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February 07, 2019

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FOLEY: [RECORDER MALFUNCTION] [USUAL TEXT] Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the twenty-first day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Chaplain Franklin Krause of Bryan West Medical Center, Lincoln, Nebraska; Senator Wishart's district. Please rise.

CHAPLAIN KRAUSE: (Prayer offered.)

FOLEY: Thank you, Chaplain. I call to order the twenty-first day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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

ASSISTANT CLERK: No corrections this morning.

FOLEY: Thank you, Mr. Clerk. Are there any messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, the Urban Affairs Committee will hold an Executive Session at 9:15 in Room 2022. That's all I have at this time.

FOLEY: Thank you, Mr. Clerk. [Doctor of the day introduced.] We'll proceed right to the agenda. Senator Crawford would you like to take a minute or two to refresh us on LB306.

CRAWFORD: Absolutely. Thank you, Mr. President; and good morning, colleagues. Colleagues, LB306 is a bill for our hard-working Nebraskans who face a family tragedy. Under LB306, if you have a job and your spouse gets cancer, your mother has a stroke, or your son is in a terrible motorcycle accident, and you need to take time to care for that family member, then under LB-- and then after that happens you go to your employer and try to make arrangements to see if

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there's any way you can keep your job while providing this care-giving responsibility, and your employer just cannot accommodate you, then under LB306 we say that is a valid reason for leaving your job. We respect this choice that when you have to leave your job to provide for a family member we respect that choice, and we're going to allow you to qualify for unemployment benefits while you look for a new job. So, again, it's people who have a job, have a family emergency that requires that they provide care for a family member. They try to work it out with their employer, and they cannot work out accommodation, but they're willing and able to work at another job as long as it's one that meets those-- that accommodates their care-giving needs. So, LB306 would allow them to receive unemployment benefits while they search for that next job that accommodates their care-giving needs. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Hansen would you like a minute or two to refresh us on the committee amendment?

M. HANSEN: Yes, thank you, Mr. President; and good morning, colleagues. As a reminder, AM71 is the Business and Labor Committee amendment. It adds the new language, I'll quote: has made all reasonable efforts to preserve employment, but voluntarily leaves employment for the purpose of caring. That is the standard that Senator Crawford talked about in her refresher. It would require an employee work with their employer to see if there's a reasonable accommodation, reasonable effort to keep employment before leaving for the purpose of caring for a family member. This is a standard we already apply elsewhere in the section for people who leave due to abuse at the workplace-- abuse and harassment at the workplace. Reasonable efforts would include asking to switch shifts if, say, you're a night shift employee wanting to work the day shift. Reasonable efforts would include reduction in travel time if you're at a job that requires you to be out of state considerably and there's an option for you to be able to work at the home office or local office, things of that nature. It's clarifying language, as well as adding a new burden for the employee to prove in order to be eligible for unemployment insurance under the section. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Debate is now open on LB306 and the pending committee amendment. Senator Ben Hansen.

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B. HANSEN: Thank you, Mr. President. So I am going to vote yes on this bill in General File. I am-- I would like to discuss one terminology in the bill that I think is a little bit too broad, not much definition, and that is a term "domestic partner." So in my opinion, I believe this bill is meant to help take care of immediate family members, your spouse, your mother, your father, your grandparents, your child, and now with Supreme Court ruling, whether it's same-sex or not, the term "spouse" is a little more defined. And so domestic partner, in my opinion, is a little bit too broad and can mean many things whether it's a live-in roommate, whether it's a friend, and so I understand the term domestic partner. Maybe it's like my mother, for instance, when my father passed away then she has someone she lives with. They kind of take care of each other, but by the law it's a little hard to determine that, whether it's determined by intimacy. And who's going to ask them are you intimate with this other person or not? I did talk to the Department of Labor a little bit to see their thoughts on this, how they would phrase their deciding factor on what domestic partner means. They were still also a little bit unsure about what it meant with some of the same stuff I just mentioned. So, it's something I hope Senator Crawford and I can discuss a little bit, make a possible amendment. Just kind of work through a little bit more, and then we'll see how it goes in Select File. Thank you very much.

FOLEY: Thank you, Senator Hansen. Senator Matt Hansen, you're recognized to close on the committee amendment.

M. HANSEN: Thank you, Mr. President; good morning, colleagues. I'll remind you that LB71 [sic--AM71] is the Business and Labor Committee amendment, and it adds an additional burden that the employee makes reasonable efforts to preserve employment before they leave. As I said before, this is an effort to asking employees to work with their employer before they leave employment, such as asking to switch the night shift for the day shift or asking to reduce their travel time out of state, and it would be an additional burden for the employee to prove before they're eligible under the section. With that I would appreciate the body's support of AM71, the committee amendment.

FOLEY: Thank you, Senator Hansen. Members, you heard the discussion on the committee amendment to LB306. The question for the body is the adoption of AM71, committee

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

ASSISTANT CLERK: 33 ayes, 2 nays on the adoption of committee amendments, Mr. President.

FOLEY: The committee amendment is adopted. Returning now to LB306. Is there further discussion? I do not see any. Senator Crawford, excuse me, Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. Good morning, colleagues. From talking to some of my colleagues between yesterday and today, it appears that there is support for Senator Crawford's bill here. And I just wanted to state one more time why I brought up the things I did. It's not that we don't have valid social service needs in the state, and we don't need to address those, we need to be compassionate to people who need help. The unemployment fund is there to help employees pay their rent, pay their gas bill, pay their grocery bill, and those things in times of layoffs. And to take something that has a specific purpose like unemployment, and then to add a component of social benefit, I think muddies the water and puts, I think, even ever how slight the bill may be, the expense may be, bit by bit by bit we add the burden to business. And I think when we get to talking about the budget, anything that costs money we're going to have to look at. And so I just wanted-- even though I may lose this argument, I'm not going to stamp my feet and throw a tantrum. I'm just going to remind you of why I stand where I stand, and I appreciate the opportunity to talk to you about what I believe. These are things I believe, nobody told me to say this. I know that some people seem to think that people pull strings around here, but this is just based on what I think are sound government principles and business principle that I think the state should follow. Thank you.

FOLEY: Thank you, Senator Moser. Senator Groene.

GROENE: Thank you, Mr. President. Yesterday, I gave the chart on 2017 tax rates, and we were number one right there with Florida in '17. But in '19 we have dropped. We are 5.4. I believe we were 5.45. So in Nebraska, especially rural Nebraska and all of Nebraska, we have a work ethic. Quite frankly, where I come from if you lose your job, you don't say I can take a year off because

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I can get unemployment insurance, you go find another job. That's our work ethic in this state. And as government, we need to encourage that. We need to-- it is one of the reasons corporations come to this state, businesses, especially manufacturer and they see our workmen's comp rates and they can interpolate that into the work ethic of the Nebraska citizens and Nebraska worker. They're reliable. This statute is incrementalism-- a little here, chip here, chip there, add this, hide behind compassion as a motive, but make sure it's your neighbor's tax dollars that pay for your compassion through taxation. It's religion in its source-- at its core, called secular humanism. You do your good works with your neighbor's tax dollars. I don't belong to that religion, never will. And I agree with Senator Hansen, Ben Hansen, and it's a pretty broad term, who you're living with, who you happen to share an apartment with. All of those people have their own families to care for them. If you want to be able to take care of something, step up, take the responsibility and get that marriage license or whatever it takes. But anyway, the amendment was good, and I voted for it. It was a good clarification on the law. I'm going to vote red on LB306 because nothing that happens in a vacuum, all of these instances of compassion I could probably sort through HHS programs, federal programs, church donations, food stamps, you name it, there are so many avenues to go to through government and through philanthropy when you come up to this situation, and if you've got a strong family it isn't a one-on-one instance: you have children, you have grandparents, you have a lot of people involved. We've all had loved ones who became gravely ill before they passed away, and we took care of them. We didn't need unemployment insurance to do that. Thank you, and I encourage a vote of red on LB306.

FOLEY: Thank you, Senator Groene. Is there any further discussion on LB306? Senator Crawford, you're recognized to close on advance of the bill.

CRAWFORD: Thank you, Mr. President. Colleagues, LB306 is about hard work ethic. LB306 applies only if you have a job, but you have some family member who has needs that you need to attend to. So it's also about our values in Nebraska of caring for one another, and sometimes we need to help one another in our family. LB306 recognizes that if you have a job and you have a family member who needs your help, you've tried to work with your employer to try to see if you can accommodate that and there just is no way to accommodate it, your family member may still need you there. And this is for family members to provide care for one another. This is not about added social services. This is about just allowing someone who leaves their job to take care of a

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family member. It allows us as a state to say that's a valid reason to have to leave your job, and we're going to provide unemployment insurance while you look for another job until you get that job. Colleagues, our unemployment insurance program is pretty strict. We have very tight rules about applying for jobs and putting in applications. And as Senator Groene noted, we have some of the lowest rates in terms of paying for unemployment insurance. So, colleagues, we can afford to say this is a valid reason why someone may need to leave their job because it meets our family values in Nebraska. Sometimes you have to step up and take care of a family member. If you're still willing to work, LB306 just gives you a way to pay for your groceries until that next job comes along, and I urge your green vote on LB306. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Members you've heard the debate on LB306. The question for the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 29 ayes, 11 nays on the motion to advance the bill, Mr. President.

FOLEY: LB306 advances. We'll proceed to the next bill, LB122, Mr. Clerk.

ASSISTANT CLERK: LB122 introduced by Senator Crawford. [Read title.] Bill was introduced on January 10 of this year. It was referred to the Education Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Crawford, you're recognized to open on LB122.

CRAWFORD: Thank you, Mr. President; and good morning again, colleagues. I rise to introduce LB122. Colleagues, this bill must pass to bring Nebraska into compliance with new federal VA rules. This bill was requested by the Nebraska Department of Veterans Affairs in order to bring Nebraska into compliance with a recent federal amendment to Title 38 of U.S. Code for a vocational rehabilitation and employment program. The vocational rehabilitation and employment, also known as Voc Rehab program is authorized by Congress under Title 38 of the United States Code, Chapter 31. Voc Rehab helps service members and veterans with service-connected disabilities prepare for, find, and maintain suitable careers after they are discharged

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from the service. Recipients must qualify to receive payment for tuition and fees, a substance allowance and books. The Department of Veteran Affairs makes the payments for tuition and fees directly to the university on the recipient's behalf. This bill amends our current statute to state that veterans who are receiving vocational rehabilitation services will receive the in-state tuition rate. This September, President Trump signed to Public Law 115-251 which amended title 38 of the U.S. Code section 3679(c) to require that veterans and service members residing in a state and using educational assistance under 38 U.S.C. Chapter 31, or vocational rehabilitation unemployment, be charged the resident rate regardless of whether the individual meets the state's specific residency requirements. In compliance with this new regulation is the purpose of LB122. After the Education Committee voted the bill out of committee, we had further guidance from the federal VA that clarified that we could charge out-of-state tuition rates to students who live in Iowa and attend the school Nebraska. I'm bringing a new white-copy amendment today that my office has worked on with legal counsel, Senator Groene, and the VA to ensure compliance with federal law. We'll be asking you to vote green on the committee amendment and green on the new white-copy amendment to the committee amendment AM164 and then to vote, obviously, green on LB122. I will now turn it over to Senator Groene to introduce the committee amendment.

FOLEY: As the Clerk indicated, there are amendments from the Education Committee. Senator Groene, you're recognized to open on the committee amendment.

GROENE: Thank you, Mr. President. It's going to get maybe a little bit confusing, but we're going to get through it. The VA brought to Senator Crawford an amendment that they thought needed to her bill. But after further research by our staff, Senator Crawford was given faulty information and the committee staff has been working with her staff. So this is one of those rare instance-- well, of course it's never rare with Senator Crawford where she thought she was wrong, but she was actually right with her original bill. It's the only time she's ever been wrong was when she was actually right. But federal law recently changed, so we now have to give in-state tuition for certain veterans receiving federal vocational rehabilitation. This is why LB122 is necessary so these veterans can still attend our college and universities through their benefits. If you take a look at the bill and at the amendment, the main change you will see is that the amendment takes out the requirement for the veterans to register to vote and demonstrate

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objective intent to be a resident of Nebraska in order to get in-state tuition. The reason the committee made this change is because it was brought to us by Senator Crawford after she visited with the VA because at the time we Execed on the bill the U.S. Department of Veteran Affairs told us that we could not require veterans to do this, to be a resident of the state or to be a registered voter. We were told there could be no restrictions on the veterans receiving vocational rehabilitation benefits. After Exec, the committee staff looked more into the statute and worked more with the Department of Veterans Affairs. Department of Veterans Affairs now approves of Senator Crawford's original restrictions. What the federal government is concerned with are the restrictions like waiting periods. You have to live in the state for a year before you can enroll. We will-- her statute removes those restrictions. Those aren't permissible, as I said, but we can ask the veteran to commit to Nebraska in order to get the in-state tuition. Easy to meet requirements such as asking them to register to vote on day one, and day two enroll at the university and get in-state tuition are still permissible. The committee amendment is overly broad and grants in-state tuition to veterans who don't even live here. Senator Crawford's amendment to the committee amendment is specifically tailored to be in compliance with federal law, but it still allows institutions to charge out-of-state rates to those who don't live in the state. I would ask you to vote yes on the committee amendment and then yes on Senator Crawford's amendment to the committee amendment, and we'll get back to step one. So thank you, and urge a green vote on AM8.

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

ASSISTANT CLERK: Mr. President, Senator Crawford would move to amend the committee amendments with AM164.

FOLEY: Thank you, Mr. Clerk. Senator Crawford, you're recognized to open on your amendment to the committee amendment.

CRAWFORD: Thank you, Mr. President; and thank you, colleagues. Well, Senator Groene has given a pretty good description of what happened in the process of having a committee amendment and then a floor amendment. Upon further review of the federal laws and conversation with the VA, we discovered that the federal code does allow for states to place



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certain residency requirements on Voc Rehab students in order to charge them the resident rate as long as they do not require students to live in the state for a certain period of time before they're in-state eligible. And so AM164 allows us to go back to requiring someone to register to vote, to prove their residency in the state, and in order to ensure that someone who is receiving these benefits does live in the state. But we are not requiring the other requirements that are more extensive that would normally be required to prove residency in the state. Also according to federal law, effective for courses, semesters, or terms beginning after March 1, 2019, a public institution of higher learning must charge the resident rate to Chapter 31 participants, as well as other categories of individuals previously covered by the law. And for this reason the amendment contains an e-clause to ensure we achieve compliance in advance to the federal deadline. Please vote green on this amendment. Thank you.

FOLEY: Thank you, Senator Crawford. Members, you've heard the openings on LB122, the committee amendment, and amendment to the committee amendment. Is there any discussion? I see none. Senator Crawford, you're recognized to close on AM164. She waives closing. The question before the body is the adoption of AM164, amendment to the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on adoption of the amendment to the committee amendments.

FOLEY: AM164 is adopted. Debate is now open on the bill on the amended committee amendment. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I had said I would vote against every committee amendment that comes before us. I can be reasoned with. But a person has to be willing to take the time and expend the effort to do so. However, I can stick by what I said I was going to do and still vote for what we have before us because Senator Crawford, by adding her amendment, has lifted it out of the status of a committee amendment. It now is Senator Crawford's amendment, and I respect her knowledge, her ability, the thoroughness of her work, and whenever you can find somebody about whom a person like Senator Groene, mean

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Senator Groene, can say the only time she was wrong was she actually was right, but she thought she was wrong. How can I not go along with somebody like that? So I'm not going to mess with this committee amendment or the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Is there any further discussion on the bill or the amendment? Senator Groene, you're recognized to close on the committee amendment. He waives close. The question before the body is adoption of AM8, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 43 ayes, 0 nays on the adoption of the committee amendments as amended.

FOLEY: The committee amendment is adopted. Is there any discussion on LB122 as amended? I see none. Senator Crawford, you're recognized to close.

CRAWFORD: Thank you, Mr. President; and thank you, colleagues, for your votes on those amendments and your patience with those amendments. Now, LB122 is in good shape to ensure that we're compliant with federal rules and that our veterans receive the educational benefit that they deserve. I-- vote green on LB122. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Members, you heard the debate on LB122. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 44 ayes, 0 nays on the advancement of the bill.

FOLEY: LB122 advances. Proceeding now to LR1CA. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LR1CA is a proposed constitutional amendment offered by Senator Wayne. It is a proposed constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime. Resolution was introduced on January 10; referred to the Judiciary Committee. Placed on General File with no committee amendments.

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FOLEY: Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on LR1CA.

WAYNE: Thank you, Mr. President. Colleagues, when we look at our fundamental documents, whether it's our federal constitution or our state constitution, we look at those documents as a moral and legal foundation of our state. And as we continue to look at our Nebraska Constitution we have to make sure that it reflects the values and the systems that we believe in today. And as I researched years ago, two years ago, regarding failing voting rights and how the constitution read, I ran across the passage that just stood out to me as something that we, as Nebraskans, don't value. And that is the idea of slavery and indentured servitude. See, our constitution reads that we prohibit slavery and indentured servitude except if you are convicted of a crime. I don't believe that's a Nebraska value, and I believe that my colleagues here in this Chamber do not believe slavery in any form should be acceptable. But to give you a little more historical context of why this was put into your constitution, you have to go back to 1875 and think about the dark history that we have in which this state was actually vetoed by our President not once but twice because we wouldn't give fair voting rights to African Americans and Native Americans. But they also inserted another provision in our constitution that we're talking about today dealing with convicted of a crime. See, we were always a free state, but how they got around being a free state was after the emancipation proclamation and the Civil War, many states, and Nebraska was one of the only Northern states to adopt the idea of a prohibition against slavery except in the form of conviction of a crime. This was called convict leasing. This was a way that Southern states, and including Nebraska, could reinstitutionalize slavery underneath the legal form. And if we didn't think it happened in Nebraska, let me give you some stats. This system grew out of-- grew to fill the labor shortage after abolish-- abolish-- after getting rid of slavery to the extent that state control was nearly emancipated the black population. Outside of South, only Nebraska, New Mexico, and Washington leased convicts after the Civil War. Convicts themselves, the prisoners were not paid. In Nebraska, oftentimes they harvested crops, worked the infrastructure, and built buildings. And, in fact, the construction of our State Capitol, the second one, from 1883 to 1889 was done with the new slavery, convict leasing. It was very lucrative for the state. And, in fact, in 1902 Lean Broom and Dust Company and Western Button Manufacturing Company had labor contracts with our prison. They charged the state-- or they gave the state 50-cents a day per convict. At that time, 63 percent of the population who were in prison were a part of the new slavery in Nebraska. Fast forward to 1908, 82 percent of the prisoners were underneath the new

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slavery system. This lasted off and on until 1940. Now I know Senator Chambers might have been in the Chamber at the time, and he's the one who probably stopped it in 1940, so I appreciate that, but the fact of the matter remains is although it doesn't happen today, I'm not just asking my colleagues for a vote of green, we have to send a message to put this on our ballot in 2020 that all 49 members of this body believes that slavery is not a Nebraska value and has no place in our constitution. That slavery has no place in Nebraska even if you're convicted of a crime. So don't just vote green, cosponsor this, and let's send a message to everybody that it's time to remove this hateful and dark era of our constitution from our constitution. And with that I will entertain any questions. But I look forward not only for our support but 100 percent co-sponsorship of this piece of legislation.

FOLEY: Thank you, Senator Wayne. Members you've heard the opening on LR1CA. Senator Chambers.

CHAMBERS: Thank you, Mr. President. Thank you, Senator Wayne, for bringing the bill. Thank you for acknowledging my longevity and my consistency. Members of the Legislature, everything Senator Wayne said was absolutely correct. It was primarily in the South where they actually had a lease-convict system. After the Civil War, the South wanted to build railroads and rebuild railroads. There were documented at least 40,000 black track liners. These were the lowest-paid workers. They did all of the hard work. They had been born slaves. In Virginia and other Southern states, it was a crime to teach a slave or any black person how to read, so these track liners did not leave written records. All they left were hundreds of thousands of straight tracks comprising lumber and metal, 40,000. They were leased. In Virginia, I mentioned that because that is where the Chesapeake and Ohio Railroad did a lot of work in cutting tunnels through mountains to try to lay their tracks, and it is the area where John Henry worked. John Henry was a real person, but he was not a big, strapping black man. I'm going to read you what John Henry left in terms of a record that tells us a little bit about him, if I can find my page. But while looking for it, I will point out that these men died as a result of this work. In 17-- I meant 1878, it was one of the worst years at the prison, the Virginia state prison which was located in Richmond, because 48 black convicts died. All of them had been leased to the railroad. They died from conditions such as dropsy, scurvy, and related ailments. And some of the records were destroyed because the board that ran the railroads, the members were actually shocked. They

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didn't want that to be a matter of historical record, but in archives this was found. There's a verse in one of the John Henry songs about his body being taken to the white house and buried in the sand. This white house was a building on the grounds of the Virginia state prison. It was on top of a hill. It was constructed from stones of an old courthouse, and they slathered it with whitewash, and that was the white house they were talking about, not the White House in Washington. And the verse says they-- the people took John Henry to the white house. They buried him in the sand. Every locomotive that roared by said yonder lies a steel-driving man. John Henry and several hundred other black men were buried on the grounds of that prison. There was a track of the C&O Railroad that went past that white house. So there could have been literally a train roaring there lies a steel-driving man.

FOLEY: One minute.

CHAMBERS: There are hundreds of John Henry songs, and many people who sang them in later years, thought it was a perky, country western song, and they thought it was to memorialize the exhortation that people work hard. Actually the original John Henry songs were prison songs, and they were like dirges, they were like burial songs, and they advised these workmen who had these hammers that they used to not go too fast--I'm going to run out of time, but I have my light on. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. You may continue on a second opportunity.

CHAMBERS: Thank you. They would-- they had what they call stints, s-t-i-n-t-s, and that was the pace at which these workers would do their job. The songs had a tempo, and that tempo would set the pace, and all of the workers knew these songs. And any person who worked beyond the pace was ostracized and something bad might happen. They had what they call dogging a track. The "dog," in quotation marks, was a railroad pick. And most of you know what a pick is, that curved blade with a handle. They would put the pick under the track that they were going to move and then when they sang the song the point was reached and the word-- they would spell it, if you're going to write the song, these songs were not written, these men were illiterate. They didn't know how to read nor write. They pass things down through songs. Those were the documentary evidences of what happened. They would all be standing beside the track

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with the dogs in their hands. Then when the word "huff" was reached in the song, and all the men knew when that would come because they knew the song, then they would all pull back at the same time. And when they all pulled back together in unison it was not too heavy a load on anybody. They avoided bad backs, hernias, and other things that had been happening. And they would be able to raise the entire track. They were the one who put the beds in place. They cut through these tunnels. And I'm going to read-- if anybody will give me time, including Senator Wayne, I'll be able to finish what I'm trying to get across. I want to find what I told you I wanted to read, and I haven't found it yet. But I will tell you, John Henry was not born in the South. John Henry stood five feet one and one-half inch tall. He was described: complexion, black; hair, black; eyes, black; nativity, USA; and he was arrested for housebreaking and larceny and given 10 years. And he went to work as one of these people who swung a hammer. The hammers could weigh as much as 15 pounds. John Henry, from what the scholars have discovered, was the one who was in a match against the steam drill. The steam drill was like a hammer that would drive these chisels that broke the stone and made it possible for them to cut tunnels through these mountains, but most of that work was done by the black convicts who had been leased to the railroads by the state of Virginia. So these men were replaceable; they were expendable, many of them died. But they knew what it was that was expected of them, but if they all worked together they could not be forced to work so fast that more of them died. So a steam drill was brought to the site where John Henry was working. Because of the size of a steam drill and the way it operated, the historians and scholars were able to show that some of the locations that had been alleged to be the work site where John Henry raced the steam drill--

FOLEY: One minute.

CHAMBERS: --a man pitted against a machine, could not have been the place because the-- they would make a shaft that they would use for various purposes when they were cutting through the mountain. It would not accommodate the size of a steam drill. So they had to locate where work was being done by the C&O Railroad where a steam drill could be utilized and they found a place. And based on the records that they have, John Henry did race this steam drill down a slope, and John Henry did win. And John Henry did die. I'll put my light on.

FOLEY: Thank you, Senator Chambers. Senator Bolz.

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BOLZ: Thank you, Mr. President. I'll yield my time to Senator Chambers.

FOLEY: Senator Chambers, you've been yielded five minutes.

CHAMBERS: Thank you, Senator Bolz. Members of the Legislature, to sidetrack from what I'm talking about, Senator Wayne is correct in what he's saying. There's some areas where Nebraska does not want to be the only state in a certain part of the country with a practice. A legal term still exists for involuntary servitude. It is a situation where a person is forced to do labor without pay. It is slavery with some of the rougher edges taken off. The South is where the convict leasing occurred to a much greater extent. You all have seen movies where they have what they call the "chain gang." They were even made to do work for cities, counties, and the state. They would have false charges brought against them whenever they needed more workers, and these guys would be dragged off the streets. And if they didn't do what they were supposed to and were to be punished, they had thick straps, which they would beat them with. What they would do to let the others know what a terrible thing it is to fall into the clutches of an angry guard who's going to punish him, they would force this individual to ingest huge quantities of what amounted to castor oil or a laxative. He would be stripped naked, put in a room with a concrete floor, and they'd make sure that it was cold. And naturally he would defecate. No toilet paper, nothing. So with his own body waste on him they would then come in and spread eagle him on his belly and when the white guy with a strap would stand over him and beat him bloody. These are things documented. When I stand on this floor and I am disturbed, there are far more things going on in my mind than what I say here, but because we have something before us and it gives the Legislature the opportunity to let the citizens of Nebraska speak on this matter, I'm using measured tones. I'm not accusing anybody here of having done anything because you were not there. And as much as I criticize people here, I have yet to come in contact directly with somebody in the Legislature who would engage in some of the types of things that I condemn. Debate is one thing. Explication or explanation is something else, and I'm trying to explain to you all something that you would have no knowledge of, your people never would have been subjected to, so the term "involuntary servitude" would just be two words to you. You might think that it was banned along with slavery. But it was to give the South a way out, even when the Thirteenth Amendment was passed. So slavery, technically speaking, was abolished, but the

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slave system was not. The South needed to recover. When Rutherford B. Hayes-- I won't go into all that, but he became President,--

FOLEY: One minute.

CHAMBERS: --they wiped out what was called reconstruction, and virtual slavery was reinstated in the South, the black laws, the segregation, the discrimination, the way that former owners of plantations could go and round up black men that they needed. And if the black men were not voluntarily coming, they could come-- to go to some of these schools. You've heard of VMI, Virginia Military Institute; the one at Texas A&M; they had a lot of military academies in the South not because they were going to fight the North, but they were used to suppress black people. And everybody there, they could have armed individuals who were not violating the law because they were taking military training. But they were directed against black people. So there are many things--

FOLEY: Time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Speaker Scheer.

SCHEER: Thank you, Mr. President. And I have never seen or heard Senator Chambers turn down additional time, so if he would like my time he's certainly welcome to it.

FOLEY: Thank you, Mr. Speaker. Senator Chambers, you've been yielded five minutes.

CHAMBERS: Thank you, Mr. President. I cannot help digress and Shakespeare sometime wrote: who knoweth me too well knoweth me ill. But he's right. What I want to get into now-- I'm not going to sing a song, but let me tell you some of the verses from some of the John Henry songs. There are hundreds of them. And because the men could not write, these songs were passed down through singing in the prisons. And when a prisoner left the prison and went some place he might sing the songs, and people would pick them up, not knowing the story behind it.



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And that's why the songs that you hear about John Henry seem like they're very upbeat. They're very inspiring, but they were dirges. And the Igbo were tribes from Africa. And it was felt by some of them who were brought over here as slaves that bad spirits were transmitted to this continent by some of those bad people. And it was felt that if a person died suddenly or under horrible circumstances, that person would be buried but would still be alive underground and could haunt the living, so there were various rituals to hold these spirits at bay and singing was one of them. In fact, when John Henry died and was buried, people thought that they actually heard him hammering still underground and there were songs that talked about the knocking that they heard. But it talked-- the song, one of them, started about, he was a little bitty baby on his mother's knee, he picked up a hammer and a piece of steel and said this hammer will be the death of me. And it told how he would go to the mine to help his family. That song is false. They didn't voluntarily go there, they were prisoners. But he said that he would go and make money from the mine to take care of his family. So they were talking about John Henry and how he could swing this hammer. And I don't want to miss some of the verses, but they said John Henry he could hammer, he could whistle, he could sing, he went to the mountain early in the morning to hear his hammer ring. And the refrain was: Lord, Lord, to hear his hammer ring. The captain said to John Henry, I'm going to bring me a steam drill round; I'm going to bring me a steam drill out on the job; I'm going to whoop that steel on down; Lord, Lord, I'm going to whoop that steel on down. So the steam drill arrived. The man who invented the steam drill, he thought it was mighty fine. John Henry drove his 15 feet, the steam drill only made nine; Lord, Lord, the steam drill only made nine. John Henry said to the captain, look it yonder what I see, hold and choke your drill done broke, you can't drive steel like me, you can't drive steel like me. John Henry drove into the mountain. His hammer was striking fire. He drove so hard he broke his poor heart, he laid down his hammer and he died; Lord, Lord, he laid down his hammer and he died. The people took John Henry to the white house, they buried him in the sand. Every locomotive came roaring by, said yonder lies a steel-driving man; Lord, Lord, yonder lies a steel-driving man. John Henry had a little woman, her name was Polly Ann, she walked down the track never looking back, Polly Ann drove steel like a man; Lord, Lord, Polly Ann drove steel like a man.

FOLEY: One minute.

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CHAMBERS: That's one version of one of the songs, and if you hear it sung by somebody, a modern singer or a modern recording, you don't get any indication of what that song was really trying to say. So what I'm hoping today is that you will not feel that I'm lying to you. You can go to history books and find out what track liners were, you can find out about the leasing of convicts to the railroads. There have been books written about the rebuilding of railroads in the South using black convict labor, estimates of the number of black men who died on the job, died from that work, the ones who had false charges brought so that they could be pressed to do this work.

FOLEY: Time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Clements.

CLEMENTS: Thank you, Mr. President. Would Senator Wayne yield to a question?

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes, I would love to.

CLEMENTS: Thank you, Senator Wayne. I looked up the U.S. Constitution to see how the language compared between Nebraska and U.S. Constitution. I found in Amendment Thirteen, and it still contains this servitude language. I was wondering, will changing Nebraska's Constitution create a conflict with the U.S. Constitution?

WAYNE: No, and the U.S. Constitution was passed for the exact same reading-- or reasoning behind ours. I can only control what I can control, which is this body. So, no, it would not. And if you were to read our constitution, let's take the beloved Second Amendment, ours is completely different than the federal constitution, too, and there has yet to be a conflict between those two.

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CLEMENTS: Thank you, Senator. And another question, I was wondering if you are aware of any involuntary servitude being used for convicted persons in Nebraska?

WAYNE: That practice was stopped in 1940, but just like the Second Amendment, some people believe that is very valuable and is our Nebraska values. I don't believe indentured servitude even as a punishment for crime is a Nebraska value.

CLEMENTS: Thank you. I also don't think that there is a problem with changing the Nebraska Constitution, and I support this measure. Thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Senator Chambers, you're recognized, your third opportunity.

CHAMBERS: Thank you. And, Mr. President, I think I've said enough. This is a subject that I could go on and on about. But I wanted to put enough into the record so you'd know that Senator Wayne is dealing with something that is very consequential and significant. People who know history would be surprised to pick up Nebraska's Constitution and find that language in it. There were many compromises made on the question of slavery. They even had the Missouri Compromise, and I'm not going to go off into any of those, but this-- the way the Thirteenth Amendment was fashioned, it was done to allow the South to still have virtual slavery. Slavery, as such, is abolished, and those people in the North could feel good about that. But it was done with a wink and a nod to the South. They would be allowed to conduct business as usual through involuntary servitude. Involuntary servitude, if you look at it literally, is slavery. Slavery by a different name. J. Sterling Morton is given a lot of credit in this state, but he was one of the worst racists and did all he could to prevent black people from being allowed to vote. You all may not have known that, because J. Sterling is presented to you when you're young in school as the one who is responsible for Arbor Day, or whatever it is. For us, he is not the same personage that he is to you all. But I have not brought anything to do away with Arbor Day, because that would be a fringe issue. This goes to the heart of what this state is and is about. I support Senator Wayne's proposal, and all we'll be doing, when we adopt it, is presenting it to the people to see what Nebraskans feel about this issue. Thank you, Mr. President.

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FOLEY: Thank you, Senator Chambers. Any further discussion on LR1CA? I see none. Senator Wayne, you're recognized to close on the advance of LR1CA to E&R Initial.

WAYNE: I want to thank the colleagues who have already started to sign on to this bill. I think it's very important that we send a message about our Nebraska values, that we do so in a united way. Colorado-- let me back up. Approximately 20 to 25 states have already banned this. The latest was Colorado in 2018. Utah is putting it on its ballot in 2020. And I would like to stay in Nebraska to make sure it's on their ballot. This is a movement to make sure that all our founding documents reflect the values that we hold in each state. Removing this language from our constitution shows that slavery is not a Nebraska value. This is an important vote. This is an historic vote. To send a message to Nebraska that we do not, that we will not tolerate slavery or indentured servitude, even as a form of punishment for a crime, because that is not the Nebraska way. With that, I would ask for a call of the house and a roll call vote in regular order.

FOLEY: Thank you, Senator Wayne. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: 30 ayes, 0 nays to go under call, Mr. President.

FOLEY: The house is under call. Members, please return to your desks and check in. The house is under call. Senator Hilkemann, could you check in, please. Senator Erdman, could you check in, please. Senators Bolz, Lathrop, Brewer, and Groene, please return to the Chamber and check in. The house is under call. Senator Wayne, we're waiting for Senator Groene. Would you like us to proceed or wait for him?

WAYNE: I will-- this is such an important vote, I will wait until at least 10:15 to let Senator Groene get here.

FOLEY: All unexcused members are now present. The question before the body is the advance of LR1CA to E&R Initial. A roll call vote has been requested in regular order. Mr. Clerk.

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ASSISTANT CLERK: [Roll call vote taken.] The vote is 44 ayes, 0 nays on the advancement of the bill, Mr. President.

FOLEY: Thank you, Mr. Clerk. LR1CA advances. I raise the call. Items for the record, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. New A bills: (Read LB186A and LB192A by title for the first time.) Your Committee on Enrollment and Review has carefully examined and reviewed LB63 and placed on Select File with amendments; LB32, LB65, and LB102, all placed on Select File. Have a notice of committee hearing from the Judiciary Committee for Friday, February 22. An announcement that the Executive Board has appointed Senator Bostelman to the Rural Broadband Task Force. Have a report from the Natural Resources Committee on an appointment of Loren Taylor to the Natural Resources Commission. And a motion by Senator Hunt to withdraw LB168; that will be laid over. That's all I have at this time.

FOLEY: Thank you, Mr. Clerk. We will now proceed to the next bill, LB71.

ASSISTANT CLERK: Thank you, Mr. President. LB71, introduced by Senator Matt Hansen. (Read title.) The bill was read for the first time on January 10 of this year; it was referred to the Judiciary Committee. That committee reports the bill to General File with no committee amendments, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Matt Hansen, you are recognized to open on LB71.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. I rise today to introduce LB71. LB71 would repeal Sections 25, 21, 194, which is one of several civil claims following a shoplifting arrest. This statute was passed in 1987, and after 30 years of being on our books here in Nebraska, we can clearly see that it's not being used for its intended purpose and is, in fact, being used to mislead Nebraskans on a large scale. One of the original status purposes of the law was to decriminalize shoplifting and replace criminal penalties with an opportunity for retailers to recover civilly instead. Unfortunately, it has not had that effect. In fact, it has resulted in a system whereby retailers sell lists of accused shoplifters to large collection firms from out of

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states and they demand through mass letters sums of money as a civil penalty in addition to the criminal penalty and restitution ordered by the court. These demands are misleading and in many instances seem to intentionally misrepresent and misuse Nebraska law. The demand letters often lead shoplifters to believe that if they pay it, they won't be prosecuted, but that is not the case. The letters are even sent to those who are simply accused or are suspected of shoplifting or wrongfully accused, where there are no grounds for a criminal case. In other states, these firms are permitted to demand a penalty in addition to actual damages. However, Nebraska statute only allows for actual damages; in other words, the value of the stolen item. Yet these firms send to Nebraskans the same letter they would send to accused shoplifters in other states. The letters we've seen have demanded hundreds of dollars in penalty, even when the item was recovered and no damages were sustained. While this statute technically creates a cause of action, our research has found no instance where this cause of action has actually been filed in court here in Nebraska, let alone successfully won on its merits. It's just these cryptic and misleading demand letters that come from almost exclusively out-of-state collection firms. If anyone would like, I have several of these copies here, and you could see, for example, what types of letters I'm referencing. It is important to note that retailers already have three other avenues for recouping their actual losses: criminally through restitution, a common law civil claim, or a statutory claim through 25-1801. We actually amended 25-1801 last year to make it even more clear that actual damages sustained by a retailer can be sought under that statute, making it a perfect time to revisit this statute that would repeal it under this bill. We could repeal this section outright, as I am proposing here in LB71, and there would still be three other potential ways for a retailer to recover damages if an item is stolen or damaged in a shoplifting case. I would want to thank the UNL law civil clinic for their assistance in this past interim and for their many years of research in working with clients in this issue. After a very informative hearing where the committee heard from a number of attorneys with clients who have received these letters, the Judiciary Committee voted to LB71 out unanimously on an 8-0 vote. With that I would encourage you to your green vote to advance LB71 to Select File. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Debate is now open to LB71. Senator Slama.

SLAMA: Thank you, Mr. President. I rise today in support of this bill. It was noted in our committee hearing that in the few decades that this statute has been in place, it has never actually

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been used for the purpose for which it was intended, there was never actually any civil actions filed to cover damages the way this statute is being used is just to fleece suspected shoplifters. It's, again, a great point that Senator Hansen pointed out that these retailers still have three other ways to recover damages. And so I rise in support of this repeal.

FOLEY: Thank you, Senator Slama. Is there any further discussion on LB71? Senator Hilgers.

HILGERS: Thank you, Mr. President. I was wondering if Senator Hansen would yield to a question or two.

FOLEY: Senator Matt Hansen, would you yield, please?

M. HANSEN: Yes, I'd be happy to.

HILGERS: Thank you, Senator Hansen. Just briefly, I noticed on the committee statement, there were a couple of opponents that appeared at the hearing. Could you just briefly describe the nature of their opposition, please?

M. HANSEN: I would say fundamentally they want these letters to continue.

HILGERS: Did they provide a substantive reason as to why they would like them to continue?

M. HANSEN: Not from my perspective. They were asked if the letters-- they were asked if the letters ever actually led to court cases, and they could provide no examples.

HILGERS: From your perspective in the sense that you didn't agree with them, I'm just curious if they provided justification, not asking whether or not you agree with the justification, but whether or not there was a justification for continuing this statute.

M. HANSEN: I don't want to be unkind to these testifiers, but I would say their opposition was kind of confusing and contradictory, and I would not be a good person to summarize their opposition.

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HILGERS: OK, thank you, Senator Hansen. Senator Slama, would you yield to a question, please?

FOLEY: Senator Slama, would you yield, please?

SLAMA: Yes, I will.

HILGERS: Thank you, Senator Slama. Just the same question I asked Senator Hansen, if you would describe or characterize the nature of the opposition?

SLAMA: Yes, I mean, the nature of the opposition was that they do want to continue sending these letters. Of the two people that provided-- the two folks that provided opposition testimony, none could point to an occasion in which this statute has been used as intended. There has never been under the statute a civil action filed, so they really couldn't provide, in my mind, a good reason for why this statute should remain in place.

HILGERS: OK. Thank you. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Lathrop.

LATHROP: Thank you, Mr. President and colleagues. What this bill is doing is repealing-- there's some stuff in there about small claims court, but basically the substance of it is the repeal of 25-21,194, and that was a bill passed in 1987 by this Legislature. And the idea behind the bill, when it passed, was that instead of having all these people get prosecuted for shoplifting, we would give a cause of action to the retailer, and the retailer could go in and sue them for the damages. And the idea was we would have fewer people with shoplifting convictions, and these lawyers would take care of it. You know, Walmart or whoever it is, these retailers would just have the lawyers kind of take care of it and sue these people instead of-- for their damages instead of having people get convictions for shoplifting. What has transpired since 1987 is we're not seeing people not get convicted for shoplifting. And normally you're going to see me stand up and defend lawyers, generally speaking, not all of them, but some of them, and today I'm going to call them out, the bad ones, OK, because what's happening now is these retailers are



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providing a list of names of shoplifters-- by the way, they're being prosecuted-- and they send it to some guy in New York City who's got a law degree, and he's writing form letters. And everyone who shoplifts, regardless of what they shoplift, the value of what they shoplift, whether it was damaged or not, whether it was returned to inventory or not, gets a letter. And it is a cottage industry by an unscrupulous lawyer in New York City who is citing this statute. And the difficulty is is that the letters suggest that if you pay, you won't get prosecuted for shoplifting. So they're misleading, and they're citing this section of our statute so that people see it coming from a lawyer in New York City, there's a reference to the statute, and they go, oh, god, now I've got to pay this guy two, three, four, \$500. And they pay the money and then find out they're still getting prosecuted. So what its intended purpose was to turn shoplifting into a civil matter. It hasn't. People are still being prosecuted. And the effect has been to provide some lawyer in New York City with a bunch of revenue. Now, is some of that revenue being split or coming back to the retailer? Maybe so, and they probably like that. In fact, one of the justifications given was: it helps offset our losses. Well, that's not the purpose of the bill, it should be actual damages. And, by the way, they don't need a lawyer to write that letter in the first place. Like, if Walgreens has somebody steal from them, and they want \$200, they can write the letter themselves. But when they inject a lawyer into this process, an unscrupulous one who is going to use this statute from New York City, then they add more money to it. And so what we're doing is fleecing a bunch of people that don't know better, they suggest that they're going to get sued if they don't and here's what happens: they don't sue anybody; they're just sending these letters out. And then fleecing people for two, three, four, \$500, and they're still getting prosecuted. So it's-- it might have had a good intention when it was passed by this Legislature. It happened to have been a Brad Ashford bill. I'm sure Brad, who is a retailer, thought it would work, but it hasn't been. And it's just turned into some guy with a law degree in New York City writing these letters. And if you don't pay them, guess what, he doesn't do anything. But people don't know that because-- jeez, it's coming from a lawyer.

FOLEY: One minute.

LATHROP: So that's why we need to get rid of it because it's just being used as a tool to fleece people who probably have a bunch of other problems on their plate, including a criminal prosecution for shoplifting. Thank you.

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FOLEY: Thank you, Senator Lathrop. (Visitors introduced.) Continuing discussion, Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. President. I was just standing because Senator Hilgers said he was wondering what was said during the hearing. And one of the opponents said that-- actually said he agrees that there has been abuse. And another one said, well, this is just a simple, clean, efficient way to handle shoplifting. But the University of Nebraska law professor, Professor Sullivan came and said what's happening is that they're specifically going after poor people who don't have lawyers, who don't understand, as Senator Lathrop said, don't understand the whole procedure. And so this is just increasing the whole vicious cycle of people going into debt and-- and not understanding what their rights are in this case. And they threatened if you don't pay \$200 to \$500 with template letters and threaten litigation. So, you know, if there is actual shoplifting, they are able to go after these people with a lawsuit. And that's-- we're not trying to stop a Nebraska lawsuit or Nebraska lawyers to appropriately affect the compensation for anything. But they are actually going after people who-- we have testimony that they're actually going after people who shoplift and it is returned to the shelf and they're still get that letter. That's not the Nebraska way. Thank you, Mr. President.

FOLEY: Thank you, Senator Pansing Brooks. Is there any further discussion of LB71? I see none. Senator Matt Hansen, you're recognized to close on the advance of the bill.

M. HANSEN: Thank you, Mr. President. I would like to thank the Judiciary Committee members who heard this bill and who spoke on it, especially those who spoke on the floor. As I said in my opening, this eliminates one specific section of law that deals with civil claims following a shoplifting request. In practice, the retailers will still have many opportunities to recover the actual value of the item. I will say just kind of as former practice in our courts, our county attorneys are very good about asking for restitution in shoplifting cases and in many instances that is just kind of par for the course. If an item is damaged or stolen or some other way, it is not-- the retailer needs to recoup the value, it will come through the restitution case. This just eliminates one section of statute that provided a civil action 30 years ago that has never actually been used and in my mind is just kind of cluttering and confusing our law on civil

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recovery. With that, I thank everybody who has spoken in support of the bill and would ask the body to advance LB71.

FOLEY: Thank you, Senator Hansen. Members, you heard the debate on LB71. The question before the body is the advancement of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 40 ayes, 0 nays on the motion to advance.

FOLEY: LB71 advances. Proceeding now to LB146, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB146, introduced by Senator Hansen. (Read title.) The bill was read for the first time on January 11 of this year and referred to the Judiciary Committee. That committee reports the bill to General File with no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Matt Hansen, you're recognized to open on LB146.

M. HANSEN: Thank you, Mr. President; and good morning, again, colleagues. I rise today to introduce LB146. LB146 amends Nebraska Revised Statute Section 30-4020, which sets forth when and how someone can accept or refuse a power of attorney. Among other things, the statute sets forth a process where a party represented by a power of attorney can ensure it's validity and sets out circumstances under which a power of attorney can be denied. The statute also provides a limited mechanism for addressing situations in which a party refuses a power of attorney in violation of the act, namely, when the person does not have a good-faith reason to do so. LB146 focuses on this last piece by clarifying those remedies available to a person who is harmed by the refusal to accept a power of attorney when the refusal is not made in good faith. LB146 was brought to me at the request of the estate planning practice group of the Nebraska State Bar Association. The attorneys working with clients to development management plans for their assets are increasingly finding that some financial institutions, banks and security companies, are becoming more and more reluctant to accept validly executed powers of attorney. This becomes a problem that can lead to financial consequences for Nebraskans. LB146 is meant to ensure that Nebraskans can manage their assets in a way they see fit without unnecessary impediments from

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these institutions. For example, a power of attorney might be executed allowing a son or a daughter to make financial decisions on an aging parent's behalf. The son or daughter could wish to sell certain stocks or bonds at a time when the market is right for sale, but a financial institution might arbitrarily refuse the sell order. If the market declines following that, the parent would suffer economic harm. LB146 would clarify the remedies available in such circumstances when a refusal is a clear violation of the act. LB146 addresses the issue of liability for potential economic harm but providing that a person who refuses a power of attorney without good faith can be liable for economic damages, in addition to attorney fees and costs currently provided in law. Importantly, the changes in LB146 only apply to instances in which a party refuses the authority of an attorney in fact without a good-faith reason to do so. The bill does not remove or amend any of the safe harbors that shield parties from liability when they legitimately question the authority of an attorney in fact. Specifically, and this starts on page 2, line 16 of the bill, the statute expressly provides that a person is not required to accept a power of attorney for a laundry list of reasons. Most notably, the power of attorney may be denied, and I'll quote: if the person in good faith believes that the power is not valid and that the agent does not have the authority to perform the act requested. In reading the bill in the existing statute, there are clearly numerous and varied safe harbors under which a party can refuse a power of attorney without violating the act. LB146 does not change these safe harbors. It only applies to persons who refuse a power of attorney in violation of the act. LB146 was advanced from the Judiciary Committee with a vote of unanimous, 8-0. I would like to thank Chairman Lathrop and the members of the committee for their support of this common sense bill that will help protect Nebraskans and ensure that they are able to plan for management of their assets as you see fit. Colleagues, if you'll note on the committee statement, the Nebraska state bankers testified in opposition to this bill and had some concerns with the exact language. I requested that they work with the Nebraska State Bar Association to see if they could come to some sort of understanding and compromise. And it my understanding that as of yesterday, they came to an understanding of a compromise in principle, but we do not have a final amended language. I have spoken to all parties and some other senators on the floor, and they are comfortable with this bill moving to Select File and that compromise language being finalized and brought as an amendment at that time. With that, I would urge the body to advance green on LB146.

SCHEER: Thank you, Senator Hansen. Senator Clements, you're recognized.

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CLEMENTS: Thank you, Mr. President. As a small-town banker, and I do get powers of attorney, and get persons who are unknown to me that come in to clean out my customer's account. We are very wary of elder abuse these days and want to protect, especially elderly people, who are no longer able to do their business, and we want to make sure that the person coming in to control their assets is valid. This bill did give the bankers some heartburn because it's adding additional penalties from what there was before. Before they-- if I did not properly honor a power of attorney, I could have to pay reasonable attorney fees, but this will add economic damages, which I'm not sure what could be awarded, could be quite a big number, and also prejudgment interest that has not been previously in the statute. I have spoken with the bar association and the bankers association representatives, as he mentioned. The bar association was a proponent, the bankers were opponents, and they have told me that they have reached an agreement. And so then I will support this bill now and expect to support it as long as the amendment that's been agreed on is added at that time. Thank you, Mr. President.

SCHEER: Thank you, Senator Clements. Senator Williams, you're recognized.

WILLIAMS: Thank you, Mr. President. And I will be very brief to just emphasize again what Senator Clements said. And, first of all, appreciate the fact that Senator Hansen has brought this legislation. Certainly the improper refusal of acceptance of a power of attorney can be a problem. It can create hardship situations for families and people, and we certainly do not want that to happen. As Senator Clements mentioned, the extra penalty issues of economic damage and prejudgment interest were of concern, but those are being worked out between the bar association and the bankers, and I have full confidence that we will see an amendment which will be suitable for everyone and protect the people of our state. So with that I clearly support LB146. Thank you, Mr. President.

SCHEER: Thank you, Senator Williams. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. Speaker. I rise today in support of this bill, just like I did coming out of committee. I understand the bankers' concerns, and I'm voting green in this round just with the understanding, like Senator Clements just noted, with the understanding that there will be an

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amendment in the next round to resolve some of the issues we have with the wording of the bill as it stands. But I do support it for this round. Thank you.

SCHEER: Thank you, Senator Slama. Seeing no one else wishing to speak, Senator Hansen, you're welcome to close on LB146.

M. HANSEN: Thank you, Mr. President, and good morning again, colleagues. Thank you to all who spoke this morning in favor of LB146. I think this does clarify a needed area in which we need to make sure that we have strength in powers of attorney, such that-- such decisions such with aging parents and issues such as Alzheimer's, that family members know they can act as their stead in the future should their health decline and any other number of situations in which powers of attorney are valid. I'm appreciative of all those who spoke and you have my commitment that we will be bringing the compromise amendment on Select File. This is just an instance in which the pace of the body kind of went faster than the pace of compromise. So, I appreciate everyone's understanding and trust, and we will get that amendment on Select File. Thank you, Mr. President.

SCHEER: Thank you, Senator Hansen. The question before us is the advancement of LB146 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance.

SCHEER: LB146 does advance to E&R Initial. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB154 introduced by Senator Brewer. (Read title.) The bill was read for the first time on January 11 of this year, and referred to the Judiciary Committee. That committee reports the bill to General File with no committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Brewer, you're recognized to open on LB154.

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BREWER: Thank you, Mr. President; good morning colleagues. I'm here to introduce LB154. This bill attempts to answer a very serious question: why do Native American women turn up missing in numbers far more than the national average for any other demographic? To help understand this question, this bill directs Nebraska State Patrol to conduct a study. The aim of this study is to learn how we can better use and increase the state criminal justice resources to report and identify missing Native American women of Nebraska. I've spoken with the superintendent of the Nebraska State Patrol and he fully supports this effort. It directs the Patrol to coordinate with federal law enforcement, Nebraska Commission on Indian Affairs, the tribes of Nebraska, the Bureau of Indian Affairs, the tribal police, as well as the local law enforcement agencies in an effort to better understand the scope of the problem and to develop a more effective solution to address it. At the conclusion of this study, the bill directs the Patrol will submit a study to the Executive Board no later than 1 June, 2020. Nebraska currently believes that the number of missing Native American women is at 13. But understand that the challenges of the different federal, state, and local law enforcement agencies and the failure to communicate between them has left that number in question. In the writing of this bill, we had an oversight; and because of that oversight, we have asked for a floor amendment. So, I will be followed by Senator Patty Pansing Brooks who has a floor amendment, and I fully support this amendment.

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

ASSISTANT CLERK: Mr. President, Senator Pansing Brooks would move to amend with AM36.

FOLEY: Senator Pansing Brooks, you're recognized to open on AM36.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor and members of the body; and also thank you Senator Brewer. It is a pleasure and honor to be able to work with you once again to help protect some of Nebraska's most vulnerable people. I am glad I had this opportunity to work with Senator Brewer on this important legislation. It continues the work that we have done together on Whiteclay, and I also want to thank the Nebraska Indian Affairs Executive Director, Judi gaiashkibos and other advocates who brought this idea to Senator Brewer and me. This amendment is a friendly amendment. AM35 was actually originally introduced by Senator

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Brewer to the Judiciary Committee and should have been sent to General File as a committee amendment. But the committee inadvertently advanced the bill without this important addition. AM35 adds children to this legislation so that we may empower the Nebraska State Patrol to increase resources for reporting and identifying violence against children in addition to women. It came to our attention that we should specify children so as to be clear about our intent. National studies show that missing children have a high risk of being trafficked. The National Center for Missing and Exploited Children shows an estimated 1 in 7 missing children were identified as victims of sex trafficking in 2017. According to the latest Voices for Children Kids Count report, Native American children in Nebraska are disproportionately represented in the child welfare system, and many of those victims are trafficked. I want to thank the Nebraska Alliance of Child Advocacy Centers for working with us on this bill. I know that from my experiences talking to people impacted by the alcohol sales at Whiteclay that the confluence of poverty, alcohol, and indifference to native suffering puts women and children in extremely vulnerable positions. Many are victims of domestic violence and sexual abuse, while others are forced into sex trafficking. I actually talked to victims of trafficking up in Whiteclay when we were working on that issue. It is time to stand up and say we will no longer turn a blind eye to this suffering. We must increase investigative and productive services for missing Native American women and children. I ask you to advance both LB154 and AM36. Thank you, Mr. President, and thank you, Senator Brewer.

FOLEY: Thank you, Senator Pansing Brooks. Is there any discussion of LB154 and the pending amendment? I do not see any. Senator Pansing Brooks, you're recognized to close on AM36. She waives closing. The question before the body is adoption of the amendment, AM36. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to adopt the amendment.

FOLEY: AM36 is adopted. Is there any further discussion of LB154 as amended? Senator Albrecht.

ALBRECHT: Thank you, President Foley. Senator Brewer, would you just yield to just a couple quick questions?



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FOLEY: Senator Brewer, will you yield, please?

BREWER: Yes.

ALBRECHT: In drafting this legislation, I know you worked with Judi gaiashkibos and Senator Pansing Brooks, and I applaud all of you for taking this on. My question would be, in-- am I there-- in this discussion, did the tribal councils and the village boards sit down with you all to discuss this, or is this something that we are taking on as a legislative body?

BREWER: Well, I would have to say it's probably more in the category of the legislative body. At this point, the coordination has primarily been with the law enforcement agencies, because the problem that we've had to work through is the fact there isn't the vertical communications from the tribal police through the Bureau of Indian Affairs through local law enforcement to the State Patrol and the federal agencies. Because of that, someone can fall in between the lines, and one doesn't realize that the other either is or is not investigating. So to go to a village level, we really haven't done that. It has been primarily a law enforcement focus.

ALBRECHT: I can appreciate that, but knowing District 17 is who I represent, obviously, and the Winnebago Tribe and the Omaha Tribe, being their own sovereign nation and having this discussion with them, it does appear to me, for that very reason, that they generally do want to work with us, and I would certainly hope so on something like this, but they did come to me two years ago with these concerns. And it wasn't just about sex trafficking, but some of the drugs, knowing that the State Patrol and the Thurston County Sheriff's Department cannot go onto the Native ground and conduct business. They can back them up or they can help them out, but they cannot write a ticket and they cannot do any investigations unless we join with them. So, while I absolutely support this, I can only hope that there isn't an issue on the sovereignty of them having LR57, which allows them to do their own policing, their own investigating, their own law enforcement. So I hope that we can work with them for this very reason. It's-- I'm on the Native property myself up in Thurston County, and it is a grave concern for the Native community and for our community. You know, it isn't just Natives that are concerned about this. Anybody can hide out there because law enforcement-- State Patrol, I should say, and the county cannot go in there and arrest anyone. So I certainly hope that this does take a positive turn and go in the right

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direction and to be able to save the women and children from any abuse. Thank you. I will be supportive.

BREWER: Let me kind of follow up on your comments there. First off, I don't think that this is limited to just this particular issue, because, as Senator Pansing Brooks explained, the human trafficking piece of this, it's all woven together. And if the end result is that we help law enforcement to communicate-- and I've reassured that I would be more than happy to go with the State Patrol and assist them in being sure that whatever barriers are there between tribes that I would help break down some of those and make sure that this is an effort that they understand is absolutely essential, if we're going to solve the issues that they're struggling with.

FOLEY: One minute.

BREWER: So, it is something that we've addressed. I think we have to move forward in order to understand what all is going to be required to do this particular study.

ALBRECHT: Thank you.

FOLEY: Thank you, Senators Albrecht and Brewer. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Thank you, Senator Albrecht, for your comments. We have been working with the Nebraska Commission on Indian Affairs, and Judi gaiashkibos is in direct contact with the various tribes. Part of the issue is that a crime will be committed on the reservation, and then that person will leave the reservation. And so there is no jurisdiction, because of the sovereignty, there is no ability for the police, the tribal police to be able to leave that jurisdiction to be able to work to bring justice to that individual who committed that crime, often rape or something like that. So, in that regard, communication does need to be open and cross-sectional, cross-sovereignty. So that's what I think this bill of Senator Brewer's is trying to do. We have been in communication with the Indian Commission. And I really appreciate your comments. It is very important to be sure to have all the sovereign nations involved in communication as well as the state of Nebraska. Thank you very much.

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FOLEY: Thank you, Senator Pansing Brooks. I see no further discussion on the bill. Senator Brewer, you're recognized to close on advance of the bill.

BREWER: I just ask that you vote green on LB154.

FOLEY: Thank you, Senator Brewer. The question for the body is the advance of LB154 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 40 ayes, 0 nays on the motion to advance.

FOLEY: LB154 advances. Next bill, Mr. Clerk, LB264.

ASSISTANT CLERK: Mr. President, LB264 introduced by Senator La Grone. (Read title.) The bill was read for the first time on January 15 of this year; and referred to the Judiciary Committee. That committee reports the bill out to General File with no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator La Grone, you're recognized to open on LB264.

LA GRONE: Thank you, Mr. President. LB264 provides the Disposition of Personal Property Landlord and Tenant Act applies only to residential property and self-storage units. The act was originally understood by industry professionals to not apply to commercial property, however that issue was raised last year before the Nebraska Supreme Court in Pan v. IOC. The Supreme Court decided that the act does apply to commercial leases since it includes the general term "building." This bill would bring the law back into conformance with the industry's original understanding by aligning the act so that it only applies to residential property and self-storage units. To do so, the bill changes the word "building" to "dwelling unit" in several areas, and adds "self-storage units or facilities", and I would encourage your green vote on the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. Is there any discussion of LB264? I see none. Senator La Grone, you're recognized to close on the advance of the bill. He waives closing. The question for

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the body is the advancement of the LB264. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 34 ayes, 0 nays on the motion to advance.

FOLEY: LB264 advances. Items for the record, Mr. Clerk.

ASSISTANT CLERK: Mr. President, your Committee on Health and Human Services reports LB25 to General File, LB119 to General File with committee amendments. Your Committee on Health and Human Services provides notice of committee hearings. And finally, an explanation of vote from Senator Vargas. That's all I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. We will now proceed to the next bill on the agenda, LB7. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB7 introduced by Senator Blood. [Read title.] The bill was read for the first time on January 10 of this year; it was referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Blood, you're recognized to open on LB7.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, today I rise to bring forward LB7, also known as the Counterfeit Airbag Prevention Act. Hidden dangers may be lurking in cars across Nebraska as a result of counterfeit airbags: shrapnel, shards of metal, plastic, and explosives can hit you in the face with the force of a bomb. In fact, in L.A., the LAPD bomb squad was called to a scene of a bust to destroy confiscated airbags because they were too dangerous to be transported. Many of you have seen the video from the newscast on that incident. This counterfeit industry is at a minimum \$600 billion a year as an industry and is considered more profitable than narcotics for organized crime. A segment of the profit from these sales helped to financially support serious crime organizations in the United States and around the world. The rest of the profits are going to greedy individuals or organizations who have zero concern about the damage these counterfeit bags cause, or the deaths that are the result

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of these dangerous items. The vast majority of these airbags originate in China and are sold online, both wholesale and retail. Consumers may purchase these counterfeit parts unknowingly, but the overwhelming majority of these are bought by unscrupulous repair shops who are knowingly and intentionally installing them into a customer's vehicle without their knowledge. When I refer to an airbag that is counterfeit, I'm referring to a motor vehicle inflatable occupant restraint system device that is part of the vehicle supplemental restraint system. A counterfeit supplemental restraint would be a replacement that displays a mark that is identical or similar to the genuine mark of a vehicle manufacturer or manufacturer parts supplier that is not authorized by that manufacturer, this part being obviously designed to fool Nebraska consumers. A counterfeit restraint system will include one or more airbags and all of the components required to make sure the airbags deploy as was designed by a vehicle's manufacturer within the window of time it takes to protect you from serious injury or death. The problem with these bags are that they are usually nonfunctional and they may have been previously deployed or damaged or may have an electric fault that is detected by a diagnostic system when installed or it includes part of an object that is designed to specifically trick a consumer into believing that a functional airbag has been installed. While not mandatory, many newer cars are equipped with airbags that offer protection in nonfrontal crashes. A person would violate the Counterfeit Airbag Prevention Act if they knowingly and intentionally manufacture, import, install, reinstall, distribute, sell, or offer for sale any device intend to replace a supplemental restraint system component in any motor vehicle if the device being used as a replacement is a counterfeit, nonfunctional or does not meet federal safety requirements. It would also be a violation to knowingly do any of those things that the device causes the motor vehicle's diagnostic system to fail to warn when the motor vehicle is equipped with a counterfeit supplemental restraint system component, nonfunctional airbag, or no airbag is installed. Also when you knowingly and intensely misrepresent to another person that what you are installing is a counterfeit or nonfunctional, for example, there is a case that was documented where the installer literally used a black garbage bag as a decoy to an air bag. Lastly, if you cause a person to violate this act or assist another person in violating this law, you can also be held accountable since you are participating and being deceitful to consumers. Nebraska's current statute that pertains to this issue is very vague. It does not address issues associated with the sale, distribution, or marketing of these airbags. It was adopted in 2003 and is in Statute 28-635. Section 6 reads that no person shall knowingly install or reinstall in a motor vehicle as part of the motor vehicle's inflatable restraint system any object or material other than

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an airbag designed for the make, model, and year of the motor vehicle. A person violating this section is guilty of a Class I misdemeanor. LB7 provides varying levels of charges that include repeat offenders and violations that result in bodily injury, serious injury, or death. You might be asking yourself why Nebraska should have legislation on counterfeit airbags when federal agencies usually monitor this type of crime, and that's a really good question. But you should know that the feds have authority to seize and prosecute only counterfeit airbags with the company logo or trademark. There is no authority to seize or prosecute for the ones in the vehicle that don't have the trademark or logo. The only one in the vehicle with a trademark or logo is a driver's airbag in the steering wheel. There are up to ten airbags in vehicles these days. None of these others may be captured and there may be no prosecution for them. In fact, we're seeing proof right now that the importers are aware of this loophole and they're now sending the bags without logo and shipping the logo or trademark separately so they could be attached here in the United States. This bill covers counterfeit and those that don't have logos and are nonfunctional replacement airbags. State authorities are given the authority in the body of this bill because there have been a long list of incidents in other states of cases that the feds have had to let go and not prosecute because of manpower. This allows Nebraska to address both counterfeit and nonfunctional airbags and allows ICE to concentrate on other key issues. On Monday, I placed on your desk several counterfeit airbag examples with information redacted due to an active investigation. These examples are very good of what can go wrong and how these counterfeiters are trying to deceive you. I'm really concerned about this issue. I think it's always unfortunate when a state must create legislation based on an incident such as someone being seriously hurt or losing a loved one. I want Nebraska to be pro-active before something happens and we end up with legislation like Bobby's bill because we didn't take a good look at the growing problem of counterfeit car parts being readily available on the Internet and someone in Nebraska lost their life to a counterfeit airbag. We know that these airbags have been sold to every state in our country based on conversations we've had with the federal government. We know the problem is prevalent and growing, especially with unknowing DIY consumers looking for deals and adding to the concern. Why would we not want to put it on the books that we want to protect our consumers and hold the bad guys who are knowingly doing this responsible? I want to be clear that this is not like a knockoff purse or a pair of shoes where consumers often know they're purchasing said knockoff. A certified airbag is usually around \$1,000. A counterfeit airbag sells for around \$100 to \$400. We aren't preventing consumers from saving money. We

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are preventing bad guys from selling and installing these widow makers. If you were to walk into an auto parts store and try to purchase after-market airbags, you would be unable to do so. It's not profitable. If one day a manufacture wants to choose to make after-market airbags, they would still have to meet federal safety standards. At least 18 states have adopted similar legislation as more and more are educated on this impending safety issue. What is very interesting is that the combined affirmative votes for those states were in the thousands. And I can count on both hands how many legislators opposed this bill. I'm sure many of you remember that in 2015 this bill was adopted as model legislation by the CSG. I hope that you will now vote green and help me make Nebraska state number 19. I thank you for your time; and again, I encourage you to vote green on LB7.

FOLEY: Thank you, Senator Blood. [Visitors introduced.] As the Clerk indicated, there is an amendment from the Judiciary Committee. Senator Lathrop, you're recognized to open on the committee amendment.

LATHROP: Thank you, Mr. President and colleagues. LB7 was heard by the Judiciary Committee on January 23, and was advanced to General File on an 8-0 vote. The committee adopted a committee amendment, AM139 also on an 8-0 vote. The committee amendment to LB7 makes two changes to the definition of nonfunctional airbag. First, it adds language to clarify that a diagnostic system, electrical fault, applies not only to a repair situation, but also when the vehicle is intended to be sold. Second, it removes some language from the green copy regarding a supplemental restraint system component that was felt to be too broad. I would urge your adoption of the amendment, as well as advancing this bill to Select File. Thank you.

FOLEY: Thank you, Senator Lathrop. Mr. Clerk. Debate is now open on LB7 and the pending committee amendment. Senator Slama.

SLAMA: I rise today in support of LR7 (sic-LB7) both as someone who green lit this bill in committee and is a co-signer. Senator Blood adequately described this bill and Senator Lathrop adequately described the amendment, which both had no opposition in committee. It's time we cracked down on this practice which endangers the lives of consumers for the sake of saving a buck. I encourage a green vote on LR7 [sic-LB7].

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FOLEY: Thank you, Senator Slama. Is there further discussion on the bill, excuse me, the committee amendment to the bill? I see none. Senator Lathrop, you're recognized to close on the committee amendment. He waives close. The question for the body is the adoption of the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 40 ayes, 0 nays on the motion to adopt the amendment.

FOLEY: The committee amendment is adopted. Mr. Clerk.

ASSISTANT CLERK: I have here AM10 by Senator Blood. Senator Blood, I understand that you wish to withdraw that amendment.

BLOOD: I do. It was made into the committee amendment.

FOLEY: Thank you. The amendment is withdrawn.

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

FOLEY: Thank you, Mr. Clerk. Is there any further discussion on LB7 as amended? I see none. Senator Blood, you're recognized to close on the advancement of the bill.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, please help me support Nebraska consumers by voting green on LB7.

FOLEY: Thank you, Senator Blood. Members, you heard the discussion on LB7. The question for the body is the advancement of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to advance.

FOLEY: LB7 advances. Proceeding now to the next bill, LB55.



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ASSISTANT CLERK: Mr. President, LB55 introduced by Senator Lowe. [Read title.] The bill was read for the first time on January 10, of this year. It was referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Lowe, you're recognized to open on LB55.

LOWE: Thank you, Mr. President. LB55 is here today because a constituent of mine reached out to me. He is a banker back in Kearney and over the summer ran into an issue with a client who was 18 years old. The age majority is 19 in Nebraska, so the client was limited in some inconsistent ways by the law. One way the client was limited was that the client could get a loan for the real estate, but cannot use that same property as collateral to get title insurance. LB55 attempts to rectify this problem by allowing the 18-year-old the ability to acquire or convey title to real property. The bill, with the committee amendment, was voted out of Judiciary Committee on an 8-0 vote. The amendment was suggested by the Nebraska Bankers Association to clarify some language of the original bill. I urge you to vote for the committee amendment and then vote for the advancement of the bill. There will be another amendment coming from Senator Pansing Brooks. It is her LB172, which made it out of Banking Committee on an 8-0 vote also. I would encourage you to vote green on the Senator Pansing Brooks' amendment, AM91 to LB55 also. Thank you, Mr. President.

FOLEY: Thank you, Senator Lowe. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Lathrop, as Chair of the committee, you're recognized to open on that amendment.

LATHROP: Thank you, Mr. President and colleagues. LB55 was heard by the Judiciary Committee on January 24 and was advanced to General File with the committee amendment. Both the amendment, AM47, and the bill moved to General File on 8-0 votes. The committee amendment to LB55 clarifies that whether entering into a contract or buying or selling real property, an 18-year-old is legally responsible for the contract or conveyance of real property. I would urge your adoption of the amendment, as well as advancing the bill to Select File. Thank you.

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FOLEY: Thank you, Senator Lathrop. Is there discussion on the committee amendment? I see none. Senator Lathrop, you're recognize to close on the committee amendment. He waives closing. The question for the body is the adoption of AM47, Judiciary amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to adopt the committee amendment.

FOLEY: AM47 is adopted. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Pansing Brooks would move to amend with AM191.

FOLEY: Senator Pansing Brooks, you're recognized to open on AM191.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor and members of the body. This is a friendly amendment, worked out in advance with Senator Lowe. And I'm very happy to be working with him. AM191 adds LB172 into this bill. This is a little bit complicated, so we are setting some-- this is going to be a little bit of a big opening because they want this in the record, so. LB172 was heard by the Banking, Commerce, and Insurance Committee, which advanced it quickly and unanimously. There were no opponents. The Nebraska Bankers Association brought this bill to me as a companion piece to Senator Lowe's LB55. LB172, through this amendment, does several important things. First, it expressly authorizes owners of multiparty accounts to designate specific percentages for accounting beneficiaries. Under current law, Nebraska Revised Statute Section 30-2723, subsection (2), on the death of the sole party or the last survivor of two or more parties, funds in the deposit account to their surviving beneficiary-- funds of the deposit account belong to the surviving beneficiary or beneficiaries. If two or more beneficiaries survive, funds on deposit belong to them in equal and undivided shares and there is no right of survivorship in the event of death of a beneficiary thereafter. The requirement for beneficiaries to share in, quote, equal and undivided shares, unquote, has raised questions regarding the ability to designate different percentages for surviving beneficiaries. This could occur, for example, when a parent wants to provide different percentages to children to equalize lifetime gifts, or if the owner of the account wants to provide differing percentages to provide for his or her

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grandchildren when a parent has predeceased the owner of the account. While there are no doubt banks that currently allow customers to designate differing percentages for beneficiaries under these types of accounts, the changes proposed under Section 2 of LB172 would provide express statutory authority for this practice. Section 2(b) of the bill provides for the manner in which the share of a beneficiary who fails to survive the sole party or the last survivor of two or more parties who are owners of an account to be divided in cases in which there are two or more surviving beneficiaries. The second component of this bill resulted from bankers who contacted the Nebraska Bankers Association indicating that they had encountered problems when dealing with court-appointed fiduciaries, such as guardians and conservators, or personal representatives, as well as fiduciaries appointed pursuant to a trust. When multiple guardians or conservators or personal representatives are appointed by the court or multiple trustees designated under a trust, the quote, unquote, default rule is to require that all co-fiduciaries sign or approve banking transactions, i.e., two or more signatures are required. This restricts the ability of a bank to offer debit cards or allow access to the ACHs, the automatic clearinghouse accounts, which deal with electronic transactions by a routing and account number. It prevents the bank from offering online bill pay services, and requires the co-fiduciaries to order expensive corporate-style checks to accommodate the bank's practice to physically inspect every payment order under these circumstances. In addition to limiting the account services provided to co-fiduciary, some banks are refusing to open, quote, two signature required accounts, end quote, due to the monitoring burden and additional risk to the bank which could result from a claim that a transaction was not properly authorized if less than all of the required co-fiduciaries have signed off on a transaction. Other banks may have higher monthly service charges, which is certainly not in the best interest of the party for whom the co-fiduciaries have been appointed. Section 1 of LB172 would allow full-service accounts to be offered to co-fiduciaries by allowing the fiduciaries to act independently of one another with respect to banking transactions unless the court appointing the co-fiduciaries or the trust document designating the co-trustees specifically requires the co-fiduciaries act jointly or in concert. The third component of this bill deals with the age of majority. A member contacted the Nebraska Bankers Association last summer indicating that a title company in connection with a proposed real estate secured loan by the bank to an 18-year-old had refused to provide insurance coverage, noting in the title insurance commitment that the 18-year-old would not be, quote, unquote, bound by the deed of trust. The rationale expressed by the title insurance company was that the age of majority statute under Nebraska Revised Statute

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43-2101, only provides that an 18-year-old is legally responsible for contracts. Since a deed of trust generally did not require the signature of more than one party, i.e. the borrower, the deed of trust does not constitute a contract in some minds. In conducting further research on this issue, we concluded that the documents that would grant a bank a lien or security interest in real estate or personal property or fixtures, an effective financing statement, a mortgage, a trust deed, security agreement, financing statement, or other security instrument, as well as the promissory note or other instrument evidencing the obligation to repay were also generally signed by only the borrower and thus are not, quote unquote, contracts. The bill clarifies the binding nature of promissory notes and other instruments evidencing the obligation of an 18-year-old to repay, as well as the list of documents set forth granting a lien or security interest in real estate, personal property, or fixtures. The bar association had some technical and clarifying changes to the bill that have been included in this white copy amendment and their changes primarily clarify instances where co-trustees may act independently as provided in the statute. The bar association was concerned that it was not clear. The Nebraska Bar Association has no remaining issues with the bill and supports, as does the Nebraska Bankers Association this amendment. With that, I ask you to advance LB191. Thank you for your time. Thank you, Senator Lowe, for allowing me to join you in this happy Kumbaya moment and a-- that's it. Thank you, Mr.--

FOLEY: Thank you, Senator Pansing Brooks. [Visitors introduced.] Discussion of AM191 to LB55. Senator Williams.

WILLIAMS: Thank you, Mr. President; and good afternoon, nearly, colleagues. I rise in support of both this amendment, AM191, and also the underlying bill. Senator Brooks is amending her LB172 into LB55 with this amendment. LB172 was heard on February 4 in the Banking, Commerce and Insurance Committee, and was voted out of the committee 8-0, and there was no opposition testimony. And Senator Pansing Brooks has done a great job of detailing the three primary things that LB172 did. It added a new section on co-fiduciaries clearing up the independent action of those co-fiduciaries. It also, on pay on death accounts, or POD accounts, cleared up some ambiguity about naming beneficiaries and how that works when you have one beneficiary, two beneficiaries, or more. And it also ties in extremely well with Senator Lowe's [LB]55 because of the treatment of 18 years old as the date of which you can contract and sign effective financing statements, notes, and mortgages. This was a good amendment that adds a

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great deal to LB55. So I certainly support and would request your green vote on AM171 and then your green vote on LB55. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. Is there any further discussion on AM191? I see none. Senator Pansing Brooks, you're recognized to close on AM191. She waives close. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 42 ayes, 0 nays on the motion to adopt the amendment.

FOLEY: The amendment is adopted. Is there any further discussion on LB55? I see none. Senator Lowe, you're recognized to close on LB55.

LOWE: Thank you, Mr. President. Thank you, to the Judiciary Committee for the amendment and to Senator Pansing Brooks for adding her bill into mine. It's nice when we can pass the two bills that work together well. So let's drive [LB]55 and get this through the green light.

FOLEY: Thank you, Senator Lowe. Members, you heard the discussion on LB55. The motion before the body is to advance the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 45 ayes, 0 nays on the motion to advance.

FOLEY: LB55 advances. Next bill is LB22. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB22 introduced by Senator Kolterman. [Read title.] The bill was read for the first time on January 10 of this year. It was referred to Health and Human Services Committee. That committee reports the bill out with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Kolterman, you're recognized to open on LB22.

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KOLTERMAN: Thank you and good morning, Mr. President and fellow colleagues. I'm here today to ask your support for LB22. LB22 is a technical change to the Nebraska Nursing Facility Penalty Cash Fund that would modify Nebraska state statute to mirror the federal language. When a nursing facility is cited for noncompliance with a federal regulation, a civil money penalty, or CMP, may be imposed. If imposed, a portion of these funds is deposited into Nebraska Nursing Facility Penalty Cash Fund. Both federal and state regulations mandate these funds be spent on projects that benefit residents of nursing facilities. However, Nebraska's current state statute is more restrictive than the federal requirements. This change would not prohibit the Department of Health and Human Services from awarding funds based on their current practice, it would merely provide more options for these funds to be used to improve the quality of care and life of nursing facility residents. LB22 did not receive any opposition during the hearing; was supported unanimously out of committee. And I'd like to urge you to vote green on LB22 and the amendment that will follow.

FOLEY: Thank you, Senator Kolterman. As the clerk indicated, there are amendments from the Health and Human Services Committee. Senator Howard, as Chair of the committee, you're recognized to open on AM18, the committee amendment.

HOWARD: Thank you, Mr. President; good morning colleagues. AM18 is a minor but necessary amendment that aligns the language in subsections (1) and (2) of Section 3 of LB22. Under LB22, Section 3(1) amends the language to clarify that two additional sources of civil monetary penalties, those collected pursuant to the Social Security Act and penalties imposed by CMS, or the centers for Medicare and Medicaid services, are also to be remitted to the Nursing Facility Penalty Cash Fund. Subsection (2) of Section 3 relates to the disbursement of funds from the Nursing Facility Penalty Cash Fund and the rules and regs governing that process. As originally drafted, the section did not include the civil monetary penalties imposed by CMS. AM18 adds the civil monetary penalties imposed by CMS to the list of funds that may also be distributed from the Nursing Facility Penalty Cash Fund in accordance with the relevant federal and state requirements. The amendment was adopted unanimously by the commitment and I would urge its adoption here today. Thank you, Mr. President.

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FOLEY: Thank you, Senator Howard. Debate is now open on LB22 and the pending committee amendment. Seeing no members wishing to speak. Senator Howard waives close on AM18. The question for the body is the adoption of the committee amendment, AM18. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the motion to adopt the committee amendment.

FOLEY: AM18 committee amendment is adopted. Is there any further discussion on LB22 as amended? I see none. Senator Kolterman waives closing on the bill. The question for the body is the advancement of LB22. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the motion to advance.

FOLEY: LB22 advances. Proceeding now to LB60. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB60, introduced by Senator Cavanaugh. [Read title.] The bill was read for the first time January 10 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Cavanaugh, you're recognized to open on LB60.

CAVANAUGH: Thank you. Good morning, colleagues. LB60 updates obsolete terminology in current statute by replacing reference to "shaken baby syndrome" with the term "abusive head trauma." While "shaken baby syndrome" is well-known and widely used, it does not fully describe the scope of potential causes of abusive head trauma and is inconsistent with modern medical terminology. While many children who suffer from abuse of head trauma were subject to being shaken as an infant, it can also be caused by blunt impact to the infant's head or combination of the two. Insuring that the causes are properly described by the educational materials given to new parents will play an important role in prevention efforts. Finally, as part of these prevention efforts, LB60 adds crying plans to the educational materials for new parents.

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The National Center on Shaken Baby Syndrome is identified-- has identified crying as the most common trigger of abuse of infants and teaching new parents strategies for how to safely deal with a crying infant will have a major impact on child abuse prevention. As part of the hearing, numerous letters of support were submitted and there were no opponents. I ask for your yes vote on LB60.

FOLEY: Thank you, Senator Cavanaugh. As the clerk indicated, there are amendments from the Health Committee. Senator Howard, you're recognized to open with AM17 committee amendment.

HOWARD: Thank you, Mr. President; good morning colleagues. AM17 to LB60 makes some minor language changes to the underlying bill. AM17 inserts a reference to abusive head trauma in infants and children in Section 3 so that the information parents may receive about safety measures to prevent harm to the child would include safety measures regarding abusive head trauma. In that same Section 3, LB17 [sic-AM17] also changes the language regarding the dangers of infants sleeping in the same bed with other children or adults. It strikes "in the same bed" language and replaces it with "on the same surface," thereby encompassing a broader range of sleeping arrangements. This change was suggested by the Department of Health and Human Services and was adopted unanimously by the Health and Human Service Committee. I would urge its adoption on the floor today. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Is there any discussion to LB60 and the pending committee amendment? Senator Albrecht.

ALBRECHT: Thank you. I appreciate this bill. I would just like to ask Senator Cavanaugh if she'd yield to a question.

FOLEY: Senator Cavanaugh, would you yield, please?

CAVANAUGH: Yes.



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ALBRECHT: Senator Cavanaugh, can you tell me how the parents are going to get this information? I don't see that in the bill.

CAVANAUGH: Oh, there currently is when you are going through parenting classes and when you're at the hospital and delivery, there's videos that you watch before you leave the hospital. There is pamphlets that are handed to you. It's already part of the process.

ALBRECHT: So is that why we're just changing the language to mirror what they are handing out in the hospitals?

CAVANAUGH: So we're changing the language so that the medical diagnosis is in line with what is actually happening to the child.

ALBRECHT: OK. So we-- the state won't have anything to do-- the information is already being fed to the parents when they have the child or they go to their doctor or their emergency room?

CAVANAUGH: Yes.

ALBRECHT: OK. I just wanted to clear that up. Thank you.

FOLEY: Thank you, Senators. Is there any further discussion on the committee amendment? I see none. Senator Howard waives closing on AM17. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to adopt the committee amendments.

FOLEY: Committee amendments are adopted. Is there any further discussion on LB60 as amended? I see none. Senator Cavanaugh waives closing. The question for the body is the advance of LB60 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance.

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FOLEY: LB60 advances. Proceeding now to LB74. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB74 introduced by Senator Williams. [Read title.] The bill was read for the first time on January 10 of this year. It was referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Williams, you're recognized to open on LB74.

WILLIAMS: Thank you, Mr. President; and good morning again. LB74 was introduced at the request of the Nebraska Pharmacist Association to change pharmacy practice with regards to the allowable duties of certified pharmacy technicians. It was heard in committee on January 23, and there was no opposition and it was voted out on a 7-0 vote. Currently, most tasks completed by pharmacy technicians must be verified by a pharmacist. With the evolution of pharmacy practice and technology, changes are necessary to meet the ever-increasing demands pharmacists experience when caring for patients. Four Nebraska hospitals, including UNMC, Bryan, Osceola, and Central City were granted permission to do a pilot project that allowed certified pharmacy technicians the ability to validate the tasks of other certified pharmacy technicians for stocking Pyxis machines and medication carts. The result of those projects showed great success and equal or greater patient safety outcomes with regard to medication accuracy and provided the pharmacist with more time for direct primary care with patients. Because of these positive results, the Nebraska Pharmacist Association gathered a working group consisting of hospital, community and long-term care pharmacists, and pharmacy technicians to develop legislation to allow certified pharmacy technicians to validate the work of other certified pharmacy technicians. This is done by the goal of patient safety being the highest priority. It was important to the working groups that this bill include the requirement of establishing policies and procedures to fit the practices in the hospital, and the pharmacist will develop those in each specific hospital. As healthcare continues to evolve, it is important that we allow our healthcare providers to practice to the best of their abilities, utilize technology when appropriate, and embrace efficiencies to improve patient care and patient safety. The changes proposed in LB74 embrace this philosophy and allow the Nebraska hospital pharmacist and pharmacy technicians

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to embrace medication and do it in a proper and convenient way. I urge the committee to vote to advance LB74. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. As the Clerk indicated, there are amendments from the Health and Human Services Committee. Senator Howard, you're recognized to open on the committee amendments.

HOWARD: Thank you, Mr. President; good morning, colleagues. AM91 makes some minor but helpful clarifications to LB74. Section 5(1) of LB74 details the conditions that have to be met for one pharmacy technician to validate the actions of another pharmacy technician. And Section 5(1) as originally drafted allows a pharmacy technician to validate the tasks and functions of another pharmacy technician. AM91 amends Section 5(1) to add acts, as well as tasks and functions to those actions that may be validated by a peer pharmacy technician. And Section 5 also lists the conditions under which peer validation is allowed. AM91 strikes Section 5(1)(b) which requires that the pharmacy technician work in a hospital and replaces it with more specific language that requires both certified pharmacy technicians are working within the confines of a hospital, preparing medications for administration in the hospital. The committee adopted the amendment unanimously. I would urge its adoption on the floor. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Is there any discussion on AM91 committee amendment? Senator Bostelman.

BOSTELMAN: Thank you. Senator Howard, will you yield to a question?

FOLEY: Senator Howard, would you yield, please?

HOWARD: I would be happy to.

BOSTELMAN: Thank you. Just general information on this as far as the medications within the hospitals. Are we talking about different schedules of-- is there difference in the schedules of medications are given out as far as who can handle that and not, like a physician towards a technician. So if it's a certain class of a medication, pharmacist still needs to look at that or not?

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HOWARD: So yes. A pharmacist absolutely will still look at these. Essentially what it is is it's allowing once the medications are prepared and sort of bubble wrapped for a patient, another pharmacy technician can peer review what they've done. So especially for controlled substances, those will be packaged initially by a pharmacist and then a pharm tech will carry them upstairs and then another pharm tech can reaffirm that those are the correct medications for a patient.

BOSTELMAN: And would this go into other pharmaceuticals, if it would meet this criteria say for chemotherapy, those type of situations, does it apply to that as well? How does that affect that?

HOWARD: So pharmacy technicians can handle a broad range of pharmaceuticals. Obviously, if it's a pill pack or something like that, that's really what we're looking for in terms of allowing them to peer review. This bill is really about quality assurance when somebody is receiving medication. And so this allows pharmacy technicians to peer review. When you're thinking about chemotherapy through an IV, that's kind of a different situation than what we're considering here.

BOSTELMAN: Okay. Thank you. Thank you, Mr. President. That's all.

HOWARD: Thank you.

FOLEY: Thank you, Senators Bostelman and Howard. Any further discussion? I see none. Senator Howard, you're recognized to close on AM91. She waives close. The question for the body is the adoption of the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to adopt the committee amendment.

FOLEY: AM91 committee amendment is adopted. Any further discussion on LB74 as amended? I see none. Senator Williams, you're recognized to close. He waives closing. The question for the body is the advancement of LB74 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance.

FOLEY: LB74 advances. Next bill is LB302, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB302 introduced by Senator Hughes. [Read title.] The bill was read for the first time on January 15 of this year. It was referred to the Natural Resources Committee. That committee placed the bill on General File with no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Hughes, you're recognized to open on LB302.

HUGHES: Thank you, Mr. President; good morning, colleagues. As usual, I will be brief. LB302 would merge the State Energy Office into the Department of Environmental Quality. The combined agencies would be renamed the Department of Environment and Energy effective July 1, 2019. The bill will transfer all statutory power and duties, responsibilities and obligations, employees and funds of the State Energy Office to the Department of Environment and Energy. The Director of the Department of Environmental Quality will remain the director of the merged agency and will administer all merged programs and funds. Most of all, the bill's more than 200 pages are to facilitate the merger. There are two additional things that the bill does that are not related to the merger. One, the bill repeals the section that authorizes the Environmental Quality Council to adopt rules and regulations for Plastic Container Coating Act. This duty is no longer necessary due to the national industry practices on plastic container coating for recycling. And two, the bill authorizes the Department of Environment and Energy to develop a program to-- for the possible adoption by the Environmental Quality Council for the issuance of 404 Permits under the federal Clean Water Act. The permit relates to the discharge of dredged or fill material into waters of the U.S. Currently the program is administered by the U.S. Army Corps of Engineers and the federal EPA. Federal regulations allowed the delegation of this authority to states if they meet certain requirements. At this time, two other states, Michigan and New Jersey, have completed the assumption process and several other states are investigating the possibility of the assumption. To provide a little background, the Nebraska Energy Office was created in 1977. In 1987, by Executive Order, the Energy Office became a division of the Governor's Policy Research Office. In 2008, the Energy Office was designated as a code agency with its director serving as a member of the Governor's cabinet. Last year, the Nebraska Energy Office Director,

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David Bracht, returned to the private sector. Governor Ricketts named Jim Macy Director of the Department of Environmental Quality as interim NEO Director. Merging two state agencies, the Nebraska Energy Office and the Nebraska Department of Environmental Quality, requires that every statute that mentions either agency be amended to note the name of the joint agency, the Department of Environment and Energy. This bill opens up statutes related to several different programs and state agencies in order to change the agency name. The DEQ is a participant in a variety of programs and agencies such as Department of Natural Resources, the Game and Parks Commission, Department of Agriculture. DEQ is also mentioned in the status governing the natural resource districts, ground water and surface water, livestock, communities and municipalities, and oil and gas. About half of the bill is updating the name of DEQ to Department of Environment and Energy. The State Energy Office is administered entity over many programs. The other half of this bill is transferring those authorities and funds currently held by The Energy Office to the Department of Energy-- Environment and Energy. A description of those statutes can be found in the committee statement. No one testified against the bill, and testifiers in favor included public power, municipalities, ethanol, Nucor Steel, an engineering association, the natural resource district, and even the former director of the State Energy Office, David Bracht himself. The bill was voted out 8-0 of committee. I respectfully ask for your green vote on LB302.

FOLEY: Thank you, Senator Hughes. Debate is now open on LB302. Senator Cavanaugh.

CAVANAUGH: Thank you. Senator Hughes, would you yield for a question?

FOLEY: Senator Hughes, would you yield, please?

HUGHES: Of course.

CAVANAUGH: I just wanted to-- I was going to ask if anybody had testified in opposition. You said no. Were there any letters submitted?

HUGHES: We did have a letter, but it was after the cutoff date-- cut off time, I'm sorry.

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CAVANAUGH: Who was that from, would you mind sharing?

HUGHES: I don't recall.

CAVANAUGH: Don't know-- OK. Thank you.

FOLEY: Thank you, Senators. Seeing no further discussion, Senator Hughes, you're recognized to close on the advance of the bill. He waives close. The question for the body is the advance of LB302. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to advance.

FOLEY: LB302 advances. Items for the record, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Agriculture reports LB333 to General File. Amendments to be printed: Senator Friesen to LB192; Senator Wayne to LB490. A series of name adds: Senator Ben Hansen added to LB112; Senator Howard, LB312; Senator Brewer, LB445; Senator Bostelman, LB516; Senator Bostelman, LB517; Senator Quick, LB563; Senator Albrecht, LB605; Senator Pansing Brooks, LR1CA; Senator Blood, LR1CA; Senator Matt Hansen, LR1CA; Senator Crawford, LR1CA; Senator Williams, LR1CA, and Senator Howard, LR1CA.

Finally, Mr. President, a priority motion: Senator Clements would move to adjourn the body until Friday, February 8, 2019, at 9:00 a.m.

FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.