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Judiciary Committee
February 11, 2016

[LB757 LB829 LB892 LB947 LB1075]

The Committee on Judiciary met at 1:30 p.m. on Thursday, February 11, 2016, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB892, LB757, LB829, LB1075, and LB947. Senators present: Les Seiler, Chairperson; Colby Coash, Vice Chairperson; Ernie Chambers; Laura Ebke; Bob Krist; Adam Morfeld; Patty Pansing Brooks; and Matt Williams. Senators absent: None.

SENATOR SEILER: (Recorder malfunction)...bewitching hour, so we'll open the hearing. A little information: Anybody sitting in the back row that makes any slanderous remarks, you'll probably be on the record. These are brand-new mikes and they're really sensitive. So if you want to...even if you think you're whispering, you could end up on the record, so just a warning. If you're going to testify, I want you to come up and get your testifying information; and then when you come up, hand your information to one of the pages. The two ladies over here are the hardest working group of this committee. They're the pages and they get all the information. And if you've got handouts, make sure they get them and they'll distribute them to the committee. We'll be on the lights. You have three minutes. Green light gets you started. Yellow light means you've got a minute left. Red light comes on and I'm going to ask you to stop. I'm going to ask you to stop and then, if one of the senators wants you to go forward or I want you to go forward, we'll ask you to proceed and sum up. The introductions: Senator Williams is on my right, your left; he's from Gothenburg. Senator Krist is from...Papillion?

SENATOR KRIST: Omaha.

SENATOR SEILER: Omaha.

SENATOR KRIST: Papillion! (Laughter)

SENATOR SEILER: I thought you were down south there.

SENATOR KRIST: Thank you, Senator (laugh).

SENATOR EBKE: (Laugh) Bennington (inaudible).

SENATOR SEILER: Our legal counsel is Diane Amdor; our clerk, Oliver VanDervoort. And Senator Ebke is from Crete.

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SENATOR KRIST: Wilber (laugh).

SENATOR SEILER: Pardon? Wilber?

SENATOR EBKE: (Laugh) Crete.

SENATOR SEILER: Crete. The other senators will be joining us as time goes on. They're in other committees introducing bills. And so we will proceed in the order in which the bills show on the agenda, brings up bill LB892. And, Senator Kintner, you're to introduce it.

SENATOR KINTNER: (Exhibits 1 and 2) Well, thank you, Mr. Chairman and members of the committee. My name is Senator Bill Kintner, B-i-l-l K-i-n-t-n-e-r. I'm here to introduce LB892. In December I was contacted by the Plattsmouth Police Department regarding issues they were having with acts of intimidation being reported in their community. Many of the incidents of intimidation were conducted using modern forms of communication, like text messaging and e-mails, that most of us are familiar with and which, arguably, don't fit within the context of intimidation by telephone call described in Section 28-1310. I said we'd look into the issue and we drafted this bill that would update the language in the statute to include communications by electronic devices. Since the introduction of LB892, we've been in communication with Nebraska County Attorneys Association and have received an opposition letter from a national group called the Media Coalition. We appreciate the points raised by the Media Coalition regarding the First Amendment free speech issues they believe are present in the bill. In response to their concerns, I have drafted a white-copy amendment that you now have with you that was handed out, AM2100, to narrow the bill to accomplish my original intent: to address threatening and harassing communication directly and purposefully transmitted to another individual, not a public post on the Internet. I've given AM2100 to each of you in the committee. I've given it to the lobbyists, the Media Coalition, and the Nebraska County Attorneys Association. Many of the concerns the Media Coalition has with the bill are directed at the language that is currently in the law, like the terms "annoy," "offend," and "terrify" and "indecent," which they believe have constitutional problems in light of the recent U.S. Supreme Court Opinions. I've decided not to address their concerns with the current language in AM2100 and will defer to the Judiciary Committee's expertise in dealing with these, their constitutional concerns, in the current statute. I believe you also have a letter of support from Attorney General Doug Peterson who supports updating the statute, and he'd even like to use it as an opportunity to possibly address other issues, like revenge pornography and strengthening of the extortion provisions in the current law. I'm willing to work with the committee and the AG's Office and other stakeholders to address these important issues also. My main concern with LB892 is to make sure law enforcement and prosecutors have the necessary tools to address intimidation, threats, and harassment that have migrated from direct phone calls to new forms of direct electronic communication, like text and

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e-mail. Captain Crick is here today from the Plattsburgh Police Department and he will be able to speak with you more specifically regarding the incidents they have run into where their acts of intimidation were committed through a text message or other form of electronic communications leading to no prosecutions. We also have a representative from the Sarpy County Sheriff's Department here. As always, I will gladly work with the committee and other stakeholders to make sure the language accomplishes the intent of the bill, which is to update the language to include the new forms of modern communication. I thank you for your consideration. I'm willing to answer any questions you may have at this time. [LB892]

SENATOR SEILER: Any questions? Seeing none,... [LB892]

SENATOR KINTNER: Okay. [LB892]

SENATOR SEILER: ...you're going to stick around? [LB892]

SENATOR KINTNER: I'll stick around, yes. [LB892]

SENATOR SEILER: Okay. First proponent. [LB892]

RYAN CRICK: Good afternoon. My name is Ryan Crick; C-r-i-c-k is my last name. I serve as a captain with the Plattsburgh Police Department. I was requested to speak with you today regarding Statute 28-1310, intimidation by telephone, and its current application from a law enforcement point of view. I've worked in the field of law enforcement for almost 15 years and in that time I've seen some amazing advancements in technology. These advancements have included several new social media outlets for people to express their feelings, opinions, or general conversations with anyone around the world. As I'm sure you see, the current intimidation statute is currently written only to include a harassing, intimidating, or threatening phone call. However, with this change in technology, people hardly resort to a simple phone call anymore. Instead, we routinely see criminal acts being committed behind the disguise most commonly of text messages, Facebook posts, or Twitter messages. A good example of this is a gentleman in Plattsburgh who approached us almost two years ago reporting his soon-to-be ex-wife who had been leaving him threatening and derogatory voice-mail messages regarding her opinions of him. She moved out once they had formed a toxic relationship and made it a point each day to call and leave him these messages, which he was saving on his phone. At first we were able to investigate and prosecute based on language of the statute. However, once she was charged for this crime, she resorted to leaving him text messages and Facebook posts with the same content as her previous voice-mail messages. We still received reports from this male party but soon discovered, through our county attorney's office and further research, we could no longer prosecute these types of incidents under the statute because she was no longer using a

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phone call as her primary means of communicating with him. Since then we have turned away several individuals reporting similar types of crimes due to the fact that the statute does not cover a victim outside of a simple phone call. I approached Senator Kintner's office a couple of months ago because it had been my belief that law enforcement is not properly serving our communities due to the outdated language of this statute. A change to the statute to include text messages, social media, or any other media outlet is all it would take for law enforcement to be able to complete their investigation. This would also give us the opportunity to assist in holding individuals accountable for their actions, rather than telling a victim there isn't anything we could do to help them out. I am more than willing to assist either you or Senator Kintner's office in any way in making the necessary changes in updating this statute. Thank you for your time. [LB892]

SENATOR SEILER: Questions? Seeing none, thank you. Next proponent. [LB892]

MIKE ERHART: Good afternoon. I'm Lieutenant Mike Erhart, E-r-h-a-r-t, with the Sarpy County Sheriff's Office in Papillion, Nebraska. I was asked by our sheriff to come down and speak in proponent for this bill proposed. I agree--and, believe me, I'm not going to take up your three minutes--but I agree wholeheartedly with Captain Crick's statements. What we've had in the past with situations like this where people are texting or e-mailing, because of the way the current statute is written, we would have to go with disturbing the peace. And historically in our county, that's usually a \$100 fine and court costs; and this puts a little bit more weight behind it. Granted, disturbing the peace could be a jailable offense, too, but rarely is. So this puts a little more weight behind the statute and it puts a little more responsibility on the person making these texts or e-mails. And that's all I have. [LB892]

SENATOR SEILER: Further questions? Seeing none, thank you for your testimony. [LB892]

MIKE ERHART: Thank you. [LB892]

SENATOR SEILER: Next proponent, person that wants to testify in favor. Opponent, wants to testify in opposition. [LB892]

KORBY GILBERTSON: Thank you. Good afternoon, Chairman Seiler, members of the committee. For the record, my name is Korby Gilbertson; it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today as a registered lobbyist on behalf of the Motion Picture Association of America. And hopefully, while I'm still talking, I will have handouts for all of you, but had a little technical difficulty at my office over the noonhour. Motion Picture Association is a member of the Media Coalition which Senator Kintner referred to earlier in his opening. The Media Coalition is made up of a number of different trade associations ranging from librarians to the Motion Picture Association to telephone, the television broadcasters, and librarians, so it gives

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you an idea of how broadly they are based, and their primary interest is in protecting the First Amendment. When we reviewed LB892, obviously, the overall concept seems as though it would be a good one in order to protect people from being harassed. However, I think we can all think of times that we have received information or read something on-line that either annoyed or offended us. And unfortunately, in LB892, the law does not clarify what the difference is for that. Currently under our constitution, we do not have the right to not be offended by speech. If that was the case, I think we can all think of times when we would have more than welcomed going after someone. But unfortunately, the Supreme Court has ruled that there's very clear rules on what constitutes allowed speech and what isn't. And the language that I talked to Senator Kintner about, obviously--he brought it up--some of it is in existing statute. But because of that, and when you add in a very broad definition of what electronic communication is, that raises some concerns for us. The language that says annoying--try to find it exactly--that if you are annoyed or offended by language, even terrified by language, it's not covered by the constitution. And so the Supreme Court of the United States has created a very strict rule on how to determine if language is obscene or allowed or not allowed under the First Amendment, and this bill does not reach that. When I also talked to Senator Kintner, he said that...and I believe in his amendment he states that he would limit it to just e-mails and to texts. We are not sure if that would cover this unless the other language is then changed in the bill also to then limit the intent of the language. And finally, I want to just point out that the representative from the Plattsmouth Police Department did specifically bring up social media like Facebook and Twitter. Under the original definitions in the bill, those two social medias would be covered under this, and that adds additional concerns with the legislation. We are happy to try to work with Senator Kintner to come up with an amendment that could fix the bill; but if it would not be amended, we would ask that you hold it in committee or indefinitely postpone the legislation. I'd be happy to answer any questions. [LB892]

SENATOR SEILER: Any questions? Thank you very much. [LB892]

KORBY GILBERTSON: Thank you. [LB892]

SENATOR SEILER: Any further opponent? Anyone to testify in the neutral? You may close. [LB892]

SENATOR KINTNER: Just want to stress again that we did not want to change the language that was already on the books. And I, as you guys know, I enjoy the First Amendment as much as anyone and I want everyone to have their First Amendment rights at all times, any place, so this is not to put a chill on that. That's why I wanted to make sure it doesn't...isn't used for Facebook or something like this. This is direct communication from one person to another. And I think if we keep it limited like that, as terms of the language that was already in the statute we just

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brought down from telephone harassment to this. You know, it's up to you if you wanted to delve into that. It's sat there on the books now since 2007, and that was a Mike Friend bill, Senator Friend bill, that was passed at that time. So I would encourage you to move this forward and let's give the police the tools they need to do their job. Thank you. [LB892]

SENATOR SEILER: (Exhibit 3) We have a...just stay at the seat a second. We have a support letter for Nebraska County Attorneys Association. And, Bill, do you want this amendment to be part of the record? [LB892]

SENATOR KINTNER: Yes. [LB892]

SENATOR SEILER: Okay. AM2100 will be part of the record. Any further questions? Seeing none, thank you. [LB892]

SENATOR KINTNER: Thank you. [LB892]

SENATOR SEILER: LB757, Senator Brasch. You may proceed. [LB757]

SENATOR BRASCH: ...may proceed. Thank you, Chairman Seiler, and thank you, members of the Judiciary Committee. My name is Lydia Brasch, L-y-d-i-a B-r-a-s-c-h, and I represent the 16th District in the Nebraska Legislature. LB757 is a combination of two bills I introduced in 2014, so it may be familiar to a few of you. It's LB962 and LB963, and I introduced it at the request of attorneys who practice bankruptcy law in Nebraska. At that time, and hopefully now, those bills were well received by this committee and were advanced to General File with no dissenting votes. But unfortunately, time ran out in the 2014 Session to debate them; and I'm bringing them back to you as one bill. One of the biggest issues bankruptcy attorneys have encountered is that bankruptcy exemptions in Nebraska are outdated and they have not been updated in almost 20 years. Nebraska Revised Statute 25-1552 was last revised in 1997, and so LB757 seeks to modernize the amount for the bankruptcy exemption commonly referred to as the "wild-card" exemption. Simply stated, the wild-card exemption allows debtors to exempt any type of property not exceeding the amount stipulated. The wild-card exemption was a measure created as a small safety net for personal property that may not otherwise be exemptible. But because the amount for the exemptions is outdated and has not been kept up with the rate of inflation, this bill proposes that the wild-card exemption be increased from \$2,500 to \$5,000. Debtors should be able to exempt at least as much personal property as they did in 1997. The longer the Legislature goes without updating the exemption amounts, the less and less debtors will be allowed to keep. This bill also seeks to amend Nebraska Revised Statute 25-1556, which also has not been updated in almost 20 years. This bill would make three straightforward but necessary changes. First, it increases the household items exemption from \$1,500 to \$3,000. The

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household items exemption includes household furnishings and goods, computers, books, musical instruments, and other similar items. Secondly, it increases the tools-of-the-trade exemption from \$2,400 to \$5,000. The tools-of-the-trade exemption applies to items used in the debtor's principal trade or business, and this bill adds language prohibiting a motor vehicle exemption as a tool of trade. Currently law actually allows for a motor vehicle to be exempted as a tool for a trade; however, LB757 adds a new section where debtors can claim up to \$5,000 for a motor vehicle, regardless of the intended use. The reason we have added this language is because generally it is insufficient for debtors to be granted the motor vehicle exemption if they use the car to get to and from work; but the protection does not apply for those who are unemployed, retired, or work as a stay-at-home parent. In LB757 it will no longer have the fiscal impact, and it has no effect on taxation; however, the changes made by this bill will allow debtors to keep more household items and furnishings, as well as those items they must have to continue their job or to carry out their trade. With bankruptcy must come accountability, but not destitution. The ultimate goal here is to allow debtors the wherewithal to put their life back together and to begin anew. There will be some bankruptcy attorneys who will follow me in testimony, and they are better able to answer questions about the details of the proposed increases. We have also worked with the Nebraska Bankers Association, which will also be testifying today in a neutral capacity. Thank you for your time and your attention, and we encourage you to pass LB757 out of committee and to General File. [LB757]

SENATOR SEILER: Any questions? I have one. Your debtor is a small carpenter, puts in concrete, things like that. Under this statute to change, his pickup would not be an implement of his craft. Right? [LB757]

SENATOR BRASCH: I believe that's... [LB757]

SENATOR SEILER: So he could keep all of his tools, all of his cement mixers and everything, but how the hell would he get them there to the job? [LB757]

SENATOR BRASCH: I would like one of the attorneys that's coming forward... [LB757]

SENATOR SEILER: Okay. [LB757]

SENATOR BRASCH: ...to better explain that to you if that's okay. [LB757]

SENATOR SEILER: Not a problem. Thank you. [LB757]

SENATOR BRASCH: All right, thank you. [LB757]

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SENATOR SEILER: Any questions? Thank you. [LB757]

SENATOR BRASCH: Thank you. [LB757]

SENATOR SEILER: First proponent. [LB757]

GREGG NEUHAUS: Chairman Seiler, members of the committee, my name is Gregg Neuhaus, G-r-e-g-g N-e-u-h-a-u-s. I'm an attorney in Grand Island, Nebraska, with the Neuhaus law firm. I've got over 35 years of experience practicing law. I've represented many hundreds of people in bankruptcies and other matters as well. I average over 100 bankruptcies per year. I'm here to give support to LB757. The change to 25-1552 simply doubles the exemption which has been in place since 1997. In 1901 the wild-card exemption was \$500. Over the years it gradually increased until 1997, when it was adjusted to \$2,500. But in the last 19 years it has not been increased, and I think it's time to rectify that. Although doubling, this is not a great increase because, at 5 percent inflation, \$2,500 in 1997 is over \$6,000 now. A person should have the right to protect a few possessions from being taken. Likewise, 25-1556(3) and (4) are catch-up measures in terms of value. I think those should be no-brainers, frankly. Costs have increased but the exemptions have not. What I really want to talk about though is the modification to 25-1556(4) and the addition of 25-1556(5). There are many people in Nebraska that do not have access to public transportation. In Lincoln or Omaha or Grand Island, you can probably get by without a car; but in Shickley or Verdel or Niobrara or Cairo you cannot, and hundreds of other towns in Nebraska. These people might have to drive 40 or 50 miles to the nearest doctor or hospital or even to the nearest grocery store. Statute 15-1556(4) has always been a tool-of-the-trade exemption, but there are many in Nebraska that are not working due to loss of job, disability, old age. How do they get to the doctor? How do they get to the grocery store? I doubt that many folks here came on public transportation--except I see a lot of young people here and they may have today--and I doubt that very many people drove here today in a car worth less than \$5,000. So this changes...is the basic right of a person to own a car of relatively little value so that they can survive, so they can get to the doctor, so they can look for work, so they can get to the hospital if they need to. It's about a basic dignity to be able to survive and not live in a city; and even in the city, I think a car for the most part is an essential in Nebraska. Thank you. [LB757]

SENATOR SEILER: Any questions? Senator Williams. [LB757]

SENATOR WILLIAMS: Thank you, Senator Seiler; and thank you, Mr. Neuhaus, for being here today. And I understand your concern about the vehicle. Would your suggestion be to just leave that as it currently is in statute or is there some different change that you would suggest? [LB757]

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GREGG NEUHAUS: The vehicle would go from a tool of the trade, under subsection (4) of 25-1556, and be its own category as 25-1556(5). So you don't have to use it in a...as a tool of the trade anymore. You can just own a vehicle. So if I'm 75 years old and I've got a 1990 Buick in my driveway, I'm not going to lose it. I can still drive. It's its own category without having to have it used in a trade or to get to and from work. And what we see many times, Senator, is older people, they can't work anymore. They're on Social Security. And if they're living in a smaller town, they can't get to the doctor if they don't have a car and they can't buy groceries if they don't have a car. There are hundreds of towns that are in Nebraska that don't have grocery stores, and so it's just a basic right to be... [LB757]

SENATOR WILLIAMS: And I understand that part. So going back to Senator Seiler's question to Senator Brasch... [LB757]

GREGG NEUHAUS: Yes. [LB757]

SENATOR WILLIAMS: ...about the tools of the trade and the pickup that you have to haul your tools in and it's... [LB757]

GREGG NEUHAUS: Right. [LB757]

SENATOR WILLIAMS: ...more than \$5,000. [LB757]

GREGG NEUHAUS: Right. This is more advantageous because, number one, it increases the tool-of-the-trade exemption in (4) but it adds to that. So the contractor that you were talking about can exempt all of his tools under (4) and his pickup under (5). So it does a better job for him. It adds an exemption for him of another \$5,000. [LB757]

SENATOR SEILER: Senator Williams. [LB757]

SENATOR WILLIAMS: But the vehicle cannot exceed \$5,000. [LB757]

GREGG NEUHAUS: The equity cannot exceed \$5,000, yes, the equity. [LB757]

SENATOR WILLIAMS: Okay. [LB757]

GREGG NEUHAUS: So I could have a \$10,000 car with a \$5,000 note on it. [LB757]

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SENATOR WILLIAMS: Okay. [LB757]

GREGG NEUHAUS: Or I could have a \$5,000 car or under, yes. [LB757]

SENATOR WILLIAMS: Thank you. [LB757]

GREGG NEUHAUS: You're welcome. [LB757]

SENATOR SEILER: Senator Krist. [LB757]

SENATOR KRIST: I understand your logic and I understand moving the vehicle away from...and the rationale behind it. I, quite frankly, think it's more fair to leave the vehicle as part of a potential tool of the trade and move a separate vehicle section away. Because if there is a bankruptcy that has to do with a single wage earner in a couple, then the vehicle that's involved in the household and the tools of the trade, which could be the pickup truck, could both be counted in terms of the start-up again. So I would hope that we could have a discussion that would say, don't take things away from people to get back on their feet. This seems to me to be an either/or. Even though the number has come up, it's an either/or, and I'd rather see "or" across the board: leave it the way it is and bring the other one in. [LB757]

GREGG NEUHAUS: As originally drafted, we didn't add (5). We had (4) just increasing in value but making it available to people that didn't use it in the tool of the trade. I think there was negotiation with the bankers association to create (5) and eliminate it from (4). I'd be delighted if it was in both (4) and (5). But I think we were going to get a lot of kickback against the bill if it was in both, because then, in effect, their argument is you could exempt \$5,000 as a tool of the trade and another \$5,000. And they were right--you could--and I'd love that. But as a compromise we said, okay, we'll remove it from your tool of the trade, because I think the important thing as a practitioner, and I see these people every day, the important thing is not how you use the vehicle but that you have a vehicle. And so I was willing to compromise and say, yeah, let's create (5) and give everyone the right to have that vehicle worth \$5,000. [LB757]

SENATOR KRIST: That's what I wanted to hear, and if the bankers want to come up and testify neutral and in opposition, because my intent would be to put it back in, because I see the family and reuniting the family and getting them through bankruptcy would be the goal. And if the goal is that you have four kids and mom at home and they need to go to the hospital, doctor, whatever it might be, and she might have a part-time job, then that car may be an essential part of the catch-up process. And the pickup truck that's hauling around the tools, it is a tool, needs to be preserved as well. So we'll see how it plays out. [LB757]

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GREGG NEUHAUS: And the exemption, by the way, is not per couple; it's per individual. So under this, each--both the husband and the wife--could have a vehicle of that value. So I don't know if that makes it any clearer or if that muddies it more, but... [LB757]

SENATOR KRIST: So technically, if the principal breadwinner in the home has a pickup truck to haul his tools around... [LB757]

GREGG NEUHAUS: Yes. [LB757]

SENATOR KRIST: ...and that's a tool of the trade, then he could also, the way that I'm describing it, have a Corvette in his name that he could also claim. And the wife could have, because they've declared bankruptcy now as a couple, obviously, the wife could also have...significant other, I'm sorry, could also have a vehicle that they're exempting, so that's just too many exemptions. Is that what I'm hearing? [LB757]

GREGG NEUHAUS: Well, in this case, actually, it would be husband and wife because you do have to be married to file bankruptcy jointly. [LB757]

SENATOR KRIST: Okay. [LB757]

GREGG NEUHAUS: But the value is...I guess what you got to look at is the value: under (4), any of your tools of the trade. So your actual tools, your saws and hammers and cement mixer and whatever, can go up to the new limit, the \$5,000. Then you can have your vehicle. Whether it's a pickup truck or whatever, the owner of that business can have that as...under number (5) as his vehicle. The spouse can then also have a vehicle up to that value, but you can't have three vehicles. You're still only going to get two vehicles from that whole thing. [LB757]

SENATOR KRIST: Okay. [LB757]

GREGG NEUHAUS: Okay? [LB757]

SENATOR KRIST: Thank you. [LB757]

SENATOR SEILER: I have a question. [LB757]

GREGG NEUHAUS: Sure. [LB757]

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SENATOR SEILER: It seems to me that the debtor's interest described in paragraph 4, line 31, page 2 of the green copy, it says, "the debtor's interest, not to exceed an aggregate fair market value of five thousand," and then down below, in the line 6 in paragraph (5), "the debtor's interest, not to exceed five thousand dollars, in a motor vehicle." I wonder if you've got a gap in the...in what you described as the debtor's interest being the interest that is above the mortgages or debt instrument,... [LB757]

GREGG NEUHAUS: Well,... [LB757]

SENATOR SEILER: ...because it doesn't describe. It just says fair market value. If fair market value of the pickup is \$5,000 but it's got a \$3,000 mortgage on it (inaudible). [LB757]

GREGG NEUHAUS: Under (5) it's the debtor's interest not to exceed \$5,000, the way it's written. [LB757]

SENATOR SEILER: Right, and you're... [LB757]

GREGG NEUHAUS: You're saying (4), it should... [LB757]

SENATOR SEILER: Well, I'm saying it seems inconsistent. You describe the debtor's interest in (4) not to exceed an aggregate fair market value of "blank," the \$5,000, and then down here you say just the debtor's interest. Is there a differentiation between (4) and (5)? [LB757]

GREGG NEUHAUS: Not really; if anything, that's just the scrivener's error or maybe we should add... [LB757]

SENATOR SEILER: Well, let's don't make it a scrivener's error. Let's take a look at fixing it. [LB757]

GREGG NEUHAUS: I can tell you how the bankruptcy court interprets that. [LB757]

SENATOR SEILER: I understand. [LB757]

GREGG NEUHAUS: They say it...that's the equity in the asset. [LB757]

SENATOR SEILER: Right. Well, then maybe we ought to have that clean. [LB757]

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GREGG NEUHAUS: Wouldn't hurt my feelings. [LB757]

SENATOR SEILER: As long as we're cleaning this bill up, let's... [LB757]

GREGG NEUHAUS: Right, wouldn't hurt my feelings at all if you said that. [LB757]

SENATOR SEILER: Okay, thank you. [LB757]

GREGG NEUHAUS: Thank you. [LB757]

SENATOR SEILER: Any further questions? Thank you very much. [LB757]

GREGG NEUHAUS: Thank you. [LB757]

SENATOR SEILER: Next proponent. Seeing nobody moving, opponent. I couldn't even stir anybody up to show up and testify "no"? Okay. Anybody in the neutral? Bob, how can you be neutral? [LB757]

ROBERT HALLSTROM: (Laugh) It's the first or second time this year. Chairman Seiler, members of the committee, my name is Robert J. Hallstrom, H-a-l-l-s-t-r-o-m, appear before you today on behalf of the Nebraska Bankers Association in a neutral capacity on LB757. Senator Brasch had asked us to testify since she was gracious enough to reach out to us both when she introduced legislation a few years ago and as she was putting what has become LB757 together. When the legislation was introduced initially a couple of years ago, we had expressed our concerns over retaining motor vehicles both as a tool of the trade and in creating a new, separate category for motor vehicles. In the process of visiting in advance of the session this year, we had suggested that perhaps creating a separate category for motor vehicles in \$5,000 and removing the motor vehicle from the tools of the trade would be a suitable trade-off. And I think, Senator Krist, in response to your question, I think it does expand and allow those that are retired and not employed a little better benefit in that regard by creating the separate category. And as long as you do have a joint bankruptcy, if both of them are employed or if one is employed and the other not, they're still going to have two cars to select from. Senator Seiler, with regard to your issue on fair market value, I would just suggest, given the fact that fair market value has been interpreted to include equity by the bankruptcy courts, that perhaps just being consistent in those two respects would address that concern. Be happy to address any questions. [LB757]

SENATOR SEILER: Go ahead, Bob. [LB757]

SENATOR KRIST: So follow me...or help me get...rationalize through this. Suppose I am that small business, one guy, carpenter/handyman kind of guy, and I have a couple thousand dollars' worth of tools. I don't reach the limit but I have a pickup truck, so I can't use that as part of that part of the exemption. But then I'm filing bankruptcy jointly and I have a pickup truck that I'm using for business and my wife has a car, or my significant other has a car. You're telling me that they can take the pickup for him and the vehicle for her, or vice versa, whoever that person is, and the person would have up to...was it the \$5,000 figure for tools? [LB757]

ROBERT HALLSTROM: In both categories as amended. [LB757]

SENATOR KRIST: \$5,000? [LB757]

ROBERT HALLSTROM: Yes. [LB757]

SENATOR KRIST: Okay. Is that...am I... [LB757]

ROBERT HALLSTROM: That is correct. And it really does expand it, as Mr. Neuhaus had indicated, because if you did have tools of the trade, your implements, other than a motor vehicle, under the current law that did go up to the \$5,000 level, you would not be able to select that vehicle or you'd have to make a decision which one to select under the tools-of-the-trade exemption. This will allow you to take those tools of the trade up to the \$5,000 increased level and also as a separate category, irrespective of whether it's used in or outside of the employment to select that car. And your spouse, whether she's working or not, would have a second exemption under the new category for motor vehicle up to \$5,000 as well. [LB757]

SENATOR KRIST: Okay, that makes sense. Now one other clarification: Does it make any difference whose names these vehicles are in? [LB757]

ROBERT HALLSTROM: I don't practice bankruptcy law, Senator. Mr. Neuhaus can probably tell you off the mike whether that's the case. I believe that, filing a joint bankruptcy, they would have the ability to file each, but I would defer to him on that question. [LB757]

SENATOR KRIST: Okay. I think that's an important differentiation and I would defer to try to get that information from the bankruptcy specialist because if...God forbid if I'm the one who has bought the truck and bought the car and then that discounts my family from having, because I've...they're both in my name, but I can get that differentiation. [LB757]

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ROBERT HALLSTROM: And I would suspect by the time the bankruptcy is filed, if that is a distinction, that the distinction would be taken care of in advance of filing in terms... [LB757]

SENATOR KRIST: We would hope so. [LB757]

ROBERT HALLSTROM: Yeah. [LB757]

SENATOR KRIST: All right, thank you. [LB757]

SENATOR SEILER: Thank you. [LB757]

ROBERT HALLSTROM: Thank you. [LB757]

SENATOR SEILER: Any further questions? Seeing none,... [LB757]

SENATOR WILLIAMS: Yes, yes. [LB757]

SENATOR SEILER: Oops. [LB757]

ROBERT HALLSTROM: Excuse me. [LB757]

SENATOR WILLIAMS: Thank you, Senator Seiler; and thank you, Mr. Hallstrom. A quick question: We've been focusing most of the discussion on the vehicle side. I just want to be sure that from the bankers' perspective, who oftentimes are the ones that are involved on the creditor side of these issues, no question about...or no problem with the increasing of the personal exemptions and the household property. [LB757]

ROBERT HALLSTROM: No. Lenders are generally secured, which brings in a different context, Senator. But as Senator Brasch had indicated the length of time since there have been any increases in the exemptions, so we think those are reasonable given the passage of time. [LB757]

SENATOR WILLIAMS: Thank you. [LB757]

SENATOR SEILER: Now you're done. [LB757]

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ROBERT HALLSTROM: Thank you. [LB757]

SENATOR SEILER: Any further neutral? Seeing none, Senator Brasch. [LB757]

SENATOR BRASCH: Just very briefly, if there are amendments that you feel this would make it a better bill or for clarity, we're happy to look at those. But our understanding has been...it's been 20 years since any changes have been made. And so we're looking at inflation, we're looking to make things better and easier for a person to recover from a bankruptcy situation. And I do want to thank both Mr. Neuhaus and the bankers association because we did work to find that place where someone could have a chance to get up and moving businesswise or also for, as he had said, retired elderly, someone who is unable to get public transportation. So thank you for your consideration, appreciate it. [LB757]

SENATOR SEILER: Okay. [LB757]

SENATOR BRASCH: Any questions? [LB757]

SENATOR SEILER: Any questions? Seeing none, thank you. [LB757]

SENATOR BRASCH: Thank you. [LB757]

SENATOR SEILER: That will close the record on LB757. And Senator Harr... [LB757]

JAMISON WYATT: I'm going to step in. [LB829]

SENATOR SEILER: You're doing the sub? Okay, on LB829. You may go. [LB829]

JAMISON WYATT: (Exhibits 1 and 2) Good afternoon, Chairman Seiler and members of the Judiciary Committee. My name is Jamison Wyatt, J-a-m-i-s-o-n W-y-a-t-t, and I am here today as Senator Burke Harr's legislative aide to introduce LB829 which will adopt the Revised Uniform Fiduciary Access to Digital Assets Act. Senator Harr is currently introducing two bills before the Revenue Committee and he apologizes for his absence. In short, LB829 ensures that Internet users have the power to manage and dispose of their digital assets in a way that is similar to the way they can make plans for their tangible property. This law facilitates access and management of digital assets when people die or otherwise lose the ability to manage their own assets. Last session Senator Harr introduced LB463, the Technology Information Management Act. This act was based on the Uniform Fiduciary Access to Digital Assets Act before it was

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revised last summer by the Uniform Law Commission. At the hearing for LB463, and also on a national stage, there were concerns that were raised by various custodians, such as Facebook and Google, and also by privacy organizations, such as the ACLU. Subsequently, the Uniform Fiduciary Access to Digital Assets Act was revised to attend to those concerns. And this current act provides an appropriate balance between the user's privacy interests and the interests in fair and efficient management of digital assets. To my knowledge, opponents of the bill last year, LB463, are not raising objections to this new legislation, LB829. I handed out a letter of support from Facebook, along with AM2056, which is a technical clean-up amendment. And I will close by saying that Mr. Steven Willborn is here. He's a commissioner of the Uniform Law Commission and he'll be able to get to the nitty-gritty details of the legislation and he'll be able to answer any questions you may have. Thank you. [LB829]

SENATOR SEILER: Any questions? Are you asking us to make your amendment part of the record? [LB829]

JAMISON WYATT: Yes. [LB829]

SENATOR SEILER: Okay. [LB829]

JAMISON WYATT: Thank you. [LB829]

SENATOR SEILER: It will be. Any questions? No questions. Thank you very much. [LB829]

JAMISON WYATT: Thank you. [LB829]

SENATOR SEILER: First proponent. [LB829]

WILLIAM LINDSAY: Chairman Seiler, members of the Judiciary Committee, my name is William Lindsay, W-i-l-l-i-a-m L-i-n-d-s-a-y. I'm here on behalf of the Nebraska Bar Association. I was here last year when the testimony came in, and the act has been revised, as Senator Harr's legislative aide has said. I got into this area a number of years ago when my cousin died. She'd just gotten out of the Navy so she had friends in quite a few different places. Nobody knew her password to her e-mail account so there was no way to notify those friends because the Outlook account also had her address book. So it got me interested in the area. We've had earlier efforts here. Now we have an act that I think this committee should adopt and forward to General File. The default provision in this particular act is for nondisclosure of the content of e-mails unless the user selects one of two basic choices. Number one, they can use an on-line tool. For example, Facebook provides for a tool where they could select what happens if

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there is...they die or there is no contact for a period of time. The second level would be the will. It also deals with powers of attorney and trusts, as well as a conservatorship. The default provision would have resolved my cousin's situation. We may not have been able to get the contents of the e-mails, but we would have been able to get the e-mail addresses of those people who received the e-mails and we could have communicated with them. So it does resolve that issue. Basically it's like if we, for those of us who grew up in the 20th century, received a letter. This would allow the envelope to be shown but not the letter inside of it. So that's what the default provision is. The second part of this is digital assets, which e-mails are a part of, but it includes far more. The photos on my iPad are uploaded to my iCloud account. Those you would be able to get access to. The comments to Section 15 of the bill specifically provide that, so we do have a difference between digital assets that are not communications and communications. The on-line tool is a concept that I think this bill, when passed by a number of states, will grow rapidly and people will be allowed a chance to select for themselves how do they want this to happen. The other provision that is important is Section 15(d) of the bill, which provides that the fiduciary--that's the personal representative, the conservator, the agent or the power of attorney or the trustee, is an authorized user, which will avoid many questions with regard to some of the federal criminal laws that were a big part of the discussion last year. If there are any questions, I'd be happy to answer them. [LB829]

SENATOR SEILER: Senator Pansing Brooks. [LB829]

SENATOR PANSING BROOKS: Thank you, Chairman Seiler. Thank you for coming, Mr. Lindsay. I am just interested in the discussion of pictures not being communication. [LB829]

WILLIAM LINDSAY: Well, they can be communication, Senator. If they're attached to a text, I would say they are communications. But if they're just in an iCloud account, they're not intended to be sent to anybody. [LB829]

SENATOR PANSING BROOKS: I just...I don't think that's been tested, has it, in the courts, that a picture is... [LB829]

WILLIAM LINDSAY: No. [LB829]

SENATOR PANSING BROOKS: Anyway, I'm with you on this whole bill, but I cannot understand that distinction. [LB829]

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WILLIAM LINDSAY: Well, a picture is communication if you're trying to communicate with somebody. If I'm just, you know, taking a picture for myself, I'm not communicating with anybody. [LB829]

SENATOR PANSING BROOKS: All I can think of is Snapchat, which is just picture after picture after picture, so. [LB829]

WILLIAM LINDSAY: Well, my granddaughter keeps sending us Snapchats. [LB829]

SENATOR PANSING BROOKS: Yeah. I mean there's... [LB829]

WILLIAM LINDSAY: And those would be communication. [LB829]

SENATOR PANSING BROOKS: This limited idea of communication is not going to last even five years in my opinion, but anyway, that's interesting. Thank you. [LB829]

WILLIAM LINDSAY: Thank you. [LB829]

SENATOR SEILER: Senator Krist. [LB829]

SENATOR KRIST: Thanks for coming. Just the last point you made, I didn't get to the section before you made the point so I was confused. [LB829]

WILLIAM LINDSAY: Okay. [LB829]

SENATOR KRIST: Section 15(d)... [LB829]

WILLIAM LINDSAY: ...(d). [LB829]

SENATOR KRIST: Okay. And your point was...? [LB829]

WILLIAM LINDSAY: The point was that you have...a fiduciary is an authorized user; in other words, you consent to the use of this information to the extent permitted by the bill. [LB829]

SENATOR KRIST: Right. [LB829]

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WILLIAM LINDSAY: That gets us past the federal Stored Communications Act and the Computer Abuse Act, both of which I think were adopted about 1986, so they're a little out of date. [LB829]

SENATOR KRIST: And this would be an option that we'd be putting in place for people to exercise? [LB829]

WILLIAM LINDSAY: No, this is just a statement... [LB829]

SENATOR KRIST: Oh, okay. [LB829]

WILLIAM LINDSAY: ...that they have this authority. [LB829]

SENATOR KRIST: I see. [LB829]

WILLIAM LINDSAY: We're basically saying under state law they're granted that authority. [LB829]

SENATOR KRIST: Okay, thanks for the clarification. [LB829]

SENATOR SEILER: Any further questions? Thank you. [LB829]

WILLIAM LINDSAY: Thank you. [LB829]

SENATOR SEILER: Next proponent. Committee, do you get the impression that these young folks out here know a lot more about this than we do? (Laughter) [LB829]

STEVE WILLBORN: (Exhibit 3) Mr. Chairman, Senators, my name is Steve Willborn, S-t-e-v-e W-i-l-l-b-o-r-n. I'm a faculty member at the University of Nebraska College of Law, but I'm here today primarily in my role as one of Nebraska's commissioners on the Uniform Law Commission. The other commissioners are the Honorable C. Arlen Beam, John Lenich, Jim O'Connor, Joanne Pepperl, Harvey Perlman, and Larry Ruth, who is here today. I have more remarks in the materials that are going around, but I just wanted to make a few points on this. This is the third time I have testified on a bill on this topic. Some of you may recall that in 2013, in the One Hundred Third Legislature, LB37 was proposed to deal with the disposal of these assets only by a personal representative at death. One reason that bill I think didn't advance was that the Uniform Law Commission was working on this project. And then in the first session, as

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you heard, of this Legislature, LB463 was introduced and it did not advance here, and it didn't advance anywhere in the something like 40 states in which it was introduced, which caused the Uniform Law Commission to go back with it to the stakeholders and rethink what the bill said, and this is the revised bill. As far as I know, there is no current opposition to the current act. And some of those who were opposed then, such as Facebook and Google, support it now. And there is also a letter in these materials from Google as well as Facebook. The main concern I think animating opposition to last session's bill was a provision that permitted fiduciaries on some occasions to access the content of a person's digital accounts without explicit authorization from that person. And this bill avoids that problem by setting up a hierarchy of priorities for access. First, as Mr. Lindsay mentioned, if the person who...the custodian, such as Google or Facebook, provides a way on-line for the person to grant access and the person does that, then the instrument would govern. Second, if that doesn't occur, the terms of an explicit grant would apply, like in a trust or will or power of attorney. And then if neither of those situations apply, the terms of service would apply. So it sets up that hierarchy. I think it would have two salutary effects, this bill. First, it will really encourage custodians to provide those on-line tools, and that's the first, best option because people can choose for themselves who they want to have access to it. And custodians are already doing that. The act will enforce it and make it more common. And second, it will clarify the rules and I think notify lawyers in this state that they should really attend to this type of access when they're preparing wills and conservatorships and powers of attorney and the like. Thank you, Mr. Chairman. [LB829]

SENATOR SEILER: Any questions? Pansing Brooks. [LB829]

SENATOR PANSING BROOKS: Thank you, Chairman Seiler. Thank you for coming, Professor Willborn. Can you just repeat that hierarchy one more time with me, because I was sort of involved with how they didn't want to do it last year. [LB829]

STEVE WILLBORN: Right. [LB829]

SENATOR PANSING BROOKS: And so what was the hierarchy they've agreed to? [LB829]

STEVE WILLBORN: The hierarchy is, if there's a tool on-line, and Facebook has one, you can go in there and you can say, I want... [LB829]

SENATOR PANSING BROOKS: A tool, yes. Okay, "tool," I couldn't hear that word. [LB829]

STEVE WILLBORN: Yeah, it's just an option on the program. [LB829]

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SENATOR PANSING BROOKS: Right. [LB829]

STEVE WILLBORN: And you can say, I want to give it to this person, give access to this person on my death or access to this person all the time. That's the first option and it's by far the best option because then you do have an explicit authorization from the person. [LB829]

SENATOR PANSING BROOKS: Yeah. [LB829]

STEVE WILLBORN: If that doesn't...if that is not there or it's not used, you can rely on an explicit authorization in a will or a power of attorney or something like that. [LB829]

SENATOR PANSING BROOKS: Which then would have to go to court. [LB829]

STEVE WILLBORN: You would...you might have to go to court to do that, yeah, you...the custodian might accept some affidavit or something from a power of attorney, but they might have to go to court as well. And then the third option are their terms of service that the custodian provides. [LB829]

SENATOR PANSING BROOKS: Okay, terms of service. And are the companies becoming more flexible on this and trying to acquiesce to what the consumer wants, or are we just at the whim of these giant class carriers in the sky? [LB829]

STEVE WILLBORN: You know, I'm a lawyer, not a sociologist, as you know, but I think they are providing these tools more often. And part of the...I think part of the benefit of the act is they want to make this easy and attend to consumer concerns, too, so I think that will happen more and more. [LB829]

SENATOR PANSING BROOKS: Good. Thank you. Thank you for bringing this. [LB829]

STEVE WILLBORN: Thank you, Senator. [LB829]

SENATOR SEILER: Further questions? Senator Krist. [LB829]

SENATOR KRIST: Was the statement of lawyer versus sociologist a hierarchy? (Laughter) I'm kidding. [LB829]

SENATOR WILLIAMS: Which one is higher? [LB829]

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SENATOR KRIST: (Inaudible). Thank you. [LB829]

SENATOR SEILER: Senator...excuse me. Professor, would you want the packet to be made part of the record? [LB829]

STEVE WILLBORN: That would be good, yes. [LB829]

SENATOR SEILER: Okay, so be received. Thank you. [LB829]

STEVE WILLBORN: Thank you. [LB829]

SENATOR SEILER: Further proponent. [LB829]

KORBY GILBERTSON: Chairman Seiler, members of the committee, for the record, my name is Korby Gilbertson; it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today as a registered lobbyist on behalf of the Motion Picture Association in support of LB829. I wanted to just briefly thank Senator Harr for looking at language and adding the language. I believe it's in the amendment you have in front of you, AM2056, that adds the language "designated recipient" which Professor Willborn discussed in his testimony with you. That's all I have. [LB829]

SENATOR SEILER: Any questions? Thank you very much. [LB829]

KORBY GILBERTSON: Thank you. [LB829]

SENATOR SEILER: (Exhibit 2) Any further proponents? We have a letter of support from Dan Sachs of Facebook, and that will be made part of the record. Opponents. Any opponents? Seeing none, anybody in the neutral? We do have a letter from the ACLU testifying in the neutral, and that letter will be received into the record. Any further people in the neutral? Seeing none, you may...you care...he waives closing. Okay. So we will go to LB829...oh, wait a minute, LB1075. Sorry. Thank you. Colby, can you take this? [LB829]

SENATOR COASH: Okay. Okay, we're going to go ahead and get started, or resume the hearing. We're going to go to LB1075, Senator Schilz's bill. Looks like legal counsel for Senator Schilz is going to introduce the bill. [LB1075]

BRENT SMOYER: Yes, sir. [LB1075]

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SENATOR COASH: So, Mr. Smoyer, you're welcome to open on LB1075. [LB1075]

BRENT SMOYER: Thank you, Mr. Vice Chair. Members of the committee, my apologies. Senator Schilz is currently running Natural Resources Committee and apparently stuck. So in the interest of not taking up too much of your time on a Thursday before a long weekend, I'm here in his place. My name is Brent Smoyer, B-r-e-n-t S-m-o-y-e-r, appearing on behalf of Senator Ken Schilz. LB1075 is a simple bill that would amend the Disposition of Personal Property Landlord and Tenant Act, which sets forth what has to happen when a tenant has vacated the premises, such as an apartment, office space, or storage unit, and personal property has been left behind. Right now, if personal property is left on the vacated premises by the tenant, the landlord must give written notice to the former tenant or anyone believed to be the owner of the property that has been left behind, no matter the value. Additionally, if the resale value of the property is believed to be over \$1,000, the landlord must hold a public sale for the property. This \$1,000 threshold was originally put into place in 2010. This bill simply raises that threshold of the amount of personal property left on the premises by a former tenant that would require a public sale of such property. The bill says that a landlord would not have to hold a public sale unless the resale value on the property that was left by the tenant is believed to be over \$2,000. The effect of this change would be that--emphasis placed here--notice must still be given to anyone who has personal property left on the premises after the premises has been vacated that the property has been left and that the owner of the...has the ability to reclaim the property before the sale happens. However, if the resale value of such property is believed to be less than \$2,000, no public sale shall be required. And that would be the opening statement for LB1075. [LB1075]

SENATOR COASH: All right. Thank you, Mr. Smoyer. [LB1075]

BRENT SMOYER: Thank you. [LB1075]

SENATOR COASH: Okay, we're going to start with the proponent testimony on LB1075. [LB1075]

KENT ROGERT: Good afternoon, members of Judiciary Committee. My name is Kent Rogert, K-e-n-t R-o-g-e-r-t. I'm here to testify in a proponent position today on LB1075. We want to thank Senator Schilz for introducing this bill. I'm here today on behalf of the Statewide Property Owners Association. We're looking to increase this threshold amount from \$1,000 to \$2,000 simply because the value of some left-behind items, such as a cell phone, this can easily put the value...you know, a couple of items like this could put it over \$1,000 when a tenant leaves, and then we have to have a sale. And what happens is nobody comes to the sale because it's not really an interesting thing to do, to go to a sale of some property that's left over in an apartment building or a house. So we're just asking to simply raise the threshold from \$1,000 to \$2,000,

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making note that we still have to give notice. If the tenant leaves stuff, we have to try and contact them to get it back to them. We're not waiving that at all. We're just changing the threshold at which a sale has to be held. [LB1075]

SENATOR COASH: Thank you, Mr. Rogert. I want to ask you if you can kind of walk me through the...you said a lot of times these sales happen but nobody comes. [LB1075]

KENT ROBERT: Yep. [LB1075]

SENATOR COASH: What is the process a property owner has to go through? You mentioned the notice. Does the sale have to be advertised? Does it...I mean what under the law does the property owner...required to do to...I mean I know when there's like abandoned property there's... [LB1075]

KENT ROBERT: Yeah. I believe you have to first of all make every effort you can to contact the tenant, and you would probably have a contact number. But a lot of times they skip town and they don't...well, or they've skipped out on their rent, possibly, too, so they're not really interested in coming back to get their stuff, so. And then the next thing is you have to post notice. I believe you have to publicize it in a paper circulated within the area, so a lot of times stuff in the Omaha Star or those other local papers that are, you know, a little less expensive that go to far-ranging places. You advertise there that you're going to have a sale and you have the sale. And if somebody comes, they can make a bid on it, but most of the time, usually, there's nobody that shows up for it. [LB1075]

SENATOR COASH: So under the law, if you hold the sale but nothing is sold, what is the landowner's obligation to the property? [LB1075]

KENT ROBERT: I believe you can dispose of it at that time, but at this...so you...but you've had...but now you've basically wasted the extra time and you've posted notice, spent some money, taken a little...you know, because I think you have to publicize it for two or three weeks before you have the sale, so you kind of...if it's enough to where you don't have anywhere to put it, you're kind of keeping your property off the market. If it's a commercial storage unit, the stuff is probably in the unit, you could have re-rented it at the time, so. [LB1075]

SENATOR COASH: What is the...if there is a sale and the property owner is able to unload some of those possessions and make...you know, let's say they make \$800. What is the landowner's responsibility now with the proceeds of that sale? [LB1075]

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KENT ROBERT: I'm actually...I'd have to check on that. I'm not sure. [LB1075]

SENATOR COASH: Okay. All right. Senator Krist. [LB1075]

SENATOR KRIST: Just an observation: It's a good thing you don't get paid by the word. [LB1075]

KENT ROBERT: (Laugh) Hey, two words, I like bills that are only two words, right? [LB1075]

SENATOR KRIST: Thank you. [LB1075]

SENATOR COASH: Senator Morfeld. [LB1075]

SENATOR MORFELD: Kent, maybe you mentioned this in your opening and I just wasn't listening carefully but...or not opening, but your discussion here. When was the last time this was changed? [LB1075]

KENT ROBERT: I changed it in 2010. [LB1075]

SENATOR MORFELD: Okay. [LB1075]

KENT ROBERT: It was my bill, I believe, LB712. [LB1075]

SENATOR MORFELD: Okay, good to know. Thank you. [LB1075]

SENATOR COASH: Senator Chambers. [LB1075]

SENATOR CHAMBERS: What becomes of the proceeds of the sale? [LB1075]

KENT ROBERT: Senator, Senator Coash asked me that, and I actually don't have an answer for that but I'll figure it out. [LB1075]

SENATOR CHAMBERS: And, see, sometimes the acoustics are not the best in this room. We can't hear the exchanges. [LB1075]

KENT ROBERT: Surely. [LB1075]

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SENATOR CHAMBERS: But when...well, that's all right. [LB1075]

KENT ROBERT: I'll find an answer for you though. [LB1075]

SENATOR CHAMBERS: I gotcha. It wasn't on that, so don't even worry about it. [LB1075]

KENT ROBERT: Okay. [LB1075]

SENATOR CHAMBERS: Thank you. [LB1075]

SENATOR COASH: I don't see any other questions. [LB1075]

KENT ROBERT: Thank you. [LB1075]

SENATOR COASH: Thank you for your testimony. We'll take the next testifier in support of LB1075. [LB1075]

KORBY GILBERTSON: Good afternoon, Senator Coash, members of the committee. For the record, my name is Korby Gilbertson, appearing today...oh, K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today as a registered lobbyist on behalf of the Nebraska Realtors Association in support of this legislation. And I think Mr. Robert covered everything pretty well. We have supported legislation like this in the past, and I think usually it's been made part of package bills, and this time it was brought separately. So we would appreciate it if it could be advanced to the floor of the Legislature. [LB1075]

SENATOR COASH: Thank you, Korby. Do you know the answer to the question Senator Chambers and I asked of Mr. Robert? [LB1075]

KORBY GILBERTSON: Was it when... [LB1075]

SENATOR COASH: No, the question was, what is the landowner's responsibility to...with the proceeds of a sale? [LB1075]

KORBY GILBERTSON: You know, I think they have to hold...there's a certain time limit for them to hold them, and I'm not sure what it is. I have to go...it's in another part of the landlord/tenant law. [LB1075]

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SENATOR COASH: Okay. [LB1075]

KORBY GILBERTSON: And I'm not sure. I'd have to look, but I can get that answer for you. [LB1075]

SENATOR WILLIAMS: Thirty days. [LB1075]

KORBY GILBERTSON: Is it 30? Okay, thanks. [LB1075]

SENATOR COASH: Thirty days? [LB1075]

KORBY GILBERTSON: It's like, yeah, I know it's in there somewhere. [LB1075]

SENATOR COASH: So they have to hold it for 30 days and then it gets turned over to the... [LB1075]

KORBY GILBERTSON: The landlord could keep it as... [LB1075]

SENATOR WILLIAMS: The Uniform Disposition of Unclaimed Property Act,... [LB1075]

KORBY GILBERTSON: ...unclaimed property, um-hum. [LB1075]

SENATOR COASH: Okay, so the landlord doesn't... [LB1075]

SENATOR WILLIAMS: ...so it's over to the State Treasurer. [LB1075]

SENATOR COASH: So the landlord does not get to keep the proceeds of that. [LB1075]

KORBY GILBERTSON: No. [LB1075]

SENATOR COASH: Okay, thanks for your testimony. Any other questions for Korby? [LB1075]

SENATOR WILLIAMS: He gets to deduct reasonable expenses under the law. [LB1075]

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SENATOR COASH: I don't see any other questions. Thanks. [LB1075]

KORBY GILBERTSON: Great. Thank you. [LB1075]

SENATOR COASH: Thanks for being in the middle of that exchange. [LB1075]

SENATOR CHAMBERS: I'd like to ask Senator Williams a question (laughter). What constitutes...who determines what the reasonableness of expense is? [LB1075]

SENATOR COASH: We'll take the next testifier in support while you guys work this out. [LB1075]

SENATOR WILLIAMS: It's not described in the act. It just says reasonable expenses. [LB1075]

SENATOR CHAMBERS: Okay. [LB1075]

SENATOR COASH: Seeing no other testifiers in support, is there anybody here to testify in opposition of LB1075? Seeing none, is anyone here to testify in a neutral capacity? Seeing none, Senator Schilz,... [LB1075]

SENATOR SCHILZ: Well, I don't see any reason why (inaudible)... [LB1075]

SENATOR WILLIAMS: Thank you. [LB1075]

SENATOR COASH: (Exhibit 1) Senator Schilz waives closing. That will close the hearing on LB1075. Want me to start the next one? Oh, excuse me. We're going to...in addition to closing the hearing, we'll read...Nebraska Association of Commercial Property Owners has a letter of support, be added to the record on that as well. Now we'll close LB1075. [LB1075]

SENATOR SEILER: Thank you. We'll open on LB947, Senator Mello. [LB947]

SENATOR COASH: For those of you that are here to testify on LB947 and want to be part of the record, you can either testify; or you can sign the sheet as proponent or opponent, and that also makes you part of the record. [LB947]

SENATOR SEILER: We'll be at ease...there he is. You may open. [LB947]

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SENATOR MELLO: (Exhibit 1) Good afternoon. Chairman Seiler, members of the Judiciary Committee, my name is Heath Mello; that's spelled H-e-a-t-h M-e-l-l-o and I represent the 5th Legislative District in south Omaha. I'm here today to introduce LB947, a bill that will ensure that young, talented Nebraskans can obtain a professional or a commercial license. As many of you know, many young immigrant Nebraskans as well as their communities and our state have benefited from a variety of ways from a federal policy called the Deferred Action for Childhood Arrivals, better known as DACA, that started in 2012. This temporary program allows immigrant youth who are brought to our country as young children and who meet certain qualifications to stay in the only place that they know as home and to obtain temporary work permits. Nebraska currently has over 2,300 DACA recipients in the state. Last year, thanks to the hard work of Nebraska's youth, educators, city officials, small businesses, community leaders, and many of our legislative colleagues, the Legislature passed LB623 which permitted these young Nebraskans and similarly situated immigrants to obtain a Nebraska driver's license. While LB623 benefited Nebraska's economy, its communities, and its families, there remains a gap in our current state law that limits the ability of these young Nebraskans to fully maximize their educational and economic potential. Today, Nebraska requires a license and certification to practice over 170 occupations. Current state law restricts work-authorized Nebraskans from obtaining a required license or certification. And LB947 would simply ensure that those who are eligible to work in our state are able to do so. Limiting professional options for our youth is unreasonable and economically short-sighted. Nebraska invests money and time into educating our youth, but then restricts them from becoming a teacher, a nurse, an engineer, and any other occupation that requires a license. LB947 provides a very simple, reasonable fix to ensure that work-authorized individuals can obtain a professional or commercial license by amending our current law to reflect the same categories of immigrants outlined in the REAL ID Act. It also mirrors the driver's license law by requiring applicants to submit the same documents--a work permit and a form from the Department of Homeland Security--as one would for a driver's license. This bill ensures simplicity and consistency for applicants and our agencies and clearly establishes that immigrants with deferred action are able to pursue a driver's license and, if they choose, a professional or commercial license. I do have a minor amendment to present the committee today. AM2111 would add some clarifying language to ensure that a DACA recipient that would be eligible to obtain a professional license through this bill would still be required to meet all the other requirements required for that license under existing state law. Today you'll hear from Nebraska youth who will share some of their stories and tell you why obtaining a professional license is extremely important for their careers, families, and communities. You'll also hear from a diverse set of voices, including our business leaders, community leaders, and educators who strongly support LB947 because it will continue the bipartisan work of this Legislature in support of commonsense, practical policies that harness the skills, education, and entrepreneurial spirit of our immigrant youth. This bill is in the best interest of all Nebraskans so these young people can continue to contribute to our state's economy and to our communities. With that, Mr. Chair, I'd be happy to answer any questions you may have. [LB947]

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SENATOR SEILER: Any questions? Seeing none, thank you. [LB947]

SENATOR MELLO: Thank you. [LB947]

SENATOR SEILER: First proponent. [LB947]

ANA KAREN MENDEZ: (Exhibit 2) Good afternoon. My name is Ana Karen Mendez, A-n-a K-a-r-e-n M-e-n-d-e-z. I am 17 years old. I currently attend Omaha South High, and I am a DACA recipient. I was born in Mexico but I came to the United States alongside my parents and my twin sister four months before we turned two. Until my sister and I were about ten years old, we both thought we were born in Texas because that is where our brother was born. I would have never doubted that we were born there until our parents explained to us how our lives would get a bit complicated as a result of where we came from. I did not understand at the time, but then again I was too young to understand anything. Even after I found out I was born in Mexico, my parents encouraged me to continue telling anyone who asked my sister and I that we were still born in Texas. I did so for a very long time until my sister and I were sophomores in high school. When I turned 15, I learned that I could not apply for a job, earn a driver's license, or begin applying for scholarships for college. This all changed when my parents filled out a DACA application for my sister and me. Being granted DACA has been one of the most powerful experiences in my life, and it has empowered me to work and get an education. However, as a DACA recipient, I am only eligible to apply for a handful of scholarships while my classmates who have residency or citizenship are eligible for more scholarships than I could ever imagine. It saddens me knowing that in many cases the only thing limiting the education I can pursue is a Social Security number that I do not have. I go to school every day and now I have two part-time jobs. I am grateful for the Legislature for passing LB623 last year which allowed DACA students like me to get a driver's license. And I come before you today to ask for your support on another piece of legislation. My twin sister and I are the first members of our family to graduate from high school and pursue university degrees. My dream is to become a teacher so that I can serve families in my community. In the fall, I will begin studying early childhood education at UNO; and I can't wait to graduate with my degree so I can return to my community as a bilingual educator. I have been taught that an education is something no one can take from you, and today I know that my teachers were right. No matter what happens to me, I will always have an education. I was recently asked, why don't you move to a different state and be a teacher there? I thought about this question for a while and decided I was done running. My parents have been through hell and back bringing my family to this country for a better life. There have been times where it seemed easier to leave, but this is our home now. And I know that we would regret leaving. My dad has been giving me a life of hope. He has suffered much but continues to support me through everything to give me opportunities he never had. I want to show him that all his hard work has given me the opportunity to become a teacher someday. I do not want to leave and this is my home now. I am one voice among hundreds who will be prevented from chasing

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their dream if LB947 does not pass. I am not just a Latina high school student. I am Ana Karen Mendez speaking in front of you today to have LB947 passed, not just for myself, but for future college students who have stories just like mine, for who have suffered more than I have, and for those who have dreams as big as I do. Thank you for your time. I am open for any questions. [LB947]

SENATOR SEILER: Any questions? Seeing none, thank you. [LB947]

ANA KAREN MENDEZ: Thank you very much. [LB947]

SENATOR SEILER: Next proponent. [LB947]

MARY McKEIGHAN: My name is Mary McKeighan, spelled M-a-r-y M-c-K-e-i-g-h-a-n. I'm a member of Omaha Together One Community. I'm here to ask you to pass LB947 which would allow DACA students to have professional licenses in the state of Nebraska. It is amazing how you can take one simple step across the threshold of a doorway and it leads you into a whole new world less than 70 blocks from your front door in Ralston. That was what happened to me when I left my home in Ralston and stepped into a small room at South High School to volunteer in helping students with their scholarship essays. Many of the students we assisted were immigrants, some documented, some undocumented, and some classified as Dreamers or DACA students. That has taken me on an unbelievable journey over three years which has gotten me to this point. After having read many essays and being aware of students overcoming incredible hardships to achieve not only academic success but also to volunteer in their communities, I knew I had to learn more about immigration in this country so I went to Omaha Together One Community meeting and became a member of the immigration group. Omaha Together One Community wants to see this bill passed. One student I met during my first year of helping students embodies what and who I've met on this journey. He was a quiet, shy young man. I usually have to interview these students to get them to tell me what they have actually achieved. I asked him if he had any college credits and he said he had 18. He was correct, and also ranked third in his class, which he neglected to tell me. This was probably a class of over 400 students. Despite financial and personal hardships, he had attained these achievements. In the past three years, I've read many essays that have astounded me as I read about the academic achievements attained despite terrible hardships. These young Dreamers have faces. They have stories which I have read and inspire me. They have hearts filled with hope for a better life. They have determination which is exhibited by their achievements. And they have talents which they share by volunteering in their communities. And now they are in our colleges and graduating. I see their faces as a nurse, a policeman, a doctor, a lawyer, electrician. They will fill jobs which need to be filled in our state and also they can speak two languages. I think of how the University of Nebraska teams actively recruit talented sports players to make a winning team. For us to have a

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winning team of state workers, we need to add this talent to our state. It is simple to do. They are educated and ready. We just need to allow them to have commercial and professional licenses. Let these hardworking, achieving, educated students bring their gifts of who they are to us. Let our state benefit from their skills. They are lawfully present in the United States under federal law. [LB947]

SENATOR SEILER: Any questions? Thank you very much. Next proponent. [LB947]

ZAIDA MENDEZ: (Exhibit 3) Good afternoon. My name is Zaida Mendez, Z-a-i-d-a M-e-n-d-e-z, and I am one of many who are here today to ask for your support of LB947. I am 17 years old and I'm a senior at Omaha South High School. As my sister shared with you, we were born in Uruapan, Michoacan, Mexico. We will be the first generation in our family to graduate high school and attend a university. Being a DACA recipient has changed my life. I feel less of an outcast compared to many peers at South. I was able to earn a worker's permit, driver's permit, and a temporary Social Security number. These opportunities were not freely given. I had to work hard to earn my DACA status. I would like to major in social work. I am in various before- and after-school activities where we go and get involved in elementary and middle schools and talk to younger students about how education is highly important. Although I have a minor setback in my life, I want to help children and families from different countries with their own situation. I would like to be an international aid worker. Many social workers are required to earn both bachelor's and master's degrees. I plan on volunteering and gaining more knowledge about my career as many ways as possible. If LB947 does not pass, many DACA recipients will study hard to serve their communities as professionals; but they will be limited by working jobs for which they are overqualified for. As much as I try to ignore negative comments, I'm told they're always going to be stuck with me in the back of my head. When someone tells me that I'm an illegal and should go back to Mexico, sometimes I want to do just that. But I'm smart enough to know my parents have gone through too much to run away from the hatred some people feel towards us. My parents have made more than their fair share of sacrifices in order of my siblings and I to have a better life than we would have had in our homeland. I ask you to vote for yes on LB947 today and honor the sacrifices my parents have made to give me a better life here in Nebraska. Thank you. I am open to any questions. [LB947]

SENATOR SEILER: Questions? Thank you for your testimony. [LB947]

ZAIDA MENDEZ: Thank you. [LB947]

SENATOR SEILER: Next proponent. [LB947]

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REYNA QUINTANA: (Exhibit 4) Good afternoon, Senators. My name is Reyna Quintana, R-e-y-n-a Q-u-i-n-t-a-n-a. I'm here for LB947. As a young little girl at the age of one, my parents crossed the border in hopes to give me a better life. In Mexico, my parents sold shoes and my mom had a teaching job but neither of those jobs helped pay the bills. My parents knew the risk and the tragedies of crossing the border, but they put their fear aside and focused on what lay ahead on the other side, a place of dreams and success. We started from a studio apartment with no mattress to a house and a business my dad owns now with the help of my uncle who is a citizen. My parents always taught me to strive and always to have hope that things will get better. Throughout high school, I knew I was undocumented and I was scared my whole life. When I was seven, I remember overhearing a conversation between my aunts about how ICE came and took my aunt, who is a single mother, and her kids came home to an empty house. We didn't know anything until later in the day. I went up to my mom that same day with tears in my eyes telling her that I was scared and that they would come for me because I was undocumented. Since then I was always scared and I didn't want anybody to know. It was a secret I kept for many years. During my education from elementary to high school, I worked really hard in school and I made sure I excelled in everything in hopes that someday it would pay off. As I approached the age of 15, I started to lose a little hope. I knew I would be 16 soon and I wanted to have a job, and that's really difficult if you don't have a Social Security. I am so thankful for DACA that was introduced in 2012. Because of it, I now feel safer and I know I can also obtain a job. There seems to still be a lot of gray areas with DACA because this past fall I wanted to become a pharmacy technician and I worked and I studied to pass my test. I even paid out of pocket but, in the end, I was rejected by Nebraska's Health Department saying that DACA wasn't good enough and that I had to have a form of citizenship. I know DACA lets me work legally, but knowing I put so much effort, it broke me down. I cried for days and I felt like I couldn't do anything that when I tried so hard, I would always get pushed down. It's very difficult to achieve one's dreams when you're always being oppressed. But I tell myself I need to prove that I am a very smart young Latina that wants to contribute to a change to America because I am the future. At the moment, I am a freshman at the University of Nebraska-Omaha with a full ride thanks to the Dreamers Pathway Scholarship. I am majoring in chemistry and doing my prepharmacy. But I'm hoping to apply to UNMC in three years to become a pharmacist or a doctor. I need LB947 to pass so I can obtain my license and practice as a pharmacist or a doctor. I am glad that Nebraska now offers DACA recipients to obtain a driver's license which is an important form of self-identification that is used daily. America is changing for the greater; and in order to keep progressing and become a greater nation that we are, we need to adapt to our nation's needs. Thank you. I'm open to questions. [LB947]

SENATOR SEILER: Senator Pansing Brooks. [LB947]

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SENATOR PANSING BROOKS: Thank you for your courage coming today. And we do need you here in Nebraska so I'm really grateful for your testimony today. Thank you. You did great. [LB947]

SENATOR SEILER: Any other? Seeing none, thank you for your testimony. Next proponent. [LB947]

ALEJANDRA AYOTITLA CORTEZ: (Exhibit 5) Hello. My name is Alejandra Ayotitla Cortez. I am currently a third-year student at the University of Nebraska-Lincoln. I'm majoring in psychology... [LB947]

SENATOR SEILER: Would you spell your name, please. [LB947]

ALEJANDRA AYOTITLA CORTEZ: Yes, sorry. A-l-e-j-a-n-d-r-a, last name, A-y-o-t-i-t-l-a, second last name, C-o-r-t-e-z. [LB947]

SENATOR SEILER: Thank you. [LB947]

ALEJANDRA AYOTITLA CORTEZ: Sorry. I am currently a third-year student at the University of Nebraska-Lincoln studying psychology and political science. Today, I am here to ask you to please support LB947 because, in order for our state to prosper, we need young professionals to practice within our fields of study. The current policies regarding professional licenses for DACA beneficiaries limits all of us who are graduating and attending college. As a psychology student, I would need a professional license in order to practice as a psychologist. However, I fear that after graduating my career opportunities will be reduced due to the fact that I will be unable to apply for a professional license. It would be very unfortunate that all of the effort and involvement in various extracurricular activities on campus and outside of campus, including the research that I'm conducting with school and health psychology, would be in vain. Because I deeply value my education and the many opportunities that I have been granted by the state, I want to continue to give back to this wonderful state that has become my home. It would be possible for me to move to another state where I can easily get a license to become a licensed psychologist. But this would mean leaving my home and the state that has invested in my education since elementary school. Furthermore, there is a higher need of bilingual psychologists in the state of Nebraska, so it would be more beneficial for me to stay here and practice. Allowing youth to practice in our fields of training and interest, such as medicine, psychology, and technical vocations, would only help our state grow financially and it would create a stronger and better prepared work force. There are many other students who find themselves in the same situation that I have just described. We have grown up in this state, and we want to stay here to make the state even stronger than it already is through our knowledge and our financial

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contributions. So, members of the committee, I urge you to please consider and support the impact that LB947 would have in our state's economy and work force. Thank you. [LB947]

SENATOR SEILER: Senator Chambers. [LB947]

SENATOR CHAMBERS: You're a third-year student at the university or high school? [LB947]

ALEJANDRA AYOTITLA CORTEZ: Yes, at the university. [LB947]

SENATOR CHAMBERS: Have you discovered the fountain of youth and you haven't told anybody about it? (Laughter) [LB947]

ALEJANDRA AYOTITLA CORTEZ: Thank you. [LB947]

SENATOR CHAMBERS: But if you were...if all of you were dealing with Mr. Spock, you've seen Star Trek, (laughter) he would probably say...he'd probably say, Captain, it's only logical that, if these young people are entitled to take the training, they ought to be able to embark on the profession for which they train. But we don't have Mr. Spock here, but some people who are logical, I think, are going to be very receptive to you all. [LB947]

ALEJANDRA AYOTITLA CORTEZ: Thank you. We appreciate that. [LB947]

SENATOR SEILER: Senator Pansing Brooks. [LB947]

SENATOR PANSING BROOKS: I just wanted to say one more thing, Ms. Ayotitla Cortez. I just...I've run into you in another area and I appreciate your advocacy on many issues and your incredible 3.9 GPA. Obviously, we need you in our state. So I wish you the best and we'll be working with you. [LB947]

ALEJANDRA AYOTITLA CORTEZ: Thank you. [LB947]

SENATOR SEILER: Thank you for your testimony. [LB947]

ALEJANDRA AYOTITLA CORTEZ: Thank you. [LB947]

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SENATOR SEILER: Next proponent. (Laughter) I can see we're going to be here awhile. [LB947]

ANTONIO PEREZ: (Exhibit 6) Good afternoon. My name is Antonio Perez, A-n-t-o-n-i-o P-e-r-e-z. I have served as an educator in the Omaha Public Schools system for the last 11 years; 5 as an elementary school PE teacher, 3 as an elementary school counselor, and I am currently in my third year serving at Omaha South High School as a college counselor. As a counselor and an educator, it is my responsibility to encourage students to discover their passions, to assist them to plan for postgraduation and instill hope in my students that their dreams can come true someday. Their dreams are what many others would consider expectations: graduate high school, go to college, and get a good-paying career. But for many of my students on the south side of Omaha, these are grandiose dreams. I'll never forget the day, the lesson I was teaching, or the name of the student who asked the question. Mr. Perez--Lesley was a sixth grader at the time--she blurted out without raising her hand, why should I care about going to college, I don't even have papers and can't get a job let alone go to college. At the time, Deferred Action was still a year away from being created and here I was faced with a very difficult question to which I had no real answer. I answered the only way that I knew how, with hope. Fast-forward nearly six years later and I am answering similar questions regarding a similar issue with the same old answer. Lesley was just a sixth grader at the time asking a very innocent question. But over the past two years, there have been many more names and faces and stories that flood my mind on a daily basis, kids you'll hear from today. These kids have been granted Deferred Action, have performed exceptionally well in high school, and have moved on or are ready to move on to college and have been very bright lights in their community. They all ask the same question: Can I really have a career in this field even though I'm DACA? I have sat with these students in my office, called multiple panels for different career fields, such as the Department of Education and the Governing Board of Nurses, only to be told repeatedly that these students do not qualify for a license in these areas. I have cried with students as we have had to alter their dreams in search of a career that would accept their status. I have encouraged students to not give up on school, to keep fighting and keep hope that one day it will change. Do you know how hard it is to convince someone to pursue their dreams when it appears that all the odds are stacked against them? Please help me instill hope in these students on a daily basis by passing LB947. Thank you very much. Any questions? [LB947]

SENATOR SEILER: Senator Williams. [LB947]

SENATOR WILLIAMS: Thank you, Chairman Seiler. And thank you, Mr. Perez, for being here. When you are working with students in your capacity at South High, tell me about...we had at least two of the young people that testified mention scholarships. [LB947]

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ANTONIO PEREZ: Yeah, so... [LB947]

SENATOR WILLIAMS: I understand the licenses for being a nurse. [LB947]

ANTONIO PEREZ: Correct. [LB947]

SENATOR WILLIAMS: Tell me about the availability or the lack of availability of scholarships. [LB947]

ANTONIO PEREZ: So for students, as a college counselor I've found out that there's very few institutions that have scholarships available for them. So I kind of have a list of scholarships. And as a kid comes in, depending on if they're male or female, you know, College of Saint Mary is a great place that our young ladies can go and they have a scholarship for students of this status. But then there's a couple at UNK, there's a few at Bellevue, and then there's one recently that started at UNO. Beyond that, Metro has a couple, but there's really not much. You're going to have to go through private places because they require a Social Security number. So they don't have that. Their Social Security number does not fit what would come from most institutions, so. [LB947]

SENATOR WILLIAMS: Okay. Thank you. [LB947]

ANTONIO PEREZ: Yes. [LB947]

SENATOR SEILER: I'm a little confused. [LB947]

ANTONIO PEREZ: Okay. [LB947]

SENATOR SEILER: When you called those, like the college board for nursing, and they said, no, your student doesn't qualify, what law were they referring to, a state law or just a rule and regulation of their own board? [LB947]

ANTONIO PEREZ: Of their own board. So when I contacted the nursing board, I said one of my students was willing enough to give her information and her card and everything so that they could see exactly what number she had as a DACA recipient. And they took that back to their legal team and they came forward and they said, under this law right here, under this section of requirements that is needed in our governing board, they do not qualify. Their number had like an A number on there or something that didn't quite match. So that was the thing we kept

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running into. And another thing that I did find is that most of these institutions have no idea that these students are coming through the pipeline and so they don't know. They couldn't answer me right away. It took months in some of those cases, so. [LB947]

SENATOR SEILER: Okay. Thank you very much. [LB947]

ANTONIO PEREZ: Yep. [LB947]

SENATOR SEILER: Any further questions? Thank you for your testimony. Next proponent. [LB947]

ANNA DEAL: (Exhibit 7) Good afternoon. My name is Anna Deal, A-n-n-a D-e-a-l. I'm a staff attorney at Justice For Our Neighbors-Nebraska in Omaha and testifying today on behalf of JFON to express our support for LB947. The stated purpose of LB947 is "to make full use of the skills and talents in the state by ensuring that a person who is work-authorized is able to obtain a professional or commercial license and practice his or her profession" within Nebraska. At present, state law prohibits DACA youth and other similarly situated individuals from accessing professional licenses. Passing LB947 to remedy this problem is the right thing to do legally, morally, and economically. Nebraska law currently provides that commercial and professional licenses may only be issued to individuals who are lawfully present in the United States, but it does not define that term, nor does it adopt the Immigration and Nationality Act's construction of lawful presence. Instead, state law requires an immigrant applicant for a professional or commercial license to verify his or her lawful presence by attesting that he or she is a "qualified alien," a term far narrower than the list of lawfully present noncitizens. By limiting access in this way, Nebraska creates a far more restrictive scheme than federal law. The incongruence between state and federal law has created unnecessary confusion, causing even eligible individuals to be denied access to professional licenses in Nebraska. In addition to this flawed legal framework, the current state of Nebraska law makes for bad policy. The DACA youth you've heard from today were brought to the United States as children; they have resided in the U.S. since at least 2007; they are students, graduates, or honorably discharged from the Armed Forces; and they have no serious criminal convictions. Although they are considered lawfully present under federal law, have permission to live and work in the U.S., and are eligible for driver's licenses in Nebraska, they are disqualified from some 170 state-licensed professions--everything from engineering to cosmetology and healthcare to accounting. Although most of these youth were raised and educated in Nebraska communities, many are prevented from practicing the professions that best match their talents or are forced to relocate to other states to do so. Not only is this morally wrong, it's economically damaging. Economists estimate that DACA recipients will, over their lifetimes, produce approximately \$1.6 billion in increased tax revenue. Under LB947, Nebraska will realize a far greater share of this revenue by encouraging DACA youth

and similarly situated work-authorized individuals to invest their unique talents in their local communities, rather than in other states. With the passage of LB623 last session, Nebraska joined every other state in the country in allowing DACA youth to obtain driver's licenses. LB623 drew strong bipartisan support in the Unicameral and from communities across the state. LB947 aligns with the driver's license bill and benefits the same worthy noncitizens. Please pass LB947 so that Nebraska can benefit from the skills and talents of its work-authorized population. [LB947]

SENATOR SEILER: Questions? [LB947]

SENATOR CHAMBERS: Just one comment. [LB947]

SENATOR SEILER: Go ahead. [LB947]

SENATOR CHAMBERS: When you do a document like this and do the footnoting, that's very helpful. [LB947]

ANNA DEAL: Okay, good. I'm glad. [LB947]

SENATOR CHAMBERS: Very. Thank you. [LB947]

SENATOR SEILER: Senator Williams. [LB947]

SENATOR WILLIAMS: Thank you, Senator Seiler. And thank you, Ms. Deal, for being here. One quick question--you mentioned in here, which is certainly correct, that LB623 last year we were the only state, and many of us were embarrassed by that, that had not passed the driver's license. How many states have adopted legislation similar to LB947? [LB947]

ANNA DEAL: I don't have a number for you. There are several. It's a complicated issue and states are addressing it in various ways. If you see, footnote 15 provides a few examples. Illinois recently enacted a law allowing DACA recipients to apply for law licenses. California allows all individuals with taxpayer ID numbers to apply for professional licenses. So there are a variety of approaches, but the authority for states to enact such laws exists in a federal statute and... [LB947]

SENATOR WILLIAMS: So we might not have to be last? (Laughter) [LB947]

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ANNA DEAL: I sure hope not. [LB947]

SENATOR WILLIAMS: Thank you. [LB947]

ANNA DEAL: Thanks. [LB947]

SENATOR SEILER: Ma'am, just a second, ma'am, just a second. [LB947]

ANNA DEAL: I'm sorry. [LB947]

SENATOR SEILER: Further questions? I have one. You've read LB947, correct? [LB947]

ANNA DEAL: I have. [LB947]

SENATOR SEILER: And you know the problem existing on commercial and professional license. [LB947]

ANNA DEAL: I do. [LB947]

SENATOR SEILER: Does this bill cover all of the problems? [LB947]

ANNA DEAL: I believe it does. [LB947]

SENATOR SEILER: Thank you. No further questions. Next proponent. [LB947]

VALERIA SIGALA: (Exhibit 8) Hello. My name is Valeria Sigala, V-a-l-e-r-i-a, last name S-i-g-a-l-a, and I am here to testify for the importance of this bill, because without this bill, you are really limiting the economic and just our potential, because I am talking specifically about psychology. I want to be a psychotherapist so I would like specifically to be working with children. But anyone who has a psychology degree and has advanced past the bachelor's and into the master's are limited in their opportunities for work. Because if they do not continue on to their Ph.D., what a lot of people here in Nebraska have the opportunity to do is to get an out-of-state license that allows them to be a therapist and to have their own small practice without having to have somebody supervise every single case that they take on. When you continue on to a Ph.D. level, that is part of the program, to be supervised. And after a certain amount of time after you get your Ph.D., then you are...after one year under which you are supervised under that program, when you finish a program, after that, you are required to get state licensing in order to

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be able to practice therapy with any person. And so for any clinical or counseling psychologist, their opportunities are severely limited unless they find someone who has a state license to supervise them for a long term. And that is so difficult for anybody to find because what they would be having to do as a supervisor for a psychologist is to take on those caseloads and to be responsible for those. And what a state license does for psychologists is makes you responsible. And after having a Ph.D., I would like to be responsible for my own cases. I would like to have the independence to have my own therapies and my own sessions without having to be under supervision. And it's just the importance of DACA and of everything that Nebraska has given me is that I really love Nebraska. This is my home. I've been here for 18 years. I consider this my home and I want to continue giving to this. I've started doing internships in different areas here in Nebraska, the Lincoln Regional Center for one of them. And if I get the opportunity to, I would like to work there. But I cannot work there without a state license. So I would like to let you know sort of what my problems would be, continue on in my education. So thank you. I would take any questions. [LB947]

SENATOR SEILER: Questions? Thank you very much for your testimony in support. [LB947]

VALERIA SIGALA: Thank you. [LB947]

SENATOR SEILER: Next proponent. [LB947]

JOHN SEYFARTH: (Exhibits 9 and 10) Good afternoon. My name is John Seyfarth. It's spelled J-o-h-n is the first name; last name is spelled S-e-y-f-a-r-t-h. I'm here to support LB947. My background is I'm retired, but I've been mentoring two DACA persons for the last 14 years. I got involved in this first when I was in the library in Papillion, worked there 13.5 years and we had a volunteer come in when she was in 7th grade and I was asked to, you know, familiarize her with the library and we got to know each other pretty well. And when she was in eighth grade, the director came to me and she says, John, she's done such a great job this year, we want the Legislature to recognize her as one of the volunteers of the state. And I said, I think it's great and I agree with you 100 percent, because she had done a fantastic job. Well, that paperwork went to the commission and she was recognized by the Legislature as one of the outstanding volunteers in the state libraries. I've been working with her for a long time. I've worked with her mentoring in high school and in college. And she went through high school, very high grades, and got into college. She got a Susan Buffett scholarship, and she graduated summa cum laude from UNO with a triple major in 2013. Her brother I started working with about three years later, and he also did very well in high school, went to UNO with another Buffett scholarship, and he is now a fifth-year senior in civil engineering. And, of course, once he graduates he's going to be looking for a job. And like a lot of other professions, it requires licensing. These two are great people, not only in that area, they also joined my Lions Club and the young lady is our second vice

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president and we have the largest club in the state, and she's going to be our president in 2017 and 2018. So I really hope, encourage you to pass this bill because these people are wonderful, and it really is the altruistic thing to do. Any questions? Yes, sir. [LB947]

SENATOR SEILER: Questions? Senator Chambers. [LB947]

SENATOR CHAMBERS: You know, when children are put in a position where they are constantly told by adults who mean well, I'm talking about parents,... [LB947]

JOHN SEYFARTH: Yeah. [LB947]

SENATOR CHAMBERS: ...that you have to be twice as good as these other people and you're still not going to be given a chance... [LB947]

JOHN SEYFARTH: More like five times. [LB947]

SENATOR CHAMBERS: Right, but they would always in my community say twice as good, and you're not going to be able...you're not going to be given a chance, but you have to keep going anyway, that's proper advice, it's good advice. But when you're young, it's not very helpful. It seems very unfair. And when you're in school as I...I was one of the few black children at the school I attended and I was the only one in a class where a white teacher read Little Black Sambo and let the little white kids laugh and never told them, as she did when one of the white children would stumble or drop a book and everybody would laugh, she would say, we don't laugh at each other. So while they're laughing at me, I never heard that stated that we don't laugh at each other because she was the cause of the laughter. So I just want these young people to know that there are some people who understand. And the world, you always hear, is not fair but you have to make it anyway, and I often say that. But having gone through it, I know that at the time it makes it exceptionally difficult and maybe it is counterproductive because you see these other children not doing as well as you're doing, but they have every expectation of things going well for them. And here's what I'm getting to. I went to Tech High School, which was considered a dumb school when it came to high schools, and I did well enough at Tech to graduate with a half a credit for having played football. Otherwise, I wouldn't have graduated on time. A recruiter came from Creighton University and nobody thought anybody from Tech would ever go to Creighton. But I decided I would go to Creighton because it was in walking distance of my house, not close but we walked distances. And as people say in the country--he wouldn't know about this--in the wintertime you walk in snow up to your neck and it's uphill both ways. But at any rate, when I went to Creighton, having been drilled that you have to be twice as good as they are, I took the entrance exam and I scored so high on it that I wound up in what they called honors English. I didn't attend classes, because it wasn't necessary, and I did very well. But there

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was never the idea in my mind that with all that I do in their classes I'm going to have the chance. Well, I decided to go to Creighton Law School because it was just down the street from the university, and I did very well on the entrance exam and went there also. But they didn't have any scholarships based on academic ability, but they had what they called the "needy Negro fund." And I was put off by the term, but I worked while I went to school and I needed the money so, you know, you take what you need. But here's the thing. All of that going to law school really didn't mean much of anything. And you have to be very, very strong and determined to make it with the obstacles that are put in your path. And I say that. My colleagues here have been very sympathetic, and I don't mean patronizing, but understanding how difficult it is and have tried to show young people by their receptiveness that they don't waste their time by coming. They don't waste their time by presenting this information. It strengthens our hand. And I'm saying it to you because you have actually worked with some of these young people and you understand what they're going through. So I'm glad that you came, that you spoke, and we're going to do what we can. But in the meantime, there should still be efforts to contact other members of the Legislature, whoever represents whatever area you come from, to support this legislation. [LB947]

JOHN SEYFARTH: I sent letters, the letter that you got, to every one of the legislators except you, and you've got a copy of it too. I couldn't get you on e-mail but other than that, yeah, I've got every member of the Senate...of the... [LB947]

SENATOR CHAMBERS: You couldn't get me how? [LB947]

JOHN SEYFARTH: You don't have an e-mail account. [LB947]

SENATOR CHAMBERS: I know. And I'm glad you said that because it shows these kids they're ahead of me already and I have a law degree. (Laughter) [LB947]

JOHN SEYFARTH: But I'm...actually, you have a copy now. [LB947]

SENATOR CHAMBERS: Right, I've got it. [LB947]

JOHN SEYFARTH: So anyway, and I appreciate that. And I appreciate the fact that you've been through this kind of a process yourself. Thank you, sir. [LB947]

SENATOR SEILER: He calls that a "gadget." Right? [LB947]

SENATOR CHAMBERS: Oh, say it again? [LB947]

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SENATOR SEILER: You call that a "gadget," this thing. [LB947]

SENATOR CHAMBERS: Yes, right. I don't even know what you really call it. And I don't do anything with...the one in my office, I don't even turn it off and on. And we had two of them. But since I didn't use it, I told them they can go ahead and take it out and give it to somebody who does. But I do have e-mail, contrary to what people think, not on the "gadget," but any mail sent to me is e-mail because my first name is Ernie. So I say that "E" that starts my name makes all my mail "E." [LB947]

JOHN SEYFARTH: There you go. [LB947]

SENATOR CHAMBERS: But, see, the fact that these young people can learn all the things that others learn shows that there's nothing wrong with their mentality. And as the other young lady said in the letter that I read, if it was hers, that it seems so unfair to get the training, do well, and then be denied to do that which the training is supposed to equip you to do. [LB947]

JOHN SEYFARTH: Exactly. [LB947]

SENATOR CHAMBERS: So I'm being restrained today. But when we get on the floor, then I will do what I can to persuade my colleagues that we ought to do the right thing; and I believe they will. [LB947]

JOHN SEYFARTH: Thank you. [LB947]

SENATOR SEILER: Any further questions? Thank you for your testimony. [LB947]

JOHN SEYFARTH: Thank you. [LB947]

SENATOR SEILER: Next proponent. [LB947]

JENNIFER CREAGER: Good afternoon. I'm going to jump in here because I just got a call from my day care that my son has a fever so I'm going to have to leave to go get him. So I'm interrupting the great narrative that's going on now. Chairman Seiler, members of the committee, I'm Jennifer Creager, J-e-n-n-i-f-e-r C-r-e-a-g-e-r. I'm the director of public policy for the Greater Omaha Chamber. I'm here today to offer the Chamber's support for LB947. And we'd like to thank Senator Mello for bringing this to the committee for your consideration. Our support for this proposal is based on the same reasons we supported DACA driver's licenses last year in the

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form of LB623. We hear it from employers across the state--it's the work force. You hear it in committees around the Capitol--it's the work force. With LB947, we have one more way to address that need and it's a pretty simple fix. The reasons we focus so much on work force development are myriad. One is that there are so many job openings in this state that are going unfilled. One way to address that is offering education and training opportunities tailored to high-demand occupations. Another is increasing the population by attracting new people to the state. Whether aiming for thousands of new families or doing this ten people at a time, we can do that by touting our quality of life, educational opportunities, and career opportunities. And we can do that by removing barriers that prevent a qualified person from practicing his or her trade. It is difficult to explain to a person who has authorization to be here, a work authorization and often a college degree earned at a Nebraska institution, that while they have the training and skills and while there are employers who want to hire them, we will not issue the license that their profession requires. They find that as puzzling as we do. Beyond the issue of work force needs, above all of that, we want Nebraska to be known as a welcoming place. With that, I thank you and I'd be happy to try to answer any questions you might have. [LB947]

SENATOR SEILER: Questions? Thank you very much for your support. [LB947]

JENNIFER CREAGER: Thank you. [LB947]

SENATOR SEILER: Next testimony. [LB947]

YAJAIRA GONZALEZ: (Exhibit 11) Okay. Hello, Chairman Seiler and the members of the Judiciary Committee. My name is Yajaira Gonzalez, spelled Y-a-j-a-i-r-a, Gonzalez, G-o-n-z-a-l-e-z. I am a full-time student studying international studies at the University of Nebraska in Omaha. And I am also a community organizer with the Heartland Workers Center, or HWC, and I come before you to testify on its behalf. The HWC is a nonprofit organization located in the heart of south Omaha. We work directly with and for the community to ensure Nebraska is a place that works for all. I am a DACA recipient, so I come before you today not only as a HWC employee, but also as a Dreamer asking you to pass LB947 on to General File. As a result of our community assessment last year where we walked all over South Omaha, we listened to stories, stories of young people. We learned that many DACA recipients want to create jobs but we quickly realized that current policy keeps them from pursuing certain careers. These careers are vocations that we are passionate about and that we want to study for so that we can serve our community. The HWC is part of a coalition with Justice For Our Neighbors-Nebraska and Nebraska Appleseed in which we work collectively to engage youth in the civic arena. Together, we have organized youth across our beautiful state in a program called Young Nebraskans in Action, or YNA. Many of the members of this group are DACA recipients, and they will benefit from your support of LB947. Last year we came to the Capitol to support policy that would

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allow us to drive to work and school. Now that we can drive to class, we want to earn professional licenses so we can be able to use our college education to contribute further to the Nebraska economy. We support LB947 because it would greatly benefit youth in our community. And it doesn't make sense to limit these young, hardworking, and driven individuals from serving and practicing as licensed professionals in our state. As doctors, engineers, lawyers, or barbers, all of these certified professionals will be empowered to serve their community and make it a better place to live for all of us if you pass this bill. Senators, today I ask you, the Heartland Workers Center asks you, to ensure LB947 gets out of committee to empower hundreds of youth in Nebraska to chase their dreams. DACA recipients from south Omaha, along with their friends and family, support this legislation. And we urge you to pass this bill so we can stay in Nebraska and pursue the careers that inspire us. Thank you. [LB947]

SENATOR SEILER: Questions? Senator Pansing Brooks. [LB947]

SENATOR PANSING BROOKS: Thank you, Chairman. Ms. Gonzalez, thank you for your testimony today, again, passionate and so important to be able to hear each of your voices and the great work that you do and the potential you provide for our state. And with that being said, I had a 1:30 meeting but I canceled it, but it's gotten moved so I'm leaving. But I wanted to hear as many voices as I could before I left. So I just wanted to give you all my gratitude and keep up the fight. Don't be discouraged. We're going to be there fighting with your voices on the floor. [LB947]

YAJAIRA GONZALEZ: Thank you, Senator Brooks. [LB947]

SENATOR PANSING BROOKS: Thank you so much. [LB947]

YAJAIRA GONZALEZ: Thank you. [LB947]

SENATOR SEILER: No further questions, you may step down. Next proponent. [LB947]

LAURA FIELD: Good afternoon, members of the Judiciary Committee. My name is Laura Field, L-a-u-r-a F-i-e-l-d. I'm the director of legislative affairs for the Nebraska Cattlemen, and I'm pleased to appear before you today on behalf of our members in support of LB947. We thank Senator Mello and the coalition that brought the bill forward. For the past five years, Nebraska Cattlemen has had a task force in place looking at a broad base of immigration issues. Much of the focus of the coalition has been encouraging Congress to enact comprehensive immigration reform at the federal level, and we continue that work daily. In its discussion, the coalition also looked at for those areas of reform which the state has a direct role, Nebraska Cattlemen

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encouraged state action. Last year, that included our strong and proud support of LB623 to grant driver's licenses to Nebraska's highly skilled DACA youth population. The need for skilled labor in rural Nebraska is key for the agricultural economy. Having people work and live in the areas of the state in jobs that best match their skills is important. These young people have worked hard to meet the requirements of completing high school and advanced degrees, and they should be allowed to gain a professional license to keep advancing. In closing, Nebraska Cattlemen support LB947 and appreciate your consideration. Thank you. [LB947]

SENATOR SEILER: You bet. Any questions? Senator Chambers. [LB947]

SENATOR CHAMBERS: You tell those Cattlemen when you go back I never wore a hat; but if I did, I would tip my hat to them today. (Laughter) Thank you. [LB947]

LAURA FIELD: I will. Thank you. [LB947]

SENATOR CHAMBERS: Okay. [LB947]

SENATOR SEILER: Any further questions? [LB947]

LAURA FIELD: Thank you. [LB947]

SENATOR SEILER: Thank you very much for your testimony. Next proponent. [LB947]

DANIA CERVANTES: (Exhibit 12) Good afternoon. My name is Dania Cervantes, D-a-n-i-a C-e-r-v-a-n-t-e-s, and I am a first-generation college student. I am a first-year pursuing my bachelor's of science in nursing, a Spanish minor, along with a medical interpreting certificate. I am currently involved as a Presidential Ambassador, a member of Latinas Empowering Others, in Student Senate, and in the Walk Tall Honors Program at College of Saint Mary. I am very devoted to my education, but it is petrifying to think that a nursing career is not attainable because DACA recipients are prohibited from pursuing professional licenses in Nebraska. We live in a time where we are always looking for ways to move forward, and as a nursing major I believe medicine is essential to the well-being of the state. The healthcare industry has a high expectancy for growth due to the technology that allows patients to live longer. With people now living longer, we need as many nurses and healthcare professionals as possible. We need nurses and doctors to provide good healthcare for these individuals, lawyers to protect their rights, teachers guiding them from prekindergarten through high school, and professors helping them pursue their majors in college. We have to understand that the professional careers many DACA recipients are pursuing are the backbones to this state. Nebraska is the only place that many of

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these individuals have known, which they call home. They are willing to devote their time, money, and talents into the future of our home. It is only fair that they are able to do so without being pressured to leave Nebraska to practice their professions where they are allowed. We cannot let go of those individuals who will be the future of Nebraska. This problem could be remedied by passing LB947 into law. I encourage the members of the committee to vote in favor of this bill. Thank you very much for your time. [LB947]

SENATOR SEILER: Any? Yes, Senator Chambers. [LB947]

SENATOR CHAMBERS: You may not believe this, I knew your great-great-great-grandfather, Miguel de Cervantes, who wrote Don Quixote. (Laughter) He would be very, very proud of you today, and I just want to pass that on to you. He's streaming it to me now. (Laughter) Thank you. [LB947]

DANIA CERVANTES: Thank you. [LB947]

SENATOR SEILER: Any further questions? Thank you for your testimony. [LB947]

DANIA CERVANTES: Thank you. [LB947]

SENATOR SEILER: Next proponent. [LB947]

MARY BOSCHULT: (Exhibit 13) Good afternoon. Chairman Seiler, my name is Mary Boschult, M-a-r-y B-o-s-c-h-u-l-t, and I'm here to represent the League of Women Voters of Lincoln and Lancaster County. We, too, are a member of the coalition with the Cattlemen to support immigration reform in Nebraska. I'm representing the League of Women Voters and I'm here to support LB947. The League of Women Voters is a nonpartisan organization that encourages informed and active participation in government. We support this bill as a member of the Nebraska Coalition for Immigration Reform. LB947 addresses issues of social and economic justice. It supports independence and self-sufficiency gained through access to education and employment. It supports our state economy by getting workers to the businesses who need them, and it supports our state economy when these young professionals can stay in Nebraska and contribute to the communities in which they live. We urge you to move this bill to the full Legislature and support keeping these talented young folks in our state. Thanks for the opportunity to testify. [LB947]

SENATOR SEILER: Thank you for your support and testimony. [LB947]

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MARY BOSCHULT: You're welcome. [LB947]

SENATOR SEILER: Any questions? Seeing none, thank you. Next proponent. [LB947]

URIEL REYES VAZQUEZ: (Exhibit 14) My name is Uriel Reyes Vazquez; that's U-r-i-e-l R-e-y-e-s V-a-z-q-u-e-z. I am here today to testify in support of LB947. I was born in Mexico. When I was about three years old, I was brought to the United States by my parents in hopes that I could receive a better education here and make a better life for both myself and hopefully my future family. Imagine that your son has worked hard and excelled as a student, has graduated from college, and is now qualified to pursue a career as an engineer, doctor, accountant, whatever the case may be. As he is applying for jobs in the career he has studied to practice, he finds that an obstacle stands in the way of him achieving his dreams, and that obstacle is his immigration status. As a DACA recipient, the state in which he resides is currently blocking him from contributing to the community to which he has called home. And if you can imagine this, then you'll understand why I come before you today. I'm sure that every DACA recipient in Nebraska would greatly appreciate the ability to pursue a career. I know for a fact that my sister Maria Reyes, a sophomore attending the University of Nebraska at Lincoln, would immediately take advantage of this opportunity, for in two years she would like to go into teaching at OPS. My sister has put forth very much time and effort to get this far and to see her leave the state that she has also called home to be able to fully put her talents and acquired skills into practice would truly be a shame to not only herself but to her family as well. This is why I'm here to support LB947. I'm here to testify because I want to also make my parents proud by studying to become an engineer, as I would like to follow up on my knack for mathematics in the university. I would greatly enjoy studying engineering to be able to pursue my passions. I want to stay in Nebraska, the state I have called my home for most of my life. And if the committee fails to pass this bill on to General File, I may also be forced to move to another state to pursue a career in engineering instead of using my talents to serve my home state. I look to the members of this committee to ensure that I don't have to leave my friends, my family, and my home to chase my dreams. Members of the committee, I strongly urge you to support LB947; and I thank you for allowing me to testify this afternoon. [LB947]

SENATOR SEILER: Questions? I hear you've got a pretty good basketball team there at South. Good. Thank you for your testimony. Next proponent. [LB947]

LUIS OLIVAS: My name is Luis Olivas, L-u-i-s O-l-i-v-a-s. First of all, I'd like to thank you, Chairman Seiler, for your time, as well as all committee members. I will try to keep this testimony as short and concise as possible. I know everybody is aching to leave. I'm a current DACA recipient. I am proud to say that I have been a resident of the state of Nebraska since I was seven years old. I attended the public school systems in Crete, Nebraska, all of my life, and I

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proudly graduated from Crete High School in 2007, being the first person ever in my family to graduate from high school. Unfortunately, unlike many of my classmates, I was unable to attend college straight out of high school like I had hoped. It wasn't until 2013, when I was granted DACA by the United States Citizenship and Immigration Services, that I enrolled at Central Community College in Columbus, Nebraska. There I focused on completing my general education with a plan on transferring to a four-year institution to pursue my bachelor's in secondary education. I will be graduating from Central Community College this spring, and I have already been admitted to the University of Nebraska College of Education in Omaha. Also, I'm planning on attending the University of Nebraska College of Law in Lincoln upon my completion of my undergraduate degree so I can follow my dream of one day representing people, such as myself, before all courts in the great state of Nebraska. I can only do this if LB947 is passed. Its passage would grant not only me, but others, equal footing to practice our chosen professions, to give back to our communities whom have already given us so much, as well as enrich them by doing so. In closing, I would ask that you all...I apologize. I would ask that you support advancing LB947 to General File, as well as its passage, which would enable individuals such as myself to reach the Nebraska good life. Thank you very much for your time. [LB947]

SENATOR SEILER: Questions? Thank you for your testimony. Next proponent. [LB947]

BRENDA ESQUEDA: (Exhibit 15) Hello. My name is Brenda Esqueda, B-r-e-n-d-a E-s-q-u-e-d-a. I am 18 years old. I am on the executive board of our school's National Honor Society, a part of the United States Achievement Academy, and the president of our student council. I am also a DACA recipient, a Dreamer, and I say this last because, although I am proud of being a Dreamer, I don't think that is everything I am and I don't think that is everything that I represent. I came to Nebraska just in time to start first grade, and I am now a senior at Omaha South High School, a proud Packer. I have goals of going to college and double majoring in international education and nonprofit management. Now, whenever our family struggles, my mom always says, if it isn't difficult then it wasn't meant to be in our lives--and we don't have the best luck, so it's fitting--but she never once said things would be impossible, and for that very reason I present myself in front of you. I have a goal of becoming a teacher, and I've been a part of the OPS system for my entire life. I have also seen how they have lowered their standards, and that has been very detrimental for us. And that is why I want to become a teacher. It is difficult, but working isn't a foreign concept to us. And we have been working our whole lives. I want to work in Nebraska. I want to change our community and I want to be a part of that change. I want our home to believe in us again. I also had got the opportunity to attend the Harvard summer program last year, and I was very excited to hear about that news. But I was also surprisingly very scared because that is just something that doesn't happen in my community, and I didn't want others to think I was any better than them. Really, I just blame it on a leap of faith at a very late hour of the night. I blame it on the lack of sleep due to the "all-nighter" the night before and the Hans Zimmer Pandora

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station--movie scores can really get me to do anything. But I am now a Joyce Ivy fellow and I help and encourage girls to apply to Ivy League school summer programs, and that is a change that I want to see happen in my school. I want that to become part of their reality. I never want us to feel ashamed for having a dream. In my community, we are scared to talk about our hopes because it is so much easier to get hurt if we admit we have them. Senior year has been the most difficult year for me surprisingly. I thought this was the year where everything would click and fall into place, but unfortunately that isn't the case. I have been forced to see that my normal is not, well, normal. It's really incredible what we accept as our norm. I have also learned that my father won't be here to see me graduate, because he will be deported. I am now faced with not only the fear of not being able to college because I don't have money, but I have to think about what our family will do. My dad wants my family to all move to Mexico; but my little brother and sister, both are U. S. citizens, and I want them to get an education here and be safe here in our home. I am struggling to figure out if I can become their legal guardian. If things weren't difficult, then they wouldn't belong in our lives, right? Like I have said prior, working and fighting isn't a foreign concept to us. We want to work here in our home, in our community, for our community, and for our people. This is why I support the LB947 bill. Do you guys have any questions? [LB947]

SENATOR SEILER: Questions? Seeing none, thank you for your testimony. Next proponent. [LB947]

SELMA DE ANDA: (Exhibit 16) Good afternoon, members of the Judiciary Committee. I am here in support for LB947 as well. And my name is Selma De Anda; that is S-e-l-m-a, last name De Anda, D-e A-n-d-a. I am currently a junior attending the University of Nebraska-Lincoln and I am majoring in nutrition exercise and health science. I am here to encourage you to please support LB947. In order to make Nebraska as strong as it can be, it is necessary that the youth within our state be able to pursue their careers. As a nutrition exercise student, I hope to practice in the field of nutrition, health, and fitness. Throughout my life, I have always sacrificed many things to place my education first. I have spent countless nights studying in order to earn my grades. With the current policies pertaining to professional licenses, I, along with other DACA recipients, are limited in what we can achieve with our careers. It's very difficult to think that after all our sacrifice and educational work, we may not be able to make use of that learning. Nebraska has been my home for over 19 years. This place has formed me into the person I am today, and I would like to give back to my community in the best way that I can, thus, I cannot think of any better place to pursue my career after graduation other than this state. Leaving the state is not part of my plans because this is my home and I want to stay near my friends and family. I look forward to working with members of the community to help maximize their fitness and overall well-being. I would be extremely disappointed to not be able to contribute if I was not eligible to apply for a state license and be able to practice within my profession. Once again,

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I ask you to consider and think about the many ways we can help our state thrive financially, academically, and in any way that we can with our careers. Thank you for your time. [LB947]

SENATOR SEILER: Questions? Thank you for your testimony. Next proponent. [LB947]

FATIMA FLORES-LAGUNAS: (Exhibit 17) Good afternoon, members of the committee. My name is Fatima Flores-Lagunas, first name F-a-t-i-m-a, last name F-l-o-r-e-s-L-a-g-u-n-a-s, quite a mouthful. I am a DACA recipient in the state of Nebraska and I am currently attending UNO as a political science student. Last year, I testified in front of the Transportation and Telecommunications Committee. I shared my story and asked the committee to pass LB623. LB623 would grant DACA recipients the opportunity to apply for driver's licenses. After a lot of hard work and dedication, we were able to successfully pass LB623. Since then, I, along with 1,500 other DACA recipients, have had the opportunity to apply for our driver's license. We are now able to drive and live in the place that we call home, but unfortunately we come across another obstacle that limits our potential for success. I come before you today asking you to support LB947. LB947 is the next necessary step for DACA recipients in the state of Nebraska. LB947 would allow DACA youth to attain their professional licenses and exercise their degrees. Current Nebraska law limits my potential to succeed and ability to contribute to the state that I call home. After I complete my undergraduate degree, I am interested in attending law school. I am fully aware of the intensity of law school and the Bar Exam. I know that a lot of commitment and patience is required. I am willing to go through the years of learning and studying because law and justice are topics that I am passionate about. What frustrates me is the fact that without LB947 all of my hard work and dedication will be for naught. But that does not have to stay that way. By passing LB947, you are allowing the young, talented, passionate, and driven youth the opportunity to learn and strengthen our communities. It is like Bill Ayres said, "A man not only needs to know how to fish, he needs to have the freedom to do it and a place to do it." That's where community comes in. We have to help each other and we feel that government has a very important role therein. Thank you. [LB947]

SENATOR SEILER: Questions? Thank you for your testimony. [LB947]

FATIMA FLORES-LAGUNAS: Thank you. [LB947]

SENATOR SEILER: Next proponent. [LB947]

ARMANDO BECERRIL: Good afternoon, members of the Judiciary Committee. My name is Armando Becerril, spelled A-r-m-a-n-d-o B-e-c-e-r-r-i-l. So originally I was not going to testify. I was going to come and listen to it because it is something that I thought was pretty pertinent to me because I am a DACA recipient. But after hearing one of the previous testimonies that

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identified exactly that you can't get...you can't practice as a certified public accountant, like that just raised the red flag for me because...I'll tell you a little bit about myself. I'm from York...well, I grew up in York, Nebraska, born in Mexico City, and I did my undergrad here at the University of Nebraska-Lincoln where I got my degree in accounting. Subsequent to that, I did an internship with KPMG, a "big four" accounting firm, as some of you may know, and they reached out to me and they gave me a full-time offer which I will be starting this upcoming fall. So after that internship, I decided that I would get my master's degree because, in order to practice in the state of Nebraska, you have to have at least 150 hours to be able to sit for the CPA exam. So I was like, you know, get a master's degree and everything and things worked out fine. I got a TA position, so I'm a TA as well, because I'm currently in the master's...my master of professional accountancy program. So it's all going well. And up to this week, I've put off applying for the CPA exam because it's like a cost of like \$900 to \$1,000, which I was like, do I really want to pay that right now or should I wait for my tax refund, so on, so forth. So like I said, I called the Nebraska board. And at first Jo (phonetic) told me and she's like, yeah, you're fine, or whatever. But now that they're saying there's over 170 professions that you can't practice without LB947 passing, you know, it's a real concern. So, you know, I just urge you guys to really help us out and really push this out as quickly as possible. I know there's a judicial process and a legislative process that you guys need to follow. But if this were to not pass, according to what I'm listening to right now, I would not be able to sit for the CPA exam, which would really put me back. Because once busy season starts at KPMG, I'm going to be working like 70-80 hours a week and it's going to just, you know, take up a lot of time. So, you know, just for the sake of me and all of these great future professionals, I urge you guys to please consider this and help this move along. So thank you. Do you guys have any questions? [LB947]

SENATOR SEILER: Questions? Senator Chambers. [LB947]

SENATOR CHAMBERS: That's a lot of work you've done already. And I don't want you to laugh at me and I don't want anybody in this room to give away the good advice I'm going to give you. My colleagues won't understand, but pretend it's just you and me. Ready? "Ere con ere en cigarro; Ere con ere en barril; Rapido corren los carros; Por los rieles del ferrocarril." Bless you, my son. [LB947]

ARMANDO BECERRIL: Thank you. [LB947]

SENATOR CHAMBERS: You all can laugh if you want to (laughter). [LB947]

SENATOR SEILER: He's right. We don't understand (laughter). [LB947]

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ARMANDO BECERRIL: And also one last note before I do forget, since I am an accounting major and I love the business side of things: This will generate a lot of revenue for the state because of all the fees that we will be paying into it. So that's a last note before you forget, because I included that in my LB623 speech when I was a proponent for that as well, so couldn't forget this time. [LB947]

SENATOR SEILER: Just one question. [LB947]

ARMANDO BECERRIL: Yeah. [LB947]

SENATOR SEILER: I missed...where did you go to college? [LB947]

ARMANDO BECERRIL: University of Nebraska-Lincoln, so that's where I got my undergrad, and now I'm doing my master's as well. [LB947]

SENATOR SEILER: Do you have Doctor Brown as a professor? [LB947]

ARMANDO BECERRIL: No, unfortunately, I didn't, because my program requires me to take a specific "B" law class, and he wasn't one that teaches that one, so. [LB947]

SENATOR SEILER: Okay. [LB947]

ARMANDO BECERRIL: But he's great. I've met him before. [LB947]

SENATOR SEILER: Any further questions? Thank you for your testimony. Next proponent. [LB947]

YOLANDA NUNCIO: (Exhibit 18) Good afternoon. My name is Yolanda Chavez Nuncio, Y-o-l-a-n-d-a C-h-a-v-e-z N-u-n-c-i-o, and I live in Grand Island, Nebraska. I'm here on behalf of Dr. Thomas Walker, who is the campus president of Central Community College, the Grand Island campus. He was unable to be here. His...I'm going to read a letter from him and it says: The Nebraska State Legislature, Lincoln, Nebraska. Dear honorable members of the Unicameral: I am writing to you as a citizen of the great state of Nebraska to provide my support of LB947, introduced by Senator Mello, which would allow Dreamers/DACA students who have attended college and completed their degree requirements to be allowed to pursue licensure in their respective fields. I am fortunate to work with many Dreamers/DACA students on a daily basis as the campus president of Central Community College-Grand Island. In fact, approximately 20

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percent of our campus population is of Latino heritage. As you are probably well aware, Latinos have immigrated to Nebraska since the early 1900s in search of a better life, not unlike all of our ancestors. One of the many attributes of living in Nebraska is its high quality of life; Latinos have contributed to that in a significant way through their work efforts and active participation in all of our Nebraska communities. It is time that we recognize this through support of LB947, which is an effort to celebrate the wonderful diversity that is the fabric of our great state. I thank you for considering my input and place great trust in your leadership. Respectfully, Thomas A. Walker, Jr., campus president, Central Community College-Grand Island. And if I could just please add a couple of comments from myself, I was born and raised in Grand Island. I'm a retired elementary school teacher, middle school teacher, elementary school principal, and I am currently working part time at the University of Nebraska-Kearney as an advisor to the Peter Kiewit scholars. I am...I have the opportunity and the privilege to work with approximately 40 students who are in the field of education who will be teachers, who will be counselors, who may be social workers in their different schools once they graduate. Several of the students that I work with are DACA recipients and they are outstanding students. They have graduated well in high positions within their classes. We have students from all over the state of Nebraska and they are doing so well. In order for them to continue to be Peter Kiewit scholars, they have to maintain a GPA, they have to be involved in community activities, and they have to assume leadership at the university. And the DACA recipients that we have there are doing all of that. They are outstanding young people who are future leaders in our state who will be decision makers and we...I appreciate any support that you can give on passing this bill. Thank you very much. I'd be happy to answer any questions. [LB947]

SENATOR SEILER: Any questions? Thank you for coming in and representing the doctor. [LB947]

YOLANDA NUNCIO: Thank you very much. [LB947]

SENATOR SEILER: This lady here has been trying to get up to us for ten witnesses (laughter). [LB947]

ALEJANDRA ESCOBAR: Finally! [LB947]

SENATOR SEILER: You may proceed. [LB947]

ALEJANDRA ESCOBAR: Okay. Hello. My name is Alejandra Escobar, A-l-e-j-a-n-d-r-a E-s-c-o-b-a-r. I'm 17 years old. I immigrated to Omaha, Nebraska, six years ago but with the citizenship. Nebraska has given me many opportunities. Nebraska is one of those states that makes you want to stay here. It has this spark that I understand why my peers don't want to

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leave. Our community, I would not like to see my friends leave to Iowa just because of the lack of professional opportunities. The LB947 might seem to be affecting life after college, but it's also affecting all types of ages, even in high school. I've walked into a classroom at my school and seen one of my friends crying and he just kept saying, I can never be a doctor, I don't know what to do anymore, I can't follow my dream, which made me think: Why? Why are we keep...as a school we always keep telling people, oh, go to college, make a better life out of yourself; but I got the feeling that my friend didn't feel like he was following his dream. So I told him to keep thinking, keep having hope for himself. And sometimes I look at my friends and ask myself, oh, whoa, I really want him to be my teacher or my future teachers for my children, I would be in good hands with him as a lawyer, doctor, because even at a young age you can tell people who are really good at something. And I see the passion and dedication in my friends. Not only that, I value the idea that a community belongs together. And being together, one another, it's something that helps us. And with LB947, I feel like it will diversify the fields. And as Hispanics, it makes it easier for us to have someone who understands us as a doctor. As an example, the other day I ate some enchiladas and they were pretty bad on me and I went to a doctor and I tried to tell the doctor what the ingredients had, but I couldn't translate it. So that's kind of a problem that I see. And even with my mom, sometimes I have to take my time from studying and going to translate for her. And I feel like with more Hispanics in this field, the diversity will help us and for us economically and anything. All these little things matter overall. Thank you. [LB947]

SENATOR SEILER: Senator Morfeld. [LB947]

SENATOR MORFELD: Well, I haven't said anything up to this point because I'm obviously a big supporter of this bill. I'm not as funny or witty as Senator Chambers either (laughter). But I just want to note that, you know, we don't want you to go to Iowa either, for the record. And, you know, as I talk to business leaders and CEOs in my district, the number-one problem that we face is work force, is having the talent that we need to do the stuff that drives our economy and allows our businesses and our citizens and our residents and everybody else in between to reach their full potential. And so having restrictions like this, I see so much talent in this room and having restrictions like this are short-sighted, it's ludicrous, and quite frankly it's just dumb. And so I want to thank all of you for coming today. I'm not going to say much more beyond that because I'm a big supporter. But I want to thank all of you for coming today and having the courage to stand up for this, particularly last year and the years before, before there were federal protections. But anyway, thank you very much and don't go to Iowa. [LB947]

ALEJANDRA ESCOBAR: Thank you. [LB947]

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SENATOR SEILER: Next proponent. Is South High out of class today? (Laughter) You may proceed. [LB947]

LINDSEY JOAN RIVERA: (Exhibit 19) We were all sick. Good afternoon. My name is Lindsey, L-i-n-d-s-e-y, Joan, J-o-a-n, Rivera, R-i-v-e-r-a. I am a senior at Omaha South High. Eighteen years ago I was born at St. Joseph Hospital in north downtown Omaha. I am not a DACA recipient but, as a girl with strong Mexican roots, this issue is very important to me. Living in a diverse city like Omaha has made me more aware of the issues affecting different cultures that reside there, for example, the population of DACA students who live among us. I was not aware of how important DACA was until I began to put myself in their situation. I thought about how awful it must feel to not be able to accomplish a goal that my friends have worked so hard for. These students study like us and they pay, or will pay, for their education like all the other students, and to me it does not make sense when I hear that they won't be able to earn a license that will allow them to practice a profession they have trained for with such dedication and effort. I have friends who strive to be lawyers, teachers, and doctors. I do not see them as citizens or noncitizens. I see them as bright, hardworking young Nebraskans that have the potential to make a real difference in our state. I see them as young people who contribute to our society and who work hard and aspire to succeed. If DACA recipients are willing to pay for an education and work hard so they can pursue their calling, then why not allow them to utilize what they've learned? Please support LB947 today. Thank you for your time. Any questions? [LB947]

SENATOR SEILER: Questions? None? Thank you for your testimony. [LB947]

LINDSEY JOAN RIVERA: Thank you. [LB947]

MARIA HILL: (Exhibit 20) Good afternoon, members of the Judiciary Committee. My name is Maria Hill. I am 18 years old and I'm another senior at Omaha South High School (laughter). In a few months, I'll be graduating from high school, and one day I hope to be a senator. If I'm willing to work hard to serve my community and earn their trust to represent them, I can be a public servant without limitations. A lot of hard work goes into winning an election; but if I earn the trust of voters, I will not be limited in pursuing the career of my choice. The reality for thousands of Nebraskans is very different. For DACA recipients, no amount of hard work can make up for their immigration status, a factor that they cannot control. DACA recipients are unable to earn professional licenses in Nebraska today. As a state in which "equality before the law" is our motto, this is a blatant denial of opportunity that should be corrected by our State Legislature today. I ask the members of this committee to pass LB947 to ensure that qualified DACA recipients can earn professional licenses in Nebraska. I urge every one of you to vote to

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pass LB947 to ensure that qualified DACA recipients can earn professional licenses in our state. Thank you for your time, and I'm glad to answer any questions that you may have. [LB947]

SENATOR SEILER: Thank you for your testimony. [LB947]

MARIA HILL: Thank you. [LB947]

SENATOR SEILER: I see no questions. You may step down. Next proponent. [LB947]

JORDY GONZALEZ: (Exhibit 21) Good afternoon. Is it afternoon? Yep. My name is Jordy Gonzalez, J-o-r-d-y G-o-n-z-a-l-e-z. I was born in Guatemala and immigrated to the U.S. at the age of one. I am a DACA recipient who has lived in Schuyler, Nebraska, for over 18 years. I'm a sophomore at Central Community College in Columbus and working towards transferring to UNL to earn a master's degree in political science. I want to push myself academically to one day become a lawyer who assists those that don't have the sufficient finances to be represented. Like thousands of other students in my state, I share a story of perseverance, perseverance that will one day lead to achievement. But I cannot persevere and relinquish this drive to succeed if I encounter a brick wall with every step that I take. I'm limited to only earning a degree and not being able to practice what I worked countless years for. If action is not taken, then I'm afraid my degree will just be another thousand-dollar ornament on a wall. Senators, I ask that you stand for students who are dedicating themselves to succeed. They have already taken the initiative to be productive members of our state, so why must Nebraska limit how far they can go? Every year that this barrier stands tall, Nebraska loses engineers, nurses, lawyers, talented students who can help our economy flourish. At the end of the day, I will go back home to the ways things have always been. Everything might still be the same. Instructors will keep assigning ten-page essays, and nights will not end until 2:00 a.m. But I will have hope: hope that this committee will take LB947 to the next step; hope that one day I could accomplish my goals, goals that I have set for myself; hope that thousands of students will have the opportunity to create a stronger Nebraska. But we cannot do this without you, Senators, so I ask that you vote in favor of LB947 for a prosperous future of Nebraska. Thank you. [LB947]

SENATOR SEILER: Any further questions? Thank you for your testimony. Next proponent. [LB947]

SENATOR CHAMBERS: Are you giving us assignments that you're going to test us over next week? (Laughter) [LB947]

SENATOR KRIST: This is what we refer to as a "tree killer." [LB947]

BRIAN BLACKFORD: (Exhibit 22) My apologies. It should be worthwhile though. Dear Chairman Seiler, committee members, my name is Brian Blackford, B-l-a-c-k-f-o-r-d. I have my own immigration law practice in Omaha, and I'm the vice chair and Immigration and Customs Enforcement liaison for the Iowa-Nebraska chapter of the American Immigration Lawyers Association, or AILA. I also sit on the AILA national pro bono service committee and have served in other local and national capacities within AILA. AILA is a nonprofit organization comprised of more than 14,000 immigration lawyers and professionals across the United States. The Iowa-Nebraska chapter of AILA has more than 150 members throughout Iowa and Nebraska. I have not only met and assisted many of the brilliant students who would directly benefit from the passage of LB947, but I have also given a continuing legal education seminar and testified before the Nebraska Advisory Committee to the U.S. Commission on Civil Rights on LB403, from 2009, that gave rise to Nebraska Revised Statutes Sections 4-108 to 4-114 which LB947 will amend if passed. I am here today to express my support for LB947 in both a personal capacity and on behalf of the Iowa-Nebraska chapter of AILA. Together we have represented hundreds if not thousands of DACA recipients. As of fiscal year 2015, nearly 700,000 individuals have been granted DACA, including over 3,000 Nebraskans. A majority of DACA recipients are 19 and under. And one of the requirements for obtaining DACA is that the applicant must prove that he or she has graduated from high school, passed the GED examination, or be currently enrolled in and attending school. Thus, most DACA recipients, including those in Nebraska, are in high school, are in their early college years, or have obtained degrees and are seeking job opportunities. DACA recipients are lawfully present in the United States and, thus, cannot be deported during this period of authorized stay by the federal government. DACA recipients are eligible for work authorization and, as a result, most have come out of the shadows to join the work force. And as of last May, DACA recipients can finally obtain Nebraska driver's licenses and identification cards. However, DACA recipients are often not employed in, or driving to, the positions of their dreams. They are currently precluded from obtaining professional, occupational, and commercial licenses because of their immigration status despite being lawfully present and otherwise qualified to hold such licenses. Many DACA recipients aspire to be doctors, nurses, dentists, pharmacists, lawyers, accountants, social workers, and cosmetologists, just to name a few professions, and many even have degrees in these fields; but they cannot utilize their talents and practice in their profession. This makes no economic sense and inhibits the ability of DACA recipients to fully realize their potential. Denying DACA recipients professional and commercial licenses stunts their earning potential and educational opportunities which, in turn, has a detrimental effect on our economy and society at large which would greatly benefit by these youth being able to utilize their skill sets and provide necessary services and goods to our state. It has also a chilling effect on students and schools alike. It deters many students from pursuing and/or obtaining a degree altogether in fields requiring a professional or occupational license. We as an immigration bar have come across numerous students who have professional degrees, many of whom have graduated with honors but are forced into other fields with lower income jobs where their talents are

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underutilized or not utilized at all. Or these students obtain their degrees and move to a state where such professional licenses are either not required or there are less stringent requirements. In either situation, Nebraska loses. Additionally, we have also spoken to many high schools and college admissions counselors and career services personnel who are understandably frustrated and confused by this prohibition and either try to deter DACA recipients from pursuing their dream profession or even misadvising them that they can get their degrees in this state, get their professional license in another state, and then return and come back to Nebraska to practice. We are losing and wasting the talents of some of the best and brightest students in this state because of our prohibition against DACA recipients receiving professional and commercial licenses. [LB947]

SENATOR SEILER: Excuse me, Mr. Blackford. [LB947]

BRIAN BLACKFORD: I'm sorry. [LB947]

SENATOR SEILER: Your red light is on. [LB947]

BRIAN BLACKFORD: Oh, I apologize. [LB947]

SENATOR SEILER: And you know I need to care of a problem. Anybody want him to continue? I do. Go ahead. [LB947]

BRIAN BLACKFORD: Okay. I apologize. I'm a bit long-winded. I'm sorry. I'm getting...wrapping up though. In addition to adversely affecting socioeconomic mobility, the prohibition against DACA recipients receiving professional and commercial licenses also hinders social assimilation, thereby further reducing the ability to contribute fully to the economy through spending and higher tax revenues, no doubt reducing economic growth in Nebraska as a whole. A full 66 percent of DACA recipients surveyed stated they are no longer afraid because of their immigration status and another 64 percent stated that they believe they belong in the U.S. now because of DACA. This has led to greater participation in the economy and civic life, but it cannot be fully realized until DACA recipients are allowed to be integrated into the profession of their choosing and qualifications. To proceed with the status quo stunts the social and economic participation of not only DACA recipients but also their families, many of whom are U.S. citizens, the cost of which is paid by Nebraskans. Reports show that since the initiation of DACA, 70 percent of recipients have reported getting their first job or starting a new job; 45 percent are earning higher wages; 50 percent report they opened their first bank account; 33 percent obtained their first credit card; and 57 percent have obtained a driver's license. Specifically, one study has found a 240 percent wage increase for DACA recipients. This could be further improved if LB947 passes and DACA recipients can become professionals. More

individuals in the work force with higher earnings translate into a larger tax base and a boost to the economy through greater spending power and support of vital social safety net programs, such as Social Security and Medicare, even as DACA recipients are not able to access them for themselves. Additionally, one survey found that one-third of DACA beneficiaries held more than one job and many of them contributed financially to their low-income parents where an estimated 34 percent live in families with annual incomes below 100 percent of the federal poverty line. The socioeconomic ripple effect that has resulted and will be further improved if LB947 passes cannot be understated. Many DACA recipients contributing to their low-income parents are also helping to support their U.S. citizen children and siblings, thereby reducing family stress and improving childhood development and education. Seeing their parents and older siblings take advantage of the opportunity presented to them and succeeding in these endeavors will instill hope and set these children and younger siblings on the path towards greater education and employment opportunities themselves, which again will benefit society as a whole. But DACA recipients cannot fully realize their dreams, which is the American dream, unless LB947 passes and they can obtain professional and commercial licenses and be further integrated into society. Thus, for the foregoing reasons, our current policy of denying professional and commercial licenses to DACA recipients has many negative consequences which do not solely impact the immigrants being denied or being deterred from applying for them, but their families and society at large as well. In 2013, immigrants made up almost 7 percent of Nebraska's population and 8 percent of the work force. Immigrant spending accounted for \$1.6 billion worth of total production in our economy and generated approximately 12,000 jobs in 2006. These economic figures would be bolstered if DACA recipients were to be able to pursue employment in professional and other fields requiring state licensures. As the law stands now, it inhibits DACA recipients' potential, which, in turn, has an immediate and long-term negative social and economic effect on all Nebraskans. We urge you to pass LB947 out of committee so that DACA recipients may realize their dreams and become fully integrated into the work force so that all Nebraskans may share in the rewards of the many gifts these young people have to offer our great state. Thank you. [LB947]

SENATOR SEILER: Questions? Senator Krist. [LB947]

SENATOR KRIST: No question, comment: We try to do our best to make sure everybody gets a chance to say something. [LB947]

BRIAN BLACKFORD: I'm sorry. [LB947]

SENATOR KRIST: I'm sure that you timed yourself and I'm sure it came up to be eight and a half minutes and I'm sure you understand that we have a three-minute limit with questions. Be

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respectful when you come to the committee, will you? I mean these kids have been great. It's tell me what you're going to tell me and make the point. [LB947]

BRIAN BLACKFORD: My apologies. [LB947]

SENATOR KRIST: But I had a written testimony that I would have read and so I just make the point. It's we're trying to do our best to hear everybody--everybody--pro, con, neutral. [LB947]

BRIAN BLACKFORD: Right. [LB947]

SENATOR KRIST: Thanks, Brian. [LB947]

BRIAN BLACKFORD: I apologize. [LB947]

SENATOR SEILER: Thank you. [LB947]

BRIAN BLACKFORD: Thank you. [LB947]

SENATOR SEILER: Next proponent. [LB947]

DARCY TROMANHAUSER: (Exhibits 23-26) Good afternoon, committee members. My name is Darcy Tromanhauser, D-a-r-c-y T-r-o-m-a-n-h-a-u-s-e-r, and I'm the director of the immigrants in communities program at Nebraska Appleseed, a nonprofit, nonpartisan organization dedicated to justice and opportunity for all Nebraskans. I'm testifying today to express our strong support for LB947. I'll be brief since, as you've heard from a wide range of perspectives today, it's in the best interest of our state to make full use of all of the talents in Nebraska; and it only makes sense to ensure that Nebraskans who are work-authorized can obtain their professional licenses. This bill is good for all Nebraskans, for our economy and communities. I'd like to highlight just one example that this bill could be very helpful in addressing our state's need for health professionals, particularly in rural communities across the state. We have a great need for healthcare workers in rural areas, and here are youth who have grown up in towns across the state and know their communities, many of whom have an interest in entering the health field. And then I'll just add that in our work with communities across Nebraska, we've heard deep appreciation from local community leaders for DACA youth in Columbus, Crete, Grand Island, South Sioux City, Scottsbluff, and many other places. Community leaders talk about how these Nebraska youth are just one great part of the energy and talent in local communities. We're stronger together. Let's not hold back that potential. LB947 is a simple, practical step forward. I've also submitted to the committee for the record letters of support from the Nebraska Hospital

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Association, Latino Center of the Midlands, and additional youth who could not be here in person. Thank you, and I'll take any questions. [LB947]

SENATOR SEILER: Any questions? Thank you very much. [LB947]

DARCY TROMANHAUSER: Thank you. [LB947]

SENATOR SEILER: Next proponent. [LB947]

LAZARO SPINDOLA: (Exhibit 27) Well, after those last two testimonies, I feel like saying thank you and goodnight. Good afternoon, Chairman Seiler and members of the Judiciary Committee. For the record, my name is Lazaro Spindola, L-a-z-a-r-o S-p-i-n-d-o-l-a, and I am the executive director of the Latino American Commission, and of course I'm here in support of LB947. Last year we finally acknowledged that Nebraska taxpayers must get their investment back by allowing these young people to have driver's licenses in order to go to work. We did that after we had created the conditions for them to grow and obtain a higher education. Currently hundreds of these young people are being denied the opportunity to give back to the state because of the lack of a professional license that prevents them from using the skills acquired at college or at the university. We are investing in young, talented people and at the same time telling them that after successfully completing an academic program they cannot get a license to practice the profession that they graduated on. We're effectively telling them that we do not want them, that they should take their knowledge, skills, and talent to other states. And I ask, what kind of business strategy is this? Imagine the tax bracket where they could be. How much additional revenue could the state have if they were able to practice their professions? Imagine the tax bracket of a doctor. One of them could even become one of those "1 percenters." The vast majority of these young individuals want to stay in Nebraska because here is where their families are but we're doing our best to drive them away. And we do this at a time when our state needs every available talent due to the fact that many of our young, professionally trained people are leaving the state. Senators, it is time that we put Nebraska's interest ahead of our own ideological convictions. Nebraska needs to keep the best (recorder malfunction--power outage)... [LB947]