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Floor Debate
March 15, 2017

[LB8 LB14 LB44 LB51 LB57 LB62 LB85 LB98 LB99 LB113 LB117 LB133 LB152 LB173
LB184 LB185 LB186 LB203 LB209 LB211 LB225 LB233 LB263 LB291 LB297 LB298
LB340 LB365 LB368 LB417 LB480 LB494 LB535 LB600 LB628 LB630 LR59 LR67 LR68
LR69 LR70 LR71]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-seventh day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Pastor Scott Jensen from the Fremont Health Medical Center in Fremont, Nebraska, Senator Walz's district. Would you please rise.

PASTOR JENSEN: (Prayer offered.)

SPEAKER SCHEER: Thank you, Pastor Jensen. I call to order the forty-seventh 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.

SPEAKER SCHEER: Thank you. Any corrections?

CLERK: I have no corrections.

SPEAKER SCHEER: Any messages, reports, or announcements?

CLERK: I do, Mr. President, a series of things. First of all, Enrollment and Review reports LB8, LB85, LB99, LB184, LB185, LB186 and LB203 as correctly engrossed. Series of committee reports. Banking Committee chaired by Senator Lindstrom reports LB480 to General File with amendment; Health Committee chaired by Senator Riepe reports LB225, LB297, LB298, LB417 to General File; Revenue Committee chaired by Senator Smith reports LB44, LB98 to General File; LB51, LB291, LB535 to General File with amendments. Business and Labor chaired by Senator Albrecht reports LB211 to General File. And finally, the Health Committee reports LB117 to General File with amendments. Also Government Committee chaired by Senator Murante, LB152 to General File; LB209, LB340, LB365, LB494, to General File with amendments and LB628 to General File with amendments. Those reports all signed by the respective chairs. New resolution: Senator Clements offers LR67. That will be laid over. Communication from Senator Watermeier as Chair of the Special Committee on Election

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Challenge. Hearing notice from the Health and Human Services Committee, and a motion to be filed with respect to LB368. That's all that I have, Mr. President. (Legislative Journal pages 703-713.) [LB8 LB85 LB99 LB184 LB185 LB186 LB203 LB480 LB225 LB297 LB298 LB417 LB44 LB98 LB51 LB291 LB535 LB211 LB117 LB152 LB209 LB340 LB365 LB494 LB628 LR67 LB368]

SPEAKER SCHEER: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR59. First item, Mr. Clerk. [LR59]

CLERK: Mr. President, Select File, LB133. Senator Wishart, I have Enrollment and Review amendments, first of all. (ER7, Legislative Journal page 523.) [LB133]

SPEAKER SCHEER: Senator Wishart for a motion. [LB133]

SENATOR WISHART: Thank you, Mr. President. I move that the E&R amendments to LB133 be adopted. [LB133]

SPEAKER SCHEER: The question is the adoption of E&R amendments to LB133. All those in favor say aye. All those opposed say nay. The ayes have it. [LB133]

CLERK: Senator Wayne would move to amend with AM326. (Legislative Journal page 534.) [LB133]

SPEAKER SCHEER: Senator Hansen, you're welcome to open. [LB133]

SENATOR HANSEN: Thank you, Mr. President and colleagues. AM326 is a technical amendment that was recommended by the Bill Drafting Office to correlate the language of LB133 with the language in LB113 which is the following bill on Select File. Because both bills amend the same section of statute, this amendment ensures that both utilize the same language. Seeing that, I would ask for your green vote to adopt AM326. Thank you, Mr. President. [LB133 LB113]

SPEAKER SCHEER: Thank you, Senator Hansen. Seeing no one in the queue, Senator Hansen waives closing. The question before us is adoption of AM326. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB133]

CLERK: 30 ayes, 1 nay, Mr. President, on the adoption of Senator Wayne's amendment. [LB133]

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SPEAKER SCHEER: Motion passes. [LB133]

CLERK: I have nothing further on the bill, Mr. President. [LB133]

SPEAKER SCHEER: Senator Wishart for a motion. [LB133]

SENATOR WISHART: Thank you, Mr. President. I move that LB133 be advanced to E&R for engrossing. [LB133]

SPEAKER SCHEER: You've heard the motion. All those in favor say aye. All those opposed say nay. The motion passes. Mr. Clerk. [LB133]

CLERK: Senator, LB113, I have Enrollment and Review amendments, first of all. (ER5, Legislative Journal page 523.) [LB113]

SPEAKER SCHEER: Senator Wishart for a motion. [LB113]

SENATOR WISHART: Thank you, Mr. President. I move that the E&R amendments to LB113 be adopted. [LB113]

SPEAKER SCHEER: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. The amendment...E&R amendments are adopted. [LB113]

CLERK: Mr. President, Senator Hansen would move to amend with AM362. (Legislative Journal page 543.) [LB113]

SPEAKER SCHEER: Senator Hansen, you're welcome to open. [LB113]

SENATOR HANSEN: Thank you, Mr. President, and good morning, colleagues. AM362 is another amendment that was recommended by the Bill Drafting Office. It also correlates language with LB113 and LB133 which we've just advanced from Select File since they both amend the same amendment of statute. Further, it clarifies two other sections, including inserting missing language that clarifies that population counts are at the federal decennial census, which was the overall intent of the bill and that was just a section that so far escaped our knowledge. Seeing that, I would ask your vote to advance and adopt AM362. Thank you. [LB113 LB133]

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SPEAKER SCHEER: Thank you, Senator Hansen. Seeing no one in the queue, Senator Hansen waives closing. The motion before us, adoption of AM362. All those in favor vote aye; all those opposed vote nay. [LB113]

SENATOR KRIST PRESIDING

SENATOR KRIST: Have all those voted that wish to? Please record, Mr. Clerk. [LB113]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Hansen's amendment. [LB113]

SENATOR KRIST: Senator Wishart for a motion. [LB113]

SENATOR WISHART: Thank you, Mr. President. I move that LB113 be advanced to E&R for engrossing. [LB113]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB113 advances. [LB113]

CLERK: LB62, Mr. President. First of all, I have Enrollment and Review amendments, Senator Wishart. (ER8, Legislative Journal page 524.) [LB62]

SENATOR KRIST: Senator Wishart for a motion. [LB62]

SENATOR WISHART: Thank you, Mr. President. I move that the E&R amendments to LB62 be adopted. [LB62]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. It's adopted. [LB62]

CLERK: Senator Chambers would move to amend, AM332. (Legislative Journal page 514.) [LB62]

SENATOR KRIST: Senator Chambers, you're recognized to open. [LB62]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, an early American writer wrote a collection called Twice-Told Tales. When we get to Select File, that is the second stage of debate, I had made it clear that this bill in its present form is something that I disagree with very strongly. My disagreement is based on my belief, my conviction that church and state should be totally separate. Nothing from one realm should intrude into the other. There is nothing which could be so divisive as wearing religious garb or clothing in a public school classroom. Private schools are not touched by this piece of legislation, nor any other legislation that addresses schools, unless you're dealing with constitutional and other legal issues that pertain to education, per se. Other than that, they can do whatever they want to. But they cannot abuse children. They cannot do any of the things that are against the law, regardless of who may do it. This is one of the most pernicious pieces of legislation because it has the appearance of being very reasonable, rational, and wise. But it is none of those things. It is something like the pirate ship which flies a false flag so that the vessel which is to be attacked and plundered will not be placed on notice and take either evasive maneuvering or prepare to fight. Then when the pirate craft is close enough and the quarry craft cannot respond, the pirates run up a Jolly Roger, which is a skull beneath which are two crossed bones. This is something like the pirate ship. Another analogy is that when you try to get the nose of the camel into the tent, the body of the camel follows the nose. I realize that on an issue such as this, legislators not only in Nebraska but throughout this country and even in Congress are what I would call gun shy. They do not want to give the appearance that they are being judgmental of religion in a way that might hurt them politically. And I assure you that politics is what moves all politicians when they do something with reference to supporting a religious notion. If they believed in the things taught by practically every religion, the bedrock of which is do unto others as you would have them do unto you. That is not a maxim that originated with Christianity. That has been around for many, many decades, generations before Christ ever allegedly or purportedly walked on the earth. When this country was founded, it was not founded as a Christian country. There were people who came to America, allegedly, to get away from what they called religious persecution in England. But as often happens, those who suffer oppression will replicate that oppression when somebody weaker than they will fall under their dominion. So the Puritans, the pilgrims, those self-righteous, meddlesome, quarrelsome bluenoses began to try to impose their will on other people. They went so far as to kill people who would not recant or take back a statement that was deemed to be inappropriate. If a person were deemed to be a witch, such a person would be hanged, some were drowned, and these are the type of actions that typified the tender mercies of religious people when they have things their own way. The separation between church and state is inherent in the Constitution, contrary to what some people want to say. As this country ages, religions of various stripes will gain ascendancy of a type in a particular, or in particular states, and they will try to impose their will on others. In some areas it might be the Mormons; in others, the Catholics. I don't know of states where others predominate as compared to any other competing religion in a given state. The religions do compete with and against each other. They all use the same terminology. If they say they're of the Christian persuasion, that is a term that, as

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I often say, is like a very large housecoat of the kind that used to be worn in the old days. It covers everything and touches nothing. To say one is a Christian is not saying anything, but it's serving notice that you may be dealing with a person who is going to be narrow-minded, hypocritical, judgmental, and disregarding of the principles they say they believe. Now, when I was talking the other day about some issue or...oh, motorcycle helmets, and I had said that an evolutionary goal, the purpose or aim of evolution is to make sure that the genes will be perpetuated which will contribute to the continued existence and survival of the given species. So evolution builds into its proceedings means to weed out those genes that would work against or militate against the survival of the species. So by allowing people to ride motorcycles without helmets, some of them would be eliminated, and thereby the gene pool of humans would be strengthened. And that is what leads me to say that a person has the right under the U.S. Constitution to be a fool. And if you leave a fool to his or her own devices, it will not be necessary to do anything to hurt them, they will take care of that on their own. Senator Pansing Brooks applied the name to the principle I was discussing. It's called survival of the fittest. When you come to this religious notion, I would say about it what Christopher Marlowe said about war. Christopher Marlowe died before he was 30 years old. He wrote the signature... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...play about Dr. Faustus, the one who sold his soul to the devil in order that he'd be granted wishes. If you read that play, you will see that it was written by somebody who thinks profoundly, who has a broad range of subjects that he is familiar with. Therefore, when he made the comment, cursed be he that invented war, he can be taken seriously. And if you study warfare, even superficially in the newspapers of the time when wars are being conducted, you will see how correct he was. Former General and President Eisenhower said one would have to have been in wars to know how truly horrible war is. There is nothing ennobling about it. Wars are for the purpose of killing, destroying, and laying waste... [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR CHAMBERS: ...and that can never be good. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. (Doctor of the day and visitors introduced.) Those wishing to speak: Senator Pansing Brooks, Senator Scheer, and Senator Chambers. Senator Pansing Brooks, you are recognized. [LB62]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I've done a lot of soul searching on LB62 since we advanced this bill to Select File. And first, let me state for the record that I remain supportive of LB62 and will vote to advance it to Final Reading. The current

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law violates the First Amendment rights, in my opinion. I agree with many of the sentiments raised by Senator Chambers. I want all of our students to feel comfortable being who they are in the classroom without fear or intimidation. On the other hand, I also believe that we have to be respectful of broad religious beliefs embedded in our many American cultures that may make someone choose to wear a hijab, a turban, a yarmulke, a habit, a necklace with religious symbol, or another form of religious garb. I want people who wear those religious items to feel safe and protected too. I think this bill does work to protect some religious liberty. I hope that LB62 strikes the right balance. But I must say how very disappointed I was that on the very same day that we advanced LB62 to Select File, on that same day I heard many of my colleagues defend the idea that a teacher should not be discriminated against for what they wear in the classroom, I also heard a number of testifiers that same day come before the Judiciary Committee to say people should be discriminated against because of who they are and who they love. I was deeply disappointed that some of the same proponents of LB62 were opponents of Senator Morfeld's LB173 to prohibit discrimination against individuals based on sexual orientation and gender identity. During this hearing, I heard repeated comments that tried to undermine the humanity and worth of LGBT people. As a Senator, it was my duty to listen. As a mother of a gay child, it was very hard to sit through. We often hear opponents of LGBT rights invoke the word "choice" when voicing opposition to things like employment nondiscrimination, helmets. Science mixed with common reasoning should lead us all to understand there is no choice in LGBT. Colleagues, there is no choice in LGBT. At what point did you wake up and decide, oh, I guess I'm going to be heterosexual the rest of my life? But even assuming there were a choice, aren't we defending the idea of religious choice with LB62? And aren't we defending those who choose to wear religious garb? And I still maintain that we should defend them. But I also maintain that we should defend our LGBT neighbors as well whom I believe are made in God's image, just like the rest of us. I attend First Plymouth Church. Senator Groene called it one of those open-air churches to one of my constituents. It's not open air. It's the other tall tower here in Lincoln. It's one of the most beautiful buildings, second to this, in this city. On any given Sunday, I see LGBT friends who attend church due to its opening, loving, and welcoming environment. These LGBT people come from a variety of backgrounds and have a variety of different occupations. Guess what? Some of them are teachers. So when you press the green button to protect the teacher who wears a chain and a cross as a matter of personal faith... [LB62 LB173]

SENATOR KRIST: One minute. [LB62]

SENATOR PANSING BROOKS: ...will you press the green button again for that same teacher who may be LGBT? Will you press the green button for the person who works hard every day seeking to be judged by the quality of the work that they do and not by the person whom they love or whom they are married to? Will you continue to stand with them when that time comes? Or if we protect someone for what they wear on the outside, surely we can protect them for whom they are on the inside. The cloth we wear on the outside may be different, but aren't we all

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made of the same cloth on the inside? Don't we all have the same desire to love and be loved? Love is a sacred gift. Who are any of us to judge? So please, think about this when we debate LB173 on the floor this session. Think about it as you press green on Senator Scheer's bill. And I would like to thank Senator Chambers for doing what he always does, making us think about our votes, making us think how they apply to marginalized people in our society, and how important it is to care for the least of these. Thank you, Mr. President. [LB62 LB173]

SENATOR KRIST: Thank you, Senator Pansing Brooks. Speaker Scheer, you're recognized. [LB62]

SPEAKER SCHEER: Thank you, Mr. President. First, based on Senator Chambers' comments, I'm hoping that this is not survival of the fittest because anyone that looks at me knows that I'm not going to win that race. So we'll hope that we will look at things on the merit. Senator Chambers introducing his amendment didn't quite talk about his amendment so I would like to just make sure everyone realizes that I do not support AM332 to LB62. I do think we need to repeal this. The amendment still would make it unlawful to wear as much as a cross or any other thing that may be construed as religious. I want people to remember that sometimes we view, for example, clothing to be religious, when it's more appropriately described as cultural, not religious. I would venture to say we could have some people stand up in front of us and you would misgauge their religion only by the dress they have and it's because of the dress is cultural, worn in the area, not necessarily signifying one's religious beliefs. And so how do we enforce that, is very, very subjective. Again, going back to the General File debate that this was originally adopted in 1919, to refresh your memories, there were 36 states that have adopted it at that point in time, 34 have repealed it, and I would say that we are at the point where we should make the same decision and repeal that part of the statute so that we are not trying to play police inside the school districts. I will mention, though, in relationship to Senator Chambers' amendment, I see nothing wrong with it, but I see that more as a school district policy rather than statute. And if a school district wanted to provide that as a policy, that's certainly within their realm, but I believe that should be at a local level based on the school district's clothing restrictions, or however they would like to define that on a local level rather than as a state statute. I think we have gone past the first round. I believe it was 40-some to 1 or 2 and I would hope that you would all still vote in support of LB62 and a red on AM332. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Scheer. (Visitors introduced.) Senator Chambers, you're recognized. [LB62]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Speaker Scheer correctly pointed out that I did not discuss my amendment. My opening was for the

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purpose of providing context. One of the things he said underscores why this policy should be set at the state level. If you make it a matter of the locale, there are areas in Nebraska where they are identified by the national origin of the people who live there. So if you turn people over to those in a community which may be very narrow-minded, they are--the ones who are not a part of that majority group--are very severely disadvantaged. The reason the federal government enacted certain laws and guarantees was to rescue people from the local prejudices that were rampant against black people. There were amendments adopted to the U.S. Constitution to address specifically what was happening to black people. You all don't know because you don't read history, but there were laws, a clump of them known as the Ku Klux Klan laws, federal laws which were aimed at the lawlessness found in parts of the south where the Ku Klux Klan ruled. A part of their rule was to lynch black people which did not just mean being hanged by the neck until dead--that's bad enough--it meant burning; it meant stripping the flesh off; it meant removing the testicles and penis from a living, writhing man at the end of a rope; it meant lashing a black man's back until there were great gashes in it, then pouring salt brine into those wounds, then building a fire and literally roasting this tortured individual to death. And I'm going to start reading some of those descriptions of lynchings on this floor so you all will know what is in my mind as a black man when I have to listen to white people talk about the land of the free and the home of the brave, one nation indivisible, when it's more divided, in fact, than it has ever been. With liberty and justice for all? Why did my colleague, Senator Pansing Brooks, who is straying from the teachings by supporting this bill, have to put in a plea to protect the liberty and justice for the LGBT community? They don't have liberty. They don't have justice. In this state we have a parent willing to acknowledge that a child of hers is a member of that community and she knows very well what is suffered. I have a weak place for children. I have no heart, Senator Pansing Brooks, so don't get your hopes up. When my children would have an earache, I would sit up all night. I would rock them, then I would put them on the bed and I would gently shake the bed to try to give them some ease. And in those days, I was willing to think the thought, but not utter the prayer, why could not this pain be taken by me and let my child be? [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: She's pleading for her child. And the hypocrites who will vote for this bill so somebody can wear a habit or a hijab or a yarmulke, or a Ku Klux Klan robe in the classroom, she knows that the ones who vote for this bill are not going to vote for a law that would protect our colleague's child. She knows that and I know it. But this soothes everybody's conscience. It makes them feel like they're doing something great. But how about the children who might live in a community where the church that is typified and represented by people who wear particular type of garb which makes it clear that people who are members of the LGBT community are not members of the human race? [LB62]

SENATOR KRIST: Time, Senator. [LB62]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Senator Pansing Brooks, you're recognized. [LB62]

SENATOR PANSING BROOKS: Thank you. I am going to take one more time on the mike on this and I appreciate Senator Chambers' comments fully. Today in the paper there was an editorial in the Lincoln Journal Star written by Ann Talbot, who is the President of the Nebraska Psychological Association Board of Directors. I am having the article copied to pass out to you, but I'm going to read to you part of it. She talks about, "Nancy Hicks' article on the extended battle psychologists and other professionals have had in asserting our responsibility to retain nondiscriminatory language regarding sexual orientation and gender identity provides an informative outline of this struggle and what is at stake. For nearly a decade the Department of HHS and two successive governors have allowed a religious group to assert undue influence on the signing of updated licensing regulations." She goes on to say, "...this issue is not just about referring people for 'counseling'--clinical psychologists diagnose and treat the full range of mental illnesses, including very serious ones. Our patients are often extremely vulnerable, at high risk for suicide and other calamities. The governor wants to allow psychologists to turn patients away without consideration of their stability or the public's safety. This would be comparable to emergency room physicians ignoring accident victims who offend their deeply held convictions." Again, I want to talk about this because I believe in religious liberty to an extent. But what's next? Do we...I'm going to go on and read this and then I'm going to tell you. So: "The new regulations that the governor is holding hostage reflect psychologists' role in high-risk, high-stakes healthcare decision-making." Our outdated regulations are impairing the ability to recruit the best and brightest new psychologists. In some cases university faculty who are licensed in other states are unable to juggle research and teaching demands of tenure while trying to meet Nebraska requirements. It goes on to say: In fact, we're trained not to treat people when our personal convictions may interfere with our effectiveness. But when we do decline to treat people we must also protect their safety and the public's. This often requires much more than handing them a phone book and showing them to the door. Incredibly, this debate is about whether it's okay for a psychologist to do no more than that, if patients offend our deeply held convictions, no matter how suicidal, distressed, agitated, angry, homicidal, psychotic, demented, confused or dangerous they may be. It is also government overreach and regulatory micromanagement at its worst. There is a deeper even more troubling side to this debate, she says. For some applying the "conscious clause" logic to mental health creates opportunities to confront, berate, and bully those who offend one's deeply held convictions. She goes on to say, for health care professionals, this violates the very first of the Hippocratic rules: Do no harm. This impasse is an extreme case of a mean-spirited solution looking for a defenseless problem. The only justification given by any state official is that the Catholic Conference demands it. The

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Catholic Conference demands that these people not be treated. It only makes sense as politicization of healthcare regulation to promote discrimination... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR PANSING BROOKS: ...against vulnerable people on behalf of a special interest, with disregard to public safety or public interest. Again, religious liberty does not justify religious tyranny. My friends, we want to let people practice their religion. That's what LB62 is about. But letting them to practice it to the point that it's harming others, that is wrong. At what point are the Catholics or whomever is protecting their religious rights going to start discriminating against Methodists or Presbyterians? The Presbyterians don't hold my religiously-held beliefs. I'm not going to treat you, here's a phone book, go figure out your own way to get treatment, even though you're suicidal or homicidal. This is wrong. This is not caring about the least of these in our community and each of you should feel that and know that in your heart. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR PANSING BROOKS: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Pansing Brooks. Senator Schumacher, you are recognized. [LB62]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. This is really kind of a fun issue. It's almost a law school issue. It kind of gets into some philosophy, some analysis, and it turns out that little things like this bring out the much broader arguments of society. What Senator Chambers' amendment does is basically leaves the law alone. The law now says that no teacher can wear religious garb while teaching in the public school. But he does strike out the fact that right now it is a crime to do so. He takes the criminal penalty away. That's the essence of AM332. In trying to narrow this down, the question before us, if we focus it tightly, is summarized in the question, should a man be able to wear a gown and adornments while teaching in the public schools? That's essentially the question. Now, we can make that decision yes or no at the state level, or we can punt it down the road and say, well, this is a local decision. But the issue is the same no matter which form it is because if we say yes, then we necessarily, under our Constitution which prohibits discrimination on the basis of religious belief, we are saying yes to all such cases--yes, you may, period. Now, if we say, well, you can do it only if you are a member of a religious sect that likes and has as their tradition the wearing of gowns and adornments, then automatically we've tripped the measures of law to say you must do so for all. You cannot look behind and say is the reason religious because you've tripped the

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line. I don't think we can discriminate in allowing some people to wear gowns and adornments based upon religion or their religious belief. And underscoring all of this is the troubling issues that we're trying to grapple with, with society, as society moves forward and old norms become questioned, arguments for new liberties are advanced, and society generally changes. And we all feel real uncomfortable when you start analyzing all this because the future is coming at us, really, really quick. The future is putting us in many ways in a society that we were not born into. They called it back in the 1970s, there was a book called Future Shock, and what would happen when society hit the point where all of these norms are being challenged so rapidly that people didn't recognize the society they were living in. Just like if you get plucked up and turn up in a different culture, you have culture shock. Things aren't the way they should be. Don't look the way they should be. People don't behave the way they should be. Gee, how should they behave? What's right and what's wrong? We're in future shock. And this is a bill which brings a lot of those forces together. The fundamental question is, as my time draws down here... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR SCHUMACHER: ...should this decision be made here? Should we say, no, let's keep this norm the way it is, let's not make a change--that's Senator Chambers' amendment--or, yes, we should make a change and push it down to put the local school districts in this quandary where you may have the isolation of a small community or maybe a not-so-small community and all the political dynamics there? Should we answer the question here or shove it down the line? And you aren't going to be able to say, yes, you may wear a gown and adornments if you're religious, no, you may not if you're not. And I think that's where the federal courts will end up. Thank you. [LB62]

SENATOR KRIST: Thank you, Senator Schumacher. Senator Chambers, you're recognized and this is your third time. [LB62]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as I've said before and I'll say it again and again and yet again, my philosophy when it comes to things like people who are on the outs could be called the three I's, the last, the lost, and the least. Who cares about those who are in last place? Who seeks and saves those who are lost? Those of you who are Christians heard Jesus say that. And how about those who are the least? He also said, if you don't do it for the least of these, my brethren, you haven't done it for me. You're in a small community. There are Catholics in that community. And I'll mention them because there was a Catholic nun who brought the bill to Senator Scheer. And they hear Catholics speak very disparagingly of LGBT people and this individual could be a member of that community or a member of that person's family could be. Then that child has to go to a classroom in the public schools and be taught by somebody representing the religion that says they can be excused from

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the human race. And that is neutrality in the classroom? Every society needs somebody who will say stop, look, listen. People might pause. They might glance and they may listen, but they refuse to hear. And that's what happens in a situation like this. I would like to ask Senator Pansing Brooks a question. [LB62]

SENATOR KRIST: Senator Pansing Brooks, will you yield? [LB62]

SENATOR PANSING BROOKS: Yes, I will. [LB62]

SENATOR CHAMBERS: Senator Pansing Brooks, the scenario I laid out, do you think that is outside the realm of possibility; namely, where a nun in a habit is representative of a religion, many of whose adherence dismiss the LGBT community from the human race, and then a child from a family who is a member of that community has to go into a classroom where somebody dressed in the garb representing the church formally and officially is the teacher? Do you think that could conceivably happen? [LB62]

SENATOR PANSING BROOKS: It does happen. [LB62]

SENATOR CHAMBERS: You said it could? [LB62]

SENATOR PANSING BROOKS: Yes, it could and I think it does. [LB62]

SENATOR CHAMBERS: Thank you. And I'd like to ask Senator Scheer a question if he would yield. [LB62]

SENATOR KRIST: Senator Scheer, will you yield to a question? [LB62]

SPEAKER SCHEER: Yes, I will. [LB62]

SENATOR CHAMBERS: Senator Scheer, you said, and others have, that this original law back all those years ago was put in place because of the attitude of the Ku Klux Klan. Is that what people are saying? [LB62]

SPEAKER SCHEER: That information is what we found as we did research going back as far as we could in our research. [LB62]

SENATOR CHAMBERS: And you accept that? [LB62]

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SPEAKER SCHEER: Well, I am assuming that (inaudible)... [LB62]

SENATOR CHAMBERS: Well, I'm not going to quarrel. Do you... [LB62]

SPEAKER SCHEER: No, no, no. Yes. Yes, I do. [LB62]

SENATOR CHAMBERS: Okay. Do you know that there are members of the Ku Klux Klan that...first of all, the Ku Klux Klan is not one organization. Are you aware that there are different cells, branches, klaverns of that organization which compete against others and want to separate themselves from the others? Are you aware that that happens among that group? [LB62]

SPEAKER SCHEER: I try not to get too involved in the Ku Klux Klan, so I'm not aware of any of their inner workings. [LB62]

SENATOR CHAMBERS: Well, see, even though American history has been handled scandalously when it comes to concealing what has happened to black people, I feel a need to know my enemy. And I know my enemy best by reading my enemy's words. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: Do you think that a member of the Ku Klux Klan who is a member of the Christian Knights of the Ku Klux Klan should be allowed to teach in a classroom wearing a Klan robe of the Christian Knights of the Ku Klux Klan? Do you think that person whose religion is the Klan should be allowed to teach in that role in a public school classroom? [LB62]

SPEAKER SCHEER: Based on what my bill would do, that would be up to the local school district to make that determination. If you're asking my personal opinion, my personal opinion would be no. [LB62]

SENATOR CHAMBERS: Thank you. Members of the Legislature, that's what I'm talking about. You take care of your own when you're in the majority. He's not for religious liberty. He's for religious liberty as long as it's what the majority want. If you take this language out of the bill, then as far as the state policy is concerned, a member of the Christian Knights of the Ku Klux Klan should be able to wear that Klan robe and teach in a public school classroom and the rest of you are going to play like you don't hear what I'm saying. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers and Senator Pansing Brooks and Senator Scheer. Mr. Clerk. [LB62]

CLERK: Mr. President, Senator Chambers would move to amend his amendment with FA44. (Legislative Journal page 713.) [LB62]

SENATOR KRIST: Senator Chambers, you're recognized to open on your amendment. [LB62]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when you're standing alone, you have to find a way to fight against the overwhelming odds and having pledged when I came to this Legislature that I would play by its rules and told my community that I would learn the rules and beat them at their own game using their rules, I have to deliver. Unlike Christians and other religious people, I cannot make a profession and then deny it and turn my back on it by my conduct. My conduct reflects what it is that I say that I believe and that's what this amendment discloses. You're probably not following, but I want to say this for the record. In this amendment, which is AM332, which attempts to amend LB62, says that on page 1, line 4, you would strike the words "this state" and insert the word "Nebraska". Then instead of that line reading "No teacher in any public school in this state," it would read, "No teacher in any public school in Nebraska..." I'm going to offer other amendments if I need to so that I can have my time to speak and run us to cloture. I told you what I intended to do on this bill. This is one of those principled positions for me. Religion is one of the worst things that ever cursed humankind. Religion has started innumerable wars. Religion has ended not one single war. Religion teaches hatred as they do our colleagues toward our colleague's child. Religion dehumanizes human beings as it did with people who look like me, excused from the human race. And Roger B. Taney, Chief Justice of the U.S. Supreme Court and a Roman Catholic, wrote in the Opinion: A black man has no rights which a white man need respect. He heralded what his religion was. So I'm entitled to believe that he was speaking for and representing the attitude of his religion. It was a Catholic priest--and since he's long dead I won't mention his name--who helped introduce African slavery into this hemisphere. There are Catholic churches during the time when an attempt was being made to outlaw racial segregation in the schools, the Catholic schools helped perpetuate racism and segregation because their schools were segregated. And the laws of the country did not touch these religious schools because their deeply held religious beliefs allows them to discriminate and dehumanize people. So these Catholic schools opened their doors to all the people who had children, white children in the public schools, and did not want their children to go and sit next to a black child, to enter these Catholic schools and that is a matter of record. So religion is not anything that leaves a good taste in my mouth. If you got rid of all religion, the world would immediately be better off. There are numerous problems we're

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contending with today that would go away. Many of them...some of them are going to be addressed by Senator Morfeld's bill, a version of which I brought year after year after year, unsuccessfully, which articulated in the law the answer to a question that Cain asked God. After Cain killed his brother, God came with the voice of God through the garden, said, Cain, where is thy brother? And Cain asked the question, which was not answered, am I my brother's keeper? And I offered a version of the bill that Senator Morfeld is offering us this time to provide an answer. And the answer is, yes, we are our brothers' and our sisters' keeper. We are each other's keeper. We are, if what they teach us in religion is true, made from one blood and we all belong to one family, the human family. But we know that is just so much piffle. They're nice-sounding words to be talked about but not to be acted on, spoken of in churches but to be disregarded in the churches in terms of how they treat others not of their religion or of their race. So if you got rid of all of these religious notions, then the world would be better off. The thought is father to the deed. If you can change people's thought patterns, you can change their conduct. Nothing can become so deeply ingrained, even if misunderstood, as religious notions. And if you could cure people of these notions, if you could purge those notions, the world would be better off and people would be free to treat each other the way they want to be treated. They wouldn't have to think back to the fact that my particular church says these people are cursed of God, they're going to hell, I will not serve them in my store, I will not treat them if I'm a doctor, I will not dispense pharmaceuticals if I'm a pharmacist, I will not give counseling if I am a psychiatrist or mental health provider, because my religion teaches me that these people are outside the pale. You all can feel comfortable with that, but I cannot and I will not and I will not be quiet. You all can go to church and talk all these fine things and all of you are hypocrites together so nobody challenges anybody and you feel good. And you feel it's right because you have the numbers, but then when you get out in the real world, you don't feel so comfortable and you wish somebody like me could be hushed up. And when the church had its way, I could have been. They could have burned me at the stake. But here's where they couldn't, because I knew their law. I couldn't be a heretic. A heretic is one who falls away from the faith. I never would have embraced the faith in the first place, so based on their law I shouldn't be burnable, but that has never stopped religious people from doing what it was they wanted to do. So if you cannot honestly say in your mind that you believe that a member of the Ku Klux Klan should be allowed to wear that Ku Klux Klan robe and teach in the public schools, then you're a hypocrite if you vote for what Senator Scheer is asking you to vote for. You should adopt my amendment. "Professor" Schumacher did touch on it. I agree with everybody that making the wearing of this religious garb or attire a misdemeanor and that a person should be fined and could be thrown in jail or both, I struck all that. I'm declaring the policy of this state. The classrooms where our children are compelled to attend should find a place of neutrality. If there is such a thing as a safe haven, this classroom ought to be that and the only thing the child should have to be pressured by is the difficulty of the subject matter. And we all were in school and had classes, some parts of which were difficult, and we felt anxiety... [LB62]

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SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...in all of the things that happened. Did you say time? [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: Thank you. So that's enough of a burden for the child. Don't introduce these other things which people can do on their own time as they please, but not in the classroom. And the child should not be confronted by a teacher whose religion has indicated that that child should be outside the human race when it comes to treatment. And somebody might say, well, the religion doesn't teach that, and I would accept it because they fell right into my trap. If the religion doesn't teach it, why do so many of that religion's adherents agree with that? Why won't they be excommunicated for that? But they won't be because then nobody would be there except Pope Francis and Senator Krist. And when those were the only two there, you know what I would say? I would say what Faustus said: Almost, but not quite, the two of you almost persuade me to be a Catholic. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB62]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. You know, our local governments keep complaining that we give them all kinds of unfunded mandates, that we push burden down to them along with the bill down to them for things that the state should be dealing with. And if you think about it, LB62 is an unfunded mandate. Why? Because the question that we're pushing down to the local government for decision is whether or not men in gowns and adornments should be allowed to teach in the school. Invariably, that lawsuit is there and they're going to be asked to decide on the first order, yes or no. And if they say no, then we're back to where we are now basically in state law. If they say yes, then they're saying yes and they cannot discriminate using religion as a basis. So they're off to the federal courts and they're off to the federal courts on their own nickel because we're not sending a defense fund check to defend their decision along with the change we're imposing by LB62. So it's kind of an unfunded mandate. We know it's going to happen. We know one or more districts are going to get stuck with this bill because that's the nature of the world we live in. And the bill could be a big bill because there's really interesting questions, interesting conflicts between the First Amendment and between other rights of expression. I wanted to get this in the record this morning because there's a chance that this legislative debate may actually appear in a transcript presented to a federal court. Now I've been watching Senator Chambers for a number of years now and I know when he says he's going to do something, he does it, and we're going to spend four hours on this. And in the process, he's going to burn up a lot of these yellow pieces of paper. A lot of little

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yellow trees are going to have to die so Senator Chambers can use the forms. With that in mind, I want save at least a few leaves off a yellow paper tree and yield the rest of my time to Senator Chambers. [LB62]

SENATOR KRIST: Senator Chambers, 2:30. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. Members of the Legislature, I don't see Senator Pansing Brooks, I'm going to leave her alone. We know if we read the newspaper that there are people who run businesses and they don't want to serve certain people because of the beliefs of those people. It's religion against religion. But you don't want to allow the Ku Klux Klan person to wear the garb of his or her religion. They are members...they are members of the Christian Knights of the Ku Klux Klan. Their symbol is the cross as they had above the door in every classroom at Creighton University where I attended. And there was a human figure hanging on that cross and maybe the Christian Knights of the Ku Klux Klan would practice their religion, literally, if they were allowed under the law, which would be to hang a certain type of person on every cross that was theirs... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...and say they're following the example of the other Christians. Senator Scheer acknowledged that he wouldn't think that a person who was a member of the Christian Knights of the Ku Klux Klan should be allowed to teach in a public school classroom wearing the robes and paraphernalia of such a Klan member. Why not? Because you don't believe in religious liberty, religious freedom for all. You believe in it for yours and if yours is acceptable, then it's okay. But some people say it goes even to a deeply held belief. Who do you...I will wait because I'm going to run out of time. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Schumacher and Senator Chambers. Senator Wayne, you are recognized. [LB62]

SENATOR WAYNE: Good morning, colleagues. Since we're talking a little bit about education and a couple of other things, yesterday I left here with a heavy heart and the reason I left with a heavy heart is I watched a committee hearing yesterday. And those who know me know that I am the last one to bring up race, that I am the last one to use it as an excuse. But yesterday I watched a committee hearing where, regardless of the bill, it struck something deep in me, so much that last night I watched Lincoln, if you remember that three-hour movie, I watched Malcolm X, so pretty much I didn't sleep because this bothered me so much. And I watched the arguments made in Lincoln and it was many of the same identical arguments made yesterday. So with that I would ask if Senator Morfeld would yield to a question or two? [LB62]

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SENATOR KRIST: Senator Morfeld, will you yield? [LB62]

SENATOR MORFELD: Yes. [LB62]

SENATOR WAYNE: Senator Morfeld, when was the last time you visited a north Omaha school that it was considered failing? [LB62]

SENATOR MORFELD: Considered failing? [LB62]

SENATOR WAYNE: Yes. [LB62]

SENATOR MORFELD: I would have to look at the different schools that are considered failing. I've visited several and I actually run programs in several. But I don't know if they're failing or not. [LB62]

SENATOR WAYNE: When was the...ironic that you run the programs but you don't know if they're failing. But regardless of that, when was the last time that you talked to a prisoner, actually in the prison system who was dealing with multiple issues like mandatory minimums? [LB62]

SENATOR MORFELD: I've actually talked to several over the last year that I've worked with and that have sent me letters. [LB62]

SENATOR WAYNE: Thank you. When was the last time you talked to a 20-year-old kid when you handed him a probation paper in which by the third line they couldn't read it, but yet they're a high school graduate? [LB62]

SENATOR MORFELD: I've talked to several people in my district who could not read and were around the age of 20. I don't know if they were of that exact description. [LB62]

SENATOR WAYNE: And when was the last time that you, maybe, represented a 25-year-old kid who was a graduate who could not read a police report? [LB62]

SENATOR MORFELD: I'm not a practicing attorney even though I'm licensed so I haven't represented somebody since I graduated law school. [LB62]

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SENATOR WAYNE: And because you're not a practicing attorney, is it safe to say you don't do a lot of criminal law? [LB62]

SENATOR MORFELD: I don't do a lot of criminal law. Obviously I deal with a lot of those issues in the Judiciary Committee and I listen very intently to those who testify and are affected by it. [LB62]

SENATOR WAYNE: Thank you, Senator Morfeld. Colleagues, just because he's not a practicing attorney and just because he hasn't necessarily visited failing schools, I don't believe that disqualifies him for being on the Judiciary Committee or the Education Committee because I believe people can read data and I believe people can work in other places and still get a grasp on some of the issues. But yesterday, there were two African-American gentlemen who testified in a hearing who I felt...and not just me, but at least 11 people from across the country that texted me, and I'm going to read a text for the record: Justin, that's exactly why I'm not in the "Big O," the amount of disrespect shown to these individuals, and you know I do not support charters. He's not a charter supporter. Chief--that's my nickname--do they really think people will want to come back when the entire time on this committee they've kept quoting how great Nebraska education system is while not acknowledging how bad it is for particularly African-American males? It is this type of belief that keeps me from Nebraska and coming back home. Omaha Chamber did a survey that just came out where African-Americans were five to six times less likely to recommend Omaha or Nebraska as a place to stay, or to even come to. The fact of the matter is, I think Senator Pansing Brooks and Senator Brewer would be offended... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR WAYNE: ...if during their arguments about Pine Ridge we said many Native American reservations are doing great across the country, why do we have to worry about this small little section? But that's what happened yesterday over and over and over again in this committee hearing. We refuse to acknowledge the issues that are going on. So I'm going to press my button again, and I might take up the rest of the time because I asked Senator Chambers if I can take up his filibuster today. And from here on out, maybe this is the issue that I'm going to filibuster because as much as we want to filibuster the bill itself that was introduced, I want that much energy put into solving the problems of the kids that I represent. And so maybe this is going to be the issue for the next four years that every time a bill comes up, we're going to stop and delay and have a conversation about education and what are the answers and what are the solutions. [LB62]

SENATOR KRIST: Time, Senator. Thank you, Senator Wayne and Senator Morfeld. Senator Chambers, you're recognized. [LB62]

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SENATOR CHAMBERS: Thank you. Members...Mr. President, members of the Legislature, I'm that eagle with wide wings and they protect those other than my own kind, if you will. But I have not ignored my own kind, if you will. I spent considerable time and effort to persuade enough of my colleagues to divide the district...the only Class V district in the city, which embraced OPS, the Omaha Public Schools, into three districts. Each one would govern its district and be on a par with every other public school in this state. I argued that people on this floor had talked incessantly about local control of the schools. But they did not want to let local control obtain where black and poor white children lived. The parents of those children, the citizens in those areas had virtually nothing to say about what went on in the schools their children attended. They were called neighborhood schools. They were tightly segregated. They all had inferior curricula. The least experienced teachers were assigned there, other things that made it impossible, virtually, for a child to get a decent education. And I laid out chapter and verse, gave articles, talked about the necessity of a federal court declaring that the Omaha Public School system was segregated on the basis of race and remedial action had to be taken. Well, when the remedy is put in the hands of the one who created the problem, there's not going to be much in the way of alleviation. So the Legislature voted to divide OPS into three districts. The people in OPS, the administrators, who had that money and did not want it touched, who wanted to have their little fiefdom untouched by anybody outside of that fiefdom, fought very hard against what I was doing but they were not successful so they said that I was trying to segregate the schools. I said, to say that I'm trying to segregate the schools where they're already segregated is to say that I can make water wetter. The U.S. Civil Rights Commission had a hearing in Omaha about this matter. What I pointed out is that the bill, the way it was drafted did not impose segregation. All it did was accepted what existed, and divided that into districts. If those having their conference could move away from me I would appreciate it. Hey, you all move, you all are talking too loud, no matter what you're talking about. And here's what I did. There are seven high schools in Omaha. So each district would have two high schools except for one which would have three. So there would be a district with two high schools, a district with two high schools, a district with three. And you know what the purpose of the high schools was? To establish the district boundaries. And if by using the district boundaries already established by OPS for high school attendance was not deemed to be segregative or discriminatory, how could those very district boundaries now be considered... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...to be segregative and discriminatory because they'd be the basis for drawing the districts? And OPS, before the bill took effect, still had the authority to draw district boundaries. So every stratagem was used by them and they could not succeed. The Governor at that time was Dave Heineman. He signed the bill. Most of the rural senators voted for it. The minions of OPS fought against it but lost. There were people in my community who spoke against it. One of them now is the president of the city council. Former Senator Brenda Council

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spoke against it because she had been on the OPS Board and she had served as the co-chair of a bond raising group so that... [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Those still wishing to speak: Senator Morfeld, Schumacher, Wayne, Pansing Brooks, and others. Senator Morfeld, you're recognized. [LB62]

SENATOR MORFELD: Thank you, Mr. President. And I talked to Senator Wayne off to the side here a little bit as everybody got a clue of when Senator Chambers pointed that out. And I understand Senator Wayne's feelings particularly after some of his close friends messaged him about the hearing yesterday. The question that I asked one of the testifiers who is a respected individual who worked under the Obama administration was, how many schools have you...which schools have you visited in Nebraska? And he said he has not visited any. And my point is, is that I do think it's important that when national experts come here, who I think they should come here and provide their knowledge, I think it's important that they stop in a few of our schools and see what the teachers are doing, see what the students are doing, see what the learning environment is like, and understand that. And that was the point that I was trying to make because there was a lot of supporters of the charter schools, a majority of them as far as I could tell, that were not Nebraskans. And there were several Nebraskan testifiers as well, some that had some compelling testimony, like Ms. Clarice Jackson. And so that was the point that I was trying to make. Now, can I see how maybe Senator Wayne reasonably thought that maybe that was disrespectful or rude? I guess I can see that. And I can understand that. I respect his feelings and I respect his colleague's feelings on that as well. I would like to also note that when I look at public education, I understand many of the issues not simply because I read articles or I drive by the schools, but because I've worked in the schools. I went to school for a bit in north Omaha when I lived in Omaha. I was at Conestoga Elementary. Now granted, I did not grow up or live in the community. I was bussed there as a part of that system. I actually thought busing was a good thing because it exposed me to a lot of other young people that I would have never talked to before and provided me a better understanding at a very early age. I also, through the nonprofit that I run, we run youth engagement and civic leadership programs in schools that are, almost all of them, low-income schools that have a lot of needs. And so these are issues that are very personal to me. These are issues that I feel like I'm fairly well informed on, but I always feel like I can learn more and that's why in the Education Committee, I stayed there the entire time until 9:00 p.m. with the exception of a 45-minute break to eat some chicken noodle soup and take my sinus medication because I think I got the same thing that Senator Pansing Brooks has.

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But I still listened to Ms. Jackson's testimony in my office, on my TV. And I want to thank the entire Education Committee. I can't tell you, there's a lot of differences that we have on that committee, but I'm incredibly, incredibly honored to be on that committee and that all eight members stayed until 9:00 p.m. last night to listen to testimony from Nebraskans on both sides of that issue. I will continue to listen to testimony on both sides of those issues. And quite frankly, I continue to be skeptical of the privatization of our public school system because I think that we have excellent public schools. I think that there are schools in places that we can do better. I think we should always strive to do better. I think that as a body we need to continue to provide resources so that hardworking teachers and public school administrators and school board members can continue to have the resources to ensure that every child is able to reach their potential. So again, I understand Senator Wayne's frustration. I respect his feelings. I talked to him off to the side. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR MORFELD: We'll continue to talk and have a dialogue, and I will continue to ask questions that I think are pertinent to understanding the people and the context behind them when they come and testify with the perspective that they have on our public schools while also understanding that they provide a perspective on how their schools have been successful in other states. So I want to thank Senator Wayne for bringing up his concerns. I'll continue to talk to him about those concerns, continue to work and enjoy working with him. And thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Morfeld. Senator Schumacher, you're recognized. [LB62]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I want to continue to save little yellow trees and I yield the rest of my time to Senator Chambers. [LB62]

SENATOR KRIST: Senator Chambers, 4:50. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. And I've crafted another amendment to make sure I can take us...take up all the time that it will be necessary to take up to get to cloture. This is one of the biggest issues that can come before a legislative assembly, what I'm talking about and what Senator Wayne is talking about. Here's where there's a difference in the approach we're taking now. I don't know what his view will be on this amendment of mine or that underlying bill, but he and I are as one on the issue of how the public schools systems--I make it plural--throughout this country have cheated black children. Our children often, and disabled children to some extent, been the magnet that has drawn in

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supplemental funds. But they're not expended to benefit the children and the groups for whom that money is supposed to be spent. One of the Judges in one of the lower court Opinions, before the U.S. Supreme Court outlawed all school segregation saying that segregated education is inherently unequal, had given a case decision wherein he wrote that if you leave it in the hands of the people who segregated the schools, they are going to make sure that the money goes to benefit their children to the detriment of children who are not like theirs. In other words, when you leave everything in the hands of those who are the racists, the segregationists, the discriminators, they're going to continue all of those practices and the innocent children who are not like their children are going to suffer. I don't think a child has to sit next to...a black child has to sit next to a white child to learn. I think what a black child needs is somebody to teach who knows the subject matter and knows how to impart it to all students. I was the one virtually alone--before Senator Wayne was even born--who ultimately got that horrendous tale Little Black Sambo out of the public schools--alone. I was condemned by teachers, by the superintendent of schools, by even some black ministers. And I also did the same service for black children in the public schools of Lincoln and there were a lot of so-called liberal white senators in Lincoln who did not care that black children were exposed to the story of Little Black Sambo in the Lincoln Public Schools. Senator Morfeld does not know right now that I'm working with a black family whose children have been mistreated on the school bus. They're black, can't get any resolution of their problem by going to the school people in Lincoln, so they bring it to me. And there are white people in other parts of the city, the state, whose children are mistreated, not because they're black, obviously, but for other reasons and they feel they have nobody they can turn to. So they come to me. Why? Because I deal with the last, the lost, and the least, while the rest of you don't. Look how empty this Chamber is. You know how you're going to vote, but when you talk and get down to the brass tacks, you would have to vote for what I'm talking about. The discrimination is done by the people who will wear this religious garb in the classroom, but they have to have a right... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...to impose what they are on these innocent children and convert it from a neutral environment to one where religious bigotry practiced against him or her and their kind is present and the teacher represents it. And you all want that. What are you standing for? You are strengthening the hand of those who do the thing that hurt you and your family the most. That's the difference between me and the rest of you. I'm not going to do things that will betray the children who have no voice other than mine to get along with people in here or to make it seem that I'm a liberal or whatever these terms are. They don't apply those terms to me. I'm not a Democrat, I'm not a "Repelican," I'm not a Christian, I'm not a Jew, I'm not a Muslim, I'm not a member of any organization, any party, none of it. I am me. And as Popeye said, that means I am what I am and that's all that I am. So people from every walk imaginable will come to me. I've

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even had judges bring issues to me that they couldn't discuss because they were judges and they thought it might hurt them when they stood for retention. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Those still wishing to speak: Senator Wayne, Pansing Brooks, Hilgers, Chambers, and Brasch. Senator Wayne, you are recognized. [LB62]

SENATOR WAYNE: Thank you, colleagues. I think we'll all agree that...with this quote started by Frederick Douglass stated it first and then recorded by Malcolm X that: Education is the passport to the future, for tomorrow belongs to the children...to the people--I say the children--who prepare for it today. And I think we would all agree that in a world today where knowledge is the marketable skills you have, that we as a body owe it to every child to have access to a high-quality education. Whether you live in Senator Hughes' district, Senator Smith's district, every...Senator Halloran's district, every parent wants to be able to send their kid to a high-quality school. And a high-quality school, not by chance, the chance that you get into a magnet school or a private school, or I guess I should say not by privilege, the fact that you can pay for a private school, and not by lottery, the chance that you might get a good teacher that year, but by right. We as a body have a constitutional duty to provide access to a high-quality education. But let's talk about a high-quality education for some of the district that I represent and most of the district that Senator Chambers represents. How many in this body know that in 2014, OPS was sanctioned by our own Nebraska Department of Education for suspending too many African-American males? They got fined, penalized, \$1.8 million because we suspended and disciplined...actually, suspended too many African-American males with disabilities. We want to talk about choice? And, again, I'm not a proponent of the bill that was introduced yesterday. But if you want to go to Central and you're an African-American student who lives in north Omaha, there is a 75 percent chance you won't get in. But if you are a white student, you have a 75 percent chance you will get in. If you want to go to Burke, Omaha Burke for freshmen students set aside 50 "full pay"; that's code for 50 white students to make sure in their freshman class that that school stays a white majority. You want to talk about choice? We know that OPS has one of the greatest programs in their dual language program at the elementary level that closes the achievement gap, been talked about nationally how such a good program it is. But you know one quadrant that we don't find the elementary school that has a dual language program? North Omaha. Got one in west Omaha, got two or three in south Omaha, don't have one in north Omaha. And I know this because I was on the school board fighting to make these changes. We have a student assignment plan that discriminates against African-Americans and Latino students. And we know this, the data backs it up. But let me give you one stat that is the most

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interesting one. After board member Vargas at the time, now Senator Vargas, board member Snow and myself and board member Scanlan rewrote our entire student code of conduct, we allowed professional discretion last year for students who have behavioral issues, discipline issues, to not to get a mandatory reassignment. So principals did not have to mandatory reassign that kid. Every ethnic group got reassigned except for one, white. When we gave principals discretion not to reassign their kids, only white kids benefited. That's data that I can't...it is what it is, I can't change it. So we talk about discipline. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR WAYNE: Central High School...you said, time? One minute? So if my colleagues will yield me more time, I think this is an issue that we need to stay on. But Central High School, 2013-2014, African-Americans, 25.7 percent; 43 percent of the suspensions; 67 percent of the mandatory reassignments; and 55 percent of the expulsions. We have an alternative school called Blackburn High School. African-Americans are 26 percent of high school population, but they are over 75 percent in that school. You want to talk about a prison pipeline, go visit that school. You want to talk about what it means like for a 17-year-old to get conditioned to walk into prison, go visit that school. But we don't want to deal with that. So if you don't want charters to continue to come back every year, then help me find a solution, filibuster every bill here until we find a solution to those kids who can't read, to those kids who can't make it. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR WAYNE: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Wayne. (Visitors introduced.) Senator Pansing Brooks, you're recognized. [LB62]

SENATOR PANSING BROOKS: Thank you, Mr. President. I want to stand and acknowledge the inherent racism in the system and the propensity that lies within me and each of us to treat people in a manner not appropriate and not cognizant of the life that others have led. I would agree that much of...that we are all guilty of racism at one point or another. I'm sorry if people felt they were treated rudely. I felt that the committee had gone pretty well, because we stayed there until 9:00, the entire committee. That's pretty rare. In my three years I don't remember a committee staying that long for that extended...that length of a bill. Senator Wayne talks about every child must have access to a high-quality school. We totally acknowledge that. So I'm sorry if the people that came in from D.C. did not get that message. They did leave after they...they did not stay for the testimony of the people who were opposed to the charter schools, because we questioned them. We said, why is it that north Omaha should have these problems? What is

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appropriate in that? What are we going to do about that? There was discussion about the value of our education in Nebraska and the good work that's being done by a majority of the schools. But then we also in the same breath talked about the abysmal situation in north Omaha where less than half, I believe, of African-American young men graduate. So we had Ms. Yolanda Williams come and speak, a very incredible African-American young woman who is on the board of OPS. And she talked about some of the things that they're doing for north Omaha. So is it enough? No. I'll stand with you, Senator Wayne, to fix this. It must be fixed. I just don't believe that people coming in and telling us what the Nebraska way should be was the right way to do it. And I understand that...I did not believe that people were attempting to be rude to anybody. I thought we listened and asked questions and if... I will say that I'm sorry to anybody who comes into this state. We welcome and listen to anybody, but we also ask questions that are directly related to the issue. And I don't feel sorry about asking questions, because I asked them of both sides. And I know that Senator Morfeld asked them of both sides. But meanwhile, I am committed to finding a solution. It is not appropriate that north Omaha has such terrible results on reading. It's clear that we're setting kids up in a way to fail. The Department of Education better take note that we are understanding this and we expect change. And I just want to thank all of the people that came. If you could have been there last night, you would have been so heartened about our teachers and the people who are so passionate about our kids and the people who came to advocate for our public schools, who really care about being accountable... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR PANSING BROOKS: ...and transparent--thank you--accountable and transparent to the voters and to the people in our districts for our school system. The discussion surrounded having people come from out of state and control the boards in a way that's not transparent, where you don't vote people in as board members of the charter schools. I don't like that. So if I was tough in my questioning, I'm sorry. But I have things I want to find out about charter schools and to understand. And I am going to continue to ask tough questions to both sides. I intend to always use kindness in my voice and to be as welcoming as possible to anybody who comes to one of our hearings, but I will continue to ask tough questions and I will fight with Senator Wayne for those fabulous young kids in north Omaha. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Pansing Brooks. Senator Hilgers, you are recognized. [LB62]

SENATOR HILGERS: Thank you, Mr. President. I would like to continue to listen to Senator Wayne's thoughts and so I yield the remainder of my time to him. [LB62]

SENATOR KRIST: Senator Wayne, 4:50. [LB62]

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SENATOR WAYNE: Thank you. Thank you, Senator Hilgers. So just a couple more stats and I'm going to get off my stat kick. But we can...so when I was president of the school board, 2013 we did a needs analysis. And I will tell you, anyone in here should read it. It's long, but I can give you some highlights. And here's why this is important, colleagues. I'm not just here because it's just my district. I'm here because OPS is the number-one human capital producer in this state, minus the universities. We have 55,000 students, 55,000 students who are going to walk eventually across the stage and enter this world and become producers of something, good or bad. It's up to us to figure that out. But when you talk about human capital--and I'm talking to the businesspeople in here--human capital, OPS ranks number one besides our universities and community colleges. But I will tell you that our human capital is more critical, because it starts at an earlier age and it's going to set the course for whether that student goes to college or community college or a trade school. But what's interesting about the discipline data is that we also ran a report that said that each time a student is suspended, the odds of that student graduating are reduced by 16.9 percent. Now I just quoted to you all the stats about how African-American children are being disciplined at a much, much higher rate. Well, why is this coming back to the body? Not just because the human capital producer that OPS is, but we have a prison issue. We have a juvenile issue. And I will submit to you that like the national trends, 85 percent of the kids that at least I see--and I'm pretty sure the national trend...well, the national trend is that--the juveniles in our system are illiterate or way behind on IEDs and special education things. So those are the things that impact us. If we want to solve economic development, if we want to solve our prison pipeline issue, if we want to solve the overcrowding issue, we have to solve our education issue. But yet we debate rules, we promise to filibuster everything on the rules. And I get why Senator Chambers does that. He's been here for 43 years and has vested much time and he wants to keep the sanctity of this. That's why I'm backing him on many of those things. But to my other colleagues, you don't have that vested interest but we're fighting rules so hard. But yet when it comes to education, for the last six years, seven years that I've watched this body, we don't have the big discussion about our TEEOSA formula. We don't have the big discussion about our education system or our accountability system. I find it ironic that we want to discount national experts when we disagree with something. But I sat in a meeting early in the morning this week and heard about how we brought in national experts to look at our prison population and our overcrowding and they gave us all these suggestions. But when national experts come in on education and they mention the word "charter"--and, again, I'm not promoting charters, I don't think they're the answer to north Omaha--we turn away and say we don't want to listen to national experts at all. We shut them down completely instead of having an idea. But what was the most interesting thing about the hearing yesterday is this young principal from New York said at least seven times when questioned 15 different ways about how do you solve the achievement gap dealing with young African-American males. [LB62]

SENATOR KRIST: One minute. [LB62]

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SENATOR WAYNE: He said it seven...I'll wait for my next turn to go into how he said it seven different ways. And I still don't think it resonated with everybody on the committee, because they couldn't get past the fact that he was here for a charter school bill. And that's the problem. We have to get past the word "charter" and talk about what are best practices and we have to implement them with fidelity and we are still not doing that. We are not doing that because we're afraid of the conversation. And it's time for us to start having the conversation. And since this deals with religious garments in education and teachers, it's appropriate to start talking about that conversation now. And maybe for the next remainder of this week I might pull a Chambers--and, yes, yes, it's a verb now--where I might just sit up here and beat this until we all start thinking about how important education is for the state of Nebraska. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Hilgers and Senator Wayne. Senator Chambers, you're recognized and this is your third time, sir. [LB62]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, what you're watching in play here is a division of labor. Before Senator Wayne came, I had to cover the waterfront. He's lucky that I came before him. He's talking about teaching in the classroom. You know what I had to do in the old days? I had to go into schools and take paddles away from principals, physically. Our children were beaten with these paddles. The teachers agree...most of the teachers in the schools where our children went were white. So in addition to not getting a decent education they were physically beaten in the schools. Before I had a child, children would run to the barbershop where I worked. And I'd see some with cut faces, black eyes, bloody noses, one had his shirt partway torn off and he came to get me because I would go to the school where it would happen and I would confront the teacher if the teacher was there. That's what I did. And I got corporal punishment out of the public schools, standing alone. There was no elder statesman like I am for Senator Wayne here in this Legislature or anywhere else. And I wasn't even in the Legislature when these bad things were happening. But I knew when I got here, I was going to address them. I mentioned I got Little Black Sambo out of the schools. He didn't have to deal with that in trying to get it out of the schools. Talking about not having foreign languages, when I managed to get OPS divided into three districts, I mentioned that we would have control over the curriculum in our schools to the same extent that white boards of education did. We'd hire a superintendent, we would hire the teachers. And in those long-ago years--it seems like a long time ago--China was not recognized as the economy that they are now. And I pointed out to people that in days to come you're going to see that China is going to have more and more of an impact on what's happening in America. And if we get our school district, one of the things we will teach is Chinese, because they will want to have a foothold in this country and they would rather have somebody who's indigenous to this country who can speak Chinese who would work with and for them. And I was resisted by the flunkies for OPS. But then lo and behold, Central started teaching Mandarin Chinese and Lincoln Public Schools did the same, but for our children, no. I'm going to bring some of those paddles down here one day and show you all. And

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I'm going to come back to what my amendment is dealing with, but this that we're talking about now takes priority. Here's what I did. The State Board of Education was coming to Omaha to have a hearing, not about corporal punishment, but that's what I was talking about all the time. So what I did was got a large paper sack and I put about six of these paddles in it, because I think and strategize. They were going to have the hearing in the gymnasium of a white school, so I went and I began to talk to the members of the State Board of Education. I mentioned the way these paddles were being used against our children in the schools and you couldn't use this kind of an implement on an animal without being charged with cruelty to animals so maybe if our children were dogs instead of human beings, they would be treated better. So you know what I did when they...one of the persons stood up and said, well, that's not what we're here for? I said, well, it's what I want to talk about and in this sack I have these paddles. And do you know what I had done, schemer than I am? [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: I had weakened the bottom of the sack. So when I took my arm from around the sack and took hold of the rim of the sack and held it up, the bottom fell out of the sack and all of those paddles clattered on that floor and echoed and re-echoed as things do in a gymnasium. And there was blessed quietness. So I took my time deliberately and regathered those paddles. And when I came down to this Legislature I was able to persuade enough senators to take corporal punishment out of public schools. And I'm going to be watching Senator Groene with his misguided stuff of saying teachers can use violence against these children. I wish he or anybody would try to use it on me like when I'd go to these schools and I'd say to the teacher if the teacher was there, I'm going to do to you what you did to that child. So the teachers would scatter when they knew I was coming. But they were brave when they were dealing with little children. As bad as things are now in our schools, they were far worse then. And I confronted those things and I'll confront them here... [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR CHAMBERS: ...but I will take issues one at a time. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Senator Scheer, you're recognized. [LB62]

SPEAKER SCHEER: Thank you, Mr. President. And I would be glad to yield the time to Senator Wayne, if he would so choose. [LB62]

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SENATOR KRIST: Senator Wayne, 4:50. [LB62]

SENATOR WAYNE: Thank you. Thank you, Senator...Speaker Scheer. Again, I'm going to talk a little bit about the strategic plan and what we did in 2013 in the needs analysis. So what this needs analysis did is we went in, had over 200 visits in our classrooms, we met with all of these individuals from a outside group who came in and analyzed everything. But this is one of the most important findings that I think this body should know about needs analysis and what came out of it and really what was talked about by Mr. Epting yesterday in the hearing. And I'm going to start with Mr. Epting in the hearing, then I'm going to show how this reflects to OPS. He said 15 different ways, if you want to solve the issue, there needs to be an intentional teaching--let me repeat--an intentional teaching that targets young African-American students and targets the background they come from, whether you consider traumatized or not, that deals with them where they are. Sounds so simple, but let me reflect and show you how it's not so simple: 2013 needs analysis said one of the biggest problems OPS staff has, it does not respect unique cultures. And I'm looking back at Senator Vargas and he just gave me that smile because this is a speech that I've said many, many times on the school board. Despite a genuine nature of caring expressions by shared staff, a low percentage, 28 (percent) of classrooms were observed to demonstrate the element of respect for unique culture and unique differences for students. At times, teachers' demonstration of care of students was displayed by feeling sorry for the circumstances surrounding the students' living environments, for example, staff interviewed reporting that poverty, not speaking English, gang activity, health issues are barriers to learning and oftentimes as reasons why students can't learn. So only 28 percent of our staff actually didn't feel that way, that because of backgrounds these students come from they can't learn. Jason Epting talked about expectations and an intentional teaching. Let me continue: In one classroom--and this was so blatant that they had to write the whole story out in this need analysis--the observer saw the teacher reading a story about a soccer team. The characters in the story had Asian-origin names. The teacher directed students to read them aloud and from the text and said, don't worry about pronouncing names, they're weird names. Whether the observer recognized...and while the observer was there--sorry--the observer turned around and recognized that there were at least a handful of kids with Asian descent and had the so-called weird names showing on their name tag. That lack of respect for people's cultures--and this goes directly to what Senator Chambers is talking about regarding religious garbs--is prevalent throughout OPS. And we have tried to change it, but it comes back down to what this principal said over and over: intentional teaching of these students and the autonomy to do some things within their school walls to make a difference. We have funding issues within OPS. Many of you heard me when you were down here... [LB62]

SENATOR KRIST: One minute. [LB62]

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SENATOR WAYNE: ...five years ago. I said, I don't think OPS should get another dime until we prove that we're using our money right. I still believe that. OPS has a \$800 million budget. We can solve the issues in our education system with the current funding we have, but we have to be intentional about it. And this Legislature has to have a better accountability system about it. We have to look at growth factors. We have to look at how much is being spent in the classroom. We have to have a real conversation about education. So while this Chamber may be empty and people not talking about the issue, I will start introducing amendments on multiple bills going forward to start having this conversation. I try not to be in the education world. I was laughing with Senator Krist about I didn't want to be on Education Committee because I didn't want to be pigeonholed. But yesterday drew me back in, because this is the single most important issue facing Nebraska. So now this is going to be my issue facing this Legislature. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Wayne. Those still wishing to speak: Senator Morfeld, Wayne, Ebke, Schumacher, Linehan and others. Senator Morfeld, you're recognized. [LB62]

SENATOR MORFELD: Thank you, Mr. President. And I want to reiterate that I agree with Senator Wayne. And I value Senator Wayne's and, particularly, Senator Vargas' experience on the Omaha School Board and the experience that they bring to this body. Even though they may not serve on the Education Committee, they still talk with us, they still share their knowledge. And I'm looking forward to taking guidance from them as we address education issues as a member of the Education Committee. And I also share a vested interest in this. My district alone, we have the second...excuse me, the third lowest median household income at \$34,000 a year. We have the second highest unemployment rate in the state as a district. I have the second highest level of poverty in my district. I have the second highest level of childhood poverty in my district. I have the third highest amount of food aid that is given in my district and the fifth highest rate of use of Medicaid in my district. I understand those issues all too well. I attended five different elementary schools as I grew up with my mother, who was a single mother with three kids from three different fathers who used things like federally subsidized housing, things like food assistance, but still worked full time. And I've sat here on this floor while some of my colleagues have disparaged people who use government assistance, like my mother who worked full time, like many of the hardworking Nebraskans in my district and in other districts. And I understand many of the different issues that young people are going to school each and every day with. It's tough to learn math and science when you were beat by somebody the day before and you watched your mother be beat. I understand that all too well, because I experienced that and I see it every single day when I work in our schools, when I go and talk to my constituents, and when I talk with some of the children that I represent. These are issues that won't go away on their own. These are issues that this body needs to address. These are issues that I've worked hard to address in the Education Committee and I know all too well that I still have a lot more to learn both from my colleagues, from folks around the country, and from folks within our own districts

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and in our own state. And that's why I ask the questions that I ask in Education Committee, is to get better context and a better understanding. And I look forward to working with Senator Wayne and others in this body who particularly have unique experience and represent some of these constituencies to improve education so that every child, regardless of whether they're in Ainsworth or north Omaha or north Lincoln, have the opportunity to realize their full potential. And if I have any remaining time, I'd be happy to yield it to Senator Wayne, if he so chooses. [LB62]

SENATOR KRIST: Senator Wayne, 1:40. [LB62]

SENATOR WAYNE: Thank you. So yesterday in the testimony there was a person who said that busing is the answer. Well, I'm here to tell you that 40 years of busing in Omaha Public Schools has yielded not one shred of evidence that it closes the achievement gap. I came out against busing. OPS spends about \$36 million--this year probably up to \$40 million--on busing students all over Omaha, yet we know it does not close the achievement gap. I go back to what I said before. Every parent wants to send their kid to a high-quality education, a high-quality school close to their home. And, yes, for the rural senators it may be a little harder to drive maybe an hour to their school, two hours to their school. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR WAYNE: But there is no reason that we have to put a kid on a bus in Omaha and send him or her to Millard or Westside. Westside Public Schools in Omaha, Nebraska, if you don't know what that is, it is a district in the middle of the city carved out in 1947 by this Legislature because young black and brown students were not allowed to go to school with young white students. That is in this legislative body. That is on the record. And you can literally drive through east Omaha, through Westside and get to west Omaha, all part of Omaha Public Schools. It is carved out in the middle. I only say that because 33 percent of the Westside students are Omaha Public Schools students. Those parents are making choice. And if you live around Westside, it's a great choice for you to make, if you can do that. But if you live in Senator Chambers' district or my district, that's a hour bus ride...hour and a half bus ride there and an hour and a half bus ride back. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR WAYNE: Thank you, Mr. President. [LB62]

SENATOR KRIST: Senator Wayne, you're next in the queue. You can continue. [LB62]

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SENATOR WAYNE: So what does that mean? I like how I just went with that. That was pretty cool. So what does that mean? That means if you're a single mother or you're a working family and you're working two jobs, you have to drive 30 to 40 minutes to parent-teacher conferences which you might not have. It shows that engagement level goes down, not just at the school faraway, but what the stats show is that where the kid leaves suffers. Here's why, peer pressure. We all know about peer pressure. We talk about it all the time. The reality is peer pressure can be a negative. Peer pressure can be a positive. And when you have that kid not talking about...or talking about going to college who is no longer in that middle school or high school because they've opted to another school, that conversation doesn't exist. Study after study shows that when the active parent, the parent who chooses to send their kid to a different school leaves that school, that school suffers because they were a active parent in that school. But we're not talking about that. My point to this is, we shouldn't have to have choice. The neighborhood school, especially at the elementary school, in north Omaha should be a high-quality school. But that starts here. We're going through a superintendent search in Omaha Public Schools right now. When we went through that in 2013, every senator was invited to meet with that superintendent candidate one on one. I know Senator Krist did, told me about his "overalls" comments one day. That was a great comment. We'll talk about that off the mike one day. My point is that engagement didn't occur this time. And one superintendent candidate, the Lincoln one, stepped out and told publicly, I don't like the process. So what confidence do we have in the body right now that this is going to be good? I don't know. But they're going to lead our biggest human capital producer again. So let's talk a little bit more about busing, because it was brought up yesterday, and choices. If nobody in this body believes--and I think this is true--that you should have to drive past the elementary school to find a higher quality one, you have to leave your neighborhood to find a higher quality one, nobody believes that we should have to do that, but that occurs every day. And I've watched this body for the last seven to eight years not address that issue. We actually incentivize Omaha Public Schools, Millard Public Schools, Westside Public Schools, and all the metro public schools to bus students because of our TEEOSA formula. When is that going to be discussed? When is the body going to take up that issue? We actually incentivize option enrollment through our TEEOSA formula. When is that going to be talked about? We say we don't want a voucher program? Well, flash, news flash, we already have a public voucher program. When a kid leaves Omaha Public Schools and goes to Millard or Westside, the dollars do follow that student. I'm saying instead of putting \$40 million into busing, let's put \$40 million back into the neighborhood schools. I'm saying instead of incentivizing through TEEOSA formula, busing, and option enrollment, let's incentivize growing our neighborhood schools, because they are the backbone of our community. You find me a high-quality neighborhood school, I'll find you a high-quality neighborhood that is revitalizing itself. But we don't do that. We don't have those conversations because it's too big sometimes. Well, colleagues, it's going to happen this year. And if that means throwing out TEEOSA and starting all over, that's something we're going to have to do, because I'm tired of my community

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busing itself out west to find a better education when they should be able to go to their neighborhood schools right there. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR WAYNE: Why is this important to me? Because in 2014, I led the largest bond in the state of Nebraska, \$421 million. My face was on it. My name was on it. I met with the most conservative taxpayer groups and came up with a solution of a oversight committee. Why is this important to me? Because we need another bond because we still have schools that have not been touched, literally touched in 40 years. We have students learning in a 1800 environment. But we can't get that next bond if we're not doing the things that we need to do to make sure we're successful. That's why it's important to me. Senator Vargas' district is a growing district where they're actually going to need two high schools. We literally can't do it. You want to talk about choice? And I have to come back because I know I only have like 15 seconds left. So I'll come back and talk about choice and why choice is actually illusion in Omaha, because of our capacity issues. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Wayne. (Visitors introduced.) Senator Ebke, you are recognized. [LB62]

SENATOR EBKE: Thank you, Mr. President. And I want to commend Senator Wayne and Senator Chambers for causing us to have this discussion this morning. I was part of the Education Committee that sat through that hearing last night. It was enlightening on many, many different levels. And I think it was a good discussion for us to have. I appreciate that Senator Wayne wants us to talk about education because I do think that that's very important, and especially from the criminal justice standpoint that I've been looking at. You know, I haven't seen the data. I bet it's out there. I bet it's available for mining. But I bet that if you were able to go into the schools where children can't read and you were able to track them over time, I bet that you could identify a fair number of our incarcerated young folks as having gone to those schools. There is no hope when you can't read. And so I thank Senator Wayne for bringing that up. In this body we will not always agree on the solutions, but we need to agree to talk about the problems and we need to talk about ways that we can fix them. So I appreciate the fact that Senator Wayne and Senator Chambers have drug us into this today and I would yield the remainder of my time to Senator Wayne, if he would like it. [LB62]

SENATOR KRIST: Senator Wayne, 3:40. [LB62]

SENATOR WAYNE: Thank you. Thank you, Senator Ebke. Thank you, Mr. President. So why I was talking about school choice in north Omaha is really an illusion, and this goes back to when

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me and Senator Chambers got on the Learning Community. This body came up with a great idea to create a diversity plan to pretty much take Sarpy and Douglas County and create almost a one city, one school district in a way that was palatable to everybody. But one of the most critical votes that came down was within like three months and we were at Westside. I'll never forget this, because it was such imagery that I just can't erase out of my head that myself, Senator Chambers, board member Freddie Gray, Learning Community member Lorraine Chang were the minorities on the board. And that was our big vote and we all voted the same way. And we voted the same way because the issue of capacity, who determines capacity at a building? And every local school district wanted to do it themselves. And I got the reason why. If I was in Bennington and I passed a bond for our students to go there, we should have some control over the numbers of how big that school should be. I get it. But we knew that capacity was going to be used to make sure black and brown students didn't get in. And that's exactly what happened. That's exactly what happened in the majority of the school districts around OPS and there was a running joke: If you could punt, pass, or shoot, you somehow got into that school. But if you just wanted an education you couldn't get in. And I printed off the e-mails that I got when I was on the Learning Community talking about we don't want those kids, we don't want those kids at Millard, to a point where board member Mike Kennedy--who I don't always agree with--went off on people saying, we want those kids, those kids are our kids, because he was so upset by the language that was being used at the Learning Community. I give you that to tell you that Senator Vargas' district, who now needs two high schools and a middle school and two elementary schools because of the growing population, Bryan is like 100 percent, 120 percent, Bryan High School, over capacity. South is over 120 percent capacity, I think. My point is, is if you're that kid in north Omaha and you want to go to a different school, it doesn't really happen. If you're a kid in north Omaha and you don't want to go to a middle school around your neighborhood, it doesn't really happen like it used to, because we haven't grown. We haven't grown our buildings but our population, especially in south Omaha, continues to grow. So when you talk about choice, let's really talk about choice and what does that choice look like, hour and a half bus ride, if you're lucky enough to get it? But most likely you're not lucky enough to get it. Now again, I'm not a proponent of the bill that was introduced. There are some issues that I have, big issues with it. But don't let the issues that were raised in this hearing fall on deaf ears because you didn't like the bill or the introducer of the bill. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR WAYNE: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Ebke and Senator Wayne. Those still wishing to speak: Senator Schumacher, Linehan, Geist, Albrecht, Larson and others. Senator Schumacher, you're recognized. [LB62]

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SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Earlier today I commented on future shock, that phenomena that occurs when society and the world changes so fast that you don't even recognize your home culture because it's changed. You don't know the rules. Well, I was caught in future shock this morning, because I said we had four hours on Select File of debate and Senator Scheer points out the world has changed. We only have three hours, so I stand corrected and duly shocked. Now, I've been working hard this morning to save trees, little, yellow trees, so that Senator Chambers doesn't have to burn up his pad of them. And at this point, I think I not only have saved trees, I may have been close to saving a forest, the little yellow forest. Senator Chambers, I yield the rest of my time to you. [LB62]

SENATOR KRIST: Senator Chambers, 3:50. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. And I'm so glad that Senator Wayne is here, but I'm going to take my credit for the work that I did before he came. I got the school district divided, OPS. And they got a misguided NAACP at the national level to file a lawsuit against what I had done. I pushed the court to make a ruling because I knew that it had no segregative intent and I would win. And I made the mistake of writing one of those op-ed pieces in the World-Herald, made my legal arguments and suddenly, the OPS people, the NAACP people changed and they didn't want the judge to give a decision. So I began to speak on the floor: Tell him to give the decision and if I am wrong let it be established in court, but they knew I was right. And here is where the OPS people got involved. Senator Raikes and I who had worked very closely together on these issues were going to be term limited out. And so we had a conversation and he was wondering what direction we should go and I knew what direction we should go. I said, as soon as we get term limited out, they will pass a law and what we got in terms of dividing OPS into three districts, that law would be repealed and everything would be right back where it was, so we are going have to come up with a substitute, something that will give others a stake in it and it will be here after we're gone. And the result of that was the Learning Community. That was not a first choice, that was a fallback position. And we did create the Learning Community. Senator Deb Fischer was here at that time and they were going to the Legislature: Give student aid based on the number of students and because the rural population was diminishing--and I'm saying this for the record and you can send it to her--they were going to lose funding, was there anything I could do? I said, what do you think ought to be done? She said, well, we could find a different basis for giving aid, not based strictly on the student population. I said, done. And she had been working with some of the power brokers in the Legislature and they told her there's no way that's going to happen. That's when she came to me. She went back to them and said, this is what Ernie said is the way it's going to be; now, you told me no, go tell Ernie no, which they did not do. And the rural people got that extra money that they wouldn't have gotten and they supported what I was trying to get done... [LB62]

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SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...and Senator Raikes was trying to get done and that's how the Learning Community came into being. And as a result of that Senator Wayne was able to get on the Learning Community board and so was I. Sticking with my prideful way, I did not campaign. I did not spend a nickel and I got more votes than anybody who was running for the Learning Community and some of them had spent thousands of dollars. And by that time the districts were large enough so it embraced a lot of white people and they wanted me there because they know what I felt about education. They wanted me out of the Legislature. But when it was going to be close to where they lived and their children, they wanted me there for their children and they voted for me without me campaigning. I didn't even know the boundaries of the district. Here is why I'm saying that. Things are done here not because people think it's the right thing to do. Politics is at play. You're seeing a young man who came here and he is very dedicated to what needs to be done, but he's knowledgeable. He's not fearful and I'm glad that he's going to bring that issue up and I will help him every time he brings it up. But I'm not going to forget the other issues, such as this bad bill that I'm trying to do something about now. Thank you, Mr. President. [LB62]

SENATOR KRIST: Time, Senator. Thank you, Senator Schumacher and Senator Chambers. Senator Linehan, you're recognized. [LB62]

SENATOR LINEHAN: Good morning, colleagues. I think this might be the most fun I've had on the floor since I got here. Thank you, Senator Wayne. I am disappointed that you're not happy with the charter bill that Senator Larson has introduced. But I think...Senator Larson, are you here? [LB62]

SENATOR KRIST: Senator Larson, will you yield? [LB62]

SENATOR LINEHAN: Would you yield for a question? [LB62]

SENATOR LARSON: Yes. [LB62]

SENATOR LINEHAN: Senator Larson, would you be willing to work with Senator Wayne and his concerns regarding the charter legislation? [LB62]

SENATOR LARSON: Always. [LB62]

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SENATOR LINEHAN: Okay. Thank you very much. I thought the hearing yesterday was very informative, very emotional. People are emotional about education. They should be emotional about education. It's about children; it's about their own kids. It's about our public schools which we hold in high regard. I think most of us on the committee graduated from public schools. They are the backbone of our state and it's important that we have an educated society. I'm absolutely committed to public education. But we cannot keep ignoring the fact that all our schools are not successful and they're not delivering the education that the kids going to those schools deserve. I think one of the most insightful testimony yesterday was from a woman who left sunny California, who is the head of Center for Research on Educational Outcomes at Stanford University, referred to as CREDO. She has spent...she's the head of CREDO. She has spent much of her life studying education. Frequently, over the last half-dozen years a CREDO study that was published I think in 2012 has been mentioned to me as proving charter schools don't work. I heard it when I was on the campaign trail because I did get asked about this when I was campaigning last fall. And what I said on my campaign and I think I've said it here and I want to repeat it because I'm committed to this, I am not...I don't think we need charter schools and choice widely across the state. I think most of our schools do a good job. Some of them do an incredibly good job. But we have some that aren't and we can't ignore them. What the CREDO study showed is that charter schools are particularly good in urban areas with minority students who are either free- or reduced-lunch households. So let's see. It works with minority kids. And it's not like close, like they're just a little bit better. They're a lot better. And I think through the testimony--at least what I heard yesterday, and others on the committee if they're here may want to speak to this--what I heard yesterday was that the difference in these schools is it's all about the kid. It's about meeting the kid where they are, where that individual child is. And they're different. You have KIPP, you have Success Academy. They're not...because the woman from CREDO was asked what makes them work? She was asked that several times. And she goes, there's not a single formula. But what I think we heard over and over, what the real formula is, is they meet every kid at the door in the morning. That kid knows that they're loved,... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR LINEHAN: ...that they believe they can be whatever they want to be, that there is no limit to their future, that they can be college bound if they so desire, that they can read as well as anyone, and that they're going make sure that they get to wherever they want to go. That's what I picked up. I'm sure there is more, but the main point was they walked into school and everybody in that school believed they could be anything they wanted to be. They believed in the kids. And all of us that are parents and grandparents or have worked with young people know that kids live absolutely up to the expectations you have of that child. That's where they will get. And if the expectations are low, which I fear they are in too many of our schools because the reasons we hear, there's poverty, they're not read to, all those thing are important--I'm not discounting that--

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but that's not an excuse when that five-year-old walks through that door that that kid shouldn't have every opportunity to meet every potential that's hidden in that child. So thank you. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR LINEHAN: Thank you. [LB62]

SENATOR KRIST: Thank you, Senator Linehan. Senator Geist, you are recognized. [LB62]

SENATOR GEIST: Yes, thank you. And I'm interested in this information that Justin Wayne is giving us. So, Senator Wayne, I'll yield my time to you. [LB62]

SENATOR KRIST: Senator Wayne, 4:50. [LB62]

SENATOR WAYNE: Thank you. Thank you, Senator Geist. So I just quickly looked up...since Senator Chambers wanted to brag on how bad he beat me in the Learning Community. So in the Learning Community you get to select the top two, so I just kind of have an entertaining conversation for a second. The top two go-getters are on the Learning Community. So Chambers beat me like 13,000 to like 4,000. He almost triple beat me bad, but I think if I ran against him today he'll probably still beat me by three times. But that was interesting and the reason I bring up that experience, because that's where Senator Chambers and I first started talking. And Senator Chambers will recall that I spent an entire month putting together our first plan. And when I say "I," we had no staff, as Senator Kolowski will remember. We had to come up with a plan, an achievement plan and a diversity plan. And we focused in on around Adams Park and the hub-and-spoke concept and I literally spent 100 to 200 hours creating this plan. And we got the plan. We got the plan approved. We even passed an additional tax levy to get the plan going. And you know what this body did? Told us we couldn't use the money for what it was for. They changed the law every year the Learning Community was there to make sure that it would fail, because we had a targeted plan to deal with north Omaha. South Omaha had a targeted plan to deal with south Omaha. And the first thing they did is said, nope, now you can't use this money to build brick and mortar because you'll compete with schools. So we said, okay, now we have to go back to the drawing board because we wanted to use actually a public facility owned by the city. We were going to build it out at Adams Community Center. We worked with NRD to help redo the whole water area and the green space around it. We had money coming in and we were going to change that entire area. This body said no, and that was my first interaction with this body and I thought, this body does not care about young black kids. Next year we come up with a new plan and I'm still on the Learning Community. And we say, well, we need to put an accountability system in that has teeth, because every year they had to submit a poverty plan. So the second year Senator Chambers and I objected, said, no, we're not going to approve OPS's

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poverty plan at our subcouncil. Everybody went up in arms because there was funding attached to that, because all they did was list here goes all the things that we're doing to address the achievement gap in poverty students, which was pretty much everything. And we said, no, there needs to be more accountability. So what did this body do? Said, no, Subcouncil 2, you can't do that, you can't hold OPS accountable, we got to change the law again to allow...if we reject it at the subcouncil level, now we're going to allow appeal to the majority of the Learning Community Council. And even if they reject it, we're still going to fund it. Second interaction with this body: really don't care about young black kids. And we're on the Learning Community saying, well, what do you want us to do? Every time we try to solve the achievement gap, which is what the Learning Community was started for, this body continues to change it. So that's when I said, well, I guess I got to run for school board because that's the one thing they haven't changed, one thing they haven't started to. And what happens, we come down here and I was fighting that and Senator Chambers and Senator Lautenbaugh--probably the first time and last time them ever two signed onto a bill together--agreed to shrink the school board. So just remember that. That's the one thing I did... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR WAYNE: ...was to got them two to agree on a bill and cosponsor it. And that sailed through and we started making changes. But I do want to talk real quick about some data and I'm going to come back if somebody yields me a little more time. We talked about every child should go to a high-quality school and yesterday Indian Hill was mentioned. But according to the 2016 NAEP scores, N-A-E-P scores, Indian Hills, 19 percent of their children are proficient. How many people in this body would send their kid to a school where the data shows that only 19 percent can compete nationally? Harrison Elementary, 28 percent; Western Hills, 25 percent; Spring Lake, 24 percent; Field Club, 24 percent; Central Park, 24 percent. I think almost every elementary school is here and none of them are above 30 percent. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR WAYNE: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Geist and Senator Wayne. Senator Albrecht, you are recognized. [LB62]

SENATOR ALBRECHT: Thank you, President. I would like to hear more about this conversation and I know that Senator Wayne probably needs to take a break. So I'm going to yield my time to Senator Larson, if he will. Thank you. [LB62]

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SENATOR KRIST: Senator Larson, 4:40. [LB62]

SENATOR LARSON: Thank you, Senator Albrecht. Colleagues, we've heard a lot about LB630 and that was my bill and it brought an interesting conversation, one that I think is needed, one where we heard from community leaders in Nebraska about the achievement gap that is failing our poor and mainly minority students. We did get to hear from the white suburban administrators and teachers about how great Nebraska schools are in general and how high our graduation rate is. But they failed to neglect that we have the largest achievement gap in the country for those that are minorities. We hear a lot from Senator Morfeld about recognizing that there is that achievement gap, but there are very few alternatives that they have offered, just that they're working on it. We should let the current system go. But what are the alternatives? I have yet to see one except that they're trying, that they're working on it. He said he heard from a lot of people that weren't Nebraskans that came in. Yeah, we had some national experts come in and testify on the bill, a former D.C. public school board member, a Democrat that stood up there and said he took the political hits from the unions, because he did what was right. You know, it's interesting as you follow a lot of things that happen in here and follow positions of certain senators and how that ties in to what they have going on, on the other side. And, colleagues, it doesn't surprise me that there was a rally yesterday on the west side of the Capitol and which some of the Education members attended put on by the NSEA, yet the NSEA donated over \$100,000 in direct campaign donations to those senators. That's not including the independents. We can go into the nonprofits of the world and how the nonprofit that funds the I Love Public Schools, the anticharter movement in the state of Nebraska, also funds a number of nonprofits of members of this Legislature. We can go back...is Senator Vargas on the floor? I just saw him. He might have stepped off for a second. [LB62 LB630]

SENATOR KRIST: Senator Vargas, will you yield? [LB62]

SENATOR VARGAS: Yes, I'll yield. [LB62]

SENATOR LARSON: Thank you, Senator Vargas. I have a quote here and I want you to tell me who said it. I'm starting in the middle of it: ...and the conversation that I continually hear around poverty that until we address poverty, which is the real issue, until we address poverty that we won't be able to have or set or meet the expectations for students of color or from disadvantaged backgrounds. From my experiences in education and being a teacher... [LB62]

SENATOR KRIST: One minute. [LB62]

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SENATOR LARSON: ...and being a consultant, I refuse to accept that as an excuse. If that was the case I wouldn't be here. I did have public school teachers that advocated for me, but it came at a price. It came at the price of leaving my community. Who said that? [LB62]

SENATOR VARGAS: I believe that was me. [LB62]

SENATOR LARSON: Thank you, Senator Vargas. And what were you doing when you said that? [LB62]

SENATOR VARGAS: I was trying to give my perspective on the issues that...concerning public education and how we should continue to have conversations on how we are better meeting and raising expectations for kids in low-income communities. [LB62]

SENATOR LARSON: Were you testifying on a bill? [LB62]

SENATOR VARGAS: I was testifying on a bill. [LB62]

SENATOR LARSON: Was that LB2014, Senator Lautenbaugh's charter school bill, which I would say my LB630 is a much improved version of? [LB62 LB630]

SENATOR VARGAS: That is the bill that I testified on. I haven't... [LB62]

SENATOR LARSON: Thank you, Senator Vargas. [LB62]

SENATOR VARGAS: Thank you. [LB62]

SENATOR KRIST: Time, Senators. Thank you, Senator Albrecht, Senator Larson, and Senator Vargas. And, Senator Larson, you're next in the queue. [LB62]

SENATOR LARSON: Thank you, Mr. President. Colleagues, if you want to break the cycle of poverty--and I've stood on this floor and said it before--you say that we're working on it in other ways, we have the empirical evidence. We have what's happened in other states. Frankly, we've seen achievement gaps close in Washington, D.C. We've seen achievement gaps close in Chicago. We've seen achievement gaps close in New York City. And those places that are essentially run by...we heard yesterday that the reason that one of the opponents to LB630 said that charters work in those areas, because they were Democrat machines that ran education and ran politics and that charters were needed there, but they're not needed here in Nebraska. Well,

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colleagues, I'd say there is a machine in the state of Nebraska on the Democrat side of politics, and it's called the teachers union and the amount of money they continue to spend in Nebraska politics to stop this single issue. They don't focus on the achievement gap. They don't focus on these schools that Senator Wayne started to list: Benson West; Walnut Hill, Liberty, Mountain View Elementary, Beals Elementary, all below 20 percent on NAEP scores. You say you want to look to work to find an alternative, Senator Morfeld. Well, there is an alternative. It has been proven, it is working across the country, yet you blindly ignore it and I don't know if that's because of politics or because of other things that are going on in a different world that you exist in. But there is an alternative and it's been offered, it's been shown to work in other states. It has been shown to close the achievement gap. It has been shown to add math and reading days to low-income minority students, yet instead of taking a proven model of doing that, we in Nebraska want to take our own method, whatever that is. But we're just going to keep toddling on until somehow, hopefully, we stumble across that method, because we have been told by a certain organization that we can't do that. I hear on the left all the time that I'm a member...I get pegged as one of the members of the right, that I just follow blindly what certain groups tell me to do. Well, I'd argue many do the same on your side. If you want to accuse me of that, fine. We know what works, we know what can close the achievement gap, yet we choose not to do it because of those who might be funding our campaigns. And don't get me wrong. [LB62 LB630]

SENATOR KRIST: One minute. [LB62]

SENATOR LARSON: I'll be the first one to say that the State Education Association spent a lot of money to make sure that I didn't sit in this seat. They spent a lot of money to make sure Senator Brasch didn't sit in that seat, Senator Smith didn't sit in that seat, Senator Lowe, Senator Halloran, Senator Groene, Senator Linehan, Senator Friesen, Senator Erdman, I'm sure they'll go after Senator Riepe, Murante was lucky enough he didn't have an opponent, Senator Albrecht, Senator Ebke, Senator Bostelman, Senator Geist, Senator Craighead. They have spent money against every one of those members in here to an extensive amount. And they've also spent money for Senator Kolowski, Senator Howard, Senator Harr, Senator McDonnell, Senator Hansen to save them or to work for them and that is fine and that is their prerogative. But it shows... [LB62]

SENATOR KRIST: Time. [LB62]

SENATOR LARSON: Was that time? [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR LARSON: Thank you, Mr. President. [LB62]

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SENATOR KRIST: Thank you, Senator Albrecht and Senator Larson. (Visitors introduced.) Those still wishing to speak: Senator Hansen, McCollister, Howard, and others. Senator Hansen, you're recognized. [LB62]

SENATOR HANSEN: Thank you, Mr. President. You know, in regard to Senator Larson's remarks, yes, the Nebraska State Education Association did support me and helped out me. I was also a member of them and I believe that my support of the right to collectively bargain among our working families is a clear indication of why I might have received and gained their support and that is something I have fought for in this Legislature. If supporting the rights of working men and women to negotiate for their better jobs, better benefits, better pay, better working conditions is a black eye, it's a black eye I will gladly take. If we want to go down line by line on people's campaign finance reports and accuse them of various things, I know there's a whole bunch of people in the brewing industry that would have issue with a lot of things Senator Larson does...the craft brewing industry. So I know Senator Morfeld asked for some time, so I yield the balance of my time to him. [LB62]

SENATOR KRIST: Senator Morfeld, 4:00. [LB62]

SENATOR MORFELD: Thank you, Mr. President. As always with Senator Larson, you have to take time to fact check because there's often a lack of facts that generally come out of his statements. First, anybody who received the invite to the rally yesterday knows that it was not in fact hosted by NSEA, it was hosted by another organization and it was pretty clear who they were. And so I guess that's the first place to start. The second place to start is, just like I stand up for working families, I stand up for teachers, making sure they have bargaining rights and that they have the ability to have fair pay, competitive pay, and benefits for doing one of the most important jobs in our state, educating our youth. I'm proud of the fact that NSEA supports me. And I'm sure that there will be other people on the other side of the public schools issue and the teachers union issue that will likely come out and attack me and put money into whoever decides to run against me in my reelection. And that's their right. That's their prerogative. And if we want to start going through campaign reports, we can certainly do that. But the bottom line is, is that not a lot of us are independently wealthy. A lot of us do take campaign contributions to be able to represent the interests we care about, the people we care about and the causes we support. And we disclose those interests. So if Senator Larson wants to go around attacking a bunch of people for taking campaign contributions and reporting them pursuant to the law, I mean, that's a game that can go both ways. I was just looking at Senator Larson's campaign filing report and he did a very good job at fund-raising in his last election cycle. And there's some sizable contributions just like there are some sizable contributions to my campaign committee to ensure that I can run for office. I've got over \$125,000 in student loans, a mortgage, and probably a lot more debt than assets and, yes, I take campaign contributions, just like anybody else in this body. And I report them. But the fact of the matter is, is that's all distraction from the issue at hand. The issue at

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hand is what is in the best interest of our children. And we heard a lot of testimony yesterday in regard to what people both in Nebraska and out of state thought about charter schools and how they would benefit or harm the state of Nebraska. I agree with Senator Wayne that a lot more can be done in our schools. I agree we need to do a lot more. And that's why I've always been skeptical of certain measures in this body, some that are pending right now that would take funding from our public education system. I don't think that's a solution. I think there are targeted solutions that we can take. And I look forward to sitting down with Senator Wayne and figuring out what those solutions are because... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR MORFELD: Thank you...because he's really been in the trenches in a way a lot of us haven't. And I know that through my work in the public schools, that there is probably some knowledge that I also bring to the Education Committee that I can combine with Senator Wayne's to come up with some of these solutions. Now, that being said, I'm highly skeptical of a system that gives money to a private nonprofit entity that is not accountable to the voters and in my opinion not a public education system, that would then siphon money away from our current public schools which need, in general, more resources as it is. And so that's the bottom line. That's my position not because the NSEA supports me, but because that's my position. And I'm a person of principle and I think most people that I've worked with in here know that I'm a person of principle and I've taken donations from different interests that I have voted against. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR MORFELD: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Hansen and Senator Morfeld. Senator McCollister, you are recognized. [LB62]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, colleagues; and good morning, Nebraska. I want to thank the members of the body for this rather fruitful discussion about education. I've learned a lot and in the days ahead I'm sure I'll know even more. Going door to door, education was the biggest issue that people would talk to me about. It was by far the most important discussion I would have with people on their doorstep. And in response in my campaign documents, I have told people that I'd support the school districts in my legislative district and I have done that as far as I know. It's absolutely true. The saying is, pay me now or pay me later. Earlier in the discussion today we talked about the fact that those people that don't...can't read very well are more likely to go to prison, they're the most likely to have low, entry-level jobs. So education is absolutely important. Education can change lives, truly change

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lives and improve Nebraska's standard of living. So I hope to be a constructive force in this discussion moving forward and I'm very grateful for what we have done with this discussion today. I would yield the balance of my time to Senator Wayne. [LB62]

SENATOR KRIST: Senator Wayne, 3:30. [LB62]

SENATOR WAYNE: Thank you. Thank you, Senator McCollister. Colleagues, what we just saw in the last ten minutes had nothing to do with kids in my district. Here's why I say that. We got off on a tangent about union fees and who's supporting who, but what does that have to do with me in this body figuring out how to educate young black kids? There's political dynamics that we all are going to have to deal with, but let's not get sidetracked with that issue. The number one issue facing Nebraska are not property taxes, are not income taxes, it's our education system and educating our young folks. If we grow the pie, having a work force that is ready and able and willing, have more jobs coming to our state, we have more funding to reduce your property taxes. But it starts with education. I started this by saying last night I was watching the movie Lincoln again and I saw many of the same arguments and it made me sad. But one of the best scenes was when they were sitting down around the table and Lincoln said, now is the time. How many more generations...I saw an e-mail from a colleague and I saw him stand up on this floor and say, how many more prisoners must die? Well, how many more kids have to get sent to prison because we failed to educate them? How many more on our watch? So I've been thinking about this since last night. Now is the time. It's too late to do bills, because the first ten days, and I didn't get a computer till the fourth day and didn't have an office till the fourth day, so didn't have enough time to think about this issue. But there was a task force done for Pine Ridge. And maybe we need a task force done for Douglas County, because the fact of the matter is over the last ten years, the health disparities haven't changed, even though we've had more federal dollars. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR WAYNE: Our education system is getting better. And let me put on the record, I do have faith in Lacey Merica and Marque Snow as president and vice president. They inherited this problem. I was a part of the board. We saw the problem. They understand the issues. They're going to push forward on these issues. But maybe we need a task force to come back with all educational options and have a real discussion like we're going to do, looking at the data, bringing in national experts, even the two that the committee didn't listen to maybe a whole lot, maybe they did, and put a task force together that next year we come back and have some real solutions. Maybe that's the answer. So maybe I'll draft that and figure out how to tack it on as an amendment to something. But maybe that's the answer and maybe that's the solution, that we have a real conversation about education in Douglas County, particularly east Omaha, and what

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we're going to do to solve the problems that we face in east Omaha. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Wayne. Senator Howard, you're recognized. [LB62]

SENATOR HOWARD: Thank you, Mr. President. I yield my time to Senator Chambers. [LB62]

SENATOR KRIST: Senator Chambers, 4:50. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. I'm going to say again, I'm pleased that Senator Wayne is here. These kind of matters need to be discussed on the floor and because, in my opinion, a bill dealing with these matters would not make it to the floor. So we have to find time on other bills to talk about things that are very important. I want to get back, though, to what my amendment is and what it's dealing with. It's dealing with what happens in the classroom. Emphasis has been placed on whether learning occurs in a classroom, whether adequate teaching is going forth. But when Senator Larson talked about closing achievement gaps, he didn't mean throughout a school system. Charter schools have their own ways of cherry-picking. They can take somebody in and then get them out when they don't like what's happening. And what I look at is what is happening to all of the other schools who are left in the public school system. And I have to try to do the greatest good for the greatest number. I don't believe in that concept of a talented tenth in the black community and they're the ones who should get all of the attention. It's not like that. I want the bulk of the children who are educated in these public schools to have a chance and I have to do what I can to make sure that nothing is taken away from the public schools to weaken them. And if you talk to anybody who's been around OPS in an administrative or teaching position, I probably was considered the greatest enemy that they had because I wanted to hold them accountable. That is necessary. But since the vast majority of children, black, white, Latino, and poor are going to go to the public schools, they cannot be cast aside for some of these chimeras, something that seems to be what it's not. You know what happened? I've traveled around the country, believe it or not. I was a consultant for the U.S. Department of Education. When these charter schools fail and a lot of them have not shown by the data that Senator Wayne makes reference to, to have exceeded the achievement gap overall for the students that they have above those who are in public schools, so what happens to the charter school? It closes. Then what happens to the children who were in the charter school? They are farther behind than they were. And their situation is worse than it was when they went to these charter schools. A lot of people in those charter schools are not that interested in the children. They're interested in the business community, what the business community wants. They would like to break the teachers union. They would like to run the public schools and they would ruin them. When I was...I was in Philadelphia three or four years ago and I saw a boarded-up building. It said "Thomas Edison" and it was a charter school. And the people were very bitter

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about what had happened because there was a lot of fanfare, businesspeople and everybody supported it, but then all of that faded away and people whose children had gone there were, in fact, worse off than they had been before. The discussion has to go forward. But I'm not going to agree to charter schools. And as for what Senator Larson said, he was a flunky and water carrier... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...for Senator...former Senator Lautenbaugh. And Senator Lautenbaugh tried to give the impression he was concerned about black children and black schools. I know what Senator Lautenbaugh is and I know what he showed himself to be and I didn't just say these things now that he's not here. I said them while he was here, because he sat right in the row behind me on the end. And I'd look at him. And one time he said, Senator Chambers had that look in his eyes like the look in the eye of a mountain lion in a picture that he had seen, because other people were afraid of Senator Lautenbaugh, but I was not. I referred to him as being pompous, how he had his claque and his clique, how he ran Senator Murante behind him like a little lap dog, how he made degrading statements about "Pizza Face." [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Mr. Clerk, announcements? [LB62]

CLERK: I do, Mr. President. Thank you. The Agriculture Committee chaired by Senator Brasch reports LB600 to General File with amendments; Transportation chaired by Senator Friesen reports LB263 to General File with amendments. I also have two confirmation reports from Transportation. Amendments to be printed: Senator Brasch to LB600; Senator Krist to LB14. A series of resolutions: LR68, LR69, and LR70 by Senator Bostelman, those will be laid over. Senator Murante offers LR71; pursuant to that offering a communication from the Speaker directing LR71 to Reference for referral to standing committee for public hearing purposes. Hearing notice from the Business and Labor Committee, actually a room change request. Motion to be printed to LB57 by Senator Wayne. Reminder, Mr. President, the Executive Board has a public hearing at noon in Room 2102. Name add: Senator Stinner to LB233. (Legislative Journal pages 714-723.) [LB600 LB263 LB14 LR68 LR69 LR70 LR71 LB57 LB233]

Mr. President, finally, Senator Geist would move to adjourn the body until Thursday morning, March 16, at 9:00 a.m.

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SENATOR KRIST: I'm going to ask you to just stand by for just a second, colleagues. Anytime somebody comes and visits us, we should recognize them. (Visitors introduced.) You've heard the motion to adjourn until tomorrow morning. All those in favor say aye. Opposed, nay. Too bad. We're adjourned.