues. I did just want to take a moment, as I do have a few constituents texting me wanting to know an update on what's happened today and how we got to where we are. So this is just a quick update. Earlier today, Senator Brewer's constitutional carry bill, LB773, fell two votes short of cloture with 31 votes. It was really a terrible vote to see happen. Nebraska is a pro Second Amendment state and to see the will of the people disregarded in such a blatant manner was-- it was-- for-- it was disappointing, to say the least. I'm, I'm struggling to think of the proper words now that won't get me censured. But in any case, Senator Brewer is now going through and calling out those who didn't vote in support of gun rights today and we're also taking time on LB121. This is a filibuster that was planned before the events of today. I am on a very basic level opposed to giving felons more government benefits, which this bill does, especially on a day where we couldn't stand up for Nebraskans' gun rights. So with that, I, I find Senator Brewer's analysis of this situation to be very entertaining and I haven't given him a heads up, but I do think it is important for the voters of Nebraska to hear and understand what happened today. So I will yield Senator Brewer the remainder of my time if he's so chooses.

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ARCH: Senator Brewer, 3:10.

BREWER: All right. Well, I disengaged thinking about this for a second, so I'll have to reengage the brain set here. All right. Well, we kind of left off talking about the Second Amendment being something that is just ingrained into you and not necessarily something that you just suddenly took up as a good idea. And for those that want to continue to think that somehow I've got this unnecessary passion for it, if you take a look at a lifetime of doing those things that lead you to this point-- and you know, I ran on support of the Second Amendment. So if I wasn't here fighting the good fight on this, then my district would have been disappointed. And for those that seem to think there's not enough folks in their district to want to support this, I will tell you that in my district, I have more than enough to share. I would guess in my district, it's probably 95 to 98 percent in support and only a few opposed to being able to have constitutional carry. And I would get a-- guess if you went into both Lincoln and Omaha and you went door to door and you really ask, you might be surprised how many people support the idea of the Second Amendment and constitutional carry. But we've taken the facts and we twisted them and we figured out ways to put doubt in people's mind and we've been able to, to take what was something that could have been good and turn it into something bad, bad enough to where enough voted against it to where it didn't survive today. Again, I have a very long memory on these things and there's been a lot of folks that I have looked the other way time after time when they seem to want to smile and vote against your stuff and still want to--

ARCH: One minute.

BREWER: --be happy-go-lucky. I guess I'm just the point now I'm not going to do that anymore. We're going to divide folks as they want to be divided, by the way they vote and they behave. And that's just the system that has been forced upon me, not that I wanted. But there's a point you're tired of the bull and the things that they're doing. I'm looking forward to next year because a lot of the ugliness today will be gone next year. They will no longer be in this body and maybe common sense will carry the day and we'll have a chance to do some things that we haven't been able to do for quite a few years. Thank you, Mr. President.

ARCH: Thank you, Senator Brewer. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. I appreciate that. You know, you never know who's watching or what their opinion is, but I, I want to

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read something that I just received about 15 minutes ago. The hide-- the headline is we need two houses. It goes on to say: I totally agree with you. I have watched the Legislature for 40-plus years and I've never seen anything like today's poor, poor, poor senators and all the self-serving. They have no respect for anyone or anything. I just don't know how they get elected. As the population continues to shift to urban, the rural has elected senators but don't have enough to pass bills. The numbers are just not there. It is taxes with very little representation. I said years ago that a two-house system is needed. Thanks for speaking for me. I am a rural person who now lives in an urban setting. I moved in 1967 and I'm sad to see how Nebraska has changed since then. Thank you. Nancy [PHONETIC]. Well, Nancy [PHONETIC], I appreciate your email. I understand there is a significant number of people who feel as you do. We have the system we have because-- as Senator Blood pointed out to me that I said Chuck Norris and that was intentional, so I appreciated the fact that she listens. Thank you, Senator Blood. Appreciate that. But it's still true; two houses would be the way to go. We'll never-- that will never happen because we're convinced that we've got to be different here and we sure are because remember, Nebraska is not for everybody. That's why we only have 1.9 million people after 155 years. So I want to tell you a little story. When I used to raise a lot of alfalfa, I used to ship that alfalfa to as far away as Pennsylvania to the horse people. And one day, a semi driver came to pick up a load of hay and we had it loaded and he and I were just talking about things that we'd experienced and he said, I had something very peculiar happen yesterday morning. He said it was about 3:00 a.m., said I stopped at a truck stop to get a cup of coffee. And he said I'm over at the side getting a cup of coffee and a guy walks in and pulled a gun on the clerk and he was going to rob the convenience store. Well, this truck driver just happened to have a concealed carry permit and he had his weapon with him and he held the guy at gunpoint until the police arrived. Had he not been there, who knows what may have happened? The police would have never gotten there in time to maybe save the clerk. So my district is very similar to Senator Brewer's district. It's sparsely populated and we have counties where they may have a sheriff and a part-time deputy and they sure can't cover the square miles that are out there to protect people and help them when they need it. But we have not given them the opportunity to do that today with our votes.

ARCH: One minute.

ERDMAN: This session has been peculiar, to say the least, and Senator Brewer, just remember that common sense is a flower that doesn't grow

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in everybody's garden. In fact, some people don't even have a garden. Thank you.

ARCH: Thank you, Senator Erdman, Senator Hunt, you are recognized.

HUNT: Thank you. Mr. President. First I'd like to call the house.

ARCH: There has been a request to place a house under call. The question before the body is shall the house go under call? All those in favor vote aye; opposed nay. Has everyone voted? Mr. Clerk.

ASSISTANT CLERK: 11 ayes, 8 nays, Mr. President, to go under call.

HUGHES: The house is under call. All senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Hunt.

HUNT: May I continue? Am I still in my time or--

HUGHES: Yes.

HUNT: --does my time get superseded by the call? OK. It is fine with me. It is morally consistent with a lot of your views if you just don't want people who struggle with addiction to get food assistance. If you just don't want people who face poverty to have access to food, that is fine. Just say that. What I can't stand is people misrepresenting what this bill does. This bill does not remove the requirement for drug treatment, as many people have said on the record on the mike today, and I want to correct misstatements about that. The bill says that if you are in compliance with parole, probation, or post-release supervision, you may apply for food assistance. And the terms of parole, probation, and post-release supervision, as outlined by Nebraska statute, include substance abuse testing, ongoing treatment, mental health treatment. It can include house arrest or curfew hours, restricting when they can be gone from their home. The bottom line is that the people who would be eligible for food assistance under LB121 have done their time and they have been found by a court or a parole board to be safe enough to leave the-- the incarceration and be in the community without supervision. And colleagues, access to food is going to be critical for them to start living their lives. Senator Albrecht says that there's a lot of fraud. She was speaking extemporaneously when she said that. That was not based on any information. That was based on a stereotype that she herself holds in her heart about people who use drugs. There is not a lot of fraud in the Supplemental Nutrition Assistance Program and that

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SNAP card, colleagues, it doesn't work like an ATM card. You can't exchange it for money, you can't exchange it for drugs, and there is no record of this kind of thing happening in Nebraska. And furthermore, that's already a crime. If SNAP fraud is happening, that's already being prosecuted in Nebraska. And guess what? It's not happening. I can talk so much about the sensationalism and the stereotypes around people selling food stamps for drugs, but this is all sensational, it is a stereotype, and it's just not true. Another thing, colleagues, is that in this body, some of you need to learn to accept defeat. It's something that a lot of us are real familiar with. Some of you need to learn how to take a loss. It is a seriously underrated skill in life and it's clear that some of you haven't had to go through that enough. I'm concerned about people who take a loss and their instinct isn't to go OK, how can I do better next time, how can I--

HUGHES: One minute.

HUNT: --improve my bill for next time? Instead, the instinct is to retaliate. The instinct is to come in with this revenge mindset and say, how can I get back at the people who wronged me? How can I change the rules so this never happens again? Now we need a two-house system to make sure that, that minority can never get their way again. Colleagues, it's called politics, it's called strategy, and there's always a path for your bill to win. It's math, it's finesse, it's relationships, it's vote counting. And you know what? I didn't think the gun bill was so bad. There are scenarios where I could have supported something like that. And look at how Senator Brewer has reacted to disappointment, to not getting something that he really wants. Imagine if every Nebraska man with a temper was able to--

HUGHES: Time, Senator.

HUNT: --access a firearm.

HUGHES: Time, but you're next in the queue. You may continue.

HUNT: Imagine if every Nebraska man with a temper was able to access a firearm easily with no background check, with no training, with no permit in the moment of an angry reaction, in the moment of a rejection or a failure or being denied something. This reaction of Senator Brewer and the supporters of that bill validates why this bill shouldn't have passed. Reasonable gun supporters are not upset. Reasonable supporters of the Second Amendment say for me to have a concealed carry permit, I think it makes sense that I should have some

training and that I should have a permit to do that. I will also call out your filibuster technique. Don't think that you're getting any revenge on me by doing this to my bill because when I filibuster your bills, I talk about your bills. I don't talk about my hurt feelings on my bill from earlier. I don't read some unrelated study that has no bearing on the actual subject matter of the bill at hand. I don't read anything. I don't read letters. I don't tell fishing stories. I don't have to yield time. I think some of you are real bad friends to Senator Slama, getting up and just yielding her time and not helping her out at all by saying something original. Maybe she wanted that so she could be the star of the show, but just reading a study that had nothing to do with the bill was not a talented filibuster. The level is low and I do hope there are different people that come into this body next year who raise the level, who raise the level of intellectual discourse, who raise the level of nonpartisanship, who don't wait around for a text on their phone to decide how to vote, who can oppose a bill without having to read something that was sent into them by the lobby, by, by Governor Ricketts' friend out there in the lobby who works for him, who came to my office and told me exactly why they weren't going to be able to let this bill pass. I would like to have some people in this body who don't come in here knowing exactly how everything's already going to go, who use their minds, who can take a loss, who can react with positivity and gratitude and say, let me work with you to make it better, not let me go take a job in Europe so I can make money to fund your opponent. Like, please grow up, please. That kind of retaliatory mindset, the revenge mindset, that is what has led to so much of the problem with gun violence in this country and so much of the problem with political division in this country. Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. I raise the call. Senator Cavanaugh-- Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I've stayed out of the queue on this because it didn't seem like it was a real conversation. It wasn't a real conversation. But I want to reiterate some of the things that Senator Hunt just said that were misspoken in this I don't know what-- I wouldn't call it a debate. So this does hurt children if we don't pass this. There are children that live in these homes. And Senator Slama and Senator Albrecht have talked about this so she might want to stay and listen to it. There are children in these homes and if that person who has a convicted drug felony goes back into a home, their income is counted, their income is counted as the household income, which brings down the amount that they are getting because as the household income-- say, there's four people in

the house; one of them doesn't qualify for SNAP because of the drug felony. So then there's three people in the house, another adult and two children and the amount of SNAP that they were getting before that person was released and came back home to them is going to be lowered. So when we say that it's not hurting children, it is. It is directly hurting children. That is how the system is set up. And if you don't understand that, take some time to learn about it because that is what happens. And when I talked-- Senator Albrecht read the back and forth I had with directly-- Director Beasley at HHS. When she and I talked about this, I was trying to get at this doesn't cost the department anything more. They can actually-- they, they said they would just absorb the administrative costs. It's 100 percent reimbursement rate. It's just something that they-- they being like an air quotes or royal they-- don't philosophically agree with. And I bet dollars to donuts, if you took some of the people that work at HHS aside-- off the record and asked them, they would tell you that they're supposed to tell you that because that's not what I see reflected in the hearts of the people that come and testify in front of our committee. This bill is going to give people who have been in our justice system another shot at-- people that we already give shots to for other crimes, but not this. And to Senator Hunt's point about being sore losers, like, you give us nothing. Nothing. Every single day for anything that's even has a hint of being progressive-- and by progressive, I mean progress forward for human beings-- anything that even has a whiff of it is torn down. And then you complain when your things that we tell you what we-- our problems are with them and you don't do anything to fix them. Then you're mad about that, but you won't give us anything. This costs you nothing. This bill costs the state of Nebraska nothing. It costs the senators in this body nothing. It had the support of the Omaha Police Chief Todd Schmaderer and it had the support of Tom Venzor with the Catholic Conference and it had Senator Megan Hunt. If a trifecta like that can't get everyone in this room on board, then we're not doing our jobs because there isn't any bill that I can think of that has that many deferring ideas, ideologies coming together for the greater good.

HUGHES: One minute.

M. CAVANAUGH: This bill costs you nothing and I know you won't give it to us because it costs you nothing, because you don't have to. And that is sad, but it is the reality and it is the state of this body. So you can be mad about the fact that some of us stand up against what is clearly bad policy or you can work with Senator Hunt and enact some good policy that costs you nothing, but gains you some friends in this

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body. But we already know, as Senator Hunt has said, it is a predestined outcome. Thank you.

HUGHES: Thank you, Senator Cavanaugh. Senator Blood, you are recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all that are left on the floor, I stand opposed to the floor amendment, but in support of Senator Hunt's bill because I agree with Senator Cavanaugh. We worry about whether single moms have guns, but we don't worry about whether single moms can feed their children and I find something wrong with that dichotomy. But the reason I am standing is because it's my turn to take time on the mike because my priority bill was scheduled purposely at the end of the day after this bill because the Speaker, whether he admits it or not-- and I'm sorry, Senator Hilgers, because as you've said, I've been a very good citizen all year long, but it stops today. From redistricting to getting out of the queue to trying to express to you when there's an issue on the floor with another senator, I've been a good citizen. Here's my payback. My priority bill doesn't get to go through Select File. And you know, I knew it wasn't going to because when I did my handout, the vast majority of the senators that pretended they liked this bill put the handout in the recycling bin. I have eyes, guys. We went through every single objection, every single objection from the transcripts, from the General File to show you that, yes, this can be a constitutional amendment. Instead, you guys want to take Nebraskans' money so you can give it back and wave your flag and say that you lowered taxes. I want to make it so that we never take their money in the first place by stopping unfunded and underfunded mandates and fully funding our schools. And I'm over here, guys that aren't looking at me-- and Senator Brewer, I respect you. You and I have had many incidents. You purposely trashed my meat bill on the premise that an urban senator shouldn't carry a rural bill, but I didn't treat you like crap after that. I didn't threaten you. I didn't make your life difficult after that. I respected the-- your ability to be able to do that on the floor. That is your right. I voted your bill last year out of committee, your gun bill, and I have a senator to this day who doesn't talk to me as a result of it, but I don't hold that against you. That was my choice, my right. And I didn't know your bill was going to get watered down on the floor. I had nothing to do with that, but I voted for that because it was still important to you. And then myself and another senator, even though you didn't need our votes, we wanted to show you support on General and we chose to do it. And easily, 10 to 1, my district, not the people from the rest of the state, my district came out against it. And today I struggled and you think I voted

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against your bill because I don't support the Second Amendment? We do have a well-regulated militia in Nebraska and I support that, but there are just some times when I have to vote yes or no on bills that I am truly, truly torn about. And to be really frank, if anybody wanted to vote against those bills, it could be me. My senator-- my husband was held hostage by a gunman. But I don't think of that when I go and vote on these bills. I think about what's best for my district. Never have I held a grudge against you. I did not hold a grudge against you when you kept my dark money bill in your committee. I feel strongly about that. And you know what I feel really strongly about, friends? All the meat bills that didn't get out on the floor because nobody was brave enough to help me get them out onto the floor because apparently I'm running for Governor and I can't have any bills passed this year. If it wasn't for Senator Stinner having some guts, I wouldn't even have \$1 million to help the people--

HUGHES: One minute.

BLOOD: --that will likely die and be sick in Mead, Nebraska. And by the way, we have a big storm coming up tomorrow, friends. If you think NDEE has it handled, why don't you wait and see? And so the games this year are ridiculous, the threats unacceptable. The emails I'm getting on my social media, not through my official email, are unacceptable and are being stirred by people making threats on this mike today. But I guess that's OK because somebody is angry. To say that I haven't shown respect to somebody because I've disagreed with them, ridiculous. But I got to tell you, friends, I think there comes a breaking point when it comes from being a good citizen and trying to get along to just having enough of it. I'm not your doormat. Worked my butt off and I got nothing to show for it this year. And it's not because I didn't play nice and it's not because I haven't reached across the aisle.

HUGHES: Time, Senator. Thank you, Senator Blood. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed to LB121 from Senator Slama; LR263A [SIC - LR263CA] by Senator Flood and Senator Dorn. Name adds: Senator Flood to LB873, Senator Sanders to LR427, Senator Matt Hansen to LR427. And finally, a priority motion. Senator Hilgers would move to adjourn until Tuesday, April 12, 2022, at 9:00 a.m.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. Opposed nay. We are adjourned.