

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

Floor Debate
February 21, 2019

[]

WAYNE: Good morning, ladies and gentlemen. Welcome to the George Norris Legislative Chamber for the twenty-ninth day of the One Hundred Sixth Legislature, First Session. Our chaplain for today, our pastor for today is Stu Kerns from Lincoln in Senator Wishart's district. Please rise.

STU KERNS: (Prayer offered.)

WAYNE: Thank you. I call to order the twenty-ninth 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.

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

CLERK: I have no corrections.

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

CLERK: Mr. President, just one item this morning. The Revenue Committee will have an Executive Session starting at 9:30 in Room 2022, Revenue at 9:30 in Room 2022. And that's all that I have, Mr. President.

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

CLERK: Mr. President, a confirmation report. The Natural Resources Committee reports on an appointment to the Nebraska Natural Resources Commission.

WAYNE: Senator Hughes, you are recognized to open on the confirmation report.

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

Floor Debate
February 21, 2019

HUGHES: Thank you, Mr. President. Good morning, members of the Legislature. I present for your approval the reappointment of Don Kraus to the Nebraska Natural Resources Commission. Don came before the Natural Resources Committee for his confirmation on February 14. Mr. Kraus lives in Holdrege and just recently retired from the Central Nebraska Public Power and Irrigation District after 45 years of service. He was the general manager of CNPPID for the last 25 years. He has embraced the challenges that the irrigation and power industry have given him and understands it is essential to protect, extend, and conserve the vital resources for future generation while also supporting the state's economy. Under Don's leadership, Central has advanced by leaps and bounds in technology and in other ways. Don is looking forward to serving as the public power and irrigation district representative on the commission. The Nebraska Natural Resources Commission is comprised of 14 members appointed by the Governor, representing different areas of interest. There are also 13 members that are elected by natural resource districts to represent different river basins. The Natural Resources Commission is a state agency housed under the Department of Natural Resources. It is a broad-based commission which has knowledge of, has experience with, and is representative of every sector of Nebraska's water use and economy. It also serves an advisory role to the Natural Resources Department for water funding decisions, most significantly the Water Sustainability Fund which is in place to help Nebraska achieve its goal for sustainable use of its water resources. The committee advanced Mr. Kraus's reappointment by an 8-0 vote. I ask for your confirmation of Don Kraus to the Nebraska Natural Resources Commission. Thank you, Mr. President.

WAYNE: Thank you, Senator Hughes. Is there any discussion on the report? Seeing none, Senator Hughes, recognize you to close. Senator Hughes waives closing. The question before us is the adoption of the report offered by the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

WAYNE: The report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, Select File, first bill this morning, LB430, Senator Slama. Excuse me, Senator, we have Enrollment and Review amendments pending.

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

Floor Debate
February 21, 2019

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that E&R amendments to LB430 be adopted.

WAYNE: Colleagues, we heard the motion. All those in favor say aye; all those opposed say nay. The ER30 to LB430 is adopted.

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

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB430 be advanced to E&R for engrossing.

WAYNE: Colleagues, you heard the motion. All those in favor say aye. All those opposed say nay. LB430 is advanced to E&R. Next item, Mr. Clerk.

CLERK: Mr. President, LB22. Senator, I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB22 be advanced to E&R for engrossing.

WAYNE: Okay, you've heard the motion. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. I rise to talk on Senator Kolterman's nursing facility bill to raise a related issue, and Senator Kolterman and I share this concern. Yesterday, yet another facility closure was announced. This time, the facility Cambridge Manor is closing. It had 22 beds. Thirteen of those beds were Medicaid beds. Colleagues, since 2015 there have been 16 nursing facility closures, many in rural communities. Twenty-two in the year of 2018 have gone into receivership, and these are nursing facilities in communities whose markets should be able to sustain a facility and yet we see closures on a regular basis. The impact of these closures is the displacement and disruption of the lives of people who are very vulnerable and elderly. In part it

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

Floor Debate
February 21, 2019

is because we need to take a very hard look at the full and appropriate funding of nursing facility services in our state. In Nebraska, the average Nebraska Medicaid nursing facility payment for 2016-17 was \$38 per resident per day under the cost of providing care. Colleagues, if you want to check my work, you can call Heath Boddy at the Nebraska Health Care Association. He can provide you the fiscal analysis that leads to these numbers. Again, in Nebraska, the average Medicaid nursing facility payment for 2016-17 was \$38 per resident day under the cost of providing the care, and yet in recent years we have not be able to fund the nursing facilities' requests for increases. And in fact, in 2018, those facilities, their increases, their request for an increase was held flat. So, colleagues, I want to draw your attention to the important issue of nursing facility closures. It's an issue that this Legislature needs to start paying closer attention to and we'll be working in Appropriations Committee and I know the Health and Human Services Committee will as well. That's my piece on it. I know a couple of others have a few things to say. Thank you, Mr. President.

WAYNE: Thank you, Senator Bolz. Senator Stinner, you may be recognized.

STINNER: Thank you, Mr. President, members of the Legislature. Well said, Senator Bolz. This is an area that has been a concern of mine before I even showed up here in the Legislature. As a small-town banker I had facilities in these small towns, watched those facilities go from private hands to municipalities. Those municipalities now are struggling because the Medicaid patient rate is, as Kate said, or as Senator Bolz said, \$38 under a break-even rate. We had hearings this summer on it. We are going to continue to pursue it. But provider rates are one of the areas that I think we need to as a Legislature look at as a whole. Remember, providers last biennium were cut by \$58 million. We need to restore that. We're asking these people to take care of our most needy people and they have to attract an retain a work force. And that's getting harder and hard to do. Just in Mitchell alone, they're bringing in nurses from the outside, skilled nurses at a higher, higher cost than normal. This is happening all throughout rural Nebraska and we continue to see stress on nursing homes. There's probably, you know, a handful or two more that are in that situation that they have to make some critical decisions. Actually, Mitchell was bailed out in-- by Scottsbluff for \$300,000 to keep them alive, 88 beds, always full, doing their job, providing the work force, but can't make it because they're sitting at a high rate of Medicaid patients. Anyhow, this is something I think we have to have a heads-up. I think it's a priority.

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

Floor Debate
February 21, 2019

Certainly, within the committee we've talked about it. Certainly this Legislature needs to be aware of trends not only in nursing homes but a whole lot of other areas. So thank you, Mr. President.

WAYNE: Thank you, Senator Stinner. Senator Friesen, you're recognized.

FREISEN: Thank you, Mr. President. I wasn't intending to speak on this, this morning, but since the topic came up, I just want the Legislature to also be aware that over the summer some of those nursing home facilities that were taken over in the operation that was run by Skyline, I think when you look at what happened there, and there's a lot of allegations right now of a massive fraud attempt on HHS, and so I did have meetings with HHS over the summer and talking about this and their reimbursement procedures that they use. So in my district I also have a long-term assisted living facility who has an executive director who runs that operation and a couple others in the state. And he indicated to me at one point he had worked for Skyline and they were running in the black with a waiting list to get into the nursing homes. He says it's management. He says he doesn't care how many beds are Medicaid patients, he can take 80 percent Medicaid patients and he can make it work. He says their current system is adequately funded but it's how they go about funding. They reward high-cost facilities and they punish low-cost facilities. So I think we need to look at both sides of the equation here. It's not always that we're not putting enough money into the system. We've got a system who distributes the money in a method that's not equitable in operation of these facilities. They recently opened a long-term living assisted-- assisted living facility and it's a brand-new \$8 million facility and they took all of the Medicaid patients that were in the previous facility and they'll make it work. But he says it's in management of how you run the systems and right now we reward those high-cost facilities. And so when you look at what happened to Skyline, let's be very careful there because I think there was-- there are still allegations that there was a massive fraud that occurred and I can't [INAUDIBLE] I don't know much more about it. I don't know if the investigation is still ongoing. But there's more to this story than just we don't reimburse facilities enough. So keep that in mind going forward. We need to look at both sides of that equation. Thank you, Mr. President.

WAYNE: Thank you, Senator Friesen. Senator Williams, you're recognized.

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

Floor Debate
February 21, 2019

WILLIAMS: Thank you, Mr. President, and good morning. It's discouraging that we have to stand today and talk about this, but it is important that we do talk about this and recognize the issue that we are in. I would remind everyone of when we were together for our Legislative Council meeting. We heard some information from the Planning Committee, that I'm fortunate enough to serve on, about the demographics of our state. And that is certainly playing into this issue. There were a couple of striking things, one that we clearly know about, and that's our population is growing faster in the east than it is in the rest of our state, but also the demographic that in the rural areas of our state, our population--surprise, surprise--is aging. And that population needs more nursing home services, and it is, I believe, the obligation and responsibility of this body to research and look at that issue. Skyline, with their facilities, two of those facilities are in my legislative district. The employees, when the announcement was made last summer about the receivership, the employees in Cozad and Broken Bow of those facilities stayed on. They were unpaid for several weeks, but they continued their work because they're dedicated to doing what's right. Those communities both stepped up and had fund-raisers and helped take care of that. Just this past two weeks, though, the announcement was made that the Broken Bow facility is not going to survive, it's going to close. They were given the death knoll, to speak, when the receivership was filed because what they experienced then over these last six or eight months is the fact that when a patient or a client or resident of theirs would pass away, they were not able to fill that bed because who was going to put their parent or loved one in a facility that was likely to close? So they were caught in that dilemma, yet their employees stayed, yet they continued working, yet they continued to serve that vulnerable population. So as you have heard, it is, I believe, our obligation to look at those provider rates. I certainly agree with Senator Friesen's comments about how we currently look at that reimbursement, but these facilities, whether they're Skyline or the other privately owned facilities across our state, are a necessary part of the healthcare continuum. They are also part of how we can continue to stabilize the population issues that we have in our rural areas. So with that, that's something to think about. Underneath all that, I certainly support Senator Kolterman's LB22. Thank you, Mr. President.

WAYNE: Thank you, Senator Williams. (Doctor of the day introduced.) Going back to the queue, Senator Kolterman.

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

Floor Debate
February 21, 2019

KOLTERMAN: Thank you very much. I, too, like the idea of advancing LB22 to the next level. But in regards to this, this discussion that we're having, several years ago when we were-- when we were putting a budget together, we had a long discussion about rates, and in fact many of us were called out and said, we've got a fix for that, we can take care of that through other revenues. Since that point in time, we've had 20-some close. We haven't been able to fix that problem. I couldn't agree more with what Senator Friesen said. A lot of it's about management, but at the same time that's just a handful. I've got some of the best managers in the state in my district, but I've also got some of the-- some of those facilities that are on the verge of closing. In fact, I've got that they're-- they're working very closely right now to make sure that they don't get closed, and they're probably 90 percent Medicaid reimbursed. They can't make it on that amount of money, and they're being adversely affected because of the way they do reimburse in HHS. So again, I know we need to move forward, but I just want people to know that this is an important issue. We're putting people, not only the people that live in the homes out of a place to live, but as I said two years ago, in many of these communities the nursing homes, the assisted living facilities are our largest employers. So we're forcing those people to find work elsewhere or disrupt their life and go to work for somebody else that's maybe going to try and take it over. It's important that we keep all of that in mind as we start to look at the budget and what Appropriations will do. So with that, I would encourage you, again, to advance LB22, and appreciate your time this morning. Thank you.

WAYNE: Thank you, Senator Kolterman. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President. I would like to speak just a little bit on the Skyline situation because I, too, have a long-term healthcare facility in my district. One thing I think we need to understand, those that are working, as Senator Kolterman probably alluded to here just now, is that there is a problem right now in that facility now has got an April 14 close-the-door time frame. But the-- really, the bigger problem with the facilities out there, and this facility, it's not a problem with this facility, the facility in Schuyler is a great facility. It's a facility that should be kept running. It's got great staff. Great people are working there. They've got beds filled. It's a facility that should stay open. The problem is Golden Living. I want you to understand that. The problem is, is the company that owns the buildings that reside, what these healthcare facilities, long-term healthcare facilities reside in, they're not willing to cooperate. They're not willing to

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

Floor Debate
February 21, 2019

allow these buildings, if you will, to be sold. There are companies, there are businesses, there are people out there that are willing to buy those facilities that are able to continue to function and provide for their communities, and those employees are there. They're doing a great job. But Golden Living is a problem, so part of this equation we're talking about today, too, is understand that within the receivership we've got issues going on that unfortunately, if Golden Living would be willing, and they've told me that they are, however, it seems to be that that's not coming to be the fruition that these facilities, these buildings are going to be allowed to be sold, perhaps, so Golden Living is the one that really needs to step up to the plate right now and complete the work that needs to be done within the receivership with the negotiations that are going on, allow these buildings to be sold, allow companies that are interested in to come in and buy these facilities, continue the services in those communities, provide for those residents, provide for those well-paying jobs. And those people who are committed to those facilities and to those residents that are there, they're the ones that need to change and provide the opportunity for us to continue these long-term healthcare facilities in a lot of our communities. And until they change their ways, unfortunately, I think we're stuck, and so we're going to see more of this happen. And it makes no sense to me why a company that owns a building would completely deplete residents and employees out of that building with a closure date, and then expect someone to pick up that building later. They're not going to do that. Now is the time for Golden Living to sell those buildings, to offer that opportunity for businesses, communities to come together and put packages together and keep those facilities running that we want in our communities, that are doing a great service to those in our communities at a price or at a cost that's-- that's-- at a way that's-- that is beneficial and able to be profitable, I guess you would say, to stay open. There may be some in the state that aren't that way, but I'm telling you, the one in my community in Schuyler, Nebraska, is. It's a great facility, great people working. They've got beds that are filled, residents that are good. That facility needs to stay open. Golden Living needs to offer that building for sale so we can get somebody in there to buy it, to manage it, to run it. Thank you, Mr. President.

WAYNE: Thank you, Senator Bostelman. Senator Bolz, you're recognized.

BOLZ: I'll be brief, but I do want to add one more comment on this subject matter. Yesterday, the closure of the nursing facility in Cambridge, which is one of the things that motivated me to

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

Floor Debate
February 21, 2019

speak on the mike this morning, was announced. They have 22 residents, 13 that rely on Medicaid. This facility is connected to a hospital. The decision to close the nursing facility was to allow the rest of the system to financially survive. In other words, colleagues, good management is what is leading the closure of this nursing facility because they are not adequately funded. This is a complicated system, but let's look at all aspects of the system, and let's recognize our role as part of the financing of these systems. It's important that we listen to what our constituents have to say. Thank you, Mr. President.

WAYNE: Thank you, Senator Bolz. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB22 be advanced to E&R for engrossing.

WAYNE: You've heard the motion. All those in favor say aye. All those opposed say nay. LB22 is advanced. Next item.

CLERK: Mr. President, LB60, E&R amendments pending, Senator.

WAYNE: [RECORDER MALFUNCTION]

SLAMA: Mr. President, I move that the E&R amendments to LB60 be adopted.

WAYNE: You've heard the motion. All those in favor say aye. All those opposed say nay. The amendments are adopted.

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

WAYNE: Senator Slama.

SLAMA: Mr. President, I move that LB60 be advanced to E&R for engrossing.

WAYNE: You heard the motion. All those in favor say aye. All those opposed say nay. LB60 is advanced. Next item.

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

Floor Debate
February 21, 2019

CLERK: Mr. President, LB74. Senator, I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB74 be advanced to E&R for engrossing.

WAYNE: You have heard the motion. All those in favor say aye. All those opposed say nay.
LB74 is advanced. Next item.

CLERK: LB302, Senator. I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB302 be advanced to E&R for engrossing.

WAYNE: You've heard the motion. All those in favor say aye. All those opposed say nay. LB302
is advanced. Next item.

CLERK: LB200, senator. There are E&R amendments pending.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB200 be adopted.

WAYNE: You've heard the motion. All those in favor say aye. All those opposed say nay. The
amendment is adopted.

CLERK: I have nothing further on the bill, senator.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB200 be advanced to E&R for engrossing.

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

Floor Debate
February 21, 2019

WAYNE: You've heard the motion. All those in favor say aye. All those opposed say nay. LB200 is advanced. Next item.

CLERK: LB307, Senator. I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB307 be advanced to E&R for engrossing.

WAYNE: You heard the motion. All those in favor say aye. All opposed say nay. LB307 is advanced. Next item.

CLERK: Mr. President, LB256, Senator. I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB256 be advanced to E&R for engrossing.

WAYNE: You've heard the motion. All those in favor say aye. All those opposed say nay. LB256 is advanced. Next item.

CLERK: LB111. I have no amendments to the bill, Senator.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB111 be advanced to E&R for engrossing.

WAYNE: You've heard the motion. All those in favor say aye. All opposed say nay. LB111 is advanced. Next item.

CLERK: LB192, Senator. I have no amendments to the bill.

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

Floor Debate
February 21, 2019

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB192 be advanced to E&R for engrossing.

WAYNE: You've all heard the motion. All those in favor say aye. All opposed say nay. LB192 is advanced. Next item.

CLERK: LB192A, Senator. I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB192A be advanced to E&R for engrossing.

WAYNE: You heard the motion. All those in favor say aye. All those opposed say nay. LB192A is advanced. Next item.

CLERK: LB80, Senator. I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB80 be advanced to E&R for engrossing.

WAYNE: You've heard the motion. All those in favor say aye. All opposed say nay. LB80 is advanced. Next item.

CLERK: LB81, Senator. I have no amendments to the bill.

WAYNE: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB81 be advanced to E&R for engrossing.

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

Floor Debate
February 21, 2019

WAYNE: You've heard the motion. All those in favor say aye. All opposed say nay. LB81 is advanced. Next item.

CLERK: Mr. President, moving to General File, LB48, it's a bill by Senator Stinner. (Read title.) Introduced on January 10 of this year, at that time referred to Natural Resources. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

WAYNE: Thank you, Mr. Clerk. Senator Stinner, you are recognized to open on LB48.

STINNER: Thank you, Mr. President. Members of the Legislature, the intent of LB48 is just simply to allow contracts under any crop-reserve program to be extended to 30 years by providing sufficient cause for a nonuse of water rights. Currently the contracts under the crop-reserve program are allowed a nonuse of water rights up to 15 years. State of Nebraska and United States Department of Agriculture first entered into an agreement in 2005 to initiate the Nebraska Platte-Republican Resource Area Conservation Reserve Enhancement Program, or CREP, for the improvement of water quality and quantity and the enhancement of wildlife habitat in designated areas of the Platte and Republican Basins. The overall goals of the Platte-Republican CREP are to significantly reduce the amount of irrigation and consumptive water use as well as the presence of agricultural chemicals and sediment entering the waters of the state from agricultural lands and transportation corridors. In 2016, the state of Nebraska and USDA signed a new memorandum of agreement, or an MOA, which took place of the original MOA signed in 2005 and allowed the re-enrollment of existing contracts. As of last year, there were 3,358.41 surface water acres under contract above Lake McConaughy. Many of these contracts will expire in 2020, which is why numerous landowners have expressed an interest in staying in the program and renewing their contracts. While these surface water lands were in the CREP program for 15 years, their water right was protected from cancellation due to nonuse of water rights under the current state statute. However, if they were to re-enroll in the program, their water rights could be in jeopardy for nonuse since the current statutes only protect them for up to 15 years while they are in the crop reserve program. By allowing for reenrollment of these contracts under the Platte-Republican CREP, the state can ensure a few of the benefits. Number one, the highly erodible lands will not be placed back into production. Water quality savings and water quantity savings benefits are extended. Terrestrial and aquatic wildlife benefits are

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

Floor Debate
February 21, 2019

maintained for the water credits to the stream that these contracts provided for the Platte NRD in meeting their integrated management plan will continue, avoiding the need for further regulated groundwater uses or invest dollars in other incentive-based retirement options. And five, bring federal dollars to help Nebraska address its water issues in the Platte and Republican Basins. I thank you for your consideration and urge a green vote on LB48.

WAYNE: Thank you, Senator Stinner. Moving to discussion. Seeing no one in the queue, Senator Stinner, you can-- you are recognized to close on LB48. Senator Stinner waives closing. The question before us is the advancement of LB48 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays on the advancement of LB48, Mr. President.

WAYNE: The bill advances. Next item, Mr. Clerk.

CLERK: Mr. President, LB112 is a bill originally introduced by Senator Howard. (Read title.) Introduced on January 10 of this year, referred to the Health and Human Services. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

WAYNE: Senator Howard, you're recognized to open on LB112.

HOWARD: Thank you, Mr. President. Good morning, colleagues. Today I'm bringing you LB112, a bill that would waive initial licensing fees for certain individuals to allow them an easier transition to the Nebraska work force. This bill was advanced from committee on a unanimous vote. LB112 specifically affects three groups of people; first, individuals who are low income; second, military families, including active-duty service members, honorably discharged veterans, spouses of active-duty service members or veterans, and surviving spouses of deceased service members; and finally, young workers, so those are individuals between 18-25. A study by the Institute for Justice that looked at licensing requirements found 102 different low- and medium-income occupations had an average of \$209 in occupational fees and many individuals who are looking at paying this fee, especially for the first time, might be fresh out of school and likely facing the burden of beginning to pay off student loans, something that I can tell you

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

Floor Debate
February 21, 2019

personally is very stressful. When I first graduated from law school, I had \$1,000 in bar fees that I had to pay and I was already looking at six figures in debt. And so this bill would allow for the opportunity to have your first year free for many occupational licensures in the state of Nebraska for some very tailored and specific groups. Other states already have this legislation to waive or reduce fees for occupational licensing requirements for low-income or military families, and these states include some of our neighbors like Iowa and Missouri, so you can see that two of these states bordering Nebraska border Nebraska. And so when somebody is deciding where they want to live and work, they might want to go somewhere where they can get a better jump-start to their career. So not being able to afford a license should never be a barrier to gainful employment and following a career path for an individual. And by creating a career path for these individuals, so military, low-income and individuals who are younger, so 18 to 25, I really believe that this will help individuals get into the Nebraska work force even quicker. So this was supported by the Platte Institute, Appleseed, the Medical Association, the Hospital Association, and the ACLU and it was advanced unanimously from the committee. I would be happy to try to answer any questions but I would urge its adoption on the floor. Thank you, Mr. President.

WAYNE: Thank you, Senator Howard. Moving to discussion. Senator Bostelman, you are recognized.

BOSTELMAN: Thank you, Mr. President. And as you were going through this, just a thought come to my mind. Obviously I support a lot of opportunities for our military and those who come to the state and that. Was there any consideration with our military as we look at the poverty level-- I guess, Senator Howard, if you yield to a question as I'm trying to explain this.

WAYNE: Senator Howard, will you yield to a question?

HOWARD: Yes, I will.

BOSTELMAN: So as we're looking at the poverty level for those individuals, I understand that, but in the military there's some, you know, higher-ranking individuals that probably don't have as much of a financial burden as others, and this kind of opens it up to everybody. Was-- has there been any discussion as to perhaps there would be a financial threshold for the military side of the

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

Floor Debate
February 21, 2019

bill? In other words, if you have an E8 or E9 coming in that would potentially fit, as I'm look at this, we're just saying all military. Or you have a senior officer coming in, a senior NCO or a senior officer, their pay scale is significantly different than a junior person, and I'm just wondering if that was part of any conversations of looking at maybe their-- the military would apply, but there would be a financial threshold with that as well.

HOWARD: You know, we didn't consider that, and that's certainly something I would consider talking about more, even making some changes on Select File. I do want to remember, though, that some of our military families move quite often. And so even though they may be making more, the burden of having to pay an occupational license every time you move may be a challenge. This also, I want to remind you, is for UCA, so our-- in our Uniform Credentialing Act, that can be anything from a doctor all the way down to a cosmetologist, so we try to think of military spouses in that regard. But that's something that I would absolutely welcome a broader conversation on.

BOSTELMAN: Sure, and I understand completely. I'm 20 years in the military. I've moved. But I think now, I don't know if we move as much now as what we used to. Sometimes we're-- we stay on bases or camps, whatever. In this state it would be bases as far as Air Force would go a little bit longer. And so I understand what you're saying of those moves, but sometimes those financial impacts on the more senior people is not as severe as those in the more junior. And if we really want to encourage our younger families and our junior folks to be involved in these opportunities, I think it's just worth a discussion. I just didn't know if you had thought that, if that had been considered or not, so I appreciate.

HOWARD: And just one other thing. When you look at the fiscal note, it's actually a very, very small percentage is what they're anticipating for the military families. They don't anticipate that a lot of families would be interested or eligible.

BOSTELMAN: Sure, and I understand. It's not that I'm opposed to the military side of it. It's just that sometimes our junior folks need a little more help, if you will, than our more senior folks. And with that, I just want to say thank you for the opportunity to answer the question, and that's all that I have. Thank you, Mr. President.

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

Floor Debate
February 21, 2019

WAYNE: Thank you, Senator Bostelman and Senator Howard. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good morning. Senator Howard, I see in the fiscal note there's \$102,000 or so this year from cash and I would assume--you know what happens when you assume--but I would make the assumption that because those people who are newly licensed will not pay a fee, but those people who are going to renew their license or continue will pay more. And I wonder if Senator Howard would answer that question for me.

WAYNE: Senator Howard, would you yield to a question?

HOWARD: Thank you, Mr. President. Yes, I will. So the expectation is that there-- the \$102,000 is a cash fund, so it's a revolving fund. And so for the thousands of occupational license that we currently have, there may be a modest cents' worth increase on each of their licenses. And then honestly, this is for the first year, so once those individuals are into their occupation, occupational license, when they renew, then they would be paying a fee after that.

ERDMAN: Okay. And then going forward, I think the next year the cash requirement was like \$100,000.

HOWARD: Yeah.

ERDMAN: Is that correct?

HOWARD: Yes.

ERDMAN: So, long and short, the correct answer is someone is going to pay more because these people aren't paying anything. Is that-- would that be a correct assumption?

HOWARD: Somebody will be paying about a nickel more for their license, yes.

ERDMAN: A nickel is all?

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

Floor Debate
February 21, 2019

HOWARD: Yeah, because-- because there are so many licenses that we don't expect that there will be these enormous increases for each license to cover this cost.

ERDMAN: How many people do you think that these exemptions will involve? How many people will be involved in that?

HOWARD: I will find that number and get on the mike and tell you--

ERDMAN: OK.

HOWARD: --because I know it's in my binder but I don't have it right in front of me right now.

ERDMAN: I would assume they have to have that information because they determined that the requirement was \$102,000, so they had to assume something somewhere.

HOWARD: Right, they-- and they haven't-- they have assumptions on numbers. I'll put my light on and find that number for you.

ERDMAN: All right. Thank you for your help.

HOWARD: Thank you.

WAYNE: Thank you, Senator Erdman and Senator Howard. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. Speaker. Fellow senators, friends all, I stand in enthusiastic support of Senator Howard's LB112 and I would ask that she would yield to a question.

WAYNE: Senator Howard, will you yield to a question?

HOWARD: Yes, I will.

BLOOD: Thank you, Senator Howard. How are you this morning?

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

Floor Debate
February 21, 2019

HOWARD: I'm hanging in there, thank you, Senator Blood.

BLOOD: You're-- you're doing a great job. I love this bill. So we heard a little talk about the fiscal note, but what I didn't hear, and I have a question for you and hopefully you can answer this, is what kind of economic impact will it have on this state when these people are employed and paying taxes back into the state? Would you say that that is greater than the pennies that we're talking about in the fiscal note?

HOWARD: Oh, I'm certain that it's greater. The economic impact of having somebody get into their job quicker and then start paying income taxes into our State General Fund is exponentially larger than the modest amount that would go on to the licensing fees.

BLOOD: And do you think that that will be one of the effective tools that we can utilize, because I-- we hear this phrase all the time, the "brain drain," that young people are leaving Nebraska because there's hurdles to employment. Would you-- do you believe that this is one of the hurdles that we're removing with your bill?

HOWARD: Absolutely. And that, I believe, is--

BLOOD: OK.

HOWARD: --sort of the idea of why the Platte Institute was so invested in this bill and has been for several years.

BLOOD: And so let's talk a little bit about the military as well because Senator Crawford and I, as you know, have a lot of military families in our districts, so they move every two to three years. We've eliminated a lot of the hurdles already, but there's obviously always more work that can be done. If a military family has a spouse that is gainfully employed and the one that is serving is close to retirement, do you think the chances are greater they might stay in Nebraska because they have a happy-wife-happy-life kind of thing going?

HOWARD: I would think so.

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

Floor Debate
February 21, 2019

BLOOD: Okay, sounds fair. Thank you very much, Senator Howard. That's all the questions I have. You're-- the senator is welcome to my time if I have any left.

WAYNE: Thank you. Senator Howard, you are yielded 2:50.

HOWARD: Thank you, Mr. President. Senator Erdman, to your question, in the fiscal note they approximate that there would be about 8,000-9,000 initial licensure applications that could become fee-exempt. Obviously that's-- that's an average or that's an approximation. But that's, I think, pretty close to accurate. And with that, thank you, Mr. President.

WAYNE: Thank you, Senator Howard. Seeing no one in the queue, Senator Howard, you are recognized to close on the advancement of LB112.

HOWARD: Thank you, Mr. President. Again, I just-- this is a bill that waives your first year for occupational licensure fees for individuals who are low income, military and their spouses, and for individuals who are between the ages of 18 and 25. This is a great bill to get individuals into the work force more quickly, and I would certainly urge its adoption on the floor today. Thank you, Mr. President.

WAYNE: Thank you, Senator Howard. The question before us is the advancement of LB112 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted? Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB112.

WAYNE: The bill advances. Mr. Clerk for announcements.

CLERK: Thank you, Mr. President. Hearing notices from the Executive Board, General Affairs Committee, and the Agriculture Committee, all signed by their respective Chairpersons. Senator Lathrop offers a new A bill, LB309A. (Read LB309A by title for the first time.) Select File reports the following bills to Select File-- E&R reports following bills to Select File: LB406, LB159, LB380, LB469, LB25, LB119, LB333, LB203, LB235, LB624, LB4A, LB160, LB195,

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

Floor Debate
February 21, 2019

LB124, LB127, LB139, LB319, and LB699, some of those having Enrollment and Review amendments. That's all that I had, Mr. President. Thank you.

WAYNE: Thank you, Mr. Clerk. Next item.

CLERK: Mr. President, LB29 is a bill by Senator Kolterman. (Read title.) Introduced on January 10, referred to the Health and Human Services Committee. The bill was advanced to General File. I do have committee amendments, Mr. President.

WAYNE: Thank you, Mr. Clerk. Senator Kolterman, you're open to-- you're recognized to open.

KOLTERMAN: Thank you very much, Mr. President. Good morning. And, fellow colleagues, I'm here to ask for your support of LB29, a bill that amends the Uniform Credentialing Act to establish provider-patient relationships through telehealth without the requirement for an initial face-to-face visit. LB29 is an extension of LB701 from last year that passed unanimously and was signed into law. When I introduced LB701 last year, some people asked that I expand the intent of legislation to include other scopes of practice. I respectfully declined such requests not because I oppose the expanded use of telemedicine, but because the intent of that bill was to provide certainty and stability to telehealth providers by clarifying what current telehealth practices are supported by Nebraska law and regulations. I told those interested stakeholders that I would consider expanding LB701 to additional scopes of practice at a later time. That time is now. As introduced, LB29 expands the provider-patient relationship without the requirement for an initial face-to-face visit for 26 of the 36 scopes of practice listed under the Uniform Credentialing Act. Any barriers to telehealth services should be examined and removed when necessary. Telehealth and telemedicine are becoming increasingly important as we try to find ways to improve access to healthcare, especially in the rural communities where individuals may be hundreds of miles from their nearest healthcare facility. Access to mental and psychiatric health services in rural Nebraska is scarce. Almost one-third of Nebraska counties lack a behavioral health provider of any kind. The shortage of mental health professionals expected to grow in the next decade is over half of the practicing psychiatrists, psychologists, and psychiatric nurse practitioners are over the age of 50. Telehealth offers a pathway for ensuring access to services in both urban and rural areas. I will be introducing AM367 following the introduction of

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

Floor Debate
February 21, 2019

committee AM86, which Senator Howard will be introducing shortly. Thank you, and I ask for your support of LB29, AM86, and AM367.

WAYNE: Thank you, Senator Kolterman. As the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Howard, as Chair of the committee, you are recognized to open on the amendments.

HOWARD: Good morning, colleagues. AM86 is a clarifying amendment for LB29. It adds athletic trainers and it removes veterinarians. This-- these changes were requested by the interested parties and the amendment was adopted by the committee unanimously. I would urge its adoption on the floor today. Thank you, Mr. President.

WAYNE: Thank you, Senator Howard. Mr. Clerk, there are-- there is an amendment to the committee amendment.

CLERK: Mr. President, yes, thank you. Senator Kolterman would move to amend with AM367.

WAYNE: Senator Kolterman, you are recognized to open on your amendment to the committee amendments.

KOLTERMAN: Thank you, and again, good morning. AM367 is in response to concerns raised at the hearing by individuals governed by the Perfusion Practice Act that do not need to be-- establish a patient-provider relationship through telehealth. For those wondering, a perfusionist is a healthcare professional who uses a heart-lung machine during cardiac surgery and other surgeries that require cardiopulmonary bypass to manage the patient's status. Since a perfusionist only interacts with a patient during surgery which requires the stoppage of a heart, there is no need for them to be included in this legislation. AM367 simply removes the practice from the list of practices allowed to establish a patient-provider relationship through telehealth. Thank you. And again, I ask for your support on LB29, AM86, and AM387.

WAYNE: Thank you, Senator Kolterman. Senator Chambers, you are recognized.

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

Floor Debate
February 21, 2019

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I would like to ask Senator Kolterman a question or two if he would respond.

WAYNE: Senator Kolterman, would you yield to a question?

KOLTERMAN: Absolutely.

CHAMBERS: Senator Kolterman, early in the session when there was a bit of back-and-forth, I had said that I would give amnesty or mercy to a certain bill of yours, maybe more than one. Did I keep my promise?

KOLTERMAN: Absolutely. You sure did, Senator.

CHAMBERS: And I made it clear, though, that that wouldn't apply to every bill that you would bring before us, is that true?

KOLTERMAN: I agree with that statement as well.

CHAMBERS: Senator Kolterman, sometimes a thing will take place or occur and a price must be paid, and the one to whom the price is to be paid will say you can pay me now or you can pay me later. If I have seen two bills of yours at least that are down the line and I may want to extract some tribute, would you rather pay me now on this bill or later on another bill? And before you answer, let me give you something to consider. We all are going to die, but we don't know when. The world is supposed to come to an end, but we don't know when. We could die before tomorrow. The world could come to an end before tomorrow. So although it may be wise to plan for the future, sometimes it's wise to live in the present and deal with what is actually before us. Now what is actually before us is this bill. Would you rather I extract tribute now or later if such a thing would occur?

KOLTERMAN: Well, not knowing whether I'll be here tomorrow or not, I'd rather have it now.

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

Floor Debate
February 21, 2019

CHAMBERS: A very wise man, you accept instruction. Some people who will not accept warnings will not accept advice, but you are a very wise man, and I would do exactly as you're doing, and by my conduct I'm going to show how wise your decision has been. Thank you, Mr. President.

WAYNE: Thank you, Senator Chambers, Senator Kolterman. Senator Hilgers, you are recognized.

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

WAYNE: Senator Kolterman, sorry, would you yield to a question?

KOLTERMAN: Yes, I will, for the third time.

HILGERS: So it's not often I hear the word "perfusion" on the floor of the Legislature and my ears perked up just because my brother is a perfusionist and so everything I think I heard you say on AM367 rings true with me as I understand the purpose of your bill. But I was just wondering if for the record we could-- I could just lay that foundation with you right now, if you wouldn't mind. So my understanding is LB29 is to help-- it allows for credentialing for-- in a telehealth context? Can you sort of elaborate?

KOLTERMAN: Sure. Sure. So last year we-- we allowed for telehealth where-- with a doctor and the physician assistants don't necessarily have to have a face-to-face to establish a relationship. So this year we're bringing a lot of additional people into the fold simply so that they can practice telehealth throughout the-- throughout the state. We didn't feel-- like veterinarians didn't see a need, so they asked to be excluded. Athletic trainers are already using it to a certain extent, so we added them. But we already had a list of roughly 25 that said we want to be included. Perfusionist was on the list, but at the hearing the question came up why would a perfusionist need to be on that list. And so we didn't--

HILGERS: And the reason is, if I might--

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

Floor Debate
February 21, 2019

KOLTERMAN: --we didn't see a need.

HILGERS: Senator Kolterman, if-- the reason is, is because perfusionist deals with open-heart surgery.

KOLTERMAN: Correct.

HILGERS: And so you don't-- they have to be in the room. There would never be an instance in which a perfusionist would be--

KOLTERMAN: Exactly.

HILGERS: --using a telehealth mechanism to be part of an open-heart surgery. They'd be physically there.

KOLTERMAN: Correct, unless-- unless they're being scrutinized from somebody across--

HILGERS: Sure.

KOLTERMAN: --the United States, but I don't see-- that's not a patient relationship then.

HILGERS: That makes sense to me. Thank you, Senator Kolterman. Thank you, Mr. President.

KOLTERMAN: You're [RECORDER MALFUNCTION]

WAYNE: Thank you, Senator Hilgers and Senator Kolterman. Seeing no one else in the queue, Senator Kolterman, you're welcome to close.

KOLTERMAN: Thank you very much. I would just encourage you to support this bill. But I was wondering if Senator Chambers would be open to a little bit more of a discussion.

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

Floor Debate
February 21, 2019

WAYNE: Senator Chambers, will you yield to a question? Senator Chambers, would you yield to a question?

CHAMBERS: It depends on who is asking it but, yes, I'll yield to a question.

KOLTERMAN: Senator Chambers, when we had the dialogue several weeks ago, it was a very healthy dialogue and it was-- it was very friendly, as I recall. Would that be a correct statement?

CHAMBERS: Yes.

KOLTERMAN: In that dialogue, though, you made an accusation about me. I'm going to have to ask down the road for some more immunity. You called me a smart-aleck.

CHAMBERS: Yes.

KOLTERMAN: I was somewhat taken back by that remark. And so I want you to start thinking about the next bill you're going to give amnesty on.

CHAMBERS: Would you like me to go into that just a little bit at this point since you've opened the door?

KOLTERMAN: No, no, I just want you to start thinking about it.

CHAMBERS: Do it on my own time?

KOLTERMAN: This is my close, so I want you to start thinking about that for the future. Thank you very much.

WAYNE: Thank you, Senator Kolterman and Senator Chambers. The question before us, shall the amendment to the committee amendment of LB29 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

Floor Debate
February 21, 2019

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Kolterman's amendment to the committee amendments.

WAYNE: The amendment is adopted. Senator Howard, you are recognized to close on the committee amendment.

HOWARD: Just as a reminder, AM86 is a clarifying amendment to LB29. It adds athletic trainers and it removes veterinarians. This amendment was adopted by the committee unanimously and I would urge its adoption on the floor today. Thank you, Mr. President.

WAYNE: The question before us is, shall the committee amendment to LB29 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 34 ayes, 0 nays on adoption of committee amendments.

WAYNE: The amendment is adopted. Seeing no one in the queue, Senator Kolterman, you are recognized to close on-- Senator Kolterman waives closing. The question before us is the advancement of LB29 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to vote? Please record, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of the bill.

WAYNE: LB29 is advanced. Next item.

CLERK: Mr. President, the next bill, LB575 by Senator Brewer. (Read title.) Introduced on January 22 of this year, referred to the Education Committee. The bill was advanced to General File. There are Education Committee amendments pending, Mr. President.

WAYNE: Thank you. Senator Brewer, you're welcome to open on LB575.

BREWER: Thank you, Mr. President. Good morning, colleagues. I rise today to introduce LB575. And just so that no one has to ask the question, someone did ask me to introduce this

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

Floor Debate
February 21, 2019

bill. I'm introducing it on behalf of the United States military recruiters from all branches. This bill makes high schools give the same access to military recruiters as they give to universities, colleges, and trade schools. When a high school has what we would call a career day and gives students an opportunity to interact with people and different institutions to make a choice after high school graduation, military recruiters should be included in that mix. They should be given the same access that has been given to other organizations. Military recruiters have brought to my attention that, in fact, in Nebraska high schools they do not enjoy this same access, and this bill corrects that. Before I go into the amendment, I wanted to just share that for some that have limited access to the resources to go to college, their only opportunity to get out of their situations may very well be the military. And without knowing the opportunities and the different skills that they could access, that inability to talk to the recruiters could impact their lives. When this bill was heard, there were some issues, though, that brought up the need for an amendment-- the amendment is AM175-- as written because the Bill Drafters were concerned that the bill was worded in a way that might have problems with the FERPA. FERPA is the federal law called the Family Education Rights and Privacy Act. It protects the privacy of student educational records. Using an abundance of caution, we tweaked the language to get-- to make sure to avoid any potential problems with FERPA. This bill does not have a fiscal note and the bill was voted out of committee unanimously and there was no opposition testimony. I would ask for your green vote on LB575. Thank you, Mr. President.

WAYNE: Thank you, Senator Brewer. As the Clerk stated, there are amendments from the Education Committee. Senator Groene, as Chair of the committee, you are recognized to open on the amendment.

GROENE: Thank you, Mr. President. Yes, there is a committee amendment to fix some things that were overlooked. We-- we believe Senator Brewer is well on board on it. What it does is within-- within 30 days prior to or following the commencement of each school year and for a new student who enrolls after the commencement of the school year, within 30 days following such enrollment, each school district shall notify the parents and guardians of each student high school grade, enrolled in a school district, of the option that the student himself, once he reaches a certain age, can opt in or out. We needed some clarification on that. That's what the amendment does. It just clarifies the intent of Senator Brewer's bill.

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

Floor Debate
February 21, 2019

WAYNE: Thank you, Senator Groene. Now open for discussion, Senator Bolz.

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

WAYNE: Senator Brewer, would you yield to a question?

BREWER: I would.

BOLZ: Senator Brewer, I-- I like your bill. I support your bill. Thank you for bringing it. But I do have just a couple of questions. The first question is that-- that this bill asks the school board to establish a policy and then they'll have to-- to work with the school administration to implement that policy. Is that correct?

BREWER: That is correct.

BOLZ: OK. Do you expect any challenge-- challenges with any of that? Do you expect any-- any-- any wrinkles in the way in which you laid out your bill?

BREWER: Part of the thought process behind the way the bill was laid out was, the feeling was that it probably was not a school board issue that they were aware of. It was probably more of a decision by certain individuals within the administration. And that by having this process, everyone would get to contribute as far as the discussion on whether or not there was any issues with having the recruiters. So I think indirectly it was just a way of making sure one individual didn't be-- become the reason why you weren't able to have the recruiters in the school.

BOLZ: Great. I-- I think it's well written. I support your logic. I support the legislation and the Educations Committee-- Committee's amendment. And I-- I think it's noteworthy that this is a bill that is requiring a duty and a responsibility of a school board and cooperation of administration and a superintendent, and that the passage of the statute, we feel confident, is sufficient to implement the legislation change. In other words, this legislation does not find it necessary to add language accusing anyone of dereliction of duty or saying that it might be a cause of dismissal if the legislation is not implemented. And so I just-- I think it's worth raising

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

Floor Debate
February 21, 2019

ideas and questions about constancy when we're passing legislation. If we're putting responsibilities on a school board in this bill and think it can be implemented effectively without additional teeth, we should have that principle be consistent across other pieces of legislation. Thank you, Senator Brewer. Thank you, Mr. President.

WAYNE: Thank you, Senator Bolz. Thank you, Senator Brewer. Senator La Grone, you're recognized.

La GRONE: Thank you, Mr. President. Would Senator Brewer yield to a question?

WAYNE: Senator Brewer, will you yield to a question?

BREWER: I would.

La GRONE: Thank you, Senator Brewer. I just wanted to go over a couple of things on this. I think it's a good bill. I just want to understand, make sure I correctly understand what the purpose is and then the process. So first of all, as I'm looking at this, there's really two purposes here, correct, and that's to, number one, make sure that our military can recruit people properly and have access to the people that they would be recruiting; then also number two, ensuring that our young people in our high schools are fully aware of the opportunities avail-- available to them. Is that correct?

BREWER: You are correct on both issues.

La GRONE: And can you expand a little bit on why that is important for these young people to know what options are out there for them?

BREWER: I guess the best way to explain it was I'll just use my own story. When it came time to make a decision on going to college, if you lack the resources to go on to either trade school or college, the military had opportunities not only to go into a plan that would pay to set aside money for your follow-on when you come out of the military but also gave you an opportunity to have a skill that you learned while you're in service. The process of going from station to station

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

Floor Debate
February 21, 2019

is what we had back then from the Air Force to the Army, the Marines. It was no different than the opportunity to go look at different colleges. Some had certain positives and benefits. You know, the Air Force offered a life of living in a world where things are clean and organized. Or you had the Army where it was sometimes not quite as clean and organized but you got opportunities to travel to exotic places and meet new people, and most of them carried guns. But anyway, the point being that you had an opportunity to see beyond just colleges what was out there. And I think that was invaluable for those that have limited opportunities in life because of their economic situation.

La GRONE: Well, that's-- that's exactly-- it's great information. That's exactly what I thought you were going for. So really, though, that adds another aspect to this. This says then that it's not just making sure they know what opportunities available there, but on the back end that's going to help with our work force issue, isn't it, because we're going to have-- this really gives them, whether it be, oh, identify more college opportunities or just giving them more skills for work force development purposes, that's going to help us on the work force end, too. Isn't it?

BREWER: It will. Of course, some of that has to do with the particular skill set you select. But, you know, for those in Nebraska, the opportunity that Offutt Air Force Base presents, you know, you can come home and still serve in the military. And then, you know, once you're finished, stay in the general vicinity of where you served while you were in uniform. But even beyond that, keep in mind that we have the National Guard, the Army Reserve that also offers opportunities for both college and to-- to be able to drill two days a-- two days a month and two weeks a year. So, you know, it is kind of a smorgasbord of opportunities when you decide to wear the cloth of-- of your country, but you're never going to know what those opportunities are if there isn't an environment where you can see it and be exposed to that very opportunity.

La GRONE: And you're really anticipating my next question each time, so this is-- this is working great. Real quickly before I get to that, I just want to say I agree with you how important Offutt is to our community here in Nebraska and it's a huge passion of mine to make sure we do everything we can for our men and women that serve at Offutt. But you touched on know-- now back to what this is, deals with, is knowing what's available. Can you walk us through how that process would work, especially the parent notification--

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

Floor Debate
February 21, 2019

WAYNE: One minute.

La GRONE: --issue?

BREWER: The very end again?

La GRONE: Can you walk us through how the process would work, especially with the parent notification issue that is in the bill?

BREWER: Well, the concern that came up, and I think it was a justifiable concern, that if your child is interested in one of the services, you should be aware of that exchange so that the parents don't have any surprises. Because there could be other factors that are played into this because, you know, a lot of health issues are addressed through that recruiting process. Those have to be addressed and also just for the situational awareness of the parents. They need to know what's going on. So I didn't think that was too unreasonable. I'm sure there are probably kids who would prefer their parents didn't know when they were having these conversations, but I think reasonably that that's the right thing to do because they're going to have to be there through the MEPS process or the-- the processing, the physical part that you have to go through to get into the military. So, you know, that decision--

WAYNE: Time, Senator. Thank you, La Grone. Thank you, Senator Brewer. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President. I support Senator Brewer on this bill. And what he has here I think is a very important thing for those across the state. The students and the families need to understand what opportunities that the military does offer. And from a previous conversation around the mike, as a retired Air Force member, I do agree that those of us in the Air Force probably do have nicer facilities, a warm bed to sleep in, a hot meal every day. And those in the Army probably don't always fare as well, but they do have extremely valuable skills and things they bring back to our communities, as Senator Brewer touched on the Army National Guard, even the Air Guard folks. You know, what people don't always understand when we talk about the military, it's-- it's a community and it's a city. And that city needs plumbers. It needs

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

Floor Debate
February 21, 2019

electricians. It needs people who can pave the streets. It needs people who can drywall. It needs people who can take care of aircraft maintenance, fly helicopters, as Senator Brewer did. There's a host of areas that is an opportunity for people, young people in Nebraska, as we talked about before on licensing issues, to give them an opportunity to maybe be in four years. In the Air Force, it's usually a four-year commitment. Then after that four-year commitment you can return back to the-- to-- to Nebraska, to your community wherever it is, and use those skills that you've been taught and you've learned over the time that you spent stateside or overseas, invaluable experiences that lead to leadership opportunities later in life, important opportunities that brings skilled people back into our community. One thing that we talk about on economic development and that in the state of Nebraska is the need for skilled labor to come back, to be in Nebraska, to fill jobs, to-- to meet those needs. And this is a very important opportunity for that to happen, the opportunity for recruiters to talk to people, to make sure they understand they don't just go in with a open enrollment, if you will, when they go into the military. They go in and look for a specific skill, a specific task, a specific job, if you will, that they'll go into and learn from and bring that back home at some point in time. I came back to Nebraska after 20 years serving and being around the world, and now I have the opportunity to serve our state in this-- in this office. And that's what we're talking about when we have the opportunity for students to learn more about what opportunities are out there and how that might be provided to them. And that's only going to happen if people can come in and sit down and talk with them and their families. You know, parents need to understand what their-- their child, what their teenager, what their youth is considering. College is an important part, too. I took most of my college while I was in the Air Force on active duty. There's opportunities while you're in Guard, as well, to have your education paid for. So not only do we learn a skill, do we have a-- something that we can bring back and utilize in our community and provide for our community in leadership roles, but we also have the opportunity to perhaps go to college, where we couldn't afford it before. Or maybe the skill that we went in, in the military, whatever-- whatever job, AFSC, whatever MOS that you have, you now have an interest in. Now you go to college or a trade school to be-- to learn more about it and be proficient in that, so that when you come home, you can either get a job in your local community, provide for a family. Maybe you start your own business. And these are educational opportunities that we have when our recruiters--

WAYNE: One minute.

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

Floor Debate
February 21, 2019

BOSTELMAN: --can get out into the field, if you will, into the schools. And it's an important thing that we need to realize. We need to provide that opportunity to happen. And it benefits all. It's not a negative thing. It's a very positive thing for our communities and for our youth. And I fully support Senator Brewer and what he's-- what this bill is, and I would urge you to vote green on the AM and the underlying bill. Thank you very much, Mr. President.

WAYNE: Thank you, Senator Bostelman. Senator Gragert, you're recognized.

GRAGERT: Thank you, Mr. President. Oh, I just feel obligated to get up and speak on this bill. I fully support this bill. Why I support this bill? It's my life. I graduated in Creighton, Nebraska, and I didn't have the opportunity to talk to recruiters to a full benefit. I was fortunate to have a couple older brothers that were able to recruit me into the Air Force initially. The reason I went into the military, as stated, as a couple other veterans, I initially went in to get my college education paid for after serving four years in the Air Force. Fortunately or unfortunately, I stayed a lot longer than four years. I ended up staying 40 years in the military. And the military has a lot to offer. And I think it's important that high school students get that opportunity to hear from all, all the Air Force, Navy, Marines, Army, all the services, that what-- what opportunities are out there. You know, I went into the military right out of high school, two weeks after I graduated, ended up in the Air Force and was able to travel the world. I virtually hit every continent on the world through the military. A C-141 loadmaster out at Travis Air Force Base, had the opportunity to even go down to Antarctica, land on the ice and-- and visit McMurdo Naval Air Station. And, you know, missions like that, and that's just one, you know, where I was able to go and travel throughout Europe and get back and bring the commander from NORAD back. And he-- he had a full bird colonel, as Colonel Brewer retired, give us a behind-the-scenes tour of Cheyenne Mountain in Colorado Springs. Things like that a lot of kids don't get the opportunity to hear about, and recruiters can bring that important information to these kids that may not, for one reason or another, want to or ready to go to college. Not that I didn't have the finances or my parents didn't have the finances, but I'm not real sure I was ready to hit college right out of high school anyway. So the military is a very valuable option that I think has been overlooked for many, many years. And you know, after staying in that many years, I not only did one MOS in, you know, your job or-- but I did many different jobs. And one ended up being med-- mede-- medevac helicopter pilot for 23 years. I flew the UH-1 helicopter, UH-60 helicopter. I've also

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

Floor Debate
February 21, 2019

been checked out in a airplane, the King Air. So there's many different jobs and opportunities even within the military that individuals can go in and take advantage of and then come out of the military. You know, if I would have came out of the military at age-- after age 18 and 20 years, that's 38 years old. That's to come back to Nebraska and still have a lot of lifetime left for another career and opportunities to benefit our state also here in Nebraska, which I-- I guess, as standing up here, I ought to put a plug in for the Nebraska Army National Guard. There's many, many different careers, even within the-- with-- there that you can, like I did. I served for the last 31 years in the Nebraska Army National Guard as a medevac helicopter pilot, but I also held a full-time job with the Natural Resource Conservation Service and up in my own district, District 40, Lewis and Clark NRD. So--

WAYNE: One minute.

GRAGERT: --I was-- I was able to work the NRCS and Nebraska Army National Guard for 31 years and-- and it provided opportunity after opportunity. I could go and serve my nation, which I was deployed four times over to the Middle East, Saudi Arabia, two times to Iraq, and once to Afghanistan on different missions. And even the Afghanistan mission was an agriculture development team. It wasn't-- it wasn't driving the-- the helicopter or the bus, I always like to-- but it was going over there and taking another area of my career and taking it and use-- utilizing the agricultural experience I had in-- in Afghanistan with those people so-- or the "Afghanies," so very rewarding missions. There are rewarding missions in our military that I think our kids-- and this would give them the opportunity to-- to hear.

WAYNE: Time, Senator.

GRAGERT: Thank you.

WAYNE: Thank you, Senator Gragert. Senator Kolowski, you are recognized.

KOLOWSKI: Thank you, Mr. Chairman. And, Senator Brewer, would he stand for a question, please?

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

Floor Debate
February 21, 2019

WAYNE: Senator Brewer, will you yield for a question?

BREWER: I would.

KOLOWSKI: Thank you, Mr. Senator Brewer. I want to thank you for your bill and I think it's a-- a good piece of legislation for us to look at right now. But I want to also ask you to clarify. From my perspective, as a former high school principal, you have families with different philosophical reasons as well as religious reasons that may not want to be connected in any way, shape, or form with the military. I'm speaking from experience there, although we had recruiters in our-- in our schools and we also had students coming from families that might have had a different attitude than we're perceiving this morning from our discussions here. Tell us again, if you would, please, what safeguards there are for those families of a certain philosophical or religious reason would not want their sons or daughters to go to recruiting services.

BREWER: Well, understand, the idea is that we provide the same opportunities to the recruiters that we do for the different colleges, universities. So they would set up a table, a booth, and would be there. But their decision is whether or not they want to take the time to even look in that direction, let alone go and talk to them. So, you know, it's a free will opportunity there on whether or not they even see them. And-- and-- and I guess if their presence in a common area where they have a career day offends them, you know, I-- I don't know what else I can say there. I mean they-- they would be offended by firemen, by policeman, by, you know, military people on the street. And there's a point-- you have to at least give those who would be interested in serving an opportunity to find out what that opportunity is going to look like and what they can and can't do. So, again, the idea is that they can have access, similar to the universities or colleges, and that they not be restricted. I don't think it's to force anyone to have any positive contact or negative contact, simply have them in a situation where they can provide information if they so desire to have it.

KOLOWSKI: It would be their choice then.

BREWER: You got it.

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

Floor Debate
February 21, 2019

KOLOWSKI: No question. Thank you. I appreciate that very much. Thanks for the statement.

WAYNE: Thank you, Senator Kolowski. Thank you, Senator Brewer. Senator Lowe, you're recognized.

LOWE: Thank you, President Wayne. You know, sorry. The, you know, Senator Brewer, I'm glad you brought this bill. It's a nice bill. It brings out how important it is that we need to take a look at options. You know, we-- we keep talking about is a four-year proper for a young man or woman, or should they go to two-year college. Should we put them to work directly right out of high school? We're gearing our high schools now toward career activities. And I believe this is just one chip that we need in the-- in-- in the barrel when we go through life. Senator "Brew"-- Brewer, would you ask me a quest-- or would you answer a question for me?

WAYNE: Senator Brewer, will you yield to a question?

BREWER: I would yield to a question.

LOWE: Sorry. I feel like I'm stumbling and fumbling here.

BREWER: You are.

LOWE: Thank you. [LAUGHTER] That was not the question. Can you explain once again to me the importance of this bill, especially toward the parental view and-- and why-- why it's important that the parents know about this?

BREWER: The concerns that were brought by the parents, and I think they were legitimate, is that in this day and age we've got youth with-- with certain health issues that they may not share with a recruiter that would be a factor. And they also may have family situations where their ability to fulfill a commitment might become an issue. So because of factors that maybe weren't that big of a deal back when some of us that are a little longer in the tooth joined the military, they are a factor now. They're a factor whether or not they can serve. But they're also a factor on how that family is able to-- to function with or without that particular individual. So when we--

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

Floor Debate
February 21, 2019

we looked at it, we wanted to make sure that one individual in the administration couldn't stop the recruiters from being able to have their booth available for youth that are interested, but also wanted to make sure the parents had some knowledge and ability to, again, have situational awareness. So it was a combination of the two that brought about the bill.

LOWE: Thank you, Senator Brewer. Now would Senator Chambers respond to a question?

WAYNE: Senator Chambers, will you yield to a question?

CHAMBERS: Yes, I will.

LOWE: Thank you, Senator Chambers. You served in the military. Is that correct?

CHAMBERS: Yes.

LOWE: Did you--

CHAMBERS: I got an honorable discharge but I didn't like it. I was not a hero. I went so that I wouldn't get drafted while I was trying to go to school.

LOWE: So you went and found a recruiter or did a recruiter come and find you?

CHAMBERS: I talked to a person who was already in the military to-- well, to answer your question, no, I didn't go to a recruiter and a recruiter did not come to me. But I do read and I pay attention to what's going on in the world and how it would impact what I planned to do.

LOWE: I-- I thank you for your answer. And I thank you for your service, even though you didn't like it. You know, it's-- it's important that we look at all aspects of-- of education. And I believe that part of education is-- is being taught, and the military has a great ability to teach everybody involved. My son is right now in the military and-- and the education that he is learning on board ship is-- is far advanced to anything he could learn here in Nebraska. So with that, thank you very much, President Wayne.

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

Floor Debate
February 21, 2019

WAYNE: Thank you, Senator Lowe, Senator Brewer, and Senator Chambers. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, President Wayne. I appreciate the recognition. I want to add just a few more things. Senator Gragert said something that-- that kind of struck home with me. When I entered the military, and when I was-- I was never recruited. I went to the-- the recruiter's station and talked to the recruiter there. And I enlisted when I was 17 years old. I retired from the Air Force when I was 37 years old. I came in thinking I wanted to do one AFSC, one job if you will, but once I was in the military, and that was in security, once I was in the military I found out I didn't want to be in the Army anymore, Senator Brewer. I didn't want to be in the fox hole. I didn't want to be out in the cold. I wanted to be inside. So I retrained. I retrained into the legal office. So I worked in the legal office managing our law offices as a paralegal. That, especially in North Dakota, felt a whole lot better and I was very much more appreciative of that opportunity to retrain. But what Senator Gragert said, and-- and again I think what this bill and what-- what we need to realize what this does is-- is what Senator Brewer is talking about. It gives that opportunity that the clear communication, because I don't think I had that when I was 17 years old and trying to make this decision on my own. I know my mom may be watching. I know she has questions with me as to why I did what I did. But I'm very glad I did and I think we-- things turned out very well. Had the opportunity to learn a very good skill. I had the opportunity to travel around the world, be stationed around the world, meet a lot of interesting people that's benefited me dearly, and I have friends from all over the world now that I hold close and dear to this day. But without the opportunity, I think, of having that person coming into the family or into the school and talking with that young person, we're-- we're doing a disservice to them. And it's just an opportunity, because they may not want to do that. That may-- their decision may be that's not for me, and that decision may be that I'm going to go do something else. I'm going to go to a trade school. I'm going to go to the university. I'm not; I'm going to stay home and I'm going to go farm, or I'm going to do something else. I'm going to apprentice somewhere. But without the opportunity for those of us who have served and know what skills we receive, what discipline we receive, we're a highly sought after group of people, if you will, in the employee, in the employment world. Job searchers look for people who have skills coming out of the military. And by providing them the opportunity to speak with a recruiter and then, as this is, to speak with the family, we don't have to wait until they get to their physical or go through those

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

Floor Debate
February 21, 2019

type of-- of screenings to learn of maybe difficulties or challenges that individual may have. I remember two years ago I had a young man come to me and I believe he came to Senator Brewer as well. He had a problem and if I remember right, and maybe Senator Brewer can-- can help me with it, he had a problem with his back. And I believe what happened was he had a wrestling incident that damaged his back. And because of that, that-- that physical damage that was done when he was like a freshman or sophomore in high school, it made him ineligible to go into the military because he couldn't pass his physical. Well, I think between Senator Brewer's office and my office talking with that young individual and working with the recruiters, and knowing that this individual had healed from it and didn't have any effects that would-- that would-- that would keep him from really being in the military and working with that recruiter, I believe we were able to facilitate that individual to eventually reach the goal that he wanted to be, and that was to go into the military. And I-- I'm not--

WAYNE: One minute.

BOSTELMAN: --I don't remember if it was a Marine that he wanted to go into or where it was, but I think he was eventually able to fulfill his wish, and that was to enter the military branch of service he wanted to do and pursue those skills and things that he felt was right. And we did that with the help of that individual, that individual's doctor, that individual's parents, and the recruiter. Those were important things that we needed to put together to help that individual reach his goal in life, and that was to enter, and I believe it was, Marine Corps, it may have been the Army, but to reach that goal that he wanted to serve his country and do that in the way that he felt he could do the best of his ability. And I was glad that we were able to do that for that young man and it's an opportunity that-- that would not have availed itself if we didn't have that connection with the recruiting system and with the doctors and with the family. With that, I just want to say thank you. And again, I encourage you to vote green on this bill and-- so we can move on. Thank you.

WAYNE: Thank you, Senator Bostelman. Senator La Grone, you're recognized.

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

Floor Debate
February 21, 2019

La GRONE: Thank you, President Wayne. And Senator Kolowski's comments I think were really important. And they just touched off another quick question in my mind. So would Senator Brewer yield to a question?

WAYNE: Senator Brewer, will you yield to a question? Senator Brewer, will you yield to a question?

BREWER: I would. Yes.

La GRONE: Thank you, Senator Brewer. As I just mentioned, I think Senator Kolowski's comments were really important to underscore the good work the committee amendment does. I just want to run through part of that real quick because I think I want to make sure I'm understanding it correctly. So the commitment statement says regard-- about the amendment, regarding the notice to parents and guardians that have-- that they have the option to make a written request that routine directory information shall not be released without prior written consent. AM176 specifies that such notice must be provided within 30 days prior to the following commencement of each school year, and then obviously when a student enrolls, after that it's the same. Am I understanding correctly how that process would work, that essentially if a parent is made clear that they don't want this information released without prior written consent, the school district would notify the parent, hey, there's this disclosure of information to military recruiters out there, and we know that you might have an issue with that; let us know if you don't want that disclosed.

BREWER: Correct. Part of this Family Education Rights and Privacy Act, the FERPA, is to be sure the parents are aware that this event is going to happen prior to it happening. So the notice goes out. It gives them an opportunity to say, listen, you know, my child is not going to participate or be involved with the activity, the career day, whatever it is. And so they have a warning ahead of time so it's not like they just show up and this event is happening. And then the other part, of course, is to make sure that there is a space and an opportunity given to the recruiters so that they can have the same opportunity that the other trade schools or universities are having.

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

Floor Debate
February 21, 2019

La GRONE: OK. Thank you, Senator Brewer. I wanted to make that clear, because after Senator Kolowski's comments I thought it was really important. Because, obviously, we do want to make sure that our parents have the-- the control over their child's information that they need. And so I think the amendment-- I supported the bill originally, but I think the amendment makes it that much better, and I just wanted to clarify how it did so. So with that, thank you, Mr. President. I would encourage a green vote on both the amendment and the bill.

WAYNE: Thank you, Senator La Grone. Thank you, Senator Brewer. Senator Hughes, you're now recognized.

HUGHES: Thank you, Mr. President. Was wondering if Senator Brewer would yield to a question.

WAYNE: Senator Brewer, would you yield to a question?

BREWER: I would.

HUGHES: Thank you, Senator Brewer. I-- I do like this bill and I will support it. But I do have some questions. Do you have any kind of idea of how many young people enter into the military every year from the state of Nebraska, just a ballpark?

BREWER: The only number that we have to work off is-- is that of MEPS in Omaha, which the last numbers I saw were roughly 4,000. That is not the sole location where they can process, though. So, you know, that-- that number would-- probably upwards of that, but I can't give an exact number.

HUGHES: OK. So you think about 4,000. Do you have any idea how many seniors we graduate from the state of Nebraska every year?

BREWER: No, but I-- I would imagine the number would be much, much higher than that.

HUGHES: OK. Thank you very much. Would Senator Groene yield to a question, please?

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

Floor Debate
February 21, 2019

WAYNE: Senator Groene, will you yield to a question?

GROENE: Yes. Yes, I will.

HUGHES: So as Chairman of the Education Committee, do you have that number of how many seniors we graduate from the state of Nebraska every year, just a ballpark?

GROENE: There's probably 300,000. Divided by 13, what is that number? Ten, twelve thousand in every class. So, yeah.

HUGHES: OK. Thank you very much. I--

WAYNE: Thank you.

HUGHES: --I think it's important. Thank you, Senator Groene. I think it's very important that we have this opportunity available to our young people. Just in-- in my life's experience, I did not serve in the military but some of my schoolmates have and I'm amazed at the individual that they turned out from their experience being-- and it is a positive thing, Senator Brewer, how much they matured being in the military. One of the individuals that is employed in-- in our business, his son has just signed up for the military. And I'm going-- and having a very personable relation-- or personal race-- relationship with this young man, I'm excited to see the change that this, his experience in the military, will make for him. His grandfather was in the-- in the Navy, I believe, served in the Vietnam War or the Vietnam Era. But providing and making sure that this is an opportunity for the education, life experience, maturing of our youth is something that we certainly do not want to limit. It does-- it, at 17-, 18-year-old-- years old, it is very hard to make those decisions and to make sure that we have everything available to those individuals to make those decisions. And making sure that their parents are part of that decision I think is a very good deal. So with that, I certainly am going to support LB755 [SIC] and AM175. Thank you, Mr. President.

WAYNE: Thank you, Senator Hughes, Senator Groene, and Senator Brewer. Senator Chambers, you're recognized.

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

Floor Debate
February 21, 2019

CHAMBERS: Thank you, Mr. "Persident"-- President, members of the Legislature, now you're going to hear a discouraging word. First of all, everything about the military is not good. Not everybody in the military is heroic. The military can be cruel. It has demonstrated that it is racist. And for all of my so-called liberal colleagues on this floor who will vote for the bill, I want to tell you all something, and I'll mention two by name, Senator Pansing Brooks, Senator Morfeld, and the others. What other group will be allowed to come to that school and talk to these children who has an official policy of being against transgender people and have broadcast it? Let's say you've got a transgender child in school. And I'm not condemning Senator Brewer for bringing the bill. They are talking in various schools right now about transgender bathrooms. Virginia or Florida finally said they're throwing in the towel, they're not going to fight that anymore. You've got somebody who is a recruiter and his organization and the President, who is the commander of chief-- in chief, has said transgender people cannot be in the military, transgender people who have served and are serving now, I guess until the ax finally falls, in the military, following all the rules, probably being more circumspect than others. And then you're going to have somebody representing that organization who may be an advertisement of homophobia, perhaps racism, telling these parents who might be there, your child ought to join this organization which officially is opposed to transgender children. Now, I'd like to ask my friend, and he is my friend, Senator Brewer a question.

WAYNE: Senator Brewer, will you yield to a question?

BREWER: Yes, I will.

CHAMBERS: Senator Brewer, what would a recruiter be compelled to say if a parent said, I have a transgender child and I want my child to join the military? Will my child be welcomed as a member of the military on a footing with everybody else who is being recruited? What would that recruiter have to give as an answer?

BREWER: He would have to tell him that it is not something that is approved currently in the armed forces of the United States.

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

Floor Debate
February 21, 2019

CHAMBERS: Thank you. And we all know that. But you listen to people on this floor and it's why I'm getting fed up and sick of talking to people around here. You all know what the problems are and then you fold and you go along because white people do that. They talk about principle, then a serious issue comes up and they turn away from it because they made some kind of deal. Do you all care about transgender people? I'm not transgender. Nobody in my family is. But these are human beings and they need somebody to speak up for them all the time. Who else on this floor would have said anything in behalf of the transgender people whose children would be insulted and rejected by an entity that's allowed to come on the school grounds and recruit them? You all don't have the experience with the cops that--

WAYNE: One minute.

CHAMBERS: --black children have. They don't have good experience with the police officers outside of the classroom so when they go to school, the school is not a refuge for them, that pressure, that uncertainty that an armed cop excites in young black people, especially young black males. So when I say get them out of the schools, white people say, no, it's dangerous if they're not in the schools. You don't care what effect these things have on black children. You don't care what you do, what effect it has on poor children. You don't care what effect it has on transgender people or any members of the LGBTQ community. It's easy to talk that mess. Time comes to put up or shut up, and I think you all need to shut up, all of you, just shut up and let me talk because I will carry through on what I say. My words are not trying to give you an image of me. It's a warning and a notice of the kind of person that I am, and I'll be that everywhere, anywhere, in anybody's company.

WAYNE: Time, Senator Chambers.

CHAMBERS: Thank you, Mr. President.

WAYNE: Senator Chambers, you're next in the queue. I recognize Senator Chambers.

CHAMBERS: Thank you. Members of the Legislature, you know why I get upset? Because you all are grown people and I listen to you on too many issues. You're going to talk about property

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

Floor Debate
February 21, 2019

tax relief. You're going to talk about automatically cutting income tax rates if the economy grows a certain amount. You're interested in what's going to benefit rich people, rich, white people like Joe Ricketts, who is an out-and-out racist, and his son is too. And you all can go along with it and act like you got to be courteous and be nice, and these people are not doing to you what they're doing to my people. And who are my people? The "Bible" tells you. When a question is put to God, a question that is arrogantly put to God, which is like telling God, mind your business, when God said where is your brother Abel? And Cain looked at God with a sneer and said, am I my brother's keeper? Well, Cain wouldn't because he's probably a Christian. I'm not a Christian. That's why I am my brother and my sister's keeper, and I'll speak for those for whom you are afraid to speak and for whom you really underneath have contempt. They don't need your words. They need action, and you will not give it. And you'll find every excuse, rationalization, and justification not to do anything. Then you'll give nice talks. You'll give speeches. You'll go to rallies. You might even carry a sign: gay people are human beings too; transgender people are human beings; they are our brothers and sisters. Then something comes before us and what do we do? The roaring lion becomes a squeaking mouse. And that's what I see on the floor of this Legislature so many times. You're like that mountain that gave a great amount of noise. There was a lot of rumbling. People thought it was going to take this island under the sea. And then they said this is not a mountain; this is a volcano and we are in danger and it's about to erupt. And the mountain shook more and more. And the island did look like it was going to be sunk under the water, because as the island moved back and forth with greater and greater intensity, it built bigger and bigger waves that came up higher and higher on the island. Then there was an opening in the mountain and out stepped a mouse. That's you all, full of sound and fury, signifying nothing. Put me to the test and I want all of those people, all of those groups that I speak for on this floor to know that I will speak for them and defend them where they need it anywhere, anywhere, not like you all, when it's convenient, when you're going to be thanked for it, you're going to be lionized for it. Well let me tell you one thing. When you equate George Washington, a slaveholder, with Martin Luther King, who fought against racism, who fought against sexism, fought against homophobia, wanted everybody to be a part of the human family, and George Washington and his ilk would have enslaved him, and you put equivalency there, white people do it, and you control everything so that's how that equivalency can be made. You won't go to black people and find us bringing in equivalency. But you do it and you do it in your statutes.

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

Floor Debate
February 21, 2019

WAYNE: One minute.

CHAMBERS: You do it in your schools. And you wonder why I'm upset. I would be insane if I were like you. A sane person has the ability to think, to rationalize, to review and examine a circumstance, a situation. You can evaluate. You can get a notion. You can theorize. Then you can extrapolate from what you see and draw a broader generalization. And then you observe to see if your generalization accords with or comports with the reality that that the generalization addresses. And if it doesn't, then you modify the generalization to fit the existential reality, which you all don't do. John Henry is somebody--

WAYNE: Time, Senator Chambers. Senator Chambers, you're-- Senator Chambers, you're recognized.

CHAMBERS: There's a verse in that song about John Henry. I told it to you all once. The captain said to John Henry-- this is where a black man was pitted against a machine and the black man was a convict and he was leased, rented by the state prison of Virginia, in Richmond, to work for a railroad. And they pitted him against a steam drill and all John Henry had was a hammer. And the steam drill, you know what mechanical devices can do. They don't get tired. The captain said to John Henry, I'm going to bring me a steam drill around. I'm going to bring me a steam drill out on the job. I'm going to plow that steel on down, Lord, Lord. I'm going to whoop that steel on down. Well, the man who invented the steam drill thought it was mighty fine. John Henry drove his 15 feet and the steam drill only made 9. John Henry said to the captain, look yonder what I see. Hold and choke, your drill done broke. You can't drive steel like me. That's what I say to you all. You're a lot of steam. You're a lot of noise, but you hold and choke, your drill done broke, and you can't drive steel like me. Because when you come to the reality, you fail. You become fearful. You wonder what is the price or the cost to you to stand for the things that you, yourself, stated were the principles that guided your conduct. Nobody imposed it on you. Nobody said you must say these things. You chose to say them. You created an image in the minds of people of what you are and what it is you believe and think and are willing to stand for. And when they rely on you, you're like that person who is like the sharpened reed, sharp. And as soon as they rest the palm of their hand on you and rest their weight on it, you pierce their palm and you hurt them because you led them to trust you when you were

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

Floor Debate
February 21, 2019

untrustworthy. They did not make provision for an alternative course because they thought you were going to be there, you would have the person's back. But instead, you're the one who stabs the person in the back. And here's what you liberals do. You stab somebody in the back with a six-inch blade. Then you assuage your grief. You make up for what you've done and you soothe your conscience. How do you do it? You push the blade in the back six inches and you pull it out three inches. You stabbed the person. Then you pull the blade that you stuck in that person's back out three inches and now your conscience is at ease. What are you gonna do with this bill? Do you care about a person, just one, who might be transgender and made to feel like a subhuman, to have on the school grounds in an official school function be told that you're not fit? And almost anybody can get in the Army. I was in the Army. What I'm gonna do is bring you all a copy of my honorable discharge, not to show pride but to show that I was a part of an organization I didn't even like, but I did what I was supposed to do and I did it so well I got a letter of condemn-- commendation from my commanding officer--

SCHEER: One minute.

CHAMBERS: --stating that anything Private Chambers sets his mind to or his hand to, it's done well. That's not because I love the Army. It's because I love me! There is a standard I set for me and I have to live up to it wherever I am. And when I voluntarily put myself someplace, the onus is on me. Nobody made me do that. Nobody made me go in the Army. I was not drafted. It was self-interest. That's all that it was. If they had not had a draft, you think I'd have joined the Army? Nobody would have messed with me while I was going to school. But because they had a draft, I couldn't take the chance, didn't want to, of being drafted while I'm in school. That's why I went on in the Army when I did, nothing heroic whatsoever. But once I voluntarily went there, I showed them the way they ought to do once you're in the Army. And I've talked to Senator Brewer about this. I wasn't too much bigger than I am now, but I carried the flamethrower.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. Pre-- [MICROPHONE MALFUNCTION].

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

Floor Debate
February 21, 2019

SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Seeing no one else in the queue, Senator Groene, you're welcome to close on AM175.

GROENE: Thank you, Mr. President. It's actually very disappointing that Senator Brewer even had to bring this bill. For some reason we have lost our civic understanding of being a citizen, how important it is that we may all disagree but this country is great. This country represents freedom to the world. This country represents diversity to the world as we go forward. And it's ironic that the same institutions where they are, recruiters are, being blocked from young people who want to find access to do their civic duty, to understand what past generations have done by joining the military and how honorable a profession that is and how honorable a calling that is, that we would even have a problem that Senator Brewer has to fix with his bill. They should be the first ones called. They, when there's a career day, the military should be the-- recruiter should be the first one called. They have done more for racial integration in this country than anything else does, 'cause once you mit-- in the military, you're equal. In the old days you weren't, but now you are. Eisenhower made sure of that or a President after that. And-- but it was a start where people got to know each other and defended our rights. It needs to be emphasized in our school as a career path. So we need to also look at making sure, as those young ones come up through our high schools, that they understand that we need to make sure they are taught civics and the responsibility of being a citizenship, as another issue we've been discussing on this floor, so that more of them look at that. And-- and as Senator Bostelman mentioned, the smart ones went into the military. They got the G.I. Bill in my age group, got the GI Bill, got a career, learned a work ethic, learned responsibility. I'll give you an example. My railroad, the first person they look for is a veteran because they understand those veterans have-- know responsibilities, know have a work ethic, show up for work, can pass a drug test. It is a great career, a great opportunity, a great equalizer being able to be a vet-- vet-- a veteran some day with the experience you learn in the military. So I am fully behind Senator Brewer's bill, and the amendment was necessary because when you're 18 years old, that the committee brought, you make decisions for yourself and if you didn't want to be contacted by the military, you-- you-- and you're a pacifist for whatever reason, religious reasons, you can ask to be exempted from being contacted by the military recruiters. So I'm glad we're having this long conversation on this because it needs to be emphasized how important this is and how important

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

Floor Debate
February 21, 2019

being an American is that we have those individuals who are willing to step up and risk all to defend the constitution,—

SCHEER: One minute.

GROENE: --defend our-- our rights and our ability to stand as an individual but as an equal to all. And I appreciate a vote, green vote, when we get to it on one AM175. It does-- it does clean up some language. And then on from there, when we clarify the meaning of LB575, a green vote on it. Thank you.

SCHEER: Thank you, Senator Groene. The question before us is adoption of AM175 to LB575. All those in favor please vote aye; all those opposed vote nay. Have all those voted that wish to? Please record.

CLERK: 38 ayes, 0 nays on adoption of committee amendments.

SCHEER: AM175 is adopted. Senator Chambers, you're recognized.

CHAMBERS: Thank you, member-- Mr. President, members of the Legislature. I run them out of here. You saw them come back, didn't you? What ran them out of here? Me. I'd like to ask Senator Groene a question if he's still on the scene.

SCHEER: Senator Groene, would you please yield?

GROENE: Yes.

CHAMBERS: Senator Groene, what branch did you serve in?

GROENE: I did not serve in the military. It was 1973 and they were pushing everybody out of the military.

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

Floor Debate
February 21, 2019

CHAMBERS: Thank you. Members of the Legislature, all that glowing conversation, just words. He doesn't know what happens in the military. It's not where heroes go. You work a regular shift. You get up at a given time of the morning. You police the area. That means you pick up all the trash and so forth. You eat breakfast, probably better food than you'd get out here. Then you, if you're in the Army, you put on whatever you put on and carry something and walk a certain distance. You might go to the shooting range. You familiarize yourself with certain weapons. But you never work beyond 4:30 unless you're on bivouac or you're on one of those camping things where you're just going to stay out there all the time. But as far as it bringing respect for people, Senator Groene talks a lot and he raises his voice, but he knows nothing. There's a specific handshake that black people give to each other. And when they gave it in the military you know what happened? They got an Article 15. Senator Groene doesn't know what he's talking about, but Senator Brewer does. So I'd like to ask Senator Brewer a question.

SCHEER: Senator Brewer, would you please yield?

BREWER: Yes, sir.

CHAMBERS: Senator Brewer, what is an Article 15?

BREWER: Article 15 is a punishment that's administered by either company or battalion grade officers for actions that are inappropriate or against regulation.

CHAMBERS: Thank you. It's inappropriate for black men to shake hands. And this man is going to talk about all the respect that the Army gives to everybody. They didn't do that to white people. But anything that showed solidarity among black men who are in that uniform was a basis for punishment. A handshake, not a fist upside somebody's head, something that shows we have something in common, and those things that mean something to us are condemned by white people and punished. Senator Brewer and I had talked. Now he had some experiences I didn't have. Nobody shot at me and I didn't shoot at anybody and I never left the United States. The closest I came to leaving was when I was leaving Los Angeles or whichever city it is and the airplane flies out over the water and then comes back over the land. So I didn't go overseas. I didn't do any of that. But I wanted to show these white people something. When I was in a

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

Floor Debate
February 21, 2019

company down in Fort Leonard Wood, very hot, it's in the Ozark mountains and they had a whole lot of hillbillies who came there in the Army. And there were about three of us in the barracks and one of them was supposed to be tough. And I'm 82 now. I was in much better shape then, when I wore a younger man's clothes, and they didn't know what I could do. So one of them wanted to box. What he wanted to find out was whether or not they could jump on me and I'd defend myself, and if I tried, could I. So I told him, I won't box you but I'll fight you.

SCHEER: One minute.

CHAMBERS: And he didn't want to fight. White people like to be sure they can win and that's why they bring a mob against one of us. And I didn't take low to any of them. And you know what I did, Senator Lowe? I volunteered to carry the flamethrower. And Senator Brun-- Brewer can tell you, weighed about 66.5 pounds. And I wasn't the biggest man in the company. And when we were on a march, sometimes you-- it's route step. You don't have to match, left, right, left, everybody. You just walk. And instead of just walking, I would kind of like I'm double timing with 66 pounds on my back like John Henry and his hammer. I don't say I didn't get tired, but I was showing those white people something, that if you grab me, you better know what you're grabbing. If you're going to get me, you're going to find out it's going to be a good get that you got. And I've never been afraid and I'm not afraid now. Why do you think I do what I do here? You all run out of here whenever there's a discussion--

SCHEER: Time, Senator.

CHAMBERS: --like this.

SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. To all of those who think that the school functions ought to be open to these recruiters, these recruiters are paid. Let them go out and recruit. Don't let these people bring their hatefulness to a school setting. Maybe the individual doesn't hate. Maybe the individual who's transgender is smart enough not to say anything about it. The official

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

Floor Debate
February 21, 2019

policy of the United States Army, which Senator Groene champions, of course, I don't know what his attitude toward transgender people would be. I'm gonna watch you-all's vote. It's one thing to talk a good game and another thing to do something about it. Are you against racism in all of its forms wherever it rears its ugly head? You'd say that if you were in the proper setting and that's what you're supposed to say. Do you see transgender people as being genuinely people, human beings, our brothers and our sisters? Where it's appropriate to say yes, you say yes. But when time comes to cast a vote, are you going to vote for an organization that is officially and formally homophobic? The President, who is the commander in chief, has made it clear how homophobic he is. He's the one who gave a directive. And for the underlings, their job is to obey, and they obey whether they like it or not. That's one thing about the military: the regimentation, the carrying out of orders. But things got so bad, a point was reached where you're not required to obey an unlawful order now. You could have been punished for it because you got to do whatever they tell you; not anymore. I'm going to watch the vote on this. You're not voting on whether you uphold the military and its mission and everybody in the military is a hero and they all love America and they salute the flag and all this. What you are voting for is to let an organization whose official credo is one of homophobia. That's what you're voting on. And I want to characterize it. I want to put a name on it. I want people to know what it is you're voting on and that it was called to your attention. You can't say, well, if I'd have thought about that. Maybe you wouldn't have thought about it if I hadn't said anything. So my job is to make you think and my job is to call you out. Look how many empty chairs there are in here, 'cause they don't want to hear what I'm saying. But I'm talking to people who are outside this Chamber. And they listen to us all over the world because I get communications from people all over the world, literally. So all of you can leave here. But as long as we're in session and I've got something to say, I'm going to say it. I'm not saying it to those who are gone anyway. They're not going to listen. But when there's something in which they have an interest, I can talk then and then they better stay here, 'cause they don't know what mischief I might work when they hightail it out of here like they hightailed it out of here now. No man should have that power. I can run all these white people out of this Legislature. Look how I've emptied this place. I'm probably the smallest person, physically, in here. There are big people in here, almost twice my size, and I ran them--

SCHEER: One minute.

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

Floor Debate
February 21, 2019

CHAMBERS: --all out of here. You know how I did it? A loaded brain is more powerful than a loaded gun. And my loaded brain is more than they can cope with. And I hit them where they live. Watch them all come streaming in here. Watch them come in here. Is this my third time, Mr. President?

SCHEER: This is your second.

CHAMBERS: Then I'll stop and turn on my light.

SCHEER: Thank you, Senator Chambers. And you are next in the queue and this is your third.

CHAMBERS: Mr. President, members of the Legislature, I will not offer any amendments. I will not offer any motions. But this shows how, without me doing any of that, I can take time. But I'll tell you what. You might want to call it wasting time. I'm spending time. And when I'm spending that means I'm dealing with something that has value, and I'm going to spend wisely. I'm going to bring you all a copy of my commendation letter from my commanding officer, a copy of my honorable discharge, a copy of my military identification card. I keep everything. I kept it even then. And the person pictured on that card, the name is mine, but he looks like he's dangerous. I wouldn't want to meet him if he had a frown on his face. I'm just kidding about that. But I'm going to bring those documents and let you see and you'll-- it will teach you something. You don't have to agree with what you're involved in, in order to do well what you do if you voluntarily put yourself in that situation. I would have been miserable if I was thinking in my mind every minute that I'm awake I hate being here. There was not a lot that you had to do. I read every book in their library, both of them. I spent time in the PX. They had records that I liked to hear. They had music by black people, 'cause white people like to hear that music but they don't like the people singing it. And they didn't like the black man listening to it, but they found out that it would probably be best to just leave me alone. And since I've always been numbered everywhere I went, always outgunned everywhere I've been, I'm accustomed to standing alone. And nobody is going to run me away like I can run all these white people out of this room. And that's why I have such a low regard for them. You all say things I don't like, but I listen to you. And then when I question you, you find out that I paid attention, and that if you brought a bill for somebody else 'cause they told you to, I know more about your bill than you

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

Floor Debate
February 21, 2019

do. I read them. But I have to level with you, I don't read every one of these bills. I couldn't. But if there's one that I have a particular reason to be interested in, I'll read it with a microscopic eye and I'll find things that not only the one bringing it as a flunky didn't find, but the one who wrote it and the lawyer who wrote it did not see because they're accustomed to dealing with slipshod, careless white people and not an analytical black man. Why will I say all these things in front of all these white people when I got to work with you all the rest of the session? 'Cause I don't care what you think. I'm not here to please you. You're not my friends. You're not going to go to my house and eat. I'm not going to come to your house and eat. But I can treat you civilly. Nobody can treat me better than I will treat them. I don't have to like you to treat you with courtesy. I even know how to be courtly. But when I agreed to be in this Legislature, I came here because people in my district needed somebody like me. And I let them know I'm not going down there to be an echo. I'm not going down to reflect ignorance. I'm going to inform myself and then I'm going to use my judgment and do what I think is right. And if you all don't like it, that's what elections are for.

SCHEER: One minute.

CHAMBERS: And as a result of my attitude, I've been here longer than anybody has ever been here in the history of this state and I've gotten invitations from the national government, even to go overseas that nobody in this Legislature ever got before. And I'm going to start proving it to you by giving you the clippings to show it. And I'm going to bring you that paper where in Austria and in Germany they did a large article of me in German, which I can't even read, but I recognized the person. And with that, I'm going to stop and I'm going to ask for a call of the house and a roll call vote so everybody can go on record as voting for an entity that is homophobic, that doesn't feel that transgender military people right now who are serving honorably should have the right to continue. And that's your concept of Americanism. That's why I don't like Americanism. And if that's your democracy, I don't like--

SCHEER: Time, Senator.

CHAMBERS: --your democracy. It's not democracy.

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

Floor Debate
February 21, 2019

SCHEER: Time, Senator.

CHAMBERS: It's a mockery.

SCHEER: Senator, time.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? You'll be able to close, Senator, as soon as the house is-- is finished being called. Question is, shall the house go under call? Please record.

CLERK: 16 ayes, 2 nays to place the house under call.

SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Chambers, would you allow Senator Brewer to close while we are waiting for the rest of the members? Senator Brewer, you're welcome to close on LB575.

BREWER: Thank you, Mr. President. Well, what started as a fairly simple bill has turned into something a lot more than that, so let's kind of backtrack and try to slow walk some of the issues that were brought up. First off, if you piece together Senator Chambers' comments, we need to remember that he voluntarily chose to wear the uniform of his country. He also ended up being in the most difficult assignment in the infantry. And of the assignments you could have while you're in that job, he had the most difficult. So for that, sir, thank you for your service. But with that said, understand that if we just take my case, had I not had a recruiter that came to the high school, the nearest location where there was an Army recruiting station was Rapid City, South Dakota, or Scottsbluff. Neither of those towns I was able to get to very often. So I think without that opportunity to have a recruiter in a high school where you can find out the opportunities that are out there, especially for those that are limited in their ability to-- to go on to college because of financial restrictions, this was an opportunity to have a future. Some of the comments made

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

Floor Debate
February 21, 2019

here today I'm not going to disagree with, but these are national policies. We can't hate those that wear the uniform just because someone at a national level has made a decision. They still are the guardians of our country. They're the ones that are in the planes, that man the submarines and-- and go to those very difficult places and do the hard job that we ask them to do. Right here at home, STRATCOM, it has Air Force, Army, Navy, Marines. It has National Guard, both Army and Air. It has Reserve, both Army and Air. These are hometown people. They just wore the uniform so that we could have the country that we know today. Is it perfect? No. Are there things that need to change? Yes. We've made progress. We still got a ways to go. But understand that I think I speak for most of us that have worn the uniform, it rips our heart out to hear someone say that they refer to the flag as a rag because for those of us that-- that have brought home those that we've lost, it's hard to refer to the flag as a rag, because you have to fold it and you have to give it to the parents. That's awful hard to do. And to not call them heroes, I don't know what else you'd call them. They gave everything. So I would just ask that you remember all we're trying to do is fill our ranks and do what we have to do to make sure that those things that keep our country free-- free are able to continue. This is a simple bill where it's simply asking that you give recruiters an opportunity to recruit the young men and women to fill those ranks voluntarily. So with that, thank you, Mr. President.

SCHEER: Thank you, Senator Brewer. Senator Vargas, would you check in, please. Senator Chambers, we're still missing Senator Pansing Brooks. Is it OK to go ahead with the vote? Senator Pansing Brooks, we are-- house is under call. Would you please return to the floor. Senator Pansing Brooks, the house is under call. Would you please return to the floor. We are all here and accounted for. The question before us is the advancement of LB575 to E&R Initial. Mr. Clerk.

CLERK: (Roll call vote taken.) 44 ayes, 2 nays, Mr. President, on the advancement of the bill.

SCHEER: LB575 is advanced. I raise the call. Next item, Mr. Clerk.

CLERK: Mr. President, Senator Friesen, can I-- is your Exec Session over, Senator? You're not-- are you going back? Well, because I have another committee that wants in there. That's why I'm-- I don't mean to do this on the mike. I'm sorry. You know, I was-- I misspoke, Senator. So

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

Floor Debate
February 21, 2019

the Transportation Committee will meet in Exec Session now? OK. In Room 2022; Transportation. The Government Committee will have an Exec Session underneath the south balcony immediate-- at 11:30, so that's now. Mr. President, next bill, LB125, a bill by Senator Lathrop. (Read title.) Bill was introduced on January 10 of this year, referred to the Judiciary Committee. The bill was advanced to General File. No committee amendments. I do have an amendment to the bill from Senator Lathrop.

SCHEER: Thank you, Senator. Thank you, Mr. Clerk. Senator Lathrop, you're welcome to open on LB125.

LATHROP: Thank you, Mr. President. And, colleagues, good morning. LB125 would add intimate partner victims of certain financial crimes to the category of victims who are guaranteed the right to be notified and informed about various steps in a criminal proceeding in their case. Article I, Section 28 of the Nebraska Constitution generally guarantees crime victims the right to this information which past Legislatures have decided should include the following: the right to be notified of the charges and court proceedings against the perpetrator, to be present throughout the trial, to submit written victim impact statements for sentencing purposes, and the right to be consulted prior to a plea deal. This doesn't mean the victims get to veto a plea deal. It just means the county attorney has to make a good faith effort to warn them or advise them in advance and explain the measures of the deal-- or the reasons for the deal. Pardon me. The constitution also specifically gives the Legislature authority to decide which crime victims should be entitled to this information. Right now these rights are only extended to victims of violent crimes. So someone whose significant other steals their life savings could be kept completely in the dark about the resulting criminal case. And even someone who watches the court system closely could be caught off guard by a last minute plea deal. LB125 helps ensure that these individuals are kept in the loop by expanding the definition of victim to include victim of thefts of \$1500 or more in cases where the victim and perpetrator were intimate partners, as that is defined under current law. These are people who have suffered a terrible betrayal by someone they should be able to trust, and at least we can keep them informed in the criminal proceeding. LB125 advanced from committee on a 7-0 vote with no opposition at the hearing. So with that, I would encourage your support of LB125. Thank you.

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

Floor Debate
February 21, 2019

SCHEER: Thank you, Senator Lathrop. Mr. Clerk for amendment.

CLERK: Mr. President, Senator Lathrop would move to amend with FA13.

SCHEER: Senator Lathrop, you're welcome to open on FA13.

LATHROP: Thank you, Mr. President and colleagues. This amendment is very simple. It takes the threshold for the theft to \$5,000 from \$1,500 so that it is the most serious of offenses that will engage the process of notifying the victims. I want to address concerns that I have heard. We're not changing the definition of intimate partners. That's already defined in law. What this does is it includes victims who have been intimate partners in a relationship, so people that lived together in an intimate relationship, and they have a breakup and somebody runs off with all the money. And that person who had been trusted in the relationship has violated that trust. And this group of victims will now, with the passage of LB125, be notified of the proceedings so that they can be informed, appear, and write a victim impact statement that will be read and incorporated into a presentence investigation in the court's judgment about the proper sentence to impose. And with that, I would be happy to answer any questions you may have relative to the floor amendment or LB125, and I would encourage your support of both. Thank you, Mr. President.

SCHEER: Thank you, Senator Lathrop. Senator Hilgers, you're recognized.

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

SCHEER: Senator Lathrop, would you please yield?

LATHROP: I'd be happy to.

HILGERS: Thank you, Senator Lathrop. We had a conversation a little bit earlier on the mike, and I was hoping-- or off the mike and I was hoping to maybe lay a little bit of foundation for the record here this morning. So as I understand it, there's is a constitutional provision in the Nebraska Constitution that provides certain rights for victims. Is that right?

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

Floor Debate
February 21, 2019

LATHROP: That's true. Article I, Section 28.

HILGERS: And some of those right would include? Could you give us some examples?

LATHROP: Well, the right to be present at a trial, be informed of the proceedings, write a victim impact statement, show up at sentencing and be heard.

HILGERS: OK. And the constitutional provision also allows the Legislature to define what the victim is. Is that right?

LATHROP: Yes. We can-- we can populate the people who are entitled to that, the victims that are entitled to that information and to be engaged in that process with legislation.

HILGERS: And currently that is limited to victims of violent crime. Is that right?

LATHROP: Primarily, yes.

HILGERS: OK. And I'm not asking for maybe any sort of lengthy recitation of legislative history. But in your understanding, do you know why the Legislature in the past has limited victims in such a way versus maybe having victim being any victim of a crime?

LATHROP: I don't know the history. I don't.

HILGERS: Any-- any sense of the policy rationale why we might have it limited?

LATHROP: Well, I think what it is, is it's intended to get to the more serious crimes, where the victims have-- have been substantially victimized or victimized at a higher level, if you will. And I think that's what makes the amendment better because we take it to the more serious. Basically, this is somebody that's stealing your life savings that you used to live with.

HILGERS: So in other words, one reason we might not have all victims is that just from a manpower, police. You know, there's only so many police resources to go around. If you've-- you

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

Floor Debate
February 21, 2019

know, if you're tracking down a \$20-- a victim of a \$20 theft it might be more difficult or impose a burden on police resources potentially.

LATHROP: Exactly. The county attorney actually, because at that point it's a--

HILGERS: Oh, sure.

LATHROP: --now a prosecution.

HILGERS: Sure. Absolutely.

LATHROP: And, by the way, this amendment was brought to us and worked through with the county attorneys and they're now OK with it.

HILGERS: Perfect. Well, thank you very much, Senator Lathrop. I appreciate it. Seems like a reasonable expansion of-- of the power the depth-- the power that we have inherent under our constitution or given to us under our constitution explicitly to define what a victim would be for-- for these particular constitutional rights. It seems like a reasonable expansion of the-- of that definition or that universe of individuals, and I support FA13 and LB125. Thank you.

SCHEER: Thank you, Senator Hilgers and Senator Lathrop. Seeing no one else wishing to speak, Senator Lathrop, you're welcome to close on FA13. He waives closing. The question before us is adoption of FA13. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator Lathrop's amendment.

SCHEER: The amendment is adopted. Returning--

CLERK: I have nothing further, Mr. President.

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

Floor Debate
February 21, 2019

SCHEER: Returning back to LB125. Seeing no one wishing to speak, Senator Lathrop, you're welcome to close on F-- LB125. He waives closing on LB125. The question before us is the adoption and advancement to E&R of LB125. All those in favor please vote aye; all those opposed please vote nay. Have all voted that wish to, as we make the mad dash in? Please record.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB125.

SCHEER: LB125 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, items. Your Committee on Health and Human Services reports LB449 to General File, LB590 to General File with amendments. Your Committee on Business and Labor reports LB400 to General File and LB217 to General File with amendments, those signed by the respective Chairs. New A bill. (Read LB112A by title for the first time.) I have a notice of hearing from the Retirement Systems Committee. An amendment to be printed by Senator Williams to LB622. A series of name adds: Senator Wayne to LB137; Hilkemann, LB439; McDonnell, LB511; Moser, LB605; Hilkemann LB643. Mr. President, Senator Morfeld would move to adjourn the body until Friday morning, February 22, at 9:00 a.m.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The ayes have it. We are adjourned.