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Floor Debate
February 19, 2019

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

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

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

CLERK: I have no corrections.

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

CLERK: One item, Mr. President: an amendment to be printed from Senator Gragert to LB406. That's all that I have.

FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following five legislative resolutions: LR20, LR21, LR22, LR23, and LR24. (Visitors introduced.) Mr. Clerk, we'll now proceed to the agenda, legislative confirmation reports. Mr. Clerk.

CLERK: Mr. President, the first report by the Natural Resources Committee and involves the appointment of Bradley Bird to the Ethanol Board.

FOLEY: Thank you, Mr. Clerk. Senator Hughes, you're recognized.

HUGHES: Thank you, Mr. President. Good morning, colleagues. I present for your approval the reappointment of Bradley Bird to the Nebraska Ethanol Board. Mr. Bird came before the Natural Resources Committee for his confirmation hearing on February 13, 2019. Mr. Bird lives in Blair and works as the business manager for the Steamfitters and Plumbers Local Union number 464. The Nebraska Ethanol Board comprised-- is comprised of seven members, all appointed by the

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Governor. Each member represents a specific area of-- or interest related to Nebraska's ethanol industry. Mr. Bird is representing the labor interests on the Nebraska Ethanol Board. The Nebraska Ethanol Board is a state agency created in 1971 by the Legislature, the first and only state agency in the United States devoted solely to the development of the ethanol industry. The board focuses on four key issues: ethanol production and industry support, market development, research and technology issues, and public policy development. The committee advanced Mr. Bird's reappointment by an 8-0 vote. I ask for your confirmation vote for Mr. Brad Bird to the Nebraska Ethanol Board. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Is there any discussion on the first of two confirmation reports from the Natural Resources Committee? Seeing no members wishing to speak, Senator Hughes, you're recognized to close on the confirmation report. He waives closing. The question before the body is the adoption of the first two confirmation reports from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 37 ayes, 0 nays on adoption of the confirmation report.

FOLEY: Confirmation report is adopted. Mr. Clerk.

CLERK: Second report by the Natural Resources Committee involves two appointments to the Natural Resources Commission.

FOLEY: Senator Hughes, you're recognized to open on your second confirmation report.

HUGHES: Thank you, Mr. President. Good morning again, colleagues. I present for your approval the reappointment of Walter Strauch, who goes by Dennis, as-- and the new appointment of John Heaston to the Nebraska Natural Resources Commission. Both Dennis and John come before the Natural Res-- came before the Natural Resource Committee on February 13. Mr. Strauch lives in Mitchell, Nebraska, and has been employed at Pathfinder Irrigation District for the last 40 years. He has been the general manager since 1990. Dennis is also legislative adviser to the North Platte Valley Irrigation Association. This will be his second term

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on the commission. Mr. Heaston lives in Lincoln and is self-employed water conservation consultant with Aquamart, part of the Nebraska Water Balance Alliance. With a background in applied anthropology, Heaston focuses on environmental, economic, and agricultural issues as they relate to river basin development and watershed management. This will be his first term on the commission, but he has also served on other Governor task force and search committees in the past. The Nebraska Natural Resource Commission is comprised of 14 members appointed by the Governor, representing different areas of interest in every sector of Nebraska's water use and economy. There are also 13 members that are elected by natural resource districts to represent different river basins. Mr. Strauch will continue to serve as the irrigation district's representative, and Mr. Heaston will take over as the agribusiness representative on the commission. Both gentlemen are highly qualified to serve on the commission. The committee advanced both of their appointments by an 8-0 vote. I ask for your confirmation of Dennis Strauch and John Heaston to the Nebraska Natural Resource Commission. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Is there any discussion on the second confirmation report? I see no discussion. Senator Hughes, you're recognized to close. He waives closing. The question before the body is the adoption of the second confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 38 ayes, 0 nays on adoption of the confirmation report.

FOLEY: The confirmation report is adopted. Proceeding now to General File. Mr. Clerk.

CLERK: Mr. President, LB116, introduced by Senator Kolterman, relates to insurance. (Read title.) Introduced on January 10; referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. There are committee amendments pending.

FOLEY: Thank you, Mr. Clerk. Senator Kolterman, you're recognized to open on LB116.

KOLTERMAN: Good morning, Mr. President, fellow colleagues. I'm here today to ask for your support of LB116, a bill that will modernize the state's insurance laws and allow insurers to

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respond to changing consumer preferences for electronic communication over traditional mail services. In today's day and age, consumers in-- and conducting more and more business on-line, everything from shopping to banking to paying bills. This applies to the business of insurance as well, as policyholders are increasingly opting to receive policyholder documents from their insurers electronically via e-mail. There are questions, however, about what insurers are allowed to electronically deliver to policyholders who content-- who consent to such delivery. Generally speaking, the federal Electronic Signature in Global and National Consumer [SIC] Act and the state Uniform Electronic Transmission [SIC] Act allows businesses and consumers to conduct such business on-line so long as both parties consent and certain disclosure language is provided to the consumer. However, insurance is highly regulated and governed by laws and detailed specifications about when and how certain notices must be provided. There's a question as to whether or not insurers may electronically deliver all legally required documents to consumers who consent to receive these documents electronically. This is why LB116 is necessary. Electronic commerce laws make it clear that the decision to receive policyholder documents electronically is a choice of the policyholder. Policyholders must give prior approval to their insurer to opt in to electronic delivery of policy information, bills, and notices, and can also opt out of those if-- if they choose. Similarly, an insurer who chooses to post generic policies on-line must provide policies directly to the policyholder if the policyholder requests it. Under these laws, statutory notice time frames still apply to electronic delivery. For example, if insurer is required to mail a document 30 days in advance, they are still required to electronically deliver the same document 30 days in advance. Under this legislation policyholders who wish to receive all communication from there insurer electronically may elect to do so, while those who do not will continue to receive physical copies. Senator Williams will be introducing committee amendment AM266. AM266 is a technical amendment that will align LB116 with the agreed upon industry model legislation that was adopted a few years ago and will allow life insurance policies and annuity contracts to be delivered via electronic means. LB116 did not receive any opposition during the hearing and was supported unanimously out of committee, as was AM266. Thank you, colleagues, and I urge you vote green on the committee amendment and LB116.

FOLEY: Thank you, Senator Kolterman. As the Clerk indicated, there are amendments from the Banking, Commerce and Insurance Committee. Senator Williams, as Chair on the committee, you're recognized to open on the committee amendment.

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WILLIAMS: Thank you, Mr. President. Good morning, fellow Senators. Committee amendment AM266 came at the request of the introducer of LB16-- or, yes, LB116 and they involve three areas of the bill. First, as introduced, LB116 would provide that electronic delivery of a notice or document in accordance with the requirement set forth in the bill shall be considered the equivalent to any delivery method required by law. These methods currently include first-class mail, registered mail, certified mail, or a commercial mail delivery. The committee amendment would add one more permissible delivery method, that being delivery by certificate of mailing. The amendments would also eliminate a sentence requiring that a certificate of mailing also be filed with the court. Second, the committee amendments would make connec-- correcting changes by inserting references to "producer" either in addition to or in substitution of reference to "insurer" where appropriate. In insurance statutes, agents and brokers are referred to as producers. For example, the statutes governing agents and brokers are found in the Insurance Producers Licensing Act. Third and finally, the committee amendments would provide that the bill applies to life insurance policies and annuity contracts as well as property and casualty insurance policies. Currently there is little or no existing Nebraska law controlling electronic delivery in the case of life insurance policies or annuity contracts. The committee amendments would include these policies and contracts under the requirements of the bill. As stated by Senator Kolterman, this was heard in Banking Committee. There was no opposition testimony. It was voted out of committee on a 7-0 vote. I would encourage your adoption of AM266 and your green vote for the advancement of LB116. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. Debate is now open on LB116 and the pending committee amendment. Senator Ben Hansen.

B. HANSEN: Thank you, Mr. President. Would Senator Kolterman yield to a question, please?

FOLEY: Senator Kolterman, would you yield, please?

KOLTERMAN: Absolutely.

B. HANSEN: Thank you. Just need a little clarification. So you say this does not require somebody to opt into this, but in some way would the institution require the person to opt in?

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KOLTERMAN: No, the way the-- the way the legislation is written, it's completely voluntary. So if you-- if you're getting your-- if you're getting a bill by mail or you're getting your amendments by mail, you can continue to do that. But if you want to get it electronically, you have that option under this bill. There's no forcing you to do it. It's not a mandate of any means.

B. HANSEN: OK, good. So it would pretty much stay the same for the person if they wanted it.

KOLTERMAN: Yeah. So-- so-- so let's use the example you're getting a-- a car insurance renewal bill from the company and it's coming through the mail. If you want to keep it that way, that's completely up to you. On the other hand, if-- if you decide you want to change your beneficiaries, get an endorsement on by e-mail, you can, you can have that option as well. It's either-or. A lot of the younger people today want things electronically. A lot of the older people still want the paper.

B. HANSEN: OK. Thank you. Appreciate it.

KOLTERMAN: Yes.

FOLEY: Thank you, Senators. Is there any further discussion on the committee amendment? I see none. Senator Williams, recognized to close. He waives closing on the committee amendment. The question before the body is the adoption of AM266, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 40 ayes, 0 nays on adoption of committee amendments.

FOLEY: Committee amendment's adopted. Returning now to discussion on LB116 as amended. I see no further discussion. Senator Kolterman, you're recognized to close on the advance of LB116. He waives close. The question before the body is the advance of LB116 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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CLERK: 40 ayes, 0 nays on the advancement of LB116.

FOLEY: LB116. (Visitors introduced.) Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. Although it is not on the agenda, colleagues, I ask for your unanimous consent for the Revisor's Office to expedite LB430, Senator Groene's bill to change the certification date for state aid to schools from March 1 to June 3-- June 10. We advanced the bill from General File last Thursday, and this motion will allow the bill to be reviewed by the Revisor's Office prior to other bills which are in line to be reviewed by their office. Because of the time issue with the passage of this bill prior to March 1 date, this motion will allow it to be processed more quickly in order for me to schedule it on the Select File and Final Reading within the shortened time frame. And I appreciate your unanimous consent of this item.

FOLEY: Thank you, Mr. Speaker. Senator Groene. I hear no objections. The motion is adopted.

SCHEER: Thank you, Mr. President. As well, colleagues, as long as I do have the mike, I would note that I decided we'll start tomorrow at 10:00 rather than 9:00 just because of the impending weather that might hit. So we're not working on tons of bills, so just be in mind tomorrow will be a 10:00 start rather than a 9:00 start. I-- I know that's going to break everybody's heart but, you know, I'll give you a break. Thank you.

FOLEY: Thank you, Mr. Speaker. Proceeding to the next bill. Mr. Clerk.

CLERK: Mr. President, LB145 is a bill by Senator Matt Hansen relating to the Uniform Power of Attorney Act. (Read title.) Introduced on January 11; referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. There are committee amendments pending.

FOLEY: Thank you, Mr. Clerk. Senator Matt Hansen, you're recognized to open on LB145.

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M. HANSEN: Thank you, Mr. President, and good morning, colleagues. LB145 helps address a problem that sometimes arises when a financial institution requires its own form for a power of attorney. Often this is simply a matter of timing or it relates to some other issue that does not affect the validity of the underlying power of attorney but, rather, the form it takes to execute an existing power of attorney. Nebraska adopted the Uniform Power of Attorney Act in 2012. Following the passage of the uniform act, financial institutions changed power of attorney forms to comply with the act. Now parties encounter situations in which a financial institution will refuse a power of attorney, usually one executed before the uniform act, because it is not in the financial institution's approved form which has been updated to conform with the uniform act. It is not about the validity of the underlying authority but about the exact form that is used. LB145 addresses this problem by adding an agent's authority to the authority-- by adding to an agent's authority, the authority to execute powers of attorney required or necessary for interacting with a financial institution. This bill streamlines the process and bridges the gap by allowing agents to execute the bank's own form. The terms and conditions in the financial institution's power of attorney must be similar in scope to those of a power of attorney granting authority. In other words, someone who has a healthcare power of attorney is not going to be able to order unrelated financial transactions with the financial institution. The bill authorizes the agent to do so-- the bill authorizes the agent to do what they are already been authorized to do, which in this case is interact with the financial institution. This bill-- there will also be a technical amendment that adds a reference to new existing statutes for this section. We had no opposition at the testimony, and it came out of the Banking, Commerce and Insurance Committee with 7 yes votes and 1 member absent. With that, I'd close and ask the body to advance LB145 and the committee amendments.

FOLEY: Thank you, Senator Hansen. As the Clerk indicated, there are amendments from the Banking Committee. Senator Williams, as Chair of the committee, you're recognized to open on AM282.

WILLIAMS: Thank you, Mr. President. As introduced, the bill would amend a section of the Nebraska Uniform Power of Attorney Act to provide that a power attorney granting authority with respect to financial institutions authorizes the agent to execute such powers of attorney as may be required and necessary for interacting with a financial institution. In order for LB145 to

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work as intended, one additional change needs to be made elsewhere in the Nebraska Uniform Power of Attorney section. Section 30-4020 provides that a person may not require an additional or different form of power of attorney for the authority granted in the power of attorney being presented. AM282 would provide that this restriction would not apply to situations governed by the new provisions of LB145 as introduced. This would come into play when, for example, a large financial institution insists on using specific provisions in a power of attorney. The agent could sign documents to conform the power of attorney being presented to match the specific form being insisted upon by the institution. I would urge the adoption of AM282. And as stated by Senator Matt Hansen, this was heard in Banking Committee. There was no opposition testimony, and was voted out with no dissenting votes. Therefore, I urge your adoption of AM282 and the advancement of LB145 to Select File. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. Is there any discussion on the committee amendment or the bill? See no members wishing to speak, Senator Williams, you're recognized to close. He waives closing. The question before the body is the adoption of AM282, Banking Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 41 ayes, 0 nays on adoption of committee amendments.

FOLEY: Committee amendment's adopted. Is there any further discussion on LB145 as amended? I see no members wishing to speak. Senator Matt Hansen, you're recognized to close. He waives closing. The question before the body is the advance of LB145 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 42 ayes, 0 nays on the advancement of LB145.

FOLEY: LB145 advances. Proceeding to LB384. Mr. Clerk.

CLERK: LB384 is a bill introduced by Senator Walz. (Read title.) Introduced on January 17; referred to the Banking, Commerce and Insurance Committee; advanced to General File. There are committee amendments, Mr. President.

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FOLEY: Thank you, Mr. President. Senator Walz, you're recognized to open on LB384.

WALZ: Thank you, Mr. President, and good morning, colleagues. LB384 is a bill relating to the Nebraska Real Estate License Act to change provisions relating to education requirements. This bill requires 6 additional hours of study in a course approved by the Real Estate Commission related to professional practice and standards, in addition to requiring an additional 12 hours of class study in a commission-approved class related to required knowledge and skills to real estate practice, including completing contracts and listing agreements and handling of client funds. There is a waiver process for individuals who can provide satisfactory evidence of equivalent or sufficiently relevant experience in a real estate-related industry. The original bill also increased the number of years serving as a licensed salesperson in order to become a broker. This portion of the bill was amended out of the-- out of the bill in committee, along with some redundant language referencing that section. The origins of this, the origins of this bill came from the National Association of Realtors who solicited a report by a consulting firm to identify issues and challenges facing the industry. One of the items identified in the report was that the industry has an issue with part-time agents who do not have the necessary training to properly provide services to their clients. This bill is an attempt to remedy that situation here in Nebraska by increasing educational requirements on professionalism and standards, as well as some of the day-to-day aspects of a realtor's job. This is not an attempt to keep the-- keep individuals out of a field of practice but simply to ensure the protection of the client. I can tell you from my own personal experience that I sometimes notice mistakes being made by other realtors that could have been easily avoided. Homeownership is an important personal and financial milestone in someone's life, and it is our job as a realtor to do our work properly and act in the best financial interest for our clients. This bill is supported by both the Nebraska Real Estate Commission and the Nebraska Realtors Association. It was also advanced out of committee with 7 yes votes and 1 absent committee member. With that, I ask you for a green vote to advance the bill to Select File. Thank you, Mr. President.

FOLEY: Thank you, Senator Walz. As the Clerk indicated, there are amendments from the Banking, Commerce and Insurance Committee. Senator Williams, as Chair of the committee, you're recognized to open on the committee amendment.

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WILLIAMS: Thank you, Mr. President. AM272 would make two changes in the underlying bill, as stated by Senator Walz. First, the bill as introduced would increase an ex-- an experience requirement for the insurance of a broker's license from two to five years. The committee amendment would eliminate that increase and leave the experience requirement where it is at two years. Second, the committee amendment would correct an erroneous internal reference in the bill. On page 3, line 7, it should say subdivision (3)(b)(ii). Instead, it currently reads subdivision (3)(a)(ii). This bill was heard in the Banking Committee with no opposition testimony; was voted out on a 7-0 vote. I would urge the adoption of AM272 and advancement of LB384 to Select File. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. Debate is now open on LB384 and the pending committee amendment. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. Good morning, Nebraska. I've read through the bill here and tried to get a handle on what it is we're trying to solve, what problem are we trying to alleviate. Maybe some of you don't know but I do sell real estate, as well as Senator Walz does. I don't know that there's a problem. I would have to figure out exactly what it means in some of these descriptions, and maybe Senator Walz would help me with that, if she would.

FOLEY: Senator Walz, would you yield, please?

WALZ: Yes.

ERDMAN: Senator Walz, on-- on line 20 on I think it's the first-- second page under section-- subsection (b) it says: Upon special application and hearing before the commission, provide satisfactory evidence of equivalent or sufficiently relevant experience. What is that?

WALZ: I think that has to do with if somebody's moving from state to state, but I-- I don't know for sure. I'll have to find out, Senator Erdman.

ERDMAN: Because that's pretty vague. I mean who's going to decide whether it's equivalent or sufficient?

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WALZ: I would imagine that the Real Estate Commission would sign-- decide that.

ERDMAN: OK. So the Real Estate Commission or the realtors brought you this bill for their--

WALZ: Yes.

ERDMAN: Yeah, OK. So what-- what are the problems now? Why do we have to have more education and what is the problem we're trying to solve?

WALZ: Well, I think that the main problem is that we have a lot of people who are being educated, who are getting their real estate license in less than two weeks and are just not prepared. They don't know how to write a contract. They come out of class not knowing how to write a contract or listing agreement. There's so many, as you probably know, situations where people aren't giving a seller disclosure to fill out or-- I mean that's, you know, that's a pretty important part of the purchase agreement.

ERDMAN: I agree.

WALZ: There's a lot of misunderstanding about the seller disclosure. Frequent instances, as you realize, about agency disclosure, people not getting their agency forms filled out.

ERDMAN: OK.

WALZ: A lot of problems with--

ERDMAN: All right.

WALZ: OK.

ERDMAN: All right. Thank you. So when I get the monthly report from the Real Estate Commission on who they have fined or put on suspension or whatever, I don't see a lot of these things in there. And it appears to me that this is a solution looking for a problem. This is quite

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extensive education past what they-- they have to get now it. It appears, and I may be wrong, but it appears that this is a way for the real estate people to eliminate some of the competition by getting new licensed people into the real estate business. I took that class. I took several classes, and it took me about 30 days to get a license. I've had not-- I've not had any problem understanding to write a contract or the agency disclosures or any of the lead-based paint, any of that stuff. And so I think we're making it more difficult than it needs to be, and we're going to change the number of hour-- number of years that you can be a broker from two to five? Is that correct?

WALZ: That is the piece that's been amended out. That-- that is not the case.

ERDMAN: OK, the amendment changed that.

WALZ: Yeah.

ERDMAN: All right. But anyway, it looks to me like, unless you can prove to me that there's some dire need for more education and more training, and I would assume that you'd have to show me where people are deficient and not-- and the Real Estate Commission is writing these people up, and that's not been the case. And in the state of Nebraska we have been trying to alleviate some of the requirements to get licenses, and here we are adding more to it. This doesn't make any sense to me. And as a real estate person, I'm-- I'm not in favor of this and-- and I won't be supporting the bill. Thank you.

WALZ: Sure. I just want to talk about what's--

ERDMAN: You can talk on your own time, ma'am.

WALZ: Oh.

ERDMAN: Thank you.

FOLEY: Senator Walz, would you like to be recognized? Senator Walz, you're recognized.

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WALZ: Sorry. Thanks. Yeah, I would like to talk about that. You know there aren't a lot of cases that are-- that show up in the real estate mag or the publication, but I see on a weekly basis problems happening in the real estate profession, like I said, from not getting forms filled out that are very important, to listing agreements that are not properly filled out. I think one of the things that I really appreciate about this bill is the fact that after six months on the job you've probably had the opportunity to write a listing agreement or write a purchase agreement, and this bill requires the at-- the agent to then go and take a test six months after they've been on the job just to make sure that they're understanding how to do that. I-- I don't think that the Nebraska Real Estate Commission, and I certainly don't think that the Nebraska Realtors Association, would bring a bill to make it harder for realtors to get their license if they didn't think that there was a problem. Thank you, Mr. President.

FOLEY: Thank you, Senator Walz. Further discussion, Senator Blood.

BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I stand in support of both the amendment and the bill. And I would also like to give the rest of my time to Senator Walz if she would like to use it, since she was interrupted earlier. Thank you.

FOLEY: Thank you, Senator Blood. Senator Walz, 4:45 if you care to use it.

WALZ: Thank you. Thank you, Senator Blood. Yeah, I just want to go over some of the other instances of problems that we've had in the past. There were frequent instances of newer licensees not having agency disclosures presented and signed. There are instances of newer agents not filling out listing agreements properly. Recently there was an issue with a new agent who did not include a statutorily required fixed date of expiration and terms of compensation. So that means that the seller had no idea what they were going to be paying that realtor for their-- for the work that they were doing. The practice of training and designated broker training, which would include mitigation of risk, there's been at least one instance in Nebraska and many nationwide of e-mail and wire fraud scams where the entire closing, the entire closing amount was sent to the wrong party, usually through an e-mail purported by the-- from a real estate agent, a title company doing the closing, or a finance provider. Once again, this cannot be avoided completely, but I think that if we work with all licensees to train them to work with the

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public and to be aware of how to spot and avoid those scams the better it is for people and their investment. Again, as a realtor, I understand that homeownership is the most important part of a-- of someone's life and the biggest investment. Buyers and sellers should be able to put their trust into a realtor who is educated and who is well informed. This is not only true for the person who's purchasing property, but it's also true for other investors who are involved. Banks, for example, who are loaning money to clients to purchase property should certainly have an interest in this and making sure that their clients' investment is sound. A reliable, educated realtor plays a vital por-- part in assuring that this happens. Thank you, Mr. President.

FOLEY: Thank you, Senator Walz. Further discussion, Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. As I listened to the comments by Senator Walz, and I appreciate where she's coming from, but all the training in the world will not someone who wants to do some-- stop someone from doing something illegal in a wire transfer or other issues that they may deal with. Every one of these real estate people has a broker, and that broker is responsible for the actions of the salesperson, and the broker needs to make sure that those people working in their agency follow the law no matter what it is. Whether it's [INAUDIBLE] disclosure, writing a contract, doesn't make any difference, the buck stops with the broker. And so I'm wondering why we would want to make it more difficult for people to get a license when several years back they changed the test to get a real estate license, and it's more essay and more what is the best choice, rather than multiple guess, true or false. And so consequently, I think those people who pass a real estate exam today are probably more well trained than they were 10-12 years ago, 15 when I took the test. But I know that when I started, my broker was very specific in what I needed to do, and he taught me how to do it correctly because he knew that if I did it incorrectly he was going to be on the line. So, Senator Walz, I think you and I are the only ones involved in the discussion, as I look around the room, and that's just kind of the way it goes, but I haven't changed my opinion on LB384. I think it is unnecessary. I think it is more regulation that we do not need, and government needs to get out of our way and let our [SIC] do our business. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Blood.

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BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I rise again in support of both the amendment and the bill. And I would ask that Senator Walz yield to some questions.

FOLEY: Senator Walz, will you yield, please?

WALZ: Yes.

BLOOD: Good morning, Senator Walz. How are you today?

WALZ: Good.

BLOOD: Can you tell me, please, what role-- and I have several questions so we got to be quick.

WALZ: Oh.

BLOOD: What role does the Nebraska Real Estate Commission play in the state of Nebraska? What is their-- their mission? What do they do?

BLOOD: They oversee and make sure that everybody is licensed and that they are-- if there are any complaints, they are kind of judging what happens to that person.

BLOOD: And do they make sure that-- that standards are met?

WALZ: Yes.

BLOOD: And did they come in, in opposition or as proponents?

WALZ: They came in as proponents.

BLOOD: So the state agency that oversees all the realtors in the state of Nebraska was a proponent of your bill.

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WALZ: They brought me the bill.

BLOOD: OK. A form-- another senator that just stood on the mike, I can't remember his name, said that you were making it more difficult for people to get licenses. What would be your response to that?

WALZ: I don't think it's difficult to get your license right now. You can get a license in less than two weeks. I think that it's important that people going into this profession have as much education as possible. The thing about the education part of this is that you're also going to be learning a lot more about professionalism and ethics and writing the contract. A lot of the stuff that we learn in real estate classes prior to getting our license has nothing to do-- well, it has something to do, but a lot of those things have nothing to do with, you know, the day-to-day activities of a realtor. And this new education provides more.

BLOOD: I have another quick question, because we're running out of time. So the things I'm concerned about as I'm hearing opposition on the floor, how much opposition did you have in this hearing?

WALZ: I had no opposition in-- in this hearing. In fact, the Platte Institute came in neutral on this bill. So no app-- no opposition.

BLOOD: So realtors from across the state of Nebraska were not lined up in opposition.

WALZ: No.

BLOOD: People weren't--

WALZ: I think realtors across Nebraska, for the most part, agree that this is a profession, and that people-- the people that you're serving, you need to make sure that you're serving them as well as you can and as educated as you can with the most knowledge.

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BLOOD: And if I hear you correctly, you're trying to create another layer of protection. Is that correct?

WALZ: Yes.

BLOOD: Can you be really specific? What layer of protection are you trying to do with this bill in a very small sentence?

WALZ: I think the most important thing that we're doing is making sure that when people are coming out of those classes, they are understanding everything that they need to know about writing a purchase agreement, and then follow up six months later, after they-- they've had the opportunity to write purchase agreements and listing agreements, just to make sure that they're doing it correctly and that they're comfortable with it.

BLOOD: That was not a short sentence, but thank you.

WALZ: Sorry.

BLOOD: So would you say that the-- the bottom line of this bill is consumer protection?

WALZ: Yes, I would say it's definitely consumer protection. We see that every day.

BLOOD: And who could be against consumer protection?

WALZ: Excuse me?

BLOOD: Who could possibly be against consumer protection? Who wouldn't want consumers protected? What is one of the biggest investments people make in their lives?

WALZ: Their homes.

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BLOOD: Their homes: bigger than a car, not so much college nowadays, but bigger than their home-- I mean nothing bigger than their home usually. Right?

WALZ: Right.

BLOOD: So it's the responsible thing to do to protect that consumer.

WALZ: Yeah, I don't-- yeah. Absolutely.

BLOOD: All right.

WALZ: I-- I, myself, would want to be as well educated as I can. I want to provide the best service that I possibly could to the clients that I serve.

BLOOD: Ultimately, to protect the consumer.

WALZ: Yes.

BLOOD: Thank you, Senator Walz.

WALZ: Yes.

BLOOD: Thank you, Mr. President.

FOLEY: Thank you, Senators Blood and Walz. Senator Erdman, you're recognized, your third opportunity.

ERDMAN: Thank you, Lieutenant Governor. I listened to the conversation between Senator Blood and Senator Walz, and I understand the significance of protecting consumers. But I took the real estate classes and I passed the test, and that was just the beginning. Where I really learned how to do contracts and I really learned how to represent people and do the right thing was in the practical sense of practicing selling real estate. So I don't think more hours of training

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is going to give you any of that experience. The experience comes once you get on the job and your broker outlines what it is he wants you to do or she wants you to do, and you follow that. And so the consumer protection comes from the broker, and the broker looks after the real estate people that are selling for that broker-- brokerage, and they make sure it's done right because they are responsible. So who protects the consumer? It's the broker. It's his license. It's his business that's on the line. So he makes that decision or she does every time they have a real estate transaction. So putting in more regulations, making it more difficult doesn't protect anybody in the fact that they have-- still haven't learned how to sell real estate by on-the-job training. So much we can put all these regulations in place and we can make the changes and make it more difficult. The bottom line is it eliminates some people from getting into selling real estate, which therefore allows those people who are grandfathered in, and I'm one of those, from the competition and new people coming into selling real estate. So just face it, straight up, this is to keep the competition down so the people who sell real estate now will have less. I don't know that this is going to help protect anybody from anything. It's going to make the people who teach real estate classes more money and it's also going to allow less competition. So I haven't changed my opinion. I'm still opposed to AM272 and LB384. And I'm going to vote red. Thank you.

FOLEY: Thank you, Senator Erdman. Is there any further discussion on LB384 and the pending committee amendment? I do not see any. Senator Williams, you're recognized to close on the committee amendment.

WILLIAMS: Thank you, Mr. President. Again, I would remind everyone that the amendment, AM272, leaves the experience requirement for the issuance of a broker's license the same as it is today. So that stays at two years. The underlying bill does slightly increase the education requirements to obtain a sales license and also to maintain that long term. The Banking Committee listened intently to Greg Lemon from the Nebraska Real Estate Commission and the information that was provided at the hearing by Senator Walz. Recognizing, as Senator Walz has stated, that a home purchase is oftentimes the largest single investment a person will make, the idea with the Banking Committee and the Real Estate Commission is to certainly protect the consumers in these cases. Most times the most knowledgeable person is the real estate broker or agent. Oftentimes the person selling real estate, the person buying real estate have little, if any, experience. Therefore, we are in a situation where we expect the licensed salesperson and the

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broker to have the proper level of knowledge and engagement to protect that person. With that in mind, I would encourage your red-- excuse me, your green vote on AM272 and the advancement of LB384 to Select File. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. The question before the body is the adoption of AM272, Banking Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 31 ayes, 1 nay on adoption of committee amendments.

FOLEY: The committee amendment is adopted. Further discussion on the bill? Senator Kolterman.

KOLTERMAN: Thank you very much, Mr. President. I rise in support of LB384 as amended. I had a real estate license for many years, and-- and I questioned the need to add six hours of additional education to the licensing requirement in the committee hearing. And the more I listened to the testimony and the more I understand how the real estate industry is changing, I became very aware of the fact that perhaps another six hours of continuing education really wouldn't hurt anybody that's getting it up-front. So I rise in support. I would hope that we could advance this bill. And I understand the rationale behind it, having listened to the long and good debate. Thank you very much.

FOLEY: Thank you, Senator Kolterman. Is there any further discussion on the bill? I see none. Senator Walz, you're recognized to close on the advance of the bill. She waives closing. The question before the body is the advance of LB384 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 33 ayes, 1 nay on the advancement of LB384.

FOLEY: LB384 advances. Items for the record, Mr. Clerk?

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CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB11, LB32, LB42, LB56, LB57, LB61, LB63, LB65, LB70, LB75, LB78, LB102, LB115, LB121, LB193, LB194, LB196, LB221, LB258, LB259, and LB355, all reported correctly engrossed. In addition, Enrollment and Review reports LB223, LB442, LB536, LB622, LB4, LB185, LB372, LB103, LB450, and LB450A to Select File, some of those having Enrollment and Review amendments. Your Committee on Education reports LB575 to General File with committee amendments attached. And a series of hearing notices from the Government, Military and Veterans Affairs Committee. That's all that I had, Mr. President. Thank you.

FOLEY: Thank you, Mr. Clerk. We'll now proceed to the next bill, LB399. Mr. Clerk.

CLERK: LB399 was a bill introduced by Senator Slama and others. (Read title.) Introduced on January 17, referred to the Education Committee, advanced to General File. There are committee amendments, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Slama, you're recognized to open on LB399.

SLAMA: Thank you, Mr. President. And good morning, colleagues. I rise today to introduce LB399, which would serve as the first major revision to Nebraska's civic education standard since 1949. Our students face an almost-- almost constant standardized testing in English, reading, math, and science. Thanks to the competitive nature of these tests, these subjects can take the limelight from other areas of instruction, such as civics. When a student walks across stage at their high school graduation, we can rest assured that their skills in other core subjects have been sufficiently tested and analyzed. Once the pomp and circumstance fades, however, these newly minted adults will hopefully find themselves in a voting booth. I can attest, as the only member of the body to have graduated from high school in the last five years, that there's many things that I simply don't remember from high school. I can no longer recite how to diagram a sentence, explain the Pythagorean theorem, or show that I've memorized the periodic table. However, I've used by civics education in every day of my life after high school, from reading the newspaper to voting. LB399 lays the groundwork to ensure that students have at least been given a basic introduction to our government. Our nation's history and government structure are simply too important to take a backseat to other core subjects. LB399 does not serve as a

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critique of all schools. Indeed, we heard from numerous school districts during this bill's committee hearing that are doing it right. Audrey Worthing, a high school senior, testified like a seasoned veteran and expertly illustrated how Elk [SIC] Creek got their kids excited about government and administers the same immigration and naturalization test listed as an option in this bill. I spoke to seniors from Syracuse High School just last week on their annual field trip to the Capitol. And, yes, as a 2014 graduate of Auburn Public Schools, I know that I would not be here today without the outstanding civics instruction provided by Mr. Schnitzer, Mr. Roth, or Coach Oliver during my time there. Many school districts are going above and beyond set-- the bar set by LB399, and that's fantastic. However, in my experiences working with young people from across the state, I know that level of instruction is not matched everywhere. Maybe it's because of the bombardment of other standardized tests. Maybe it's because of the lack of civics education requirements, both on a state and natch-- national level. In any case, a critically important part of our students' educations is not being emphasized enough in some of our school districts. LB399 sets a very achievable bar for school districts which can select between one of three options provided for students to complete by the end of 12th grade. The first option is to have their kids take the 100-question naturalization test, administered to incoming immigrants, twice: once by the end of 8th grade and again by the end of 12th grade. Another option is to attend a government meeting and write a paper or complete a project about the experience. A third option is for students to complete a paper or project in a class presentation about a figure in U.S. history or one of the holidays outlined in the statute. I'm confident that the overwhelming majority of Nebraska school districts are already going far beyond these options, but we have to make sure that all of our students are exposed to the basics of government. LB399 also revises some outdated wording. The Americanism Committee, tasked with reviewing each school district's social studies curriculum, will be renamed Committee on American Civics. The Committee on American Civics will also host two public meetings per year with at least one of those meetings open to public comment. This will ensure transparency and accountability in each school district's curriculum choices. According to current statute, teachers who fail to teach civics within the letter of the law can be jailed for a Class III misdemeanor. Let me repeat that. An educator who fails to teach, say, Flag Day can face up to three months in jail, a \$500 fine, or both. We finally change that in LB399. In past years, the naturalization test requirement has proven to be the civics education revision's downfall. Instead of just trying to hammer it through committee on a 4-4 or a 5-3 vote, I listened to concerns that had been raised the past. I worked

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with opposition testifiers to address their most pressing concerns. This bill, which had died in past split-committee votes, made it through on an 8-0 vote. This session we are tasked with solving Nebraska's most pressing threats to our future, from providing property tax relief to further incentivizing our young people to raise their families in this great state. Those efforts will need bipartisan support. Today we're not taking votes on those issues. That will come later this spring. But this represents a promising first step that regardless of political ideology or urban/rural background that we can find common ground on issues that had in the past encountered insurmountable division. Thank you, both to those of you who have supported this bill from the start and opponents who have worked with me to find a compromise in the committee amendment which maintained the spirit of the bill. I encourage a green vote both on the committee amendment and LB399. Thank you.

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

GROENE: Thank you, Mr. President. We appreciate the hard work by Senator Slama. And to remind everybody, the body of the greater body of LB399 was well received and accepted by all on the requirements of the civics that we need our schools to teach. There was a dispute on the requirement to take the naturalization test. Senator Slama worked with those senators on the committee and others who had a concern that they wanted more choices of assessment by the local school district, not by the Department of Ed, to achieve that we all got along and got it out of committee. So amendment AM286 does three things. The committee amendment replaces the bill but only makes one substantive change. It takes out the requirement that schools must give the civics portion of the naturalization exam and, instead, gives them a choice. Under the committee amendment, schools must incorporate at least one of the following in their curriculum: Between 8th grade and 12th grade, students must attend or participate in a meeting of a public body and then complete a project or paper that discusses their personal learning experience; or two, between 8th grade and 12th grade, students must complete a project or paper and a class presentation on a person or persons or an event commemorated by a holiday listed in this bill or an event related to such person or persons or event. There are a number of holidays listed, including Constitution Day, Native American Heritage Day, and Dr.

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Martin Luther King Jr. Day, Presidents' Day, and others. If schools choose this option, students could do a paper and present on Dr. Martin Luther King Jr., they could do it on Rosa Parks, they could do it on Chief Sitting Bull, or it could be on-- on the civics right movement or it could be on a Native American Tribe or it could be on George Washington or Abraham Lincoln. There's a lot of flexibility. Or, finally, schools can choose to administer the civics portion of the naturalization examination once before the completion of 8th grade and again before the completion of the 12th grade. The scores of each test are made available to the students' parents or guardian. We heard in committee that school districts don't want to be required to take the test. This amendment doesn't make them. Now they have a choice. This is just a minimum. At a minimum, schools should be doing at least one of these three things. You would hope they were doing that already. This committee amendment was voted out of the committee unanimously 8-0. Please vote green on AM286 to LB399. Thank you.

FOLEY: Thank you, Senator Groene. (Visitors introduced.) Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to amend the committee amendments with FA9.

FOLEY: Senator Chambers, you're recognized to open on FA9.

CHAMBERS: Thank you, Mr. President, members of the Legislature. And, Mr. Clerk, I'm working from several, several amendments. Could you read the language of that one, because I didn't number these?

CLERK: Mr. President, Senator, this is Floor Amendment 9. It amends the committee amendment, AM286, by, on page 1, lines 9 and 10, strike "fully literate about" and insert "knowledgeable of."

CHAMBERS: Thank you. Mr. President, I don't like this bill. I don't like the original law. And I apparently I'm going to be the only one to fight it, but I'm going to. This stuff of Americanism, our way of life, our values, I don't know, first of all, who is embraced by that word "our." It

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certainly doesn't embrace black people. I would like to ask Senator Slama a question before I proceed.

FOLEY: Senator Slama, would you yield, please?

SLAMA: Yes.

CHAMBERS: Senator Slama, among other things, these students are to be taught about the economic system. What does that refer to?

SLAMA: Our capitalist system.

CHAMBERS: So why don't you say capitalism?

SLAMA: You could say any option in terms of it's just how we worded the bill.

CHAMBERS: I'm not being argumentative.

SLAMA: No, you're fine.

CHAMBERS: I'm asking, is there a reason for not saying "capitalism" if that's what is meant?

SLAMA: No. There's no real reason.

CHAMBERS: Thank you. Members of the Legislature, if you mean what you're saying, put it in the law. Now some people do not think-- that's all I'll ask you, Senator Slama. Thank you. Some people do not think capitalism is the best system, and some people don't think that the system in America right now is capitalism. But since you're talking about aspirational notions, and if you think capitalism is what ought to be taught, then put "capitalism" in the bill. But that's not my amendment. I'm look at this point. I'm going to take it line by line, word by word, and you all can grind me into the dust on this, but I have the rest of the session. I'm looking at the phraseology here and I'm going to take my time. On page 1, lines 9 and 10, you will see the

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words "such a citizenry necessitates that every member thereof be fully literate about our." Now I'd like to ask Senator Slama another question, since she's standing. And this will be on my amendment.

FOLEY: Senator Slama, would you yield, please?

SLAMA: Yes.

CHAMBERS: The word "literate" is underlined, so that means it's new language.

SLAMA: Yes.

CHAMBERS: What does the word "literate" means in connection with this bill?

SLAMA: In connection with this bill it would mean knowledgeable of. Therefore, I think what you presented is a good amendment, I'd-- and I'd support it.

CHAMBERS: Thank you, Senator Slama.

SLAMA: Thank you.

CHAMBERS: Members of the Legislature, Senator Slama pointed out that she is the only one who graduated from high school within a certain number of years, and maybe her mind is less rigid than the minds I've dealt with on this particular law. I think there are ways, if you're going to say some of these things, to say them in a way that is not freighted with propaganda words. This really is a propaganda piece. And I'm going to be frank. I am very disappointed that the Education Committee unanimously voted this thing to the floor. When you talk about compromising, that word means "give a little, take a little, and let your poor heart break a little," but it doesn't mean, based on the way I look at the term, giving up principles to get along with somebody and go along. Much of that will happen in a legislative session. Much of it will happen on the floor of the Legislature when specific items are being discussed. Since Senator Slama agrees with this particular amendment, I'm not going to have to lambaste and linger on the

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use of the term "literate," but I'm going to bring amendments that may offer clarification. So if you insist on doing this, there will not be the dichotomy that you find when people talk about a matter related to education and the very document they use to express those ideas do not-- does not itself manifest what education should be about. There should be a clarity. There should be a precision. And if you are afraid to use a specific word because you think people might object to it, put the word there and let it be argued out instead of taking chameleon words that could mean any number of things. And each person could say, who supported this, well, I meant such and such, that's what Mr. A says; Miss B says, well, I meant this and that. Then Chairman C tries to bring people together because of the compromise and will say, we have a perfect solution here because for people who mean what Mr. B says will find that in this word. Those who agree with what Senator B said will find what they want in this particular word. So it's a word that says everything to everybody. But then an objective listener would say, you have tried to smooth the situation, pour oil on troubled waters, but you fail to see what the real problem is. What Mr. B wants and what Miss-- Mr. A and Miss B want still differ. You still have a conflict. You have tried to make it say everything to everybody, and that's how the problem arises. So I'm going to deal with the language that I see in this amendment. It got out here pretty quickly, the bill did. I had thought that there would be more discussion in the committee, and some of the things would be left out. I find it abhorrent to teach kids patriotism. What does patriotism mean? What is it pledging your allegiance to, promising to give loyalty to? To the government? You don't have to be patriotic to the government. To the President? You don't have to be patriotic to the President. To the country? That's what people will say. It generally means that you support the country and its continued existence, and you will fight against or resist those things that would undermine the country. But if you apply it to the government, you have to then define what government means. Does it mean the administration, who happens to be in office at the time, and the policies of that administration? What is the definition of treason? You give aid and support to the enemies and levy war against whatever it is, the country or the state. It doesn't say anything about a political party.

FOLEY: One minute.

CHAMBERS: It doesn't say anything about a particular administration. But because of the fuzziness of thought on this floor, this will be what occurs in the classroom: A student in Florida

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in the 6th grade was arrested for refusing to stand for the Pledge of Allegiance. That's America. That's what happens. That's how you brainwash. That's how you propagandize. That's how you intimidate and try to compel people to say something and act like they acknowledge something which, in fact, they don't. I was told that's authoritarianism. I was told that's totalitarianism. We have words in here that talk about a democracy, but the conduct does not comport with what I consider democracy to be. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Members, you've heard the openings on LB399, the committee amendment, and the floor amendment. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in support of LB399, as amended by AM286. I'll be honest with you. For the last few years I've opposed legislation like this, but only because it required, it made mandatory, the citizenship test. I want to thank Senator Slama for working with me for the last three weeks on what can truly be characterized as a compromise amendment. It's a compromise amendment in a few difference-- in a few different ways. First, would I like all the Americanism wording and language out of the statute? Absolutely. That being said, I think that this amendment makes it so that, number one, it's more appropriate for the times; number two, I think that it also makes clear that there are options. There are options other than the citizenship test. Now, personally, I don't think the citizenship test is a great tool for measuring civic engagement, civic leadership in any way. That being said, there's two other options, as Senator Slama stated, and these are options that she agreed to put into the amendment and into the bill to make it so that there was more flexibility and more emphasis on a variety of learning abilities and learning strategies, rather than just taking what's, in my opinion, a rote memorization citizenship test. So to that end, subsection (ii) and then (iii) if you look at page 3 of the committee amendment, AM286, allows for one, other than the-- the citizenship test, allows for participation or attendance in a political subdivision in the state of Nebraska. So that could be anything from a natural resource district, it could be a city council meeting, it could be a legislative hearing. And I think that what this does is it emphasizes the importance that there be some kind of participation. I'm going to ask Senator Slama to yield to a few questions that we've discussed off the mike to make clear to teachers and other folks, but I think students should have to get involved with a political subdivision on an issue that they choose that's important to them. I think that that's the key. I've dedicated the last ten years of my life and started my nonprofit that

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got me involved in the Legislature, and one of the reasons why I ran for this body, because I felt as though we needed to have more emphasis and civic engagement, civic education, and that it not be adult-driven but rather youth-driven. If you go to a five- or six-year-old in your community and you ask them, what are the things that you love about your neighborhood or your community, however you define it, they can list off many different things. We don't give our youth enough credit. And that's why I wanted more flexibility in this legislation, and that's why I want to thank Senator Slama for providing more flexibility while still ensuring that there is substantive civic engagement, civic leadership in high school. So this bill doesn't do everything that I would like, but it does take out the penalty, the Americanism penalty for teachers, which is arguably, very arguably unconstitutional, very likely. Second, it also changes "Americanism" to "civic education," which I think is more appropriate. And it provides more options, as I discussed below. So before I run out of time, would Senator Slama yield to a question, please?

FOLEY: Senator Slama, would you yield, please?

SLAMA: Yes.

MORFELD: So for purposes of the legislative record, Senator Slama, and I know that school districts and others folks will look at this in the future in terms of what the intent was, if you turn to page-- I believe it's page 3, line 10, and go to (ii), just to be clear, if, say, a bunch of students or a county organized a county government day and the students went down to that county government day and interacted with county officials, potentially elected officials, would that satisfy the requirements of attendance or participation under (ii)?

SLAMA: I believe it would, yes.

MORFELD: If, for instance, a student in Scottsbluff wanted to get involved in the Legislature on an issue that they identified but they couldn't drive to the Legislature to attend the committee hearing, for purposes of that, would them watching a committee hearing of the Legislature satisfy the requirements of (ii)?

SLAMA: Under attendance or participation, yes, it could be interpreted as that, yes.

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MORFELD: OK. Well, this is your bill so it's your intent, so you decide. But-- but, OK, say that a student cared about people having access to food, and they sent a letter to their Legislature or city counselor expressing that concern and asking them to do something about it, and then they went and volunteered at the Food Bank to fully understand that issue more. Would that satisfy--

FOLEY: That's-- that's time, Senators.

MORFELD: Thank you.

FOLEY: Thank you, Senator Morfeld, Senator Slama. Senator Pansing Brooks. We will come back to Senator Pansing Brooks. Moving on to Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Morfeld a question or two if he would yield.

FOLEY: Senator Morfeld, would you yield, please?

MORFELD: Yes.

CHAMBERS: Senator Morfeld, do you hold a teaching position somewhere?

MORFELD: I do.

CHAMBERS: What do you teach?

MORFELD: I teach American government.

CHAMBERS: So then you're familiar with the contents and the notions contained in this committee amendment, correct?

MORFELD: I worked with Senator Slama to craft the committee amendment, parts of it, not all.

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CHAMBERS: And, as you said, for the record, I don't want somebody who was listening to your and my exchange to think that I deliberately picked somebody that I thought would not understand what's being discussed. That's why I wanted to make it clear in the record. Do you have a copy of the committee amendment before you?

MORFELD: It's right in front of me on my computer.

CHAMBERS: Senator Morfeld, look on page 1, line 12. Do you see the three words "ideals and values"?

MORFELD: I do.

CHAMBERS: What is embraced in the-- the word "ideals" just as you see it? I'm not going to argue.

MORFELD: Well, ideals are what we look up to in terms of what we want our country and our democracy to be.

CHAMBERS: Who articulates those ideals when there comes a point at which we don't just use the word but you have to flesh it out by explaining and describing and naming some of these ideals?

MORFELD: Well, those ideals can be fleshed out in many different ways. It can be in some of our founding documents, and obviously it is also a little bit subjective. So it-- the teacher or instructor will also have an idea of what those ideals are, but so will students.

CHAMBERS: And then the word "values." What would be the difference, as you see it, between ideals and values--

MORFELD: Well, I--

CHAMBERS: -- if you see any difference?

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MORFELD: So the difference that I see for ideals is that's what we look to, that's what we want to be, that's what we want to accomplish and achieve, whereas values are--

CHAMBERS: Could they be like--

MORFELD: -- what's--

CHAMBERS: -- standards?

MORFELD: They could be.

CHAMBERS: Just-- just so we can continue the discussion.

MORFELD: OK.

CHAMBERS: You are aware that some people believe that what the President of the country says embodies what the country stands for. I said some people. Do you--

MORFELD: That's-- some people do believe that.

CHAMBERS: Well, this President has said that transgender people should not serve in the military because that would keep America from being great. Do you share that idea?

MORFELD: I do not share that idea. I-- I'm--

CHAMBERS: Suppose--

MORFELD: -- vehemently opposed to that idea.

CHAMBERS: Suppose there's a teacher who does believe that and teaches it to the students.

MORFELD: The teacher?

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CHAMBERS: What then?

MORFELD: Well, I-- I would not agree with that, and they can do that with or without this legislation.

CHAMBERS: But when you put these kind of words into a law, there should be a way to make clear what those words mean. If that word "ideals" embraces homophobia as well as considering everybody our brother and sister, both positions are right. Both have equal currency. Values, I don't even know what that means. I just-- that's all I will ask you. I wanted to touch on some things and since I intend to take a lot of time, and your time, I'm going to proceed deliberately. Now I have-- oh, Senator Morfeld, may I ask you a question or two, because I looked farther along that line?

MORFELD: [MICROPHONE MALFUNCTION] Yes.

FOLEY: Senator Morfeld, would you yield?

CHAMBERS: Do you see the word "democracy"?

MORFELD: I just put it way, but I'll--

CHAMBERS: Oh, it would be--

MORFELD: -- pull it back out. Which-- where is it?

CHAMBERS: Page 1, line 12.

MORFELD: OK, page 1. Yes.

CHAMBERS: Is America a democracy?

MORFELD: Yes. It's a lot of things, but it's a democracy. It's a republic.

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CHAMBERS: Are a democra--

MORFELD: It's many different things.

CHAMBERS: Are a democracy and a republic the same thing?

MORFELD: They're not the same thing, but the ideas behind them are intertwined.

CHAMBERS: Have you heard--

MORFELD: A republic can be a democracy, and a democracy can be a republic.

FOLEY: One minute.

CHAMBERS: Can-- can a country be both a democracy and a republic?

MORFELD: Yes, and the United States is.

CHAMBERS: Well, that's what's said. Thank you. That-- there-- there is illogic here. The was philosopher, there have been states persons who said that democracy is the worst possible form of government, then went on to show the chaos and the other things that which make that point. To call this a constitutional republic may come closer to the truth, because I don't see where the gover-- where the constitution talks about guaranteeing the public a democratic form of government, but it does say, with a small "r," a republican form of government. That's what is in the constitution, not democratic democracy.

FOLEY: That's time, Senator. Thank you, Senator Chambers. Senator Bolz.

BOLZ: Thank you, Mr. President. Would Senator Slama yield to a question?

FOLEY: Senator Slama, would you yield, please?

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SLAMA: Yes.

BOLZ: Thank you, Senator. I-- I appreciate and understand that part of the intent of this bill is to clean up some old language, and I think that's-- that's good and smart. I wanted to ask you about what appears to me to be some outdated language. I'm looking at LB399, page 4, lines 3 through 5, and essentially as I read it this-- this committee, which is a subcommittee of the school board, is to, "Assure themselves as to the character of all teachers employed and their knowledge and acceptance of the American form of government." So this-- this raises a flag for me, because I, as I'm reading it and understanding it, this is a higher bar than what is otherwise set in the contract for all teachers. It's a-- it's a bar that applies only to folks involved in civics education, not necessarily questioning the character of someone involved in math or science education, which there are character issues in-- in those fields as well. I also wonder how a school board is going to determine whether or not someone has good character and what the standard for that is. The last thing I want is a-- an instructor who's modeling engagement in democracy by participating in a-- in a march or an initiative having his or her character questioned. So the question for you, Senator Slama, is can you help me understand why this language should stay? Or if it shouldn't stay, would you be open to striking this language so that we don't have this gray area within the law?

SLAMA: Yeah. Thank you, Senator Bolz. And I think you raise a good point. I'm not emotionally attached to page 4, lines 3 through 5, and I think you did raise some good concerns about the wording there and I would be open to an amendment,--

BOLZ: OK.

SLAMA: -- depending on the amendment.

BOLZ: Well, I appreciate that. I will work on a floor amendment to simply strike this language, because I think it is otherwise managed through the teacher contract. I think the knowledge base of instructors and the acceptance of what we expect from our teachers should be handled elsewhere. Thank you, Senator Slama.

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SLAMA: Thank you.

FOLEY: Thank you, Senators Bolz and Slama. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I just want to continue the conversation I was having with Senator Slama to make sure that the record is clear on the intent, particularly on page 3 of the amendment, line 10, (ii), dealing with attendance and participation in a public body in Nebraska. So if Senator Slama would yield to a question.

FOLEY: Senator Slama, would you yield, please?

SLAMA: Yes.

MORFELD: Thank you, Mr. President. Thank you, Senator Slama. So I just kind of, since we didn't get to an actual answer of my last question, I'm going to reiterate it. Then we'll go from there. So if a-- if a student identified hunger as being an issue in their community, contacted their city counselor or their state representative, asked them to do something via e-mail, Instagram, you know, letter, carrier pigeon, whatever the case may be, and then actually went and volunteered at a Food Bank to understand that issue more, would that satisfy the requirements of (ii) on page 3?

SLAMA: Yes.

MORFELD: Thank you. And then another-- another scenario. I know that, you know, particularly in counties that are more rural but even in urban counties with not necessarily enough resources to, you know, pay \$500 for a bus to bring down kids to city hall or the county government or whatever the case may be, again, if they identify an issue and then watch a public hearing or-- or somehow view that, that public body remotely and then also send a letter and maybe do a service project, would that satisfy that page 3, (ii)?

SLAMA: Yes.

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MORFELD: OK. Thank you, Senator Slama. Colleagues, I just wanted to get a little bit of that on the record, because I did have some schools and some teachers call and say, well, this seems pretty broad but is it narrow? I think it's pretty clear, between my conversations with Senator Slama on the floor for the record, that this is, in fact, fairly broad but still targeted enough to make sure that there is some kind of actual participation with a public body. And I'll tell you that in my experience in running youth civic leadership and community engagement programs that the number one barrier to young people getting involved is getting them involved at an early age so that you normalize that process of identifying an issue that is important to them, researching it, having civil discourse with their-- with their classmates on the solutions, and then going out and actually doing something about it. If we can get young people to do that at an early age, they're going to be more likely, statistically, to do those things in the future, to be comfortable with doing those things in the future, because you're breaking down those mental barriers to identifying issues, taking action, and feeling comfortable with that. And, for me, I could care less what their position is on an issue. I may agree or disagree with it, but that's irrelevant. What is relevant is that young people are getting engaged in their community and their democracy at an early age, because they're more likely to do it in the future then. I don't think that we-- if I had it my way, this would actually be a lot earlier. I'd say that we'd start in kindergarten, because I think the number one issue that we have in our country today in terms of civic education is we're not getting young people engaged in their community and their democracy at an early-enough age. It shouldn't start at 8th grade. It should start in 1st grade. It should start in kindergarten. You'd be shocked how much a kindergartner or a 1st grader knows about their community and the issues involved in their community, but we're not giving them the agency and the ability to have a voice, and I think that that should be our job. I think that that should be a prerogative of our state and the Legislature.

FOLEY: One minute.

MORFELD: Now, in an ideal world, I suppose we wouldn't have this legislation and it would be done anyway. And in an ideal world, not even an ideal world, in the past I've voted against this legislation because it only required a citizenship test, which in my personal opinion is not substantive enough and does not measure civic leadership and education in a substantive way. But since Senator Slama added these two additional paragraphs making it so that a person can

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participate or have attendance or write a pro-- do a project or a paper on one of the listed national holidays or public figures, I'm comfortable with AM286 and I urge you to adopt it. And if that's adopted, I will support LB399. Thank you, Mr. President.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to go to where Senator Morfeld went. See, he let himself get snookered. He wants to be a friend. He wants to be a part of the gang. But Senator Morfeld is aware of some of the realities. This language that he read is on page 3, starting in line 10, attendance or participation between the commencement of 8th grade and completion of 12th grade, four years during which to do this, in a meeting of a public body as defined by Sections 84-1409, followed by the completion of a report-- of a project or paper in which each student demonstrates or discusses the personal learning experience of such student related to such attendance or participation. Suppose the student goes to a meeting of the city council where they're discussing an ordinance to prohibit discrimination against people based on sexual orientation, and the student is very impressed by what he or she hears and believes that there should be no such discrimination and is going to demonstrate what he or she learned. And that can be done in various ways. Now suppose the project of the student is to carry a picket sign at a demonstration that says this very thing, that there should be no discrimination against people based on sexual orientation, and the teacher is outraged because the teacher is homophobic, and the student is insistent that this is the position and this is what the student is going to talk about, and then runs afoul of the administration in the school. Now, Senator Morfeld is naive. He doesn't think these things happen in public schools. I'm not going to go through what happened to me as a young black student in a practically all-white school with a white teacher, but degrading things that degraded black people, portrayed us in a very derogatory manner. The songs we had to sing were a part of the school system. That is Americanism to me. You shouldn't have to teach in the schools Americanism. Americanism includes the Ku Klux Klan, the Ku Klux Klan that burned human beings alive, that raped black women and black girls, that sold the so-called slave master's own children that he begot on the body of a black woman, sold that child like a cow, pig, or chicken. Now some of these people who are going to be-- I'm going to turn the page now of the committee amendment-- on page 4,

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lines 5 and 6, the discussion of stories having to do with American history or the deeds and exploits of American heroes. Is George Washington an American hero? He was a slaveholder! Is Thomas Jefferson an American hero, a slaveholder? He's a hero to you all who are white.

FOLEY: One minute.

CHAMBERS: Patrick Henry, "give me liberty or give me death." Is he a hero? To you all! He was a slaveholder. And he talked about all kind of terrible things that the British were doing and should be-- should freedom be bought with the price of chains and slavery. I know not what course others may take, but as for me, give me liberty or give me death, and there was a black man in Virginia listening to what he said and he practiced what Patrick Henry said, and he wound up being horribly executed for it. He had what would be called a rebellion. His name was Nat Turner, and he very well could have heard all of those inspiring words that Patrick Henry uttered--

FOLEY: It's time, Senator.

CHAMBERS: -- about liberty or death.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. President. I rise among some of the snookered. I-- I'm grateful because this is way, way better than this was in previous years. I do believe that Senator Slama worked hard on this, and I think she read through our multiple objections, certainly mine, my objections on having it just be about the naturalization test when that naturalization test mentioned Native Americans once and among the right answers did not include the four tribes of Nebraska. They mentioned women in history once. They mention the question on African-Americans. The right answer is Martin Luther King. That's it on all of those things. So what

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Senator Slama has done, and part of what Senator Chambers is-- is bringing up is that she has-- she's made this archaic law better. Senator Chambers quoted the-- the discussion of stories having to do with American history, or the deeds and exploits of American heroes. She changed the language from "recital of stories" on American heroes to "discussion of stories." She changed things like where it said "the insistence" that every pupil memorize "The Star-Spangled Banner" and "America the Beautiful" to the historical background, memorization, and singing of patriotic songs. I think those changes are better. She has taken Americanism out. Americanism is no longer in this language. This has been part of our statute for I don't know how long, and it's talked about American civics. It's very important that we do-- and, you know, the testimony that we had, of course, is the schools, who are aggravated to be told to do anything, of course, especially by many noneducators, and the fact that, you know, at least in LPS, the school district with which I'm most familiar, they're teaching way more than this. This is-- this is like a little tiny piece of-- of lint on the incredible mountain of information-- I'm sorry, it isn't really a piece of lint, Senator Slama-- but on the incredible amount of information that LPS does teach to the kids for four years, from geography to civics to American history to world history to American government and politics. I know what's being taught, because I watched my kids being taught all of this information, and I'm thrilled they have been taught that. But meanwhile, we're hearing that across the state in some areas this information is not being taught. And some people really want that naturalization test. I hope that when people look at this and go forward, they're going to see that attendance at a public meeting and doing a project or paper between 8th and 12th grades is far better than that naturalization test, or completing a project or class presentation on the people listed in section (6), which include George Washington, Abraham Lincoln, Dr. Martin Luther King Jr., Native Americans, consti-- the constitution, Memorial Day, Veterans Day, and Thanksgiving, which has taken out some of the other-- some of the other language on-- on what could be celebrated. So, again, I-- I feel that--

FOLEY: One minute.

PANSING BROOKS: Thank you. I feel that this bill touches on the needs to move forward and at least understand our history and our civics. I have had instances where I believe that there are members who do not always understand the difference between a municipal ordinance and the constitution. I think we all need this information and knowledge and learning. The pieces that I

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specifically complained about, Americanism, solely basing this on the-- on the naturalization test, have been taken out or modified substantially. And it is not as war-centric, the naturalization test has been-- is completely war-centric, and I think that Senator Slama has attempted to really work to find something that is-- is way less objectionable, certainly improve the statute as listed right now in the--

FOLEY: Time, Senator.

PANSING BROOKS: -- in-- in our statutes. Thank you.

FOLEY: Thank you, Senator Pansing Brooks. Senator Wayne.

WAYNE: Yeah, I always shock. This is what happens. Thank you, Mr. President. I read through the amendment. I just got a copy of it and I have some concerns about some of the language. Page 4 on the amendment, where we start talking about the flag, and it says to be competent, lines-- we'll just start from lines 13 through 20-- 25. Now, while I said the pledge every day, I do respect my fraternity brother and I would say friend, Colin Kaepernick, to take a knee. And it seems when I read this we're not that far off from the little individual who was arrested and cited in Florida for taking a knee at the flag. What happens if an individual wants to talk about or talk against the constitution? How does that play out? What does the teacher do? What does the administration do? It seems that when we add language that almost compels the way a school acts then we're compelling what they say and the-- the freedom to have conversation might not exist. How I read that section, I don't know if an individual spoke up against the Thirteenth Amendment if the individual talked about the Fourteenth and Fifteenth Amendment, are they showing a disrespect? Are they respecting the United States Constitution? The reason why that's important is because it's hard when you come to language-- and I actually sat on the American-- Americanism Committee for Omaha Public Schools. And when you start talking about language in the law, interpretation matters. And when we start adding the words "protecting our freedom" and "deep respect for the United States Constitution," is Senator Halloran's bill respectful of the constitution when he wants to do a convention to change the constitution? I don't know. But to not have clarity on some of these important languages is a huge concern to me. And with that, I'll yield the rest of my time to Senator Chambers, if he would like it.

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FOLEY: Thank you, Senator Wayne. Senator Chambers, two--- two and a half minutes.

CHAMBERS: Thank you, Mr. President. Thank you, Senator Wayne. Members of the Legislature, I handed out a-- a piece of paper. I don't just talk on this floor. I'm invited to Congress. When do they vite-- invite Nebraska members of the Legislature, because they're deemed to be rural, "hickified," narrow-minded people who don't know anything? But I've been invited there. I was invited to the White House. I was invited to speak at President Johnson's Riot Commission. And in every one of them, the media focused on me and what I had to say. But in this state it becomes a basis for term limits to get me out of the Legislature. There's language among these lines that Senator Wayne called your attention to, page 4, line 22, "respect for the United States Constitution and the Constitution of Nebraska." The Constitution of Nebraska contains a provision that makes it unconstitutional for same-sex marriage. That's what the Nebraska Constitution said. I didn't respect that. I fought against that concept on the floor of the Legislature, and they said they better put it in the constitution because I would get something done on the floor of the Legislature. And if you think I'm lying, read. But you're not going to read, so I'm going to tell you. I fought for those principles that I talk about, not like you all. When white people are doing this--

FOLEY: One minute.

CHAMBERS: --they do what is good for white people, as white people agree. And one reason so many white liberals were condemned during the demonstrations and the so-called black revolution was because they were willing to compromise our issues when they became comfortable that things had been changed enough now for all of us to just get along. So black people should not be so raucous. Black people should not be so insistent. Black people should be willing to take time, move with all deliberate speed, which means move backwards. But that's what white people wanted and that's what is reflected in your law. I didn't try to repeal this trash. It was there. But once you bring it before me on the floor, I'm not going to sell out what I believe for a mess of pottage. And when I speak again, and again and again, I'm going to tell you where that term came from and what it meant. But in a nutshell, a son was tricked out of his birthright because his brother--

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FOLEY: Time, Senator.

CHAMBERS: — gave me a mess of pottage or porridge. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Groene.

GROENE: Thank you, Mr. President. You might take note that Senator Slama, on page 4, line 10, struck the word "reverence" for the American flag and put "respect." Look up the definition of "respect." I respect the Soviet Union, Russia. I do not have reverence for them. I disagree with them, but I respect them. I disagree with Senator Chambers, but I have a great respect for him. I do not have any reverence, you'll never see me bowing to anybody. But "reverence" has been removed. "Respect" is used quite often when people debate. We respect each other, but we disagree. There is nothing wrong with the word "respect" in this language of this bill. "Reverence," yes, reverence was wrong. The football player, I can't pronounce his name-- Karpisek or whatever, oh, that was a senator's name-- I would assume he respects the flag. If you asked him, he probably reflects-- respects it. The freedom he has, he's a multimillion because of the values behind it. Does he have reverence for it? No. He probably understands that. I would bet he understands that. In a democracy, you respect each other. You respect institutions. And by the way, we are a democratic republic. It's simple as this. You and I are-- were elected by a democratic process, majority rules. That's called the demo-- we now are a republic government because we make the decision as the elected official. We don't go back on every one of these bills and have the public vote on it and majority rules. We are a democracy. We are a republic. We are called a democratic republic form of government. It's a little civics lesson. And all of our kids should understand that difference. But Senator Slama did a great job on this bill. We need to have a core set of values we understand. Slavery was destroyed because of that constitution. The majority of the people finally read it and said this is wrong. We are all created equal. Without that constitution saying that, the Civil War would have never happened. That is called respect for a document, for values. Thank you, Mr. President.

FOLEY: Thank you, Senator Groene. Senator Wayne.

WAYNE: Mr. President, I'll yield my time to Senator Chambers if he would like it.

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FOLEY: Senator Chambers, five minutes.

CHAMBERS: Thank you, Senator Wayne. Thank you, Mr. President. Members of the Legislature, what Senator Groene just said is worth a plug nickel. Do you know why white people in the North were opposed to slavery? Because it degraded labor. There were white people in the South who were opposed to slavery because it degraded labor. It took away the opportunity to get a job. I had mentioned a book by a man named Hinton Helper, "The Impending Crisis of the South." And there's no point in me mentioning it because nobody on this floor is going to read it. How can Senator Groene talk about the constitution when those who were putting it together were slaveholders? At the constitutional convention, slaveholders! The pious hypocrite who said in a document "all men are created equal" was a slaveholder! So he feels I'm not a man. You all think I'm not a man. And you think I'm going to let this trash go forward in this fashion. And as for Senator Groene, who can't pronounce Kaepernick's name, the football player, your President called him a son of a b****. He did that on television. So I'll start using his language on the floor, correct? Your President referred to Haiti and African countries-- I cannot yet bring myself to say that s-word that ends in "t" on the floor, but I said it during a committee hearing, and everybody was stunned because they never heard me use that language. Other people use it. They weren't stunned when the white President, who typifies what your country is about, used it. But a man who they place a higher standard on than they do their President were shocked when I used the words that your President used. And I was quoting him when he described Haiti and African countries. You know that word for feces. So I'll-- I'll put blank-hole countries. That's what he called them, people of my complexion. And people on this floor who are ignorant doesn't know the one who said that last, that the majority of those who put together the constitution at that convention were slaveholders. They don't believe black men, women, and children are human beings, and that's not believed to this day. Senator Groene wants to talk about the meaning of respect. What do white people mean by it and what do black people mean by it? White people mean we got to bow down to what they tell us as black people to bow down to. I don't come here for this rag every day, and it's a rag. That's all it is to me. When you show a way to persuade Jews to sanctify and worship the swastika, when you show me that I'll come up here and stand while you all hypocritically pretend that rag is something that it definitely is not. You're not going to read this article. You know the only reason I handed it out? To show that whereas you all denounce me, you disrespect any black man who can say ten words

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together and make sense, but other people around the country and the world see it differently. When I say around the world, you all don't believe that. So I'm going to bring you a great big article written about me a German newspaper in the German language.

FOLEY: One minute.

CHAMBERS: Show me any American from this state who ever had that happen. I feel like a giant among Lilliputians when it comes to what actually counts and is of value to others. I'm not gay! I was condemned on a radio program I had for being in favor of gay marriage, and a guy who knew me most of our lives said, Chambers, what's this, you're trying to let those-- and he used a derogatory word-- marry? I said, yeah. He said, man, why you doing that? I said, 'cause I think they ought to be allowed to; they ought to be allowed to enjoy the thrill of marriage and the agony of divorce. He said, but they-- they shouldn't marry. I said, wait a minute, are you gay? He said "H" no, I'm not gay. I said, do you want to marry somebody who's gay? "H" no, I don't want to do it. I said, then why not let them marry each other?

FOLEY: Time, Senator.

CHAMBERS: You know what he said? Chambers, I didn't think of that. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Hunt.

HUNT: I like that story. Thank you, Mr. President. And thank you, colleagues. I wanted to get up and speak on this because, as it's written, I just can't support this amendment. And I totally understand and I appreciate what Senator Morfeld was talking about, about the stuff on page 3, lines 10 through 20, where we're defining all of the different ways that kids can become civically engaged and students can participate in the civic process. And I agree that schools should be doing that and I agree in getting people engaged. But I disagree with the way the rest of this bill attempts to do that. The history of this country does not give me a lot of confidence in our government's ability to legislate patriotism. I don't think that's something that we should be in the business doing. And as long as this bill is talking about patriotism and defining that, we know

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from our history-- and we can see even in recent history, in recent years-- that that's not something that people agree on. And I think Senator Chambers made some great points about that. Just because this amendment improves some things about the original bill and the original statute doesn't mean it's OK, and it doesn't mean that it's a great bill. And so it's going to take a little bit more work before I can get on board and support it. When it comes to things like the pledge, and when it comes to things like "America the Beautiful" and all of these things that we teach our children to engender patriotism, a lot of things can go wrong there when we as a nation set out to engender emotions about our country, because people have such different emotions about the history of our country, about who's in power, who's allowed to have power, who's allowed to speak, who's allowed to eat, who's allowed to go to the doctor, and why that is and who has the power to make those decisions. And in teaching patriotism, I think that we are unfairly burdening minorities and underrepresented groups with homogeny, with saying, you know, this is the status quo, you have to go along with it. We're teaching capitalism. We're teaching this and that. And that might not be what everybody believes. And we also see from the news the story that Senator Chambers talked about that happened just recently about the child getting arrested by the school resource officer for not saying the pledge. That's a very extreme case, but we know that that happens. And as a government official myself, I can't support something that could make that happen more. So with these problems in mind, I'm very skeptical about teaching patriotic sentiments, and what I really favor is de-emphasizing patriotism in education and, instead, teaching people to think for themselves and deliberate about our nation's future and our government and our policies and how people want to engage with that civically on the basis of rational principles. I agree that patriotism is a very strong, motivating force for people. I ran for office because I'm patriotic. I think that this is the way that I could best serve my country with the skills and gifts that I have. And that's not any less patriotism than what other people do, but-- but people express that differently. I was speaking to my legislative aide about this bill and she was born in Syria. She's Muslim. And she told me that she's a little bit nervous about getting into the area of this teaching patriotism because it reminds her of when she was in summer school in Syria and she was made to recite pledges to the dictator, to memorize the anthem, to learn about why the socialist institutions in Syria were the best in the world. And it's a little bit reminiscent of this authoritarianism, and that's, I will-- I'll say it out loud, I think that's what this is. And I'm very patriotic. Everyone on my team is very patriotic. I think all of us here

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are patriotic. But we came to that on our own, through our own process. And we have to let kids do that and not legislate what patriotism is for them. And with that, I'll--

SCHEER: One minute.

HUNT: -- yield the rest of my time to Senator Chambers.

SCHEER: Senator Chambers, 58 seconds.

CHAMBERS: [MICROPHONE MALFUNCTION] you, Senator Hunt. How much time, Mr. President?

SCHEER: Fifty seconds.

CHAMBERS: Members of the Legislature, this law should be repealed. The entire thing should be repealed. But you won't do it. All I'm doing is taking your time and using words. I catch hell in this country. You all couldn't take it 'cause you cannot take this discussion. And then you're going to talk about bravery and courage? You don't know the meaning of those words, and you certainly don't reflect it. You're not going to see me crawl around here and swallow spit to get along with white people who have no respect for me and people like me. And I'm going to speak and I will be heard, if not by the people here, by the people who watch us. I ought to send you all some of the letters where they describe how you all carry on here and the way I will speak on this floor and the issues that I will deal with.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Hunt, Senator Chambers. Senator Slama, you're-- you're recognized.

SLAMA: Thank you. Would Senator Hunt yield to a question?

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SCHEER: Senator Hunt, would you please yield?

HUNT: Yes, I will.

SLAMA: Great. Thank you for your input on this bill. I really appreciate it. I was wondering what parts of the bill specifically do you think engenders authoritarianism?

HUNT: I think that anytime we are talking about patriotism in statute, anytime we're talking about should, anything-- anytime we're talking about civil American citizens, I mean--

SLAMA: Wait.

HUNT: -- is this a-- is this a DACA bill? Is this we want all youth to become citizens, 'cause that would be great?

SLAMA: Sorry. At what point in the bill do we reference civil American citizens? I don't believe--

HUNT: It's--

SLAMA: -- that's a part of the bill either.

HUNT: -- on page 2, lines 1 and 2.

SLAMA: Page 2, lines 1 and-- of the amendment or LB399?

HUNT: The amendment.

SLAMA: OK. So you believe that engenders authoritarianism?

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HUNT: No. But I think we're on the road and I-- I-- I-- as I said in my statement, I think that it's-- it's supportive of authoritarian ideas to teach patriotism and try to engender and define what that means for students when--

SLAMA: Sure.

HUNT: -- I guess I just think it's a little bit narrow.

SLAMA: You think is it narrow or putting us on the road to authoritarianism, because those are two--

HUNT: I think it's putting us on the road to authoritarianism.

SLAMA: OK. Also, part of this bill we remove the criminal repercussions for teachers for failing to teach patriotism the right way. Is that an aspect of the bill you can get behind or--

HUNT: I love that aspect of the bill.

SLAMA: Perfect. Great. Thank you. Can you point to other specific changes you'd like to see made in the bill before you could get on board with it or--

HUNT: I agree that the whole thing should be repealed because I don't think that our-- our-- we should be telling our school systems how to teach patriotism. But anything in here, I've kind of gone through and worked on it, but anything in here that references American heroes, that means different things to different people. The American flag, patriotic, should, patriotic exercises, I cannot support any of that.

SLAMA: OK. Thank you.

HUNT: Uh-huh.

SLAMA: I'm good. Thank you.

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SCHEER: Thank you, Senator Slama and Senator Hunt. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. My initial response to this bill was to vote against it. Told Senator Slama that I would oppose it, but given the amendment that's now on the board, I think I can-- I can support this bill. When a third of the people you interview can't name the three branches of our government, you know, we know we have a problem. And this, this bill, will perhaps move the dial a little bit toward more education. I generally feel that it's up to another branch of-- another branch or at least a-- the state school board to exactly figure out which-- what the educational content should be. But this isn't too prescriptive, so I think I can support this bill. I'd-- I would hope you would vote green for AM286 and the underlying bill, LB399. Thank you.

SCHEER: Thank you, Senator McCollister. Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. Good morning, colleagues. I think we're getting off on a tangent. The basic bill I think is important for the reasons that Senator McCollister just gave that students today are-- and young people today are a product of the society that we have created. Way back in the '60s, Marshall McLuhan had a book about how quick the communication was changing and how it was affecting our society. And his book was "The Medium is the Message." And then somebody mistakenly described it as The Medium is the Message. In other words, it wasn't so important and-- and McLuhan kind of embraced this alternate title for his book. It wasn't so much what was being said as how it was being said. And in today's state-- part of the world where we can so quickly communicate with others legitimately or-- well, that's not a good term. I wouldn't say legitimately necessarily but truthfully or untruthfully, for or against a cause, I think it's more important than ever for our students to have a background in how we got where we are. The school boards still have the latitude to interpret this bill and if they want to be fair, they can be fair. If they want to put their spin on it, that's up to the school board to decide how they want to implement this. Is discrimination where we want it in our country? No. But I think we're always gonna have discrimination. Humans, I think, look for differences to pick on. They look for weaknesses that they can prey upon. It's just part of human nature. We should fight that. We should try to be fair with each other. I'm not-- I don't, like I talked about once before what our focus is in the Legislature, you know, Senator Chambers is interested in discrimination

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because he suffered because of discrimination. And I think it's something we need to work on. I think we all need to work on our perspective. I think we all have a responsibility to shape our country as we move forward. But if we have no historical reference and if we don't know how we got where we are, then we can't have a legitimate chance, I don't think, to move forward. I object to comparing the flag to the swastika. The swastika was an emblem of a country that caused 20 million people to die. And our flag, I think, is deserving of consideration. I think it's-- you know, my father-in-law fought in World War II and we had a flag up and we were doing something on the Fourth of July and the sun was going down and he said, we have to go home and take that flag down. And I said, well, why? What-- how's that gonna hurt the flag? And he said-- he said, I, he's speaking of himself, he fought and his friends died to defend our country against the Third Reich and he wasn't gonna let that flag be disrespected because of what he did to support it. And I understand Senator Chambers' anger because he's been the victim of discrimination. I think we should all try to treat each other fairly.

SCHEER: One minute.

MOSER: But we do need a framework to move forward, to move our country forward, and we can't tear the country apart to try to make it right. That's not gonna work. It's gonna get worse instead of better.

SCHEER: Thank you, Senator Moser. Seeing no one wishing to speak, Senator Chambers, you're welcome to close on FA9.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, with all due respect to Senator Moser, he spoke like a white man to white men for white people: Don't tear the country apart; that's not the thing to do. He means don't incommode white people! There still is discrimination! For Senator Moser's information, when his grandfather, whichever relative it was, was fighting that war, the American high command was telling the British, do not treat the black soldiers like you treat the black soldiers in the British army because that is not the way they're treated in America. He wanted the British to segregate and discriminate, because the British had black men in their military, which some of you may not know. And so did the South African army. You see everything through the eyes of a white person. And he said, Senator

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Moser, there's discrimination. That's why you need somebody like me to fight it all the time, who will not be placated by nice words, or white people getting upset. You get upset at what you hear? How upset do you think I get from what you all do to us? You cannot stand words. You get upset at words, words that are describing the mistreatment, the discrimination that people like me are suffering right now, conduct directed toward us. You can't stand the words. If you were subjected to this, you'd be committing suicide! You all commit suicide now. Well, you're gonna hear it from me, brothers and sisters. You're like obedient chil-- disobedient children. Senator Slama was asking Senator Hunt some questions. You all don't know about Nazi propaganda. You don't know about Bolshevik propaganda. You don't know about American racist propaganda. On page 1, line 23, "Since youth is the time people are most susceptible to the acceptance of principles and doctrines that will influence them throughout their lives," this acknowledges that youth are susceptible. What are doctrines? What are doctrines? That word shouldn't even be in this mess. But you all don't read the words the way that I read them. That's why I have to give you what I'm giving you. I didn't bring this piece of trash out here. But since it's out here, I'm gonna deal with it the way it ought to be dealt with and maybe you'll think twice before you bring this stuff out here. And Senator Morfeld sold out for so little. There were two brothers, Jacob and Esau. Jacob was smooth as goose grease. His mother favored him. You all don't know what goose grease-- well, yes, you do. You all are farmers. And there goes Senator McCollister picking one little piece out of this thing and saying that makes it good. He ought to read all of the bill. He lowered my regard for him. I didn't think Senator McCollister was among those who, in other days, would put on a Ku Klux Klan hood and a robe. But because of one little thing that he saw in here, this is all right with him. Well, anything that white people do against black people and nonwhite people is all right with him and people like him. That's what they are and they show what they are on these bills. We're talking about the law now, not just opinions that people express on the street corner. You're putting it into the law. Well, what you all put into the constitution the U.S. Supreme Court said was unconstitutional, and I had a better take on what your constitution required than all you white people who voted to say in the constitution that same-sex marriage was wrong and against the law.

FOLEY: One minute.

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CHAMBERS: I stood virtually alone, not talking in secret in neighborhoods but on this floor and other public forums because I have no fear, but I have a strong sense of my responsibility and obligation. When we come up, black people, for the-- as the subject, with all that I've done to try to help other groups, they never speak out for us, never, 'cause they don't want to put their head up and maybe get some of what we're catching. So I view all of these white people who try to be friendly with a grain of salt. And I don't expect them to go outside the line 'cause you got to live with them. You're one of them! They're your people. You are them; they are you. Although this is the last time I can speak on this particular amendment the way it's before us, I'm not through speaking on it 'cause I have another amendment that I'm going to offer--

FOLEY: Time, Senator.

CHAMBERS: --and we're gonna talk on this until somebody invokes cloture.

FOLEY: Time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers.

CHAMBERS: I would ask for a call of the house and a roll call vote.

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

ASSISTANT CLERK: 14 ayes, 2 nays to go under call, Mr. President.

FOLEY: The house is under call. Senators, please return to the Chamber and check in. The house is under call. All unexcused personnel please leave the floor. The house is under call. Senator Linehan, would you check in, please? All unexcused senators please return to the floor. The house is under call. Senator Bolz, could you check in, please? Senator Walz, Senator Bolz, if you

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could check in, please. Senator Geist, would you check in, please? Senators McDonnell and Friesen, please return to the floor. The house is under call. Senator Chambers, at this point we're lacking Senator McDonnell and Senator Friesen. Senator Friesen, if you'd please return to the floor. The house is under call. All unexcused members are now present. The question before the body is the adoption of Floor Amendment 9. A roll call vote has been requested. Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken.) Vote is 43 ayes, 0 nays, Mr. President, on the adoption of the amendment.

FOLEY: FA9 is adopted. I raise the call. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next amendment to the committee amendments is from Senator Bolz, Floor Amendment 10.

FOLEY: Senator Bolz, you're recognized to open on your floor amendment.

BOLZ: Thank you, Mr. President. As we previously discussed on the mike and Senator Slama concurred, the language relating to the responsibility of the American Civics Committee to assure themselves of the character of all teachers would be struck in this floor amendment. It is maybe not the most appropriate responsibility for the school board members. There's lack of clarity around what assuring themselves of the character of all teachers might look like and is best handled through the existing contract process. I think it's a cleanup and I ask for your support on Floor Amendment 10. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Is there any discussion on Floor Amendment 10? Senator Vargas.

VARGAS: Hi. A point of personal privilege. Anyway, colleagues, I just want to thank everybody. I'm going to keep this really short 'cause I haven't been here this morning and a lot of people know why I haven't been here. Wednesday night I had to speed over to the hospital back to Omaha because my-- my wife was headed to the-- headed to the hospital because our-- our baby was coming a little bit early, about five weeks early. And I'm-- I'm very happy to say that on

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Valentine's Day, February 14, we had our firstborn born last week. She came in at 5 pounds, 11 ounces. She is in the NICU right now and we've been with her for the last five days there, my wife recuperating and watching over her. Her name is Ava, Ava Kaye Vargas. And I just-- I'm just saying this because, one, this matters to me; two, I had so many senators and people in the Legislature and people out there in the window contacting me and just giving me really, really positive thoughts as we've been in the hospital for the last five, six days, and it just means a lot. It just reminds me how this body should work; that people care about each other and-- and we can celebrate all the successes in our-- in our lives. And I just want to thank you for that, for being a legislative family for us. And one day we'll bring her here and she can visit and meet everybody. But I just wanted to thank everybody. I also just want to thank my wife who's just a rock, Lauren, and my mother-in-law who's been by her side for the last couple of days, Kaye, which is her middle name, as we named after her. And-- and all the nurses in the NICU that have been watching her over the last five days to make sure and dealing with me sleeping by her side for the last five days in the NICU as well. So with that, I just wanted to thank everybody and take a brief break from the debate we're having and just say welcome and we'll be handing out doughnuts here in a second in congratulations of Ava and her birthday for Valentine's Day. So thank you.

FOLEY: Thank you, Senator Vargas. Senator Slama.

SLAMA: Thank you, Mr. President. I just wanted to rise in support of this amendment. I think it's a good amendment that catches something that we missed in the initial look through of the outdated wording. So I do support this amendment and thank Senator Bolz for bringing it.

FOLEY: Thank you, Senator Slama. Senator Chambers, you're recognized. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I regret that that amendment was adopted. I don't want to lend anything to this bill that might in any way improve it, because it's like me putting lipstick on a sow or sprinkling perfume on human feces. That one miscarried. But it also was one of no significance. I'm going to talk about something I intended to when I used the term "mess of pottage." There were two boys born, one right after the other,

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Jacob and Esau. Jacob came into the world first. Esau held Jacob's heel, according to the yarn, and came out second and was covered with hair. Jacob became-- maybe the whole thing of Jacob and Esau is a metaphor. Maybe the ones who wrote that story in the "Bible" didn't intend it to be taken as literally true. But Jacob was a smooth person and I mentioned goose grease. He was so smooth he could stand and not move either feet-- either foot and slide all the way across this floor. That's how smooth he was. Esau was a man of the fields. He hunted. He could withstand long periods of rainfall. A point was reached where their father was going to die, Isaac. And Isaac's eyes had grown dim. Jacob's mother favored him. So Esau was the older one. Esau was to be given his birthright. That was a blessing. So Jacob's mother, the mother of Jacob and Esau, wanted to figure how Jacob could get in line ahead of Esau. So she plotted and schemed and said, your father likes that very savory stew. So I want you to go out and kill something. We will make that stew. And what I'm going to do, talking to Jacob, is take some skins that have the smell of the outdoors and I'm going to fashion a garment that you can put over the parts of your body that your father might touch. And Jacob said, well, Mama, why are you going to do this? She said, I want you to be the one to get the blessing. Jacob said, but it's not supposed to be for me, it's supposed to be for my brother. And the mother prevailed. Jacob was obedient. So he put on these garments. And Esau had been out in the field, as was his custom. He had been out there for a long time and he was very hungry. So Jacob told Esau that I have some of that stew that I'm going to give our father and I'll give you some if you'll let me have your birthright. If I don't give you this, you're going to die. You're not gonna get the birthright anyway. At least you'll live. So Jacob tricked Esau into going along with it. When Isaac summoned his son to get the blessing, Jacob came, not Esau. And Isaac may have sensed that there been-- may have been some "skuldugging" going on. So he said, come near, my son, that I might touch you. And when Jacob came,--

FOLEY: One minute.

CHAMBERS: --Esau was the one that his father thought was being touched because he felt the hair, and he gave Jacob the blessing. But before he did it he said something is strange. And I think that occurred so this expression could be made. You have the skin of Esau but you have the voice of Jacob. That meant the trickster. Thank you, Mr. President.

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FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing discussion, Senator Chambers.

CHAMBERS: Thank you, Mr. President. As Sammy Davis Jr. sang, I'll do it my way. I handed out this article and I'm going to put it into the record. It was dated from the Sunday Lincoln Journal Star, May 19. That is the birth date of Malcolm X, who, by the way, would not be recognized in the schools and certainly not in this bill. May 19, 1966-- 1996. One other thing I dislike about this bill, and if I don't finish the article the first time around, I'll get it to-- I'll get to it. What was done in this thing, this piece of trash, as I call it, was to draw an equivalency, an equivalency between George Washington, a slaveholder, and Martin Luther King, who won the Nobel Peace Prize; an equivalency between Abraham Lincoln, and it may have been during his time that there was a mass hanging of Native Americans, and Native American Heritage Day. Now to equate a slaveholder, a rapist, a man stealer with Martin Luther King is an insult, but white people think it's an honor. But it's not. This is to show you that we don't see the world through the same eyes. If you look up and I look down, upon the tallest man in town, you'll see his feet, his knees and toes. I'll see his head, his ears and nose. And though it is one man we see, you swear he's A, I swear he's B. You look at these people differently from the way I do and it's obvious that you don't have any respect for black people. Here's what this article says, written by Fred Knapp: There he was, resplendent in a purple sweatshirt, testifying before Congress last week, none other than Senator Ernie Chambers, part of a panel of five legislators from various states testifying on a bill dealing with the same-sex marriage issue. Anyone who expected Chambers to change his attire or his style for the occasion would have been disappointed. Indeed, a subcommittee of the House Judiciary Committee and a C-SPAN audience were treated/ subjected to the same Ernie with whom Nebraskans have become so familiar. Chambers started off musing whether the abbreviation H-o-n. that preceded his and other panelists' names on their nameplates meant that they were being called, quote, honey, unquote. After satisfying himself that the letters stood for, quote, the honorable, unquote, he recalled a story about a village character known derisively as, quote, colonel, being asked by a judge what that meant. Quote, well, judge, it's just like the honorable in front of your-- your name: It don't mean nothing, unquote, Chambers recounted. Having thus endeared himself to the panel of Congressional honorables, Chambers went on to denounce what he considered the dishonorable business under consideration. HR3396 would allow states not to have to recognize same-sex marriages if they

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were legalized in some other state, such as Hawaii, where a case is working its way through the courts. While there was some discussion about whether the measure gives states any power they do not already have, most of the hearing concentrated on the panelists' views of the desirability of granting legal recognition to gay or lesbian marriages and discussion of the current political battles on the subject. I believed even way back then gay and lesbian marriages were legal.

FOLEY: One minute.

CHAMBERS: If they were legal in one state, they should be recognized in other states under the-- that contract clause. Hawaii state-- well, my time is just about up. I'll have to wait so that I won't be in the middle of what I'm trying to get into the record. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. You may continue on your third opportunity.

CHAMBERS: Hawaii State Representative Terrence Tom disputed the notion that resistance to same-sex marriages stems from ignorance, saying that opposition to the idea has grown since the matter has been under discussion in that state. Colorado State Representative Marilyn Musgrave, sponsor of a ban vetoed by Governor Roy Romer, cited threatening phone calls she received to refute the idea that such legislation is a way to score easy political points. Michigan State Representative Deborah Whyman, and it's pronou-- it's spelled W-h-y-m-a-n, maybe Whyman, argued that legislation was needed to prevent, quote, extremist homosexual groups, unquote, from achieving by judicial fiat what they could never win legislatively. On the other side, Iowa State Representative Edward Fallon, F-a-l-l-o-n, argued that marriage licenses are not a scarce good and granting them equally to gay couples would not diminish the supply for straights. And then there was Chambers, noting that proponents of restricting marriage to one man and one woman often cite religious grounds, he declared that biblical figures including David and Solomon had had multiple wives and mistresses. That led subcommittee chairman Representative Charles Canady, C-a-n-a-d-y, of Florida to ask, quote, am I to understand you would support polygamy, unquote. Chambers wouldn't go that far. He even conceded that hypothetically a rationale could be constructed for a state to prohibit such arrangements, although he refused to say whether or not he believes such bans to be good policy. Digressing, what I said was in the form of a comment. There was one eastern potentate, as they are

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described, who belonged to a religion where a man could have multiple wives, but it never worked the other way where a wife could have multiple husbands. And this man refused to have more than one wife. And when he was asked why, he said it would create chaos in my home. No matter how I would treat all of these other women, I could treat every one exactly the same, give them exactly the same, but being perceptive, as they are, they might perceive that despite all this I do have more affection for one than I do the others, and there would come the chaos. I don't want that. I'll take one wife. And it was on that basis that multiple wives, not allowing multiple husbands, could create a bad situation. But as they pointed out, I wouldn't comment about whether the ban by the state would be good or bad because that would have been misconstrued. Continuing: In an interview two days after the Wednesday appearance on Capitol Hill, Chambers said his views on gay and lesbian issues have changed considerably in recent years. In 1988, when running for the U.S. Senate on the New Alliance Party ticket, Chambers said he disagreed with that party's support of same-sex marriage. Quote, my attitude is far more tolerant than it was in years past, Chambers said Friday. Quote, I never knew I would have moved this far in that direction, but I became aware of the viciousness directed toward gay and lesbian people, quote, end of quote, from verbal taunts and murder, quote, I think it has escalated tremendously in the last few years, he said. Given his self-description as, quote, the defender of the downtrodden, unquote, Chambers has added gays and lesbians to his larger constituency. Quote, St. Jude and I collaborate in being the last hope of the hopeless, unquote, he added with his characteristic degree of modesty. In the face of yet another religious--

FOLEY: One minute.

CHAMBERS: --reference, it seemed only natural to ask Chambers, who is often described as an atheist, what description he would apply to his religious status. Quote, I'm just Ernie, unquote, he replied, to which admirers and detractors alike might say amen. Other people can say I'm whatever they want to say that I am. Burger King said have it your way. Shakespeare said as you like it. But I am what I am and that's all that I am. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Bolz, you're recognized to close on Floor Amendment 10. She waives close. The question before the body is the adoption of Floor

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Amendment 10. Those in favor vote aye; those opposed vote nay. A roll call vote has been requested. Mr. Clerk. Mr. Clerk, a roll call vote has been requested. Please, call the roll.

ASSISTANT CLERK: (Roll call vote taken.) Vote is 31 ayes, 0 nays, Mr. President.

FOLEY: Did you get Senator Williams' vote? Mr. Clerk, the vote totals?

ASSISTANT CLERK: Vote is 31 ayes, 0 nays, Mr. President.

FOLEY: Floor Amendment 10 is adopted. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next amendment I have is Senator Chambers' Floor Amendment 11.

FOLEY: Senator Chambers, you're recognized to open on FA11.

CHAMBERS: Thank you. Mr. President, members of the Legislature, what this amendment does is strike the word "patriotic." Where it's telling all of these things that a child is supposed to be taught, the word "patriotic" is in the catalog. And I do not think that anybody should presume to force his or her view of what constitutes being patriotic. And for those who'd like to know, it's on page 1, line 6. Senator Morfeld got away, but I was going to ask him, since he's the resident constitutionalist and supporter of this bill. I would like to ask a question of Senator Groene.

FOLEY: Senator Groene, would you yield, please?

GROENE: Yes.

CHAMBERS: Senator Groene, what is your understanding of the word "patriotic"?

GROENE: If you look at a few words before that, Senator Slama took out the word "shall" and put the opportunity to be patriotic. What it means is what you did in the military, sir, to be patriotic, to stand up and do your duty when necessary. That's my view of patriotic.

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CHAMBERS: So then if all I do is what a person who obeys the law is supposed to do, that's patriotic? I'm not being argumentative, but it seems to me that's what you're saying.

GROENE: Patriotic means that you understand the system and the country you belong to or a citizen of and you-- and you believe in it to the point you live there and you don't move away; that you're willing to defend its values against outside values of slavery, of totalitarianism, fascism. That's patriotic.

CHAMBERS: OK. That's-- I got-- I get what you mean. Members of the Legislature, Senator Groene, I did get an honorable discharge from the army. But I didn't-- I didn't join because I was concerned about whether or not Senator Kolterman was going to be able to stand and salute the flag in here, or whether a child is gonna be sent to school and taught that George Washington, a slaveholder, is great and that this little black child is Little Black Sambo. That's not what I went for. I wanted to not be drafted while I was trying to go to school. Unlike your President Trump, I didn't run to Alaska. I didn't pretend to have an injury. I went ahead and got it out of the way. All this stuff they talk about is wasted on me. I-- I didn't even know Senator Groene, but I wasn't doing anything so he could come sit in the Legislature. It was based strictly on self-interest. Had there been no chance that I would be drafted, I wouldn't have gone. Because of the religion that I had belonged to when I was younger, I could have qualified for conscientious objector status, but I wasn't religious. I wasn't going to lie, so I didn't do that. If all patriotism means is that you go into the army 'cause you don't want to get drafted while you're going to school, I can buy that. But that's not what you want these children to be taught. You want them to get misty-eyed. You want them to think that people like George Washington, the slaveholder, was great. You want them to think that all law enforcement officers like those who got on the bus and hauled Rosa Parks to jail, with an American flag emblem on them, because she refused to get up out of her seat, which originally was in the colored section, and give it to a white person who didn't want to stand up. That's what happens in this country. That's not gonna be taught in the schools. So I want to move that word "patriotic." People don't even agree what it is. That is a word that allows for all of the propaganda to come in, totalitarianism. When this President can usurp the power of Congress and be praised for it, when he can misuse, misappropriate military personnel by making them into fence builders and walkers along the southern border of the country, then that is a usurpation of the powers that should be available to a President under the constitution. This

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is not a constitutional democracy. It is a constitutional dictatorship. And Congress cannot stop it. It is a dictatorship and you white people accept it, go along with it and won't stand against it. The only one who speaks against Trump on this floor is me. And it's not to be a patriot. It's to ridicule you. It's to mock you. It's to show that your constitution means nothing, not even worth the paper it's written on. If, on the other hand, what he's doing is constitutional, then the same holds true. It's not worth the paper it's written on because it creates a dictatorship. This is not a republican form of government. It is not a constitutional democracy. It is a constitutional dictatorship. He, with a stroke of the pen, mentioned that other people in the army like I was cannot serve because they're transgender. They were in the military serving and had served honorably-- patriot. And this rat, this lowlife, this scumbag, this user of profanity, this multi-- multiple married man, the man who laughed and joked about grabbing women's vaginas, laughed about it, who paid hundreds of thousands of dollars to keep women, with whom he had cheated on his wife with, quiet. And he's your President and you all honor him. You honor him. That's what white people are. That's what white people do. I watch you. Why don't you rise up in anger and indignation? Suppose a child in a grade school grabbed a little girl's vagina and said, well, that's what the President did and it was funny. What's going to happen to the child following the example of the President? He gets mad at another little kid and he was watching television when Trump referred to a black football player as a son of a b**** and the little boy calls his schoolmate a son of a b****. What then? Suppose I called you that on this floor? What then? Your President did it. You weren't outraged. He did it talking about people like me. And I don't even apply that term to him. But I say it because he said it and you all made it acceptable. That's where doctrines come from. That's where values are reflected. That's where standards are, mores, what is out there in the public realm and accepted by the people who are supposed to be the trendsetters, the good people, the moral people, the upstanding people, the leaders of society, the examples. That's what they do. It's not what I do. It's not what I say. And I only say it by quotation and you all get outraged when I quote your leader. And then you got this piece of trash that's gonna authorize this kind of nonsense in the schools. I thought you believed in local control. Mention subjects that should be taught such as civics, and you could even give a little bit of a definition, get it in the dictionary; understand about your government; understand what being a citizen is as distinct from a person. The constitution sets up two categories, citizens and persons. No person shall be deprived of life, liberty, and so forth without due process of law.

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FOLEY: One minute.

CHAMBERS: But only citizens can vote. But people ignorant, like Americans are, white adults and white politicians, don't even distinguish that big point from their white constitution put together by white slaveholders. There are some rights that everybody has under the constitution, at least on paper, by virtue of being a person or a human being. Black people were not even persons under the constitution. There are three specific references to the condition of black people and slavery, but they wouldn't use the term "slavery." One was the Fugitive Slave Act and they didn't even refer to the people being returned as fugitives as slaves, where three-fifths of the black people in the South would be represented to give white slaveholders more representation of Congress. That's what's meant by the three-fifth clause. A black person was three-fifths of a person. I'm not going to tell you the third one. You need to do some research on your own, but you won't because you're not interested.

FOLEY: Time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Items for the record, Mr. Clerk?

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB430 to Select File with amendments. Committee on Judiciary reports LB125, LB309, LB318, LB339, LB340, LB443, LB627, all to General File. In addition to that, Judiciary reports LB141, LB354 to General File with committee amendments attached. Notice of committee hearing from the Appropriations Committee for February 27, 28, and March 1. Your Committee on Natural Resources reports on the appointment to Don Kraus to the Nebraska Natural Resources Commission. Amendment to be printed from Senator Linehan to LB103; Senator Williams, an amendment to LB622. Name adds: Senator Howard and Senator Lathrop to LB611. An announcement that the Revenue Committee will meet on Thursday, February 21, in Executive Session at 9:30 a.m. in Room 2022. Finally, Mr. President, priority motion: Senator Wishart would move to adjourn until Wednesday, February 20, at 10:00 a.m.

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