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Floor Debate
April 04, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-ninth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Matt Schulte of Campus Life Ministries in Lincoln, Nebraska, Senator Geist's district. Please rise.

PASTOR SCHULTE: (Prayer offered.)

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

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

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

CLERK: No corrections.

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

CLERK: Banking Committee reports LB220 to General File with amendments. That's all that I have. (Legislative Journal pages 913-915.) [LB220]

PRESIDENT FOLEY: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following three legislative resolutions: LR76, LR82, LR83. Speaker Scheer, you're recognized. [LR76 LR82 LR83]

SPEAKER SCHEER: Thank you, Mr. President. Colleagues, I'm going to be passing out this morning the late night schedule. The first five will be running for sure. The rest of those are going to be sort of as as-needed basis, but please consider the first five as those that we will be working late. That also goes through the food arrangements and how we will proceed with that. It's self-explanatory if you can please read that. Excuse me, guys. Thank you. So that we will be

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able to have the food on order, it'll run much like last year. And we will try on those, other than the first five that are listed, any of those that will be canceled we'll try to be doing that by about 2:00 in the afternoon. I will let you know where we need to get on the schedule in order, on the agenda in order for us not to have to work late. That doesn't mean that we're going to get there before, but if there's a good chance that we will...and by will get done, I don't consider 7:00 a late night. So if we could still get through that agenda by 7:00 and be done, we probably will not have food service. We'll just simply go to 7:00. If it's going to be something that we're going to be extended in, so it's looking at 9:00, 10:00, or 11:00 night, certainly we'll have food. Different from previous years, we will not run over the dinner hour having some of you go back and have food and some not. We'll simply recess for 30 or 40 minutes so everybody gets a break, gets some time to decompress a little bit. I just think it works better for the body as a whole just to be able to stand down for a little bit. So that's my intent on how we'll run the late nights this year. The cost is also provided in the list so if there's any questions, please contact myself, Laurie, or Spencer in the office. Thank you very much, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Speaker. (Visitors introduced.) Senator Chambers, for what purpose do you rise?

SENATOR CHAMBERS: Mr. President, a point of personal privilege if I may.

PRESIDENT FOLEY: Please proceed.

SENATOR CHAMBERS: Members of the Legislature, I'm not an emotional person, but this morning I'm highly emotional. I hope I can control myself because it wouldn't do for a grown man to cry from happiness. In view of what the Speaker said about the lobbyists not being here anymore--I only do it this way because I'm so filled with emotion--my response to what the Speaker did in getting rid of that practice: Hip, hip, hooray! Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. We'll now proceed to the agenda, General File, 2017 senator priority bills. Mr. Clerk.

CLERK: LB427 by Senator Vargas. (Read title.) Introduced on January 13, referred to the Education Committee, advanced to General File. I have no committee amendments. I do have amendments to the bill from Senator Vargas. [LB427]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Vargas, you're recognized to open on LB427. [LB427]

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SENATOR VARGAS: Hello. Thank you very much, President. And hard to follow up Senator Chambers' hip-hip-hooray. Good morning, colleagues, and thank you for your attention to my priority bill, LB427, which extends breastfeeding accommodations to student mothers. By way of background on this issue, under current law employees may breastfeed their children in any public or private location where the mother is otherwise authorized to be, including schools. LB427 would extend this accommodation to students, providing more support to mothers who are students in our schools as they juggle parenthood and finish their education. LB427 also requires schools to provide a facility for milk expression and storage for student mothers such as a school's nurse's office or an empty classroom or another place that allows for privacy and it's consistent with the ability for schools to monitor and supervise students. Now we know that students who become parents before they finish high school face a number of barriers throughout their lives. For mothers, those challenges start after giving birth when they are trying to balance being a parent with being a student. Without supportive policies in all of our schools, the possibility that they will drop out of school increases dramatically, which results in a decrease in earning potential and a greater likelihood that they will live in poverty. LB427 is one step that we can take to provide a more supportive environment for student mothers. At the hearing there was no opposition and there was supportive testimony from a number of different perspectives, including the Nebraska Medical Association, Holland Children's Movement, the NSEA, and several others, about why this policy is important and necessary, including from former student parents, teachers, and many other medical professionals. By accommodating student mothers and giving them a place to express and store milk, we are providing the support that they need, increasing the likelihood that they'll be able to finish their education and thrive later in life. Colleagues, I urge you to support this bill and I humbly ask for your green vote on LB427. Thank you. [LB427]

PRESIDENT FOLEY: Thank you, Senator Vargas. Mr. Clerk. [LB427]

CLERK: Mr. President, the first amendment to the bill, Senator Vargas would move to amend with AM739. (Legislative Journal page 837.) [LB427]

PRESIDENT FOLEY: Senator Vargas, you're recognized to open on your AM739. [LB427]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. Colleagues, AM739 is LB428 which was a bill of mine that passed on to General File by the Education Committee. Because both LB427 and LB428, now AM739, deal with the same student population--pregnant and parenting students--and both bills are on General File, I chose to amend one into the other. AM739 directs the Nebraska Department of Education and local school districts to adopt policies that accommodate pregnant and parenting students. As I discussed earlier, pregnant and parenting students face significant challenges to completing their educational goals. According

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to a recent study by the ACLU, approximately 70 percent of young women who have a child leave school, often not returning to complete their education until years later, if at all, which places serious limitations on their futures. The ACLU's survey of Nebraska's public school districts showed inconsistencies in their policies for pregnant and parenting students, resulting in significant variance in experience and success for young student parents. AM739 seeks to address their disparity and make all Nebraska schools a welcoming and inclusive place for pregnant and parenting students. AM739 would require each school district to adopt a policy that accommodates pregnant and parenting students. In order to provide uniformity and guidance to local school districts, AM739 directs the Nebraska Department of Education to develop and distribute a model policy to local districts which they can then consider and adapt for their schools before implementing. AM739 outlines some guidelines for the Department of Education to include in their model policy. This policy must include: (1) a provision for student absences due to pregnancy and allow them to return to school or participate in extracurricular activities after pregnancy; (2) provide for alternative methods to keep a pregnant or parenting student in school by allowing coursework at home or accommodating tutoring visits, on-line courses, or a similar supplement to classroom attendance; (3) develop a lactation accommodation policy to ensure students have private, hygienic spaces to express and store breast milk during the school day; and (4) identify local child-care providers or designate a staff person to assist a parent and a student parent in identifying a child-care provider. The Nebraska Department of Education's model policy would be developed and distributed to local school districts by December 1, 2017, and then districts would adapt their own policies by May 1, 2018, giving them five months to conduct stakeholder engagement and adapt the policy to their own local community. The policies would be implemented at the start of the 2018-2019 school year. Like LB427, at the hearing on LB428, now AM739, there was no opposition and no neutral testimony and there was similar supportive testimony from the Holland Children's Movement, NSEA, Nebraska Medical Association, to LB427 as the hearings were on the same day. It's time to have more consistency in how pregnant and parenting students experience school. Too often they are presented with the dilemma of choosing between continuing their education or parenting their child. No one should be forced to make this choice. AM739 is an important step towards ensuring that all students in all of our schools are receiving the support they need to succeed both in the classroom and throughout their lives for themselves and for their children. Colleagues, I humbly ask for your green vote on AM739 and LB427. Thank you. [LB427 LB428]

PRESIDENT FOLEY: Thank you, Senator Vargas. Debate is now open on LB427 and AM739. Senator Groene. [LB427]

SENATOR GROENE: Thank you, Mr. President. I stand in opposition to AM739. I am for LB427. It's common sense, LB427 is. LB428, which is now amendment...by the way, LB428 is on the floor. It's on General File. It should wait its turn. This idea that we jump the line and amend stuff to other bills is getting too prevalent in this body. It did not receive an 8-0 vote,

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therefore, it couldn't be on consent calendar. I voted against LB428 in committee and here is why. It is a mandate. Pure and simple, it is a mandate. It is not a recommendation. Schools, local governments tell us we send them too many unfunded mandates. The point is this. In rural Nebraska, we take care of our own. Not a single mother, not a single parent showed up and said they were denied an education and testified because they were pregnant while a student or a mother during a student. They probably get better care and community support in rural Nebraska than they do in other districts. The larger districts have programs. OPS, LPS have day-care facilities in their schools. This is a feel-good mandate to force more regulation, more burden on administrators to come up with programs, than is needed. Already in statute, it makes no difference to your health, to your parentage, to who you are that you are allowed a free education...excuse me--strike that word--a free instruction in your public schools. This does nothing to add to that. This says schools have an "obligation"--that's a mandate--"to keep pregnant and parenting students in school." Duh. If they are a student or are they of certain age and a citizen...well, you don't even have to be a citizen. In Nebraska, you have a right to free instruction in a public school. That's redundant. Section 3, "Schools must remove overly restrictive or inflexible absence and leave policies so that pregnant students can attend prenatal medical..." That's a mandate not a recommendation. Line 14, "school work or allow alternative education for students," that is a mandate. So a student says, I want a private tutor as an alternative education. Who pays for that? You can show up in the classroom and receive your free instruction. Line 16, "(4) Young women should not have to choose between completing their education and parenthood." Duh. That's a commonsense statement that in a free society we do not make people make them choices. You make that choice yourself. Line 18 and 19, Section 2: Beginning March...the school board of each school district "shall adopt a written policy to be implemented..." These administrators of small schools have enough jobs. They don't need another mandate. On the second page, line 1,... [LB427 LB428]

PRESIDENT FOLEY: One minute. [LB427]

SENATOR GROENE: ...under Section 3, the first paragraph, education..."On or before December 1, (2017), the State Department of Education shall develop and distribute a model policy to encourage the educational success," in my own words, to address a problem that doesn't exist, to address a problem that doesn't exist. We take care of our children. We take care of our mothers. And first I was going to say we're going to take care of pregnant mother...pregnant ladies and mothers. But where I stand, once you are pregnant, you are a mother of a live individual. So we take care of our young mothers. We don't need mandates from up high. We don't need it at local education. We take care of our young. We take care of our children. We don't need mandates. We don't need the Department of Education having...adding another policy in a book that's thicker than this pedestal. [LB427]

PRESIDENT FOLEY: Time, Senator. That's time. [LB427]

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SENATOR GROENE: Thank you. [LB427]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Vargas. [LB427]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. Thank you very much, Senator Groene, Chairman Groene, for your feedback, your thoughts. And we had a similar conversation in the Education Committee. I want to address a couple of the concerns Senator Groene has. The first is, and I...there's two documents you should have in front of you. One is an issue brief for LB427 and AM739 that gives you some more statistics; it should be on your desk. And then also there is another article that at the top says, "ACLU survey finds need for policies to help pregnant and parenting teens." There's one thing I want to...a couple things I want to address. The first is, there is a need. This survey done of all the public schools in Nebraska found that there are severe inconsistencies in our policies across the state of Nebraska, that these inconsistencies are showing that there are some school districts and some schools that are knocking it out of the park in the way that they support student mothers and there are others that are not. And what we're talking about here is setting a standard for ensuring that we are supporting student mothers so that they can finish their education, have a degree, and support themselves and their family. And what this survey did find is only 17 percent of Nebraska schools had some policies related to pregnant or teenage mothers, 17 percent, and that this issue wasn't just an urban issue, this was an urban and a rural issue spanning across the state, impacting many different other populations than just Omaha or Lincoln. And I want to make sure that conception is addressed. The other thing I wanted to make sure is just to reiterate that this bill and...both bills and this amendment specifically, that there was no opposition--no opposition--that the NSEA, the teachers were in support, and that there were no schools in opposition. Furthermore, I want to make sure that I clarify something around the accommodations. There is a shall language that "at minimum, a (sic: such) policy shall," and I just want to clarify that for student athletes, many times school districts are making...have policies or some mechanisms for providing an accommodation to them in a similar way they might provide coursework, they might provide a tutor or they might have some other accommodation that meets their needs to ensure that they can still meet coursework standards. And in the language in this bill and the amendment we specifically state that: "Provide alternative methods to keep a pregnant or parenting student in school by allowing coursework to be accessed at home or accommodating tutoring visits, online courses, or a similar supplement to classroom attendance." We specifically want to use this language so that we are leaving it up to the district to ensure that their accommodation for what's going to best meet the needs of a similar supplement to make sure students are getting the coursework and completing it is kept intact. Colleagues, I want to assure you that oftentimes we are making statutes and we are passing laws to ensure that our highest need and highest risk populations have a level of support and accommodations to ensure that they can finish school. And we are seeing that in the state of Nebraska with our pregnant, our teenage mothers. And we want to do everything we can to

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support them. I'm very proud to have brought this legislation and I ask you and I urge you to continue to support AM739 which, just like LB427, is supporting student mothers and pregnant teenagers to ensure they can finish their education, can support themselves and their family, and can make sure that they have a long and sustainable life. Thank you. [LB427]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Brasch, to be followed by Senators Erdman, Wishart, Krist, and Smith. Senator Brasch. [LB427]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor. Good morning, colleagues, and good morning to the second house. I do stand in support of LB427 with the exception I would like to see the parochial schools and private schools not mandated. And I understand that's what AM739 does is it becomes only public schools. Would Senator Vargas yield to a question? [LB427]

PRESIDENT FOLEY: Senator Vargas, will you yield, please? [LB427]

SENATOR VARGAS: Yes. [LB427]

SENATOR BRASCH: Am I correct that AM739 removes the private and parochial schools, correct? [LB427]

SENATOR VARGAS: So LB427 is specific to all schools. [LB427]

SENATOR BRASCH: All schools, um-hum. [LB427]

SENATOR VARGAS: And that's a different change. This amendment AM739 asking the State Board of Education to create a policy and the local school districts to then adopt a policy and create their own policy is only to public schools. [LB427]

SENATOR BRASCH: Very good. And you and I spoke prior to this bill coming out. And I do have concerns in AM739 with the "shalls," the mandates part of it. If it would become optional, a "may," then I would be more comfortable that it would be guidelines set into statute, because I do believe that every child that comes into this world, that breastfeeding is a very important option that that child could have to a great start, immunities. I do believe that having accommodation in the schools for those mothers, just like they do for the teachers, which I understand there is no fiscal note in reading it because those accommodations are there for the teachers, but I cannot support an item-by-item list of the mandates because I do believe that will cost a fiscal note that is just not showing up in this. And the reason I say that, as this body

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several years ago, we also enacted a bill to help schools educate their teachers first and then their students about suicide prevention. And then the schools came back to us after the fact and saying we mandated, there is a fund, we don't have time, or there is a cost. And so after we passed that kind, considerate bill for prevention of suicide, the schools returned telling us that was a bad bill, it's costing us money, it's time we don't have, etcetera. And so to put this into policy, good public policy would be to help young mothers. You know, we are not trying to legislate any morality here. What we are doing is trying to help an infant have the best-case scenario possible for their future physical, emotional development. We are also encouraging mothers, and I think that is being done today, in being able to accommodate and finish their education. And when it's talked about we take care of our own, I believe, as Nebraskans, we all take care of each other whether you're in Ogallala, Omaha, Bancroft, Benkelman. And that's where I'm hoping when I do introduce property tax relief that our urban senators are also realizing that this is something that we truly care about individuals regardless of where they live but the situation they're in. These young mothers are in a situation where life... [LB427]

PRESIDENT FOLEY: One minute. [LB427]

SENATOR BRASCH: ...can be difficult, and I believe accommodation there is the best policy moving forward. I also agree that it should be considered that in taxation. Thank you, Mr. Lieutenant Governor. And thank you for the introduction of this bill. I believe it is a good bill. I have concerns about the amendment's details. Thank you, Mr. President. Thank you, colleagues. [LB427]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Erdman, you're recognized. [LB427]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Good morning, Nebraska. I rise today in opposition to AM739. It states in the bill that a school has a constitutional obligation to keep pregnant and parenting students in school. I've read the constitution a couple of times and it says in the constitution it is the state's obligation to provide free instruction in the common schools K through 12. I don't know where it's our constitutional obligation to keep pregnant and parenting students in schools. Some of this has to rely on the student themselves. You see, the state is required to provide instruction, not education. Education is what the student is required to do because, as most of you know, you can attend school for 12 years, 13 years, and not have an education. And so instruction and education are two separate things. It says in line 18, as Senator Groene pointed out, it said a school district "shall adopt a written policy." So when I seen these two bills, when they came to the committee, I was confused as to why it wasn't just one bill, but it is two different bills. And I have a problem with LB427 as well. LB427 gives a mandate or gives an obligation to parochial and private schools as well. And we give those people absolutely no money. And if you don't help them in any way, I don't know where it should be your authority

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to tell them what to do. I have asked the question in several districts in my school districts in my district and when I had a town hall meeting this last Saturday I asked the question about this bill and they said, we take care of our own, that's how we do it. I knew that was the answer, but I wanted someone to tell me that. So as I begin to understand what it is we do here, we do a lot of things that make sense for one portion of the state and not for the other. But I don't believe this is a good bill and I will not support AM739, I will not support LB427, that is as written where you have some authority placed or some restrictions placed on parochial and private schools. And so I would ask you to vote red on AM739. Thank you. [LB427]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Wishart. [LB427]

SENATOR WISHART: Thank you, Mr. President. I rise today in support of AM739 and LB427. I think this is a piece of policy that makes Nebraska a better place to raise a child and to grow up as a child and so I strongly support that. With that, I'll yield the rest of my time to Senator Krist. [LB427]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Krist. And you're next in the queue, Senator, so you've got about 10:00. [LB427]

SENATOR KRIST: Lovely. Good morning, Mr. President. Good morning, colleagues, and good morning, Nebraska. Thank you, Senator Wishart, for your courtesy and for yielding me your time. I believe, as I have said before on the mike, you are the experiences that you've had in life. I believe that having spent a lot of time in Europe and Asia, southwest and southeast, that the United States is probably the greatest country...is not probably, is the greatest country in this world for a number of reasons. One of those reasons is that we are capable of looking at the Constitution of the State of Nebraska in this body and realizing that when they wrote that constitution and they said we needed to provide for the education of the young people in this state from K through 12, that was a different time. That was a time when education actually only formally started, and I'll look at my superintendents to get a shake of their head, only officially started in someplace around kindergarten or first grade. The early school programs were not available. The awareness that if we get to a child's brain earlier in life we are capable of potentially bringing them out of a deficiency, a learning deficiency. The faster you can correct dyslexia, the better chance you have for that child, that young person to develop in a way that they can achieve more in their life. So the Constitution of the State of Nebraska is a guide, K through 12. We now know that federal mandate requires us to provide education from birth. It requires us to provide education for children in this state from birth in different categories. So now we have to look at the ability to nurture and teach. And I agree education and academics may be two different things, but academics are the principles that we start with and education is the formula for success no matter how far you go in life, no matter how many degrees you have.

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It is how you were educated in life. The academics are the basic; the total education is something different. I heard several of my colleagues get up here and say things that took me back to the 1950s. And I don't want to call people out, but I just want to say for the record, is there a place in this Capitol where a woman can go and safely breastfeed? Is there a place? Pick up the phone and call the Capitol Commission and ask them if the...this is the people's building, remember. We had large and long discussions over whether or not we would put metal detectors at the door and block exits or entrances to this building and control access. This is the people's house. This is the people's building. George Norris never said it's the other house, by the way, but we've adopted that as one of our mantras. Is there a place in this building where a woman can sanitarily sit and breastfeed in a comfortable place? Do we have a designated place in this building? No. And do you think we ever will? I am sure the Governor and Lieutenant Governor have it right up on top of their list to make sure that women who come in here are accommodated in this way. It's not on the list of ADA issues, but I think we start with our own house. Okay? And I believe--Senator Brasch has said she doesn't believe in the mandates--that's our job. In some ways it is our job to make sure that if it needs to be mandated, if we need to provide for a place for people to do things in a way sanitary, private if they choose it to be private, that we have the capability to actually say here is a place. Now there are those ladies in here that will say, well, there's the ladies' restroom, has a separate little seating area. How do I know that? I'm not telling you, but it's there. But is that a sanitary place? Is that someplace where we want to say the only place you can nurse your baby is to take he or she into the women's restroom? So let's put the Capitol aside. I used it as an example. Let's go back to our schools. Let's go back to a place where at 14, 15, or 16 years old, for whatever reason, not being judgmental, this young woman now has an extra life that she needs to take care of. Those of us who have been, men or women, who have been in a relationship, who understand childcare, understand that a woman needs to, if she is going to breastfeed, extract and store even if she is not breastfeeding or can't be there to breastfeed. These two bills in the form of AM739 which was LB428...and I have looked and made sure on the...for the legislative record that LB428 did come out of committee. There was some opposition, not from the general public, but from the senators who heard the testimony in Education, and that is their right; that is their responsibility. However, for the record again, Senator Erdman said he went back to his constituents. I went back to the diocese in Omaha which, by the way, is almost equivalent in size to the largest school district that we have in this state. Do they have a problem with this piece of legislation? Oh, no, they don't, because they think it's the right thing to do to keep the young ladies and potentially the young men, because they're both part of the equation, accommodated for within the school district. So if one of the largest dioceses in the state and one of the largest school districts in the state don't have a problem with this, and I represent both of those in some way or another, then it's my obligation to represent my time on the mike to say this is good legislation. And, Senator Vargas, this is good legislation. It is an accommodation that, after spending that much time overseas and watching what happens in other cultures, we need to move forward out of the 1950s, '60s, and '70s. We need to say that there is a time and a place where we should mandate the

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accommodation. And the reason I mention the '50s, '60s, and '70s is, do you think that anyone would have put a ramp on the side of a building if they wouldn't have been mandated to do that? Was there money that came from the federal government or the state government that said that that entrance into the building needed to be accommodated for people of disability? No. Money never came with it but it was the right thing to do; it was a mandate that was well deserved and beyond its time when it first came in. We have an obligation to make sure that accommodations are made for circumstances that are (1) potentially beyond people's control, and (2) have caused a difference in a life that makes it more difficult for that person to succeed. And whether we call it an unfunded mandate or not or we say, oops, we don't want to mandate that some school district that's out of our control...and you know, that's not even right. If you talk to the Commissioner of Education, ask him who he represents in this state and he will tell you it's not just the kids in the public school system. It's all the kids who are being educated in Nebraska, even those that are being home schooled. Matt will tell you that it is his job to watch out and accommodate for the total education of the children of this state whether they're public, private, parochial, or home schooled. So when we stand up and say we can't mandate or when we stand up and say it's not our job to tell you what to do,... [LB427 LB428]

PRESIDENT FOLEY: One minute. [LB427]

SENATOR KRIST: ...then I really honestly believe that you need to look in the mirror and say, why am I here? Why am I here? I am here to make sure that there is an accommodation for those people who need accommodation and to make sure that those organizations that have the ability to make that accommodation understand how serious we are that those folks, those children are accommodated for. And maybe next year, Senator Vargas, you can bring a bill that requires the Capitol Commission to set aside some quality space for the general public to come in and actually change diapers and breastfeed here in the Capitol in the people's building. Thank you, Mr. President. [LB427]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Kolowski to be followed by eight others. Senator Kolowski. [LB427]

SENATOR KOLOWSKI: Thank you, Mr. President. I stand in support of both of these, the AM739 as well as LB427. My experience comes from four decades in public education and dealing with this issue or these girls and families over that time during that entire duration. The experiences you're talking about from the floor here about taking care of your own and we do this and that, that's all nice, a lot of platitudes, but in reality it's not the real issue. We have the need to keep these young ladies in school, to encourage them to be successful, get through their high school experience and move on to a place of employment and family hopefully in their futures. One of the concerns I would have of not about this bill but the continuation of the entire

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spectrum of what we're dealing with here is the sex education aspect of family planning that this young lady who is pregnant in high school needs to have so an unwanted second pregnancy or unwanted third pregnancy does not happen that would be burdensome in high school as far as her completion of her work and preparation for the world of work that she might be looking at. My concern would be the continued spectrum of services that would be available after these bills that would encourage the young lady to get the information she needs to make the decisions, positive decisions that would not be detrimental to her life and to her future plans. I hope as senators every one of us will think back to people we've known, people we've worked with, which are many that I've had in my lifetime, to give them the background and the encouragement to do the right things and stay in school and be successful. This bill helps with those areas of concern for all districts. You think if they are written as mandates then we probably should do that, just as Senator Krist mentioned a ramp for those in wheelchairs to get into buildings and how important that was to have those available in our schools as well. I wish Senator Vargas good luck on these particular bills. It's important. As we look around this body, I hope every female in our organization in the Legislature thinks deeply about this and the impact that has, their vote has on the future of the young ladies that will be partaking of the success of this particular bill as we move on. Thank you very much. [LB427]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Baker. [LB427]

SENATOR BAKER: Thank you, Mr. President. I've seen a lot of changes in this area in my lifetime. I'm a bit older than most people on this floor. Growing up in the 1950s and '60s, if a girl became pregnant, she couldn't come to school anymore and certainly was not a question of being a young mother bringing a child to school that...unheard of. Further, if the father, the young man was still a student, he was not allowed to participate in extracurricular activities. I guess the theory was that these people had shamed themselves and shamed the community with the situation they found themselves in. It was also sort of the same mentality that people didn't want pregnant people around the school, the same mentality why my mother knew that she would have to give up her teaching job in the community where she was a teacher the minute she got married. The idea was, I suppose, that they didn't want students exposed to seeing a pregnant woman. Things changed in the 1960s and then, you know, the fathers were still allowed to participate in extracurricular activities, and the mother, too, for that matter, if she were able to. I support what Senator Vargas is trying to do here. You know, back about 1990 in my district we started an alternative school and that, the membership, the people attending that alternative school were primarily two categories. It was young mothers and it was students who could not kick the nicotine habit, they just could not abide by smoking rules so they chose in most cases, rather than facing continuous discipline, to attend an alternative school. If these bills pass, and I hope they do with the amendments, I would...if I were still a superintendent, I would craft a rather broad policy. I think we would attempt to tailor the policy to meet the needs of the individual situation because you're going to vary from person to person. There are a lot of things

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that can be done. With technology now you can receive instruction at home through the computer. There is accommodations that can be made in times. But I think that the principle that Senator Vargas is promoting is correct in that if there are situations where young mothers want to keep attending the high school, I suppose it could be even middle school, if they want to keep attending that same school, then, you know, it makes sense that we would find accommodations. And I'm sure that while most school districts do, the policy is well intended. I've never noticed in my years the Legislature being reluctant to pass mandates on schools. I see this one being a reasonably easy mandate to accommodate, to craft a local policy that would take in consideration the individual and the facilities available and we would find a way forward. Thank you. [LB427]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Baker. Senator Hilkemann, you are recognized. [LB427]

SENATOR HILKEMANN: Thank you, Mr. President. I have a couple of questions if Senator Vargas would yield. [LB427]

SENATOR VARGAS: Yes, I would. [LB427]

SPEAKER SCHEER: Senator Vargas, would you please yield? [LB427]

SENATOR VARGAS: Yes. [LB427]

SENATOR HILKEMANN: Senator, I'm...on your amendment that you have here, are we having...Senator Baker referred to it. Unfortunately, I had several classmates during my years in Randolph that were dismissed when they became pregnant. I guess they thought it was contagious or something of that sort, and that happened. When I taught in southeast Nebraska's community of Table Rock, we had a young lady who they determined was pregnant when she was four months...or three months away from graduation and she was expelled from the school. Those are tragic-type things. Is this still happening today? [LB427]

SENATOR VARGAS: You mean... [LB427]

SENATOR HILKEMAN: In the public schools, is this still happening today? Are students being...is pregnancy a reason for dismissal from school? [LB427]

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SENATOR VARGAS: Oh, for dismissal from school? [LB427]

SENATOR HILKEMANN: Or for being expelled? [LB427]

SENATOR VARGAS: I can't speak to whether or not for dismissal from school. But what we do see in the data, first, there has been a decline in teenage mothers, teenage births across the country. Nebraska's is still at around 31.1 for every 1,000. And what we're seeing is the data continues to show us that if a mother becomes pregnant their likelihood of graduating high school significantly declines, their generational wealth significantly declines, and their likelihood of reentry and finishing their education also declines. So there are additional outcomes that we're seeing just when a teenager becomes pregnant and has a child. [LB427]

SENATOR HILKEMANN: So what I'm...I guess what I'm getting at is that...and I understand the data that you're trying to share there. But have our schools changed their, adapted their...or changed their policies such that these policies that, as Senator Baker just alluded to and the ones that I did which were back in the '60s and '70s, in other words, I go back to Senator Groene's comments early on that this is a mandate to the schools and I am...in other words, have the schools adapted this? Do we actually need...and I'm not talking about the lactation. I'm talking about dismissing students from school because they become pregnant, things of that sort. Do we need this at this point or have the schools...has society adapted? [LB427]

SENATOR VARGAS: If your only concern is on the dismissal of teenage mothers on pregnancy, I don't believe that should be our only reason for whether or not we need to support teenage mothers in policy. We did find through the survey, the public records request through the ACLU survey, that there is a significant discrepancy in the policies that are ranging in the state of Nebraska. And I mentioned this before that 17 percent have a policy at all supporting student mothers or teenage mothers. So if you're just looking at this information, it's likely that the rest of the school districts don't have policies supporting them at all. I can't speak to whether or not they have policies dismissing a teenage mother because they're pregnant, but I don't believe that that is the only...if that existed, that that's the only thing that we should use as a barometer of whether or not we should have a policy at all to support student mothers. [LB427]

SPEAKER SCHEER: One minute. [LB427]

SENATOR HILKEMANN: So you're going...you're saying this policy...so what would you...what would be some things that you would add into that policy, Senator? [LB427]

SENATOR VARGAS: Into what policy? [LB427]

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SENATOR HILKEMANN: Into the policy that...your suggestion that we put in an...what is it, AM789 (sic) or...? [LB427]

SENATOR VARGAS: AM739. [LB427]

SENATOR HILKEMANN: AM739, yeah. [LB427]

SENATOR VARGAS: It would be the things that are currently in AM739, which is that we have some accommodations for coursework in a similar way that we would for a student athlete that's coming back from an injury; we have some accommodations for their ability to...for absences; that we have information that is given to a mother, student mother, on where there's child-care facilities in an area, the information. That's I think a foundational policy that's going to better support student mothers so they feel like they are supported and accommodated so they can finish their education. [LB427]

SENATOR HILKEMANN: And you do not feel that this is presently happening in our public schools? [LB427]

SENATOR VARGAS: Whether or not I feel is another question. The survey that was done tells us that it is not happening. [LB427]

SPEAKER SCHEER: Time, Senators. [LB427]

SENATOR HILKEMANN: Thank you, Mr. President. [LB427]

SPEAKER SCHEER: Thank you, Senator Hilkemann and Senator Vargas. Senator Brasch, you are recognized. [LB427]

SENATOR BRASCH: Thank you, Mr. Speaker, and thank you once again, colleagues. And I do stand in support of LB427. I am concerned on the amendments, but I do believe maybe the amendments could and should be modified. What I am hearing from many colleagues is the fact that we're already doing this. I don't know who "we" is. I spoke with Senator Vargas. He said maybe 17 districts are participating in a program like this. But as a body of 49, I think if we adapt the mentality or the attitude of not my problem or we're already doing this, that that's not necessarily what we're called here to do. We are to be a body of solutions that I believe that we need to look at there is a child here that the mother can be given the opportunity to more clearly breastfeed that child. I also read that that mother would be given the opportunity to better meet her educational needs moving forward. I believe it was two or three years ago I went to a

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meeting that the Council of State Governments offered, and at that meeting there was a group of 15 young mothers who were pregnant during high school. And the high school went through all kinds of hoops. And I don't know if it was mandated or voluntary, but the high school made sure that every opportunity for that young mother to be successful was met. They weren't leaving any of those moms unattended to. All 15 had now graduated from college. The children were healthy, wholesome, and whole. The mothers were not on public assistance programs. And actually, many became volunteers on programs to help pay forward other mothers moving forward. Is this bill that program? I do not know. I also believe that when we look at the needs, we don't just tell people it's not my problem, we take care of our own. I believe we are a body of solutions. I do believe some amendment needs to make it clear that this will not be a mandate that will cost...where costs incur to a school unless they choose to do so and a list of recommendations. But to know that a child, and we care for our children in Nebraska and we care for our mothers. And when Senator Krist mentioned the policy of nursing mothers in restrooms, as a woman, I have heard the sound of breast pumps in some of the stalls there and wonder can we do better than that. And when I had a nursing mother in my office my first two years, I left my office for my legislative aide to go in and make her bottles and I did that voluntarily, not because of a policy, just because it was the right thing to do. But if it is perceived that schools are not doing the right thing, then I believe we do have an issue that should go before school boards and before school policies. We're not asking for a room that students should have sex in. This is not saying that we are condoning or promoting motherhood before marriage but we're saying it does happen, and that as a body of 49 we need to look at what is the best possible start for that infant,... [LB427]

SPEAKER SCHEER: One minute. [LB427]

SENATOR BRASCH: ...for that mother, that they can move forward as citizens who can help contribute to finding solutions. LB427 is a good bill. I think I'm not quite there with AM739. Thank you, Mr. Speaker, and thank you, colleagues. [LB427]

SPEAKER SCHEER: Thank you, Senator Brasch. Senator Vargas, you're recognized, and this is your third time at the mike. [LB427]

SENATOR VARGAS: Thank you very much, Speaker. Thank you. I'm glad that this discussion is happening. I knew there are some other people in the queue and I'm looking forward to some other--well, let me just say it--more diverse voices that could speak to this perspective. Sometimes I think we often in a more male-dominated body, we do not have enough women voices speaking up. I do appreciate Senator Brasch speaking up to this issue and I look forward to some more diversity in voices and more women speaking up. One thing I just want to make clear on this and make sure this doesn't escape us, LB427 was the original bill. AM739 is

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LB428. Both of these bills were seen in Education, both on the same day, and both had no opposition and had tremendous support and no fiscal impact. And because of this, that's the reason...and had the same subject matter and the same population that's being impacted. And with that rationale, that's the reason we brought AM739 to be amended on LB427 because both came out with the same level of support, no opposition, no fiscal note, all the things that I think are important to keep in mind when we are evaluating the policy on its own and that's the reason why we put it forward. So not a separate amendment that people haven't seen, this is also already been voted on by the committee. The other thing I want to make sure to just address is that we are talking about creating a foundational policy that's better supporting student mothers. I think what we're seeing from the research, and I urge you if you haven't already seen the article that's on your desk, is that there are significant discrepancies in the way that we are, inconsistencies in the way that we're supporting student mothers. And again, while there are some that are doing an amazing job, we are still seeing some that are not. And as we know in this body, great policy engenders action. And what we're trying to do is ensure that there is a foundational level of policy that says here is the way that we're going to support a student mother in having an accommodation for coursework, here is the way that we're going to support a student mother in the way that we're accommodating their absences, here is where we're going to give child-care information for what is in the vicinity to make sure that they know that we value and care about them. This information, even though there is a "shall," is saying that we're giving you this information because we believe it's important for you to have it and we value you and we are going to respect and create a more inclusive environment to do everything we can to give you this information. And so that's the reason why we brought AM739 into LB427 because they're affecting the same population and it came out with the same support and it is about time that we do more to support student mothers. And I thank you for this conversation. And if people have more questions, I'll make sure to follow up with some people. But I just want to urge everyone to support AM739, an amendment that was a bill, LB428, that came out with no opposition, no fiscal note, on the same day that was also voted out by the Education Committee. And I urge your green light on AM739. Thank you. [LB427 LB428]

SPEAKER SCHEER: Thank you, Senator Vargas. Senator Pansing Brooks, you're recognized. [LB427]

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. Okay. Choose life. Remember that? Choose life. We want to promote that, we want to...we want it on our license plates. We want state-sponsored speech of choosing life. I didn't vote on that bill because it's part of what I believe. That's a choice that people choose life. Many of you think it's the only choice. But, boy, once that baby is born, the mother is guilty, all these people are...should be penalized because they've had a child. They've had premarital sex. They're teens that have acted badly and of course most of them, most of them the guys...you have no idea who the guy is. But we surely know who the girl is, don't we, that we want to force to choose life? But yet, when we get to the public

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schools, oh, my goodness, we don't...that would be just terrible to ask the schools to provide a room for the student to be able to continue her education and to be able to feed the baby, the life that we've chosen. This is hypocrisy. This doesn't make any sense. If you look at the article that we sent out, 79 percent of the schools have no policies or written guidelines on providing any kind of alternative education for pregnant or parenting students. If you'd had a kid in the schools recently, thanks to some of the statutes we've passed, you'd know that we get letters from the county attorney if we've missed so many days, no matter whether it's for student council or whatever it's for, but my goodness, think of the horrible, guilty child that had a child. Let's create as many barriers as possible to make sure that that child cannot go forward and feed the life that she is trying to bring into this world through her own choice. Only 45 percent of the schools have absence policies that specifically mention pregnancy. More than 90 percent have no provision to help parenting students with child-care needs. And Senator Vargas' bill just says help provide some information to the kid, to the mother. Gee, that's an onerous burden, isn't it, provide some information on childcare? What could the student do to get some childcare? Sixteen percent have written policies regarding students' need to express milk during the school day but most of them have the policy for employees and not for the students. Oh, we believe in life. I heard people say, oh, we're a pro-life state. So that just means upon birth and then at that point all bets are off. We don't want to pay for the child, we don't want to help the mother, we don't want to make it so that this mother can go on and finish her public school education. Of those students who were pregnant or parenting, only 20 percent graduated, 20 percent. Of those, 51 percent did return, so that's about 10 percent. Again, Senator Vargas has clearly set out very reasonable things in his AM739: that there be policies on accessing coursework, that there be absence policies that don't... [LB427]

SPEAKER SCHEER: One minute. [LB427]

SENATOR PANSING BROOKS: ...overburden the mother--thank you, Mr. Speaker--that there be lactation policies that help the mother to be able to continue the education, and that child-care information be available. This is 2017 and we are balking about the fact that some schools have decided they don't even have to provide the information because, of course, that girl acted in an inappropriate way, she got pregnant, she needs to be punished. That's what we're saying. Punish for the act, don't help, don't access, don't provide opportunity to get educated and move forward with their lives, continue to create barriers, and put them down. Thank you, Mr. Speaker. [LB427]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Waiting in the queue: Senator Groene, Hansen, Crawford, McCollister, and others. Senator Groene, you're recognized. [LB427]

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SENATOR GROENE: Thank you, Mr. President. Clarification as to Senator Krist and Baker and Senator Pansing Brooks. I, Senator Brasch, I think Senator Erdman is the only one who said he's going to vote against LB427. Senator Krist said we're not going to give them a place to nurse and to extract milk. I am for LB427 and this is what it says, "the school shall also provide for private or appropriate facilities or accommodation for milk expression and storage." It's in LB427 and I support that. This is nonsense. Let's debate on facts. And I'm sad to hear Senator Pansing Brooks said she wants to judge children, she wants to judge, judge mothers, because at the end of her statement she said we are sending that message. That includes her. It does not include me. I am way past any of that stuff. There isn't anybody in this building that doesn't have some type of family member who has become pregnant or a young man who was a father outside of wedlock. We are way past that. Don't bring up that 1950s argument. This is about school policy, school policy. This is in this bill. It says, "Provide alternative methods to keep a pregnant or parenting student in school"--I would like to strike the "pregnant" and put "parenting," because once you're pregnant you are a parent--"student in school by allowing coursework to be accessed at home or accommodating tutoring visits, online courses, or a similar supplement to classroom attendance." I believe in treating everybody equal, all students equal. I don't like dividing people by their social status, by their ethnicity, or by if they're the natural process of being a parent. This divides, gives special privileges and things to one student over another. Life is what it is but you are putting a burden on small schools that they have to all of a sudden start paying for coursework at home, tutoring. That's what it's leading to. Also, "assist student-parents by identifying child-care providers for purposes of placing their children in child-care facilities," should we also have a jobs placement position with finding childcare? The school has a responsibility for that? I thought it was free instruction in our public schools to whoever walks in the door. Your personal life is your own. And I have a lot of faith in families that they help each other out and they find a day-care facility or grandma does it in a small town. This idea that government has to mandate this because we--we--don't do it as a society. Senator Vargas says...said some are doing an amazing job, others are not. Senator Vargas, would you take a question? [LB427]

SPEAKER SCHEER: Senator Vargas, would you please yield? [LB427]

SENATOR VARGAS: Yes, I would. [LB427]

SENATOR GROENE: You said some are doing an amazing job, others are not. Is that an opinion or do you have fact or are you just basing that they don't have a policy and that they don't have a policy, therefore, they're not doing it? [LB427]

SENATOR VARGAS: There were both...in the ACLU survey there were both public records requests on policies and practices in terms of what they're doing to support students and student

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mothers across the state of Nebraska, so both. We have information that there is both discrepancies and inconsistencies in both policies and... [LB427]

SENATOR GROENE: Thank you, Senator Vargas. Thank you. It's his opinion. Nobody came in and testified and said they were denied an education. We had one young lady in her 30s or maybe pushing 40 who had struggled. I think she had a master's degree. She got through public education. That was 20 years ago. [LB427]

SPEAKER SCHEER: One minute. [LB427]

SENATOR GROENE: This is a mandate. It's what I told Senator Brasch. I help a little old lady across the street or a little old guy across the street, that's normal practice, that's normal common sense. Should we have a mandate that if you see somebody who needs help across the street you have to do it? That's what you're doing here. This is common sense, it's civility, it's civilization. There's something about a pregnant lady that we don't help her down to the abortion clinic, we help her. We do not need mandates put on schools because you believe somebody is not doing it and you self-righteous know that we need to dictate it to people. Is that the government we live in, the society we live in? Nobody testified and said they were denied an education, free instruction in our public schools. [LB427]

SPEAKER SCHEER: Time, Senator. [LB427]

SENATOR GROENE: Thank you. Kill LB... [LB427]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Hansen, you're recognized. [LB427]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, just wrapping up Senator Groene's speech, I'm glad to hear towards the end he came out as an advocate for civility. Hopefully that's a new leaf that we can continue in future debates. But moving on, my issue here is we have an issue of compulsory attendance in the state of Nebraska that is backed up by criminal penalties. You want to talk about mandates in the state of Nebraska, you want to talk about mandates in the state of Nebraska, we are creating situations it's possible where a young woman who for the health of her child decides to stay home because she does not feel she can provide for the health of that child in school and, as such, by state law she is required to be referred to the county attorney and is eligible for a Class III misdemeanor. That's a hypothetical situation we're talking about if we're engaging in various hypothetical situations. That's something we've risked. Now I've talked and I've asked some people about that and we don't know anybody who has gotten quite to that point yet because there is an exception for illness that if you meet with a social

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worker about illnesses, you're okay. And that's the situation, that's the loophole that I believe in some of our education statutes we are asking pregnant women, pregnant mothers, pregnant girls, to fall into that loophole in order to have a cohesive structure in their education life. A lot of times it's been on this floor talking about we take care of our own. Any school district that does a good job--and in Senator Groene's opinion, it's almost all of them or all of them--this bill, you're right, doesn't do much. However, there, I think, are genuine disagreement over whether or not school districts across the state do what they are required. And here we're saying is since we have a compulsory education system and since children have a constitutional right to education in our state of Nebraska--don't want to necessarily get into the instruction versus education distinction--but since there's a constitutional right backed up by criminal penalties if you don't comply with enforcing your own constitutional right, we should provide some minimum opportunities to protect young mothers and their children. That's what these bills are asking for and that's what we as a policy are debating. I understand, I understand the concern and the view and the perspective about unfunded mandates from the state. I understand that we're worried about budgets and all sorts of political subdivisions. I understand what we're worried about, what we're taking a keen eye to all legislation. But when the issue at hand is that we are asking like 15-year-olds to decide what they want to risk, how much of a criminal penalty do they want to risk to protect their newborn child, that's a bizarre situation we as a state should not be in. Doing things like encouraging school districts to adopt an attendance policy that accommodates young mothers will solve that, will take the issue and burden off them in order to make the best decisions for them, for their family, and for their child. So I support LB427, I support AM739, and thank Senator Vargas for bringing them both to the floor and for the discussion here this morning. With that, Mr. President, Senator Wayne, I will yield the rest of my time to him. [LB427]

SPEAKER SCHEER: Senator Wayne, 1:40. [LB427]

SENATOR WAYNE: Thank you, Mr. President. Thank you, Senator Hansen. A couple things that Senator Groene just brought up that kind of got me going here is many of the bills that I saw in Government this year were about local issues that happened in Groene's district that we thought we needed a bill on. But because there's issues in Senator Vargas' district or the kids he wants to help, we shouldn't have a bill on. I think that inconsistency is a problem that we all share because most of the bills we all introduce are because they're relevant to us. But more importantly than that, Senator Groene, there is already a mandate that this should be getting done right now. In 79-209... [LB427]

SPEAKER SCHEER: One minute. [LB427]

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SENATOR WAYNE: ...there is a compulsory attendance statute that this body has decided is important and Section 2(b)(v) and (vi) say schools must, or "shall," what they should do, is "(v) Family or individual counseling; and (vi) Assisting the family in working with other community services." This is around one of the issues that Tony, Senator Vargas', bill addresses. So they already under statute have an obligation to do some of these services. Senator Vargas is saying that we're going to adopt a model policy, that the State Board should, and then districts should follow that and tweak it and do whatever they want to do to it at the local level. But at a minimum, the Department of Education should adopt a policy and if you don't choose to as a local district to adopt that policy and tweak it, it should go to you and it should be mandated. That's already got statute support. It's already mandated in our statute. If you don't like the mandate,... [LB427]

SPEAKER SCHEER: Time, Senator. [LB427]

SENATOR WAYNE: Thank you, Mr. President. [LB427]

SPEAKER SCHEER: Thank you, Senator Hansen and Senator Wayne. Senator Crawford, you're recognized. [LB427]

SENATOR CRAWFORD: Thank you, Mr. Speaker. Good morning, colleagues. I rise in support of AM739 and LB427. Colleagues, I think we're going to have a lot of conversation today about local control and it's a very important conversation for us to have. We have the responsibility as a state government to set the parameters within which local control operates and always in those conversations that line between setting a parameter and setting a mandate is part of this lively debate and discussion that we need to have in terms of thinking carefully about what parameters that we set. Now, colleagues, you've already heard that we have already set parameters in terms of mandatory attendance, and Senator Hansen and Senator Wayne reminded us of those statutes and those parameters that we have set. And, colleagues, we set other parameters, curriculum parameters. And so a key in thinking about local control is what are the parameters that we set and what flexibility do we allow local school districts to operate within those parameters? And the parameters we set then, this is an example in LB427 and AM739 of saying there are certain protections that are important for us to protect, some parameters that we're setting within which we will give local school districts flexibility. And let me speak to one issue that I think there's some confusion about by some senators on the floor. Some of the concerns that were raised, concerned about some obligations and "shalls," were actually in Section 1 of the bill and I just off the mike talked to Senator Vargas to confirm. Section 1 of the bill is what we call a findings section. And so that's just laying out a context of where we're coming from in thinking about this bill. The real meat of this bill is in Section 2. And so as you're thinking about what this bill does and whether you think it is flexible enough or not, it's critical that you stay focused on Section 2

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and beyond because that's really the meat of the bill. And what we do in this case is, again, providing a set of parameters within which we want local schools to have some flexibility. And I talked to Senator Vargas off the mike as well and talked to him about the importance with this kind of a bill of the legislator's role in watching what these rules and regs look like, what the model policy looks like, to make sure that we're ensuring that it...what comes out as the model policy with minimum standards is not onerous. And that's our obligation and if we feel like the Department of Education has gotten too ambitious or too onerous, then we push back and there will be a comment period and schools will be able to comment, you know, about whether or not they think that's appropriate. And so there are still all kinds of opportunities to make sure we're setting those parameters at appropriate level. And again I want to emphasize, as has been emphasized before, that no schools showed up in opposition; no school association, school board association showed up in opposition to either of these bills in the hearing. Finally, I want to try to speak a bit to why have a policy when we know our principal, superintendents, and teachers all want to do the right thing? And many of them, I'm sure, are doing, trying to do their very best to support these young mothers, so why do we need a policy? Well, colleagues, I want to share a personal experience that I have had with a similar policy that we passed a couple years ago. A couple years ago we passed a return to learn protocol. It was similar to this and we had a similar debate about whether or not it was a mandate or whether we were providing adequate flexibility to our... [LB427]

SPEAKER SCHEER: One minute. [LB427]

SENATOR CRAWFORD: ...schools. Thank you, Mr. Speaker. And let me tell you, so what it does is it sets out some parameters within which schools then identify policies of how they're going to treat returning students. And my son has had multiple concussions, and I can tell you as a parent, although I know the teachers and counselors all want to do the right thing, it's been very helpful for us to have this return to learn protocol that we all know what page we're on and we can have conversations and we understand what our options are, and that there has been intentional thought of what some of those options might be before it's just my kid and I sitting in that room trying to negotiate something or trying to figure it out. And so there has been intentional consideration ahead of time of what are some things that we could do to help this child. Now, still, those conversations are still very personal, and those parameters still allow... [LB427]

SPEAKER SCHEER: Time, Senator. [LB427]

SENATOR CRAWFORD: Thank you, Mr. Speaker. [LB427]

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SPEAKER SCHEER: Thank you, Senator Crawford. Waiting to speak: Senator McCollister, Schumacher, Krist, and Walz and others. Senator McCollister, you're recognized. [LB427]

SENATOR MCCOLLISTER: Thank you, Mr. Speaker. Good morning, colleagues. I was heartened to learn that teen pregnancy is, in fact, dropping in this country. That's a very good thing. But I think we need to recognize that teen pregnancy is a major socioeconomic factor that we need to look at. To repeat some of the statistics that Senator Pansing Brooks indicated, "While teen pregnancies have been steadily declining nationally since 1991, Nebraska's teen birth rate of 31.1 per 1,000 women ages 15-19 is higher than the national average (sic: rate) of 24.2. And national surveys indicate (sic: suggest) about a third of young women who drop out of school do so because they're pregnant." That's a big number: a third of those young women. Going on, "Of those students who were pregnant or parenting, just 20 percent graduated," on time, "although 51 percent either returned the next year or continued to work toward graduation or transferred out of school (sic: LPS). Fifteen percent dropped out." That's huge. That's absolutely huge. Nebraskans can't afford to allow these women to drop out and never recover. We disenfranchise these women and they end up in the underclass and never in their whole life to return to a pattern of productivity. I was heartened also by the fact that the educators in this body don't see a problem with this bill. When Senator Baker and Senator Kolowski favor this bill, that makes me feel better; and I trust there's sufficient flexibility in the bill for the small schools in our state to deal with this law. I support LB427 and AM739. Thank you, Mr. President. [LB427]

SPEAKER SCHEER: Thank you, Senator McCollister. (Visitors introduced.) Moving back to this floor, Senator Schumacher, you're recognized. [LB427]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. You know, every time I read a bill that has the word shall, shall, shall, shall, shall in it, and then the next sentence, and Lincoln will tell you how, how, how, I ask and have learned to ask the question, then who, who, who is going to pay the bill? And Lincoln very, very, very rarely volunteers to pay the bill, particularly if it can foist it on somebody else. But sometimes Lincoln has pretty good ideas. And the shalls are good things, but Lincoln should pay the bill. I have no doubt that Senator Groene is correct in saying that most of the rural schools make some kind of accommodation and it probably works without Lincoln telling them how. And the local schools, like Senator Erdman says, are there to educate--reading, writing, and arithmetic--rather than be vehicles for the delivery of social skills. Now maybe those facilities can be used for the delivery of social objectives, but that transformation, that additional overhead, should be paid by the people who think it's such a good idea. And that's the people in this body. For us to gimmick with the property tax thing and try to have a backward way of using property taxes to facilitate our shalls is not what is contemplated under our scheme of taxation. Now there is something that we can do; but, again, it's probably one of those things we don't want to do because it's a hot potato.

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There's a bill sitting in the Health and Human Services Committee that deals with this issue. It deals with a very basic issue, because most of these pregnancies are probably not planned, most of these pregnancies, the girl involved would probably wish to postpone until she was better off financially or emotionally to handle the situation. And it's a family planning bill. It provides for education of people so that they don't find themselves in this situation and need these particular kind of services, certainly would reduce the cost of providing these services, certainly would reduce the cost of all the consequences of the medical care and the baby-sitting care and the accommodations here and there. And the fiscal note just says on very basic things it probably produce \$7 million a year, I guess it's closer to \$10 (million). That would be more consistent with the experience of other states. And that's not talking about the consequential savings that would come from savings in childcare and earned income credits and all that stuff that costs the state money, millions of dollars. But we are imprisoned by our own society because we won't consider advancing that bill. We won't consider that savings as a mechanism to prevent the situation and fund the situation once it happens because, well, we choose not to. And so there are smart ways to do things and there are dumb ways to do things. That would be a smart way to finance our desires, not the local school district necessarily, but our desires... [LB427]

SPEAKER SCHEER: One minute. [LB427]

SENATOR SCHUMACHER: ...with respect to this particular issue. But we choose not to do it because it's a hot potato. So I would suggest that if we're going to do this and we're going to issue these mandates, we send a check in this issue and other issues like it. It's not right to the local taxpayer, the property taxpayer, to send a mandate for something we want and want them to pay for. Thank you. [LB427]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Krist, you're recognized. [LB427]

SENATOR KRIST: Two comments--thank you, Mr. President--first of all, to Senator Schumacher, who I very rarely disagree with, I have to say that, I planned on using this example anyway, if you look at any bill and I'm only looking at LB10 because it's my bill. It went through Final Reading. The title page, page 1, of every one of your bills that's on Final Reading and as it's being drafted will read "A bill for an act relating to" in my case it's the courts; "to amend section" etcetera, etcetera, etcetera. "Be it enacted by the people of the State of Nebraska." That is a mandate. So every bill that you have put forth, every bill that this Legislature has passed in its history, "Be it enacted by the people of the State of Nebraska." Forty-nine of us have sat in this Chamber for decades and decades and decades and passed out mandates throughout the state. Some of them had money attached. Some of them did not. There isn't anything in the ADA that had direct funding as it came out. It is what it is. Everything that you pass, everything that

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you do is a mandate. It is up to us to choose whether or not we attach a reimbursement clause or an A bill. Now in the case of LB10, the one I brought up, there is an A bill. For the purpose of an act relating to appropriations, be it enacted by the State of Nebraska. And an A bill, as you recall, sometimes has General Funds and sometimes has cash funds so it doesn't count against us so we use cash funds. But in fact, Senator Groene has made it a point year after year that he's been here to say it's still money. We're still spending money, whether it's cash fund or General Fund. It's being aware of what fund it comes out of and he's absolutely right. Second point, I think the majority of the people in this room profess to be in favor of life, maybe not pro-life per se, but in favor of life. Even if you're pro-choice, as Senator Pansing Brooks has said on several occasions, she chooses life, even though she doesn't support the political speak on the license plates, which I don't. This is mother's milk. This is the essence of life. This is the essence of what we are standing for, most of us. I hope we don't spend a whole lot more time on this and we just get to a vote. Let's make it a matter of record. Some of us are going to be on record as saying we don't support; some of us are going to be on record as saying we do support. And as Senator Groene has said, he is in support of some, not of others. He is on that committee. He is the Chairman of that committee, and I respect that the committee brought both of these forward. But I would ask you for a green vote for this amendment and the one to follow and the underlying bill because I'm ready to say be it enacted by the people of the State of Nebraska that this is important to us because this is taking care of our kids, our future leaders, and life. Thank you, Mr. President. [LB427 LB10]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Geist, you're recognized. [LB427]

SENATOR GEIST: Yes, Mr. Speaker, thank you. Would Senator Vargas yield to a question? [LB427]

SPEAKER SCHEER: Senator Vargas, would you please yield? [LB427]

SENATOR VARGAS: Absolutely. [LB427]

SENATOR GEIST: Thank you. I'm just curious if you've brought this request to the State Board of Education. Have you discussed this with them? [LB427]

SENATOR VARGAS: They came and we discussed the underlying piece of creating a model policy, yes. [LB427]

SENATOR GEIST: Okay, all right. Thank you. And I ask that because I guess I would tell the body I don't specifically have an issue with this, with the policy. I think that it's good for school

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boards and schools, high schools, to make accommodations to students, whatever their needs happen to be, but I do struggle a bit with mandating that. And you had mentioned that there..well, let me go back to talking to the State Board of Education. I would really like to see this policy come from them, I guess, is what I'm saying rather than us telling the schools and the school board what they should do, what they shall do. Let...bring this...let us bring this to them, seeing that need brought to them, and then them go about doing their job for the schools. I see that as closer control as opposed to us dictating to the school board or to the schools what we think they should be doing. You also mentioned there are great discrepancies in policies and I'm sure there are. Even in Danielle Conrad's testimony, she indicated that there are 17 percent of schools that had something on the books on the issue. But she also indicated that they got a lot more feedback from schools that did not have a policy strictly on the books but indicated that they were willing to work with individuals on a case-by-case basis on the issues as they arose. And so she says I just wanted to make sure that was clear. Even though there are only 17 percent of schools that had something on the books, there were many more that indicated a willingness to address these issues, which we appreciate. And so all of this to say, I think it's important that we allow our schools and our school boards to dictate what students...what accommodations will be made. And the accommodations may be different from school to school. So dictating that in a manner that's uniform across the state may not be what's best for each individual school. I have to say personally in my district, this is not an issue. Accommodations are made in larger school districts for students for breastfeeding and the issues that we're talking about today. So in light of that, I think we've had a lot of good discussion here. So I would call the question, Speaker. [LB427]

SPEAKER SCHEER: I'm sorry, Senator. You have to call the question immediately when you arise. You cannot make comments. [LB427]

SENATOR GEIST: Oh, I do? I'm sorry about that. I had to give my opinion first I thought. All right. Well, then I will withdraw calling the question. (Laughter) [LB427]

SPEAKER SCHEER: Thank you very much, Senator. [LB427]

SENATOR GEIST: You're welcome. [LB427]

SPEAKER SCHEER: Thank you, Senator Geist. Senator Groene. [LB427]

SENATOR GROENE: Thank you, Mr. President. Motherhood and apple pie--there is nobody in the room, I believe, that's against motherhood, unless you're in line at Planned Parenthood. But everybody is for motherhood. You don't need a policy to be for motherhood. You don't need mandates to be for motherhood. If you'd add an amendment, they also get apple pie. That would

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make it better probably--motherhood, apple pie, and the American flag. Let me remind folks, AM739 exists as LB428 and it is on General File. To vote down AM739 does not kill LB428. It is still on General File. It will come up and--maybe next year, probably not this year--and it will have its day. And if it does not come up in the next two years or this year, Senator Vargas can come back and prioritize it next year, because it will still be there. That's how the system should work. That's how it should work. I think Senator Erdman said why wasn't it all one bill in the first place? Because it probably wouldn't have gotten out of committee, that's why. It would not have gotten out of committee. LB427 made sense. LB428 was overreach. We also heard that if you don't have a policy, you don't do it. So in America, it's come to the point if the government didn't describe in a policy, Americans don't know what to do what is right. Do we have a policy that children, when they eat lunch, have to have a fork because they might use their fingers? Do we have a policy that you have to wear underwear to go to school, or is that common sense? This is out of control, folks. Government is out of control. Mandates for everything. This is unnecessary. This does not belong in LB427. LB427 is a good bill. I've told Senator Vargas that. I voted for it out of committee. AM739 is overreach. It's not necessary. LB427 will send a message. If there's one school district out there, one school building out there that somehow, somebody in the administration doesn't like pregnant women--this is America; there's probably one person out there--or mothers, this will send a message that you have to accommodate them, because it says shall supply a place. AM739 is busywork, is busy government. It's mandates. It's not necessary. So I'd encourage you to vote no, red, on AM739 and vote green on LB427. And then when LB428 comes up, if it does or Senator Vargas decides to prioritize it for next year, then we can debate LB428. That's the way the process should work. Thank you very much, and red on AM739, green on LB427. Thank you. [LB427 LB428]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Morfeld, you're recognized. [LB427]

SENATOR MORFELD: Thank you, Mr. Speaker. I just want to note a few different things that have been stated on the floor today, particularly about mandates. First, I'm in support of AM739 and the underlying bill, LB427. First off, when it comes to this issue, the mandate ship has set sail. I mean, these are things that are already mandated by federal law, by Title IX. This is about making sure and helping schools come into compliance. So the mandate ship has set sail. This is already a mandate. It's about making sure that schools come into compliance, and that particularly small schools understand the importance of having a framework and rules in place so that they do come into compliance, because it is very costly to litigate these issues. And it's important that both big schools and small schools have these rules and policies in place so they are in compliance, and that's what this does is provide that framework. Also, I think that it's important to note that when we all stand up here and we say we don't like mandates, every bill that we vote green on that's a bill and says, "Be it enacted by the people of the State of Nebraska," that is a mandate. So every time you vote green on a bill, we are voting for a mandate. So I understand people don't like mandates, but that's the nature of the legislative

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process. That's the nature of being a legislature and creating laws and enacting them. I think that the other thing that's really important to note is that this already...I mean, these types of bills already work with the State Board of Education. They already interact with the State Board of Education. The State Board of Education will still have authority to help out. And there's a lot of leeway for local control within the amendment, AM739. It's not specifically prescribing exactly how they need to do these things. So it leaves a lot of room for the local government to be able to come up with policies that are specific to their schools, specific to the size of their school, and to accommodate the specific needs of the schools and the students that attend those schools. So these are pretty broad requirements. And I think we should keep that in mind, that there is the ability for these smaller schools and bigger schools to create rules and policies that fit their district. But it's just simply saying you have to come up with some kind of policy. And that will ensure that they are in compliance with federal law, to ensure that they will not be liable in court which is very costly and very expensive and to ensure that, most importantly, the mother is taken care of and accommodated. Colleagues, I would urge all of you to adopt AM739. Is it a mandate? Sure, to a certain extent, it is a mandate. But it's a reasonable mandate and it's one that's open and broad and allows for the different specific needs of the schools to be addressed. And with that, I would urge you to adopt AM739 and LB427. Thank you. [LB427]

SPEAKER SCHEER: Thank you, Senator Morfeld. Seeing no others in the queue, Senator Vargas, you're welcome to close. [LB427]

SENATOR VARGAS: (Microphone malfunction)...much, Speaker. Colleagues, I want to thank you for engaging in a dialogue about this issue, which is very critical. And we're seeing that not only in the data, we heard it in the testimony. And this is a reminder that it's not always easy for somebody to come on their own time and testify. I would say it's not easy to have students and/or former students that were teenage mothers when they were in high school come and testify about what they feel like they needed and the embarrassment that they shared and the concerns that they're willing to advocate for those who don't feel like they have a voice in the policy process and why we're bringing forward this amendment. A couple things I just want to make sure to clarify, and I appreciate Senator Morfeld and Senator Wayne for calling out a couple of things. The first is Senator Wayne mentioned there already is statute around absences and around sort of due process for students. What we're trying to do with this specific amendment is ensure that there is guidance and flexibility given to the local school districts to ensure that we are supporting this population and that we're enforcing that statute to make sure we're accommodating absences and make sure we're accommodating coursework in the same way that we would for other individuals in the school. The other thing is, and I know Senator Geist mentioned this and I had a chance to speak with her to answer some questions, is around the mechanism with which this amendment goes about supporting students. The first is this creates some parameters with some flexibility. We do have "shall" language, but the "shall" language is setting a standard for a few different things. One is it's asking...the shall is telling our schools and

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our school districts that they need to create a policy that accommodates coursework, two, that accommodates absences, three, that provides information on childcare in the area, just information, and then four is making sure they have--and this is consistent with LB427--a space to be able to breastfeed or milk express in an area that is separate, private, and is sanitary. Those are the basis, the foundational basis of why we included that "shall" language. Removing that would get us back to a place where we only have 17 percent of schools that have a policy and that's just not enough of our schools that are having a policy. And to address this question about how the State Board of Education, we are allowing them to create a model policy that would then be given to local school districts. And as a former school board member, it is very encouraging to me to have some experts provide language and guidance on what model policy looks like when they're being informed and giving it to me with some parameters with the flexibility and autonomy to then create it to make it our own. And I think that that is what AM739 does and the spirit of it is kept intact and making sure we are setting a basic standard to ensure student mothers have support, have accommodations so that we are ensuring they can finish their education, provide for themselves and their family because that's one of the things we're seeing as a gap. And we want to do everything we can to show them that we are standing by them. And so with that, I want to thank everyone. I'm asking humbly for your support for AM739 to make sure we are putting foundational policy into action to support a population that doesn't have a voice all the time and making sure more student mothers get the education and can provide for their families and are not living in poverty. Thank you very much. [LB427]

SPEAKER SCHEER: Thank you, Senator Vargas. You've heard the closing. The question before us is adoption of AM739. Senator Chambers. [LB427]

SENATOR CHAMBERS: Call of the house. [LB427]

SPEAKER SCHEER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record. [LB427]

CLERK: 33 ayes, 2 nays to place the house under call. [LB427]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Smith, Senator Lindstrom, could you check in. Thank you. Senator Friesen, Senator Wayne, could you please check in. Senator Hilkeemann, could you please check in. Senator Friesen, would you please return to the floor. We are under call. We are all accounted for. The question before us is

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the adoption of AM739. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB427]

CLERK: 27 ayes, 9 nays on adoption of the amendment. [LB427]

SPEAKER SCHEER: The amendment is adopted. Returning to the floor on LB427. Senator Harr, you're recognized. Raise the call. [LB427]

SENATOR HARR: Thank you, Mr. President. I find this debate interesting, especially given what we heard last week regarding voluntary separation, because I had an amendment and I said, hey, let's let the school boards decide. And you know what I was told? We've got to set state policy. Later today we're going to hear about preemption. We're going to hear, hey, we on the state should make this decision about gun control. Now take the word gun control out and let's put in schools. Let's put in breastfeeding and it's amazing how the teams switch, isn't it? Unique. At one point we say, hey, school boards should decide because they're closest to the people. We don't need a policy across the state. We should let those individuals figure out what they're doing. Let the school boards make that decision. Makes sense. Then how are you for preemption this afternoon? Folks, I haven't used this enough. I need to use it more. What's good for the goose is good for the gander. You can't have it both ways, or if you are, you better have a policy reason for why it's okay in one situation to say local control is what's important, let that school board decide, whether that's breastfeeding or early voluntary retirement, and why similarly gun control should be decided, not closest to the people who are affected by it but on a state level. I'm going to be excited to hear from Senator Hilgers and others this afternoon about why it's okay in one place but not the other, because I've been here for seven years and I'm still trying to figure out preemption and Supremacy Clause on the federal level, when it should be applied and when it shouldn't be. But we're making those decisions today. We made them on early voluntary retirement...I don't know, I'm losing track. I think that was last week. So let's really have that discussion. I think we're going to have some time this afternoon. Senator Hilgers is going to give us some time to have that conversation this afternoon. I look forward to it. And call me out as a hypocrite because I think I'm okay with LB427, and I was for the retirement, which gave the school policy...school boards the policy control on how to do early retirement. So, hey, I'll call myself out. But let's think about that, folks. Thank you. [LB427]

SPEAKER SCHEER: Thank you, Senator Harr. Mr. Clerk for a motion. [LB427]

CLERK: Mr. President, Senator Vargas would move to amend with AM908. (Legislative Journal page 916.) [LB427]

SPEAKER SCHEER: Senator Vargas, you're welcome to open on AM908. [LB427]

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SENATOR VARGAS: Thank you very much, Speaker. This one is very simple. AM908 was introduced to clarify a concern. We had one neutral testimony from the Catholic Conference, so we worked hand in hand with the Catholic Conference to ensure that we are providing some accommodation to their concern about classroom disruption at the hearing for LB427. This amendment ensures that schools will still be able to regulate student behavior and prevent interference with the educational process. Colleagues, I ask for your green vote on AM908 and LB427. Thank you very much. [LB427]

SPEAKER SCHEER: Thank you, Senator Vargas. Senator Groene, you're recognized. [LB427]

SENATOR GROENE: Thank you, Mr. President. Senator Harr has a way of twisting things, but then he is a lawyer and he's practicing it today. In his personal life, he has different attitude. But anyway, his voluntary retirement, we do not take it away from local school board decision. They just have to do it inside their levy authority. They still can do it. And I'll remind you, 41 districts do it, voluntary retirement. Only 17 could not handle the financial responsibility to do it inside their levy. So that is local control and we do set taxation, the state does. Anyway, AM908 is good because it exempts private schools. But since that amendment was adopted, I'm going to have to vote against LB427, wasn't the original bill. It's a mandate and I don't support mandates to local education, as Senator Schumacher said, unfunded ones. So if the state wants to set a policy and pay for it, that's fine. But this is bad policy. You do not vote because your heart is on your sleeve about motherhood. You vote for good policy. You do not dictate to others because you feel that you love motherhood. We all do. You do not judge local school boards by saying that they're not doing it so I'm going to make them do it. But that's how some of you voted who I didn't think would vote that way, but you did. Anyway, I stand in support of AM908 because it takes away the mandate from any of the private schools, parochial schools, independent schools. But I now stand in opposition to LB427. Thank you, Mr. President. [LB427]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Erdman, you're recognized. [LB427]

SENATOR ERDMAN: Thank you, Mr. Speaker. Interesting comments Senator Groene made about Senator Harr's analysis of voluntary retirement. Senator Groene very well stated it: It is still the obligation or the opportunity of the local school board to make that decision about early retirement. It's just who's going to pay for it and how they pay for it. So as I look at AM908 and my problem with LB427 was the fact that they were going to put regulations or tell private or parochial schools how to manage their operation. AM908 seems to do that. I don't understand why when we are going to strike language we got to add six more lines to do that, when in fact if we'd have just went to LB427 and drew a line through "parochial and private schools," it would accomplish the same thing. I guess that's how Bill Drafters have to do it and justify their job or whatever they do. But it doesn't make a lot of sense to me we go through all this verbiage just to

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say it no longer applies to those schools. And maybe as I'm here longer I'll understand how to write things so we have a lot of "lawyeresque" words in there and makes a lot of sense to somebody. But it doesn't make any sense at all to me. If, in fact, LB427 is amended by AM908, I will be against both of those. I'm against LB427 because of the amendment of the LB428. We have a lot of things to do in this session yet. One of those, and the most important and only one we have to do, is pass a balanced budget. And so we spend a lot of time doing things like this which is okay I guess. But as we go forward, we need to think about what it is we're doing and LB427 doesn't get us to the finish line and so I'm opposed to that. Thank you. [LB427 LB428]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Erdman. Senator Brasch, you're recognized. [LB427]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. There have been some very strong and interesting arguments presented here. I will continue to support LB427 and the underlying amendment. But when I hear the talk about loving motherhood, I'm...I do love motherhood and I love mothers and my grandchildren and others and it's a wonderful thing. But why I support this bill is because there is a young mother who needs a chance to finish her education. And to finish that education, that will provide opportunities for her to provide for her and her new family, that she does not need to lean on the state for her wherewithal, for her sustenance, that she may become a leader of some type, and that a child was brought into this world regardless of those circumstances. And when a mother is in a position to care for herself and her child, that benefits the child. And that is why I supported LB427. I have concerns that we may hear about next session of schools because it is LB428 that came into it. They may come back with some fiscal impact at that time, and we'll have a chance to change it then. But for now I won't stand in the way of a young mother to provide for the very best for that new life that she brought into the world and that will be through peers, the school giving her an opportunity to continue moving forward and not fall behind academically and to not hinder her from nursing that young, new life, to have antibodies and all the good things that nursing mothers are able to provide for their children. And it's not mother, apple pie, etcetera, America. It's all of those will become better if that mother has the opportunity to lift herself up while she is lifting up and raising up that child. So I continue to stand in support of LB427. I have concerns of the last amendment. I was a nonvote because I think this will come back in some form or another. We will hear from districts on it. AM908, I think we need more explanation. I don't think it truly exempts the parochial and private schools. It does not exempt them. It gives them certain provisions. Would Senator Vargas like to explain that? [LB427 LB428]

SENATOR KRIST: Senator Vargas, would you yield? [LB427]

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SENATOR VARGAS: I would. The Catholic Conference brought neutral testimony. They wanted to make sure there was some language that allowed them to evaluate the scenario and whether or not something was disruptive to the classroom so that whether or not they can make a decision on basically guiding somebody to where that they can breastfeed or pump. And that was the one thing they said that would help them. Since we've done that and made this amendment, they've come in support of the bill with the amendment and everything. [LB427]

SENATOR KRIST: One minute. [LB427]

SENATOR BRASCH: Very good. I have no other questions. Thank you, Mr. President, and thank you, colleagues. [LB427]

SENATOR KRIST: Thank you, Senator Brasch and Senator Vargas. Senator Crawford, you're recognized. [LB427]

SENATOR CRAWFORD: Thank you, Mr. President. I rise in support of AM908 and LB427. Just wanted to comment about the concern that was raised about funding. Again, this is a very important conversation for us to have about any of our bills is what parameters are we setting, and we may have disagreements about what those parameters are and that's an important debate for us to have, is what should those parameters be. I believe that LB427 as amended creates a framework that will allow for flexibility and allow for local schools to decide how they want to make those policies. It's also important to recognize that LB427 as amended also provides a resource for these schools. It provides that model policy that then they can choose to adapt in their own school. So they don't need to hire a consultant or invest staff time in doing research. They can get the model policy and then they can just have their discussions with the school board, with the administration of how they would like to adapt that policy. And so as I look over the bill, especially the policy part of the bill, I don't see something that really would require them to spend money. They already will have an attendance policy, and this will be a couple extra pages in their attendance policy. And, again, they shouldn't have to hire consultants to create it because they'll get the model policy from the Department of Education. And that's, again, one of the things that we sometimes do in addition to setting parameters is we do provide resources. In this case, that model policy is a resource that will hopefully be helpful for the schools; and I don't think they're going to need money. It's very clear in both LB427 and LB427 as amended, Senator Vargas is trying to be very flexible to allow them to make the accommodations in a way that fits that building. There's no restrictions on the size of that building or what that accommodations has to look like, so it allows the school to find something that is a way they can make those accommodations within their existing building, within their existing resources. And so in this case I think we are really setting a framework, setting parameters, and we're not requiring something that will require expenditures for which we should have to ensure that we

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provide funds. And, again, no schools, no school associations came and indicated that they felt that these requirements were ones for which they felt they would need funding. And I do believe this is an example of an organized interest if they felt this was something that was going to cost money. If they felt it was going to be an unfunded mandate, we would expect to have heard that from them and that is not the case. So, again, I urge you to consider those factors as you think about what we're doing in LB427 as amended. We're laying a framework, providing a model policy as a resource, and asking the schools to adapt that policy and to adapt their accommodation for breastfeeding students in a way that best fits their school, but that makes sure we're supporting these young mothers, supporting that new life to allow those kids to get off to the best start and allow our teen kids to make sure that they are being able to get the education they need to be productive parts of...members of our community and productive contributors to our economy as well. Thank you, Mr. President. [LB427]

SENATOR KRIST: Thank you, Senator Crawford. Senator Albrecht, you're recognized. [LB427]

SENATOR ALBRECHT: Thank you, for...thank you, Speaker. I just rise because I know that when we talk about these mandates and whether...that we mandate for a specific reason or I am very much against an unfunded mandate that the schools and that, quite frankly, the public can't afford to look at. But reading through this and also having a family member in high school--she has five children today and is an amazing mother, but went back to school, got her degree--these are stories that obviously need to be heard. And everybody wrapped their arms around her. It was a huge mistake, okay, but we don't hold that against the child, the student. I just feel like we need to understand and I as a state senator, I want to get the opinion of my schools and find out where they're at on it. At least half of mine did respond, that some of them have no policy in place because they haven't had to deal with it. It hasn't come up. They'd make accommodations if it did. They want to be responsive as possible. They don't feel that they would need a mandate, but they also feel that most schools would make accommodations if they don't already have it, generally against mandates, but they do think that such a space should be available if needed in schools and acknowledge that some schools may or may not be responsive as this particular one. I have another school that already has provided space and already has a policy. Mandates are tough, but they don't oppose this one. Another one, you know, are weary of mandates. They also have a policy and already have a space. They don't feel loose mandates are a good thing, but would need to see the language. They're happy that we even called to ask. And I think we all need to plug into our districts and find out what our folks are thinking, but that helped me. I was certainly supporting LB427, the amendment, the last amendment I was a little concerned about, so that's where I would reach out to my district. I do feel that I can support this, and I certainly appreciate Senator Vargas bringing it to light. Thank you. [LB427]

SENATOR KRIST: Thank you, Senator Albrecht. Those still wishing to speak: Senator Erdman, Speaker Scheer, and Senator Pansing Brooks. Senator Erdman, you're recognized. [LB427]

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SENATOR ERDMAN: Thank you, Mr. President. I was listening to Senator Crawford's comments about this won't be much of a cost because they already have a policy. Earlier this year I introduced LB568. LB568 is an amendment to the substitute teacher requirements in the state of Nebraska. So LB568 was brought to me by 20 superintendents from my district asking to relieve some of the qualifications that are onerous for us out there to allow them to be able to have a larger pool of substitute teachers. One of the provisions that I put in that bill was that they must...those substitute teachers must pass a civics test on the State Constitution as well as the U.S. Constitution. When I got the A bill it said, the Department of Education estimated it would cost \$78,000 to implement this policy. And there wasn't anything that the State Department of Education had to do. The training was going to be done in the district. The supervision was going to be done in the district, but yet it was going to cost \$78,000 for the department just to oversee this. So this bill requires the department to do some things, and there's no A bill. So when LB568 came up for a hearing, guess who came in and testified against the substitute teachers bill? The Department of Education. Guess who did not testify against LB427? The Department of Education. So I get an A bill of \$78,000 because I'm doing something the department doesn't like. But on the other side when you do something the Department of Education wants, you don't get any A bill. You get a pass. Okay? So that's exactly how this works. If you make a comment in the Education Committee or you ask a question about why we have so many failing schools in Omaha and you ask why don't you ever come with a solution, and their solution is more money, when you ask those questions and you ask to hold people accountable and you're on the Education Committee, you hate schools, you hate teachers, administrators, and students. It's very difficult for me to understand when you ask questions about why things happen as they do and you're interested in making it better and someone comes with a solution or a comment about how to do that and because it's not the State Department of Education's idea or some administrator come with that idea, it doesn't make any sense. I've been on the Education Committee now for just 57 days or whatever I've been here, and I understand how this works. If you're not part of the NSEA or if you're not endorsed by them or the idea didn't come through them or some...the Department of Education didn't suggest what you should do, it doesn't make any sense. Okay? Just for the record--that's how they say it here, just for the record, okay--I am for education. All right? I am for kids getting an education. Senator Linehan... [LB427 LB568]

SENATOR KRIST: One minute. [LB427]

SENATOR ERDMAN: ...brought a bill earlier this year about not passing someone from third and fourth grade that can't read and that found all kinds of opposition why that's a bad idea. I'm not understanding this. I talked to a gentleman yesterday said he was going through his grandmother's papers and found her assessment test to move from third to fourth grade back in 1933. The guy has three degrees, one of them in nuclear medicine. He said he sat down to take that test. He couldn't even pass it and he's got three degrees. So what have we done over time

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with education, with instruction? What have we done? We've watered it down. We've taken away the requirements to learn something. And Senator Krist brought a bill last year to have them pass the immigration test before they graduate. That bill found all kinds of resistance. So it's peculiar to me what we do here. Thank you. [LB427]

SENATOR KRIST: Thank you, Senator Erdman. Speaker Scheer, you're recognized. [LB427]

SPEAKER SCHEER: Thank you, Mr. President. Would Senator Vargas please yield? [LB427]

SENATOR KRIST: Senator Vargas, will you yield? [LB427]

SENATOR VARGAS: Yes, I will. [LB427]

SPEAKER SCHEER: Thank you, Senator Vargas. I was unable to make comments on the earlier amendment, so I just wanted to clarify something with you. In relationship to your contact with the State Department of Education or the State Board of Education, did you personally have any conversation with either the State Board or any representative or the commissioner? [LB427]

SENATOR VARGAS: Yes, I spoke with several board members on the Board of Education, and I briefly spoke with the commissioner about it. [LB427]

SPEAKER SCHEER: Okay. And did you ask either or any of those if they would provide an avenue to...for the department to provide this on their own rather than mandate it? [LB427]

SENATOR VARGAS: Whether or not they're mandated, if they can mandate this? [LB427]

SPEAKER SCHEER: Well, your amendment told the Department of Education they shall do something and, as Senator Krist, we are what we have experienced. I spent eight years on the Department of Education with...on the state board and this happened on more than one occasion and it irritated me during those occasions. Rather than having contact and discussion with the State Board of Education, we just legislate what we want done rather than asking them if they have the ability to do that and if they would. And from my perspective, that is exactly what we're doing again today. We maybe had a discussion. We didn't ask them to do it. We just turn around and introduce legislation and say you will do this. Those folks are elected as the educational leaders in the state of Nebraska. They are constitutional officers just like we are. I think this slights them. I think this shows disrespect for that board and for those members. And I will tell you that at Select I will bring an amendment to remove that from LB427 because I believe if it's one thing to have gone to the board and ask them for this and had them declined, but we didn't

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ask them to do this and they didn't decline, we're just telling them to do this. And so I think in respect for that board and those members, just as they respect us and our constituents, we have an obligation to allow them to do their job on the basis that they were elected as well. And I will yield whatever...before I close, Senator Vargas, any response, because I want to give you time to respond as well. [LB427]

SENATOR VARGAS: I appreciate that. My conversations with board members, they were generally supportive of the idea of this bill. I do understand your concern. I think there...we have different subdivisions and there are times where we create bills and laws that have interplay between subdivisions. And in this one when I explain that we are asking local districts to create a policy that we are...that they have to create a policy but that the State Board of Education would create a model policy, my intent was to ensure that we are valuing the expertise of our State Board of Education because they're the ones that understand on the front lines what model policy looks like as opposed to creating our own model policy for what it should look like. That was the intent behind that, so that we are honoring the expertise professionally and the office that they hold knowing what is best for what the actual policy will look like when they give a model policy to the local school districts. [LB427]

SPEAKER SCHEER: But, Senator, you didn't allow them to make the policy. You told them they had to make the policy. You did not request that they make the policy. [LB427]

SENATOR KRIST: One minute. [LB427]

SPEAKER SCHEER: That is my concern. You discussed it with them, but you never asked them to develop a policy and implement it so that other school districts throughout the state would have a model policy to work with. And I'm not trying to cut the fine hair here, but we have a State Board of Education, it's been elected to do its job, and you haven't allowed it to do its job. You've told it what to do. That's far different. We don't take kindly when people tell us what to do around this floor, as well, and so I would suggest and what I will do is offer an amendment to pull that part out of the bill. If they do not do that within next January, I would more than welcome your bill to provide that guidance to them. But I do believe they should have the opportunity to develop that and do it on their own fruition rather than us trying to implement and demand policy from them. Thank you, Mr. President. [LB427]

SENATOR KRIST: Thank you, Speaker Scheer and Senator Vargas. Senator Pansing Brooks, you are recognized. [LB427]

SENATOR PANSING BROOKS: Question. [LB427]

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SENATOR KRIST: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB427]

CLERK: 26 ayes, 4 nays to cease debate. [LB427]

SENATOR KRIST: Debate does cease. Senator Vargas, you're recognized to close on your amendment. [LB427]

SENATOR VARGAS: Thank you very much, Chair. I wanted to do a couple different things. One, I want to thank everyone. I know this is taking some time. And this specific amendment I'll just close on...that this is a step in the right direction. We heard some testimony, neutral testimony and we want to be good stewards of policy and so that's why we looked and worked with the Catholic Conference to find a place where we can provide some accommodations to them and the concerns that they have. So I want to thank you, to vote green light specifically on the AM908 and then to vote a green light on LB427 to make sure we are supporting student mothers in every way, shape, or form and saying that we're setting a standard to show them we respect them, we support them, and we're going to stand by them. Thank you very much. [LB427]

SENATOR KRIST: You heard the closing on AM908 amended to LB427. The question is the adoption of AM908. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB427]

CLERK: 33 ayes, 2 nays on the adoption of Senator Vargas' amendment. [LB427]

SENATOR KRIST: The amendment is adopted. Back to discussion on LB427. Senator Halloran, you're recognized. [LB427]

SENATOR HALLORAN: Thank you, Mr. President. It's been discussed several times, the importance of words. I think the "Professor" has done more than his share of educating us on the importance of "shall" and "may." And I think that being the case, we need to give particular consideration to the fact that whether we consider this to be a mandate or not, it is a mandate. I'm opposed to mandates of any form, funded or unfunded. And I understand that's what laws are. We're mandating people do things by law. I understand that. If I had my way, for every bill we pass we'd have to unpass two bills. To streamline and to clarify Senator Wayne's point, I think the list of laws for felonies need to be walked through very carefully and to be clarified and fine tuned. That being the case, back to this, local schools, our local schools run by school board

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members elected by us locally. And I think we underestimate what their drive is for the quality of schools that they have and we underestimate the fact that they're very caring people. We think that we have a sole proprietorship to caring and loving children. The fact is education does happen at the local level not because of what we do here but in spite, oftentimes, of what we do here. And so I wish you would all give special consideration and respect to our local schools and understand that our local schools out in the hinterland are different than they are in the metropolitan areas. We don't have to have...we don't have to have someone from on high tell us what to do in regard to caring for our students. If someone in our local school back home in Hastings has an issue with finding a place to privately nurse their baby, they'll find a place for them. It doesn't have to be mandated by law. With that, I would yield the balance of my time to the other Steve, Senator Steve Erdman. [LB427]

SENATOR KRIST: Senator Erdman, 2:20. [LB427]

SENATOR ERDMAN: Thank you, Mr. President. Thank you, Senator Halloran. As we move towards advancing this bill, if that in fact does happen, as Senator Halloran alerted to...alluded to, we have unfunded mandates that we place on people. And I know Senator Krist mentioned earlier today about everything we pass is a mandate. I understand that. I don't believe that is exactly what Senator Schumacher was referring to when he stood up and made his comments about unfunded mandates. It was the monetary part of that, and I understand what happens there. But as we proceed to make these decisions here that affect, as Senator Halloran said, districts differently, just because a district doesn't have this policy doesn't mean that they can't figure out a way to take care of those young mothers and take care of those people in the schools. And we here in this body seem to think we know everything about everything there is and sometimes those people can do things on their own. But I guess there's two philosophies here: One, government is always the answer and always will be; and the other side of that is government is seldom the answer and people can figure out on their own. And I happen to be in that second camp and people are pretty resilient and they can figure out what needs to be done locally. [LB427]

SENATOR KRIST: One minute. [LB427]

SENATOR ERDMAN: And we elect good people to do that. And so as I've said in advance before, I'm against LB427 because of the amendment of LB428 being amended into it. And I believe it is going to be an unfunded mandate. So I would encourage you to vote red on LB427. Thank you. [LB427 LB428]

SENATOR KRIST: Thank you, Senator Halloran and Senator Erdman. Senator Lowe, you're recognized. [LB427]

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SENATOR LOWE: Thank you, Mr. President. You know, six months ago I was not one of the smartest people in Nebraska. But right now I'm one of the 50 smartest people in Nebraska because I'm here in this room. We are here deciding what ought to be decided in our school systems, not here on this floor. Our administrators and our teachers know better about what this is than we do here on this floor. They're with it every day. I told Senator Vargas that I was for LB427. I'm not for the amendment that came into it that makes us tell our administrators what to do. They're there. I believe they know what they're doing. I know Kearney Public School system has taken very good care of the mothers that come through its system. I don't believe it should be up to us to make mandates to them to tell them they have to do this. Let's turn it back to our school systems. They do a very good job, and I question those administrators that don't do a good job for the mothers. Why are they there? Get rid of the administrators. Let's make it a law for everybody...let's not make it a law for everybody. Thank you, Mr. President. [LB427]

SENATOR KRIST: Thank you, Senator Lowe. Senator Groene, you are recognized. [LB427]

SENATOR GROENE: Thank you, Mr. President. We are looking at an amendment to strike the shalls and the must. And Senator Scheer also, as he said, he's looking at amendments to get the...and he made a good point about an elected State Board of Education. Their duty is to address issues. And as Senator Wayne, who is correct about you can imply by that one section in 79 that you could come up with a policy if it was needed--nobody has proved there needs to be one yet in statute--that the State School Board should address that, not this body dictating which policies they shall do and which ones the free...the elected State School Board decides on their own to do when it comes to issues like this. They have all...a very thick book of rules that they came up with, not the Legislature, on issues such as this. So what we need to do is to not pass LB427 as is. We need to just think about it for a while and take the shalls and the musts and the dictates out of it because they should decide that, the local folks, how they take care...supply a free instruction in their public...in our common schools. And as I said, nobody came and testified and said no, no, I'm not being treated fairly. I was not treated fairly when I was 25, 30. And I...Senator Albrecht is a good friend and a fellow conservative, but I want to know where Lake Wobegon is in Nebraska where they've never had this issue in their school, where every child is above average, and they've never had a teenage pregnancy and they've never had to face this issue in their public schools. It happens everywhere. Motherhood is part of life. Pregnancy is a part of life. It is what it is. It's not a surprise that it happens and we all handle it just like every issue in life. I don't know of anybody castigating anybody for that anymore. I do a little bit on young men who are fathers and who do not stand up for their responsibilities. That is one man to another one, but anyway LB427 needs to die as is because now it's a mandate. The original bill was a mandate. Yes, it was, but it addressed federal law and the feds tell us what to do and that's what we did. But the feds also give us freedom for states' rights, and we need to allow school districts a little freedom, too, for local control. Where they step out of line, then you address it. Nobody has stepped out of line in this policy that can be quantified or qualified as factual that we

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are reacting here to misbehavior by local school boards. There's no documentation of it. There's no testimony of it, and we're taking...we're putting mandate on the State School Board who's an elected board, statewide elected board, just like we are, constitutional office. And we're putting a mandate on them. [LB427]

SENATOR KRIST: One minute. [LB427]

SENATOR GROENE: We shouldn't be doing that. Maybe we should put a mandate in--we shall not do that--one to ourselves, a personal mandate as state senators. We shall not mandate unfunded mandates to local entities. That's what this is, an unfunded mandate. So it isn't over. We'll continue on to do good government. Thank you, Mr. President. [LB427]

SENATOR KRIST: Thank you, Senator Groene. Senator Morfeld, you're recognized. [LB427]

SENATOR MORFELD: Question. [LB427]

SENATOR KRIST: The question has been called. Do I see five hands? I do see five hands. The question before you is, shall debate cease? All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB427]

CLERK: 27 ayes, 4 nays, Mr. President, to cease debate. [LB427]

SENATOR KRIST: Debate does cease. Senator Vargas, you're recognized to close on your bill. [LB427]

SENATOR VARGAS: Thank you very much, Chairman. Okay, thank you everybody for this conversation. I'll be brief. A couple things I want to make sure to call out. One is I know this conversation has been...the foundation has been around how do we support student parents? I think we can all agree there is more that we can do and that there are entities that are already doing good jobs and there are entities that could be doing more, that these inconsistencies in policy do exist. We have data, we've heard testimony, and we've also heard no opposition to this in either of the hearings. So I want to thank you for, one, accepting the amendments and moving forward on this. I do want to make sure to clarify that I understand that sometimes we are asking different entities to do different things. Department of Education, in this instance, we specifically wrote this so that we are providing the expert...we are tapping into the expertise of the Department of Education. As the language states, we are asking the state department to create a model to develop and distribute a model policy to encourage the educational success of pregnant and parenting students. The policy is not being written by me. The model policy is being written

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by the Board of Education and the Department of Education, and that we're doing this because we believe in the expertise and the governance structure to be able to provide a policy that's going to then be given to local school districts to guide what they do. And I wanted to do that intentionally. And so I want to thank you for this debate. I want to thank you for the conversations, the great perspectives. I am, again, humbly asking for your support and urge you to hit green on LB427. Thank you very much. [LB427]

SENATOR KRIST: Thank you, Senator Vargas. You've heard the closing on LB427. The question is, shall we advance it to E&R Initial? All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB427]

CLERK: 29 ayes, 3 nays, Mr. President, on the advancement of the bill. [LB427]

SENATOR KRIST: LB427 advances. Items, Mr. Clerk. [LB427]

CLERK: Not at this time, Mr. President.

SENATOR KRIST: Mr. Speaker, call it for the morning? Is there a motion on your desk? Items then.

CLERK: Mr. President, the Judiciary Committee reports LB517, LB562, LB366 to General File (also LB516). Amendments to be printed: Senator Crawford to LB253; Senator Wayne, LB263; Senator Chambers, LB661. (Legislative Journal pages 916-919) [LB517 LB562 LB366 LB516 LB253 LB263 LB661]

Senator Albrecht would move to recess the body until 1:30.

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. Recessed until 1:30. Thank you.

RECESS

PRESIDENT FOLEY PRESIDING

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

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

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

CLERK: I do. Government Committee reports LB320, LB458, LB497 to General File, and LB200 and LB508 to General File with committee amendments attached. That's all that I have Mr. President. (Legislative Journal pages 920-924.) [LB320 LB458 LB497 LB200 LB508]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) Speaker Scheer, you are recognized.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, just so that we're all on the same page this afternoon, LB68 is the first item. That will be a three-hour commitment on our part. So approximately 4:30 we will switch then back, unless it runs through and is passed, if not, we will discontinue debate at 4:30 and move back to the Select File and run through the rest of those this afternoon so that at least we've got that finished up. Then we'll start again tomorrow morning on the agenda. So it's not that somebody has gotten tired of listening, this is just one of those that will be a three-hour commitment on our part. We'll see where it goes from there. Thank you, Mr. Lieutenant Governor. [LB68]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Members, we will now proceed to the afternoon agenda, the 1:30 agenda: General File 2017 Senator priority bills. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB68, introduced by Senator Hilgers. (Read title.) The bill was introduced on January 5 of this year; referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments. (AM630, Legislative Journal page 741.) [LB68]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Hilgers, you are recognized to open on LB68. [LB68]

SENATOR HILGERS: Thank you, Mr. President; good afternoon, colleagues. I am proud to open today on LB68, which is a commonsense bill that will streamline the patchwork of gun ordinances in our municipalities around the state of Nebraska, removing a very heavy burden on Nebraska citizens and their right to bear arms, as well as resolving what I think is a significant and heavy burden on our due process rights here in the state of Nebraska. In order to set the framework of LB68, we need to start with foundational principles. This is not a normal policy debate. This is a debate that involves our constitutional rights. And most individuals here and

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around the state of Nebraska understand that the Second Amendment of the Federal Constitution protects our individual right to bear arms. But in addition to that, in the Nebraska Constitution, in Article I, Section 1, the very first article in the very first section, it goes beyond that, because that section says, "All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others..." That is the foundation on which this discussion today should rest. And in Nebraska, because about 140 years ago, we decided to give the power to regulate gun ordinances as to possession to the municipalities, in Nebraska, we have created a patchwork that offends, in my view, those rights. How did we get here? Well, we got here because in about 1879, back in the horse and buggy days of Nebraska, where we didn't have interstates, we didn't have cars, we didn't have people moving between cities, we didn't have people commuting between cities, Nebraska decided that it was in its best interest to allow cities to regulate gun ownership. Times have changed. We no longer live in the horse and buggy days. We have interstates, we have cars, we have interstate travel, we have intrastate travel. We have tens of thousands of people traveling between Omaha and Lincoln every day, and we have thousands of people every year moving into the state of Nebraska and between and amongst the cities in the state of Nebraska. But our patchwork has created significant problems for those citizens. And I'll give you three major ones right now. The first is that if you travel through Omaha, you're not from Omaha, but you travel through Omaha, let's say you're coming up through the south or you're going through Papillion or Bellevue and you want to go to Norfolk, you may not know that if you are exercising your Second Amendment right in Article I, Section 1, right to bear arms, that you are violating the law. You are violating Omaha's ordinances the moment you cross into the city boundaries. We should query whether or not it is appropriate and right for us to make individuals have do a significant amount of research as to different municipalities and the rules and ordinances before they take a cross-state trip. But even assuming they knew what those rights were, they would be faced within what is, in my view, a constitutionally impermissible choice. They would have to choose two things. They would either have to avoid the state of Nebraska if they want to exercise their right...I'm sorry, avoid Omaha, if they want to exercise their right to bear arms. Or they would have to drive through the city without their right, without their weapon, or they would have to knowingly break the law. That's an impermissible choice. I'll give you a second example. In the state of Nebraska, by state statute, you only have to be 18 years old to possess a firearm. We have members in our Armed Forces who have firearms, we have individuals amongst family members who are gifting those firearms to individuals who are 18 or 19 years old. And if you live in Norfolk or you live in Bellevue or you work in Bellevue, we've heard from servicemen who work at...who serve at Offutt Air Force Base who live in Omaha, who are trusted at 20 years old with weapons who cannot live in Omaha and still have those guns. They cannot have the right to defend themselves, as allowed by Article I, Section 1 of our state constitution. That's impermissible, in my view. I'll give you a third example, and this one relates to due process, and I think this is egregious. There is a framework, and we're going to talk a lot about this today, but

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there is a framework in law, in federal and state law and in city law called, what is called a prohibited person. It means exactly what it says which is someone who is prohibited from owning a firearm. Now in general, that is a very strict and narrow category of individuals. And the reason is pretty obvious--we don't want to take away rights, constitutional rights of individuals willy-nilly. Typical example of a prohibited person would be a felon, somebody who's been adjudicated of a mental illness; not accused, adjudicated. In the city of Lincoln, you can...there are 32 categories...32 categories of prohibited persons...32. Now we could discuss whether or not some of those categories are appropriate, and very well it may be that some are. But if you live in Omaha today and you are accused of one of those particular crimes, public indecency is one, and you decide to plead guilty...if you were to plead guilty to a felony, you would have...you would be on notice that that guilty plea deprives you of your Second Amendment right to own a weapon. But if you are...you plead guilty to public indecency, you are not told that in Omaha. Why? Because in Omaha you have the...that doesn't take away your right to own a gun. But if you move to Lincoln, you immediately, by crossing its borders, become a prohibited person. You've had no notice. There's no fair notice there. You have no notice that you will have your rights taken away from you if you move within the state. So whatever you think about the prohibited person categories, I think that offends our traditional notions of due process. LB68 resolves those issues. And it does in a way that is consistent with our traditional framework for gun rights, which I will concede is very complex and it's very complicated. But at a high level...we have federal laws and we have state laws and we have city laws. There is no pure local control over gun rights. There is no pure federal control over gun rights. We have a mixed system. At the state level, there is a statewide permit regime; there's a statewide ban on machine guns. There's statewide limits on prohibited persons. There's a statewide ban on carrying a firearm at school. But the state also has control and the ability to regulate possession of firearms when it comes to concealed weapons. We made that decision; this Legislature made that decision about ten years ago. What LB68 would do is take this remaining sliver of possession, the ability to regulate possession to nonconcealed weapons and move it and join it with the other half at the state level. Now this would leave the cities still tremendous ability to regulate under their own, or however they choose at the local level, through local control, to help regulate gun violence. I have studies, and we're going to talk about them, I have study after study after study that talks about generally applied restrictions on gun ownership does not drive down gun violence. Now what does are laws relating to discharge, which the city still has power of, and laws related to prohibited people. And in my view, that discussion ought to happen in this body where we can go through the policy discussion and people have the opportunity to weigh in on a statewide basis before their gun rights are taken away. Now LB68, as it is before you today, and the amendment...there is an amendment, and Senator Murante, in a moment, will introduce that amendment, and that amendment is the product of a significant and intensely negotiated compromise. When I watched the debate of the predecessor to LB68, LB289 last year when it was brought by Senator Ebke, I watched almost every minute of that debate, and significantly there's two things that came through on that debate. One was the opposition from the Omaha

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police. And their opposition was based in real world, historical examples and experience with their attempts to fight the particular gang problems that exist in Omaha. The second thing that came through was that if we could have a compromise that addressed Omaha's concerns and addressed the major material concerns, that boy, we could get a bill that we could rally around. I took those lessons to heart. And over the last couple of months have helped negotiate, very hard negotiation, we gave up a lot for Second Amendment gun rights holders, as well as others, and we negotiated compromise. And I want to publicly thank Senator McDonnell for his tireless effort in that process. And what we did through that compromise is we did a couple of things. Primarily what we did is we gave... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR HILGERS: ...we allowed Omaha to have the tools to fight the gang violence that it has shown consistently it needs to fight those problems. So Omaha has retained some of those tools. Now those tools are already on the books in Omaha. There is no other city in the state, and we're going to hear about those tools, I think with some of those amendments, we're going to hear about some of those tools, only Omaha has them and Omaha wanted to keep a couple, and so we agreed. Now, anytime, anywhere, on any bill, with anybody I will discuss and negotiate; my door has been open. And I have told that to the interested parties, the opponents, and others. And we have had a lot of productive conversations; but far and away, the group that had the biggest issue and that worked the hardest and longest to reach a compromise was the Omaha police and the related Omaha metro area law enforcement officers. I'm proud of that compromise. I look forward to talking about the...I look forward to talking about Second Amendment, Article I, Section 1 rights and why LB68 fits within that scheme without the type of collateral consequences that I think we might hear. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Hilgers. As the Clerk indicated, there are amendments from the Government, Military and Veteran Affairs Committee. Senator Murante, as Chair of the committee, you're recognized to open on the committee amendments. [LB68]

SENATOR MURANTE: Thank you, Mr. President; members, good afternoon. I rise today to introduce AM630. AM630 is the result of months of negotiation with Omaha police. This amendment does not alter the original sections of the bill but adds the following provisions: Section 9 establishes a prohibition on possession of handguns in public places in any city of the metropolitan class by anyone, including those over the age of 21. There are narrow exceptions to this prohibition which include safe transport in a vehicle, carrying by CCW permit holders and military members, and possession for instructional purposes. Section 11 codifies Omaha Municipal Code, Section 20-195 which eliminates open carry of handguns and long guns within cities of the metropolitan class. It requires firearms and look-alike products being transported in

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the open be unloaded and contained in an enclosed case or unloaded and broken down. There are a few exceptions for transportation and other instances where the firearm would be used for a lawful purpose. Section 12 deals with the transportation of firearms in a vehicle. It requires all firearms being transported in a vehicle in a city of the metropolitan class be unloaded and locked up either in the trunk, or if there is no trunk, in a container other than the glove compartment or console. This language is consistent with federal safe transport language. Exceptions are only provided for handgun transport by CCW permitholders and military members. Section 14 changes the knowledge requirement from crimes related to stolen vehicles from knowing that it has been or believing the weapon has been stolen to anyone who knows or should know that the weapon was stolen. It also establishes that a person's failure to obtain a handgun purchase permit certificate is prima facie evidence that they knew or should have known that a handgun was stolen. There is an exception provided when a handgun purchase certificate was not required which includes CCW permitholders, antique guns, and transfer from family members. Section 17 creates an affirmative defense for failure to obtain a certificate. It establishes presenting a handgun purchase certificate that was valid at the time of the transaction is an affirmative defense to prosecution for failure to obtain a handgun purchase certificate before purchasing, leasing, renting, acquiring, or receiving transfer of a handgun. The other sections make clarifying changes and conform other parts of law to the substantive changes of this amendment. Colleagues, this amendment is a good one. This bill is good public policy. In particular, I would like to commend Senator Hilgers in his efforts to bring interested parties to the table and to work out a compromise, certainly with the Omaha police union, that I think sets an example for all of us in how we should be handling bills. As a committee chairman, we oftentimes see instances where introducers of bills, members of the Legislature present controversial proposals before us. And we see opponents come to the public hearings and testify. And oftentimes you will hear me say that I would encourage the...and use my office for the interested parties to help facilitate that conversation. In this case, Senator Hilgers took the ball; he created a compromise which I think is a very good one. I think that he is in a position to give greater detail as to the sequence of events that led to the committee amendment. And I would be happy to yield him the remainder of my time. [LB68]

PRESIDENT FOLEY: Senator Hilgers, you are yielded 6 minutes. [LB68]

SENATOR HILGERS: Thank you, Mr. President; thank you, Senator Murante, and thank you for your work throughout this process. Colleagues, sometimes when I perceive gun debates, we talk about it, we go into our separate corners. And sometimes we talk about...you talk about the victims of gun violence and those instances are very tragic. And when we put a face on gun owners and the reason why people would want to own a gun, sometimes that picture is not fully fleshed out. I want to give you, throughout this debate, I am going to read some stories of individuals who have reached out to us. After LB68 was introduced and the news reports came out on it, we had a number of citizens who were impacted by our patchwork of laws in very real

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and significant ways, and they reached out to us to share our stories. And I want to share some of those stories with you. This is from an individual, we've taken her name off, but...I live in a rural community and I recently ended a 26-year marriage to a man who physically and verbally abused me. Once the divorce was final, I finally felt safe, but my ex had other ideas. After stalking me, threatening me, and even showing up at my house, the sheriff recommended that I arm myself. He said he couldn't guarantee they would arrive in time if the threats became more than that. But guns frighten me and I knew I wouldn't be comfortable if I didn't get some training. After attending the first meeting of this particular gun club, I felt welcomed and comfortable. I really look forward to coming to your classes and having some instructors available to show me everything that I needed to know. I couldn't hardly afford the gun I bought let alone classes. I was so disappointed when I found out that I had to register my handgun in Omaha. That is just something I don't feel they have the right to force me to do and I cannot afford a concealed carry permit. I work six days a week and the Monday meeting in Omaha was the only one that I could attend. I'm not sure what to do next. Hopefully, they work something out. That is a major reason why people get firearms. Sure, there's a lot of hunters in Nebraska. There's a lot of sportsmen and women in Nebraska. But people get firearms when they feel vulnerable and they want to defend themselves or their families. Now she mentioned concealed carry. Now conceal carry I mentioned in my opening. Ten years ago, used to be the case that you could...the cities could regulate concealed carry, that was within their authority. And the state said we ought to have a standardized way of doing this. We're going to take that piece of your right, municipalities here in Nebraska, and we're no longer going to allow you to regulate that. So we're going to move the concealed carry to a statewide system. The problem, and I think that system has worked well, the problem is that the people who need it the most can't afford the requirements to get their permit. This woman works six days a week. To get a concealed carry permit, she needs to go through days and hours of training. That is over \$100 permit fee. It's not financially feasible for her. And she is not the only one that had this story. These are the types of people who are being impacted by our patchwork of laws. I had a note from a constituent, after this was passed, who said he moved to Lincoln and he had no idea that he was a prohibited person until the police confiscated his guns. These are real stories, colleagues, they're real stories and we ought to keep them in mind throughout this debate. Now one of the...one of the parts of LB68 and its amendment that we're going to spend a lot of time on, I think, because I've heard these discussions, there's really two pieces, and I am happy to talk about this as long as we need to answer as many questions that are needed to be asked about these. And one is local control and the other is provision in the statute...or the bill that would allow normal citizens to ensure that their cities don't do what the state tells them not to do. I want to talk a little bit about local control first, because that came up in LB289 pretty often. People say, well, local control, local control, local control. What does that mean? Well, as I told you, as it relates to guns, we don't have pure local control; we have a mix. But as it comes to fundamental rights that are guaranteed to us by our constitution, we also don't have local control. If someone said in Fremont, you know what, we ought to have voter ID here, we think there's a fraud problem, let's have voter ID. I am

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willing to bet this body would disagree and Nebraskans would disagree. That is a state constitutional right. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR HILGERS: That's a federal right, let's protect it. If we have someone in Omaha that wants to shut down a mosque because of concerns, we would say, no, you can't do that. You might say local control, but you can't do that. That's a fundamental right. If a city or county wanted to save money and said, you know what, we don't really need to give people the right to an attorney, we don't need, you know, it's too expensive. We should have local control over that. We would say, no, these are fundamental rights. They're fundamental rights and they ought to be treated and the right to own and have a firearm ought to be treated no differently than these other rights that we hold so dear. I could go on. There are a lot of constitutional rights. The second part, when I get back up on the mike a second time, I'll talk a little bit more about the provision that allows citizens of this state to protect those rights if the city decides to ignore what we in the Legislature says. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Hilgers. (Visitors introduced.) Mr. Clerk. [LB68]

ASSISTANT CLERK: Mr. President, I have a priority motion. Senator Chambers would move to recommit the bill to the Government Committee. [LB68]

PRESIDENT FOLEY: Senator Chambers, you are recognized to open on your motion. [LB68]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is going to be a long, interesting discussion. And you'll have the opportunity to see the young cub, Senator Hilgers, and the old lion, Senator Chambers, contesting with each other. And although I would say we're poles apart, no, that's understating it. When you say poles apart, you're talking about the North Pole and the South Pole, but both of those poles are on the same planet, namely, the Earth. We may be planets apart. He's on Mars, I'm on...I'll say Pluto because that's not even a planet anymore, and as modest as I am, that is in keeping with my modesty. Usually I'm too modest to point out that I'm modest. But you're going to have the opportunity to see two people who have that much distance between them, in terms of their particular views, can nevertheless carry on a spirited, witty, highly intellectual, on the part of the cub, discussion of a contentious issue. So I would like to let you know that I was aware of how many people would be on what you call the queue, in line, for common folks such as myself; how many people would be in line ahead of me, so I had to find a way by using the rules to get to the head of the line. And that's what I did. And I'm going to do this periodically. But I would like to ask Senator Hilgers a question or two. [LB68]

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PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB68]

SENATOR HILGERS: Absolutely. [LB68]

SENATOR CHAMBERS: Senator Hilgers, words have meaning based on some of the comments you made earlier. The constitution has very explicit meaning based on what you said earlier. Are we, in the Legislature, entitled to believe that the words in this bill mean what they say? [LB68]

SENATOR HILGERS: Yes. [LB68]

SENATOR CHAMBERS: We discussed this before, but to get it on the record, is this bill copied or lifted from another state as far as you know? [LB68]

SENATOR HILGERS: I got this bill from LB289 was my starting point, so I got it from Senator Ebke's bill from last year. Where it came from before then, Senator Ebke's mind, I do not know. [LB68]

SENATOR CHAMBERS: Thank you. That is all I will ask at this time. I would like to ask the esteemed and distinguished chairperson of the Judiciary Committee a question or two if she would be so kind as to yield. [LB68]

PRESIDENT FOLEY: Senator Ebke, would you yield, please? [LB68]

SENATOR EBKE: Yes. [LB68]

SENATOR CHAMBERS: Senator Ebke, do you know the origin of the bill that you introduced which served as the template for Senator Hilgers' bill which is before us today? [LB68]

SENATOR EBKE: Well, it was brought to me by a lobbyist; I believe Ron Jensen, shortly after the start of the session in 2015. [LB68]

SENATOR CHAMBERS: He is a lobbyist for whom or what organization? [LB68]

SENATOR EBKE: I believe he was a lobbyist for the NRA. [LB68]

SENATOR CHAMBERS: Thank you. [LB68]

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SENATOR EBKE: He no longer is. [LB68]

SENATOR CHAMBERS: Thank you. This is a template bill. It wasn't originated. We know that there are certain forms of action that are allowed and authorized under the statutes. We don't say, when a case or an issue is brought, a court of competent jurisdiction, we mention the name of the court. Some things go to county court, they can originate there. Others in the district court. And some, if they are significant and specific magnitude, can originate in the Nebraska Supreme Court, meaning they have original jurisdiction. So when you see something like "competent jurisdiction," that is signaling the state that is going to utilize this and copy it that they need to fill in what that court is. This bill says, when it talks about the bogus lawsuit, and we'll get into that in more detail later, a court of competent jurisdiction. And whoever put the bill together before did not understand the levels and names of the courts in this state. I'm going to ask now, Senator Hilgers, a question. [LB68]

PRESIDENT FOLEY: Senator Hilgers? [LB68]

SENATOR HILGERS: Absolutely. [LB68]

SENATOR CHAMBERS: Senator Hilgers, did I say that your bill, as written, legalizes the transporting and possessing of a machine gun? [LB68]

SENATOR HILGERS: You did. [LB68]

SENATOR CHAMBERS: Do you believe that's what your bill does? [LB68]

SENATOR HILGERS: Absolutely not. [LB68]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I invite your attention to page 19 which would be starting in the 24th line, Section 11: It shall be...listen carefully, and I'm going to take my time because that's what we're going to have plenty of, and I want to show how terribly incompetently this bill was drafted. And remember, we take the words to mean what they say. "It shall be unlawful to transport or possess a firearm, machine gun, air gun, air rifle, or paintball gun in a public place in a city of the metropolitan class unless such item is unloaded and contained in any enclosed case or unloaded and broken down." Here's the way this reads: "It shall be unlawful to transport or possess a machine gun unless the machine gun is unloaded and contained in any enclosed case or unloaded and broken down." All of these guns are treated the same way. If they were going to competently draft the bill, they would have put the machine gun in a separate category if they were going to mention it. A machine gun under the state law and

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under city ordinances is illegal to be possessed or transported. Then go into these other things. But the language, the descriptive language, which tells what makes and how it is made, it legal to possess and transport these weapons applies the same language to the machine gun. I would like to ask Senator Hilgers a question. [LB68]

PRESIDENT FOLEY: Senator Hilgers, will you yield? [LB68]

SENATOR HILGERS: Can I just permanently yield to questions for today? [LB68]

PRESIDENT FOLEY: Yes, that's fine, yes. [LB68]

SENATOR CHAMBERS: If you are that trusting, certainly. Senator Hilgers, are you looking on page 19 at the language that I read...starting in line 24? [LB68]

SENATOR HILGERS: I am. [LB68]

SENATOR CHAMBERS: Okay. Now I'm going to read it the way I would apply it to the machine gun: It shall be unlawful to transport or possess a machine gun. Then you drop to line 26: unless it is unloaded and contained in any enclosed case or unloaded and broken down. Doesn't that language apply to the machine gun? When you make a series, whatever descriptive is made of that series applies to each of the individuals in that series. Isn't that true? [LB68]

SENATOR HILGERS: Generally, yes. [LB68]

SENATOR CHAMBERS: Now if you read the language as it's written, that language would apply to the machine gun, wouldn't it? [LB68]

SENATOR HILGERS: In context of other statutes, I would disagree; but, yes, as written only to your question, I believe the series would include machine gun. [LB68]

SENATOR CHAMBERS: And the series doesn't say--refer to other sections. This is a freestanding new language provision, correct? [LB68]

SENATOR HILGERS: Absolutely. [LB68]

SENATOR CHAMBERS: Thank you. That's all I'll ask you. Members of the Legislature, Senator Hilgers is going to be jumping, ducking, and dodging because he didn't draft this bill. He

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didn't read it carefully, because the NRA told you all what you have to do with this bill. I could tell them what I think they ought to do with it. But when you allow people from somewhere else to give you a hodgepodge, mishmash like this, and tell you adopt it carte blanche and you adopt it, then if the descriptor for somebody who would do that is foolish, you were foolish. I'm going to show you where under Senator Hilgers' bill they specifically prohibited cities from doing certain things and under his bill they turned around and specifically authorized the city to do that very thing. So the same bill specifically authorizes and prohibits. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR CHAMBERS: Does that make sense? It does if the NRA tells you to do it, because they know most Legislatures are composed of people who don't read legislation. They want Legislatures to do this instead of cities because in the cities it's tailored to fit their situations. Legislators can be more easily lobbied and intimidated and pass bad bills that will prevent cities from tailoring legislation, even pursuant to their police powers that are necessary for the health and welfare of the citizens. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr, you are recognized. [LB68]

SENATOR HARR: Thank you. Well, we're going to have some fun here today, folks. We're going to have a chance to talk about policy, both within gun control and outside gun control, with preemption, non-preemption. But before we begin this debate, I think it's important that we all start from a common knowledge base about what guns are and what guns are not. I want to start off by saying I own five shotguns. I think I only have four; I think my brother took one through adverse possession because I haven't seen it in about two years, but technically I own five, and I enjoy shooting guns. It's a lot of fun, and I think...I enjoy hunting. And now that Senator Seiler and Senator Schilz are gone, you know, I think I can outshoot Senator Brewer, pretty sure, as long as he uses a rifle and I use a shotgun and we're 10 feet away. But this is serious today and I want to talk about something that Senator Hilgers brought up that I need to clarify the facts a little. He read a letter from a woman who came from a rural community, but it sounds as though, and Senator Hilgers has permanently yield, but I will ask anyway, just as Senator Chambers, all right. Would Senator Hilgers yield to a question? [LB68]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB68]

SENATOR HILGERS: No. (Laughter) Yeah, I will. [LB68]

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SENATOR HARR: All right. So you gave the story of a woman, we don't know her name, let's call her Bess. Bess is from a rural community, is that correct? [LB68]

SENATOR HILGERS: And the reason we removed it, given the gravity of the situation, it is a community on the outskirts of Omaha. [LB68]

SENATOR HARR: Okay. So not in the city of Omaha? [LB68]

SENATOR HILGERS: Correct. [LB68]

SENATOR HARR: Okay. So why would she need to register her handgun? [LB68]

SENATOR HILGERS: Because she was traveling to Omaha to get trained. There were no training facilities in her town. [LB68]

SENATOR HARR: Perfect. Okay. I can give you some in Saunders County where I took my CCW class; I can give you some in northern Douglas County, there are a lot outside the city. But okay, so she had to register to take her CCW class. What kind of training do you need for CCW class? [LB68]

SENATOR HILGERS: It's pretty significant, at least eight hours of training, you've got to have an instructor, I haven't done it, but it's pretty significant training on safety and knowing the laws and what you can and cannot do. [LB68]

SENATOR HARR: Okay. And I did take the class. And I took it with Mark Quandahl, who we learned not to go fishing, which is when you pull the handgun out this way, and not to go bowling, you pull up and out. So I learned not to go fishing, not to go bowling. I don't think it's quite eight hours. Okay. But that's still, in your introduction, you said it took days of training. I don't think it takes days. It takes days if you maybe do it two hours at a time, but it's about eight hours and it's not overly cumbersome. While I bragged earlier about my marksmanship, I would guarantee just about anyone in this room could pass the CCW test, especially for marksmanship, which is a portion of it. And as a matter of fact, my AA took the class six years ago, and she had never fired a handgun before in her life, never; never held a firearm before in her life; took the class and passed the marksmanship the very first time. So I think it's important that they have that within there so people have familiarity with how a firearm works and how it actually dislodges. But to say it is difficult would be an understatement. And if it were too difficult, I guarantee there would be an organization here saying, hey, your gun classes are too difficult, and you're violating someone's constitutional right. [LB68]

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PRESIDENT FOLEY: One minute. [LB68]

SENATOR HARR: So let's be clear. CCW is informative, it's good; to call it difficult it's kind of like taking a religious class in high school, everyone passes. Right? You have to kind of screw up not to. You have to intentionally want to flunk that class. It is not difficult. And I'm going to come back up on the mike and we're going to talk about, first of all, preemption. We need to have a nice conversation about what preemption...when we should use preemption, when we should not. Should we allow LGBTQ, which is the next step; other states have done it. Once we do guns, then we go there. Omaha has a law, we tried to put it on the state level, people said don't do that. You're fine, you guys can do something separate. Right? So we see times where we like it, other times we don't. So we're going to have a conversation about preemption. I think we need to talk about what is a constitutional right, what is not. If there is a violation of a constitutional right, what are the proper avenues? Is it the Legislature or is it the courts, especially when it's not... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR HARR: ...the courts have not made a clear decision as to... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR HARR: Thank you. [LB68]

PRESIDENT FOLEY: Thank you, Senator Harr. (Visitors introduced.) Continuing debate, Senator Chambers. [LB68]

SENATOR CHAMBERS: Mr. President, members of the Legislature, the NRA must be given credit. They are wily. You know how they got concealed carry and all these other numbskull laws through the Legislature? They made certain promises. The cities will be able to tailor regulations to take care of the situation in their city. That is why you have these individual laws. The NRA said this is the way to get the rubes; we've dealt with dumbbells like you've got in your Legislature, make these promises. Then we just violate them. And that is what this bill does. It is violating the promises that the NRA people made to this Legislature to persuade them to allow all of these loose laws on dealing with handguns. Now they've made a deal with the Omaha police department. I understand the police department is now neutral. They are neither for nor against. I don't know what that means. But they say promise them anything to get this bill, then we'll just take that away the way we took the others away. Do you think the NRA cares about violating a promise? When you look at the simplemindedness of the cause of action that is in this

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bill, you'll see how stupid they think the people in the state are. And they think somebody like me is not in this Legislature. This bill was not written for a Legislature with people like me in it. And when I tell you it prohibits the cities from doing certain things, then specifically authorizes them to do that very same thing, that shows you how stupid they think the people in this Legislature are and you won't even read the bill. I read the bill. And it is one of the most atrociously drafted pieces of trash that I've seen, not just because it deals with guns. If it dealt with anything, it shows a lack of respect. And that is what the Legislature is being treated to today. Senator Hilgers knows that many statewide laws are fractured and fragmented in their operation. There is one death penalty law under the statute. But in reality, there are 93 individual death penalty laws because each county, of which there are 93, has a county attorney and that person interprets the law in such a way as to determine whether or not the death penalty is on the table when a homicide occurs. And that's why in one part of the state you'll have somebody charged with first-degree murder with the death penalty on the table; somebody who committed a more atrocious murder in another part of the state and no death penalty on the table because you have 93 individual death penalties. The U.S. Supreme Court, when it outlawed all death penalty laws because of their arbitrariness, capriciousness, it was because of the randomness, the lack of rules and regulations and standards. They said it was as freakish as being struck by lightning. There was nothing that would distinguish the cases where the death penalty was imposed from those where it was not, and that is the way it is in Nebraska. And we are talking about taking life. And you have 93 different jurisdictions. What about traffic laws? The traffic laws in cities can vary. And I am going to read this so you won't think I'm making it up, you don't know if it's written here, but take my word for it, I will show it to you. John Selden said in a book of essays titled Table Talk and this dealt with law, and most people can quote some version of this: "Ignorance of the law excuses no man, not that all men know the law, but because 'tis an excuse... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR CHAMBERS: ...every man will plead and no man can tell how to refute him." You think these people can say, well, I came from a small town and we can drive 35 miles an hour anywhere in town, then you're going to give me a ticket because I was driving 35 miles downtown Omaha. You should have one law in every city. I shouldn't have to know what the laws are in the city that I go to. That is the silliness of this kind of legislation. You have, across the board, differing laws, and they're allowed by the state, the cities are authorized to do this. There are even different categories of cities: metropolitan, primary, first class, second class, villages, all of which have differing standards, different powers that they do. How do I know if I am from Minnesota whether I'm driving through a village or a class one city or class two city... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

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SENATOR CHAMBERS: Did you say time? [LB68]

PRESIDENT FOLEY: Yes, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Murante. [LB68]

SENATOR MURANTE: Thank you, Mr. President; members, good afternoon. Senator Harr, I think, brought or at least initiated a good conversation as it relates to...hopefully it will be a good conversation; we'll see how it goes, Senator Harr, as it relates to local control, unfunded mandates, that sort of subject matter. Because it's been...the discussion that I have heard, and it's happened both on the floor and within committee, is the sentiment that if you see two bills that are local control issues--there are mandates upon a political subdivision in some form or fashion--and you oppose one because of your belief in local control, but you support the other, that there is an inconsistency in thought there. And I would disagree with that argument on an inherent level. And the reason is it's not simply a matter of on the one end political subdivisions are creations of the state Legislature, and you will hear Senator Groene talk about this from time to time, unless he disagrees with it on a particular subject matter, that political subdivisions are creations of the state; they have the authority to do only that which we tell them to do and, therefore, we have the ability to govern any sort of operation, any activity that they want to accomplish. And on the other extreme are those folks who would say that political subdivisions have locally elected governing bodies, that they are accountable to their own constituents, and, therefore, we should delegate to them all or nearly all of the authority and we should never, sort of, get involved in how they operate. I would suggest to you that neither one of those two options are practical or particularly instructive when it comes to the creation of public policy. And the reason is, we get, especially in the Government Committee, but also on Urban Affairs, and I am sure Senator Wayne has dealt with many bills as it relates to municipalities that deal with how those political subdivisions are governed. Every year people come before the Government Committee and say either there is a prohibition and the counties and the cities will...and the NRDs will come to us and say there is some sort of state requirement that we think is overly burdensome, can we do away with that requirement? On the other hand, we have ideas every single year on how political subdivisions ought to operate and we have to take those one by one and piecemeal. And to me, I go through a general process. The first is, does that...is whatever is being regulated by the political subdivision, and if there is a bill which deals with how that political subdivision operates, does it impact the life of any individual? I think it's an important first question, because there are a number of bills that we have in this Legislature which do not really impact the life of any individual. A good example of that, a specific example of that: a bill in the Government Committee to say that the governing bodies of political subdivisions can cast

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their votes by a machine vote like we do here on the floor rather than by voice vote. There is a law prohibiting that, that was local control, in my view, at its finest. That was the Legislature being overly burdensome to how a political subdivision conducts its business and it provided no benefit to the people of Nebraska. It impacted not a single person's life. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR MURANTE: So in my view that was a good example of when local control was run amok. The next question we have to ask is a matter of uniformity. And I think Senator Hilgers' bill really deals with this issue at its heart which is--are the people of Nebraska better served by having one statewide uniform standard, or are they better served by having a patchwork of regulations and ordinances across the state of Nebraska? And we have a myriad of examples of this, I'll just cover just two of them. First, there were a series of communities in the state of Nebraska that were passing ordinances banning flying lanterns, for example. The state Legislature said, you know what, we are not going to go from community to community regulating this specific activity. This is an activity that applies the same way, broadly, across the state of Nebraska. It doesn't make sense to have a patchwork of ordinances across the state. So this Legislature, last year, passed a bill to say across the board we...even those... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR MURANTE: Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Hansen. [LB68]

SENATOR HANSEN: Thank you, Mr. President; and good afternoon, colleagues. I have my same concerns with this bill and similar concerns with this bill as we did in LB289. And I had a productive conversation with Senator Hilgers yesterday; he informed me that he had read through the transcript and watched it live and actually addressed some of my concerns that were in the first draft of the bill. And I do recognize that he did take out a statute on punitive damages to cities. And I am very appreciative of that, because as many of us know, there was in the original draft of the bill, two years ago, a punitive damages clause which violated our state constitution. The reason I bring this up is, there's a couple of handouts, there's one that appeared on our desk yesterday and there's a rebuttal today by Senator Blood and Senator Hilgers that gives the example of a city in Florida. And the fundamental premise, even with all the rebuttals, is that a city was sued for an unenforced ordinance that was on the books that had been enacted before the tenure of, at least the current mayor, if not the current entire city council. And they are being sued despite no one ever actually being harmed by this ordinance because it was not enforced. That is going to be an option here in LB68. I'll point you to the new Section 5 of the

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amendment, AM630, there, specifically, grants a right of action for persons adversely affected by an ordinance. And then goes on to define persons adversely affected the ordinance who can sue for declaratory and injunctive relief and actual and consequential damages. They could sue for damages against local government. And then it says: Anybody who is adversely affected is an individual who may legally possess a firearm and is physically present in the city or village. In order to have standing to sue a state...sorry, excuse me, in order to have standing to sue a city or some other political subdivision that has an ordinance like this, all you have to do is be eligible to own a gun and be physically present in the city for, apparently, just a moment. So I, as somebody who's eligible to own a gun in the state, could take a trip down I-80, stop in all the little towns along the way and file a corresponding number of lawsuits as long as I had some proof that I was physically present in those cities. Despite the fact that I've suffered no actual harm in any of these instances, I could go, in theory, get...declare an injunctive relief in each case. This is a really unusual standard to set and is, frankly, something quite strange in the bill. Further on in that same section, also gives standing to membership organizations that I'm going to quote directly: "a membership organization"...and the next section says: "Is dedicated in whole or in part to protecting the rights of persons to possess, own, or use firearms for competitive, sporting, defensive, or other lawful purposes." Now I know that's kind of a matter of practice a lot of times when people do bring lawsuits against the state or lawsuits against political subdivisions. There are, likely, advocacy organizations involved. But to give a special clause in our state statute that says these specific groups are allowed to have standing provided that they have some members included. There's a membership minimum of two. But we're going to give special firearms groups the rights to sue cities as long as they can prove that they had two members who were physically present inside that city. Now that's not going to lead to unnecessary lawsuits, unnecessary attorney fees, unnecessary expenses for all of our cities and villages that have an ordinance currently, because it doesn't apply to ordinances enacted in violation of this law. It just applies to ordinances enacted, period. That's going to be an expense, that's going to be something that's going to happen in our city. And now I know there might be a rebuttal. You're going to have time. We're going talk about it. Yada, yada, yada. I know one of the amendments coming up on this bill is the E-clause. I was talking with my city officials and with the public notice requirement, in order to repeal an ordinance in Lincoln, it's four to five weeks with various city council votes and ordinance regulations, we pass this with an E-clause, we can pass this bill in less than five weeks. We do it with the E-clause, we're going to be able to pass this bill and sue the city of Lincoln just by being physically present; all of us are physically present in the city of Lincoln, we're going to be able to sue them for an ordinance that's been on the books for decades because they didn't repeal it fast enough despite the fact that none of us actually got a citation. These are some serious technical concerns, regardless how you feel about... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

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SENATOR HANSEN: Thank you, Mr. President...regardless about how you feel about the relevant power balance of the state. These are serious concerns we need to address. And I'll yield my last few seconds to Senator Morfeld. [LB68]

PRESIDENT FOLEY: Senator Morfeld, 37 seconds. [LB68]

SENATOR MORFELD: Thank you, Mr. President. I'll say a few things very quickly. First, we passed around a letter from the Police Chiefs Association of Nebraska that is opposed to this bill. Second, we have a letter from the mayor of the city of Lincoln and the police chief also opposed to this bill. Third, I would note that one of the big concerns, and the concern that the sheriff of Lancaster County, I just got off the phone with him, has and why he's opposed to this is that you can bring these weapons into Pinnacle Bank Arena under this law or into the jailhouse. And Senator Hilgers would say--no, no, there's trespass laws. But the problem is, these are public buildings. And his bill takes out the ability to create rules, ordinances, and measures to restrict that. [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR MORFELD: And... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR MORFELD: Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senators Hansen and Morfeld. Senator Riepe. [LB68]

SENATOR RIEPE: Mr. President, Senators, I would like to yield my time to Senator Hilgers. [LB68]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Hilgers, five minutes. [LB68]

SENATOR HILGERS: Thank you, Senator Riepe; thank you, Mr. President. And let me say at the outset, I appreciate Senator Chambers' initial comments. I think there are few bodies in the country in which we can have a reasoned and thoughtful and educated debate about something that can be so contentious and get...typically, put people in camps. So I appreciate the tenor of the debate so far, the questions and points that have been raised. There's been a lot, so I won't waste any more of Senator Riepe's time on that. But there's a few issues been raised and I'll start

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with Senator Chambers because he pointed out a couple of issues that he perceived with the bill on the wording. One was that we don't ever use the term "competent jurisdiction" in Nebraska. Well, that, actually, is not the case. In fact, if you look on the white copy on page 8 on lines 29 to 30, which is in the original statute, talks about a civil action in any court of competent jurisdiction. The phrase "competent jurisdiction" has actually been used 280 times throughout our statutes. Secondly, and I should have clarified Senator Chambers' question when he asked me where this bill came from, because I do know the providence of one particular section of that bill which is the one that we discussed regarding machine guns, and that comes word for word, nearly, from an Omaha city ordinance. And the Omaha city ordinance is a belt-and-suspenders measure to state law. State law, as Senator Chambers noted under Chapter 28, I think it's 1203, bans the transportation and possession of machine guns. We know how to repeal statutes in this state; we strike them out. And even though that section doesn't talk about...doesn't explicitly say individuals who are under the age of 18, or individuals who are not prohibitive persons, that doesn't....it does not create some wide exception to let anyone at anytime anywhere have a gun or transport throughout the city...or through the state. As to Senator Harr's point, I think he raised several good ones, but I do want to address one. I think we're going to talk about preemption here throughout the day. But one is this notion that a concealed carry permit is not difficult to obtain. When I said a couple of days, I meant over the course of a couple days, this particular person had referenced that, and it is about \$200 once we do the training fee. And I think one of the challenges in life, whether you are a legislator or an individual or a husband or a father or wife or whatever it might be is to see the perspective and point of view of other people and to have empathy for their circumstances. It certainly is easier for me, for someone like me to say, I could carve out a couple of hours when I'm not in session or a day or two to go get my concealed carry. That's not so burdensome. The state pays me enough money to go and use that towards my concealed carry permit, that's not so bad. But these stories of the individuals we hear from, it is hard; it is burdensome. I've got another one from Maria in Omaha. I am a single mom with two kids. At 21, life is hard trying to work and provide for my girls. Their father doesn't help and I don't want him to know where we are. Yeah, there is a restraining order, but you know that won't stop him if he wants to hurt us. My dad gave me a gun to keep us safe. But I know that even if I used it to defend myself, I'm going to be in trouble because the laws in Omaha won't let me carry it with me when I leave the house. I can't be safe in Omaha. Seeing it from that perspective and that point of view I think is critical as we go through this debate. Now there are several other arguments that have been raised since the last time I was on the mike and I want to start, and I want to thank Senator Hansen both in the debate over LB289, as well as today, for bringing up thoughtful legal arguments. And one of those legal arguments he raised today which is this idea that this is special legislation; it's unconstitutional because it's special legislation and there is a provision in the Nebraska Constitution... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

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SENATOR HILGERS: ...that does not allow states to pass a statute that, basically, targets a closed class, that targets somebody, just individuals; that makes sense. We don't want to just single out one type of company or individual and give them a special benefit. Well, the test...the Supreme Court test has been consistent. Whether or not the class is closed, can additional classes be added? Can additional entities be added to the class? And if that's the question, and it is, the answer is absolutely, indisputable yes; because this statute does not restrict the time by which one has to be an entity to actually qualify under that section. So if Senator Chambers and I wanted tomorrow to start a sportsmen's group or a gun rights group, we could do it. And if we did, we would be part of this...we would be part of that class. It is not special legislation. Nebraskans for Civic Reform, it only has to be part of the organization's purpose. Senator Morfeld decided to expand his group, they could do it as well. [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR HILGERS: Thank you. [LB68]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Krist. [LB68]

SENATOR KRIST: Good afternoon, and thank you, Mr. President. Good afternoon, colleagues; and hello, Nebraska. Another round of debate on gun rights and gun control and trying to come to some semblance of what we do here. We've been talking about local control off and on, and we've been talking about the ability to mandate. Mandate. What an interesting word it is. Everything we do, according to Senator Halloran, should be put into law and then taken right out, because it's a mandate and he didn't like mandates, that's what we heard this morning. And in some cases, Senator Halloran, I totally agree. I want to refer you to page 2 of the committee statement, the summary purpose and/or changes. LB68 has five functions, and I quote: "First, it eliminates the authority of political subdivisions to regulate the carrying of concealed weapons." We're going to take that away from everybody statewide forever. Forever. No matter where you live, no matter what you do, your local municipality cannot ever regulate the carrying of concealed weapons. And some would say that's good, and some would say that's bad, but you know what, that's not local control and that is mandate. Second: "It expressly denies political subdivisions the authority to regulate the transportation, carrying, registration, transfer, or storage of firearms, ammunition, or firearm accessories except in an instance expressly not prohibited by this bill. You know what that is? "Expressly prohibited by this bill" is the carve-out for the city of Omaha. Now I'm going to tell you right now, having been here for a while, Senator Hilgers is absolutely right. This is not, underscore not, special legislation, because it is a city of the municipal class, and Lincoln, when it grows up and becomes a big boy...a big girl, it will become a city of the municipal class. So the class is not closed; you can become something else. So Senator Hilgers is absolutely right. When I talked to the lobby firm and to the NRA, last year,

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last time, time before, and this time, the thing that really concerned me was the ability for the city of Omaha and its police department to regulate, as it needs to...as it needs to, to deal with an issue that is right now, at this moment, pretty peculiar and unique to that city. You want to see a gang problem? Come to north Omaha. Do you want to see a drug problem out of control? Come to Omaha. All the worst of the worst things that you've heard about, Detroit, New York City, all the rest of it, it's right here in Nebraska and it is in Omaha, coming to a city near you soon because the gang problems will be there. Now do I deny anybody their right to defend themselves, to get a CCW, to own a weapon? No. You know what? The registration of handguns, the registration of weapons in the Omaha area has seen benefit. Remember, I talked to you the other day about one-quarter, one-quarter, one-quarter, one-quarter of my district, one-quarter being one way and one-quarter being another, and a quarter...and that was mostly in a financial aspect. Well, I am just as diverse on this issue across the board. Now I'm asking you to read the bill and to realize that it is...you, you by voting with this bill, will take away the authority of your local... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR KRIST: ...ordinances being affected in your cities across the state of Nebraska. And if you are comfortable with that, then vote yes. If you're not, then I think we have a couple of amendments coming up, and I think we should discuss this long and hard. The one good thing this does is it allows my constituents in Bennington, which are a quarter out there, to carry their weapons in their trunk properly, to go to the Bullet Hole, which is on the other side of Omaha near Sarpy County, or I think it might be in Sarpy County, to practice their weaponry. That's the nice thing this does. But I think there are some things that need to be looked at pretty hard, not to mention the least of which is walking in with an open carry into the Pinnacle during a sporting event or some entertainer. Billy Joel would not perform at the Pinnacle without having a metal detector at the door. Think about that. [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR KRIST: Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Erdman. [LB68]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Listening to the comments and the discussion today, it is interesting, I don't know that I've ever read a headline that said--A person who has a conceal and carry permit robbed a bank. But I have seen several banks be robbed by people who had illegal guns. And we're talking about all these things that guns do and how bad they are. I have some guns at my house, and I have shells and bullets and they're beside each

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other, and some of those guns are loaded and none of them have ever moved or shot anybody, they just sit there. So guns aren't the problem. And so we are here talking about, I believe, about rights of citizens to be able to bear arms in places that they should be able to, that some restrictions, because of a city ordinance prohibits, and it's the obligation of the permitholder to find out what ordinances are applicable in certain places. Had a friend that used to live in South Dakota, well, he still does, but he used to travel through Nebraska before we had a conceal and carry permit law, and he was always worried about being stopped because he had his weapon with him. And so those situations are everywhere. But this bill brought by Senator Hilgers, I do appreciate the fact that he understands what we're trying to do here and he thoroughly answered the questions, I think, that have been raised. And I believe Senator Hilgers probably has a few more things he might want to say, so I would yield the rest of my time to Senator Hilgers. Thank you. [LB68]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Pansing Brooks, you're recognized. I'm sorry, I didn't realize you yielded time to Senator Hilgers. Three and a half minutes, Senator. [LB68]

SENATOR HILGERS: Thank you, Mr. President; thank you, Senator Erdman. I appreciate that very much. I want to address, because I think it's an important point that Senator Hansen raised which is this notion, and Senator Blood has addressed it in some of the correspondence that she has passed around, which is this notion that this bill will open the floodgates for municipalities to have unlimited and incredible exposure to lawsuits. That is based, colleagues, on a premise. And that premise is if we pass LB68, and by the way, Senator Murante is withdrawing his E-clause, if we pass LB68, that the cities in Nebraska will refuse to repeal their ordinances. Now if you believe that, if you believe that the cities will say to the state, and we are in a Dillon's Rule state, which for those of you who don't know what that means, that means the cities have the power the state gives them, this is not a home rule state, like Florida and some others. We have the power to take away their authority to regulate gun possession. That is undisputed. Now if you believe that they're going to say, no, Nebraska legislators, we don't think we need to follow state law, we're going to do it anyway, then you bet there ought to be a provision for individuals to file suit. What you're seeing now, and by the way, the Omaha city ordinance has been challenged for its unconstitutionality and part of it actually they lost because it was...part of it was unconstitutional. The reality is the people we're talking about, regular gun owners, they don't regularly just file lawsuits. They don't necessarily wait for themselves to get arrested and then be harmed and then file a lawsuit. And by the way, if that happens, it's too late. The provision in LB68 regarding suits is a standing provision. Senator Morfeld knows all about this. You can challenge facially a provision for being unconstitutional, and you can challenge it as applied. You do not have the same right when it comes to a void statute. You have to have a right case in controversy, you have to have standing. This gives individuals standing to sue right away. If the cities don't do what the state tells them to do, there's recourse. Now there is a notion... [LB68]

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PRESIDENT FOLEY: One minute. [LB68]

SENATOR HILGERS: Thank you, Mr. President. ...there is this notion that it will open it up, and this is, maybe, unprecedented or it's extreme to allow organizations to sue. I got to tell you that notion of organizational standing is one that goes back decades in federal law, decades. Individuals rely on the associations with which they are members to bring lawsuits all the time. And I'm going to quote from United States Supreme Court case, United Auto Workers v. Brock: An association suing to vindicate its members' interests can draw upon a preexisting reservoir of expertise and capital that can assist both courts and plaintiffs. In addition, the doctrine of associational standing recognize that the primary reason people join an organization is often to create an effective vehicle for vindicating their interest. The reality is, these organizations, whether it's the NRA, the NFOA, or any other group that could handle this purpose, they are there to fight for their members. To give them organizational standing is not extreme, it's commonplace. We see it all the time on the federal level. If you think the ACLU shouldn't be suing, if there's a constitutional issue with our constitution,... [LB68]

PRESIDENT FOLEY: Time. [LB68]

SENATOR HILGERS: ...or if you think that...thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Pansing Brooks. [LB68]

SENATOR PANSING BROOKS: Thank you. Thank you, Mr. Lieutenant Governor. While I am glad we're quoting Supreme Court cases, because Heller, one of the most recent cases on guns, was where Justice Scalia wrote, and basically he said in that case--not every gun in every place at every time. So there, my friends, is the rub--which gun at which place at which time? My city has ordinances. Lincoln has ordinances that speak to which gun at which place at which time. I appreciate the fact that Senator Hilgers spent months of negotiations with the Omaha police department. He did not spend months of negotiations in working with the Lincoln police department or the city of Lincoln. I do know that he met with them; he did not spend months talking to them. Once the amendment...it is my understanding, once the amendment came forward from Omaha, then that was it basically. He had enough votes. So, you know, I've been told the amendment is great public policy. But meanwhile, the Police Chiefs Association of Nebraska is against this bill. The Police Officers Association of Nebraska is against this bill. The League of Municipalities is against this bill. And specifically, Lincoln and Omaha...the city of Omaha is against this bill; the city council has taken a stand from Omaha against this bill. Sheriff Wagner, Lancaster County Sheriff Wagner spoke in favor of the bill and has since recanted and is no longer in favor of this bill...he spoke in favor of it. So, my friends, this is not the Wild West. This isn't every gun in every place because it is the Second Amendment and you get to do

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whatever you want. Nebraska is ranked fourth among African-American homicides; and most of those deaths are from guns. Guess what? Most of those deaths occur in north Omaha and north Lincoln. So doesn't it seem reasonable that our cities would get to make...have ordinances that require certain things to occur? Article VI of the constitution talks about federal law is binding on all states and local governments. Preemption occurs when the higher level of government takes away the regulatory power from the lower government, but our constitution allows and directly gives authority to local governments to pass laws, to regulate their safety and health and welfare of their communities. Local governments, as this is, can't create customized solutions to violence in their own communities. In Lincoln, we won't be able to create an ability to react to the needs because it's all being done at the state and federal level. And we've got in this bill that the state can stop people from coming in our state building, but Lincoln can't stop people with guns from coming into the City-County Building. What in the world is that difference? Because we're making the laws, we get to say you can't come in this building. How reasonable is that? How reasonable is that for our friends just down the street in the City-County Building in Lincoln? There are all sorts of ordinances that will be preempted: possession of firearms on StarTran vehicles, the mayor's emergency powers to limit sale and possession in a state of emergency, the possession of a firearm at a city landfill, firearms that are for sale at retail places, unlawful possession of firearms by prohibited persons for 10 years if they've been accused of all sorts of crimes,... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR PANSING BROOKS: ...including stalking. I mean, you can see the whole list: stalking, protection order, sexual assault, impersonating an officer, debauching a minor, obstructing government. Again, this is not about the Second Amendment. This is supposed to be about people being able to transport weapons, and all of a sudden, oh my gosh, we have to transport weapons across the state; cities have to just back off and forget protecting their communities. That, I believe, is unreasonable. I appreciate Senator Hilgers' heartfelt feelings, but...thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Bolz. [LB68]

SENATOR BOLZ: Thank you, Mr. President. In Section 5 of LB68, it states that "Cities and villages do not have the power to regulate the ownership, possession, transportation, carrying registration, transfer, or storage of firearms, ammunition, or firearm accessories except as provided in this section." That section is repeated from last year's legislation which the bill's introducer claims to have listened to the debate regarding. However, during that debate, I stated a concern and I'll state it again since the bill's introducer seemed to have missed it the first time. Among the details of this bill is one that concerns me greatly: the protection of individuals who

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are survivors and victims of domestic violence, stalking, and sexual assault. The bill, as written, would remove existing local protections for domestic violence shelters and drug rehabilitation centers and would remove current provisions that prohibit individuals convicted of stalking and sexual assault from possessing weapons--that statement, as taken directly from my floor statement last year. The specific ordinance that I am referencing in my community is ordinance "9.36.140 Possession of Firearms and Dangerous Weapons in Domestic Violence and Substance Abuse Facilities or Shelters; Prohibited. a. It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon in a domestic violence victim facility or shelter or substance abuse treatment center licensed by the state of Nebraska. b. This section shall not apply to possession of a firearm or other dangerous weapon by an officer, agent, or employee of a state or a political subdivision thereof..." This bill does not address the concern that I discussed last year. We have not fixed this problem. And in the meantime, domestic violence homicides with guns continue in our state. That is something that happens. So removing an existing protection for domestic violence shelters and mental health facilities is unacceptable to me. And I find it disappointing that this legislation was brought once again without providing a fix. So I question whether or not the bill's supporters take seriously this concern, and I will not support it unless this issue is addressed, and other issues as well. That's the first issue that I would like to bring up on the mike this afternoon. I remain concerned. I don't have a solution. I would like to see one. I have other challenges and concerns as well. And I remain deeply concerned about the safety of those who are victims of domestic violence. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Blood, you are recognized. [LB68]

SENATOR BLOOD: Thank you, Lieutenant Governor. Fellow senators, friends all, even though it doesn't appear to be a whole lot of friends left on the floor right now, I want to say that I oppose Senator Chambers' motion, because I feel that ship has sailed. But I also oppose the Government amendment and Senator Hilgers' bill, respectfully, as written, I oppose. But with that said, and please excuse my sniffles, I'm afraid I'm ill today, I actually support the same mission that Senator Hilgers is trying to do with this bill. I support the fact that lawful gun owners deserve clear laws that protect their rights, surprisingly so. But according to the over 100 e-mails I got, the NRA has told people that, apparently, I do not do that, just because I oppose LB68 as written. And I want to say that to all my constituents that are watching today that those that I talked to, every single one, when I shared my amendment that I'm going to share later, when I expressed my concerns, agreed, with one exception, and he was offended because I called NRA a lobbyist group. With that said, I would ask that Senator Hilgers, my esteemed colleague, would you please yield for several questions? [LB68]

PRESIDENT FOLEY: Senator Hilgers, will you yield, please? [LB68]

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SENATOR HILGERS: Of course. [LB68]

SENATOR BLOOD: Senator, did you negotiate outside of Omaha with a Chief Elbert in Bellevue, Nebraska? [LB68]

SENATOR HILGERS: I...we had a...can I explain some context that will answer that question, because we had a... [LB68]

SENATOR BLOOD: Quickly, because I have many more questions. [LB68]

SENATOR HILGERS: ...we had a point person with law enforcement in the Omaha...greater Omaha area, it was a constellation of individuals, we had a point person. I don't know if he was involved or not. [LB68]

SENATOR BLOOD: Who was your point person? [LB68]

SENATOR HILGERS: The Omaha police union. [LB68]

SENATOR BLOOD: Okay. So according to Chief Elbert, no...what about Chief Falldorf from Grand Island? [LB68]

SENATOR HILGERS: I'd have the same answer. [LB68]

SENATOR BLOOD: Chief Lynch in Kearney? [LB68]

SENATOR HILGERS: Same answer. [LB68]

SENATOR BLOOD: Captain Story in Hastings? [LB68]

SENATOR HILGERS: Same thing. [LB68]

SENATOR BLOOD: Any other municipalities that you can think of that maybe that you reached out to through OPOA, that you know of? [LB68]

SENATOR HILGERS: We had a...municipalities or police chiefs? [LB68]

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SENATOR BLOOD: So the question that I have for you is if LB68, as written, is such a great bill, what is the purpose of these negotiations? [LB68]

SENATOR HILGERS: Is that a rhetorical question or do you want me to answer? [LB68]

SENATOR BLOOD: No, sincerely. I don't understand if as written, if it's a strong bill, that does what you are asking it to do, why we are negotiating with municipalities. [LB68]

SENATOR HILGERS: I'll discuss my bill or any bill with anyone, anytime, anywhere. The Omaha police, with LB289, far and away, more than any other group or municipality or any interest, explained in detail their concerns with the bill, precisely why it impacted them, how, and in what ways. I'm happy to negotiate with anyone. They were the ones who we had hard negotiations with. My preference, Senator Blood, would have been to go with the green copy. But... [LB68]

SENATOR BLOOD: As written. [LB68]

SENATOR HILGERS: Correct. [LB68]

SENATOR BLOOD: Okay. And I respect that. And I appreciate that clarification. And I'm definitely not trying to step on your toes. I am truly trying to get clarification. So here is the other question that I have and a concern and maybe you can answer this. Say that north Omaha, this summer, we have a couple weeks where it's 102 degrees and tempers are getting hot and the gang problem is out of control and they realize that there is an ordinance that they need to pass to help curtail that gang violence. Now as written, would they have to come back to the Legislature to have any additional laws passed? [LB68]

SENATOR HILGERS: Only if it relates to gun possession. [LB68]

SENATOR BLOOD: Only if it relates to gun possession. [LB68]

SENATOR HILGERS: Correct. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR BLOOD: Okay. Thank you. Then the other question I have, is that last letter that you read, that was from Omaha? [LB68]

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SENATOR HILGERS: Correct. [LB68]

SENATOR BLOOD: And it's unfortunate, it's always sad when we hear of victims of violence. But doesn't Omaha...isn't it preempted, though, so she wouldn't have that issue or not? [LB68]

SENATOR HILGERS: If LB68 passes, she would not have that issue, correct. [LB68]

SENATOR BLOOD: Okay. And for the record, I want to point out, Senator Harr is not here, Senator Brewer teaches sharpshooting, so in any kind of match, you'd be out. Thank you. [LB68]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Hilgers, you are recognized. [LB68]

SENATOR HILGERS: Thank you, Mr. President. Thank you, colleagues, again, for the conversation. I think Senator Pansing Brooks's point is exactly right. It is uncontested, certainly, by me, and the late Justice Scalia said it in the Heller decision and it's been repeated in the McDonald decision and it's absolutely true in the Nebraska Constitution that it is not...the right to own a gun is not unlimited, it absolutely is not, and it's precisely within the purview of this body to decide the policy questions that have been raised. And there's two issues I want to address. The first one deals with this notion that laws relating to gun possession will keep us safe. And I think there's a heck of a lot of data and a heck of a lot of information that suggest that laws of general application, which is what the Omaha registration ordinance is, do not keep us safe. Now some of that is not via a study; so take, for instance, the city of Chicago. The city of Chicago, around 1982, instituted a handgun ban. That handgun ban was intended to do exactly what we're talking about--fewer guns, fewer murders, fewer violent crimes, or so the argument went. The exact opposite occurred; the exact opposite occurred. Around that time, it was about...just shy of 9.7 per 100,000 people were killed through gun homicides in a year. In 2008, about 26 years later, when that was challenged and ultimately declared unconstitutional in the McDonald decision, that number had jumped about 60 percent. So the question is, do these laws of general application keep us safe? And it's not just the city of Chicago example. There is study after study after study that suggests the answer to that question is no. Believe me, I've read them and they are statistics. They relate to statistics and data and they can be very boring. But I will give you a few. Handguns, gun control laws and firearm violence from Douglas Murray from the University of Wisconsin, he says: In the first set of hypotheses, it was suggested that the various types and severity of gun control laws should have a significant effect on lowering rates of violence associated with firearms. This relationship was not found. The relationship between gun laws and differential rates of possession of handguns throughout the country, once again, controlling for basic social factors effectively demonstrates the spuriousness of this correlation. The impact of gun control and gun ownership levels on violence rates from Professor Kleck from the Journal of Quantitative Criminology, same conclusion. An expert report from Professor

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Kleck which says: the methodologically strongest research supports the following conclusions: gun registration laws do not reduce rates of crime or violence including domestic violence. Most gun control laws, in general, do not reduce rates of crime or violence including domestic violence or suicide. Greater gun availability does not increase the risk or rate of suicide, and thus there is no foundation for the proposition that one could reduce suicide by reducing gun availability. Those laws...the problem with a lot of those...the analysis of those laws is they can't totally tease out the impact of these laws as to law-abiding citizens, because who follows the law are law-abiding citizens by definition. And when a gun control law is passed, they disarm themselves. Well, the people who don't disarm themselves are criminals. In the latest research over the last couple of years, estimating the causal effect of gun prevalence on homicide rates, a local average treatment effect approach, they say our results above suggest that plausible estimates of the causal impact of an average reduction in gun prevalence...excuse me, on gun homicide rates and hence, no strong evidence in favor or against such a measure. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR HILGERS: But it is highly unlikely that criminals will comply with gun prohibition to the same extent as noncriminals. Indeed it is virtually a tautology that criminals would violate a gun ban at a higher rate than noncriminals. The data suggests that these types of general application laws, which is what we're talking about, could increase gun violence by disarming lawful citizens. But that is the policy question we ought to be having. It isn't guns anywhere, anytime, anyplace. I'll read you another anecdote...story that we received. This one from someone who is in service to our country. I just turned 20 years old and recently stationed at Offutt Air Force Base. I found a great place to live in downtown Omaha; lived there for months enjoying the Old Market and all the great things that living in a big city offers. But I was pretty angry when I found out that I could not keep my firearms. I have another year until I'm 21, but I have been a gun owner since I was 18 and I've been deployed twice and am armed all day long at work. I'm trusted enough to guard Offutt, but not trusted enough to take care of myself in my own home. [LB68]

PRESIDENT FOLEY: Time, Senator...time, Senator. [LB68]

SENATOR HILGERS: Thank you...thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Geist, you're recognized. [LB68]

SENATOR GEIST: Thank you, Mr. President. I stand here in support of AM630 and for the bill, LB68, and here's some reasons. It's appropriate for one thing that it's April and that it's sexual assault awareness month and that we're here talking about the Second Amendment. The number

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of women purchasing firearms has increased in recent years, and that spans all age groups, making women the fastest growing group of gun owners. I happen to be one of those. I do have my concealed carry permit; I own a couple of guns. I have a husband who travels frequently and a husband and sons who are also hunters and I felt more comfortable being trained on the guns in my home than having them in my home without me having experience with them. Women, like myself, I'm not looking to kill anyone with a gun. I am a law-abiding citizen, but I am more comfortable with a gun in my home so that I, myself, don't get killed, raped, or assaulted. In the last 60 days, there have been 365 assaults reported in Lincoln, a third of which were domestic assaults. There were also 20 incidents of molestation or fondling, 31 reported rapes, and 17 other sex offenses reported. Although the gender of these victims is not available through LPD's Web site, I think it's safe to say that most of these crimes were committed against women. Women think about safety every time they go out for a run, every time they go out for a bike ride, every time they walk to their car in the dark, and every time they buy a drink at a bar. Just some of the reasons that I'm for this bill. It is an issue with safety. And it is an issue of allowing law-abiding citizens to have their guns. And with the rest of my time, Mr. Speaker, I would like to yield to Senator Hilgers. [LB68]

PRESIDENT FOLEY: Thank you, Senator Geist. Senator Hilgers, 2:45. [LB68]

SENATOR HILGERS: Thank you, Mr. President. Thank you, Senator Geist. The second question that I wanted to talk about is this notion that LB68 and AM630 would strip all the ability of everyone to restrict guns from entering into their places...their private...or their property. And I actually recall Senator Bolz making the same argument she made today. And the suggestion, I will say, that I or anyone else in support of LB68 did not care or not concerned about violence against people who have been subjected to horrendous violence in a domestic violence situation is flatly wrong. And we did look at that, and I have looked at that, and I take it very seriously, and I will tell you that there is protection. There is only one city in Lincoln...I'm sorry, one city in Nebraska that has a domestic violence ordinance like Lincoln's does. That doesn't mean domestic shelters in Omaha aren't protected or those in Ralston or Bellevue or Norfolk or anywhere else in the state of Nebraska. They are protected under state law which gives a private property owner, in fact, any property owner, in my view, the absolute right to restrict access to their property. Criminal trespass, you can keep people out of your property. It applies to domestic violence shelters. I have asked and had conversations with individuals to ensure that my take of a law is correct. I'm not offering a legal opinion. But those are protected in other municipalities. And I'm willing to talk, as I always am, now or between General and Select on ensuring and making sure everyone has comfort on that particular issue. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

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SENATOR HILGERS: Thank you, Mr. President. So it is not correct to say that we did not take that into account, and it is not correct to say that LB68 or AM630 would tear that authority away from individuals or leave victims of domestic violence more defenseless. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Mr. Clerk. [LB68]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to bracket the bill until June 2, 2017. [LB68]

PRESIDENT FOLEY: Senator Chambers, you are recognized to open on your bracket motion. [LB68]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I give Senator Hilgers credit for getting me on the competent jurisdiction. I would like to ask Senator Hilgers a question if he would respond. [LB68]

SENATOR HILGERS: Yes. [LB68]

SENATOR CHAMBERS: Senator Hilgers, did I raise that issue with you yesterday about the use of the term competent jurisdiction? [LB68]

SENATOR HILGERS: You did, Senator Chambers. [LB68]

SENATOR CHAMBERS: And you said you were going to check things out, didn't you? [LB68]

SENATOR HILGERS: Absolutely. [LB68]

SENATOR CHAMBERS: Did you check it out? [LB68]

SENATOR HILGERS: I did. [LB68]

SENATOR CHAMBERS: I thought you would, and I raised the question again today, didn't I? [LB68]

SENATOR HILGERS: You did. [LB68]

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SENATOR CHAMBERS: And it gave you an opportunity to point out that you had looked it up and that term, not only is in the statute, but it is there about 80 times, correct? [LB68]

SENATOR HILGERS: Two hundred and eighty times. [LB68]

SENATOR CHAMBERS: Two hundred and eighty times. So we kind of collaborated on you putting the "old lion" in his place, didn't we? [LB68]

SENATOR HILGERS: You showed me one card, it is the other cards I'm worried about, Senator Chambers. [LB68]

SENATOR CHAMBERS: But if you had not taken that seriously and checked it out, you would have no way of knowing that that term, in fact, does appear in the statutes, correct? [LB68]

SENATOR HILGERS: I would not say that. I practice law in Nebraska and the competent jurisdiction to my ear is one that I've heard and seen before. But I always double or triple check to be sure. [LB68]

SENATOR CHAMBERS: Now here is what I want you to do with me, if you will. Do you have a copy of the amendment which is the white copy? [LB68]

SENATOR HILGERS: I do. [LB68]

SENATOR CHAMBERS: What I would like you to do with me, if you will, is turn to page 13 of the white copy. And when you have it would you let me know? [LB68]

SENATOR HILGERS: I'm there. [LB68]

SENATOR CHAMBERS: You said you are there? [LB68]

SENATOR HILGERS: Yes. [LB68]

SENATOR CHAMBERS: Okay. Now this language says: "cities and villages do not have the power to regulate," and it mentions regulate the ownership, possession, or transportation, carrying, registration, transfer, or storage of firearms or ammunition. Is that what it says? [LB68]

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SENATOR HILGERS: The "or" is stricken before transportation, but the rest is correct. [LB68]

SENATOR CHAMBERS: Right. Now would you turn to page 15. In lines 21 and 22, there is a definition of ammunition. And this is what it says: "Ammunition means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm." Would another term for that...what would be another term for that propellant powder if you know of one? [LB68]

SENATOR HILGERS: Gunpowder maybe? [LB68]

SENATOR CHAMBERS: Okay. I'll accept that and the bear was taught...the lion was taught something by the cub. Would you kindly turn to page 12. When you are there, let me know. [LB68]

SENATOR HILGERS: I'm there. [LB68]

SENATOR CHAMBERS: Now when I look in line 20, it starts "A city of the first class may" and then we drop down to 29 "regulate and prevent the transportation or storage of gunpowder." This says the city may regulate gunpowder. Would you agree? [LB68]

SENATOR HILGERS: I was looking at line 23. What line...I saw powder. What line were you referring to, Senator Chambers? [LB68]

SENATOR CHAMBERS: Line 30, on page 12. [LB68]

SENATOR HILGERS: I see it. [LB68]

SENATOR CHAMBERS: The city may regulate gunpowder on this page, isn't that correct? [LB68]

SENATOR HILGERS: That is what it says, correct. [LB68]

SENATOR CHAMBERS: Now I'm going to go back to another page; give me a moment to find it. You know we old people move slowly and deliberately. If we go to page 12...no, 13, in line 22, it says "Cities and villages do not have the power to regulate" and then in line 24, "ammunition." The definition of ammunition includes propellant powder or gunpowder. This says they do not have the power to regulate gunpowder. And that other that I read, it specifically

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says the city may regulate gunpowder. So do you see that in this case, and you may not have read that in the way that I did, because I was cross-checking. It authorizes the city to do the very thing that is prohibited in another place. So should there be some massaging of that language, and there are other places where cities are given the power to regulate powder that is used in explosives, fireworks, rockets and so forth. And I believe that that powder is the same as the propellant powder mentioned in the definition of ammunition...and the cities may not regulate ammunition. So either they are going to change that definition of ammunition to eliminate propellant powder used in connection with these firearms, or they are going to take from the cities the explicit authority to regulate such powder. But you can't have...well, you can. Legislatures can do what they want to; but if they are going to be reasonable, they cannot have both of those provisions where you explicitly authorize it, then explicitly prohibit it. And that may seem like a minor thing. But that is all that I will ask you on that. Members of the Legislature, these are not trick questions. You saw where I was put in my place, where I erroneously or apparently erroneously said "competent jurisdiction", a court of competent jurisdiction would not be found, but in fact it was. But I also said and emphasized it that the bill explicitly prohibits cities from doing something, while at the same time explicitly authorizing them to do the same thing. Who would pay attention to powder, gunpowder, firecrackers, fireworks, explosives, all those things the cities are explicitly authorized to regulate? They can even punish and arrest people in connection with that misuse. But the thrust of this bill, in talking about how the cities cannot regulate under the definition of ammunition, propellant powder used, the cities are not authorized to regulate this powder that is used in explosives-- firecrackers, and it cannot even regulate gunpowder. But that propellant powder must be referring to gunpowder. Now the staff can make any kind of pretext they want to. But the words mean what they mean. And I think anybody who would read these provisions would know. Now there are other places like that in the bill, but I'm not going to go through them all today. You know why? Because as careful as Senator Hilgers is and as lacking in false pride as he is, he will correct things. If he is convinced, he will correct them. I don't want them corrected. I just wanted to show you that I have read this bill more carefully than he and his staff and the others who support the bill. What would it take to make the whole bill unconstitutional? I don't know what a court would look at in terms of something being serious enough in this bill to strike it all down. There is no severability clause. So if one of the main provisions is unconstitutional, the whole thing goes. So, the rest of my time, and you all don't have any way of knowing what this is, but this is a yellow sheet. It is called foolscap. Not because fools use it, but I think that may have been a marking on it way back when. I have read this amendment word for word. And if I was in agreement with Senator Hilgers, I would sit down with him and show him problems that I found in the bill and I would even draft amendments to correct it. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

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SENATOR CHAMBERS: But I'm not going to do that. And now that I have had my opportunity to make that point, acknowledge that I had been caught off base, I was thrown out, between first and second by the "cub," not the Chicago Cubs; the lion, not the Detroit Lions because they play football. But with having had that opportunity to speak, I'm going to withdraw that motion. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Chambers. Without objection, the bracket motion is withdrawn. Continuing debate, Senator Ebke. [LB68]

SENATOR EBKE: Thank you, Mr. President. It is not my intention to speak a lot on this, because I'm suffering from a little bit of laryngitis, but I rise in support of LB68, not because I'm a gun nut or because I desire to live in a Wild West type of environment. It is not because I believe that we all ought to be carrying weapons with us, but because I believe that our rights to do so ought not be arbitrarily infringed by government. My support of this bill revolves around two documents, which we have all sworn to uphold and defend--the U.S. Constitution and the Nebraska Constitution. The Second Amendment to the U.S. Constitution is not, of course, always clear. What is a well regulated militia after all? Does that somehow color the understanding of the right of the people to keep and bear arms, shall not be infringed? Article I, Section 1 of the Nebraska Constitution, as read by Senator Hilgers earlier, was amended by the people of the state in 1988. And it is far clearer. The Supreme Court, of course, has held that no right is absolute. We know that there are exceptions. In other words, free speech does not permit us to shout fire in a crowded theater. Public safety is among those things which are legitimate concerns for modest commonsense limitations on constitutional rights. So the question is this: What are the appropriate limitations and what is the appropriate level of government to limit through legislation the constitutional rights of citizens? Senator Pansing Brooks's priority legislation, LB158, requires the court to appoint counsel at county expense unless the juvenile specifically waives her or his right to counsel pursuant to Nebraska statute. Counties have objected to that because of a local control and expense issue, and yet proponents of LB158 argue that a constitutional right is a constitutional right which can't be removed arbitrarily, even if the defendant is a juvenile and even if his or her parents could or should be paying the cost of defense. Last week, there was an ad on the air in Omaha by a fellow running for city council who it seemed was running on a "no mosques in Omaha" platform. My reaction when I heard that was, gosh, I guess he doesn't understand the First Amendment of the U.S. Constitution or Article I, Section 4 of the Nebraska Constitution. And then I wondered what would happen if Omaha or Lincoln or any other city in Nebraska decided to impose a no Muslim rule in their city ordinances. Would we say that local control should trump the constitution? We would never argue that due process should be limited by cities and counties. None of us would ever argue that the right to be free from arbitrary searches and seizures is it a foundational right. There are, after all, many rights, arguably, natural rights, put in the constitution by the framers because they didn't trust the government to protect those rights unless it was specifically told that they must.

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LB68 is not just a bill about gun rights. It is a bill which gets to the very heart and soul of rights enshrined in our constitutions. It is a bill which asks us to address this question. If it is okay for municipalities and counties to infringe on the constitutional rights of gun owners, is it also okay for them to limit the constitutional rights of those seeking to practice their faith? Is it okay for them to ban political speech? Is it okay for them to conduct warrantless searches and seizures? I understand that for some this seems different because it is about gun rights and that someone not intending to do harm shouldn't be afraid of registering their firearms or having other restrictions placed on them. If you would argue that a person shouldn't be afraid of having their phones tapped or having their houses searched without a warrant if they haven't done anything wrong, or that a person shouldn't need a lawyer if they are innocent, then arbitrary infringement on the right of gun possession may make absolute sense. [LB68 LB158]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR EBKE: I don't believe that most of us really believe the loss of some rights are okay, however. I think we are just too stuck on the word "gun" and not focusing on the supreme laws of our country and our state. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Hughes. [LB68]

SENATOR HUGHES: Thank you, Mr. President; good afternoon, colleagues. Listening to the debate today, it is clear that there are a couple of pretty distinct sides that most of us are coming down on. One group or one side is the people who believe that people with guns do bad things-- they murder people, they are going to rob someone, rape, kidnap, intimidate, whatever. And on the other side we have a group of people who believe that people who carry guns are going to do good things. You know, they are going to protect themselves, or they will use their gun to protect others, they will protect their property. So, for me, which group is larger? Which group do we believe is the largest of those two? Just something to think about. With that I will yield the balance of my time to Senator Hilgers if he would like. [LB68]

PRESIDENT FOLEY: Senator Hilgers, 4:01. [LB68]

SENATOR HILGERS: Thank you, Senator Hughes; thank you, Mr. President. And thank you, Senator Chambers, for lobbing that back right at me. I appreciate your comments as to the language in the bill. I do think I'm going to think on it some more. But, certainly, the one...last thing we want is any kind of inconsistency or issues with the bill. My initial reaction to your statement is that there could be a difference...or is a difference between propellant designed for...for a bullet...I'm sorry, I'll get the exact language--propellant designed for use in any firearm, which is kind of a catalyst and oxidizer combination versus what you might traditionally think of

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as gunpowder or more akin to an explosive, something like a...sort of a TNT explosion, which isn't a catalyst and oxidizer. With that being said, of course, I will think on the point that you made, Senator Chambers. So I do appreciate that. If we can make the bill better that I way, I certainly will. I want to talk about the...I talked about this in context of the domestic violence shelters, but it is a broader argument. And I want to give a little bit of the procedure...the history here, and I've talked about it a little bit, but I want to kind of reemphasize. What I have told everybody, especially in the police world, the law enforcement world, and I have had a lot of those conversations, not with everyone that Senator Blood mentioned, but with Lincoln and others and Omaha, and I've said, look, I have got a Second Amendment issue with this patchwork, and the literature that I read says that these types of gun laws don't keep us safe. So I got a real problem. But I have told them, tell me how it is different in your community, tell me. I want to listen. And Omaha, boy, they didn't need me to tell them that. They came and opposed the bill at the committee hearing, and they said it last year, and they said it consistently. And they've showed in precise detail exactly what it is that they need, exactly why they need it, and how it helps them fight gang violence. You know what, I respect that. That's their experience and it is grounded in a reality, and it's a fact-based reality. When I asked that same question about law enforcement agencies, and I asked them the same thing, the general answer I've received is--well, we would like what Omaha has. And that's the subject of Senator Baker's amendment, as well as Senator Blood's amendment. The problem with that is that what Omaha has, quote unquote, in AM630, is it's retaining a few of the tools it already has today and it has had for years. So what Omaha has said is, hey, look, we would like to keep some of that because of X, Y, and Z. These other municipalities on the one hand say, boy, we really, really, really, really need this but on the other hand have not once enacted those ordinances. [LB68]

SPEAKER SCHEER PRESIDING [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR HILGERS: They haven't. Now, I'm sure that they would love to have the types of additional tools that Omaha has. Those tools, in my view, represent pretty significant restrictions on gun owners. And so, in my view, those, in order to justify that type of restriction, you've got to show a tailored need, not a wish...I would like to have, and wouldn't that be great. And if that's your argument and you never asked for that authority, it is hard to say that you truly need it. Now, Senator Pansing Brooks mentioned this, and Sheriff Wagner has been in discussions from the beginning, we have had a lot of conversations with Sheriff Wagner and he has been very transparent and open and a great resource for us as we have gone through this process. And I think he would say, in general, he is in support of the concept, that's what he said at the hearing; but he has some issues, and those issues have not been resolved yet. And we want to resolve those to his satisfaction, we will continue to talk with Sheriff... [LB68]

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SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR HILGERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Hughes and Senator Hilgers. Senator Halloran, you are recognized. [LB68]

SENATOR HALLORAN: Thank you, Mr. Speaker. Thank you, comrades. What? What are we trying to accomplish here? We are trying to accomplish making our communities safer, at least I would suspect that would be the intent of this discussion. And yet, statistically, statistically it's not provable that stronger and stronger gun control laws make our community safer. I went round and round with an attorney back home that wanted to pull my ear. And I called her up and I said, pull my ear. And she proceeded to say, I expect you to vote no on this one. And I said, why? And she said, well, because we can prevent murders. And I said, so tell me this--and this is going along the lines of Senator Lowe's earlier comment--90 days ago I was just kind of an average intellect, but once I got into this room I suddenly jumped to a super intelligent level to fit in with everyone else. And aside from that, it's not just intelligence that we have confined in this room. We're so powerful all we have to do is write more laws and we will change the hearts of men. Right? By the definition, what's a criminal? A criminal is a person that doesn't obey the law. Right? That's pretty basic. So they don't obey the law, so what do we need to do? We need to pile more laws on because surely that criminal or the criminal element is going to say, oh, they're serious. They're going to print more paper. They're going to make more laws. This is serious. You know who obeys the laws or what the result of all that will be? Law-abiding citizens are going to confine themselves and restrict themselves, restrict their liberties and guess what the criminal is going to do? They're going to continue to commit crimes. They don't care what we do here. We care. We think we're powerful. We think we are above the average intellect and if we just pass more laws we're going to change the world. Well, why are...why does Chicago have the problems that they have? They have continued over time to increase more intense gun control laws and yet the murder rate goes up and up and up. So what are we trying to do here? What we're going to end up doing is make it harder for law-abiding citizens to take advantage of their constitutional right, the Second Amendment. We had in front of Judiciary a little while back, we had an opportunity to bring forth a law that would have made a little more compatibility in Omaha between people who are, for example, concealed carry and business owners. Senator Brewer had a proposed bill, LB501, which would have defined signage in businesses that would have declared whether or not that business owner was willing to have anyone in there with a concealed carry. The part about his law I liked was that it defined the height of the sign, between four and six feet. I felt good about that. Thank you, Colonel. But it did create some level of...or could have potentially, created some level of compatibility between those that want to conceal carry and the businesses that would rather they not have guns in their establishment. But somehow in that body of wisdom we decided not to let that pass through the committee. I'd pass

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the rest of my time to Senator Hilgers, but I've already used up too much of it, unless he's wanting the last 30 seconds, whatever we have. I would be more than willing to do that. [LB68 LB501]

SPEAKER SCHEER: Senator Hilgers, 1:05. [LB68]

SENATOR HILGERS: Thank you, Senator Halloran. I can make use of one minute or 58 seconds. I've got another...well, let's see, I don't know if I'm going to have enough time for that. It's a long story. It's not mine. It's important. But it is very important to recenter this debate on what we're talking about. On the one hand, I think we have demonstrated a clear constitutional right, a clear need to ensure that the...a clear harm from the patchwork of laws that we have. That's on one side; I think it's compelling. On the other side, we've got...and by the way, I don't think taking away those laws of general application increase gun violence. On the other side, we've got questions of local control, which we've talked about. We've got some of the questions of whether or not there are other places that could be prohibited; we'll talk more about that. And we've got the idea that maybe that cities could be sued. Those are the kind of the things we've been talking about and I think that's the focus. And I'm going to talk a lot more about the lawsuit piece. We talked about that. I want to go into more detail. It's not the issue that it's portrayed to be. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR HILGERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Hilgers and Senator Halloran. Senator Brewer, you're recognized. [LB68]

SENATOR BREWER: Thank you, Mr. President. Colleagues, I must admit that I do sometimes become frustrated, especially at attorneys, because they like to split hairs and get down so far into things that we miss the big picture. So what I'd like to do is back up a little bit and try to understand why we're doing this in the first place. There are so many opportunities to do good things with guns, and what we have done is turn them into these terrible evil things. And so I'm going to share just a little life experience here so you kind of understand where I'm coming from when I seem a little frustrated. I grew up with a gun, because where I grew up that was kind of how we survived, whether it be with hides or with the meat. So when I went in the military obviously I was above average shot. And because of that it wasn't long and I had become a competitive shooter, a sniper, went on to compete at state, national, world, and Olympic levels, both as a coach and as a competitive shooter. Part of that experience allowed me to go on to be the national director of marksmanship. And from there I had the opportunity to take on youth

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programs, not only Boy Scouts, but all of the youth programs through 4-H and beyond. And what you learned is it was no different than anything else you did in life. It was a tool. It was a device you use to teach and coach and mentor. And that's why it does my heart good to hear the work that Senator Wayne does with youth, because deep down inside that's the one way we can make a difference in this world is to take and make or help to build someone to be better because of the experience they have with you. So as we take a look at this, what I ask you to do is understand the frustrations, the almost paralyzing feeling that those who mentor and coach our youth and whether you're going to the trap shoot in Grand Island or Doniphan or whether you're a 3-gun shooter or a cowboy action shooter, it really doesn't matter. You have to move them and you have to move all their equipment and you have to go through Lincoln and Omaha and Grand Island and it is so hard with so many. And if you've never been to Doniphan to the state trap shoot or if you've never been to Grand Island to see the sports complex there and to see some of these competitions where there are hundreds and hundreds that are competing, for them to be in this position where they don't even know what's legal and what's not because we've got so many rules that it makes it impossible to find coaches that have a desire to do it because they endanger their family and their livelihood by simply doing a good thing. So as we get into the mix here, I ask you to be reasonable in looking at the end state, the common person who's trying to do something good and not make it about the criminal who is doing the bad things. He's going to do bad things anyway. It doesn't matter what laws we have, he's a criminal. Make it about those who could have a better life for the experience. Senator Harr made the comment about a duel, which is fortunate because I just happen to have dueling pistols. But understand that you know I did grow up in the "Wild, Wild West" and I am a gun nut, because that's the life that I've grown to not only be a part of but to love. But some say, well, why...what makes you such an expert? Well, maybe the 36 years in uniform. Maybe the fact that I should hate guns with a passion, because I would guess that I've probably been shot more than anyone else in this room. [LB68]

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: One minute. [LB68]

SENATOR BREWER: I've probably been shot more than everybody in this room put together. And so every day I wake up and get out of bed I hurt and I should hate guns. But I will tell you that I did it in service to my country and the guns that I used to train youth was a good thing that made youth better and went on to use many of them in the military and it helped them. So as we wrap things up on this, I would ask you to please remember that what we're trying to do here is just to help the common person be able to do the right thing without going to jail for it or being fined for it. Thank you, Mr. President. [LB68]

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SENATOR LINDSTROM: Thank you, Senator Brewer. Senator Morfeld, you are recognized. [LB68]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I want to talk about a few different issues here today in regard to this bill. I originally made the mistake of voting this bill out of committee two years ago. And the purported reason for this bill was that people were transporting firearms across the state and they might get somehow caught up in some different ordinances or different laws that they weren't aware of and that this was just to make it so that the transport of weapons would not be impeded by ordinance. And at the time I made the rookie mistake of not reading the bill closely and understanding that it eliminates all of the ordinances and local control. Mea culpa. I didn't realize that it was going to get rid of ordinances in Lincoln that would protect domestic violence shelters. We'll talk about trespassing, in just a minute, outside of domestic violence shelters. I didn't realize it would take away local control totally. Now I had an amendment along with then Senator Mello that would make it so that intrastate-- because right now interstate transport is already covered under federal law--I had an amendment that would ensure that intrastate, within the state, would be covered based on the intent of the bill which was presented to me in Judiciary Committee. But that amendment failed and eventually and ultimately the bill failed. I have several different concerns, number one, with the proposed Omaha compromise, primarily because that compromise actually completely goes against the purported intent of this bill, which is making it so that all gun laws are uniform across the state. And not only that, it carves out one municipality that, yes, has bad gang violence, to the detriment of many other municipalities that have the same problem. A young man that was 19 or 20 years old was killed three blocks away from the house that I live in, in Peter Pan Park. There is gun violence that goes on a block or two away from my house. And to provide these tools to the city of Omaha and not to the city of Lincoln is insulting, it's irresponsible, and it's dangerous. And we can sit around and talk all day about how, oh, these gun laws they don't prevent any gun violence. There's study after study. I tell you what, the people that I listen to are the police officers that patrol my street, the ones that get shot at in my neighborhoods in my community. And I love how we have little rallies out there in the rotunda saying that we stand with blue. But the minute that they come down here and say this is dangerous, they submit their letters, suddenly, oh, gosh, we're not going to listen to them anymore. Suddenly I don't see very many people standing with blue. The police officers that I talk to tell me these are valuable tools and I trust them because they're on the streets every day. I trust them more than a study. I trust them more than some of the comments that were made in this body about mandates. Senator Erdman introduced ten mandates this year. I'd be interested in hearing what his rationale for his mandates are that override the mandates that we're talking about here, mandating that cities can't create their own ordinances. I fail to see the public policy rationale for getting rid of all of these. If there is an ordinance that is overly burdensome that violates the constitution, you have two options, colleagues. Number one, file a lawsuit. Number two, as a member of this body, introduce a law that gets rid of that. [LB68]

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SENATOR LINDSTROM: One minute. [LB68]

SENATOR MORFELD: The other thing that I would like to note is that, yes, while trespassing in a private facility such as a domestic violence facility may very well be covered under our trespassing laws, a public facility such as Pinnacle Bank is not. And I was going to get into a dialogue with Senator Hilgers on this and maybe we can do it a little bit later, but we are taking away a city's ability to create rules and regulations and ordinances prohibiting the possession of guns. And in order to trespass--if you look at the trespass statutes and I will send them around--in order to be trespassing you have to, number one, not be privileged to be in that facility, which a public facility you are; and number two, you have to be violating some kind of rule. We have taken away the city's ability to put in place those rules. So how can we charge them with trespassing? The answer, colleagues, is we cannot and that is a serious flaw with this legislation. [LB68]

SENATOR LINDSTROM: Time, Senator. [LB68]

SENATOR MORFELD: Thank you, Mr. President. [LB68]

SENATOR LINDSTROM: Thank you, Senator Morfeld. Senator McDonnell, you're now recognized. [LB68]

SENATOR McDONNELL: Thank you, Mr. President. I rise in favor of AM630. I believe Senator Hilgers is showing great leadership on this, based on this reason: When we started talking two and a half months ago, I was opposed to LB68. At that point, when Senator Hilgers heard that he said, is there a possibility for a compromise? I'm the one who reached out to the Omaha Police Officers Association, not Senator Hilgers. If there was other people that were left out, it's not Senator Hilgers' fault, it's my fault. But I relied on the Omaha Police Officers Association based on they're my subject matter experts. They're the ones who are going to have to deal with the repercussions of this law, good or bad. So I asked them if they could compromise or try to come up with a compromise with Senator Hilgers and with the NRA. Now a compromise, we got to remember, isn't everything you want. They came to the table, they worked with the NRA, they worked with Senator Hilgers, and it was a give-and-take process. The Omaha Police Officers Association isn't in love with AM630, but they're looking for a way to compromise and move on. And that is what Senator Hilgers is trying to do. This has been discussed for how many years in the past? This is something different. Now again, I understand if you don't like the idea of the amendment. But again, let's not blame Senator Hilgers if people were left out of the negotiations. That would be my fault. And if we could do it again, sure; try to learn from my mistakes. I would bring other people in. But right now, based on the compromise

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that's in front of us, I support AM630 and would yield the remainder of my time to Senator Hilgers. Thank you, Mr. President. [LB68]

SENATOR LINDSTROM: Senator Hilgers, you're yielded 3:12. [LB68]

SENATOR HILGERS: Thank you, Mr. President. Thank you very much, Senator McDonnell, not just for your comments but for your leadership throughout. I think it's a great...it's been a great experience, my working day 57 in this body, to have had the opportunity to work with you on this issue and it is a compromise that not everyone loves. I want to respond to some of the comments that Senator Morfeld made, because I do think they misstate some things regarding what Omaha has. We support blue. The notion that LB68 or AM630 is sticking our eye or our thumb in the eye of police is flat wrong. It's flat wrong. The ordinances in Omaha--Senator Morfeld may not know this, we had these conversations with the Omaha police--are not directly related to reducing gun violence, although they believe that's part of the effect. It helps them break up gangs. That's what it helps them do. Now I got to tell you, I have no doubt that in some respect these additional restrictions would help Lincoln. But if someone is not listening to the police, it is not me, it is not the senators who support LB68. Where is the leadership to get those ordinances passed? They have free reign right now to pass exactly what Omaha has. They could have brought it up years ago. I'm not the one not listening to them. If this is an issue, it should have been brought up and I have asked them the same types of questions. Of course, we support police. Of course, we do. I think it's very important to point out because, it gets lost sometimes in the shuffle, this does not completely and totally tie the hands of local municipalities. We have already moved one portion of their authority to the state, the conceal carry. They used to have it, they don't. We haven't seen the same type of explosion in violence that maybe was suggested back then. It's worked well, in my view. [LB68]

SENATOR LINDSTROM: One minute. [LB68]

SENATOR HILGERS: Now we're moving the other piece of that on the possession side only, on the possession side only and so that gets moved over there. Cities still have the opportunity to regulate discharge, to increase police presence, to do the types of community work that have been shown, demonstrated to drive down crime. And I got to say, I live in the north side of Lincoln as does Senator Morfeld, those are my constituents and the individuals there don't have a lot of police presence. They feel like they need more and a lot of them that I talked to say they would like to be able to defend themselves. They would like to have....be able to own a firearm to protect their families. And a lot of them, who are not felons, are prohibited from doing so because of Lincoln's very broad set of 32 prohibited persons. They would like to have those tools too. And how do we balance their rights with police? We listen, we try to put forward the best public policy that we can. That's what we've done here with AM630 and LB68. [LB68]

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SENATOR LINDSTROM: Time, Senator. [LB68]

SENATOR HILGERS: Thank you, Mr. President. [LB68]

SENATOR LINDSTROM: Thank you, Senators McDonnell and Hilgers. Senator Lowe, you are now recognized. [LB68]

SENATOR LOWE: Thank you, Mr. President. One thing today is what has been brought up is those that are in favor of LB68 are not in favor of law enforcement. That is totally wrong. That is totally wrong. Each and every one of us today that are speaking in favor of LB68 is for a very strong police presence and we are all out to support them. And with that, at this time I will yield my time to Senator Hilgers. [LB68]

SENATOR LINDSTROM: Senator Hilgers, you're yielded 4:28. [LB68]

SENATOR HILGERS: Thank you very much, Senator Lowe. This is a story I wanted to read a little while ago. It is from Sharon in Fremont. I couldn't believe it when you told me...and by the way, there's a women's guns group that helps provide support to women who want to learn how to shoot and handle safely firearms, so this is where this came from. When you told me I had to register my handgun to shoot at our meetings in Omaha, I passed my permit to purchase background check and I have no interest in concealed carrying. My house has been broken into twice and my husband worked nights. I appreciate we have different options and can go to the meetings in Papillion instead. I have to laugh, though, trying to find out how to get there without going through Omaha, but I did. Sometimes I have to wonder why one constitutional right is not respected the same way that others are. And I think that hits a lot of this on the head. She wants...she's had her house broken into. She has that feeling of safety, it's violated. Can you imagine? I've never had that happen to me; but if it happens, I can't imagine the feeling of violation and the desire to defend yourself when there aren't those, like the sheriff we heard earlier, that can't get there in time. And Senator Brewer I think spoke very eloquently to this. LB68 is about providing those individuals the opportunity to defend themselves in the same way that other individuals might have to through concealed carry. The other thing she touches on is the confusing patchwork of laws. And not everyone has the time to go and even do the research that is needed to be done to determine what those variance laws are. And they don't want to break the law, but they may do it anyway. I do want to touch on a couple things. One is the Pinnacle Bank and I have touched a little bit on this. Pinnacle Bank, other buildings, city buildings, county buildings, Senator Morfeld talked a little bit about trespass. These are...the intent of LB68 is not to strip jails of their ability to keep people out, courthouses of their ability to keep people out, Pinnacle Bank the ability to keep people out. They've got security. They're there. They're post. They have...they can keep people out. No shirts, no shoes, no service. That's

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trespass. You're not privileged to go in there under the conditions under which the property owner has said you cannot be there. So the idea that LB68 would strip private or public property owners of their ability to protect their property and ensure that people do not come onto their property armed is there. Now they have to give notice. They would have to give notice to gun owners. People want to know when they're breaking the law. And they also want to know where they go and maybe it's an unsafe environment and so they can avoid those types of places. So LB68 does not strip, in my view, private property owners, public property owners of their ability to enforce these types of laws. And I think the greatest evidence for that is the fact that the vast majority of municipalities in Nebraska do not have an ordinance that protects it. Well, they got to keep them out somehow and they do it through state law, which is still enforceable after this. Now we haven't talked about it in a little while, but I want to come back to this notion that LB68 will just open the floodgates to lawsuits. And, again, here's the key. Municipalities will have plenty of time, if this is passed, to take them off the books. Omaha did that. They modified their ordinances after concealed carry was passed. [LB68]

SENATOR LINDSTROM: One minute. [LB68]

SENATOR HILGERS: They'll have plenty of time; and if they don't, if they don't, there ought to be a way, ought to be a vehicle for people to ensure they follow what the state tells them to do, which is not a mandate in its way that Senator Groene talked about mandates today or Senator Erdman has talked about mandates or Senator Halloran. And I don't want to speak for them, but when I think of an unfunded mandate I say, you do x, it will cost you y, and I'm not going to pay you a dime of y. That's an unfunded mandate. This is a mandate in a way. It's not an unfunded mandate, it's saying, you can't do x, you can't put forward these regulations. That shouldn't cost you a dime other than actually repealing the ordinances. So I don't view these the same way as unfunded mandates for some of these other discussions. And so it's not going to cost the municipalities any money, Senator Groene. I know you'll be happy about that. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Chambers, you're recognized. [LB68]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I know the people in this body care not one whit for what happens in my community, so I'm not going to stand here and degrade us by saying, look at my wounds, consider what my people are suffering to people who don't care, who probably are glad. You know why with gun control laws there's still shootings in black communities, because the police don't enforce the law. They have been

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told who some of the gunsels are and they're not arrested. When people in the community know and they tell the police and nothing is done, now that person is worried that I'm going to snitch. And somebody is going to come and get me and the one I snitched to was the police. You all don't know and you all don't care. Three or four blocks from where this racist says I don't live-- three or four blocks depending on how you count the blocks, because there's some half blocks-- there was a recent shooting; one person killed, three injured. You think I'm going to move from where I live? Not at all. Some of the shootings are random in the sense of a person who was not the target being hit. Generally, there is some contact or has been between the shooter and the one who was shot or a member of a family. But the police are not the friends of black people. And see, you all will jump up and say, he's antipolice. I'm antiwrongful conduct by police. You pass these bills. You pass these laws. I listened to Senator Brewer and now there are things he and I would have in common just because of the kind of history of our people, but there are a lot of things we don't have in common. He said he's been shot more than anybody or everybody in here put together and he has undoubtedly, but I get more threats on a regular basis. I even told the officer from the State Patrol out here, the large gentleman, I will never call you if something happens in my office. I will not call any state trooper. I will not call the police for anything. People like to say, well, you criticize the police. You need them. Maybe I do, but I won't call them. And there are threats made against me that could be terroristic threats, but I don't call the police. If somebody is going to do something to me, how do I know it? I'm going to be loaded down with pistols when...if somebody wants to do something to me, you think they're going to walk up to me and say, Ernie, I'm going to shoot you? You don't even know. All that nonsense that I hear spoken on this floor. You all don't confront anything and yet you're afraid of your shadow. You all live in communities. You're scared to go to a bar unless you got a gun. Scared to take your wife and your children to a restaurant unless you got a gun. Nobody is threatening you. Nobody even knows who you are. I'm not bragging. Everybody knows who I am. And if a poll were taken, the vast majority hate me. I don't carry guns. I don't carry knives. I don't threaten anybody. I don't bother anybody. And I'm not going to come down here begging and pleading with you white people when you're going to do what you want to do anyway and we count for nothing. And it's clear in everything that's done in this place. And yet I come down here day after day, week after week, month after month, year after year, decade after decade, trying to talk to people who are not going to listen. And I don't cut and run from anything or anybody... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR CHAMBERS: ...and I won't. Senator Brewer and I could have some talk about how much training you'd really need in the handling of side arms, a .38, a .45. They didn't give us a .45 this morning and say go out here and start shooting after three or four hours they talked to us. When people don't know anything about a weapon, they think they know everything about it after somebody has talked to them and let them play with it for eight hours. You know why they went to a .45 instead of a .38? Because when they shoot people with a .38, the round goes

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through them and they can keep coming. The .45 has impact and can have some stopping power. There are reasons for the kind of weapons that are used in the military and you all get these guns out here and you play with them. So I'm going to speak against these bills. I'll vote against them. And I know what happens in my community. When Martin Conboy, Marty Conboy, was a city attorney, I said, Marty... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Murante. [LB68]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. I rise in opposition to the recommit motion and stand in continued support of the Government Committee amendment and LB68. Senator Lowe provided a courtesy to Senator Hilgers earlier by allowing him to respond to a floor speech in LB...extending that courtesy back to Senator Lowe in a moment. But I did want to clarify just a couple things. Senator Hansen had articulated a concern relative to the emergency clause. I wanted to be clear that the emergency clause is not contained in LB68 nor is it contained in AM630. I have offered an amendment which is appearing very unlikely that we will ever discuss in the first place, but even if we were to get to that amendment and have discussion on it, I have already given a note to the Clerk to withdraw it. So to be absolutely clear, this bill does not and will not contain the emergency clause. So the concerns articulated by Senator Hansen, while I appreciate them, are not really operable as to the discussion as they exist right now. There has been a lot of discussion about unfunded mandates and the proper relationship between the state and the counties and I am very excited to get to that discussion. But Senator Lowe graciously gave his time and I will yield the remainder of my time to Senator Lowe. [LB68]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Lowe, 3:30 minutes. [LB68]

SENATOR LOWE: Thank you, Senator Murante. Senator Chambers, Senator Halloran and I have been talking and he is willing to protect you if you need assistance. As a senator from the western part of the state, I can attest to how much time we spend in the car, particularly driving through Lincoln and Omaha. It wasn't until hearing on LB68 that I realized that I have been causing my wife to violate one of Omaha's ordinances. I have a concealed carry permit, so many of the restrictions on...in AM630 don't apply to me. If I am carrying, I'm normally carrying my pistol; but I don't typically carry it on my body. I carry it into the vehicle next to me in the seat. My wife is not a concealed carry permitholder, so I cannot...so if I go inside a store somewhere and she stays in the car or has to drive around the block looking for a parking place, and in that

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case she is in violation of Omaha's ordinance even if the handgun is in a place that would be considered an open carry. I can say from my personal experience that local ordinances are not providing citizens with enough notice about what the law is. Sure, if you live in Omaha you should know what the laws are in that city. But traveling from Kearney to Omaha I encountered at least three major communities where travelers often stopped. We have heard today that there are many deaths by people in north Omaha. Would Senator Pansing Brooks please yield? [LB68]

PRESIDENT FOLEY: Senator Pansing Brooks, would you yield, please? [LB68]

SENATOR PANSING BROOKS: Surely. [LB68]

SENATOR LOWE: Thank you, Senator. You gave some figures on the number of people that were killed in north Omaha earlier. Can you state those figures? [LB68]

SENATOR PANSING BROOKS: It was about all African-Americans. Yes. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR PANSING BROOKS: Okay. Nebraska's homicide rate among African-Americans was fourth highest in the country. We had a black population of more than 88,000 in 2015 and in 2014 the rate among blacks was 28.17 killings per 100,000. In 2011 we were number one in the black homicide rate at more than 34 per 100,000. [LB68]

SENATOR LOWE: Thank you very much. [LB68]

SENATOR PANSING BROOKS: Thank you. [LB68]

SENATOR LOWE: Can you tell me how many of those were by registered guns that were registered in Omaha? [LB68]

SENATOR PANSING BROOKS: I don't have that number. Sorry. [LB68]

SENATOR LOWE: It seems strange we're talking about the registration of guns. That is something that law-abiding citizens do. That's not something that people who don't abide by the law do. We are speaking today to the wrong bunch of people. We need to be protecting the people who are law abiding and we need to be doing that by allowing them to do what they do. A gun is no more than a tool. It is no worse than a hammer. [LB68]

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PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR LOWE: Thank you. [LB68]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Hansen. [LB68]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise in continued opposition to LB68 and the committee amendment. It's fitting that Senator Lowe just spoke right before me, because I've often wondered when we get into these debates we talk about these people as if there's two people in the world, there's criminals and there's law-abiding citizens and there's no overlap, there's no in between, nobody ever switches groups. I don't know if that's something that's determined at birth. I don't know if that's something we could test for with prenatal screening or what. But I think there are a lot of situations in this...here where there's elements of gray. And there's people who might be dissuaded by having a specific statute for a specific instance, as opposed to having some sort of vague state law that may or may not be enforced. And, specifically, some of these concerns and some of the interpretations, I've been discussing them with both my law enforcement officials and some of my fellow senators. And so I'll yield some time to Senator Morfeld to explain what's going on. Mr. President. [LB68]

PRESIDENT FOLEY: Senator Morfeld, you've been yielded 4:00. [LB68]

SENATOR MORFELD: Thank you, Mr. President. Thank you, Senator Hansen. Colleagues, I want to address a few of the different issues. First, I have no doubt that many of the members of this body can support police and oppose the bill, but the point that I'm trying to make is that by and large police oppose this bill. And in that sense, you're not really supporting the police then in this instance. And I think this is a pretty critical tool. Senator Lowe, would you yield to a question? Senator Lowe? [LB68]

PRESIDENT FOLEY: Senator Lowe, would you yield to a question, please? [LB68]

SENATOR LOWE: Yes. [LB68]

SENATOR MORFELD: Senator Lowe, did you receive the letter from the Police Chiefs Association respectfully opposing this piece of legislation? [LB68]

SENATOR LOWE: Yes, I did. [LB68]

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SENATOR MORFELD: Thank you, Senator Lowe. Colleagues, I handed out a letter from the Police Chiefs Association who opposes this bill. I talked to the sheriff in my county who testified in support. He now has concerns with the bill because of the trespass portion. Would Senator Hilgers please yield to a question? [LB68]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB68]

SENATOR HILGERS: Yes. [LB68]

SENATOR MORFELD: Senator Hilgers, do you have AM630 in front of you? [LB68]

SENATOR HILGERS: I do. [LB68]

SENATOR MORFELD: So on page 14, lines 24 through 31 and on page 15, lines 1 through 25, it provides that, "A person adversely affected by an ordinance, a measure, an enactment, a rule, or a policy adopted or enforced by the city or village that violates this section" which makes it so that they cannot enact one unless otherwise provided for in the section, "may file an action in a court of competent jurisdiction against the city or village..." correct? Is that... [LB68]

SENATOR HILGERS: Are those the words? [LB68]

SENATOR MORFELD: Yes. [LB68]

SENATOR HILGERS: Yes, that's the words. Those are the words. [LB68]

SENATOR MORFELD: Okay, so how would...if we have taken away...so your bill, unless it's provided for in that amendment, your bill takes away the authority for cities to make those rules and those ordinances. Correct or not? [LB68]

SENATOR HILGERS: Incorrect. [LB68]

SENATOR MORFELD: Incorrect, okay. So, how so? [LB68]

SENATOR HILGERS: Because what if... [LB68]

SENATOR MORFELD: And succinctly, please. [LB68]

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SENATOR HILGERS: Oh, absolutely. So on page 14, lines 25 and...24 through 26, the key language there is, "adopted or enforced by a city or village that violates this section." Well, the section that it's violating is on page 13, Section 5, which says "Cities and villages do not have the power to regulate the ownership, possession, transportation, carrying, registration," etcetera, of firearms. That does not include state statute or federal statute or federal rules. [LB68]

SENATOR MORFELD: But, Senator, that takes away the ability for those cities and those townships to restrict possession of those guns under ordinances. [LB68]

SENATOR HILGERS: You're right. It's not an ordinance. It's enforcement of a state statute. [LB68]

SENATOR MORFELD: That doesn't make any sense. I mean, your bill takes away the authority for us to create ordinances and rules. Yes or no? [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR HILGERS: Certain types, of course. [LB68]

SENATOR MORFELD: Certain types that are not provided for in state statute. Correct? [LB68]

SENATOR HILGERS: Wait. Say that again. [LB68]

SENATOR MORFELD: Okay, so if state statute does not state that you can create a rule or ordinance regarding the possession of firearms, then you cannot create that ordinance. Correct? [LB68]

SENATOR HILGERS: Correct. Correct. [LB68]

SENATOR MORFELD: Okay, thank you. So that's the problem, is that in order to be trespassing you have to be violating some rule and we're taking away the ability to create a rule. I don't understand how we're having this circular argument here and it's just not getting across. The sheriff of our county has said that people would be able to bring in open carry guns into a jail. They would also be able to bring them into Pinnacle Bank Arena. We would not be able to charge them with trespassing. That is a huge problem, colleagues. And, also, I'd like to point out, I'm a gun owner. I'm not opposed to guns. I'm actually pro Second Amendment, but I'm also pro logic and I'm also pro giving localities the ability to enforce lawful gun ordinances. [LB68]

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PRESIDENT FOLEY: Time. [LB68]

SENATOR MORFELD: Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Harr. [LB68]

SENATOR HARR: Thank you, Mr. President, members of the body. You know, I've been listening to the debate and thinking a lot about what Senator Hilgers says. And you know what? The guy made some sense. He talked about in 1879, a hundred and, I don't know, more years ago we decided we were going to let all these cities and villages and counties and whomever else, municipalities make their own decision on gun laws. And it's worked. It's worked since 1879. Senator Erdman, would you yield to a question? [LB68]

PRESIDENT FOLEY: Senator Erdman, would you yield, please? [LB68]

SENATOR ERDMAN: Anything for you, Senator Harr. [LB68]

SENATOR HARR: Thank you. You know what? I listened to you as well. And I think I've heard you say, Lincoln is more like New York City than it is your district. Is that correct? [LB68]

SENATOR ERDMAN: You want me to state it as I said? [LB68]

SENATOR HARR: What's what? [LB68]

SENATOR ERDMAN: There's more difference between western Nebraska and Lincoln than there is between Lincoln and New York City. [LB68]

SENATOR HARR: Thank you. Did you hear that, folks? Right? So...and thank you, Senator Erdman. In 1879 there were some differences. Omaha was, you know, a booming metropolis of maybe 5,000 people. It was the largest city. But the difference between Omaha today and western Nebraska today versus Omaha in 1879 and western Nebraska in 1879, I bet they were more similar back then than they are today. So how do we apply this preemption, this uniform law across the state, with a couple exceptions? Right? I haven't heard a case be made other than three women who were inconvenienced when they decided to come to Omaha. No one forced them to come to Omaha. I haven't heard they were forced. I heard they were inconvenienced when they decided to come to Omaha. There are gun ranges outside the city limits. There's Bullet...I drive by it every day. It's a neat one right along the interstate and Highway 61. I haven't

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heard a reason, a real compelling reason to change this law that has been in existence since 1879. I'll listen to that. I'm going to listen to Senator Hilgers, I'll listen some more. But I want it on the record when you come to Omaha this huge inconvenience this big city makes you do. You have to go down to downtown, which can be scary, and to the main police station and either present your gun or present a receipt for the purchase of your gun, fill out a card--a card, not even a page, a card--and give them 15 bucks. And you know how inconvenient it is? That front office is only open 24 hours a day, 365 days a year. Good luck getting in there. Maybe they have a Web site that tells you when there's a low time. This is not a difficult process. We had in 2016, 3,292 people sign up, firearm registration--it's good for three years; 2015, 3,198; 2014, 2,792 sign up for the registration. And there are some denials. (In) 2014 there were 68; 2015 there were 72; 2016 there were 98. We're keeping guns out of people who probably shouldn't have them. We don't have the same restrictions in Omaha that there are in Lincoln about public indecency. I'm not sure what the purpose of this is. And I want to make it clear that Omaha police department, the chief of the Omaha Police Department... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR HARR: ...has not come out in favor of this bill. The mayor of Omaha has not come out in favor of this bill. Undisputed. The city council filed a resolution that said, hey, we're against this bill. We do need to do better enforcement, I agree with Senator Lowe. But that enforcement that we need to do, we don't want to take away some of the--and I'll use the other cliché--tools in the toolbox. Let's give our law enforcement the tools they need to keep dangerous individuals off the streets, to get off guns that aren't registered that are acting in a way and committing crimes, with those individuals committing crimes. You take away the violations and we can't stop them until it's too late. A person with a protection order can't get a gun. [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR HARR: Thank you. [LB68]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Krist. [LB68]

SENATOR KRIST: Thank you, Mr. President, and good afternoon again, colleagues. Senator Hilgers, yield to a couple of questions? [LB68]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB68]

SENATOR HILGERS: Absolutely. [LB68]

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SENATOR KRIST: Do you have your committee statement available? [LB68]

SENATOR HILGERS: Senator Krist, I do not have it at my fingertips. I'm sorry. [LB68]

SENATOR KRIST: Okay. So you heard me read the first two items. It eliminates the authority of political subdivisions to regulate the carry of concealed weapons. Why is it necessary for us to tell the rest of Nebraska that we, the state, are going to tell the political subdivision what to do and how to do it? [LB68]

SENATOR HILGERS: In regard to concealed carry or (inaudible)? [LB68]

SENATOR KRIST: First, it eliminates the authority of political subdivisions to regulate the carry of concealed weapons. [LB68]

SENATOR HILGERS: So that piece is already...it's really, in my view, duplicative of what we already did with the Concealed Carry Act, which said, the Concealed Carry Act is state statute, it governs this. You cannot...you cities, political subdivisions, cannot pass ordinances that go beyond that. [LB68]

SENATOR KRIST: But they can amplify those. You're saying that they can no longer even amplify those concealed carry permits. [LB68]

SENATOR HILGERS: And that is the case and that was previously the case. They couldn't put additional restrictions on concealed carry members...permitholders. [LB68]

SENATOR KRIST: It eliminates the authority of political subdivisions to regulate the carry of concealed weapons. That doesn't say amplify. That says you can't talk about, you can't regulate concealed carry. [LB68]

SENATOR HILGERS: And I believe that that, for all intents and purposes, is already how the law operates today. [LB68]

SENATOR KRIST: Okay. And here's a great time for me to make a point. This bill should have gone to the Judiciary Committee, because anything that establishes law or interprets law is best done in a committee that does it for a living. It went to a committee because, in some cases, I guess, people thought it needed to come to the floor and it would come out of a particular committee. That's what we heard from Senator Friesen in a public speech that he gave earlier in

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the year. But let's let that one alone. Let's go on to the second. It expressly denies political subdivisions the authority to: regulate the transportation, carrying, registration, transfer, or storage of firearms, ammunition, or firearm accessories except in instance expressly not prohibited by this bill. That's the carve-out for Omaha. [LB68]

SENATOR HILGERS: Correct. [LB68]

SENATOR KRIST: Which we've already said is not special legislation, but it's a carve-out for Omaha. [LB68]

SENATOR HILGERS: Correct. Yes, sir. [LB68]

SENATOR KRIST: Okay. So in this particular case, if I'm in Chadron and I have a problem with people carrying high-powered rifles behind their heads that are loaded, who probably are in violation of state statute as well, I can't amplify that anymore to expressly have a local ordinance to control that because you've took that ability away from me in this bill. [LB68]

SENATOR HILGERS: Correct. If I understand your hypothetical, correct. [LB68]

SENATOR KRIST: Okay. The hypothetical is, we've just taken their ability away to change local ordinance if it has to do with what's in this bill, unless you're Omaha. [LB68]

SENATOR HILGERS: For possession, yes. [LB68]

SENATOR KRIST: Okay. And I'm from Omaha, so I can appreciate what you've done with the police department, although there may be some representation in terms of what the police department actually speaks for in terms of the city. If I recall correctly last year when we weren't in a mayoral race, the mayor of the city of Omaha came out in support of the bill and the police department came in not in support of the bill. And I specifically asked the council in Omaha to change our ordinances so that we didn't have to go through this--excuse me--crap again, but we're going through it again because it was perceived by my constituents in Bennington that they couldn't carry their weapons to The Bullet Hole, and that's what started a lot of my issues in Bennington, which is why there's one part of this bill that I like. I'll just tell you that. [LB68]

PRESIDENT FOLEY: One minute. [LB68]

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SENATOR KRIST: Third, it makes clear that it does not prohibit, and then it says law enforcement, zoning, cities, villages, courts and hearing. My...and I'm not going to finish this in a minute but my point is, if I go through this bill I can find one part of this bill that I really appreciate, and that's the fact that the people in Bennington can carry their weapons across Omaha. The people outside of Omaha do not have to register their weapons in Omaha in order to safely transport their weapons through Omaha to go to The Bullet Hole. And I'm giving them a lot of advertisement this afternoon, by the way, so they should be giving me some free membership. But the point is, they don't have to do that if this bill goes through. Also, the city ordinances could allow that to happen and Omaha could become its own regulatory authority. So I guess I have to go back to where I was in the beginning. Local control is good unless you don't want local control. Mandates are bad unless you want a mandate. Thank you for your time, Senator Hilgers, and thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Quick. [LB68]

SENATOR QUICK: Thank you, Mr. President. First of all, I want to go on record as saying that I support gun rights and those...I actually own guns myself. I have friends who own guns and I have family who have guns and who are avid hunters and sportsmen. But the reason I do rise and oppose LB68 is more because of the reason that cities and villages and communities and municipalities can be sued, and in the long run that can end up costing taxpayer dollars and we need to watch that carefully. I do want to thank Senator Chambers for bringing up about the storage of ammunition. I did contact the Grand Island city attorney to see if they had any objection to this bill. He sent me an e-mail and I discussed it with Senator Hilgers. He informed me that he didn't think they had anything to worry about and that this would be covered, but I want to go ahead and read his e-mail regardless because evidently he feels that there is some concern. He states that: I have a concern with respect to LB68 and the limit it would place on the ability of the city of Grand Island to enforce rules regarding storage of firearm ammunition and its components. If enacted, Section 5 of the bill would amend Section 18-1703, Reissue Revised Statutes of Nebraska. And then he highlighted some of the areas below, which he cites: Cities and villages do not have the power to regulate and he highlighted "ammunition and storage." And then further on he highlighted the part that describes the ammunition and what it all includes. He also says: The city of Grand Island enforces the provisions of the National Fire Protection Association, NFPA 495, Chapter 14, Small Arms Ammunition and Primers, Smokeless Propellants, and Black Powder Propellants, a code adopted by the Nebraska State Fire Marshal. If LB68 is enacted in its current form, the city of Grand Island would no longer have legal authority to enforce the provisions of NFPA 495, even though it is the law of the state by the reason of its adoption by the State Fire Marshal. Moreover, simply having a policy to enforce a rule without actually taking any enforcement action would provide a cause of action for a lawsuit against the city. He goes on to say that: LB68, if enacted, would leave cities and villages unable to regulate in any manner the quantity or location of stored bullets, primers, or

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propellant powder except through zoning ordinances that encompass firearms business along with other businesses. A private nonbusiness owner could store tons of live ammunition, primers, smokeless propellants, and black-powder propellants whether or not properly or safely stored at a location within the city. The city would be powerless to investigate and regulate such activity. Moreover, a city might even be required to defend itself in a lawsuit seeking damages for the city's mere act of contacting the State Fire Marshal for enforcing action involving improperly stored ammunition. For the above reasons, I'm opposed to Section 5 of LB68 as currently written. And then he goes on to say: I take no official position on the other sections of this bill. So for those reasons, that's why I cannot support LB68 as it is written. I will say, when I was out campaigning and I talked to several constituents I told them...and they asked me about how I felt about gun rights, I told them that I believe in gun rights. We also talked at length about a lot of them believe that citizens need to take gun safety courses and make sure... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR QUICK: ...they're registered and follow the rules. And they especially wanted to make sure that new gun owners took gun safety courses along with the younger students, younger children that begin hunting to make sure they take those type of courses. We have a lot of kids in Grand Island that go through...they have the sporting clays there. They have the state shoot and it's a big activity in Grand Island. So...but I'm opposed to LB68 as written. Thank you. [LB68]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Erdman. [LB68]

SENATOR ERDMAN: Thank you, Lieutenant Governor. As Senator Harr said, are we having fun yet? I was listening to what Senator Harr said about the differences between Omaha and western Nebraska and he said that probably there's more difference now between Omaha and western Nebraska than there was in 1879; he's probably correct. I don't know what that has to do with anything, but interesting to talk about. So Senator Morfeld brings up the fact that I introduced ten mandates. If he's referring to the bills introduced, he's right. But I would compare my ten bills to every bill, any bill that he introduced. My bills are different in a way that they don't ask for more tax dollars, they don't ask for to put me in a position to receive some tax dollars, and they don't increase spending, and they don't create all kinds of things of government. My bills are for less government, taking away spending, cutting spending, lowering taxes, and doing those kind of things that the people sent me here to do. So I'm not all ashamed that I introduced ten bills. And every one of those has some value to the people that sent me here. So there's quite a difference between my bills, my mandates and Senator Morfeld's mandates and that's a discussion for another day. So those are my comments. I do appreciate serving with the honorable Tom Brewer, Senator Tom Brewer. I appreciate his service. I appreciate what he had to

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say. It made sense. We need to listen to the man. With that, I would yield the rest of my time to Senator Murante. [LB68]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Murante, 3:20. [LB68]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. And thank you, Senator Erdman, for yielding time. I'd like to specifically address the issue of the relationship between the state and political subdivisions, because the analogy was brought up, and we'll take Senator Erdman's example. Senator Erdman has introduced apparently ten bills that deal with the regulation of political subdivisions from the state and apparently that makes a conflict between those bills and his support of LB68. First of all, without identifying or understanding the bills that Senator Erdman introduced, comparing the two is instructive to neither. It is not helpful to the debate on LB68 and it's not helpful to the debate on the bills that he introduced. We have to know what those bills do, because it is insufficient to simply say that there is no role that the state plays in the operation of political subdivisions. The operative question that hasn't really been asked is, what is the appropriate role? That question hasn't been asked. It's simply been said, well, this regulates the conduct of political subdivisions. It does. It absolutely does. That's what LB68 did. That is the principal argument that Senator Hilgers is trying to get at. When is it appropriate for the state to tell a political subdivision, no? And I can tell you a number of different examples. How do you feel about levy lids? That is the state telling a political subdivision, there is a line you cannot cross. If a school board wants to set its property tax levy above \$1.05, the state Legislature has said, no, you can't do that. That is bad public policy. If a political subdivision...if you drive through a city and a city says you have to have four license plates on your car the state Legislature has said, no, you can't do that. There is going to be one statewide regulation. And the reason for that is simple. You shouldn't become a criminal simply by driving into a town. If you have no other...if you haven't committed any action other than that, other than simply being there, it is appropriate for the state to come in and say... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR MURANTE: ...there is a time and a place for local control, but this isn't it. And we're talking about a constitutional right here. Imagine if our election commissioners--we'll compare it to elections, because everything relates to elections--let's say our election commissioner said that certain ballots don't count in some counties, but they will count in others. That would be a fundamental violation of the rights of individuals. It doesn't matter if the political subdivision thinks that's the best course of action. Everyone needs to be treated equally. LB68 treats people equally across the state of Nebraska. LB68 is good public policy and it is...this is an instance where it is perfectly appropriate to create one statewide standard so that citizens from Gretna who frequently cross the Harrison Street line don't become criminals simply by driving into the

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city of Omaha. That is an unfair and it's an unreasonable standard. And it is perfectly appropriate for state government... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR MURANTE: ...to stand up and say, this is a time... [LB68]

PRESIDENT FOLEY: Time. Senator. [LB68]

SENATOR MURANTE: Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Murante. Members, if you can keep the conversations a little lower, please. Senator Hilgers. [LB68]

SENATOR HILGERS: Thank you, Mr. President. I think we are nearing our three hours, which is unfortunate because I think I could go all day. This has been a very productive, thoughtful conversation amongst senators, those who agree, those who disagree. I've learned a lot. I've had some really productive conversations off the mike. I've really enjoyed the thoughtful conversation on the mike, and so thank you for the time today to discuss what I think is a really important bill. Like to take...leave you with on this beautiful--well, I don't know how beautiful it is--Tuesday afternoon before you all go home, just to reset where we are. The reason we have brought LB68 is to help solve a real problem for Second Amendment holders, again it's...gun-rights owners. Again, it's a constitutional right. We're not talking about our normal run-of-the-mill policy, weighing things back and forth. This is a constitutional right and ought to be treated as such just like voting rights, religious liberty, free speech, and the like. So whatever your position on whether you want a gun or like guns, this is an elevated right and something that is deserving of that kind of attention and respect. So we've got a problem and we've got a solution. And there are...some of the counterarguments are, well, it might increase violence. But the data that I've talked about is that these restrictions of general application do not increase gun violence. In fact, the latest literature suggests they could decrease or increase gun violence because they disarm the law-abiding citizens. At the same time we've asked police officers, the police organizations to say, hey, talk to us about the ordinances that you need to fight crime. We've had that conversation, we'll continue to have that conversation. The answer that we've received is that, hey, in Omaha we have x, y, and z that are really important to us, so we'd like to keep those. And that's the compromise, hard-fought compromise that we've reached. Now what I haven't heard yet today is an argument that says, hey, this really will increase gun violence. There's been some suggestion, right? There's been some discussion, suggestion that maybe it would. But I think the data is compelling, the research is compelling, our common sense is compelling that this would not. So the remaining arguments are, well, maybe this will open up to

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places we don't want guns to go. And I can assure you the intent of LB68 is not to allow guns into Pinnacle Bank or in other places. And I strongly believe that state law...well, LB68 is not intended to take away the state's powers and to have cities enforce state law or federal law. This only talks about ordinances that are originated by the cities, not by the states. And the last thing we sort of heard is--although the discussion died down a little bit--was what about the lawsuits? And I think we've gone...we discussed this and I understand the concern at first blush. I certainly do understand, we don't want to open up our municipalities to lawsuits. I get it. However, if they just repeal their ordinances, they will not be sued. And if they are sued, it will be essentially a declaratory judgment action, a facial challenge of the statute. The reality is those are not overly burdensome for organizations to file. There aren't a lot of attorneys fees. So the notion that this will open up municipalities and public political subdivisions to great exposure and lawyers just going after these political subdivisions, I just don't think is borne out. And the related concern is, well, what we really don't want to do, this is just an opportunity for groups, guns-rights supporting groups to go after our subdivisions. And in other jurisdictions--Senator Blood has circulated some news--there's been other places where maybe in different cases and different examples of different towns under different laws there's been an issue. But that's not the case here. What we have done is... [LB68]

PRESIDENT FOLEY: One minute. [LB68]

SENATOR HILGERS: ...incorporate a general standard of organizational standing that gives any group, whether it's an existing group today like the NRA or the NFOA or some other or a group in the future, like the ACLU that I mentioned, the Nebraskans for Civic Reform or some other that may want to take up this right, this ability to fight for their members. That's something we see all the time. It's not controversial. It does not expose political subdivisions to the civil liability that has been suggested. So I think that's where we are in the balance. I think, in my view, the Second Amendment fundamental rights and the upside of giving our citizens the opportunity to lawfully hold a firearm without violating city laws or becoming a prohibited person without their knowledge outweighs some of those concerns. I take those concerns very seriously. I've taken them seriously throughout this process and will continue to do so. But I think it strongly weighs in the balance in favor of LB68. I would urge a red vote on Senator Chambers' motion... [LB68]

PRESIDENT FOLEY: Time, Senator. [LB68]

SENATOR HILGERS: ...and a green vote on the rest. Thank you, Mr. President. [LB68]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Members, pursuant to the instructions from the Speaker of three hours ago, we're now going to position off of this bill. We're going to read a

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few items into the record. I'm going to direct the pages to clear the speaking queue. We're going to move back to Select File and try to move a few more bills and then call it a day. Items for the record, Mr. Clerk. [LB68]

ASSISTANT CLERK: Mr. President, your Committee on Transportation reports LB629 to General File. Amendments to be printed: LB263 from Senator Friesen; to LB68 from Senator Schumacher, from Senator Murante; and LB346, Senator Wayne. That's all I have at this time. (Legislative Journal pages 924-926.) [LB629 LB263 LB68 LB346]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Returning now to the agenda. Select File, 2017 senator priority bills. A couple more items for the record.

ASSISTANT CLERK: Mr. President, your Committee on Revenue reports LB400 to General File with amendments, LB565 to General File with amendments. (Legislative Journal page 926-929.) [LB400 LB565]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Mr. Clerk, when you're ready we may start Select File.

CLERK: Mr. President, LB122 on Select File. No E&Rs. I do have an amendment, Senator Pansing Brooks AM843. (Legislative Journal page 907.) [LB122]

PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on AM843. [LB122]

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. AM843 makes one small change to LB122. It changes "shall" to "may" on page 3, line 6, thus allowing the court discretion in deciding who pays court costs. This aligns LB122 with the language in the parent child visitation law in 42-364.15(2). The Nebraska Bar Association felt this judicial discretion was important in cases where a petitioner might be granted visitation, but the court might also determine the individual denying access was doing so in good faith and pursuant to another valid court order or had repeated bad faith filings. This change ensures the court retains the discretion to decide court fees. And so I ask you to support both AM843 and its underlying legislation, LB122. And I thank Senator Baker for prioritizing this bill again. Thank you, Mr. President. [LB122]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Debate is now open on the amendment. Seeing no members wishing to speak, Senator Pansing Brooks, you're recognized to close. She waives closing. The question before the body is the adoption of AM843. All those in

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favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.
[LB122]

CLERK: 26 ayes, 2 nays, Mr. President, on the adoption of the amendment. [LB122]

PRESIDENT FOLEY: AM843 is adopted. [LB122]

CLERK: Senator Clements would move to amend with AM919. (Legislative Journal page 929.)
[LB122]

PRESIDENT FOLEY: Senator Clements, you're recognized to open on AM919. [LB122]

SENATOR CLEMENTS: Thank you, Mr. President. AM919 is very simple. In the previous amendment that you just voted on, AM223, it added a number of relatives to the family member definition. It added aunt, uncle, niece, cousin, and it also had the word "domestic partner" as someone who could be a family member. And in researching this I found that "domestic partner" is not a defined term in Nebraska statute. And I'm concerned that this could make it unconstitutional. And, also, who is a "domestic partner" that's going to be coming forward as a family member? Might be somebody that nobody else knows about that relationship or whether it even existed. So I'd like to just delete the word "domestic partner" in this bill. And that's all I had about that. I'd just like to ask for support of AM919. [LB122]

PRESIDENT FOLEY: Thank you, Senator Clements. Debate is now open on AM919. Senator Pansing Brooks. [LB122]

SENATOR PANSING BROOKS: Thank you. I do not consider that a friendly amendment. Senator Clements just brought this to me. We had...other states had included friends as...and we decided not to go that far but decide to include people who are living together. I personally, in our law firm, have had numerous instances where we have had married couples that ended up separating because they needed to split their incomes. And we've also had instances where two people have come together and they're elderly and because of situations with their family they have decided not to get married. So Senator Clements' amendment would make it so that if two elderly people had moved in together and love each other but decided for various purposes not to combine their incomes and their assets underneath a marital agreement, then that's not possible for that person who's living with...for people to visit each other. So I am sorry that he brought this five minutes ago to me. He said that he's talked to the AG about this, but I've called the Attorney General and I can't get anybody to answer right now. And so to bring this at this late date without even communicating with me about it when there was no opposition at all in

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committee and I don't know what the intent is of this. Would Senator Clements answer a question? [LB122]

PRESIDENT FOLEY: Senator Clements, would you yield, please? [LB122]

SENATOR CLEMENTS: Yes, Mr. President. [LB122]

SENATOR PANSING BROOKS: Is there another word that you would prefer like cohabitating individuals or what is it that seems to be the problem with this? [LB122]

SENATOR CLEMENTS: No, there's not another word. I just would like to delete "domestic partner." [LB122]

SENATOR PANSING BROOKS: Okay. So what about two elderly people who are living together and have decided to spend the last years of their lives together, but they've chosen not to marry? Too bad for them, right? [LB122]

SENATOR CLEMENTS: I don't know if state statute has a definition for that. [LB122]

SENATOR PANSING BROOKS: Okay. Thank you, Senator Clements. This...the testimony we heard was heartrending about people not being able to get access to their loved ones. And most states have gone so far as extending it to friends. We didn't go that far because we thought that was too hard for the courts to handle, so we listed it as "domestic partners." There's definitions all through Black's Dictionary, we have...I haven't had time, but I am pretty sure the courts can determine what a "domestic partner" is. So thank you, Mr. President. [LB122]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Baker. [LB122]

SENATOR BAKER: Thank you, Mr. President. Would Senator Clements yield to a question? [LB122]

PRESIDENT FOLEY: Senator Clements, would you yield, please? [LB122]

SENATOR CLEMENTS: Yes, Mr. President. [LB122]

SENATOR BAKER: Senator, are you aware that in today's society there's people who never get married? [LB122]

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SENATOR CLEMENTS: Yes. [LB122]

SENATOR BAKER: They raise kids, they live, have family, just like yours and mine, except they never get married? [LB122]

SENATOR CLEMENTS: Yes. [LB122]

SENATOR BAKER: You don't want to exclude those type of situations, you don't want to exclude those people the ability to see a loved one, do you? [LB122]

SENATOR CLEMENTS: My concern is it could be a lot broader than that. Someone you don't even know could claim to be their partner. [LB122]

SENATOR BAKER: What about something like household member? [LB122]

SENATOR CLEMENTS: That would not be in my amendment. [LB122]

SENATOR BAKER: Well, but you would be denying people...you know, I read a lot of finance magazines and there's been times when people...elderly people are actually advised to go get divorced for financial reasons, to prevent financial disaster. It doesn't mean they wanted to, they didn't love each other anymore, it was just that for financial reasons they're advised to get divorced and do that, for Social Security benefits, you name it. You're not seeking to prevent that type of situation for a person to be able to visit, are you? [LB122]

SENATOR CLEMENTS: I don't know. I think state statute needs to define those situations better. This one is not defined. [LB122]

SENATOR BAKER: Okay. So the goal should be to find another term, rather than exclude these people. Would you agree? [LB122]

SENATOR CLEMENTS: I haven't researched that. [LB122]

SENATOR BAKER: Back to the examples I gave you, there's people right now who are raising families, never have got married, probably never will get married. Some day they're going to be old. One of them might end up with dementia in a facility somewhere and should they then not be able to ever see each other anymore? [LB122]

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SENATOR CLEMENTS: Well, I just don't think state law defines them as family members. I'm not sure. [LB122]

SENATOR BAKER: They might not be defined as family members, but they've raised kids together, they've built a life together. It meets a lot of definitions, maybe not the legal definition of being married, but they're still family. Thank you. Thank you, Senator. So I would rather than just strike that I would reject that amendment and entertain another amendment if there's a more suitable term, more easily understood than "domestic partner." I mean, let's bring it on. Thank you. [LB122]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Morfeld. [LB122]

SENATOR MORFELD: Thank you, Mr. President. Would Senator Clements yield to a question, please? [LB122]

PRESIDENT FOLEY: Senator Clements, will you yield, please? [LB122]

SENATOR CLEMENTS: Yes, Mr. President. [LB122]

SENATOR MORFELD. Senator Clements, I'm sorry, I missed maybe like the first minute, then I started listening. So did you state why you believe that this could be unconstitutional by having this phrase? [LB122]

SENATOR CLEMENTS: Because the term "domestic partner" is not defined in Nebraska statute. [LB122]

SENATOR MORFELD: Okay. And under what constitutional theory or is there a court case that states that if a term is not defined in statute that it's somehow unconstitutional? Can you provide that for me? [LB122]

SENATOR CLEMENTS: I'm sorry, I'm not an attorney. That was an opinion of mine. [LB122]

SENATOR MORFELD: Okay. Okay, thank you, Senator Clements. Senator Clements, and I'm done asking questions, but I do want to make a quick statement. As an attorney, when a certain phrase is not defined in statute, the court goes and looks at the common usage of that phrase. And usually what they do is they go to the Merriam-Webster Dictionary or a common dictionary of note and they look at what that term is if the Legislature doesn't define it, and then they use

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that dictionary definition and apply it to the statute. And so, for instance, in this case I looked up the Merriam-Webster Dictionary definition. Domestic partner means either one of an unmarried heterosexual or homosexual cohabiting couple, especially when considered as to eligibility of spousal benefits. So there's already a definition, it's in the Merriam-Webster Dictionary. And so simply because something's not defined, Senator--because there's lots of terms that are not defined in our statute, a lot of them--does not mean that it's unconstitutional. In fact, quite to the contrary. The court always looks to the common definition of the term, if not defined by the Legislature. So I just want to make that point that number one, colleagues, just because we don't define a term--which is often the case--does not mean a statute is unconstitutional. And if that was the case, I would say three-fourths of our statutes are unconstitutional and that would just be an absurd result. And so if we want to define "domestic partner" I would say, Senator Clements, that would be the more proper amendment rather than just simply taking it out of statute, because that is not how the courts interpret our statute. And, again, if that was the way that we interpret our statute, I would venture to guess that three-fourths of our statutes would be unconstitutional. And that would be an absurd result, and the court doesn't look at it that way. It's a commonly held canon of statutory interpretation that if a term is not defined in statute you go to the common usage and you go to the dictionary. Colleagues, I would urge you to not adopt AM919. And I would be more than happy to work with Senator Clements on coming up with a definition if he would like that and if that's okay with Senator Pansing Brooks. But I don't think that this is the way to address it, because I know personally that there are a lot of people who have been together for over 10, 20 years. If we had common-law marriage in Nebraska, which I don't believe we have, they would be common-law married and they own property together that would benefit from LB122 and with Senator Clements' amendment would really be left in a lurch of not being able to see their loved one. So, again, colleagues, I urge you not to adopt AM919, based on the reason Senator Clements provided. I do think it's reasonable that maybe Senator Clements wants to have a definition. If that's the case, then I think we should come up with a definition; and I'd be more than happy to work with Senator Clements. Thank you, Mr. President. [LB122]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Blood. [LB122]

SENATOR BLOOD: Thank you, Lieutenant Governor. Fellow senators, my friends, it's almost 5:00. I have a question if Senator Clements would yield. [LB122]

PRESIDENT FOLEY: Senator Clements, would you yield, please? [LB122]

SENATOR CLEMENTS: Yes, Mr. President. [LB122]

SENATOR BLOOD: So would you be more comfortable with a term like interpersonal relationship? [LB122]

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SENATOR CLEMENTS: I'd rather not try to think about things right now. I think one possibility would just name that person a power of attorney or add power of attorney in here, someone who has a legal standing that the other person has designated. [LB122]

SENATOR BLOOD: And I respect that. Can I share my concern with you? [LB122]

SENATOR CLEMENTS: Yes. [LB122]

SENATOR BLOOD: Okay. Sir, my concern is people with disabilities. People with disabilities, especially if they are both severely disabled, don't marry but live together as "domestic partners." Why do you think that is? Because they lose benefits once they get married and they cannot survive. And these are many, many people that cannot otherwise find work that are barely hanging on, on what little they get in benefits already. And so my concern is if we don't find a resolution to this wording is that people with disabilities will miss out. And so it is my hope that you do work with Senator Morfeld or Senator Pansing Brooks, because I hear what you're saying and I don't disagree, but I want to make sure that we're not disenfranchising anybody just because of a word. [LB122]

PRESIDENT FOLEY: Senator Blood, have you completed your remarks? Thank you, Senator Blood. Senator Erdman. [LB122]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. I listened to the comments from Senator Morfeld and I listened to what Senator Clements had to say on AM919. I believe what Senator Clements was asking is, what is the definition, not is this unconstitutional or whatever. He said he just can't find it in the statute, so I hate to admit this in public, but I kind of agree with Senator Morfeld that we ought to probably make a definition of what that means. So between now and Final Reading we ought to come up with something that says, this is a definition as we want it to be used. That would make sense to me instead of asking Senator Clements about all the things that he maybe has not thought of or had a chance to review. I do appreciate the fact that Senator Clements shows us that he is reading the bills and he's trying to understand what it is we do here, and I appreciate that. So I would encourage Senator Morfeld and Senator Clements to get together to come up with a definition that makes sense and then we can all be together on LB122. Thank you. [LB122]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Baker. [LB122]

SENATOR BAKER: Thank you, Mr. President. I just looked up on my gadget, a "domestic partnership" is an interpersonal relationship between two individuals who live together and share

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a common domestic life, but are not married to each other or to anyone else. So if need be we can include that definition or one similar to it as this thing comes up again on the next time it comes up. So I think that we should not adopt AM919, but we should agree to provide a definition if we're going to use the term "domestic partner." We can do that. Thank you. [LB122]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Krist. [LB122]

SENATOR KRIST: Thank you, Mr. President. Good morning or good afternoon, colleagues, and it's been such a great day I think it's still morning. This is Black's Law Dictionary. It is a dictionary of legal definitions understood by the legal community. There's a copy of it back here. I fought with Patrick to get a copy on the floor because this enables us with all the definitions a few years ago and he finally allowed me to do that. The definition of "domestic partnership" as it is reflected in Black's Law, page 592, is a nonmarital relationship between two persons of the same or opposite sex who live together as a couple for a significant period of time. The relationship that an employer or item or definition number two is also in there. It's not relevant to this discussion, but it's also relationship of an employer or government entity recognized as equivalent to marriage. So there is a definition. It does exist. It's in Black's Dictionary, and I would invite you, if you have any questions about definition of a legal term, it's right here behind my desk. With that I'll yield the rest of my time to Speaker Scheer. [LB122]

PRESIDENT FOLEY: Thank you, Senator Krist. Speaker Scheer, 3:45. [LB122]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Senator Clements, would you engage for a second? [LB122]

PRESIDENT FOLEY: Senator Clements, would you yield, please? [LB122]

SENATOR CLEMENTS: Yes, Mr. President. [LB122]

SPEAKER SCHEER: Senator, would you be willing--because of the lateness of time and the shortness of warning with Senator Pansing Brooks, that perhaps between now and Final Reading if there's a more competent or a better terminology they might use--to withdraw your amendment at this point so that we can move forward? [LB122]

SENATOR CLEMENTS: Yes, I would withdraw my amendment. [LB122]

PRESIDENT FOLEY: Without objection, the amendment is withdrawn. [LB122]

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SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Thank you, Senator Clements. [LB122]

CLERK: I have nothing further on the bill, Mr. President. [LB122]

PRESIDENT FOLEY: Senator Brasch, your light is still on, did you want to speak or...? She waives the opportunity. Senator Wishart. [LB122]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB122 to E&R for engrossing. [LB122]

PRESIDENT FOLEY: Members, you heard the motion to advance LB122 to E&R. All those in favor say aye. Those opposed say nay. LB122 advances. Next bill, Mr. Clerk. [LB122]

CLERK: LB222, there are Enrollment and Review amendments, Senator. (ER38, Legislative Journal page 864.) [LB222]

PRESIDENT FOLEY: Senator Wishart. [LB222]

SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB222. [LB222]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB222]

CLERK: Senator Blood would move to amend, AM816. (Legislative Journal page 878.) [LB222]

PRESIDENT FOLEY: Senator Blood, you're recognized to open on AM816. [LB222]

SENATOR BLOOD: Thank you, Lieutenant Governor. Fellow senators and one last time, friends all, AM816 revisits the concerns that I expressed during our General File debate. After discussing these issues with Senator Stinner and others, I firmly believe that this amendment supports the important message behind LB222 by asking the commission to make the most of existing strategic planning, especially when there is a \$109,000 price tag attached. The existing strategic plan mandate is intact, which Senator Murante expressed was a concern during the General File debate. As written, it encourages the commission to review, amend, or replace provisions as necessary. I respectfully encourage and request your adoption of AM816. [LB222]

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PRESIDENT FOLEY: Thank you, Senator Blood. Senator Stinner. [LB222]

SENATOR STINNER: I rise today and...thank you, Mr. President. Members of the Legislature, I rise today in support of AM816. As you recall, Senator Blood did raise some concerns with the current language in the bill regarding strategic planning. We have worked with her and have discussed what these amendments would be and we concur, and I would ask that you support AM816. I'd also like to thank Senator Clements for his priority on this bill. Again, I'd encourage everybody for their green vote on this bill. Thank you. [LB222]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Murante. [LB222]

SENATOR MURANTE: Thank you, Mr. President. Members, we're approaching good evening so we'll just say good evening. I also rise in support of AM816. I think Senator Blood adequately addressed the concerns that I had from the General File amendment. I'd encourage your support of AM816 and the bill. Thank you, Mr. President. [LB222]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Chambers. [LB222]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, everyone's a sinner, including Senator Stinner, as everyone knows quite well. If Senator Stinner remains a sinner, Senator Stinner will go to heaven. [LB222]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Blood, you're recognized to close on your amendment. She waives closing. The question before the body is the adoption of AM816. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB222]

CLERK: 36 ayes, 0 nays on the adoption of the amendment. [LB222]

PRESIDENT FOLEY: AM816 is adopted. [LB222]

CLERK: Senator Stinner would move to amend. (FA53, Legislative Journal page 911.) [LB222]

PRESIDENT FOLEY: Senator Stinner, you're recognized to open on your amendment. [LB222]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, the floor amendment--and I can't see it from here so I'll have to read it--AM53 does a simple task of

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striking the emergency clause. In discussing with the Governor's Office, they felt that they needed a little bit longer time line to select the board and put them in place. So I would encourage you to vote green on FA53. Thank you. [LB222]

PRESIDENT FOLEY: Thank you, Senator Stinner. Seeing no members wishing to speak, Senator Stinner, you're recognized to close on the amendment. He waives close. The question before the body is the adoption of FA53. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB222]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Stinner's amendment. [LB222]

PRESIDENT FOLEY: FA53 is adopted. Mr. Clerk. [LB222]

CLERK: Nothing further, Mr. President. [LB222]

PRESIDENT FOLEY: Senator Wishart. [LB222]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB222 to E&R for engrossing. [LB222]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. All those in favor say aye. Those opposed say nay. LB222 is advanced. Mr. Clerk. [LB222]

CLERK: LB34, no E&Rs, Senator Ebke. I had an amendment, but a note that you wish to withdraw, that amendment being AM898. Withdraw. [LB34]

PRESIDENT FOLEY: Amendment is withdrawn. [LB34]

CLERK: I have nothing further on the bill, Mr. President. [LB34]

PRESIDENT FOLEY: Senator Wishart. [LB34]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB34 to E&R for engrossing. [LB34]

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PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB34 advances. Mr. Clerk. [LB34]

CLERK: Mr. President, LB432. I have Enrollment and Review amendments, Senator. (ER34, Legislative Journal page 867.) [LB432]

PRESIDENT FOLEY: Senator Wishart. [LB432]

SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB432. [LB432]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB432]

CLERK: I have nothing further, Senator. [LB432]

PRESIDENT FOLEY: Senator Wishart. [LB432]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB432 to E&R for engrossing. [LB432]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB432 advances. Moving on to Select File, 2017 Speaker priority bills. Mr. Clerk. [LB432]

CLERK: LB166. I have E&R amendments, Senator. (ER37, Legislative Journal page 861.) [LB166]

PRESIDENT FOLEY: Senator Wishart. [LB166]

SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB166. [LB166]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments to LB166. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB166]

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CLERK: I have nothing further on that bill, Senator. [LB166]

PRESIDENT FOLEY: Senator Wishart. [LB166]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB166 to E&R for engrossing. [LB166]

PRESIDENT FOLEY: Members, you heard the motion to advance LB166 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB166 advances. Mr. Clerk. [LB166]

CLERK: LB35, Senator. It does have Enrollment and Review amendments. (ER33, Legislative Journal page 861.) [LB35]

PRESIDENT FOLEY: Senator Wishart. [LB35]

SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB35. [LB35]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB35]

CLERK: I have nothing further on that bill, Mr. President. [LB35]

PRESIDENT FOLEY: Senator Wishart. [LB35]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB35 to E&R for engrossing. [LB35]

PRESIDENT FOLEY: Members, you heard the motion to advance LB35. Those in favor say aye. Those opposed say nay. LB35 advances. Mr. Clerk. [LB35]

CLERK: LB151. There are E&Rs, first of all, Senator. (ER31, Legislative Journal page 862.) [LB151]

PRESIDENT FOLEY: Senator Wishart. [LB151]

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SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB151. [LB151]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB151]

CLERK: Senator Stinner would move to amend with AM813. (Legislative Journal page 846.) [LB151]

PRESIDENT FOLEY: Senator Stinner, you're recognized to open on AM813. [LB151]

CLERK: It adds the emergency clause, Senator. [LB151]

SENATOR STINNER: Thank you, Mr. President. AM...I can't see it. [LB151]

PRESIDENT FOLEY: It's AM813. [LB151]

SENATOR STINNER: AM813. Thank you. I don't know why I'm in the back, I can't see anything. But in any event, that's the removal of the emergency clause or adding the emergency clause? [LB151]

CLERK: It adds it. [LB151]

SENATOR STINNER: I'm adding the emergency clause to this bill in order to enforce certain provisions in a timely fashion and I would urge you to vote green. Thank you. [LB151]

PRESIDENT FOLEY: Thank you, Senator Stinner. Members, you...Senator Chambers, you're recognized to speak to the amendment. [LB151]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Stinner a question or two. [LB151]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB151]

SENATOR STINNER: Yes, I will. [LB151]

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SENATOR CHAMBERS: Senator Stinner, you were not sure whether you were adding or taking away the emergency clause? [LB151]

SENATOR STINNER: That was apparent, yes. [LB151]

SENATOR CHAMBERS: And you're crafting a budget that deals with hundreds of millions of dollars? You don't have to answer. Thank you. [LB151]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Stinner, you're recognized to close on AM813. He waives close. The question before the body is the adoption of AM813. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB151]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of the amendment. [LB151]

PRESIDENT FOLEY: AM813 is adopted. [LB151]

CLERK: I have nothing further on the bill. [LB151]

PRESIDENT FOLEY: Senator Wishart. [LB151]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB151 to E&R for engrossing. [LB151]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB151 advances. Last bill, Mr. Clerk. [LB151]

CLERK: LB639. Senator, it does have Enrollment and Review amendments. (ER29, Legislative Journal page 862.) [LB639]

PRESIDENT FOLEY: Senator Wishart. [LB639]

SENATOR WISHART: Thank you, Mr. President. I move the adoption of the E&R amendments to LB639. [LB639]

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PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB639]

CLERK: Nothing further on that bill, Senator. [LB639]

PRESIDENT FOLEY: Senator Wishart. [LB639]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB639 to E&R for engrossing. [LB639]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB639 advances. Mr. Clerk. [LB639]

CLERK: An amendment to be printed to LR6 by Senator Ebke. (Legislative Journal pages 930-931.) [LR6]

Senator Linehan would move to adjourn the body until Wednesday, April 5, at 9:00 a.m.

PRESIDENT FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. Divided question. We'll take a machine vote. Those in favor of adjourning vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 7 nays to adjourn.

PRESIDENT FOLEY: We are adjourned.