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Transcriber's Office

Floor Debate
February 23, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the thirty-fourth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Perry Gauthier, director of Capitol Ministries Nebraska, guest of Senator Lowe. Please rise.

PASTOR GAUTHIER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, sir. I call to order the thirty-fourth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Your Committee on Enrollment and Review reports LB133, LB113, LB18, LB18A, LB19, LB29, LB94, and LB62 to Select File, some having Enrollment and Review amendments attached. Mr. President, a series of appointment letters from the Governor, appointments to the Board of Educational Lands and Funds; to the Commission for the Deaf and Hard of Hearing; and to the Educational Telecommunications Commission; as well as the Board of Emergency Medical Services. Those appointees will be referred to Reference for referral to standing committee for confirmation hearing. Priority bills: LB92 by Senator Kolterman; LB44 by Senator Watermeier. That's all that I had, Mr. President. (Legislative Journal pages 523-526.)
[LB133 LB113 LB18 LB18A LB19 LB29 LB94 LB62 LB92 LB44]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, if you can, please come to order, we're going to move right into the agenda which starts with Select File which is going to require a number of voice votes. So, if you could please come to order. Mr. Clerk, first bill, Select File.

CLERK: Mr. President, Senator Wishart, I have LB1. I have no amendments to the bill. [LB1]

PRESIDENT FOLEY: Senator Wishart, you're recognized...oh, excuse me, Senator Chambers. Oh, Senator Wishart, your motion first, then we'll go to Senator Chambers. [LB1]

SENATOR WISHART: So, I move to advance LB1 to E&R for engrossing. [LB1]

PRESIDENT FOLEY: Senator Chambers, you're recognized. [LB1]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I don't see Senator Krist. I was going to ask him a question or two. [LB1]

PRESIDENT FOLEY: Senator Krist, will you yield, please? [LB1]

SENATOR KRIST: Absolutely. [LB1]

SENATOR CHAMBERS: Senator Krist, good morning. [LB1]

SENATOR KRIST: Good morning, Senator Chambers. [LB1]

SENATOR CHAMBERS: Senator Krist, these bills, we've both been here long enough to know some things. These bills, which are purportedly noncontroversial or uncontroversial, would be low-hanging fruit for somebody who wanted to take some time this morning. Would you agree with that? [LB1]

SENATOR KRIST: Yes, sir, you certainly could take a lot of time with these bills. [LB1]

SENATOR CHAMBERS: Am I one who could do that? [LB1]

SENATOR KRIST: You're probably number one and I would be number two. [LB1]

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SENATOR CHAMBERS: Now, if I made just two motions on each one of these bills and nobody else spoke, I could get 50 minutes on each one of these bills. [LB1]

SENATOR KRIST: And we would have to start over again on Friday. [LB1]

SENATOR CHAMBERS: Thank you, Senator Krist. Members of the Legislature, I'm not going to do that, but I want you all to see what a good guy I am. And if all I had as a reason for doing things on this floor is the fact that I can do them, I would take that time. It would be very easy. But that's not what my intention is this morning. And I did keep my word when I said I would make sure there was time enough for the Speaker to get a vote on that atrocious bill of his. Because I was willing to stand aside and let the bill move doesn't mean that my objections have been taken care of. I will deal with it on Select File. But it's not one of those bills that I would use for the purpose of tying up the body. It has such important issues that I want to get some things into the record. I want to give the body a chance to think about this, if they chose. Aside from that, I'm going to wait until we get to Senator Morfeld's bill before I have further comments. But, I want to give a word or two about the prayer this morning. I listen to those prayers, by the way, if I have the machine on and they...the prayer is going forth, but I made a quick count of how many people were here. And I would tell poor or young Senator "Mack," I'm not going to give his last name, but he is a great big gentleman, very forceful, and he knows something about stopping fires of the literal kind, but I'm not going to give his name. I gave a quick...took a quick count and heaven would be an awful lonely place if the only ones there were the ones who were here for the prayer, awfully lonely. Everything said would echo and reecho. The angels would say, God, where is everybody? Because angels don't know everything. So we'll let that pass. But I listened to the preacher who was up there this morning and he prayed even for one of his colleagues in Washington who is unfortunate enough, in my opinion, to have to try to get those reprobates in Congress to pay attention to something other than what their political parties demand, and his colleague will be no more successful in Washington than he would be successful in this Legislature. But as he was praying, at first he wanted to give thanks. Then he wanted to pray for people, then he came to the asking portion. And the Bible clearly says don't spend a lot of time on that because your Father knows what you have need of before you even ask. [LB1]

PRESIDENT FOLEY: One minute. [LB1]

SENATOR CHAMBERS: So see, even the preachers don't pay attention to the Bible. But here's the thing that really got me. I thought that he probably had read the agenda. I put my light on because I want to wrap this up. Thank you, Mr. President. [LB1]

PRESIDENT FOLEY: Thank you, Senator Chambers. You may continue, sir. [LB1]

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SENATOR CHAMBERS: And I don't know that it will take me the full five minutes, then I may let the rest of the bills go because I'm in a very expansive mood this morning for reasons that I won't tell you all. Just let you be curious. And speaking of curiosity, but let me finish this other that I was going to say. I thought he would look at the agenda, see this low-hanging fruit, and that the senator he said spoke to him in the hallway would have told him about this, and ask him to ask God to make me be quiet because God can still the mighty waves on the ocean. But apparently he didn't do that because the preacher would have looked at all this low-hanging fruit and he would have emphasized, and I think they would have been the most unctuous, sincere words he would have uttered, lead us not into temptation, speaking of me. And for whom those words were intended, that person would understand. Oscar Wilde said the best way to get rid of temptation is to yield to it. But I'm not going to do it this morning. Now, I didn't know until this morning that mountains were either feminine or they were cross-dressers. Because he said, God will say to those mountains, move, and those mountains would gather up their skirts and take off running. So either the mountains are feminine or they're cross-dressers, but I won't go into all that. God knows and he will let you all know when the time comes, maybe through me. God has made fools of the wise of this world by using very ordinary things, even an ordinary person. But I said curiosity kills the cat. That's not the full statement. Some Egyptologists were in Egypt and they were reading these hieroglyphics. And as you all know, cats hold a special place in Egyptian lore and in Egyptian society. They hold a special place to me also. But these guys were reading and they were going across and they got to curiosity killed the cat, and there was something like an earthquake and they took off running. They never came back. So the expression went out, curiosity killed the cat. Later on, somebody went to one of those tombs, maybe to rob, steal, I don't know. But at any rate, that person recognized that much in the hieroglyphic, curiosity killed the cat. But then he looked closer and he said it's not cat, that's the possessive. Curiosity killed the cat's something. So he was curious. And he began to read and here was what he came up with. Curiosity killed the cat's ignorance, which is the first step toward wisdom. So now when you all hear that notion, curiosity killed the cat, you finish it for them. Thank you, Mr. President. [LB1]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Doctor of the day introduced.) Members, you've heard the motion to advance LB1 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB1 advances. Next bill, Mr. Clerk. [LB1]

CLERK: LB2. Senator, I have no amendments to the bill. [LB2]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB2]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB2 for E&R for engrossing. [LB2]

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PRESIDENT FOLEY: Members, you've heard the motion to advance LB2 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB2 advances. Next bill, Mr. Clerk. [LB2]

CLERK: LB3. I have no amendments to the bill, Senator. [LB3]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB3]

SENATOR WISHART: Thank you, Mr. President. I move LB3 to E&R for engrossing. [LB3]

PRESIDENT FOLEY: Thank you, Senator. Members, you've heard the motion to advance LB3 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB3 advances. Next bill, Mr. Clerk. [LB3]

CLERK: LB4, Senator, I have no amendments to the bill. [LB4]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB4]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB4 to E&R for engrossing. [LB4]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB4 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB4 advances. Next bill, Mr. Clerk. [LB4]

CLERK: LB5, Senator, no amendments to the bill. [LB5]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB5]

SENATOR WISHART: Thank you, Mr. President. I move LB5...to advance LB5 to E&R for engrossing. [LB5]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB5 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB5 advances. Continuing with Select File, Mr. Clerk. [LB5]

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CLERK: LB56, Senator, I have no amendments to the bill. [LB56]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB56]

SENATOR WISHART: Thank you, Mr. President. I move LB6 to advance...excuse me, I move to advance LB56 to E&R for engrossing. [LB56]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB56 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB56 advances. Next bill, Mr. Clerk. [LB56]

CLERK: LB45, Senator, I do have Enrollment and Review amendments. (ER1, Legislative Journal page 344.) [LB45]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB45]

SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB45. [LB45]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments to LB45. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Senator Wishart for a motion. [LB45]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB45 to E&R for engrossing. [LB45]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB45 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB45 advances. Mr. Clerk. [LB45]

CLERK: LB80, Senator, I have no amendments to the bill. [LB80]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB80]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB80 to E&R for engrossing. [LB80]

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PRESIDENT FOLEY: Members, you've heard the motion to advance LB80 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB80 advances. Mr. Clerk. [LB80]

CLERK: Senator, LB134. First of all, I have E&R amendments pending. (ER2, Legislative Journal page 347.) [LB134]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB134]

SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB134. [LB134]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments to LB134. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB134]

CLERK: Senator Brasch would move to amend with AM59. (Legislative Journal page 515.) [LB134]

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on AM59. [LB134]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor, and good morning, colleagues. AM59 addresses a concern that Senator Crawford expressed during the General File discussion of this bill. The amendment revises Section 8 of the bill in its current form as amended by the E&R amendment. As written, Section 8 provides that any person who packs and sells, offers for sale, barter, or otherwise provides for human consumption of eggs shall comply with all applicable requirements set forth in rules and regulations of the department. Senator Crawford expressed concern that Section 8 was written broadly to potentially apply to small hobby producers who might just give away eggs to their neighbors, friends, or family, and could potentially subject such producers to regulations that do not currently apply. AM59 provides that Section 8 applies only to persons who for remuneration sell or package eggs to remove...to remove am...I can't say it this morning, sorry...whether any regulations would apply to such hobby producers. Regardless, I would like to point out that with or without this amendment LB134 will not impose any new licensure, fee, or regulatory standard for any business or egg producer that...than what is currently applied under the Graded Egg Act. There are provisions of the Graded Egg Act that apply to any person who sells eggs they produce themselves directly to final consumers or to wholesalers or to the retailers. The Graded Egg Act did not expressly include small cottage or hobby producers from many of its requirements. However, the definition

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of egg handler under the Graded Egg Act did exclude noncommercial activity and this amendment replicates that concept. As a practical matter, the department does not currently and will not under this bill engage in any manner of regular inspection or surveillance of egg suppliers except those who made thresholds to be licensed. For everyone else the department would exercise its regulatory oversight on a complaint basis. Occasionally, the department will encounter unlicensed sellers of eggs at a farmer's market or a similar venue and will inform egg vendors of requirements that apply to them under the Graded Egg Act. Under LB134, such persons will continue to be advised that their eggs need to be labeled with a packaging number. There are fewer requirements under the Pure Food Act applicable than currently under the Graded Egg Act, but the department could replicate many of the graded egg concepts in the Food Act regulations if regulations were deemed to be necessary and adopted. I would like to thank Senator Crawford for raising these concerns for anyone who would like to gift their eggs...their hobby eggs to a neighbor, a friend, or someone else for a charitable purpose. Thank you, colleagues, and thank you, Mr. Lieutenant Governor. [LB134]

PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on AM59. Senator Chambers, you're recognized. [LB134]

SENATOR CHAMBERS: Mr. President, I would like to ask Senator Brasch a question if she would answer. [LB134]

PRESIDENT FOLEY: Senator Brasch, would you yield, please? [LB134]

SENATOR BRASCH: I will yield. [LB134]

SENATOR CHAMBERS: Senator Brasch, I have not examined this bill, and therefore, I will take your word at face value, but I got some calls and I had indicated that when the bill came up on Select, I would ask the question, so that's why I'm asking it. [LB134]

SENATOR BRASCH: Thank you. [LB134]

SENATOR CHAMBERS: Is there anything in this bill that pertains to that egg plant that is being the subject of a lot of discussion, Costco, or one of those? [LB134]

SENATOR BRASCH: There is not. And Costco is not an egg plant. They are processing chickens. [LB134]

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SENATOR CHAMBERS: But that's why I wanted to ask the question so that if the one who put it to me is watching, they will have gotten that clarification from you rather than me trying to explain it. [LB134]

SENATOR BRASCH: Thank you. [LB134]

SENATOR CHAMBERS: And that's all that I have. Thank you. [LB134]

SENATOR BRASCH: Thank you. [LB134]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Crawford, you're recognized. [LB134]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor, and good morning, colleagues. I want to thank Senator Brasch for her work on clarifying this bill as someone who enjoys fresh eggs from some friends and neighbors. I appreciate clarifying this law to make sure that it's very clear that it does not apply to individuals who are gifting their eggs to someone else, and so that we can continue to enjoy that and not worry about any regulation that gets into that area of friends providing eggs to friends for a wonderful breakfast. I also want to thank Senator Brasch for laying out the record, as she did this morning, to really clarify what the department's intent is with this language and with this regulation as well. I think that's very helpful, and I really appreciate that she took the time not only to address my concern with the amendment but also the time to carefully lay out that intent language on the floor so it's in the transcript and so people can look and understand what the intent is as we move forward. And so I thank her for her leadership on that. And I support AM59 and also support LB134 as amended. Thank you, Lieutenant Governor. And thank you, Senator Brasch. [LB134]

PRESIDENT FOLEY: Thank you, Senator Crawford. Members, you've heard the debate...oh, excuse me. Senator Brasch, you're recognized to close on AM59. She waives closing. Members, the question is the adoption of AM59. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB134]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Brasch... [LB134]

PRESIDENT FOLEY: AM59 is adopted. Mr. Clerk. [LB134]

CLERK: I have nothing further on the bill, Mr. President. [LB134]

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PRESIDENT FOLEY: Senator Wishart for a motion. [LB134]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB134 to E&R for engrossing. [LB134]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB134 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB134 advances. Next bill, Mr. Clerk. [LB134]

CLERK: LB74. Senator, I have no amendments to the bill. [LB74]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB74]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB74 to E&R for engrossing. [LB74]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB74 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB74 advances. Next bill, Mr. Clerk. [LB74]

CLERK: LB131. Senator, I have no amendments to the bill. [LB131]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB131]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB131 to E&R for engrossing. [LB131]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB131 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB131 advances. Next bill, Mr. Clerk. [LB131]

CLERK: LB132. Senator, I have no amendments to the bill. [LB132]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB132]

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SENATOR WISHART: Thank you, Mr. President. I move to advance LB132 to E&R for engrossing. [LB132]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB132 to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB132 advances. We now move to General File. Mr. Clerk. [LB132]

CLERK: LB8, a bill by Senator Krist. (Read title.) Introduced on January 5 of this year, referred to the Judiciary Committee. The bill was advanced to General File. At this time, I have no amendments to the bill, Mr. President. [LB8]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Krist, you're recognized to open on LB8. [LB8]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska, and good morning, all of the youth in Nebraska that are in the system in one way or another. This bill is for you. LB8 advanced from the Judiciary Committee on an 8-0 vote. At the committee hearing last month, no one testified in opposition to LB8. I want to thank Chairperson Ebke and my fellow members of Judiciary Committee for advancing the bill. LB8 continues the work of creating a Nebraska juvenile justice system that we can be proud of that builds on practical, common-sense approaches that we know work to decrease delinquency, reduce recidivism, enhance public safety, and put youth on a path to success. Over 20 years of research tells us that youth have better outcomes in systems designed to provide graduated responses. That's what this bill is about, graduated responses. Yet right now our statute for juveniles, juvenile probations, administrative sanctions, mirrors the adult statutes. The juvenile system is rehabilitative and the adult system is punitive. The two do not come together in any cosmos. LB8 would change that to the system of response for probation officers to hold youth accountable for compliance with court-ordered conditions of probation and encourages positive behavior changes throughout both positive incentives and graduated sanctions. LB8 also makes clear that youth cannot be incarcerated in detention facilities only for infractions of their probation order that do not rise to the level of dangerousness or risk to themselves or others, or where statute would otherwise require the youth be assigned to secure conditions. So it doesn't take away the authority for youth to be detained in a secure area, but it limits the amount or the infractions that would result in that detention. Nationwide and in Nebraska, youth sit in detention centers as a sanction for minor technical violations of probation. This is a costly and ineffective way to respond. We know that detention increases the likelihood of recidivism and comprises the youth's ability to access mental healthcare, education, job training, other resources proven to get them on the right track, not the least of which...not the least of which is continuing their education. We can better equip probation officers by providing statutes that define and allow for

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graduated sanctions and incentives to respond to youths behavior while on probation, reducing the need for detention and better allocating our resources. The pages are handing out two handouts. I anticipated that we would deal with this a couple of days ago, so if you happen to have take than handout down to your office, hopefully you will get a chance to look at these. One of them is an example for those of you who are not familiar with the juvenile justice system or probation, gives you an example of how graduated sanctions would work and positive incentives would work. It gives you some "what if's," if you will, and how that might happen. The other one, thanks to the folks in Lancaster County, are showing you the savings that something like this will create. They've done a fiscal note that shows in the reduction of children of our youth that would go to detention, the savings that would be seen at the county level. So whether you are a metropolitan area, Douglas County, Lancaster County, Otoe, Banner, you're still going to see these reductions as a county savings, even if you don't have a detention facility. If you need to take one of your youth and put it in one of our detention...other facilities around the state, you're going to pay less out of the county budget. I think the introduction to this proposal does not need to take ten minutes. It is common sense. It is doing what we need to do to put our youth that happen to fall into the system in one way or another and be part of the system and be assigned a probation officer. It gives them the opportunity to succeed. And with that, I would entertain any questions that you might have. Thank you, Mr. President. [LB8]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Blood, you're recognized. [LB8]

SENATOR BLOOD: Thank you, Lieutenant Governor. I stand today...and fellow senators, friends all, happy Thursday morning. I stand today in support of Senator Krist's bill, LB8. Well done, Senator Krist, well done. As we throw money at the current system that we call the Nebraska prison system, one of the things that we continually miss in our long-range planning is the feeder that brings those people to that system. This is a common-sense bill with no fiscal note. It also addresses it in a way much like a good parent would address an issue with their child. With the graduated system, it gives those children, and they are children, the opportunity to step up to the plate and work on being good citizens, work on their issues, and show their probation officers and show Nebraska communities that they want to do well. If we don't give them that opportunity, they're going to get stuck in that revolving door over and over and over again. And guess where that revolving door stops? In our prison system. So, instead of continually throwing money at the prison system, how about we get more bills like this really well-thought-out bill from Senator Krist and stop that feeder to our prison system? And again, I stand in support of this bill. I hope all of my colleagues do as well. I would like to see so many more of this type of bill brought forward, so as we move forward in the future we don't have to spend so much money on our prison system. [LB8]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Krist, you're recognized to close on LB8. He waives closing. The question before the body is the advance of LB8 to E&R for initial.

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All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB8]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB8. [LB8]

PRESIDENT FOLEY: LB8 advances. Next bill on General File, Mr. Clerk. [LB8]

CLERK: Mr. President, LB11 is a bill by Senator Krist. (Read title.) Introduced on January 5, referred to the Judiciary Committee. The bill was advanced to General File. No committee amendments. I do have an amendment from Senator Krist, Mr. President. [LB11]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on LB11. [LB11]

SENATOR KRIST: Mr. President, could I suggest that we open collectively on the amendment and the bill? [LB11]

PRESIDENT FOLEY: Yes, that would be fine, Senator. Please proceed. Mr. Clerk for the amendment. [LB11]

CLERK: Senator, AM302. (Legislative Journal page 509.) [LB11]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on LB11 and AM302. [LB11]

SENATOR KRIST: AM302, I'll start there, is a compromise that was reached with all parties who were concerned about how a child could move from one court system to the other. So to give you the rationale behind that, I will open on LB11 and then digress to the amendment. LB11 advanced from the Judiciary Committee on an 8-0 vote. I want to thank Chairman Ebke again and my fellow members of the Judiciary Committee for advancing the bill. In recent years, the Legislature has done a great deal of work to reform the way our state responds when teenagers offend. We've looked at the research into adolescent behavior, we've paid attention to evidence-based interventions to best rehabilitate teenage offenders, and we've realigned our system funding structure to match the best practices. One major piece of this reform was LB464 from 2014 which changed the cases...changed the way cases were filed to bring more youth out of the adult criminal courts and into juvenile court proceedings where they can be held accountable in an age-appropriate way and get access to those rehabilitative services. This is the foot stomper on LB464 and this is where we are today. Where in the past everything would start in the adult court system and then would be sent to the juvenile court system, LB464 identified that for all cases possible that those filings should happen in the juvenile court system and if necessary,

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where there is warrant, send them to adult, or if it's petitioned, send them to adult. So we reversed the process and the logic. Research shows that processing youth through adult court is damaging, not only for the youth's development but results in worse outcomes for community safety. We based LB464 on that research and, as a result, most minors facing charges in Nebraska now see their juvenile cases start in juvenile court. In appropriate cases, the county attorney can file a motion before the juvenile court judge requesting that the case be transferred to county or district court as appropriate. Juvenile crime is down, thankfully. Numbers of youth incarcerated and placed on probation are down, again, thankfully. We are on the right track and LB11 doesn't change anything about the structure that we've set up and it's working. This is a piece of technical cleanup legislation responding to the Nebraska Supreme Court case last fall. The court held that when a minor has been charged in juvenile court, the county attorney files a motion to transfer the case to criminal court and the judge grants the motion. That kiddo can't appeal that decision until after he goes through the entire, whole, criminal trial process and is sentenced in criminal court, which could be months. Let me say that again. The child starts in juvenile court. The court...we have changed jurisdiction to the adult court system, and they are in the adult court system and we know it can take nine to ten months to get through the entire system, so that lawyer or that youth cannot appeal the process until he goes through the entire system and comes to the end. Now to me, just logically, an incredible waste of time. If there's going to be an appeal, it should be as immediate as possible. Remember, this child is sitting either in detention or with a probation officer during this entire time and does not have the rehabilitative services, theoretically, that he would have if he were in the juvenile court system. This bill makes it explicit that minors can immediately appeal from one of these orders without wading through the criminal process first, and permits the juvenile court judge to continue to issue temporary orders to keep the youth and the community safe while the case is pending. And that's probably one of the most important parts of this. It's still going to take potentially three months to appeal that process, but while that's happening that youth can continue to receive rehabilitative treatments, as I talked about earlier. I want to be clear that this bill would not change anything about our current statutory scheme for where cases originate, and it wouldn't grant any new right to appeal. It simply moves up the timing of that appeal to maximize the opportunity for rehabilitative growth and, thus, continue improvement in our public safety. Specifically in the amendment, AM302, an order...and if you read the amendment and I'd just like to...I know you can read it yourself, but I'd like to put this into the record. On page 1 of the amendment, item (c): An order granting or denying transfer of the case from county or district court to juvenile court shall be considered a final order for the purpose of the appeal. Any party may appeal to the Court. In other words, both sides get a bite of this apple. Any party may appeal to the court for appeal within ten days after an order is entered. Such review shall be advanced on the court docket without an extensive...extension of time granting to any party. That's the key. We're telling the appeal process, we're telling the judges, we need to expedite this process. Now, I've been told in most cases, the long pole in the tent, if you will, is preparing that appeal from the court...from the clerk of the court and sending it to the appeal process. And they still believe

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that it will be less than three months. So we've taken the opportunity to keep that child with rehabilitative services in the juvenile court system, while the appeal process is going on. We have limited the time that the child will be...that the youth will be either in the adult or the juvenile court system during the appeal process, and we've expedited the process for the court system. Again, there were no opposition...there was no opposition testimony and I would ask your green light on AM302 and LB11. Thank you, Mr. President. [LB11]

PRESIDENT FOLEY: Thank you, Senator Krist. Debate is now open on LB11 and the related amendment, AM302. Seeing no members wishing to speak, Senator Krist waives closing. The question is the adoption of AM302 to LB11. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB11]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Krist's amendment. [LB11]

PRESIDENT FOLEY: AM302 is adopted. Continuing debate on LB11 as amended. Seeing no members wishing to speak, Senator Krist, you're recognized to close. [LB11]

SENATOR KRIST: I will take just a few seconds to close on LB11. I want to again thank the Judiciary Committee for their support. I want to thank the key stakeholders on both sides for realizing the time frame and the injustice that is done by allowing our kiddos to sit in any system too long. And I'd ask you for your green vote on LB11. [LB11]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Wayne, that was his closing statement, so I cannot recognize you at this point. Members, the question before the body is the adoption...excuse me, the advance of LB11 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB11]

CLERK: 41 ayes, 0 nays on the advancement of LB11. [LB11]

PRESIDENT FOLEY: LB11 advances. Next bill on General File, Mr. Clerk. [LB11]

CLERK: LB57 is a bill by Senator Morfeld. (Read title.) Introduced on January 5, referred to the Judiciary Committee. The bill was advanced to General File. At this time, I have no amendments to the bill, Mr. President. [LB57]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Morfeld, you're recognized to open on LB57. [LB57]

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SENATOR MORFELD: Thank you, Mr. President and members of the Legislature. I introduced LB57 at the request of the Uniform Law Commission. The purpose of LB57 is to adopt the Uniform Unsworn Foreign Declarations Act. Nebraska law sometimes requires the use of sworn statements. False statements under oath are then subject to Nebraska perjury statutes which provide for misdemeanor or felony charges if the statement is false. It is sometimes very inconvenient or impossible for a person who is in a foreign country to get a statement sworn to. In some countries, this means going to the U.S. Embassy or consulate and this is especially difficult in war-torn countries or where terrorist activities are present. For over 30 years, federal law has allowed unsworn statements made in foreign countries to be recognized in federal courts as the equivalent of sworn statements as long as there is certain language in the document that makes the declarant statement subject to federal perjury statutes. The purpose of LB57 is to mimic the federal law and allow a foreign declaration to be unsworn and yet treated as sworn in Nebraska law if it states that it is subject to Nebraska's perjury laws, if true and correct...if not true and correct. With a minor exception, LB57 is identical to two legislative bills introduced in prior legislative sessions. Those bills were all unopposed in hearings before the Judiciary Committee and all came out of the committee without dissent. The Uniform Unsworn Foreign Declarations Act has been adopted in at least 21 states and the District of Columbia. Section 8 provides a form for the use of unsworn statements to make the statement given under penalty of perjury. LB57 was advanced from the Judiciary Committee unanimously. I urge your favorable consideration to LB57 and would be happy to answer any questions. Thank you, Mr. President. [LB57]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Debate is now open on LB57. Senator Chambers, you're recognized. [LB57]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I said that I had some comments to make, and I would wait until Senator Morfeld's bill came up. My comments have nothing to do with this bill except that the one-liner is kind of significant. This bill deals with the Unsworn Foreign Declarations Act...unsworn declaration. The comments that I'm going to make this morning constitute a statement, but it is not sworn. It's unsworn. And it is foreign to me because I usually don't have to make a statement such as this. So I would say that either Senator Morfeld is a prophet or just something coincidental took place. But at any rate, I was very exercised when we were talking about that atrocious bill dealing with religious garb in the classroom. And because Senator Morfeld was not participating in the discussion to the extent that I thought was appropriate, since he is a trained lawyer, and some other reasons that I won't go into now, I had stated that I would not support his bill that dealt with LGBT people's interest. I didn't say I would vote against it, but I wouldn't support it. I heard from the element of the population, which Senator Brasch refers to as the second house, namely the public, and I was lectured about not letting anything personal between me and Senator Morfeld--and I'm paraphrasing--transcend the importance of protecting the rights of people who could be fired,

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prevented from being hired, and the other things in the way of discrimination that people in that community could face. So I pointed out during the hearing when many people who would be affected by that bill that I had made the statement, but I was not going to abide by it. It might have been a statement that I should not have even made, conceding more than was necessary, but for the purpose of making the point that when I become aware that something I had said or a position I had taken, no matter how forcefully, if my mind was changed by information, facts, or evidence of any kind, then to the same extent that I would publicly make the statement, I will publicly make the retraction. That is what I'm doing. And now I have something to say about the bill that was before us in the Judiciary Committee and the bill that Senator Morfeld supported and others supported, in fact, everybody except me and those who were not voting. Much was said about exposing children in the classroom to other religions, being more diverse and so forth, but the ones who turned out in force against this bill that would have prohibited discrimination were largely religious people. That's what I wanted to keep out of the classroom. So yesterday, people were on their hobbyhorse of appearing to be so open-minded, so open-armed that they thought these walking billboards for religion would be beneficial to the children with no regard given to what the children's parents may have thought about those specific religions, religion in general, or what the child had come to develop in the way of an opinion about religion. There could only come, in my opinion, confusion to the child and maybe even some stress. [LB57]

PRESIDENT FOLEY: One minute. [LB57]

SENATOR CHAMBERS: So I intend to deal with that bill on Select File, and I just want to remind Senator Morfeld and Senator Walz, Senator "Wise Heart," Senator Pansing Brooks that all these religious people you all were so interested in exposing these children to do not show themselves in public to be worthy of acknowledgment by children in such a way that they would think these people are role models in what they stand for the children ought to follow. I'm going to listen to the debate on this bill and make a determination of whether I'll have more to say for there, quoting the "Bibble," there is a fire in my members. That's the kind of biblical language that's in there. They like to talk about fire, where all of you all are going to go because none of you is good enough to escape Hell. And I mean Hell is a heck of a place. [LB57]

PRESIDENT FOLEY: Time, Senator. [LB57]

SENATOR CHAMBERS: Thank you, Mr. President. [LB57]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB57]

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SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Would Senator Morfeld yield to some questions? [LB57]

PRESIDENT FOLEY: Senator Morfeld, will you yield, please? [LB57]

SENATOR MORFELD: Yes. [LB57]

SENATOR SCHUMACHER: Senator Morfeld, can you briefly give us kind of an outline of what kind of documents would be signed pursuant to this bill? [LB57]

SENATOR MORFELD: Well, any sworn statement that's needed for a legal proceeding. If you look in the bill, there's actually a bunch of different types of documents that can't be used under this act, such as a deposition, oath of office, I think even some wills, power of attorney, things like that. So sworn statements needed for legal proceedings other than the ones not listed in here. [LB57]

SENATOR SCHUMACHER: And the basic reason for the bill is to pretend that something signed out of the country has been notarized. [LB57]

SENATOR MORFELD: Yes. [LB57]

SENATOR SCHUMACHER: That's the basic reason. Okay, Senator. Let's look at some of the language in the bill, and I got some questions with regard to it. On page 2 at line 10, okay, it makes a statement to be under penalty of perjury when the statement is material and he or she does not believe it to be true. Material to what? [LB57]

SENATOR MORFELD: Likely material to the subject in which they're swearing the statement to. [LB57]

SENATOR SCHUMACHER: Well, for example, if I say in one of these pieces of paper that I am here and the sky is blue and I also am the owner of Black Acre, which is in Nebraska. Now it may be material to somebody buying the property that I claim to be the owner of Black Acre, but it may be material to a weatherman that the sky is blue and not cloudy that day. Material to what, I would think, needs to be defined. [LB57]

SENATOR MORFELD: Possibly. I think that the court would look at whether or not it's material to the subject matter of the controversy before the court. [LB57]

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SENATOR SCHUMACHER: Well, then...well, if that's the case, shouldn't we make it easy for the court and put that in this language? [LB57]

SENATOR MORFELD: I don't think it's necessary, but I'm certainly open to an amendment if you'd like to. [LB57]

SENATOR SCHUMACHER: Okay, because we're just making judges work real hard here. [LB57]

SENATOR MORFELD: They get paid fairly well. We passed a salary increase recently. [LB57]

SENATOR SCHUMACHER: I don't know if they'll agree with you, Senator. Then it says that the act does not apply to a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another county or an Indian tribe. [LB57]

SENATOR MORFELD: Can you point to the page and the...? [LB57]

SENATOR SCHUMACHER: Oh, this is at page 5, excuse me, line 6. [LB57]

SENATOR MORFELD: Page 5, line 6. [LB57]

SENATOR SCHUMACHER: Right. So the act does not apply to somebody who is standing on basically tribal land or at a consulate or embassy. So if the act does not apply, is the declarant free to lie in an unsworn statement as long as they're standing on Indian land or at a consulate or embassy? [LB57]

SENATOR MORFELD: Well, in terms of the consulate or embassy, there would be a notary public so they would be making a statement under a different statute. [LB57]

SENATOR SCHUMACHER: No. No, they don't do that. They just go there and they sign one of these things and it's full of lies. [LB57]

SENATOR MORFELD: Well, we actually specifically exclude that from there, so they would actually have to file a signed statement by a notary in an embassy or a consulate. In terms of... [LB57]

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SENATOR SCHUMACHER: No, no, no, they don't go to the...they don't want something signed at the embassy. They just go on this tribal land or in this embassy land and they sign a piece of paper that looks just like a piece of paper they might sign in a foreign country, but they sign it on this King's X land... [LB57]

PRESIDENT FOLEY: One minute. [LB57]

SENATOR SCHUMACHER: ...and the act doesn't apply to them. Is that okay? It's no penalty? [LB57]

SENATOR MORFELD: Well, under this right here, this act does not apply to them, so. [LB57]

SENATOR SCHUMACHER: Okay, so you're free to lie on one of these forms and then send it off in an e-mail as long as you do it on embassy or Indian land. [LB57]

SENATOR MORFELD: No, the form actually would not have any legal effect because it doesn't fall within this act. [LB57]

SENATOR SCHUMACHER: Right. Right. [LB57]

SENATOR MORFELD: They would have to get a notarized statement under the other section of the act. [LB57]

SENATOR SCHUMACHER: But, Senator, if somebody did it and stuck in it an e-mail, it would look just like an e-mail or a document that was sent from a foreign country. How would you know the difference? [LB57]

SENATOR MORFELD: Well, the court would have to do discovery. They would have to look into it. They'd look at the facts and then they would find that it wasn't. [LB57]

PRESIDENT FOLEY: Time, Senators. [LB57]

SENATOR MORFELD: Thank you, Senator. [LB57]

PRESIDENT FOLEY: Senator Schumacher, you may continue. [LB57]

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SENATOR SCHUMACHER: Thank you. So, but what you're saying is basically if you do one of these documents on Indian land, even if it's full of lies and even if the recipient has no way of knowing for sure where you did it, it's okay. [LB57]

SENATOR MORFELD: No. [LB57]

SENATOR SCHUMACHER: Why? Who is going to punish me? [LB57]

SENATOR MORFELD: Well, there's laws against that, number one. [LB57]

SENATOR SCHUMACHER: Where? [LB57]

SENATOR MORFELD: I don't have the statute book in front of me, but, Senator, there's laws so if you fall within the guidelines of the Uniform Unsworn Statements Act which... [LB57]

SENATOR SCHUMACHER: I don't. It says the act doesn't apply. [LB57]

SENATOR MORFELD: Senator, if you'll let me finish or I can go on my own time if you want me to go into explanation. [LB57]

SENATOR SCHUMACHER: Okay. [LB57]

SENATOR MORFELD: This isn't going to be a yes or no answer. So if you want to give me time to explain, that's fine, I'll do that. [LB57]

SENATOR SCHUMACHER: Why don't you do that on your own time, because I'm on my own time now... [LB57]

SENATOR MORFELD: Perfect. [LB57]

SENATOR SCHUMACHER: ...but that's a problem. [LB57]

SENATOR MORFELD: Okay. [LB57]

SENATOR SCHUMACHER: This act, this unsworn piece of paper that's just signed is...and the penalties in it don't apply as long as it's signed on Indian land or at an embassy. So you could lie

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and mislead somebody. Next, it says...and this gets into some interesting questions of international law. Does...and again, Senator Morfeld, another question. Does this piece of ...or piece of paper or document need to be transmitted to the state of Nebraska? If I sign this document and the only place I transmit it to is the state of Massachusetts, can the state of Nebraska prosecute me? [LB57]

SENATOR MORFELD: Are you asking me a question, Senator? [LB57]

SENATOR SCHUMACHER: Yes, I certainly am. [LB57]

SENATOR MORFELD: Okay. I was talking to my legislative aide on the side. You'll have to ask the question again. [LB57]

SENATOR SCHUMACHER: Okay. If somebody signs one of these pieces of paper and only transmits it to the state of Massachusetts, can they be prosecuted by the state of Nebraska? [LB57]

SENATOR MORFELD: Well, that would be a question of jurisdiction. I'd have to look into that a little bit further. [LB57]

SENATOR SCHUMACHER: Okay, well, shouldn't we kind of work that out here? [LB57]

SENATOR MORFELD: Well, Senator, this has been passed in 21 other states so I'm sure there's an answer. [LB57]

SENATOR SCHUMACHER: Well, maybe they haven't had a floor discussion on it because it's clear from our floor discussion we don't know the answer. Next, the paragraph at the end, Section 9 says that this should be construed...in construing this act, consideration must be given to a need to promote uniformity of the law. So if one of these forms...assuming Iowa has done the same thing, say on the bottom of page 5, I declare under penalty of perjury and under the laws of the state of Iowa that the foregoing is true, then...and but transmits that to Nebraska, does this law apply or not? [LB57]

SENATOR MORFELD: I believe it would, Senator. [LB57]

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SENATOR SCHUMACHER: Okay. So now we're in an interesting international situation where somebody, by their mere state of mind, can confer jurisdiction on a state for criminal purposes. Is that your understanding? [LB57]

SENATOR MORFELD: I don't think that's my understanding. I think that you bring up an interesting legal point. [LB57]

SENATOR SCHUMACHER: Okay, because you know, we're passing this thing so we kind of should have a general idea of what the rules are. And does it require any certification at all of your location by any independent source? [LB57]

SENATOR MORFELD: No, but I would imagine that the sworn statement would also... [LB57]

SENATOR SCHUMACHER: This is the unsworn part of it. [LB57]

SENATOR MORFELD: Well, it's the unsworn statement but it is a statement that you're attesting to, to be true and... [LB57]

SENATOR SCHUMACHER: Well, but you know... [LB57]

PRESIDENT FOLEY: One minute. [LB57]

SENATOR SCHUMACHER: ...the prosecutor is going to have to prove where the statement was made in order to bring up about a conviction of perjury, isn't he or she? [LB57]

SENATOR MORFELD: Yes, and there would be findings of fact and there would be subpoenas and the court would find that information. [LB57]

SENATOR SCHUMACHER: This seems really complicated just to get something notarized. [LB57]

SENATOR MORFELD: Well, right now it is really complicated to get something notarized if you're in a foreign country and you don't have access to a consulate, which is the purpose of the bill, Senator. [LB57]

SENATOR SCHUMACHER: How big a problem really is this? [LB57]

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SENATOR MORFELD: Well, it's a big problem if you happen to be in another country and you're not close to a consulate and you need to conduct your legal affairs. [LB57]

SENATOR SCHUMACHER: Then wouldn't it be easier to say that we would just honor whatever notary system they have as being good enough for government work in this country? [LB57]

SENATOR MORFELD: I'm open to any amendment that you may have, Senator. [LB57]

SENATOR SCHUMACHER: Well, then I'd mess up a uniform act and I really don't want to do that, but I really don't think we have a very clear record here of exactly what this thing does... [LB57]

PRESIDENT FOLEY: Time, Senator. [LB57]

SENATOR SCHUMACHER: ...or how it's going to be administered. Thank you. [LB57]

PRESIDENT FOLEY: Thank you, Senator Schumacher and Senator Morfeld. Senator Hilkemann, you're recognized. [LB57]

SENATOR HILKEMANN: Thank you, Mr. President. I've appreciated this conversation that we're starting here, and I'm learning about this, and I would surrender my time to Senator Schumacher if he would like to have it. [LB57]

PRESIDENT FOLEY: Senator Schumacher, 4:45. [LB57]

SENATOR SCHUMACHER: Thank you. I don't want to belabor this, don't want to delay this, but I think that we need to have a record of how this thing works and what our intentions are. And so far I seem to think...and I invite any other lawyers on the floor to share their opinion and their impressions. I haven't spent a great deal of time studying it, but these things just jump out at me as to how this thing would actually work and how you could beat the system if you were really kind of a fibber, and how it works in conjunction with the old standing thing that a country's jurisdiction is where it's...where you're physically present. And at the very minimum, for a criminal contact, you've got to have done something in the state or the jurisdiction that is charging you with a crime. And how a prosecutor would prosecute some of this and prove up his case if there was a big fat lie in one of these pieces of paper, I don't think we have that record here and I will be interested to see if it can be built. Thank you. [LB57]

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PRESIDENT FOLEY: Thank you, Senator Schumacher. Seeing no other members wishing to speak, Senator Morfeld, you're recognized to close on LB57. [LB57]

SENATOR MORFELD: Thank you, Mr. President. And while I certainly appreciate Senator Schumacher's questions, this is legislation that has been passed and been in place for many years in other states. There are processes in which we go about determining whether or not statements are sworn or unsworn. There are processes in place at consulates and in Indian tribes to provide for sworn notarized statements. The bottom line is that we have citizens that are overseas that do not have easy access to United States notaries public that are generally required in some of these legal proceedings. So this act makes it easier for those citizens who are overseas to be able to make those unsworn statements and to be able to provide legal documentation to conduct their legal affairs in the United States. Now, if Senator Schumacher has concerns about this and would like to know how it works in particular in other states and have particular details of that, then that's fine. I think we can make the record. I'd appreciate it if he'd come to me before it comes up on the floor if he does have those particular questions. It's certainly his prerogative to do that during floor debate, but I may not have all those materials available and ready to go right away. I'm more than happy to work with Senator Schumacher between General and Select File to answer his concerns and questions and make amendments if necessary. At this point in time, though, I ask for your adoption of LB57 and move it on to Select and I'm more than happy to work with anybody in the interim. Thank you, Mr. President. [LB57]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Members, you've heard the debate on LB57. The question is the advance of the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Senator Morfeld, for what purpose do you rise? [LB57]

SENATOR MORFELD: Mr. President, I request a call of the house. [LB57]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record please, Mr. Clerk. [LB57]

CLERK: 26 ayes, 3 nays to place the house under call. [LB57]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Morfeld, will you accept call-in votes? [LB57]

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SENATOR MORFELD: Yes. And I would like a...I'd like a roll call vote in reverse order, please. [LB57]

PRESIDENT FOLEY: Thank you, Senator. Senators Watermeier, Stinner, Bolz, Clements, Wayne, Linehan, Friesen, Larson, please return to the Chamber and record your presence. The house is under call. Senator Bolz and Senator Larson. Senator Morfeld, we're missing Senator Bolz and Senator Larson. Can we proceed or do you want to wait? Thank you, Senator. There's been a request for a roll call vote in reverse order. The question before the body is the advance of LB57 to E&R Initial. Mr. Clerk, please call the roll. [LB57]

CLERK: (Roll call vote taken, Legislative Journal page 528.) 34 ayes, 10 nays, Mr. President. [LB57]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB57 advances. I raise the call. Next item on General File, Mr. Clerk, when you're ready. [LB57]

CLERK: Mr. President, may I read a few items? Mr. President, notice of hearings from the Health Committee, and the Government, Military and Veterans Affairs Committee. Senator Albrecht would like to print an amendment to LB203; Senator Chambers to LB52...LB62, excuse me. And priority bill designation: Senator Blood has selected LB88 as her priority bill. (Legislative Journal pages 528-529.) [LB203 LB62 LB88]

Mr. President, General File, LB10, introduced by Senator Krist. (Read title.) Introduced on January 5, referred to the Judiciary Committee. The bill was advanced to General File. There are Judiciary Committee amendments, Mr. President. (AM27, Legislative Journal page 322.) [LB10]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) Senator Krist, you're recognized to open on LB10. [LB10]

SENATOR KRIST: Thank you once again, Mr. President. And good morning again, colleagues and Nebraska. LB10 is from District 10. I'm proud to bring it forward. It advanced from the Judiciary Committee on an 8-0 vote and I want to thank again Chairperson Ebke and my fellow members of the Judiciary Committee for advancing the bill. LB10 increases by one the number of judges in the separate juvenile courts in counties having 400,000 residents or more which have established a separate juvenile court. This bill would have direct impact on, obviously, Douglas County and the city of Omaha and the metropolitan area. This bill has been in the works for over two decades. Most notably, I can tell you in the time that I've been here, the eight years

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that I've been here, it's been forwarded at least three times. Senator Colby Coash was the last person to try to bring this bill forward and unfortunately it was defeated last year, but his work is instrumental in bringing it back again. He previously introduced the bill in 2014 and '16 as a result of interim study the few years ago related to barriers to permanency. That interim study was broad, but one of the suggestions made from that interim study was the issue of timely access to court proceedings particularly for juveniles. In Omaha there are a lot of children in the system and getting in front of a judge in a timely fashion is a challenge because of the size of the caseloads. According to the Foster Care Review Office's 2015 annual report, Douglas County had 1,264 child abuse and neglect cases, not including the Office of Juvenile Services, Probation, or children on trial home visit. That's 253 cases per judge. There are currently five judges; 253 cases per judge. In comparison, Lancaster County, our next largest county, had 502 with only 126 cases per judge, which basically is about half of the caseload. Requesting a two-hour block in Douglas County, a two-hour block of time in court, in Douglas County you must schedule at least one to two months in advance. A half-day block of time is scheduled three months out and a full-day block is scheduled five months or longer out. And I think you can see the access problem that currently exists. Many cases will take 18 to 24 months to resolve. Children removed from their home spend lots of time in out-of-care home (sic), which is a great cost to the state of Nebraska, the county, not to mention the child's psyche. I also offer this legislation as a recommendation of the Nebraska Judicial Resources Commission. It's an independent commission. And since at least 2008, the commission has voted to carry the motion to recommend the Legislature that an additional judgeship be created and fully funded in the separate juvenile court at Douglas County in Nebraska. There has been...there has never been any opposition to this motion from the voting members of this organization. This bill has been a recommendation of the independent commission for the previous past nine years, and yet the Legislature has ignored an attempt to put another judgeship in place. It's past time that we listen to the recommendations and add one more juvenile judge in Douglas County. This bill is very important to the children and the families of the Omaha area. Now this probably isn't going to be the slam dunk that my first two bills today were. This is going to take some discussion. And the committee amendment, which will be introduced by our Chair, Senator Ebke, will talk yet again about another addition of a judge. And I can tell you that many of you have been potentially lobbied on one side or another about the brick and mortar required to add not just one but two, and how that may be a challenge. And I can tell you I've talked to the commissioners and discussed the options, been discussion with the judiciary branch, and I believe there's an out-of-box...out-of-the-box kind of result that could solve these issues. There is no doubt that creating one or two judgeships with courtroom time and chambers will be a bit of an expense. But I can tell you this. Douglas County is not capable of putting our children through the juvenile court system in a timely manner. Something must be done and it must be done this year. If not two, then one. This is one of those, if you're in business, I think you tap into your reserve and get it done because you know it's very, very important. And I would also say this. When that county, if that county continues to grow at the rate that it is, it will be over 600,000 people before some of

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you will go through the redistricting process, currently at about 537,000, and that's just the population in the county. There are feeders from the immediate area that are also using our juvenile court system. This is a necessity and I hope you will pay attention to the dollars and cents, to the facts, and we'll have a good discussion on LB10 and on the amendment to follow. Thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Ebke, there is a committee amendment. As Chair of the committee, you're recognized to open on AM27. [LB10]

SENATOR EBKE: Thank you, Mr. President. As Senator Krist mentioned, LB10 advanced from the Judiciary Committee on a vote of 8-0. Testifiers in support of the bill included the Nebraska Supreme Court, the Nebraska State Bar Association, and the Foster Care Review Board. Those testifying in opposition to the bill included three individuals who expressed personnel concerns about a juvenile judge currently serving in Douglas County, not about the notion of adding judges per se. After hearing testimony and discussing the bill, the committee agreed that Douglas County's current juvenile caseload warrants the addition of two judges to handle juvenile law matters rather than just one. Douglas County routinely has more cases per judge than other counties with separate juvenile courts and wait times for hearings are higher in Douglas County than in other counties. The addition of two judges will better serve the interests of juveniles in Douglas County and will work to ensure the efficiency of our court system to handle these types of cases. The A bill that you have contemplates the cost of the addition of one judge rather than two. If the committee amendment is adopted, it is my understanding that the second A bill is prepared and ready to go. I would note that the addition of a second judge will work to simplify...to simply double the expense on behalf of the state. The expense, however, is necessary to address these mounting caseloads and wait times. AM27 adds that second judge, and on behalf of the Judiciary Committee I ask that the body advance LB10, as amended by AM27, to Select File. [LB10]

PRESIDENT FOLEY: Thank you, Senator Ebke. Debate is now open on LB10 and the related committee amendments. Senator Baker, you're recognized. [LB10]

SENATOR BAKER: Thank you, Mr. Lieutenant Governor. Members of the Legislature, I rise in support of AM27 and LB10. As a member of the Judiciary Committee, as we examined the data, listened to the testimony, the need was obvious for the reasons already cited. Disparate caseloads from county to county, region to region, and the resulting time delays, particularly in the Douglas County area, leaves juveniles in limbo for far too long, sometimes months. The need is high. It is very important to move forward on this matter. I thank Senator Krist for his hard work on this. Thank you. [LB10]

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PRESIDENT FOLEY: Thank you, Senator Baker. Senator Pansing Brooks, you're recognized. [LB10]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I just rise in support of AM27 as well as the underlying bill, LB10. It's clearly important to add additional judges, especially Douglas County is having issues right now. It's my understanding that even with the addition of two judges they will still be carrying heavier workloads than Lancaster County. And I just want to remind everybody that the costs are significant to the state and haven't been spoken to in the fiscal note. There are actual dollars we are spending in detaining the kids longer. And so as the caseloads mount and as there are longer wait times, what we basically have is that kids are being detained due to a lack of judicial resources. And clearly, justice delayed is justice denied. We all know that...that axiom. But clearly, the delays have ramifications on our court system. They have ramifications on our kids who are in the juvenile justice system, and I would ask that you support AM27 and LB10. Thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized. [LB10]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, for the second time in one day you will see me backtrack from a position and I will paraphrase a formula which my Catholic friends will be aware of because I'm sure they use the original version three or four times an hour. Forgive me, children, for I have erred. I had been the one down through the years preventing the addition of an additional juvenile judge in Douglas County because there is a particular judge named Crnkovich who I think is a blight on the judiciary. I think she is one who is totally lacking in judicial temperament. She has bullied parents. She has intimidated and threatened children. Some lawyers even have been treated in a way that is inappropriate. So I had wanted to bring pressure to bear on the Chief Justice, who under the constitution is the administrator of the court system, on the judges in Douglas County to bring action of the kind that could remove her from the bench. That can be done. The tactic was not working. I had twinges of conscience each year because you have heard me say, if you listened at all, that the children should not be offended against and to create a situation where they will be locked into a hellish system--pardon the expression--for much longer than is appropriate, and many of them should not have been there in the first place, it was nothing but sheer stubbornness, bullheadedness that caused me to look away from the serious consequences of the court...on the courts and the children caused by the path I was pursuing. I also have said it's never too late when you are going the wrong direction to stop, turn around, retrace your steps and do the right thing. I believe that the original form of the bill asks for only one judge, because there was a knowledge of the opposition I had raised in the past. I am the one who made it clear that there is a persuasive case for two judges and there is no need in piecemealing it, that when I acknowledge that I have acted inappropriately, and I'm going to try to atone for that, I should do

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it in a way that would clean the slate. And the only way that could be done under these circumstances is to provide the judicial personnel in the form of two judges that would be necessary for the juvenile judge, the juvenile court system in Douglas County to conduct its affairs in the way that it should. Perhaps two judges are not actually enough in view of the growth of the county, but in a political system, we have to be pragmatic, practical, realistic. If anybody will look at the figures that have been given and if we indeed care about the children, and I've been told on this floor that others do,... [LB10]

PRESIDENT FOLEY: One minute. [LB10]

SENATOR CHAMBERS: ...I know how I feel and I'm going to make good that which I have hindered for so long. I don't feel diminished at all by acknowledging that the course I pursued was not effective, that it reached the point where it was actually hurting those that I was trying to help by removing the person I referred to as a blight on that system. It's one thing to say I will not back up a centimeter when I believe I'm right. It's another thing to say that because I've taken a position forcefully, I will not depart from it or part from it no matter what. I repeat, forgive me, children, for I have erred and I'm seeking to make the books balance now. I do support the amendment and the bill. Thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wishart, you're recognized. [LB10]

SENATOR WISHART: Thank you, Mr. President. I have been a licensed foster parent for several years, and I have experienced firsthand the problems, the deep problems with our child welfare system. We have a long way to go in improving our system, but I applaud Senator Krist and the Judiciary Committee for their efforts today. So, thank you. [LB10]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Kolowski, you're recognized. [LB10]

SENATOR KOLOWSKI: Thank you, Mr. Lieutenant Governor. I stand in support both of this bill and the amendment and thank Senator Krist for bringing this forward. I think it behooves us to remember that our state is going through growth. We have not...we have not shrunk in size. We have grown in size to 1.9 million at the current time and the majority of that growth has been in the Omaha and Lincoln metro areas. Community and school budgets have been cut over the last decade since 2009 and we are just now approaching the level in 2017 that we were at in 2009 as far as school spending. With those cuts in budget heavily impacting upon the schools, the school psychological services and counseling services have both been much difficult to maintain at the same levels that they were in the past as both school growth, number of kids in schools

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have grown over the...over the same years. It's a very tenuous and dangerous situation that we're in as far as being in the opposite poles as far as school growth, student growth, and declining services. I hope we'll be able to look at this and look at it as an investment, investment in our communities, investment in our cities and the state as a whole to help meet this need that's before us. We can't afford not to do it. Thank you very much. [LB10]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Wayne, you're recognized. [LB10]

SENATOR WAYNE: Welcome. Good afternoon, Nebraska. This is the area that is very interesting, interesting for me considering I have a two o'clock hearing today in juvenile court in Douglas County. I'm probably the only one on the floor who is a practicing attorney. And why I'm interested in this topic is because I agree that there is a need for one, but I struggle with the amendment. I struggle with the amendment because the issue is not necessarily the juvenile...the number of juvenile judges. I think they could do a better job controlling their docket, but, yes, one more judge is needed. But the reality is it is the entire system, and not just the juvenile system but also the school system. So let me read a little statistics for you. Omaha Public Schools back in 2013 ticketed...or arrested over 144 students, of which of those were minority. Out of the 802 misdemeanors, over 50 percent were disorderly conduct. That means yelling too loud at a teacher. It wasn't until last year OPS, through the work of Marque Snow and myself and Senator Vargas, we allowed SROs...or we prohibited SROs from ticketing for misdemeanor offenses anymore inside of Omaha Public Schools. That's 800 kids that will no longer necessarily be directed to the system from our schools. That's not a court issue. That is our school issue we have to deal with. We could talk about the racial disparities, but let me give you a couple cases that I represented people on. A 6th grader who does not follow directions and acts out in class, police report is filed and he is charged with disorderly conduct. Student steals an e-reader, is caught before leaving school. Prosecution, felony theft. Seventh grade females get in a cheerleader fight. Six months later they are charged in Douglas County's juvenile court with assault. But by the time they got their letter charging them, they were already back best friends. But now they have to go through the court system and their family has to be drug through a court system. The problem is, we have to have better prosecution to lower those numbers and we have to make sure the system works in that regards. It's well-known throughout the ABA, which is the American Bar Association, that the model we have in juvenile court does not help minority kids and is one of the worst systems we can have across the country. So while I...we look at numbers, it's easy to look at numbers and say based off of numbers we need more judges. But the reality is, I'm okay with one. I'm not quite there with two because the issue is how we prosecute and particularly how we prosecute minority students and young people. If you go to the 6th floor right now in Douglas County, most of the kids look like me, Senator Vargas, or Senator Chambers. That's the issue. We have to change the system before we start adding more judges because I am afraid if we add two more judges that gives prosecution more discretion to say, now we have more judges, we can go ahead and send more kids through. That's my biggest fear. The

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reality is, when we look at termination hearings and the adult side of juvenile court, the parental side, the reality is, NFC in Douglas County, the cases that I'm on, on average have three to four different caseworkers. That is why it takes so long, because when I go for my six-month hearing there's a new caseworker, and we have to get time to get to know the family and get to know what everything is going on. So we're going to push it down the road for six more months. The prison pipeline is real from an education system and from a juvenile system and simply adding a judge or two is not the real issue in Douglas County. And so while I agree with Senator Krist... [LB10]

PRESIDENT FOLEY: One minute. [LB10]

SENATOR WAYNE: ...on adding one, I cannot support adding two at this time until we start having a serious conversation about how we're going to fix our disciplinary codes in our school system, which is a direct correlation to juvenile. And I cannot support an amendment for two judges until we start having a serious conversation about how we prosecute and the model that is used in juvenile court. Thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Schumacher, you're recognized. [LB10]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Sooner or later, as the session goes on, we're going to have to start tying together a lot of things. Clearly, whether it is one or two additional judges in Douglas County, there is something that is needed and something that is probably in the long run beneficial and economical. But last night we spent a long night in Revenue Committee listening to people complain about property taxes. And one of the complaints about property taxes, when we asked the folks, well, have you been to the local government and complained at the county board or the school board or the NRD budget hearings about your property taxes that that's why they went up. Why didn't they just roll back the levy and keep your taxes about the same? And one of the things that kept coming up was, well, they'll just tell us it's all due to unfunded mandates. The state tells us we need to spend some money and, by gosh, we do and we have no place to get the money, because the state won't give us the money, but from our property taxes. And so it really is your fault, state, that our property taxes went up and, of course, you could get into that, he said, she said argument all day long. But in looking at the paperwork here, I call this to your attention because it's part of the fiscal mess that we see. Some way or another if we pass this, it looks like it's going to cost the state around a quarter of a million dollars a year basically for judges and court reporters and some employee benefits. And it's going to cost Douglas County somewhere in the neighborhood of a million five to get started and \$400,000, \$500,000 a year thereafter. Now, is that an unfunded mandate? Are we telling Douglas County, look you're going to have to spend that money? And if we are, are

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we contributing to the property tax problem? And if we say, no, Douglas County, we'll pick up the tab because it's our idea and it's, after all, for the good of the state and everything else, then are we willing to pick up the tab? Well, we can't pick up the tab because you see we're really, really deep in the hole and we're trying to cut everywhere that we can on the state's end. And we get to the issue of something that is happening now, going to happen with increasing intensity over the next few years, and that is, we are going to get to a point where we cannot cut out of an existing budget the money it takes to meet the increasing needs of state government. We're at that point really already, but it's going to get acute before most of you are out of here. And so we need to look at revenue. If we have increased needs, where are we going to get the revenue from, assuming you can just cut so much? And we're not yet focusing on that, but this body is going to have to start focusing on that this session and in the future sessions. We're still in the daydream world of we can somehow squeeze additional revenue out of the system and throw it off to tax relief for basically our wealthiest income earners or income getters, I should say, because a lot of that income is never earned, it's just gotten, or our wealthiest property owners. And this bill is a nice little one to underscore the fact of compelling need... [LB10]

PRESIDENT FOLEY: One minute. [LB10]

SENATOR SCHUMACHER: ...for the expenditure, compelling social good from the expenditure, with the quagmire we are in with pushing expenses to our counties and the property taxpayer, or our reluctance to realize that what little revenue sources we might imaginatively have out there should probably be directed more toward these needs than toward an arbitrary tax cut somewhere for somewhere for somebody, usually the ones that can afford it the most. Just underscoring the issue of the times we're in. Thank you. [LB10]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Harr, you're recognized. [LB10]

SENATOR HARR: Thank you, Mr. President, members of the body. It's always difficult to go after Senator Schumacher because he makes a lot of sense. I want to thank Senator Krist for bringing this bill. It is an urgent need that we have in Douglas County. Want to thank Senator Chambers for finally relenting and for admitting that his strategy wasn't working and that we do need these judges in Douglas County. Now, I don't practice juvenile law. I do practice law though. And...but people in my firm practice up in juvenile court and there is a real issue up there and we do need to address it. And I understand that there is a cost to our counties, but we also have an obligation to those kiddos to make sure that they do get the services they need. And I do mean services because again in juvenile court you are not found innocent or not guilty or guilty but, rather, it is provide services up there. So, thank you, Mr. President. And with that, I would ask for your support on AM27. [LB10]

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PRESIDENT FOLEY: Thank you, Senator Harr. Senator Chambers, you're recognized. [LB10]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I think the Maccabeus...I'd like to ask Senator Harr a question. [LB10]

PRESIDENT FOLEY: Senator Harr, would you yield, please? [LB10]

SENATOR CHAMBERS: Was Judas...Judas... [LB10]

SENATOR HARR: Yes, I almost got away. [LB10]

SENATOR CHAMBERS: Was Judas Maccabeus the hammer? Is that what that term meant, the hammer? [LB10]

SENATOR HARR: Yes. [LB10]

SENATOR CHAMBERS: Oh, thank you. You're looking at the hammer. You're listening to the hammer. Members of the Legislature, Mr. President, I need leverage to do the very thing that Senator Wayne discussed. I do have some influence with the judiciary. But when it comes to the juvenile court system, having been the one who prevented an additional judge all of these years, the leverage that I should have there could easily be dissipated by arguing truthfully that without that judge, without the persons to do what needs to be done, what I was asking was unreasonable. So, I want the second judge. I believe the second judge is needed. And the conversation that Senator Wayne pointed out needs to be undertaken. He is absolutely correct and I will be...well, I don't want to overstate my significance. I will be an active participant in that discussion. Here's how leverage works when you're dealing with the judiciary as a third branch of government, and dealing in a political system. You have to be in a position to let these people know that but for my changing my position, you wouldn't get one judge in the juvenile court system. I'm changing in order to make that system function by having the personnel we all know they need. I have switched my position. You're going to get the two judges. And what I want to see happen is judges head off some of these bogus prosecutions, the prosecutors who work with the juvenile judge...court system reject some of those charges that are filed by the police pursuant to the request of the public school system. The public schools are not an adjunct or arm of the court system. And they should not be an arm of prosecution, which I consider to be malicious. It is racist. It is destructive, and does nothing in the way of what the juvenile court and all these other agencies are supposed to be trying to achieve when we bring pressure to bear on our children. So, I'm going to ask that you support the granting of this second judge. When you give people all that they themselves say they need to do a job, then their feet can be held to the

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fire. In the same way that I say before I'll call somebody a hypocrite, I look at the standard they establish in terms of what their conduct should accord with. I've listened to what that Resources Commission said is needed in terms of judicial personnel. I have listened to what the Chief Justice has said is needed in Douglas County. I've been importuned by various courts...not courts, judges with the juvenile court in Douglas County. [LB10]

PRESIDENT FOLEY: One minute. [LB10]

SENATOR CHAMBERS: They're going to get, if we adopt this amendment and pass this bill, what they say they need. And I assure you, there will be some changes forthcoming. When people talk about money, and we're talking about the welfare of the children, and there is a tight connection as in this case, it makes me think of that statement, and you all can check who said it: some people know the cost of everything and the value of nothing. We're talking about value now and a price tag should not be the determining factor. And more money than what is being used in this instance will be lost between the cracks before this session is over. So I'm going to do all I can to see that we adopt the amendment and move the bill. Thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing debate, Senator Hansen, you're recognized. [LB10]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise today in support of LB10 and the Judiciary Committee amendment. I'm another Judiciary Committee member rising in support of this bill with the understanding and the perspective from our committee hearing that we have a...we have a distinct, in Douglas County, and maybe in others but in Douglas County in particular, we have a distinct funnel creating a bottleneck in terms of access to court and court time in the juvenile court system. And I thank you....for Senator Krist for laying that out in his introduction. You know, and there are, to Senator Wayne's point, there are two different ways of handling when you have a bottleneck creating a narrow point. You can either kind of widen the mouth to the funnel, which I think is the attempt here to increase access to court time by providing an entire another judge, and you could also reduce the amount you're putting in the funnel, in this case children and families entering the court system and the juvenile justice system. I think both are needed and I'm very thankful for Senator Wayne and Senator Kolowski, educators and people with experience in the education system standing up and sharing their perspectives. I know that's something certainly I'm becoming more and more aware of and going to become an increasing focus of mine as to addressing people, children and families who are unnecessarily in our court system. With that, though, I do think that it is an important step to add a juvenile judge here and will be supporting LB10 and want to encourage all of my colleagues to support AM27. Because even if we are able to reduce the increase of children and families in our

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system, I just think, by all of our understanding of population trends, that someday we will need these two judges, and I think we're already at that point. So with that, I'd urge my colleagues to support the bill. And thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Wayne, you're recognized. [LB10]

SENATOR WAYNE: So, I just want to take a...thank you, Lieutenant Governor, Madam President...Mr. President. I'm struggling because...and I talked to Senator Chambers off-line and also talked to Senator Krist and I understand exactly where they're coming from, so this is not a strong opposition. And I want to make that clear to everybody that I'm not strongly opposing this amendment, but I have to put on the record the issues that are out here. And I think that two judges won't solve the issue until this body does. And the reality is, there is, there is a prison pipeline. So just to make the body aware, February 4 of 2015 the letter from the Department...Nebraska Department of Education sent a letter to OPS. It demanded that \$1.8 million be reduced to address the issues with special needs students because here's what happened. In 2011 and 2012, OPS suspended nearly six times as many special needs students who were African-Americans, particularly African-American males, more than ten days in a year compared to the state's average, which violated some federal statutes. School arrest data in OPS overwhelmingly supports the finding that OPS school arrest policies have a desperate impact...or disparate impact on African-American students. In 2013, African-Americans comprised of only 26 percent of the students in OPS yet consisted of 51 percent of youths arrested at school. It should note, as I said earlier, 565 arrests for disorderly conduct. Those are school issues that should never be in the juvenile court system. And while I am still going to vote red on amendment but I will support the overlying bill...underlying bill even if the amendment is passed, I'm voting red because it's an objection to the system that I have to take a stand on, that although I'm getting text messages and phone calls already because all my colleagues that I work with are saying two judges are needed, they also are saying we have to fix the underlying problem. So whoever votes green on both of these, I'm going to take note of that, print out the sheet, and make sure when there's an education issue and there's a juvenile issue, I expect you to support what we're going to do to reform this juvenile justice system because solving the issue will not happen with just two judges. It's bigger and broader than that and I'm looking for all my colleagues in this body to help support that. Thank you. [LB10]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Krist, you're recognized. [LB10]

SENATOR KRIST: Thank you, Mr. President. And just as Senator Wayne spoke, and he tells absolutely the truth, that he had taken time with me and with Senator Chambers and felt he needed to put something on the record, I feel it's important that I put something on the record as well. A few years ago Senator Wayne and others were solving problems in the OPS school

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system and now we're fortunate enough to have them here. In that same time frame a few years ago, Senator Ashford and others looked to try to find someone to carry on the work of juvenile justice reform. And, lo and behold, they couldn't find a lawyer so they got the next best thing, a pilot. I have tried to carry on with juvenile justice reform as it was started in the 2009, '10, '11 time frame, and I think we've made some amazing progress. Our detention facilities at YRTC-Kearney are 50 percent of what they were six or seven years ago, and they're maintaining that level. YRTC facility at Geneva, almost 50 percent less. There are less kids in detention. There are less kids in probation. There are less kids in the system. Now, what Senator Wayne speaks is absolutely the truth, but it is not our jurisdiction to walk into the judiciary and say you must do things more efficiently, more effectively. It is our job, however to give them the tools that they need to make those kinds of reforms. And that's what adding the judges is all about. So I am going to actively solicit Senator Vargas and Senator Wayne to be the carry on because I'm gone in a year and a half, to carry on the work of juvenile justice reform inside the school system. Because as I've said over and over again to anyone who will listen and even those who won't, it's easier to find success and it's cheaper to find success in the playpen than it ever is when we allow the pipeline to feed the state pen. If we spend our money on that feeder fix, if you will, it will reduce the prison population. There is no question about it. Our discussion today is a good one because it sets a legislative record in place that says we have responded to your requirements. We have done what you have asked us to do. We have given you the tools to succeed, but it doesn't stop there. We legislate, we appropriate, and in my opinion the most important part, we apply the oversight. We make sure that the system continues to get better every year. And with the help of Senator Wayne and Senator Vargas and others, Senator...there are several people who are in the education business who have taught, who have been there. But in particular, Senator Wayne's experience within the judiciary, or the juvenile justice system and Senator Vargas' experience on the school board, and others, we need to make sure that this juvenile system gets better every year. I, too, wanted to make sure that I put that on the record. Thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. This is your third opportunity, Senator. [LB10]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I haven't given up on the possibility of persuading Senator Wayne to vote in favor of the amendment. But if he doesn't, I can understand using a vote to make a very unmistakable point and to convey an unequivocal message. We may be able to get the 25 votes without his vote. I will not condemn him. I will not criticize him if he puts a red vote up there. But I'm a man who is not often disappointed because I don't have high expectations with regard to anybody. But if Senator Wayne votes red, I will be disappointed. I quote and tell stories from the "Bible" for you all because you all are into that. There was a Roman centurion. He was like a captain. And he had heard about this guy who could go around and do magical things. He had raised people from the dead. He has given sight to the blind. He had loosed the tongue of those who were mute. He had

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given hearing to those who were deaf. And Romans were very superstitious people. They had more gods than the Christians have when you take all the different denominations and they fight each other and attribute or ascribe to each one a different God. So he had a sick servant. This guy went to Jesus. He said, you're the man I want to talk to. I have a servant who is sick, and you are able to heal and that's what I want you to do. Jesus said, take me to your house. And he said, wait a minute, partner, you don't have to come to my house. I am a man set under authority. I have men under me who do my bidding. I say to this one go and he goes. I say to this one, come and he comes. All you have to do is give the word, and it's done. And Jesus used that as an opportunity to mention how little faith those who claim to believe had and yet here's this pagan, here's this heathen, here's this Gentile. Now that's not written in the "Bible" because they don't want you to know everything that happened. I believe in transparency. That's what Jesus told those people and when the centurion went home, the servant was healed. I don't have to go to the school board meetings. I don't have to sit in the juvenile judge courtroom. All I have to do is let them know that I have an interest in what they are doing, that I have a concern about what they're not doing, and I want them to straighten up and fly right. And you'd be surprised what my attention can cause to happen with people who should be doing a job and they're not doing it. There might be some people who will say, well, the leverage you had, even though it was not achieving what you wanted, by denying them the judge, it's taken away. Judges come before us periodically for salary increases. And I'm not above saying, you're not doing the job. You're not going to get an increase. And I can stop any judicial salary increase. Is Senator Pansing Brooks available? [LB10]

PRESIDENT FOLEY: Senator Pansing Brooks, will you yield, please? [LB10]

SENATOR PANSING BROOKS: I am. [LB10]

SENATOR CHAMBERS: Senator Pansing Brooks, are you carrying a bill to increase the salaries of judges? [LB10]

SENATOR PANSING BROOKS: Yes, I am. [LB10]

SENATOR CHAMBERS: From past experience, if I went all out to stop that bill, do you think I could stop it? [LB10]

SENATOR PANSING BROOKS: I have no doubt in your ability, Senator Chambers. [LB10]

SENATOR CHAMBERS: Thank you and I'm going to support it so far. [LB10]

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PRESIDENT FOLEY: One minute. [LB10]

SENATOR CHAMBERS: That's just to let you know that I don't ever give up every card that I have to play. But we're at a critical juncture now with reference to the children. I promised Senator Wayne that I'm going to participate in that discussion that he said, rightfully, needs to be undertaken about the conduct of the schools, the prosecutors, and the courts where children, who look just like me, are involved. I hope I can show my ability to persuade by persuading him. If he, as my colleague, will not be persuaded by me, maybe those on the outside that I say will be persuaded, won't be persuaded, but I know that they will. Thank you, Mr. President. [LB10]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Seeing no other members in the queue, Senator Ebke, you're recognized to close on the committee amendment. She waives closing. The question before the body is the adoption of AM27, the committee amendment to LB10. All those in favor vote aye; those opposed vote nay. Senator Krist. [LB10]

SENATOR KRIST: Request a call of the house, please. [LB10]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB10]

CLERK: 29 ayes, 5 nays, Mr. President, to place the house under call. [LB10]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Watermeier, Bolz, Smith, Harr, Riepe, Larson, Groene, please return to the Chamber and record your presence. The house is under call. Senator Krist, we're lacking Senators Bolz, Riepe, Larson, and Groene. Do you want to wait? [LB10]

SENATOR KRIST: Yeah, I would like to wait, Mr. President, and when we arrive,... [LB10]

PRESIDENT FOLEY: That will be fine. [LB10]

SENATOR KRIST: ...when they arrive, I'd like a roll call vote in regular order. [LB10]

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PRESIDENT FOLEY: Yes, sir. Senators Bolz and Groene, please return to the Chamber. The house is under call. All members are now present. There's been a request for a roll call vote. The question is the adoption of AM27, the committee amendment to LB10. Mr. Clerk, please call the roll. [LB10]

CLERK: (Roll call vote taken, Legislative Journal page 530.) 26 ayes, 18 nays, Mr. President, on the committee amendment. [LB10]

PRESIDENT FOLEY: Thank you, Mr. Clerk. The committee amendment, AM27, is adopted. I raise the call. Continuing debate on LB10 as amended, Senator Wayne, you're recognized. [LB10]

SENATOR WAYNE: That was one of those mistakes where I hit the wrong button. So now I'm here. I just wanted to say that I'll commit to going to the next...to Select File working with the senators in this body to make sure some of my issues are addressed in upcoming bills and will continue to work together because this is a huge issue we have to deal with and we have to make sure we get it done. Thank you. [LB10]

PRESIDENT FOLEY: Thank you, Senator Wayne. Seeing no other members in the queue, Senator Krist, you're recognized to close on LB10. [LB10]

SENATOR KRIST: Please don't leave the Chamber, we can vote on this one pretty quick. I'm just going to be a very short closing. So, here we go. Thank you for those who stuck with us on the amendment. I'm asking you for a green vote on LB10 and here's what's going to happen between here and Select File. I'm going to continue the conversations with the commissioners in Douglas County. I will try to reach compromise whereby we might have a filtering in of the judgeships so that it is both economically feasible for us and the right thing to happen for Douglas County. That can happen between General and Select and I pledge that I will do that. I also think that what we found is some new mentors, or what I would like to do, some new folks to take this juvenile justice issue to the next level in a conversation that we had this morning. And I'm engaged and I'm energized and I'm so delighted to hear the conversation that we've had. So please vote green for LB10. [LB10]

PRESIDENT FOLEY: Thank you, Senator Krist. Members, you've heard the debate on LB10. The question is the advance the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? A record vote has been requested. Record, Mr. Clerk. Who requested the record vote? Senator Krist. [LB10]

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CLERK: (Record vote read, Legislative Journal pages 530-531.) 33 ayes, 10 nays, Mr. President, on the advancement. [LB10]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB10 advances. Next bill, Mr. Clerk. [LB10]

CLERK: LB10A. (Read title.) [LB10A]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on LB10A. [LB10A]

SENATOR KRIST: Thank you, Mr. President. LB10A, an A bill that goes with LB10 as it was amended. Again, I pledge to you that between now and Select File there will be some changes in terms of looking at the actual A bill or the fiscal note that's attached. I think it is in flux, to say the least, and it could very well, if we arrange with Douglas County to filter in or put in a judgeship down the road as opposed to within this biennium, it could mean a reduction in the fiscal note. But I ask you to keep LB10A attached to LB10 and give you my pledge to bring it down as low as possible. I have had several conversations with Senator Stinner, both during the interim and just recently, and been given his assurance that that will be our goal collectively. So, thank you. I ask you for a green vote on LB10A, please. [LB10A LB10]

PRESIDENT FOLEY: Thank you, Senator Krist. Mr. Clerk, you're recognized. [LB10A]

CLERK: Senator Krist would move to amend with AM160. (Legislative Journal page 531.) [LB10A]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on AM160. [LB10A]

SENATOR KRIST: In all fairness, I wanted to make sure that when we voted on the amendment for LB10, that you realize that that doubles the amount of money. And once again, my pledge is there to work between General and Select to make it the lowest possible. But in all fairness and transparency, you need to see the number that's up there. Please vote green on the amendment, AM160, and then green on LB10A. [LB10A LB10]

PRESIDENT FOLEY: Thank you, Senator Krist. Debate is now open on LB10A and the related amendment. Senator Larson, you're recognized. [LB10A]

SENATOR LARSON: Thank you, Mr. President. First, I just kind of wanted to say why I voted for the additional judges, and my vote actually directly relates to rural Nebraska. In

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conversations with the Supreme Court and understanding that there are a few judges in greater Nebraska that are getting ready to retire, once they do, there will be a hearing by the Judicial Resources Commission. It is my understanding that once those retire...those individuals retire that more than likely the Chief Justice, if judges aren't added, are going to recommend that those judicial seats move and become juvenile court justices in Omaha, meaning it appears that the Chief has made up his mind that these judges are going to Omaha, but at what cost? That cost would be access to the court system in rural Nebraska. That is something that is concerning to me and why I support the addition of juvenile court justices in Douglas County. So I appreciate Senator Krist bringing this. I have the concern of justices being taken away. It would take the Legislature to do that, possibly next session, but I don't want to see that happen. I don't want rural Nebraska to lose a county court judge or a district court judge by the recommendation of the Judicial Resources Commission and this Legislature doing that. So I have that concern. I'll support AM160 and LB10 and LB10A throughout the process. Thank you, Mr. President.
[LB10A LB10]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Krist, you're recognized. [LB10A]

SENATOR KRIST: Thank you, Senator Larson, for pointing that out, and thank you for your support. And I can assure you that there is no on my...in my position or my intent, there is nothing that I would like to avoid more than removing the access to courtrooms in greater Nebraska. This, to be clear, and Senator Larson, I think, was almost crystal-clear, but I want to make it crystal-clear. These are two, as it stands right now, two fully funded judgeships, which means there is no need to transfer from someone...someplace else. And if that is your motivation for greater Nebraska to make sure that this happens, I appreciate that. And I support that because the last thing we want to do is create another long--as Senator Pansing Brooks has pointed out--long stage to get to justice because that's not justice. So thank you, Senator Larson, for your comments and again I would ask you to vote green on AM160 and LB10A. [LB10A]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized.
[LB10A]

SENATOR CHAMBERS: Thank you, Mr. President. I've been critical, openly, of Senator Larson in the past, maybe will be again in the future, but I'm glad he made that point so I wouldn't have to make it. He is telling you all the truth. I had stated earlier that under the constitution the Chief Justice is the administrator of the court system. The Legislature cannot stop the Chief Justice from doing the job and performing the functions that the constitution authorized him to do. And he has all the authority under the constitution to move judges around. The reality now is that we are a political body. Ideology can come into play and people can vote no to make a point, but this is one of those instances when there are consequences that will be borne. The Chief Justice is not

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one to bluff. The Chief Justice does not have to bluff. You bluff when you want to give the impression that you can do something when in reality you cannot. This is the situation. Like the centurion, all the Chief Justice has to do is do it and it's done. He doesn't have to come to the Legislature. He doesn't have to explain things to people in the rural areas. But if that were to come about, he could say you had representatives in the Legislature who knew what the stakes were. Their ideology got in the way, and they said, let the Chief Justice take those two judgeships. He cannot remove these judges for no reason. When they are no longer on the bench, then that is a judgeship that is available. And the one who would have held it will hold that wherever the judge decides that judgeship shall be. Now the reality is clear to everybody. Senator Larson has recognized it. He is behaving like what some people would say is a statesman. I say he's behaving like a gambler because he is familiar with gambling. He knows that the deck is stacked. He knows that the house has all of the cards in the house's hand. And a stacked deck means that the cards are arranged in such a way that when they're dealt out, they're going to be dealt out wherever the dealer wants them to go. So, we're dealing the cards to the rural area, two, to the Chief Justice, ace; rural areas, three, Chief Justice, ace; rural area, four, Chief Justice, ace; rural area, five, Chief Justice, ace; rural area, six, Chief Justice, ace. They say, well, wait a minute, there are only four aces in the deck. But the reality that Senator Larson recognizes and anybody who gambles recognizes,... [LB10A]

PRESIDENT FOLEY: One minute. [LB10A]

SENATOR CHAMBERS: ...once you got the 4 aces, there may as well be 20 in the deck because they're all going to wind up in the hand of the one who's got the 4 when the one being dealt the cards and the one dealing the cards are in cahoots. I'm going to support this bill for the reasons that I gave, and I hope that others will pay attention to what Senator Larson pointed out and support it, because we're dealing with reality now. Thank you, Mr. President. [LB10A]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Bolz, you're recognized. [LB10A]

SENATOR BOLZ: Thank you, Mr. President. I'd like to make just a couple of brief points about how this bill and other bills like it can intersect with the work of the Appropriations Committee. First, just a point of clarification or information, the way A bills work or bills with A bills work is they will move forward as the body approves them and sit on Select File until after the Appropriations Committee does our budget work. The budget comes out on the 70th day and the budget is passed. So just for those of you who are thinking critically about A bills, you will have an opportunity to see the budget and what the budget scenario is before you make a final decision on the list of bills that make it to Select File that have a cost associated. The other point that I would like to make is that there is good cooperation and collaboration between committees of substance and the Appropriations Committee when there are priorities such as this to identify

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opportunities or needs for expenditures. And one of the important points that I think needs to be put on the record is that in your deficit appropriation bill that you and we passed as a body already, there was a over \$7 million request for additional funds to the Nebraska Families Collaborative which provides child welfare services in the Douglas County area. Those costs were driven by two reasons: one, delays in the court system that require more services while kids are in out-of-home placement or other types of services while their court case continues; and the other was increased substance abuse that also needs to be addressed. So when you look at the fiscal note on this particular bill and compare it to the request for increased demands in child welfare services, you see how this really does become a cost-effective solution to a growing problem. So I support the amendment. I support the bill. I support the A bill. And I'm committed, for one, as an Appropriations Committee member to working with Senator Krist and with the Judiciary Committee in order to make sure our fiscal picture comes together. Thank you, Mr. President. [LB10A]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Bolz. Senator Schumacher, you're recognized. [LB10A]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. This is a good bill to demonstrate a lot of things, and a tip of an iceberg that's going to be 20 years at least before we sail past it, unquestionably a need. I don't think we hear an argument against a need. Doing here is a 14 percent increase in juvenile judge power, so to speak, from five to seven. We're spending, just in proximating from the existing fiscal note, \$2.8 million of Douglas County's money in the first year, and about \$800,000 a year thereafter, necessary expenses. Unfunded mandate? Depends which way you look at it. And we're spending the state's money and making commitment for half a million dollars a year. Is this a one-time kind of thing, just a fluke that happened to hit in the early bills of the session? No. Is it because we've got kids who are any more needy than kids who were here ten years ago? And if so, why? How does the changing demographic of more and more single-parent families influence the number we're seeing today? How does the fact that a lot of those kids are hitting school not knowing the difference between the old lady who lived in a shoe and Cinderella's shoe? We're going to have bills--you'll have more bills than I will because you'll be here longer--that are going to try to say we should invest money to compensate for the change in demographic from the two-parent family in order to get those kids some preschool teachings and get them ready and competitive for kindergarten, first grade. That's going to take money. It may save money on this side of the coin. That money is not going to grow on trees. There is going to be no free lunch. And while we're trying to address that issue, we're going to see a ton of baby boomers who haven't been able to save, or who chose not to save, expecting some level of social safety net in their retirement. You think this is going to be easy? You think our revenue shortfall this year and next year that they can project out on the

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sheets is just going to be a fluke and everything is just going to bounce back wonderfully? The demographics don't say that. Nor are we going to see a flood of new people into the state bringing all kinds of economic prosperity to a state that didn't plunge very far during the Great Recession and where the recovery is going to be much more robust in the other parts of the country. You're in for a long haul. And it's pretty well time that we begin to realize that we have got to make smart decisions, that talk of humongous tax cuts or talk of programming tax cuts into the future,... [LB10A]

SPEAKER SCHEER: One minute. [LB10A]

SENATOR SCHUMACHER: ...because it will obviously be easier then, is just really not in the real world. And so this particular vote is kind of a test of how you put it all together. And there's going to be many more like it with much bigger numbers than this. We're spending real money. We're making real value judgments. And when ideas come forth that maybe will in the long term reduce the need for expenses on the juvenile court system side of the equation, we should give them serious consideration even though they may mean that we'll need additional revenue. Thank you. [LB10A]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Hilgers, you're recognized. [LB10A]

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB10A. I voted in favor of LB10, as well as the amendment. As a practicing attorney over the last 10 or 12 years, who has been in front of a variety of courts and who worked for a judge as a judicial law clerk, I've had a firsthand perspective of the importance of having sufficient judicial resources, not just for the staff and the judges who are some of the hardest working individuals that I know but, more importantly, for the people who are in front of those judges. And no matter who you are, if you're an individual, a company, or especially a juvenile who is just starting their life and are making...any decision made that impacts you could impact your life for decades to come, you have a vested interest in making sure that we have a strong judicial system and the resources to provide you not just justice but justice in a timely manner. I understand the population growth concerns of Douglas County in the Omaha area. I understand the need for additional judges. And so that's why I rise in support of this particular bill. I would note, too, two caveats, I guess, to that support. One is what was mentioned by Senator Krist on the mike as well as off the mike to me, which is his commitment to an amendment between General and Select File to the transition of the second judge. I understand Douglas County's concerns about having two judges now and the cost involved with that. And so with that commitment I voted in favor of the amendment to get that to Select File. The second caveat is based on Senator Bolz's comments, which is my understanding of how the A bill process works, which is voting for the A

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bill at this juncture to get it to Select File just enables us to have the later debate as to whether the funds are available for this bill after the budget is done. There may be no money at the end of the day on the floor for A bills, or there may be funds at which point we'll have to make the priority decisions. Based on what we don't know now, which is whether there will be any money, we don't know that now, but based on what we know now, I rise in favor and will be voting green on LB10A and encourage you to do so as well. Thank you, Mr. President. [LB10A LB10]

SPEAKER SCHEER: Thank you, Senator Hilgers. Senator Groene, you're recognized. [LB10A]

SENATOR GROENE: Thank you, Mr. President. I just want to remind everybody that we are working with a limited pool of money the next two years. We were advised, as Chairmen of committees, don't bring any A bills to the floor if you can avoid it. There is a limited amount of money and this is \$251,000, \$289,000 for the fiscal year. It's a little over half a million dollars. That will have to come out of some other appropriation if we pass this one. Does it come out of the school budget? TEEOSA? Does it come out of the judiciary budget? We are rearranging pennies here. This isn't the good old days where the Cash Reserve sits there overfunded and we can just dip into that a little bit. This is either-or choices. This entire budget will be either-or, not more. That's our choices. So, I would have went along with one judge, it made...you know, this could have been done two years ago if some folks wouldn't have held it up. Children weren't important then. Getting rid of somebody you didn't like as a judge was. When we had money, it could have been in place. Times have changed. This is not either-or. This is either-or, not more, so remember down the road you're going to have to say no to something else. Senator Stinner is going to have to move pennies from here to there in that budget. Just a reminder, either-or, not more, when we look at A bills. Thank you. [LB10A]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Chambers, you're recognized. [LB10A]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, nothing gives people more pleasure than to knock somebody off a high horse because he has to fall so far. But Senator Groene, not having been here, doesn't realize that I jumped off the high horse before he came. This is not an either-or. Senator Groene needs to know that those judges are going to go to Omaha. That's the political reality. They're going to go to Omaha and two judgeships that are going to become vacant in the rural areas will not be filled in the rural areas. That's the reality. He can talk ideology all he wants to, the judges are going to Omaha. Now you can accept that or not. Listen to Senator Groene, who is just talking generalities and ideology. I kind of enjoy giving the peanut gallery an opportunity to throw peanuts at me. But I'm impervious to those kind of criticisms. I have often said if somebody can improve my education, I will thank them for it. But he didn't improve my education. I'm self-taught. I saw the reality. And there's still a

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judge in Omaha whom I think is unfit to be there. I will have to find a different methodology to do something about that. And I think by having the two additional judges, some people in the judiciary will understand that there are actions they're going to have to take to purify or fumigate that seat. All of us know that there's a limited amount of money, which is the case always. It's one thing to stand up here and make general statements about if you do this, you're going to take from that. Well, we're going to take what from where, and what is it we're going to do? What Senator Groene and those of his ilk are going to have to determine is how independent the legislators are going to be when it comes to looking at what the Governor insists that they do. I read in the paper he spent, I think it was, \$112,000 or so stalking the Legislature. So that's when we're going to look at what the realities are. Will they be political realities for those whom the Governor can pull into his office and say, but for me you wouldn't even be there? Do you want to come back again? You saw how I kicked those others out and I'm a guy who will get my pound of flesh. I don't need you. In the same way that I bought you, there are other used cars on the lot, I'll buy me others. And he will do that and he's done it in the past. But some of you are going to have to determine if your own self-respect, if your own integrity, if your own intelligence mean anything to you. And for better or for worse in terms of getting reelected, you should think about what you're going to have left when you leave this place. You can fool anybody else. People who don't know what you did or didn't do here can be fooled, but you cannot fool yourself. And you all know that I'm telling the truth when I say that. [LB10A]

SPEAKER SCHEER: One minute. [LB10A]

SENATOR CHAMBERS: And your self-respect at some point is going to mean more to you than anything else and don't let that realization come when it's awash in regret for you having allowed bits of your self-respect to be sliced away, squeezed away drop by drop, and being left with nothing. And the one you did it for will scrape you off the bottom of his shoes like so much...well, I'll just leave it at that. Thank you, Mr. President. [LB10A]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Krist, you're welcome to close on your amendment. [LB10A]

SENATOR KRIST: Thank you, Mr. President. On something as important as this and something that has had this much dialogue, I feel it's my responsibility to close. Several senators have come up to me and asked me, what does that mean? Does it mean that the judge, that the Chief Justice will move judges in? The Chief Justice has no...he has no alternative but to make sure that the access to justice is in the courtrooms that it needs to be in. So it's possible that he could move a judgeship from someplace else to someplace else to support. These two are two stand-alone, fully funded judgeships that would be put in place in Douglas County. One now, and I have given my word I will try to work for the phase-in of the other judge so it's economically the best

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advantage to both the county and to the state, two fully funded judgeships. If we fail to do that here, the alternative might be--it's not a threat--it might be that he has to move judgeships from someplace else. It was pointed out by Senator Larson. I hope it was made crystal-clear by me the last time I was on the mike that this is what this is about. Now in terms of closing on this particular amendment, realizing that it may not be this amount of money after we phase-in the judge and I work with Douglas County and the rest of it, take to heart what Senator Bolz said and I think Senator Hilgers brought up as well. What this does is marry up the bill with an A bill and takes it to Select and then it sits between Select and Final Reading. As Senator Bolz said, it sits there until we have a budget from Appropriations to put together, marry things up in the bottom line. So, make no mistake, I would consider today to be a win-win, but I know for a fact if we can't do this because of budgetary requirements, it may not be this way on day 90 minus something. Help me keep these two married up and viable so we can have that discussion as it sits between General...between Select and Final Reading. And with that, Mr. President, I would ask for a call of the house and a roll call vote in reverse order. [LB10A]

SPEAKER SCHEER: Thank you, Senator Krist. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB10A]

CLERK: 31 ayes, 3 nays, Mr. President, to place the house under call. [LB10A]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Watermeier, Geist, Hansen, Smith, Harr, Wayne, could you please hit your...thank you. Senator Friesen, Senator Halloran. The house is under call. Please return to the Chamber. Senators Hansen, Watermeier, Geist, Friesen, the house is under call. Please return to the floor. Everyone is accounted for. Mr. Clerk. [LB10A]

CLERK: Senator Albrecht. Did you want reverse? I'm sorry, Senator. (Roll call vote taken, Legislative Journal page 532.) 38 ayes, 3 nays, Mr. President, on the amendment. [LB10A]

SPEAKER SCHEER: The amendment is adopted. The house will remain under call. There's no one in the queue. Senator Krist, you're welcome to close on the...he waives closing. The question before us is the adoption of LB10A. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record, Mr. Clerk. [LB10A]

CLERK: 37 ayes, 7 nays, Mr. President, on the motion to advance the bill. [LB10A]

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SPEAKER SCHEER: The bill advances. Mr. Clerk, next item. I raise the call. [LB10A]

CLERK: Mr. President, LB85 is a bill by Senator Blood. (Read title.) Introduced on January 5; at that time referred to the Government, Military and Veterans Affairs Committee; advanced to General File. There are committee amendments, Mr. President. (AM30, Legislative Journal page 324.) [LB85]

SPEAKER SCHEER: Senator Blood, you're welcome to open on your bill. [LB85]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, and I want to warn you there will be a call of the house on this bill in your future, so don't go far. Today, I rise to present LB85. This gives the Nebraska Accountability and Disclosure Commission the ability to collect outstanding civil fines that may have been neglected or perhaps even purposely disregarded by an elected official or potential public servant. Should the bill become law, the NADC would finally have some teeth when it comes to collecting these fines because a person looking to run for office could not file until they pay off their civil penalties. They also cannot be appointed to office by the Governor if they have outstanding civil penalties. Elected officials, their salaries are paid by the public and these jobs place us in a position of public trust. I believe public officials should be held to a higher standard and recent actions in this very Chamber tells me that you all do as well. I believe it is the job of the Legislature to support the goals of good government by constantly evaluating and reevaluating how we want to hold our peers to that higher standard. By addressing issues like the nonpayment of NADC fines, we are continuing to foster a unified moral and ethical culture while expressing that certain actions or inactions have consequences. After initially introducing the bill, we continued to take a look at this issue. And working with the Government, Military and Veterans Affairs Committee as well as NADC director Frank Daley, I believe that we have crafted an even better bill that does what we want it to do while going out of its way to be fair and just to those who would be affected. My original bill barred those who owed both civil penalties as well as late fees. When we first brought the bill there was some concerns by the Secretary of State's Office that tracking whether or not issues such as late filing fees had been paid would become time consuming and costly. We've been assured, by moving to civil penalties and interest only, the fiscal note concerns have been addressed. Secondly, the amendment adds a bit of a safety net when it comes to preventing a candidate for filing for office. The committee amendment allows for a person to file or still be appointed should the candidate be going through the appeals process after the NADC has levied a civil penalty against them. If there is a civil penalty against someone who is in the appeals process, they will be allowed to file a surety bond in favor of the state while they're waiting for the process to play out. We are not looking to disenfranchise anyone. The committee amendment also adds a section on the candidate form used to file for office. Potential candidates will now be asked if they owe a civil penalty to the NADC. Should they then be found to have lied on the filing form, they may face a number of penalties that exist currently under state statute, including

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being removed from the ballot. Finally, the committee amendment further shifts the burden away from local election administrators by requiring the NADC to provide a list of all individuals with individuals...I can't talk...with outstanding civil penalties to all filing officers prior to December 1 of a year preceding a statewide general election. Additionally, the NADC must constantly update the list through March 1 prior to a statewide primary election. They will update the list on a continual basis so a filing officer that requires the list is ensured that the information is current and correct. By doing all of this as a body, we give our support to the NADC and give them the ability to make sure that those who owe civil penalties have paid off their fines before they seek public office. I also believe that we are telling Nebraska taxpayers that we understand the magnitude of waste of staff time used in chasing down these bad guys and bad gals and that we find it unacceptable. The bill's intent has purposely been kept narrow, Senator Schumacher, to make sure we are not violating the individual's rights and I've also verified that under the state constitution that this is the area we can legally set policy. I'd also like to share that the bill had no opponents during the hearing and it, along with the committee amendment, was advanced out of committee on a 8-0 vote. With that, I would ask for your unified support and your green vote on LB85 and the committee amendment. And I thank you all. [LB85]

SPEAKER SCHEER: Mr. Clerk. [LB85]

CLERK: Mr. President, before going to the committee amendments, Business and Labor, are you still going to meet, Senator? Business and Labor, underneath the north balcony right now; Business and Labor, north balcony. [LB85]

SPEAKER SCHEER: Mr. Clerk, is there an amendment? [LB85]

CLERK: There is, Mr. President, from the Government, Military and Veterans Affairs Committee. [LB85]

SPEAKER SCHEER: Senator Murante, you're recognized to open on the committee amendment. [LB85]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. As Senator Blood stated, she very ably laid out what this committee amendment does. First, it replaces the bill and differs from the original bill in a few ways. First, it limits the monies owed to the NADC for which an individual can be prevented from filing for office or being appointed to office to civil penalties rather than civil penalties and late fees. It clarifies that if the only fines owed are late fees, the bill would not impact such a candidate. Second, it allows an individual that has an outstanding civil penalty to file for office if they have appealed the penalty and filed a surety bond in favor of the state pending the appeal. Third, it shifts the burden of determining whether a

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candidate is prevented from filing for office under the bill from local election administrators to the candidates. Candidates must certify on their filing form that they have complied with the section. The candidates who are found to have lied on the filing form would have the same penalties which exist under current law and that includes being removed from the ballot. Finally, it requires the NADC to provide a list of all individuals with outstanding civil penalties to filing officers prior to December 1 of a year preceding a general election. The NADC must continually update the information through March 1 prior to a statewide primary election, and at other times upon the request of a filing officer. I would like to thank Senator Blood for bringing this bill to our attention; for the work that she has put in with Douglas County Election Commissioner Brian Kruse, the Secretary of State's Office, Frank Daley of Nebraska Accountability and Disclosure Commission. As she very correctly stated, this bill was advanced out of committee unanimously and had no opposition in its testimony. I encourage your support of the committee amendment and of LB85. Thank you, Mr. President. [LB85]

SPEAKER SCHEER: Thank you, Senator Murante. Seeing no one wishing to speak, you're welcome to close. Senator Murante waives closing. The question before you is the adoption of AM30 to LB85. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB85]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB85]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Blood, you're welcome to close on...excuse me, Senator Schumacher, you're recognized. [LB85]

SENATOR SCHUMACHER: Thank you, Mr. Speaker. That's what you get when you mention my name. I do have a question, though. And, Senator Blood, you apparently have done some constitutional research on this and to determine whether or not we can impose these additional penalties or these additional restrictions on people. From your...Senator Blood, would you yield to a question? [LB85]

SPEAKER SCHEER: Senator Blood, would you please yield? [LB85]

SENATOR BLOOD: I would to my esteemed colleague. [LB85]

SENATOR SCHUMACHER: Thank you, Senator Blood. Could we do the same thing to somebody who hasn't, let's say, paid traffic tickets or has a criminal fine outstanding or let's say is delinquent on child support? [LB85]

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SENATOR BLOOD: As far as...can you be more specific? As far as filing for office? [LB85]

SENATOR SCHUMACHER: Right. Can we say, look, if you haven't paid...if you've got unpaid child support... [LB85]

SENATOR BLOOD: No. No, because then we would be violating their constitutional rights. That's why we kept it narrow. That's why it's written the way it is. We wanted to make sure that we were not violating their rights. And I don't know if that's a trap you're setting, but that's what I'm hearing. (Laugh) [LB85]

SENATOR SCHUMACHER: Well, what is the difference? [LB85]

SENATOR BLOOD: What is the difference? [LB85]

SENATOR SCHUMACHER: Between not paying a fine to NADC, which is an order by an administrative agency of the state, and not paying your child support, which is an order of a court of the state? [LB85]

SENATOR BLOOD: That's a great question. [LB85]

SENATOR SCHUMACHER: I thought so too. [LB85]

SENATOR BLOOD: That is a great one and you worked hard on that one. The answer would be one pertains to Nebraska Accountability and Disclosure Commission that oversees elections and oversees that we as elected officials stay within specific guidelines. When we violate those guidelines and we are found guilty, we are held accountable under state statute. When you violate a traffic ticket, you are held accountable under the court system. That does not pertain to what we're talking about and another reason why we are keeping this narrow. I am not looking to disenfranchise people because they made mistakes. I'm looking to hold people accountable. And what you're talking about, in my personal opinion, pertains to tracking people down on a witch hunt, which is not the intent of my bill. The intent of my bill is, under state statute, holding elected officials to the high standard that is the expectation by the residents of Nebraska. [LB85]

SENATOR SCHUMACHER: Well, can't the Accountability Commission go seek judicial enforcement of its orders, just like the children or children's guardian can seek judicial enforcement of a child support order? [LB85]

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SENATOR BLOOD: They can indeed which is what makes it so silly that this bill is necessary because you have the ability to take this through the court system all the way to the Supreme Court should you feel that you are innocent. But here is the bottom line, sir. These people are not doing that. We have over \$42,000 right now in existing fines that have not been paid by, as I said earlier, bad guys and gals, who are opting to just basically ignore the fact that they owe these dues. So, yes, indeed, they do have the ability to take it up through the courts, but that's not what's going on. What's going on is people are just ignoring that they owe these fees. [LB85]

SENATOR SCHUMACHER: Well, I'm still not seeing the distinction between...I mean, if we can help out ourselves this way with the NADC orders, then why shouldn't we help all those poor children out whose parents aren't paying child support and saying, you got a delinquent child support order, can't run for public office? [LB85]

SENATOR BLOOD: Again, sir, I feel that would violate their rights. I think that would be a conversation with the ACLU because, unlike when I throw a rock in this room... [LB85]

SPEAKER SCHEER: One minute. [LB85]

SENATOR BLOOD: ...and I hit a lawyer, I am not a lawyer. [LB85]

SENATOR SCHUMACHER: Okay, thank you, Senator Blood. [LB85]

SPEAKER SCHEER: Thank you, Senator Schumacher and Senator Blood. Seeing no one else in the queue, Senator Blood, you're welcome to close on LB85. [LB85]

SENATOR BLOOD: I have to say to my peers because it is close to lunchtime, I am not going to call the house. And I am disappointed to say that because I want everybody on record as to whether they support this moral bill that sets our standards high, because we have sat in here for days prior discussing how important it is for us to be ethical and moral. And this is one really easy way to show it. So since I more than likely cannot do a call of the house, I would ask that we do a vote by voice. [LB85]

SPEAKER SCHEER: Do you want a record vote? Is that what you're requesting? [LB85]

SENATOR BLOOD: Yes, please. [LB85]

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SPEAKER SCHEER: Thank you, Senator Blood. The question is the advancement of LB85 to E&R Initial. Mr. Clerk. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB85]

CLERK: (Record vote read, Legislative Journal pages 532-533.) 40 ayes, 0 nays, Mr. President, on the advancement of LB85. [LB85]

SPEAKER SCHEER: LB85 advances. Mr. Clerk for announcements. [LB85]

CLERK: Mr. President, your Committee on the Executive Board reports LB407 to General File with amendments. I have Reference report referring gubernatorial nominees to the appropriate standing committee. Amendments: Senator Wayne, LB133; Senator Larson, LB469 and LB470; and Senator Hansen to LB146. Mr. President, acknowledgment of receipt of a report from the Appropriations Committee pursuant to Rule 8, Section 3. Senator Quick has selected LB181 as his priority bill. Notice of hearing from Natural Resources Committee. Name adds: Senator Halloran, LB88; Kolterman, LB167; McCollister to LB188. (Legislative Journal pages 533-537.) [LB407 LB133 LB469 LB470 LB146 LB181 LB88 LB167 LB188]

Mr. President, Senator Hilkemann would move to adjourn the body until Friday, February 24, at 9:00 a.m.

SPEAKER SCHEER: You've heard the motion. All those in favor to adjourn say aye. All those opposed say nay. The ayes have it. We are adjourned.