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February 20, 2019

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

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

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: Just one item. The Health and Human Services Committee gives notice of public hearing for Wednesday, February 27th. That's all I have.

HILGERS: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB25A was introduced by Senator Kolterman. (Read title.)

HILGERS: Senator Kolterman, you're recognized to open on LB25A.

KOLTERMAN: Thank you, and good morning, Mr. President and fellow colleagues. I'm here to ask for your support of LB25A. LB25A is the accompanying bill for the Patient Safety Cash Fund that was advanced to Select File on February 12th with no opposition. With that I ask for your green vote.

HILGERS: Thank you, Senator Kolterman. Opening debate on LB25A. Seeing no one in the queue, Senator Kolterman, you're recognized to close on LB25A. Senator Kolterman waives closing. The question before the body is whether LB25A should advance to E&R Initial. All

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Floor Debate  
February 20, 2019

---

those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President.

HILGERS: The bill advances. Turning to the next item on our agenda.

ASSISTANT CLERK: Mr. President, LB399, introduced by Senator Slama is a bill for an act relating to schools. It changed the names and provisions of the committee on Americanism to limit penalties; provides duties for the State Board of Education, and the State Department of Education. The bill was originally introduced on January 17 of this year, referred to the Education Committee. That committee placed the bill on General File. The bill was considered by the body yesterday. At that time an amendment from Senator Chambers, FA9, was adopted as well as an amendment from Senator Bolz, FA10. When we adjourned for the day, under consideration was FA11, also offered by Senator Chambers.

HILGERS: Thank you, Mr. Clerk. Senator Slama, would you like to take a minute to refresh us on LB399?

SLAMA: I'd love to. Thank you, Mr. President, and good morning, colleagues. LB399 serves as the first major revision to Nebraska's civic education standards in 70 years. This bill, with the committee amendment, sets a very achievable bar for school districts which can select between one of three options provided for their students to complete by the end of 12th grade. LB399 also revises some outdated wording. The Americanism Committee, tasked with reviewing each school district's social study curriculum, will be renamed the Committee on American Civics. The Committee on American Civics will host two public meetings per year, with at least one of those meetings open to public comments as one sure 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 3 misdemeanor. We finally changed that in LB399 by removing this penalty. After listening to concerns raised in the hearing and in past years, and working with all Senators on the Education Committee, LB399 is a bill with

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Floor Debate  
February 20, 2019

---

bipartisan support that resulted in it being passed out of the Education Committee on an 8-0 vote. I encourage you to vote green on both the committee amendment and LB399. Thank you.

HILGERS: Thank you, Senator Slama. As the Clerk noted, there are committee amendments, there is a committee amendment, AM286. Senator Groene, as Chair of the committee, I do not see on the floor. Senator Walz, would you like to refresh us on the committee amendment, AM286? Senator Morfeld, I recognize you to refresh us on the committee amendment.

MORFELD: Thank you, Mr. President. Colleagues, the committee amendment does several different things. First, it makes it so that the citizenship test is not mandatory but rather one of three different options, the two others being the ability to participate or go to a public body under Nebraska statute. The third option being to write a paper or do a project on one of the enumerated national holidays or public figures, as stated in the act, and then it also makes several different changes as well that are substantive.

HILGERS: Thank you, Senator Morfeld. As the Clerk noted, there is a floor amendment, FA11 from Senator Chambers. Senator Chambers, would you like to take a minute to refresh us on that floor amendment, please?

CHAMBERS: Yes. Mr. President and members of the Legislature, I find a lot of problems with this amendment, which becomes the bill, so I'm going to take it a bit at a time. And this particular amendment is found on page 1 in line 26 of the committee amendment, and this one simply strikes the word "patriotic."

HILGERS: Thank you, Senator Chambers. Before we adjourned yesterday, Senator Chambers had his opening on FA11, so we will now begin debate on FA11. Senator Chambers, you are recognized.

CHAMBERS: Thank you. Mr. President, education is extremely important. Teachers who properly perform the job of educating students should have the highest status and recognition in a civilized society. They are presented with young minds which they can fashion, mold, direct, inspire, encourage, inform, teach, and do all of the things that would be necessary to produce a

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Floor Debate  
February 20, 2019

---

well-rounded individual of the species Homo sapiens. The Greeks had an ideal. It was a sound mind in a sound body. The teacher deals with the mind. Nobody, to my understanding, has been able to determine what the limitations are of the human mind. Nobody has been able to determine the boundaries of memory. I have asked people questions along that line, and I would always wind up with this one when it comes to infinite ability of the brain to receive. If you were to write a series of digits stretching from the earth to the outermost reaches of the Universe, or even up to heaven, if there is such a place, would you ever have a series so large that you could not attach one more digit to the end of it? And the answer would obviously be, no. There is no point at which a brain, a mind, functioning properly will be so full that it cannot learn or receive one more bit of information or knowledge. Theoretically speaking, the ability of the mind, the brain to learn, is infinite, meaning there is no limit whatsoever. This is why I tell young people when I'm talking to them, especially about the tendency for them to do violence to each other, a loaded brain is more powerful than a loaded gun. And even if somebody is approaching you with a loaded gun, because I add except in a gunfight, and that person has a gun and you don't, and you have the opportunity to speak, you may be able to change that person's mind if you are observant, see what kind of person you're dealing with, and you have the vocabulary to present an argument that will sway that person from the error of his ways. So when we come here in the Legislature, and we are dealing with legislation that deals with education, our discussions, our language, our grasp of grammar, our understanding and utilization of syntax ought to indicate what education produces in terms of equipping us to communicate with others. To communicate means that you transmit from your mind information to another person's mind, and you do it by means of words.

HILGERS: One minute.

CHAMBERS: The broader, the deeper your vocabulary, the more likely it is that you're going to be able to transmit with precision and exactitude what you have in your mind to that other person's mind. Sometimes you will use more than one word to embrace an idea in order to cover the waterfront. So, as we discuss this bill this morning, and we will discuss it for a great, long time, I'm going to see if in the discussion tendered by my colleagues manifests what education is supposed to produce. Thank you, Mr. President.

Transcript Prepared By the Clerk of the Legislature  
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Floor Debate  
February 20, 2019

---

HILGERS: Thank you, Senator Chambers. You are next in the queue. You may continue.

CHAMBERS: Thank you. I am going to do some instructing this morning. The word "civics" was mentioned. I would like to ask Senator Groene a question, if he is on the premises.

HILGERS: Senator Chambers, I do not see Senator Groene.

CHAMBERS: I would then like to ask Senator Bolz a question.

HILGERS: Senator Bolz, will you yield to a question?

BOLZ: Sure, I'll yield.

CHAMBERS: Senator Bolz, when the term "civics" is used in connection with an educational program, just generally speaking, what would the subject of civics include?

BOLZ: I think it would include anything that is related to our civic life together, government, economics, education, all of those issues that mean being part of a community.

CHAMBERS: Thank you.

BOLZ: Sure.

CHAMBERS: And that is adequate. I'm going to talk to you all about your Constitution. It's a Constitution of, by, and for white people. It was put together of, by, and for certain white people for certain or particular other white people. There were classes that existed in America from the beginning. There were the better classes, and there were the rest of you all, the hoi polloi, the riffraffs, the masses, the ones who do the hard work produce wealth so that the better classes don't have to soil their fingers even though they were known not to wash their hands or practice good sanitation. And the ultimate aim is to give them leisure time, time when they don't have to do anything other than what they choose, even if it's lying around. So, they have to make sure that you all stay good and ignorant, that you don't use your brain, you don't develop your mind.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
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Floor Debate  
February 20, 2019

---

You can be paid low wages, you can be made to do dirty work, and they can vice your mind to such an extent that those who do the hardest, heaviest, most dangerous dirty work receive the least in wages, the least. And when you have people who have been reduced to that semi-human status, you can then exploit them in other ways too. There was a poem, it started, and it didn't rhyme. Bowed by the weight of centuries, he leans upon his hoe and gazes at the ground; the emptiness of ages in his face and on his back, the burden of the world. Who made him dead to the rapture and despair, a thing that dreams not and that never hopes. Then it goes on to describe this human being who was dehumanized, then concludes something like, oh, lords, masters, and rulers in all lands, where will you be when this dumb terror rises to judge the world after the silence of centuries? I wish that the discussion on this floor manifested some level of education. I don't say higher education, because you don't need--

HILGERS: One minute.

CHAMBERS: --even to know how to read to be in the Legislature. Just be a certain age, have lived in a certain area for a certain period of time, be outside of the penitentiary, and you can have been inside the penitentiary if you didn't commit too serious an offense. You're not required to know how to read, not required to know how to write, because this is for people who are white. But in the south where people of my complexion who were denied the right to have an education had to be able to calculate how many bubbles there are in a bar of soap, glance at a courthouse and be able to tell how many windowpanes were in the courthouse. Then some ignorant white person would come up who could not read and wouldn't recognize A from bullfrog-- Thank you, Mr. President, I'll turn on my light.

HILGERS: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Chambers, you're welcome to close on your amendment.

CHAMBERS: Is this my third time?

HILGERS: It is.

CHAMBERS: Okay. I meant, I've spoken three times already?

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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

HILGERS: Your opening and two times, and this is your third, which is your close.

CHAMBERS: This is my closing on this motion.

HILGERS: On the amendment, yes.

CHAMBERS: On this amendment. You've got this ignoramus, tobacco juice running down the side of his mouth, and I'm giving description now that I read in novels by southern white people who wrote about the lower orders. Tobacco juice running down the side of his mouth, dripping onto his shirt collar, and it doesn't go any further because it being either heavily slimed, it will stay there and not drip any further, or being very loose like water, it is absorbed by that collar and does not go any further. And they ask him, "what is it that you want to do?" He say, "I want-- I want--I wanna vote." And here's what they do. They present the ballot to this ignoramus and ask, have you ever voted before? Regardless of what the answer is, yes or no, they'll say, can you read? No, he ain't never learned no learning and that includes reading. Do you know how to write? Well, I know how to do right, but I don't know how to write. So, this white ignoramus is given the ballot and he can't read what's on it. So the registrar reads the different names, or names that represent alleged candidates, or alleged names of candidates, and asks this fool, which one do you want to vote for? He says, well, one's as good as the other one's to me. Which one do you think I ought to vote for? Well, you see that little square next to all those names, I think you ought to put the X in that square next to the number two name on there. And he say, number two? Well, I didn't learn how to count either. And this guy said, do you work? Yeah, I work. Do you get paid money? I get paid money. Well, how do you know they're paying you the right amount? He said, I measures my money. I measures it. And this is what a white guy is writing to show how ignorant his white brothers are. They get around finally to him putting an X in the box that the registrar suggested. Then here comes a refined black woman, has a college degree, is a teacher, and says, I come to vote. And the registrar, who is not much smarter than that idiot, say you can't vote. Why can I not vote? Because you're black. Black folks don't vote around here. Why not? You too ignorant to vote. I didn't understand, what's that word? I said you, you is "ignant," and if you one of them uppity-- and he used that bad word-- I'll give it to you in three "syballos." Three what? Three "syballos." You don't know what a "syballo" is and you're supported to be a teacher? You are not just "ignant," you is "iginant." You is "iginant,"

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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

therefore, you can't vote. And that's the way the discussion went, more or less. Then a white woman came behind her and her name was Susan B. Anthony. All she had going for her was that she was white. The white women couldn't vote in those days because a certain amendment to the Constitution had not been enacted yet, so they had no right to vote.

HILGERS: One minute.

CHAMBERS: So where did all of this lead? It led to an explanation of why "igninant" white men were allowed to vote who could not read, but a black person, no matter how educated, a white woman before the amendment, couldn't vote. Well, they were very clever, these racists. They said, if your grandfather voted, then you can vote. And your grandfather had to have lived so many and so many years ago, and that meant all the white people could vote, but no black person could because no black person's grandfather ever voted. And that's where "grandfather clauses" came in. You let those not qualified to do something do it, because supposedly their grandfather did it. And that's what we're going to talk, I'm going to talk about, and you all are going to listen to or you're going to get out.

HILGERS: Time, Senator.

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

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

ASSISTANT CLERK: 24 ayes, 2 nays to go under call, Mr. President.

HILGERS: The house is under call. Senators, please record your presence. Those unexcused Senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Linehan, please check in. Senator McCollister, please check in. Senator Gragert, please check in. Speaker Scheer, please return to the Chamber. All Senators are now present. The question before the body is the



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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

adoption of FA11. A roll call vote in regular order has been requested. Mr. Clerk, please call the roll.

ASSISTANT CLERK: (Roll call vote taken.) The vote is 1 aye, 34 nays, Mr. President, on the adoption of the amendment.

HILGERS: The amendment is not adopted. I raise the call. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next amendment to the committee amendment is offered by Senator Bolz, AM365.

HILGERS: Senator Bolz, you're recognized to open on AM365.

BOLZ: Thank you, Mr. President. This amendment strikes on page 5 of the amendment, lines 24 through 29, and it-- this section says that every school board's State Board of Education and superintendent shall be held directly responsible for carrying out the section and not doing so will be considered a dereliction of duty and may be considered a cause for dismissal. I raise this section for many of the same reasons that I raised the section related to teachers and the determination of character yesterday. And I think it's in conflict with the idea of local control and democracy. I don't think that a school board member should be accused of dereliction of duty if he or she has a different opinion than another school board member who happens to serve on the American Civics Committee. I also think that dismissal of a superintendent should be related to his or her performance related to their contract, should be overseen by the school board, and should be outside of a gray area where someone may or may not be making a judgment call about whether he or she did fully executed the act or didn't execute the act. Ultimately, I think that one of the concerns I have is that this could become a partisan tool if one school board member disagrees with another school board member's philosophy or point of view. Ultimately, I think that there are many other ways that this underlying legislation, that the intent of the American Civics Act will be implemented, and that people will still be held accountable to the statute as passed. I just don't agree with the idea that a school board member should be accused of dereliction of duty when he or she is carrying out their responsibilities as they were elected to do, or that a superintendent should be subject to dismissal based on a subcommittee of the school

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

board, or a definition of an individual's interpretation of dereliction of duty according to this specific statute rather than his or her responsibilities as a whole. I look forward to debate. I have had a conversation with the Nebraska Association of School Board. They are in support of this amendment for the reasons that I outlined this morning. I would appreciate your support. Thank you, Mr. President.

HILGERS: Thank you, Senator Bolz. Debate is now open on AM365. Senator Hunt, you are recognized.

HUNT: Thank you, Mr. President. I rise in support of Senator Bolz's amendment, and I also support the intent of the underlying bill, LB399, and I agree with the intention of improving the underlying law that there's a lot that needs to be improved with this, and I applaud Senator Slama's efforts to do that through this bill. There are still a lot of things in this bill that I have a big problem with that make it sort of a nonstarter for me, including what I see as the legislation of patriotism. I think that that really veers into a little bit of thought police, a little bit of telling people how they can be patriotic, and then we're kind of left up to the sometimes very partisan, sometimes very ill-intentioned whims of different students. And so when we talk about things like imparting civic knowledge, imparting patriotism, the value of our system, our institution, that might mean different things to different people in different school systems, and so this bill as it's written I think it opens too many doors for really unintended consequences that isn't something I can support. And I am open to working on an amendment. I'm doing that a little bit today, and with that, I'll yield the rest of my time to Senator Chambers.

HILGERS: Thank you, Senator Hunt. Senator Chambers, you're yielded 3:40.

CHAMBERS: Thank you, Mr. President. Thank you, Senator Hunt. And this language that Senator Bolz is interested in is interesting. I would like to ask Senator Bolz a question, if she would respond.

HILGERS: Senator Bolz, would you yield to a question?

BOLZ: Of course.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

CHAMBERS: Senator Bolz, if I understand your amendment, you would remove all of subsection 7?

BOLZ: That's correct.

CHAMBERS: Okay, thank you. This subsection 7 shows that the "iginant" fool that was allowed to vote wrote this language. I wish Senator Groene was here. He's the chairperson of the Education Committee. This bill came out of his committee, and he brought us to where we are. But since he's not here, I'm going to ask a question of one of the people who should have the answer, and that would be the introducer of the bill. I wasn't even thinking about asking her, but she looked at me, and when people look at me, that's a form of communication, and I respond when I'm communicated with. I would like to ask Senator Slama a question or two if she would respond.

HILGERS: Senator Slama, would you yield to a question?

SLAMA: Yes.

CHAMBERS: Senator Slama, do you have a copy of the amendment before you and the language Senator Bolz is attempting to remove?

SLAMA: Yes.

CHAMBERS: Here's the question I want to ask. In line 27, this is the language, "neglect thereof by any employee or appointed official shall be considered a dereliction of duty." Then the next line begins with the word "may" be considered a cause for dismissal. If it shall be the duty, why should there not be a mandate that the person be dismissed for not carrying out that duty?

SLAMA: The intent of adding the language "may be considered" is part of the language we reformed to give the school district some flexibility in their enforcement of this.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

CHAMBERS: But it also offers the opportunity for arbitrariness in getting rid of somebody whom they do not like and they would allow somebody else to keep employment for having done exactly the same thing. Isn't that possible?

SLAMA: I would argue that the language as written without the bill is open to arbitrary interpretation as well.

CHAMBERS: If you put "shall be considered a cause for dismissal," that would make it closer to a mandate,--

HILGERS: One minute.

CHAMBERS: --but I want to analyze a bit more before we get there. Why not say, "it shall be a cause for dismissal"?

SLAMA: Because you could have different levels of failure to follow through on the statute. Failure to teach Flag Day, in my opinion, shouldn't be cause for automatic dismissal, and that's failure to enforce the statute.

CHAMBERS: You answered the question that I asked in the way you would answer it, but I will pursue it further when I'm recognized. Thank you, Mr. President.

HILGERS: Thank you Senators Slama, Bolz, Chambers, and Hunt. Senator Slama, you are recognized.

SLAMA: Yeah, thank you, Mr. President. I stand opposed to AM365. Senator Bolz has raised some fair points that quite simply I'm concerned the removal of this section, in whole, removes the teeth and accountability related to LB399. As such, I encourage a red vote on this amendment.

HILGERS: Thank you, Senator Slama. Senator Chambers, you're next in the queue.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

CHAMBERS: Mr. President, and members of the Legislature, when people read language, they ought to look at what all is embraced. It says, this section. That means every item in this bill that would comprise Section 1, all of those items. Then the ignoramus in the original language that was already here, said, "the school board." Well, how are you going to punish the board? Are you going to say, if you have a board of seven, and four vote aye and three vote nay, and the four that vote nay vote against carrying this out, are they the only ones subject to firing, or everybody on the board? And that's not a question for anybody to answer, it's to show how simpleminded this kind of trash legislation is. It's based on emotionalism, based on racism, and ignorant people are motivated by those sentiments. A board comprises people. A board is composed of people. If you're going to punish, you should punish the ones who did whatever is wrong. But there should not be wiggle room where, like in these small towns, and everybody knows how racist, narrow-minded, and parochial small-town people are, I see it on television and in movies all the time. And these movies are made by white people and they know each other. These small towns are horrendous places when it comes to gossip, busybodyness, and mettlesomeness. So certain people will be allowed to do things with impunity. Other people will suffer punishment. I started with a presentation about education. And how what we do while we're talking about education should exemplify what being educated means. When you're talking about discharging people, you should not have language which in and of itself, invites a discriminatory application. If everybody on the school board did nothing, if everybody on the State Board of Education did nothing, nobody need be fired under this. Nobody. But I'd like to ask a question. Is Senator Groene back yet?

HILGERS: Senator Groene, I do not see Senator Groene on the floor, Senator Chambers.

CHAMBERS: Is Senator Morfeld here?

HILGERS: Senator Morfeld, are you here? I do not see Senator Morfeld on the floor either.

CHAMBERS: I will ask Senator Pansing Brooks a question.

HILGERS: Senator Pansing Brooks, would you yield to a question?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

PANSING BROOKS: I guess so.

CHAMBERS: Senator Pansing Brooks, the way this language is written, it seems to be self-executing, and I'm asking you because Senator Slama is not here.

PANSING BROOKS: Where is she? [LAUGHTER]

CHAMBERS: If you know the track of the morning mist, you know where Senator Slama is. I would like to ask Senator Slama a question. I didn't realize she's still on the premises.

HILGERS: Senator Slama, would you yield to a question?

SLAMA: Yes.

CHAMBERS: Senator Slama, is this provision, subsection 7, supposed to be self-executing, that as soon as the dereliction is engaged in, dismissal is automatic by operation of law?

SLAMA: No, and we have that wording as "may be considered."

CHAMBERS: Who would dismiss the board members?

HILGERS: One minute.

CHAMBERS: Who performs the act of dismissal?

SLAMA: I would have to look into that.

CHAMBERS: You didn't write this, I'm not blaming you. I'm just calling things to your attention. Who will dismiss the members of the Board of Education? They're elected. Who will dismiss them?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

SLAMA: I don't want to misspeak on the record, so I will say that I'll get back to you here shortly on that.

CHAMBERS: Now, since the superintendent is employed by the school board, would the school board dismiss the superintendent?

SLAMA: That would be-- yes.

CHAMBERS: So that's the only one in this list where we can locate an individual who might be dismissed because there's somebody with the dismissing authority. Would you agree or disagree with that?

SLAMA: As of right now, that is the answer that I can give you.

CHAMBERS: Thank you.

HILGERS: Time, Senators. Senator Chambers, you're next in the queue, and you may continue.

CHAMBERS: I'm going to teach, as I said, and lecture. You all don't read these bills. Senator Slama, a brand new Senator, will be given a piece of trash legislation. I don't expect her to have read it with a microscopic eye or a magnifying-glass eye, because people on this floor have not read it. Many of them haven't read it at all. I'd like to ask Senator Wayne a question, because he was on-- well, let me not say I'll get it from him.

HILGERS: Senator Wayne, would you yield to a question?

WAYNE: Yes.

CHAMBERS: Senator Wayne, did you serve on the school board at one point?

WAYNE: Yes, I did.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

CHAMBERS: Who is authorized to dismiss a school board?

WAYNE: Nobody, except for the voters at the next election.

CHAMBERS: Thank you. I would like to ask-- I'll ask Senator Hilkemann a question.

HILGERS: Senator Hilkemann, would you yield to a question?

HILKEMANN: I will.

CHAMBERS: Senator Hilkemann, who has the power to dismiss the entire State Board of Education?

HILKEMANN: The voters.

CHAMBERS: And if the voters don't do that, then who can dismiss them?

HILKEMANN: Senator, I don't know the answer to that.

CHAMBERS: There is nobody. Thank you. And members of the Legislature, an election is a choice made by the voters. They may choose to retain, they may choose not to. This language was put here by people who didn't have a thought or a brain cell working. They didn't even consider saying they shall be recalled. Put something in that makes it have the appearance of thought. I'd like to ask Senator Moser a question. He's a very thoughtful gentleman.

HILGERS: Senator Moser, would you yield to a question?

MOSER: If it's something I know the answer to, I'd be glad to answer it for you.

CHAMBERS: Senator Moser, I think you can answer any question that I ask you, whether you know the answer or not. The answer you can give is, I don't know. That's an answer to the question.



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

MOSER: I'd rather give a more intelligent answer if I could.

CHAMBERS: Okay. Then if you don't know, I'm going to hear what intelligent answer you give me, other than I don't know. Who can dismiss a school board?

MOSER: I'm not positive of that answer. I'm not sure that they can be recalled, sir.

CHAMBERS: You're right. They-- I'm not aware of that. An election is what it would take. Thank you very much. Members of the Legislature, why are you all going to insist on keeping this nonsensical language in here? Nobody can dismiss a school board. Who's going to dismiss the whole Board of Ed-- State Board of Education? Why would you even put that in there? There are business people here who probably think a little more deep. Well, no, I'd leave that alone. Trump is a businessman. But I don't-- I don't let him be the standard of what every businessperson is. I think Senator Bolz is bringing a very reasonable proposal, but I don't want you to vote for it. I want you to vote agin it, excuse me. I want you to vote against it, stand up for those ignoramuses who did the best they knew how. Is it their fault that they were ignorant? Is it their fault they were not lawyers? Is it their fault that they put language in the law that cannot be carried out?

HILGERS: One minute.

CHAMBERS: How can they know if they're not taught? How can they be taught without a teacher? How can somebody teach unless he or she is qualified to do so? The "Bibble" says, how can one teach unless he or she is sent? Keep this language. Say that something shall be considered for dismissal, but a person may be dismissed, but in reality there is nobody to do the dismissing. That is beautiful. It will be a perfect snapshot of what I tell people about the level of intelligence on the floor of the Legislature. But this does not go to intelligence, this goes to lack of attention. This bill does not draw attention.

HILGERS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

HILGERS: Thank you, Senators Wayne, Hilkemann, Moser, and Chambers. Senator Slama, you are recognized.

SLAMA: Yes, I'd just like to make a point of clarification on the earlier set of questioning by Senator Chambers. In paragraph 7 on page 5, every school board, the State Board of Education, and the superintendent of each school district in the state shall be held directly responsible in the order named for carrying out this section, and neglect thereof by any employee or appointed official shall be considered a dereliction of duty and may be considered a cause for dismissal. The key here is that it may only be considered a cause for dismissal of the employee or appointed official. As Senator Chambers, and I'm sure the rest of this body knows, school boards and the State Board of Education are elected officials and would not be impacted or at risk of dismissal with this section. Thank you.

HILGERS: Thank you, Senator Slama. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. Coincidence. There's a news item just broke. They arrested the person who did the vandalism to Congressman Fortenberry's signs, political signs, googly eyes and changed the name of it, college professor, sociology professor at the University of Nebraska. Maybe we need to expand this that we expect our employees of the University of Nebraska from the President on down to make sure the employees at the University of Nebraska reflect the character of the state of Nebraska. That's what this provision in this law does. It gives clearance to the school board to dismiss somebody for lack of character. Of what they expect-- we should expand it to math, science, so nobody puts their personal views what America is, what science is, what math is, in the classroom. That we give them direction of what should be taught, how it should be taught, and then we expect those employees to do it, and if they don't, then they are dismissed. All this provision does is says, we have an employee who is ignoring direction, and we're giving the school board and the superintendent and the principal, if necessary, the ability to dismiss that individual. That's common sense. That's common sense in free enterprise. If an individual works for a free enterprise, and their actions do not reflect well on the company, they can be dismissed, and it hurts their sales, it hurts their business model, because they get a drunk driving, do some other things. It's the same. It should be the same in government. If you don't follow direction, you don't follow the duties assigned you, you should be able to be

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

dismissed. And the elected board hires a superintendent, gives them authority of hiring and firing, but when that superintendent does not do their job, the school board should dismiss that person. It's common sense. It gives them legal standing. It protects them from lawsuits. It's good-- this is good law, it's good statute. The existing statute is good, and needs to remain in the bill. Thank you, Mr. President.

HILGERS: Thank you, Senator Groene. Senator Chambers, you're recognized, and this is your third time.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to have a little conversation with Senator Slama, if she will respond.

HILGERS: Senator Slama, would you yield to a question?

SLAMA: Yes.

CHAMBERS: Senator Slama, when I call myself teaching, I give hints along the way to let people know what the answer ought to be. Did you hear me say that the only one in this list who could be fired would be the superintendent because he or she is hired by the school board? Did you hear me say that?

SLAMA: Yes.

CHAMBERS: Okay, now, that is the only employee. Then I asked other questions that really are not relevant, but because I ask the question, people get caught up in that, and that's how they get put on a false trail. A teacher is not supposed to give the answers directly. Give hints. Senator Groene comes back now because somebody probably told him what the answer is. He should have been up here. But, Senator Slama, I would like now that we've come to this point to discuss it further. But who is the genius who brought it to your attention that the employee or the appointed official can be done away with?

SLAMA: That was something that my fantastic L.A. brought to my attention.

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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

CHAMBERS: You want me to tell you why I'm saying that? Sometimes people who do work are not recognized. I don't mean by you, but dealing with the public is extremely difficult, and yet the people who do that are not given the consideration they ought to be given. So when we have staff members who are on their toes, their p's and q's and do what it is they should do, it should be acknowledged. And I'm glad Senator Slama will do that, and I had no doubt that she would, and she wouldn't be embarrassed. I wouldn't do that to some people. Now, Senator Slama, that's all that I will ask you now. I would like to ask Senator Groene a question.

HILGERS: Senator Groene, would you yield to a question?

GROENE: If necessary.

CHAMBERS: Senator Groene, in this same paragraph that we're discussing, any employee or appointed official shall be considered a dereliction of duty if he or she doesn't carry out this section. Does it say anywhere that the appointed official will be directed by somebody to carry it out?

GROENE: No. It would be part of their job description.

CHAMBERS: You don't know that, but maybe you do. Who is the appointed official by job description that this language speaks of?

GROENE: It would probably be the principal.

CHAMBERS: Not probably.

GROENE: It is the principal or it could be an assistant principal. It could be, if you're a big enough school district, a P.R. person, you know, or a health-- what do you call it, the employee division.

CHAMBERS: So a principal is one who is hired and appointed, is that right?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

GROENE: To certain duties.

CHAMBERS: Who appoints the principal?

GROENE: The duties would be outlined by the superintendent. Superintendent would hire an individual, it would be the principal on the building, and give him the duties, or her the duties.

CHAMBERS: Who employs the principal?

GROENE: The school district, the taxpayers.

CHAMBERS: So then the principal, the superintendent merely appoints this person who-- well, I'm kinda lost. Would you take me from the time this individual is not a principal to the time where he or she is a principal, and tell me who all is involved in that person reaching that status? If you know.

GROENE: You're a principal when you get hired, as the principal of a building.

CHAMBERS: Have you ever heard of a teacher being appointed to be a principal?

GROENE: No. Oh, yes I have, if somebody leaves or a death--

HILGERS: One minute.

GROENE: --they will instantly. I had it in the school district I grew up in. Principal had a car wreck, and then they appointed a teacher to take his position.

CHAMBERS: That's all I'll ask you now because in a minute, I can't ask my questions, you couldn't have the time to give the answer. So I will continue this discussion and I have at least another hour that I can pursue my instructing this morning, unless-- well, anyway, thank you, Mr. President.

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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

HILGERS: Thank you, Senators Slama, Groene, and Chambers. Seeing no one else in the queue, Senator Bolz, you're recognized to close on AM365.

BOLZ: Thank you, Mr. President. I appreciate the dialogue and the discussion. Fundamentally, I think this comes down to fairness, to a-- an employed superintendent who is managing a situation in which there might be differences of opinion and fair perspectives on good judgment about what is or isn't dereliction of duty, what is or isn't fully complying with the statute. I think the language is confusing as it relates to the school board members, and I think that we need to respect that the school board members just like state senators are democratically elected and that the voters have the final say about whether or not they are performing their duties as assigned. I think that different school board members may have different opinions about what it means to fully implement this statute, and at the end of the day, the statute remains in place with or without Section 7. With or without Section 7, we are still establishing in state law the responsibilities of the American Civics Committee. So, I think fundamentally this is a matter of local control, and if we support the principles of local control, we need to support them in this context as well. So I would ask for a roll call and a record vote, because I do think that this is a matter of roll-- of local control, and I'd like to see where the body lies. Thank you, Mr. President.

HILGERS: Thank you, Senator Bolz. The question before the body is the adoption of AM365. A roll call vote has been requested. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Albrecht, voting no; Senator Arch, voting no; Senator Blood--

HILGERS: I'm sorry. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 2 nays, Mr. President.

HILGERS: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All

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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

unauthorized personnel please leave the floor. The house is under call. Senator Brewer, please check in. Senator Linehan, please check in. Senator Linehan, please check in. All members are accounted for. The question for the body is the adoption of AM365. A roll call vote has been requested in regular order. Mr. Clerk, please call the roll.

ASSISTANT CLERK: (Roll call vote taken.) The vote is 19 ayes, 27 nays, Mr. President.

HILGERS: The amendment is not adopted. I raise the call. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next amendment I have is for Senator Chambers, FA12.

HILGERS: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open on FA12.

CHAMBERS: Thank you, Mr. President. And members of the Legislature, first of all, I can count. That statement is pregnant with meaning. Ignorance will not necessarily prevail. The ignorant usually outnumber those who are not ignorant. Notice I didn't say the intelligent because somebody can be highly intelligent and yet ignorant about a certain thing. I don't know how much an atom of iron weighs. I see Senator Slama looking with a cat that swallowed the canary smile, so I'm going to ask her a question.

HILGERS: Senator Slama, would you yield?

SLAMA: Yes.

CHAMBERS: Senator Slama, which weighs more, a pound of feathers or a pound of gold?

SLAMA: That would be-- so we've got a different measuring system for feathers versus gold. There's 16 ounces in a pound of feathers because that's how we measure feathers. There's 12 ounces in, oh, I'm trying to think of--

CHAMBERS: Troy.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

SLAMA: Yes, in troy. The grams are slightly different in an ounce. But I still believe--

CHAMBERS: You've answered it.

SLAMA: It's a pound of feathers that--

CHAMBERS: Avoirdupois, which is 16 ounces, precious metals, troy, 12 ounces.

SLAMA: But the ounces in troy have a different number of grams than the ounces and the standards--

CHAMBERS: But the feathers would weigh more when you ultimately get to it. Yes.

SLAMA: Yeah.

CHAMBERS: Members of the Legislature, unknown to you all, Senator Slama and I-- that's all I'll ask you. We've had some conversations and I'm not going to tell you the content of those conversations. But I will never hesitate to pose a question to her, so she may as well be ready. But let me tell you what this amendment would do. Because I dislike everything in this particular bill that's before us, I like all of those sections of statute of which this bill is a part. Therefore, this amendment would say, strike all of the original sections from this bill and insert the following, more or less. I'm paraphrasing. There shall outright repeal-- these following statutes will be outright repealed. That means you don't have to set them forth in their entirety, just give the number of the statute. Section 724, Section 725, Section 726, Section 727, and for the sake of the record, because I wouldn't expect you, anybody on this floor, to know what each one of these sections deals with. And this is not one of those, I gotcha, trick-type amendments. Section 79-724 has this as a heading-- which, by the way, is not an official part of the statute. It just informs you. American citizenship; committee on Americanism; created duties; required instruction; patriotic exercises; duties of officers. None of that should be a matter of statute because the underlying premise is false. That things which should be better left to those who do the educating should not be matters of statute because that in effect freezes what is said in the same way that little insects have been encased in amber. They've been there forever, relatively



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

speaking. 79-725. And I'm surprised that Senator Groene is in favor of this being in the statute when he talks about what the schools ought to be teaching and what they ought not. What is this character education? Senator Groene has always been against that kind of thing in the schools. It's not the school's job to teach character, but he didn't read the statute. So he doesn't know it's there, but now that he knows it's there, he's going to say, well, that's all right, leave it there. But 79-725. Character education, principles of instruction, duty of teachers. 79-726. Character education, outline of instruction, duty of commissioner of education. These things should not be in the statute. I'm trying to remove them. 79-727. Americanism and character education violation penalty. I think that probably would be stricken by the bill itself, but I'm getting all of that out and will strike this entire complex of statutes. That would be what I am offering with my amendment. Do I think you'll accept it? No. Then why do I offer it? Because I want to take some time. I'm going to take all the time that I need. And you know what's going to happen? Either the Speaker is going to take this off the agenda or a motion for cloture is going to be made. It's going to fail and the thing is dead for the session. There is more than one way to crack a walnut. You thought I'd say, skin a cat, didn't you? Well, I don't believe in killing animals for the sheer love of it, for trophy taking, or the other barbaric human reasons for killing animals who are unoffending and will offend, as it's called, against a human only when the human intrudes on that animal's territory. The animals don't come hunting people. Not even those called man eaters. The animals they found that eat human beings, that eat them, are those who are very ill, those who are injured, those who are weak, those who cannot catch and master their ordinary prey. See, lions, cheetahs, they eat fast food. What is fast food in the animal kingdom? Antelope, deer, those that move rapidly. They got fast food everywhere. If one of those animals called a man eater is eating men or human beings, it's because they cannot bring down their prey that they ordinarily would go after. What I said I'm going to do this morning is some instructing. I asked about civics. I would like to ask Senator-- oh, I don't see Senator McCollister, but I was going to ask him some questions. He said he now favors this bill because he found out how little people know about, I don't know if he said the government or about certain things. I wish Senator Morfeld was here but he's not here. He's our resident expert on the Constitution. Who is a smart-alec in here? I'd like to ask Senator Erdman a question if he'd respond.

HILGERS: Senator Erdman, would you yield to a question?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

ERDMAN: Yes.

CHAMBERS: Senator Erdman, if you don't have the answer to this question, you would join most people. Do you happen to know how many original articles there are in the U.S. Constitution?

ERDMAN: I don't. Seven?

CHAMBERS: Yes. Senator Erdman, there is a number of amendments. I said there is a number. Some people will say, well number would be plural, but my verb deals with number. There is a number. Do you happen to know how many amendments there are to the Constitution?

ERDMAN: Would you like me to guess?

CHAMBERS: Let me see. I better be sure myself, shouldn't I?

ERDMAN: 27.

HILGERS: One minute.

CHAMBERS: Bingo. Thank you, Senator Erdman.

ERDMAN: Thank you.

CHAMBERS: I'm glad that I picked the right person to ask that question to. Members of the Legislature, there are only seven articles in the U.S. Constitution, but there are 27 amendments. The Constitution is what they call the organic or basic law on which, in this case, a government is built or established and it uses general language which is susceptible to being expanded, interpreted, amended. But you set out those basic principles, then you offer amendments as deemed necessary. And those old codgers, most of them slaveholders, anticipated that this Constitution was not perfect. So an article--

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Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

HILGERS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

HILGERS: Thank you, Senators Slama, Erdman, and Chambers. Speaker Scheer.

SCHEER: Thank you, Mr. President. We've reached the allotted time for LB399 on its first discussion level, so we will move on to LB660, please.

HILGERS: Thank you, Mr. Speaker. Pursuant to the Speaker's announcement, we'll move on to the next item on our agenda. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. I have notice of committee hearing from the Revenue Committee, Natural Resources Committee and the Executive Board. That's all I have at this time.

HILGERS: Thank you, Mr. Clerk. Turning to the next item on General File. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LB660 introduced by Senator Brewer. (Read title.) The bill was read for the first time on January 23 of this year and referred to the Agriculture Committee. That committee placed the bill on General File with no committee amendments.

HILGERS: Thank you, Mr. Clerk. Senator Brewer, you're recognized to open on LB660.

BREWER: Thank you, Mr. President. Good morning, colleagues. I rise today to introduce LB660. Under current law the executive director of the Brand Committee wears two hats. This person is the leader of the Brand Commission and is also the Brand Committee's chief investigator. Because of this requirement, the executive director of the Brand Committee has to be law enforcement-certified. The Law Enforcement Academy in Grand Island is a demanding 16-week course. The older one gets, the more difficult it is to pass this course both because of academics and the physical requirements. Additionally because of this requirement, the very

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

experienced people who have spent a lifetime in the cattle business are discouraged when throwing their hats in the ring for this job to be the executive director of the Brand Committee. This bill does away with the requirement for the executive director to be a law enforcement-certified person and creates a new position on the Brand Committee as a chief investigator who answers to the executive director and is law enforcement-certified. This way, we can have the best-qualified people in the correct jobs. I think this is an important change and a necessary change for the Brand Committee. This bill does not cost the Legislature. There is no General Funds being expended by this bill. There is a fiscal note for this bill because the Brand Committee has cash funds to be used. This is also an A bill because the A bill gives the Brand Commission the authority under law to spend their cash funds for this position. The bill is included as part of the Brand Committee's budget request, so there's no surprises with the Brand Committee. Thank you, Mr. President.

HILGERS: Thank you, Senator Brewer. Debate is now open on LB660. Seeing no one in the queue, Senator Brewer, you're recognized to close on the advancement of LB660. Senator Brewer waives closing. The question for the body is the advancement of LB660 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance.

HILGERS: The bill advances. Next item on General File.

ASSISTANT CLERK: Mr. President, LB486 introduced by Senator Lowe. (Read title.) The bill was read for the first time on January 22 of this year and referred to the Education Committee. That committee reports the bill to General File with no committee amendments.

HILGERS: Thank you, Mr. Clerk. Senator Lowe, you're recognized to open on LB486.

LOWE: Thank you, Mr. President. LB486 creates the Veteran and Active Duty Supportive Postsecondary Institution Act. The intent of this bill is to act as an incentive program for postsecondary institutions to offer at least five out of the eight programs that are beneficial to

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

veterans and active duty military. If a college or university meets these requirements, they will be eligible for the designation. This designation can be used as another way for the school to show its support for veterans and active duty military. There are only two other states that offer this type of designation, Arizona and Louisiana. LB486 is loosely modeled off of these programs, but the criteria was created with the help of the university, the community colleges, state colleges, and independent colleges to ensure that the criteria made sense for those institutions. And I'd like to thank Senators Heath Mello and past Speaker Greg Adams for their help in this bill. At the end of the day, I believe that LB486 is a win, win, win bill. It is a win for our veterans and active duty military members because it helps to ensure beneficial programs are offered throughout our state. It is helpful for our postsecondary institutions because it offers a state acknowledgment of the great work they do once they hit a certain threshold. And lastly, it is a win for the state of Nebraska because this bill will help encourage more veterans and active duty members to go to the schools in Nebraska and hopefully stay and make a living in Nebraska. The bill had its hearing on February 4th and was supported by the University of Nebraska-Kearney speaking on behalf of the university system; the Nebraska State College System; the Bellevue University speaking on behalf of the independent college system; and the Nebraska Department of Veterans Affairs. The Community College System submitted a letter in support. There was no opposition or neutral testimony. It was voted out of the Education Committee on an 8-0 vote. I urge you to vote green on LB486 to help show that Nebraska continues to be the forefront support of our veterans and our active duty military. Thank you, Mr. President.

HILGERS: Thank you, Senator Lowe. Debate is now open on LB486. Seeing no one in the queue wishing to speak, Senator Lowe, you're recognized to close. Senator Lowe waives closing. The question for the body is the advancement of LB486 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

ASSISTANT CLERK: 40 ayes, 0 nays on the advancement of the bill.

HILGERS: The bill advances. Turning to the next item on General File. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB254 introduced by Senator McCollister. (Read title.) The bill was read for the first time on January 14 of this year and referred to the Business and

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

Labor Committee. That committee placed the bill on General File with no committee amendments.

HILGERS: Thank you, Mr. Clerk. Senator McCollister, you're recognized to open on LB254.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. LB254 would create the Fair Chance Hiring Act and prohibit most employers from inquiring at the time of application into an applicant's criminal history. This type of law has been introduced many times in other states. It's commonly referred to as Ban the Box law, or ban the check box application that asks about a prior criminal record. According to the EEOC, over 150 cities and counties and 33 states and the District of Columbia have adopted a version of the Ban the Box legislation. These numbers continue to increase. Under current Nebraska law, most public bodies are prohibited from inquiring about criminal history at the time of an application. This change was made by the Legislature in 2014. To my knowledge, there has been no complaint since the 2014 bill was passed. Likewise, we have nothing to fear from the changes proposed by LB254. LB254 would only affect employers with more than 15 employees. Smaller employers or small family businesses are excluded. The 15 employee distinction exists in several other areas of employment law. For example, in anti-discrimination laws. Additionally, larger employers are more likely to have standard paper or online application forms that can be easily amended to accommodate this bill. Some categories of employees would be exempt. This include law enforcement entities that work closely with law enforcement, as well as school and daycare providers and private denominational or parochial schools with regard to an applicant's history of sexual or physical abuse. LB254 would not completely prohibit an employer from inquiring into an applicant's criminal history. It would only bar this inquiry on the initial application. LB254 would prohibit exceptions for jobs which require criminal history as a disqualifier under other state or federal law. For example, think of a history of a conviction for fraud or embezzlement as an allowable disqualifier for a candidate for a bank job that requires a state license. This would allow an applicant who may have made a mistake in his or her past to at least get a foot in the door to meet with a potential employer. My good friend, Senator Groene, will describe LB254 as a feel-good bill, which it certainly is. There will be no sanctions against a subject company that continues to use the box. The bill is a best practices kind of thing, like annual employee surveys, employee recognition programs and annual employee reviews, a good idea but not mandatory.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

The bill does not anyway take the ultimate hiring decision away from the employer. So what's the downside? In this bill, is this a bill a nose under the tent to hide important applicant information? No way. Is this bill a sneaky way to force employers to hire former law breakers? No, absolutely not. Does this bill cost the state or employers precious resources to meet another unqualified mandate? No, sir, not a penny. I suspect many of you have constituents who have told you they do have a criminal record and ask you how to get a pardon, a set-aside order, or some other remedy that will let them move on and begin again after they have served their sentence. They have paid their debt to society. LB254 would create a more positive and successful pathway for employment for those individuals who have turned their lives around. Thank you, Mr. President.

HILGERS: Thank you, Senator McCollister. Mr. Clerk, for an amendment.

ASSISTANT CLERK: Mr. President, Senator Ben Hansen would move to amend LB254 with AM384.

HILGERS: Thank you, Mr. Clerk. Senator Ben Hansen, you're recognized to open on your amendment.

B. HANSEN: Thank you, Senator Hilgers. So I did not vote on this bill in Executive Committee because being an employer myself, I've hired many people and I like the, maybe the intent of this bill that Senator McCollister was putting forward. Like you said, it is a feel-good bill. However, I had a-- I felt that it put an undue burden on employers by forcing them to, in a sense, play psychologist with every applicant that comes in to explain why they did what they did. And so, we kind of came to a compromise, and a lot of the business community was not in favor of this bill, so I was trying to bridge the gap here a little bit that we can come to a good compromise. And we came up with amendment, AM384, that would, in a sense, still allow the applicant to explain what they did. Because the problem we were having with some of this is that somebody might have a felony that they committed 20 years ago and if there's a box in there just says, did you commit a felony, they don't really have a chance to explain themselves, which then puts them in a precarious situation where they can't have a chance to, kind of like I said, explain what they did. So this amendment would still allow the applicant to explain what they did, not so

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

much to just in the interview process, but more in writing if they so choose. So this amendment would allow them to explain what they did underneath the box. So if the employer still has the, check the box, they could have a couple of lines underneath the box that would allow the applicant to explain what they did, the date that they had their felony, or they could also include a page with their application to explain what they did. So that's in a sense what this amendment does. And it seemed to come to a very good compromise between the business community and the bill. And so all the people who were opposed to this, which is, you know the Chamber, LIBA, NFIB, etcetera, agree to withdraw their opposition with this amendment. So it seemed like a good compromise where everyone can kind of come together. So that's what this amendment pretty much does. Thank you.

HILGERS: Thank you, Senator Hansen. Debate is now open on AM384. Senator Matt Hansen, you are recognized.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. Colleagues, I rise in support of LB254 and AM384. I'm appreciative of Senator Ben Hansen and Senator McCollister working together on this amendment. I just wanted to rise up and say the discussion that Senator Hansen and his concerns he raised in Executive Session, I really appreciate him kind of speaking out and sharing his perspective of this issue and working with Senator McCollister. I just did want to say and echo for the record that I have spoken to the interested business groups who spoke in opposition at the hearing and with the adoption of the Senator Ben Hansen amendment, AM384, their opposition does drop away. So with that, I would encourage the body to consider and adopt AM384 and LB254. Thank you, Mr. President.

HILGERS: Thank you, Senator Hansen. Senator Geist, you're recognized.

GEIST: Yes, thank you, Mr. President, and thank you, colleagues. I just am standing up to also be in favor of AM384. I know the intent of the bill that Senator McCollister brought before and has brought back again this year. And I actually-- I favor the intent, but I think the practical application has made this bill difficult for me to support. And Senator Hansen's amendment has made me be able to support this bill. So, with the amendment coming on the bill, I think it gives an employer a little more information, but I also think that as a society we need to change our



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Rough Draft

Floor Debate  
February 20, 2019

---

perspective about allowing inmates and former inmates to enter the work force. That's one of the things, although it's going to take a lot, but it is one of the things that I think will help reintegrate inmates back into society. It will help reduce recidivism and I also think that we need to, as a society, change a bit of our perspective towards those who have been incarcerated. So, with that, I stand in support of this amendment and then ultimately in support of the bill. Thank you.

HILGERS: Thank you, Senator Geist. Senator Arch, you're recognized.

ARCH: I have a question for Senator Hansen if he's willing to take the question, Ben.

HILGERS: Senator Ben Hansen, would you yield to a question?

B. HANSEN: Yes.

ARCH: Senator Hansen, in Section 3 of the amendment, just a question of clarification. As I read that, you have as an employer the option to either ask orally, in other words you could sit down with the applicant, or you can ask for that in writing. It's at the option of the employer.

B. HANSEN: Correct.

ARCH: Okay. All right. Thank you. That's my question.

HILGERS: Thank you, Senators Hansen and Arch. Senator La Grone, you're recognized.

LA GRONE: Thank you, Mr. President. Would Senator Ben Hansen yield to a question?

HILGERS: Senator Hansen, would you yield? Thank you.

B. HANSEN: Yes.

LA GRONE: Thank you, Senator Hansen. I just want to-- Senator Arch got a little into what I was going to ask but I want to cover it more in depth. So looking at Section 3 of the bill, you

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

already indicated that it would really be up to the employer to determine how to gather this information to give this opportunity, is that correct?

B. HANSEN: Yes.

LA GRONE: So could you just discuss a little bit what options would qualify as being an option for getting this information?

B. HANSEN: Sure. So what this comes down to basically is, if you're going to decide to put that box in your application, you in some way or form have to allow the applicant in writing, if you so choose, explain the nature of the crime, what they did, you know, why they did it, whatever the applicant chooses to put on there, the date of the felony, so that at least provides some kind of explanation and some background to why they did what they did. So like if you're a credit card company and you're going through the application process and the applicant puts on there that they got charged with credit card fraud, you know, that at least gives the employer the chance to look and see, okay, this might not be the right applicant for me. Or if they committed a small felony 20-some years ago, okay, we can forgo that, we can look at the rest of the application. This might be a good employee that I can hire. So that's kind of the purpose behind this amendment, to at least allow the applicant some explanation to do what, explain why they did what they did.

LA GRONE: Okay, thank you, Senator Hansen. Just one final question. There's nothing in here that would prohibit an employer from running a background check. Is that correct?

B. HANSEN: I don't think so, no.

LA GRONE: Okay, with that clarification, thank you, Senator Hansen and I will support AM384 and LB254 with the amendment. Thank you, Mr. President.

HILGERS: Thank you, Senator Hansen and Senator La Grone. Senator Albrecht, you're recognized.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

ALBRECHT: Thank you, President Hilgers. You know, I know this was up last year and did not pass. I know we've all been pulled out to the lobby to talk about the amendment and how great it is. My question, because I do care about employees working next to employees. If people aren't being honest about their background, but more importantly, these folks do need a job. But what is the purpose of the bill if we have this amendment? Because if we have the amendment, they're already going to check a box. So I guess if Senator McCollister would yield to a question.

HILGERS: Senator McCollister, would you yield to a question?

McCOLLISTER: Yes, I will.

ALBRECHT: Thank you, Senator McCollister. Can you help me understand why this bill would be needed if we end up putting the amendment on the bill? Because the point is not to have a felon check the box and explain themselves, so if we have the amendment on the bill, wouldn't that just negate what you're trying to do with your bill?

McCOLLISTER: I think not. What we're trying to avoid is just only putting a box on the application and not allowing the applicant to at least have some additional conversation with the employer to explain the circumstances surrounding that violation.

ALBRECHT: Okay, so let me ask you a question. Some companies can add the box and other companies can choose not to? Is that part of the bill?

McCOLLISTER: Yes. And as I indicated in my opening, there's no enforcement provision in this bill. You know, if they choose to eliminate the box, God bless them. If they want to leave the box on there and add some lines below to explain or allow a person to explain, that works too. I think what we are trying to do is simply encourage an applicant to tell the future employer, they hope, what happened and why they violated the law and how many years ago. So we're just trying to encourage communication.

ALBRECHT: Well, again, then I would stand in opposition of LB254, and the AM384 would be great if everybody would do what this AM is asking for, but if some people can sign it and some

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

people can't sign it, that I have some heartburn with because I just believe everybody should be able to tell you what the issues were in your past to be able to come to work for an employer. Thank you.

HILGERS: Thank you, Senator Albrecht and Senator McCollister. Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. Speaker. I just want to, I rise to-- I'm going to be supporting Senator Hansen's amendment to this and I'm also going to be supporting the underlying bill. Last year I was invited by Doug Koebernick to tour one of the transition homes, I think it's called "Las Toukes" [SIC] here in Lincoln. And this is where people come either from having just been released from a mental institution or from the prisons and it gives them an opportunity to kind of get their feet on the ground. They live there for a short period of time. I think about three months is the maximum that they can live there. It was a wonderful eye-opener. And many of these people, all of the people who work there have had-- either been felons or had mental problems or have walked the walk. And one of the things that they do, they have one person that works there that helps find employment for those who have just been released from prison or from one of the mental institutions or some of the sort. And what I really found impressive was that he said that those persons, particularly the felons and so forth that get released make wonderful workers because they want to get back on their feet. They don't want to continue on in the life that they've led in the prisons and that they now have employers that will welcome persons, even if they have a record, even if they had the checkered past. And I think if we can just-- any barrier that we can take to make a life easier for persons to get back on their feet and reduce the rate of recidivism, these are the sort of legislation that I will be happy to support. And so thank you, Senator Hansen, for bringing this amendment. Thank you, Senator McCollister, for bringing this bill, and thank you, Mr. Speaker.

HILGERS: Thank you, Senator Hilkemann. Seeing no one else in the queue, Senator Ben Hansen, you're recognized to close on AM384. Senator Hansen waives closing. The question for the body is the adoption of AM384. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

ASSISTANT CLERK: 36 ayes, 1 nay on the motion to adopt the amendment.

HILGERS: The amendment is adopted. Continuing discussion on LB254. Seeing no one else wishing to speak, Senator McCollister, you're recognized to close on LB254.

McCOLLISTER: LB254 is in the best interest of the state. With a quarter of our population having a criminal infraction or a misdemeanor or a felony, we need to do everything in our power to help people gain and keep employment. A bed in prison will cost the state \$35,000, and that's a cost to taxpayers. It's better for us to go an extra mile. Ban the Box is no panacea, I know that but it would make a difference in a person's life who made a mistake but is now on the straight and narrow. I'd encourage you to vote and advance the bill. Thank you, Mr. President.

HILGERS: Thank you, Senator McCollister. The question before the body is the advancement of LB254 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

ASSISTANT CLERK: 39 ayes, 2 nays on motion to advance.

HILGERS: The bill advances. Next bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB361 introduced by Senator Matt Hansen. (Read title.) The bill was read for the first time on January 16th of this year and referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments.

HILGERS: Senator Hansen, you're recognized to open on LB361.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. I rise today to introduce LB361. LB361 would help protect employees when an employer fails to pay them owed wages, commonly called wage theft. This bill prohibits retaliation or discrimination by an employer against an employee because they filed a complaint or participated in another action concerning the Wage and Hour Act or the Wage Payment and Collection Act. For reference, the Wage and Hour Act sets and enforces the minimum wage for workers which is now at \$9 per hour, and the

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

Wage Payment and Collection Act sets certain rules for paying wages to employees, the main rule being employers must pay all wages due on regular paydays. If LB361 passes, employees would be able to seek relief in courts for the acts of retaliation for employer after they file a wage complaint with the Nebraska Department of Labor and the Nebraska Department of Labor would be able to investigate these claims if employees chose to file there. I was surprised to learn that in Nebraska an employer can violate one of these acts under the law such as failing to pay wages owed. An employer can then file a complaint or bring suit against an employer for that violation. Then that employer could legally fire that employee even after the Department of Labor issues a citation and finds that the employer had violated one of the acts in question. At this bill's hearing, we learned that from groups representing a variety of workers that wage theft is not uncommon. In 2017, for example, there were over a thousand complaints filed with the Nebraska Department of Labor against employers who violated the Wage and Payment Collection Act. We also heard many local stories and evidence from national research that workers often choose to not file a complaint in the first place for fear of retaliation. In order to properly enforce these wage laws already on the books, we need to create a system where employees feel safe to come forward when violations occur. Every day millions of responsible employers comply with wage laws. When we allow competitors to undercut them by failing to pay employees' wages owed to them, we are starting a race to the bottom throughout the entire labor market. Fighting wage theft is not about adding new burdens into law by aiding employers. It is about smarter enforcement of the laws that are already on the books, closing clear loopholes, and enacting stronger enforcement tools. Nebraska has increased our minimum wage in recent years, but that achievement is undercut if we do not instill the proper enforcement mechanisms. This bill is a small measure to attempt to do that. There will be a committee amendment to LB361 that strikes some language at the request of some of the testifiers we heard at the hearing. I will say that LB361 was voted from Business and Labor Committee with six yeases and one member absent. With that, I'd be happy to address the committee amendment.

HILGERS: Thank you, Senator Hansen. As the Clerk noted, there is a committee amendment, AM289. Senator Matt Hansen, as Chair of the committee, you're recognized to open.

M. HANSEN: Thank you, Mr. President. AM289 is the Business and Labor Committee amendment. The committee amendment removes applicants from the provisions of LB361, as

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

LB361 is introduced applied to employees and applicants. At the discussion, the opposition at the hearing was largely to the term applicant, and I think they were correct and the committee felt they were correct in that applicant was too broad under current law for the two wage acts. So, thus, we are removing applicant from the bill to be more streamlined and in effect with the underlying statutes. This amendment we worked closely with the Nebraska Chamber of Commerce and that removed their opposition. And I have spoken to other business groups that testified on the bill and I understand that they are neutral with this committee amendment as well. With that, I would ask the body to advance AM289 and LB361.

HILGERS: Thank you, Senator Hansen. Opening debate on AM289. Seeing no one wishing to speak, Senator Hansen, you're recognized to close. Senator Hansen waives closing. The question before the body is the adoption of AM289. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

ASSISTANT CLERK: 30 ayes, 0 nays on the motion to adopt the committee amendments.

HILGERS: The amendment is adopted. Continuing debate on LB361. Seeing no one wishing to speak, Senator Hansen, you're recognized to close on LB361. Senator Hansen waives closing. The question for the body is the advancement of LB361 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Senator Hansen, for what purpose do you rise? There has been a call of the house requested. The question for the body is whether or not the house should be placed under call. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 23 ayes, 3 nays to place the house under call, Mr. President.

HILGERS: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Chambers, would you check in, please. Senator Hilkemann, would you check in. Senator Hansen, I understand you would recognize call-ins. Mr. Clerk.

CLERK: Senator Scheer voting yes.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
February 20, 2019

---

HILGERS: A roll call vote has been requested. Mr. Clerk, please call the roll.

CLERK: (Roll call voted taken.) 26 ayes, 8 nays, Mr. President, on the motion to advance the bill.

HILGERS: The bill advances. I raise the call. Items for the record, Mr. Clerk.

CLERK: I do, Mr. President, thank you. I have an amendment to be printed to LB29 by Senator Kolterman. New resolution, LR25 offered by Senator Albrecht and others. That will be laid over at this time. A new A bill: 660A offered by Senator Brewer. It's a bill for an act to appropriate funds to implement LB660. Business and Labor will have an Executive Session at noon in Room 2022; Business and Labor at noon. Senator Murman would like to add his name to LB594 and Senator Brandt to LB729.

Mr. President, Senator Brewer would move to adjourn the body until Thursday morning, February 21, at 9:00 a.m.

HILGERS: Members, you've heard the motion. All those in favor say aye. All those opposed say nay. We are adjourned.