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Floor Debate  
March 07, 2019

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FOLEY: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the thirty-eighth day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is pastor Steve Mason of SouthPointe Christian Church in Lincoln, Nebraska; Senator Wishart's district. Please rise.

PASTOR MASON: (Prayer offered.)

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

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, your Committee on Enrollment and Review reports LB339, [LB]340 and [LB]141 to Select Files, some having Enrollment and Review amendments. The Agriculture Committee, chaired by Senator Halloran reports [LB]320 to General File, [LB]594 to General File with amendments, and LR13 reported back to the Legislature for floor consideration. Senator Blood offers a new resolution, LR39; that will be laid over. Hearing notice from the General Affairs Committee signed by Senator Briese. Lobby Report, as required by statute, and agency reports acknowledgment, Mr. President, available to members on the legislative Web site. That's all that we have.

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FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following two legislative resolutions, number [LR]33 and number [LR]34. Senator Howard, for what purpose do you rise?

HOWARD: A point of personal privilege.

FOLEY: Please proceed.

HOWARD: Thank you, Mr. President. Colleagues, I'm not sure if any of you have been contacted by your constituents about this issue, but there's an issue of children who are currently on our aged and disabled Medicaid waiver who have been losing their coverage. These are children who are disabled because the Department of Health and Human Services and Medicaid and Long-Term Care have begun using new criteria based on a 2015 Supreme Court case. Because of this criteria, children who had previously been considered disabled are now no longer considered disabled and they're being notified that they don't qualify. So, I know a lot of you have been hearing from your constituents about this issue. We have been getting a lot of calls to my office about it. And if individuals from your district call, please have them contact my office so we know exactly who to reach back out to as we move towards a resolution of this issue with the department. So we are working on a solution. We are trying to make sure that there are no more children who are losing this coverage because we know that they need it. If there is anyone specific, please contact my office. Timoree and Jennifer will be happy to help you. And with that, thank you, Mr. President.

FOLEY: Thank you, Senator Howard. We'll now proceed to the first item on the agenda: General File Appropriations bill, Mr. Clerk.

CLERK: Mr. President, LB354A, a bill by Senator Pansing Brooks. (Read title.)

FOLEY: Senator Pansing Brooks, you're recognized to open on LB354A.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor, and members of the body. LB354A merely transferred \$75,000 from the Supreme Court Automation Fund to the Supreme Court to

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be able to carry out the provision of LB354, which we advanced yesterday off of General File regarding sealing of juvenile records. The Supreme Court needs the authority from us to use these funds in order to update the JUSTICE system, which is the judicial branch's management system. Supreme Court contracts out for the JUSTICE system and will use these dollars for a one-time update. There's no General Fund appropriation on LB354. Again, no General Fund appropriation. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Pansing Brooks. Is there any discussion on the bill? I see no discussion. Senator Pansing Brooks, you're recognized to close. She waives close. The question for the body is the advance of LB354A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 29 ayes, 0 nays on the advancement of [LB]354A.

FOLEY: LB354A advances. Proceeding on the next item on agenda. Motion to withdraw, Mr. Clerk.

CLERK: Mr. President, Senator Hilkemann would move to withdraw LB715.

FOLEY: Senator Hilkemann, you're recognized to open on your motion regarding LB715.

HILKEMANN: Thank you, Mr. Speaker; and good morning, colleagues. LB715 is a bill that would appropriate funds for the creation of a research center at the University of Nebraska Medical Center. Another bill that I introduced that would put the framework for that research center into law has encountered some obstacles that I didn't see. So I don't see us overcoming them this year or in the near future. Since the framework bill will not be advancing, I think it will save the committee and staff time to not pursue LB715. And I respectfully ask for your green vote to withdraw LB715.

FOLEY: Thank you, Senator Hilkemann. Is there any discussion on the motion? I see no discussion. Senator Hilkemann, you're recognized to close on your motion. He waives close. The

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question for the body is the adoption of the motion to withdraw LB715. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, to withdraw the bill.

FOLEY: The motion is successful. LB715 is withdrawn. Members, if you could please proceed to your desk for a Final Reading; at which time I'll recognize the Speaker regarding an agenda change. But please proceed to your desk. We're moving into Final Reading. All members please proceed to your desk for Final Reading. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. In regards to today's agenda, colleagues, I'm going to move LB284 from its current location to right after we finish with Final Reading. So it will be right above LB224; [LB]284 will be-- when we hit Select at that point. As long as I have your attention, being the last day of the week, like to give you a heads up on next week. On Tuesday the 12th, I plan to schedule Senator Williams' priority bill, [LB]463. It's a bill, change of provisions relating to tax, deeds, and tax sales certificates. Later in the week, we will take up one of the Government Committee priority bills, LB411. That bill is a method of changing the number of county commissioners. It has, however, been-- had several bills amended into it, so you'll want to check the committee statement later to facilitate your knowledge of what all might be in that bill. Following the advancement of [LB]463, we will continue to debate General File and Select File bills in that order. On Friday, we will do Final Reading again on anything that would be available at that point in time. Additionally, I'd like to remind you that the deadline for submitting a request for a Speaker priority is next Thursday. So just a heads up, it is next Thursday, and that is close of the legislative day, which is at noon, not 5:00. So please don't come in at 2:30-- have your staff come in at 2:30. The deadline is noon or at adjournment on next Thursday. As well, just a reminder that your priority bills and committee priority bills are due to be filed by March 19, which is a week from Tuesday. And for any information regarding the process or procedures to that, please look at our memo dated February 8 in relationship to-- if you have forgotten or it's a first time how you go about processing that priority bill. As always, if there's any questions, please come back and talk to myself or have your staff contact anyone in my office as well; we would be more than helpful if we can be so. With that, thank you, Mr. President.

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FOLEY: Thank you, Mr. Speaker. We'll proceed to Final Reading. First item, LR1CA. Mr. Clerk.

CLERK: (Read LR1CA on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is shall LR1CA pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: [Record vote read.] 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: Thank you. LR1CA passes. We'll proceed to LB22. Mr. Clerk.

CLERK: (Read LB22 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB22 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

FOLEY: LB22 passes. Next bill, LB60, Mr. Clerk.

CLERK: (Read LB60 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB60 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: (Record vote read.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

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FOLEY: LB60 passes. (Visitors introduced.) Next bill is LB74, Mr. Clerk.

CLERK: (Read LB74 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB74 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB74 passes. Proceeding to LB80. Mr. Clerk.

CLERK: (Read LB80 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB80 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

FOLEY: LB80 passes. Proceeding to LB81, Mr. Clerk.

CLERK: (Read LB81 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB81 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

FOLEY: LB81 passes. Proceeding to LB111, Mr. Clerk.

CLERK: (Read LB111 on Final Reading.)

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FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB111 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 38 ayes, 6 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB1111 passes. LB192 is our next bill, Mr. Clerk. The first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

CLERK: 38 ayes, 3 nays, Mr. President, to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB192.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB192 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 45 ayes, 0 nays, 4 excused and not voting.

FOLEY: LB192 passes. Proceeding to LB192A, Mr. Clerk.

CLERK: (Read 192A on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB192A pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

FOLEY: LB192A passes. Proceeding to LB200. Mr. Clerk.

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CLERK: (Read LB200 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB200 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB200 passes. Proceeding to LB256E.

CLERK: (Read LB256 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB256E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

FOLEY: LB256E passes with the emergency clause attached. Next bill is LB307, Mr. Clerk.

CLERK: (Read LB307 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB307 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

FOLEY: LB307 passes. Proceeding to LB52.

CLERK: (Read LB52 on Final Reading.)



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FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB52 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

FOLEY: LB52 passes. Proceeding to LB152.

CLERK: (Read LB152 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB152 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB152 passes. Next bill is LB214, Mr. Clerk.

CLERK: (Read LB214 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB214 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB214 passes. Proceeding to LB223, Mr. Clerk.

CLERK: (Read LB223 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB223 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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CLERK: (Record vote read.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB223 passes. Proceeding to LB442.

CLERK: (Read LB442 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB442 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB442 passes. Next bill is LB536. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

CLERK: 38 ayes, 3 nays, Mr. President to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB536.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB536 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB536 passes. Next bill is LB25, Mr. Clerk.

CLERK: (Read LB25 on Final Reading.)

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FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB25 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused not voting, Mr. President.

FOLEY: LB25 passes. Proceeding to LB25A, Mr. Clerk.

CLERK: (Read LB25A on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB25A pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting.

FOLEY: LB25A passes. Next bill is LB103E.

CLERK: (Read LB103 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is shall LB103E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB103 passes with the emergency clause attached. LB119, Mr. Clerk.

CLERK: (Read LB119 on Final Reading.)

FOLEY: All procedures of law relative to procedure having been complied with, the question is, shall LB119 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who cares to? Record, please.

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CLERK: (Record vote read.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB119 passes. Proceeding to LB159E. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye, those opposed vote nay. Record, please.

CLERK: 42 ayes, 3 nays, Mr. President, to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB159.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB159E pass with the emergency clause attached? Those in favor vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB159E passes with the emergency clause attached. Next bill, LB185, Mr. Clerk.

ASSISTANT CLERK: (Read LB185 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB185 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB185 passes. Next bill, LB203, Mr. Clerk.

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ASSISTANT CLERK: (Read LB203 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB203 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB203 passes. Proceeding to LB235, Mr. Clerk.

ASSISTANT CLERK: (Read LB235 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB235 pass? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB235 passes. Proceeding to LB333

ASSISTANT CLERK: (Read LB333 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB333 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting.

FOLEY: LB333 passes. Proceeding to LB372, Mr. Clerk.

ASSISTANT CLERK: (Read 372 on Final Reading.)

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FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB372 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 47 ayes, 0 nays, 2 excused and not voting.

FOLEY: LB372 passes. Proceeding to LB380. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: 32 ayes, 12 nays to dispense with the at-large reading, Mr. President.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB380.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB380 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) Vote is 47 ayes, 0 nays, 2 excused and not voting.

FOLEY: LB380 passes. Proceeding to LB406E. Mr. Clerk.

ASSISTANT CLERK: (Read LB406 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB406E pass with the emergency clause attached? Those in favor vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting.

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FOLEY: LB406E passes with the emergency clause attached. Next bill is LB469. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 36 ayes, 5 nays to dispense with the at-large reading, Mr. President.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB469.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB469 pass? Those in favor vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting.

FOLEY: LB469 passes. Proceeding now to LB622. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: 40 ayes, 4 nays to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB622.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB622 pass? Those in favor vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

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FOLEY: LB622 passes. And our final bill on Final Reading is LB624, Mr. Clerk.

ASSISTANT CLERK: (Read LB624 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB624 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: All provisions of law relative to procedure-- LB624 passes. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. Folks, we're waiting on an amendment to come down for [LB]284, so I will now adjust the agenda once again and put [LB]284 at the end of Select. Thank you.

FOLEY: Thank you, Mr. Speaker. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR1CA; I also sign the following legislative bills: [LB]22, [LB]60, [LB]74, [LB]80, [LB]81, [LB]111, [LB]192, [LB]192A, [LB]200, [LB]256E, [LB]307, [LB]52, [LB]152, [LB]214, [LB]223, [LB]442, [LB]536, [LB]25, [LB]25A, [LB]103E, [LB]119, [LB]159E, [LB]185, [LB]203, [LB]235, [LB]333, [LB]372, [LB]380, [LB]406E, [LB]469, [LB]622, and [LB]624. Pursuant to the Speaker's directive, we will now proceed to Select File. First bill is LB224. Mr. Clerk.

CLERK: Mr. President, if I might, the Agriculture Committee will have an Executive Session underneath the south balcony immediately; Agriculture, south balcony, right now. Senator Slama, with respect to [LB]224, I have no amendments to the bill.

FOLEY: Senator Slama.

Slama: Mr. President, I move that LB224 be advanced to E&R for Engrossing.



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FOLEY: Members, you heard the motion to advance LB224 to E&R for engrossing. Those in favor say aye? Those opposed say nay. LB224 advances. LB16, Mr. Clerk.

CLERK: With respect to LB16, Senator, no E&Rs. Senator Briese would move to amend with AM636.

FOLEY: Senator Briese, you're recognized to open on AM636.

BRIESE: Thank you, Mr. President; good morning colleagues. I rise to introduce AM636 to LB16. This amendment is in response to concerns raised on the floor when we discussed this on General File. Someone raised a concern about referencing a federal statute in the green copy of the bill and tying the language of the bill to that statute. So I eliminated that reference, essentially using the federal definition in some aspect there. And I say federal statute, federal code, federal regulation. And then Media of Nebraska expressed some concern over the breadth of the green copy language. AM636 addresses that concern, also. And just to remind colleagues what we're talking about here, you know, we live in a world of bad actors, some of whom are intent on disrupting our way of life. And one avenue for someone so inclined is to target our energy infrastructure, whether it's our power grid, fossil fuel infrastructure, and so forth. As elected officials, we have a duty to help minimize the risk of one of these nightmare scenarios ever occurring, and LB16 is a bill designed to help us protect that infrastructure. Our statutes make available for examination by all citizens, all public records of the state or any political subdivision. Section 84-712.05 allows entities to withhold from public view various categories of records; there's currently 20-such categories. AM636 to LB16 adds another category that can be withheld from public view for information that relates details of physical and cyber assets of critical energy infrastructure. Federal statute found at 16 U.S. Code, Section 824 protects critical energy, electric infrastructure information from disclosure under the Freedom of Information Act. This bill essentially mirrors federal regulations to some degree, but the protections afforded by this bill and the amendment are somewhat broader than the federal exemption. AM636 also includes as critical energy infrastructure information, quote, the identity of personnel whose primary job makes such personnel responsible for providing or granting individuals access to physical or cyber assets or operating and maintaining physical or cyber assets if a reasonable person knowledgeable of the electric utility or energy industry would conclude that public

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disclosure of such identity would create a substantial likelihood of risk to the physical or cyber assets. This subdivision does not apply to the identity of a CEO, general manager, vice president, or board member of a public entity that manages critical energy infrastructure or critical electric infrastructure. The lawful custodian of the records must provide a detailed job description if requested for any personnel whose identity is withheld pursuant to this provision. We discussed on General File the risks to our energy infrastructure, and I believe that in light of the potential risk posed to critical energy infrastructure, this expansion, beyond what is found in the federal rules, is necessary. And I'd ask for your support on AM636. Thank you, Mr. President.

FOLEY: Thank you, Senator Briese. Discussion on AM636? Senator Hilgers.

HILGERS: Thank you, Mr. President; good morning colleagues. I rise in support of AM636, and I appreciate Senator Briese's comments this morning, as well as his collaboration over the last couple of weeks since we had General File on this particular bill. Just to re-set the conversation and kind of update you on what happened and where we are. As Senator Briese noted, this bill had two exceptions to the public records-- or the disclosure statutes. One was sort of a mirror of a federal statute that would allow a utility to refuse to disclose critical energy infrastructure. That was sort of the piece one. Since it mirrored what is already exists in federal statute, I didn't really have an issue with that. The second piece did go to the identity of the personnel. If you recall on General File, there was some concern that, as written, the breadth of that exception was pretty broad. And the concern was that it would allow for-- there wasn't really a nexus between the breadth of the individuals who might be-- who would not-- the identity of whom would not be disclosed was actually the narrow need. And I think when we're talking about public records and transparency, I think it's really important to ensure that if we are going to have an exception to the disclosure rules, one, it's for a very, very good reason that we can justify; and, two, it's narrowly tailored to that particular reason and to that purpose. And so over the last couple of weeks, as we discussed on General File, Senator Briese and I and others-- other stakeholders worked through trying to find the second part of that; how do we narrowly tailor it. I think we all agree that it is important to ensure that our critical energy infrastructure assets are not put at risk in any way. At the same time, we wanted to make sure it was narrowly tailored. We worked through that amendment. And the product of that collaboration is in AM636 which helps narrow that second piece sufficiently in my view to-- such that I will support the amendment; and as

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amended, I will support LB16. So with that, I would ask for your green light on AM636 and the underlying bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Groene.

GROENE: Thank you, Mr. President. As I spoke on LB16 on General File, I'm a big proponent of transparency, all tax dollars, how they are eventually spent, and what goes on in government by a public employee should be transparent. And I was present not voting because I've also seen the other side of the argument about security in our present terrorism environment. AM636 satisfies my concerns, and I will be voting green on AM636 and LB16.

FOLEY: Thank you, Senator Groene. Is there any further discussion on the amendment? I see none. Senator Briese, you're recognized to close on AM636. He waives close on the amendment. The question for the body is the adoption of AM636. Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: AM636 is adopted. Anything further on the bill, Mr. Clerk?

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB16 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB16 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB16 advances. Proceeding to LB116. Mr. Clerk.

CLERK: LB116, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

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SLAMA: Mr. President, I move that LB116 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB116 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB116 advances. Next bill is LB145. Mr. Clerk.

CLERK: LB145, Senator, does have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB145 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Nothing further on the bill, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB145 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB145 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB145 advances. LB384, Mr. Clerk.

CLERK: LB384, Senator, does have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB384 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. E&R amendments are adopted. Mr. Clerk.

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB384 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB384 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB384 advances. Proceeding to LB660. Mr. Clerk.

CLERK: LB660, Senator, does have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB660 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments to LB660. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr Clerk.

CLERK: I have nothing further on LB660, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB660 be advanced to E&R for engrossing.

FOLEY: Members, the motion before you is to advance LB660 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB660 advances. Proceeding to LB660A. Mr. Clerk.

CLERK: Senator, I have no amendment to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB660A be advanced to E&R for engrossing.

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FOLEY: Members, the motion before you is to advance LB660A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB660A advances. Proceeding to LB486. Mr. Clerk.

CLERK: LB486, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB486 be advanced to E&R for engrossing.

FOLEY: Members, the motion before you is to advance LB486 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB486 advances. Next bill is LB254. Mr. Clerk.

CLERK: LB254, Senator, it does have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB254 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Nothing further on that bill, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB254 be advanced to E&R for engrossing.

FOLEY: Members, the motion before you is to advance LB254 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB254 advances. LB48, Mr. Clerk.

CLERK: LB48, Senator, has no amendments.

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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB48 be advanced to E&R for engrossing.

FOLEY: Members, the motion before you is to advance LB48 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB48 advances. LB112, Mr. Clerk.

CLERK: Senator, with respect to (LB)112, there are E&R amendment, first of all.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB112 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Senator Howard would move to amend with AM526.

FOLEY: Senator Howard, you're recognized to open on AM526.

HOWARD: Thank you, Mr. President. AM526 is a clarifying amendment that does two things. First, it notes that LB112 would expand the allowable ages of a waiver for cosmetology to between the ages of 17 and 25. This is because you can get a cosmetology license at the age of 17 in Nebraska and this is the only license that this provision would pertain to. Second, we clarify that individuals would still be required to pay for their own fingerprinting when applicable. This was always the intent under LB112, but we added this provision at the request of the Department of Health and Human Services. I would urge the adoption of AM526. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Is there any discussion on AM526? I see no discussion on the amendment, Senator Howard. You're recognized to close. She waives closing. The question

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for the body is the adoption of AM526. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator Howard's amendment.

FOLEY: AM526 is adopted. Anything further on the bill, Mr. Clerk?

CLERK: Nothing further on the bill, Mr. President.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB112 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB112 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB112 advances. LB112A, Mr. Clerk.

CLERK: LB112A, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB112A be advanced to E&R for engrossing.

FOLEY: Members, the motion before you is to advance LB112A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB112A advances. LB29, Mr. Clerk.

CLERK: Senator, (LB)29, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB29 be advanced to E&R for engrossing.



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FOLEY: Members, the motion before you is to advance LB29 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB29 advances. LB575, Mr. Clerk.

CLERK: (LB)575, Senator, has no amendments.

FOLEY: Okay. Senator Slama.

SLAMA: Mr. President, I move that LB575 be advanced to E&R for engrossing.

FOLEY: Members, the motion before you is to advance LB575 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB575 advances. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President.

FOLEY: Excuse me, Mr. Speaker.

SCHEER: Thank you, Mr. President. Colleagues, the amendment for (LB)284 has returned, so I am going to place (LB)284 right after (LB)575 as it is already on-- (LB)125 is already on the board, so we will go to (LB)284 after (LB)125. Thank you.

FOLEY: Thank you, Mr. Speaker. LB125, Mr. Clerk.

CLERK: Senator Slama, I have Enrollment and Review amendments pending to (LB)125.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that E&R amendments to LB125 be adopted.

FOLEY: Motion before you is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Anything further, Mr. Clerk?

CLERK: Nothing further on that bill, Mr. President.

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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB125 be advanced to E&R for engrossing.

FOLEY: Members, the motion before you is to advance LB125 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB125 advances. Pursuant to the Speaker's directive, we will move back to page 1 of your agenda, LB284. Mr. Clerk.

CLERK: Senator Slama, with respect to (LB)284, I do have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB284 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments to LB284. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Senator Linehan would move to amend with AM643.

FOLEY: Senator Linehan, you're recognized to open on AM643.

LINEHAN: Good morning, colleagues, Mr. President. This amendment makes four changes to the committee amendments as adopted on General File. I'm going to take the easy ones first. On page 9 of the committee amendment, we are adding language to give the cities perfectly clear language: If a retailer without a physical presence in Nebraska exceeds one of the thresholds, they are just as responsible for collecting the local option sales tax if there is one as they are for collecting the sales tax-- the state sales tax. Simple. In other words, if they're collecting the state sales tax, they got to collect the city sales tax. Two: Companies who handle nothing other than credit card processing side of the sale are not who we are targeting in the bill. We put new language in the committee amendment that we thought addressed their concerns, but they needed more clarity. So on page 7, line 24, we list the persons who are not considered retailers and add

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the following language on page 8, line 7: Any payment processor appointed by a retailer whose sole activity with regard to a sale or lease transactions to process the payment made from the consumer to the retailer. So that's-- it makes it clear that if all the person is involved in the transaction is swiping your card at the little black box, they're not responsible for-- the person running the little black box is not responsible; the seller is, and the consumer, but not the little person in the box. That's a joke. Trying. This is one-- number three is really down in the weeds, but I'll try to explain it. You look at page 15, lines 8-16, this section talks about-- this section talks about remote sellers who exceed the thresholds in their own right, but who also sell through a marketplace. We say the remote seller gets a credit on their return for the taxes collected by the marketplace operator, but we don't let them off the hook entirely. We say that the remote seller remains jointly liable as a provider in another section of the law. The marketplace operators are very comfortable with the word "jointly." So we are now-- excuse me, uncomfortable with the word "jointly," so we are now taking out the word "jointly." Then finally, what we've all been waiting for this morning, the last section relieves the marketplace operator of a liability to the extent they can establish that they relied on erroneous or incorrect information from the seller. This is in cases where the seller is using the platform of fulfilling their own orders. The exception will not apply where the seller and the marketplace operator are related person or where the seller is a marketplace operator. So those are the four changes. And I would appreciate your green light on AM643. Thank you.

FOLEY: Thank you, Senator Linehan. Debate is now open on AM643. Senator McCollister.

McCOLLISTER: Thank you, Mr. President; good morning, colleagues. I just need to get something on the record. The intent of LB284 is not creating any new taxes, rather the sole intent of this bill is to establish the thresholds for multi-vendor marketplace platforms and retailers who lack physical presence in Nebraska to collect and remit sales taxes for goods sold to purchasers located in Nebraska. LB284, as amended, does not create a new tax on services or a new tax on the sale of property as not already established in statute or eliminate or preclude any exemptions for goods or services. I ask for your green vote on AM643 and LB284. Thank you.

FOLEY: Thank you, Senator McCollister. Any further discussion on AM643? I see none. Senator Linehan, you're recognized to close. She waives closing on AM643. The question for the

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

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of Senator Linehan's amendment.

FOLEY: AM643 is adopted. Is there anything further on this bill?

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB284 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB284 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB284 advances. Now moving to LB399, Mr. Clerk.

CLERK: Mr. President, first of all, LB399, Senator, I do have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB399 be adopted.

FOLEY: Members, the motion before you is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, the next amendment to the bill, Senator Chambers, I have FA15, Senator. This was an amendment you had filed, I believe, on General File discussion.

FOLEY: Senator Chambers, you're recognized to open on FA15.

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CHAMBERS: Mr. President, I would ask the Clerk to read that particular amendment if he doesn't mind. Oh, I'm getting a copy. Thank you for bringing me of the amendment. Here's what it would do. On page 5, line 17, 18; now, this amendment was drafted to the bill rather than the committee amendment, the E&R amendments, so for now I'm going to withdraw this amendment, and I'll go to the one that I brought up there that's to the E&R amendment.

FOLEY: Thank you, Senator Chambers. FA15 is withdrawn. Mr. Clerk.

CLERK: Senator, let me suggest that there are amendments now ahead of you. Are you okay with that? Okay. All right. Mr. President, then, the next amendment to the bill is by Senator Hunt, AM443, Senator.

FOLEY: Senator Hunt, you're recognized to open on AM443.

HUNT: Thank you, Mr. President. I rise again in opposition to this bill. As I've said before, I just have a big problem with our body attempting to legislate patriotism, because students have the right to a curriculum that's designed by historians, by academics, by people who know the context of the history and the context of what we're not teaching in our history classes and the cultural and racial and gender and all the implications of why that is. It's wrong for legislatures to make a lot of healthcare policy, I think, and it's wrong for a lot of legislatures to make education policy. And there are things we can do that are appropriate for government to do to regulate people getting good healthcare, to regulate people getting good outcomes in their jobs, to regulate people getting great outcomes in their education. But what this bill does is goes too far. It goes too far into the realm of what teachers should be doing, what people who are educational experts should be doing--

FOLEY: Senator Hunt, excuse me. Members, if you can please keep the conversations down, please. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. What this bill veers into is compulsory patriotism; and to me that's just un-American and that's a paradox to me because genuine patriotism is a choice that people make to support the tenets of our country. And we can see even in our own

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body that we don't even agree on what those tenets are. You know, what is patriotism? What is being a good citizen? These are contentious things and these are things that students have the right to learn about and consider in their own way. We recently saw a case-- let me find it here-- I was reading last night about Jabari Talbot, a sixth-grade boy who was arrested last month after refusing to stand for the Pledge of Allegiance. And his case was just recently dismissed. But to me it's unbelievable that a sixth grader was arrested in the first place. It's unbelievable that a sixth grader was taken out of the classroom, out of the opportunity to get an education, and brought into our carceral system for refusing to stand for the pledge? And teachers, anybody who's a teacher knows that that's not something that's legal to do, and yet it happens in our country. And to me this kind of bills and the kind of language that it has in it, it's what leads us down the slippery slope into these kinds of things not only being more prevalent and looked away from, and we don't think it's such a big deal, but it's almost state-sanctioned at that point. Compelling children to stand for the pledge is un-American. And this is why we can't take seriously legislation that attempts to define or regulate patriotism in schools. It's something I'm just very much against. This teacher asked the student to do something illegal and then the event escalated and the Supreme Court precedent says that teachers cannot make students say the pledge. And every teacher I know knows this. The court stated this case is difficult not because the principles of its decision are obscure, but the flag involved is our own. Nevertheless, we apply the limitation of the constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. The Supreme Court said it would not disintegrate the social organization, the civic fabric, the civic health of our schools to allow children to exercise their First Amendment rights. To believe that patriotism, they continue, to believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine, which this bill would require, is to make an unflattering estimate of the appeal of our institutions to free minds. Public schools can have intellectual individualism, and the rich cultural diversities we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. I really love that quote. The Supreme Court even said that valuing differences, which they called eccentricity and abnormal attitudes, that's what Americanism is. That is what Americanism is. And that's why we can't pass bills that define what that is because the fabric of who we are as Americans and the experiences that inform what we believe are so different. So it's just not appropriate for us to define that in law. The freedom to differ is not limited to things that do not matter much. The freedom to differ is not limited to

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things that don't matter. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there's any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or others matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not occur to us. That's from a Supreme Court decision. So, to blame a child who has been provoked by an ignorant and uncaring teacher is not patriotic. That's not OK. And that's not something that we should be implicitly supporting or enforcing through legislation. That's not what we're doing here; that's not what our job is to do. We have freedom of speech, even when it's inconvenient, even when it's wrong to other people, even when other people don't like what we say. We know that's a theme that runs through a lot of the more controversial bills that we discuss here. I definitely don't-- I respect the flag; I agree that it's an important symbol of our country and that it stands for something very powerful and important, but protecting the rights of students to display patriotism in a way that is patriotic for them, that they come to on their own is very important. So, my intention with this amendment is to protect the freedom of teachers to teach real history and civics, of students to think for themselves, and of school boards to maintain the academic integrity of their schools. That's American. That you cannot legislate. I sent out an e-mail copy of this amendment to everyone in the body as a show of a good faith effort that I agree that the law, that LB399 seeks to change the underlying statute. It needs to be changed. What this amendment does is it preserves the intent of the bill, but it removes all the language that I had a problem with, that I think takes us too far away from patriotism and too far into jingoism or even authoritarianism. I understand that this amendment is not likely to be acceptable to everyone. That's fine. But I shared it with everybody because I'm serious about addressing the problems with this bill as it stands and with the law as it stands, because as I said, the law needs to be changed. Teachers should not be charged with misdemeanors over this stuff. That's something that we do need to change. And I love what the committee amendment added about other options to fulfill the requirements of the curriculum. And I want the bill to pass because those things need to be updated. I know-- I also know that LB399, the underlying bill, does not need my vote to pass. But if it's in a form I can accept, I would like to vote for it. So that was the reason for bringing the amendment. I know that I was questioned last time in the first round of debate about, you know, Megan, what do you think-- Senator Hunt, what's authoritarianism? What's this and that? And so I wanted to write this amendment in a good-faith

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effort to my colleagues to show what that is to me, what this bill would look like in acceptable form. That's why I brought it. I want to thank Senator Morfeld who gave me some helpful feedback on the amendment that it needs an "or" on page 2, line 20, so that's something we can fix. Yeah, I just think it's important for us to remember that our nation was not founded on devotion to a symbolic ideal. Our nation was founded on decent. And our nation was founded individual liberty and freedom and rebellion. And the beliefs and the ideals expressed in the constitution and Bill of Rights, and you can't make a patriot through legislation. No bill is going to make someone patriotic. Thank you.

FOLEY: Thank you, Senator Hunt. (Visitors introduced.) Debate is open on AM443. Senator Slama.

SLAMA: Thank you, Mr. President. I rise today in opposition to AM443 which effectively guts this bill and undoes weeks of work and consultation I've done with folks on both sides of the aisle in one fell swoop. There are some warranted and unwarranted concerns with this bill raised by Senator Hunt. To be clear, this bill is in no way compelling students to stand for the pledge or compelling patriotism. And I think AM443 goes far beyond those concerns. I'll attempt to go through my concerns on this amendment in one turn on the mike, since I'd like to get amendments which I think succinctly address concerns that have been raised thus far in debate. In the first page, the full paragraph of the bill has been stricken and the language that I believe provides a valuable update to this paragraph has been stricken altogether. Language such as "students should be made fully aware of the liberties, opportunities, and advantages we possess and the sacrifices and struggles of those whose efforts and benefits-- efforts those benefits have been gained" have been left out of this amendment altogether. Section (d) on page 2 strike references to multicultural education and ensuring that civics education is not merely a recitation of events and dates. And again, strike section (d) as referenced on page 2 of AM286 in its entirety. On page 4 of AM443 compared with page 4 of AM286, we find that Senator Hunt's amendment in section (b) removes references to the teaching of the historical background memorization and singing of patriotic songs such as "The Star Spangled Banner" and "America the Beautiful." Even if you don't like what these songs represent, shouldn't kids be empowered to learn about these songs and know them as part of their civic education. The current section(c) and (d) which reads: "The development of respect for the American flag as a symbol of freedom



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and the sacrifices of those who secured that freedom and instruction as to proper conduct in the presentation of the American flag," those have both been removed altogether and been replaced with the application of civics history, economics, financial literacy, and geography to address societal issue. I think we've had significant amount of discussion on the floor in this session about the differences of opinion present here with regard to the flag, and also the experiences of those who have served our country. So my concerns about that change speak for itself. Referencing AM286, now, on page 5, Section 5, subsection (b), the section referring to the rights and responsibilities of citizenship in our government and the dangers and fallacies of the forms of government that restrict individual freedoms or possess anti-democratic ideals such as, but not limited to Nazism and Communism have been removed, again, altogether. If our kids can't learn about the lessons of the millions of lives lost in the Holocaust under the Nazi regime, and the millions of lives lost under Communism during Stalin's regime, Mao's regime, and the Khmer Rouge, how are they supposed to understand the dangers of these anti-democratic ideals? On page 4, of AM443, Senator Hunt's amendment on the new section 5 reads: Appropriate exercises suitable to the occasion may be held under the direction of the superintendent in every public/private, denominational and parochial school on national and state holidays. Big change there outside of just changing references to the holiday is the "may" is switched from a "shall." What's the point of even having it in the statute here if they may do it? It really defeats the purpose. To close, my last major concern with AM443 is that it introduces a new statute to be amended requiring that the State Board of Education adopt measurable-- time or one minute?— OK, adopt measurable academic content standards for at least the grade levels required to the teaching of civics and American history pursuant to Section 79-724. This is an interesting approach and I'm guessing one that will come with a fiscal note. As we have heard from Senator Stinner many times during the session, we don't have the money to cover that and as such it would effectively kill this bill. In short, please vote red on AM443 and green on LB399 and my upcoming amendment to the bill, which is right after AM443. Thank you.

FOLEY: Thank you, Senator Slama. Continuing discussion, Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I support Senator Hunt's amendment. I would support any amendment that eliminated some of this surplusage because the bill represents an effort to indoctrinate students. It is not a guide as to what ought to be taught in

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the civics courses. The thrust of this should be based on the discussions I have heard, the teaching of American civics. You don't have to specify isms of any kind: fascism, socialism, Americanism, Communism, Naziism. Those are getting into the details that have no place in the statute. I see that Senator Slama is talking, I'd like to ask her a question if she would respond.

FOLEY: Senator Slama, would you yield, please?

SLAMA: Yes.

CHAMBERS: Senator Slama, before I get into some of the weightier matters, do you have a copy of the E&R amendment?

SLAMA: Yes, I do.

CHAMBERS: Would you turn to page 2.

SLAMA: Yes.

CHAMBERS: In line 14, why is the word "carefully" there, why don't you just strike "carefully" and begin "examine and ensure?"

SLAMA: You could go either way on that. I don't believe that's changed in Senator Hunt's amendment either.

CHAMBERS: No, I'm just asking you some-- I said before I get to the weightier matters, I'm just asking you some things about the E&R amendment because I have some things I would offer also.

SLAMA: Sounds good.

CHAMBERS: So are you on page 2?

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SLAMA: Yes.

CHAMBERS: Would you look at line 14.

SLAMA: Yes.

CHAMBERS: Here's what enough of it reads so it will be clear what I'm saying: Carefully examine and ensure that the social studies curriculum-- I think the word "carefully" is surplusage and it doesn't need to be there. You would probably oppose that too. But I just want to show some of the flaws.

SLAMA: I'd be in favor of that amendment.

CHAMBERS: Say it again.

SLAMA: I wouldn't be opposed to that amendment.

CHAMBERS: I'm going to say like Fats Domino; "Ain't that just like a woman." I was so sure that you didn't want anything touched. Then I'm going to call your attention to something else along that line. In the following line, 15, and before I go on, I'm not saying you crafted this language. This is just dealing with the language wherever it came from. It says: Is aligned to the social studies. Instead of "to," it should be it's aligned "with." So the "to"-- the word "to," t-o, should be stricken and the word "with" should be put in its place. Then in line 16, and I may try to offer these small amendments, but I've got to get them out there so you won't be caught off guard with what I'm doing. When I get to the weightier ones, then we can argue. Would you look in line 16.

SLAMA: Yes.

CHAMBERS: What we are talking about is the curriculum. And instead of saying that it teaches the foundation, we should say it imparts foundational information probably, or something like that. But the word shouldn't be teaches; it should be imparts. The individual teacher will do the

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teaching. The language that will be in the curriculum would impart that knowledge. If I had thought that you would listen, then I would have shown you how this could be rewritten so at least-- oh, and that's all I will ask you, just to give you an idea of what I'm looking at.

SLAMA: Thank you.

FOLEY: One minute.

CHAMBERS: Members, we are talking about education, and the document we put together that is going to talk about education and the types of things that ought to be included in a curriculum, we, in that document, should use appropriate grammar and syntax. If I say I want what you write to be aligned with the rules of the Legislature, I don't say "aligned to the rules." It would be "aligned with" since that's the word they use. If they wanted to use the word "to," they would say what you put should conform-- well, it probably be "with" anyway. That is something that ought not to be here.

FOLEY: That's time, Senator.

CHAMBERS: There are similar-- did you say time?

FOLEY: That's time.

CHAMBERS: Oh, thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Hunt.

HUNT: Thank you, Mr. President. I think it's important for us to regather and think critically and understand that nothing in this amendment is going to prevent teachers from creating full, accurate, scientifically informed, research-based curricula for their students. If this amendment passes, if this bill passes, if this bill doesn't pass, the point is, nothing we do in this body is going to prevent teachers from educating children. Nothing is going to prevent them from teaching them about Nazi atrocities. Nothing is going to prevent them from teaching about different forms

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of government throughout history or different forms of economic systems. There is nothing we can do in this body that says teachers aren't going to be giving people an accurate education. I got a great education in our public school system. It was rich in history; it was rich in civic education. I took history classes and civics classes every year in my public school education. My daughter, who is actually here today, because she's not in school today, they have got a snow day, she's under the south balcony. But I was speaking with her between now and when I spoke earlier about what she learns in school. And she learns about all those things. We don't need this bill or this amendment or to do anything to make sure that teachers are able to educate kids in the best way for them. That's really important. I also want to touch on something that I think is a little bit important for us to eventually address, which is just the Americanism committees and the civics education that we require in our school boards. I got a great e-mail from one of our Nebraskan voters here and he talked about how he was first elected to the school board at age 32 and he was the youngest at the time. That's the age that I am here, although I'm not the youngest in the body. But he said that when he was on the school board, that was his first exposure to this topic of Americanism, which before that he had no idea about, because it wasn't something they talked about in his public school education. And when they were in committee, they had this Americanism committee on the school board and it was just like a one-paragraph board policy that they had to have this Americanism committee. And that's statewide. And when he asked the other board members what that was, no one could explain it. Nobody knew what it was. And the administration didn't know what it was either. In the 16 years on the board, he said that it had never been discussed, anything in this Americanism committee. And they took it to be just a relic of McCarthyism, just something from the Red Scare and it's one of these things we sugar coat with words like "civics" when it's really just kind of a relic of a bygone era. And we don't need language like this in statute to make sure that teachers give kids a good education. It's a problem and the solution doesn't live in the Legislature. And I'm not even sure that there's evidence that it's a problem at all. I agree that kids need to be getting a good civics education. I agree that it's tragic and sad that so many children don't seem to be learning history to the degree that we would hope that they do. But that's not something-- that's not an outcome that this bill is going to get for us. This isn't the solution to that problem. And I think it's very symbolic for a lot of people standing up here in support of this bill and saying, yes, this is going to make sure civics education is robust and effective and good. But that's not what this bill is actually going to do. It's that kind of evidence-based, research-based, outcome-based, policy-making that we as

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lawmakers need to be prioritizing. When we look at a bill, we have to make sure that we are saying what is the current policy environment? What is the limitation of the current policy environment that this bill is going to address and solve? And what are the proposed policy changes that we're going to make relative to that policy? And then finally, what's the evidence that these intended effects are likely to occur if we pass this bill? With this bill, I just don't see that happening. To me, this is feel-good legislation. And that's coming from me, and you guys know that I like to feel good about legislation from the [LB]627 debate we had earlier about LGBT protections. Some people on the floor would say that was feel-good legislation. When actually we were just-- we weren't talking about identity politics, we were actually just talking about human rights and equality. This is feel-good legislation. This is saying we are going to be good patriots, we're going to be good citizens, we are going to be upright people if we have Americanism in civics in schools through this bill. And I support civics in schools. I support fixing the underlying statute to make sure that we get the outcome that we really want, which is making sure teachers aren't being charged with misdemeanors, making sure people are getting a robust education. But the extra language about what patriotism is--

FOLEY: That's time, Senator.

HUNT: Thank you.

FOLEY: Thank you, Senator Hunt. Senator Groene.

GROENE: Thank you, President. I'd like to get the people listening back on this bill. This doesn't dictate anything. It gives direction to the Department of Education and the schools about what the people of Nebraska expect, to inform our students about the history of America, about how our political system is set up. I'm sure Senator Hunt learned that, she's very well versed in it. She learn it somewhere, probably in a public school classroom. This language, prior to Senator Slama's fix, said: An informed loyal, just, and patriotic citizen is necessary to a strong, stable, just and prosperous America. Such a citizenry necessitates that every member therefore be fully acquainted with the nation's history. The new language says: And "the responsibility of society to ensure that youth are given the opportunity"-- there's no brain washing there. There's no forcing. There's no telling them they have to. There's no saying you've got to get 98 percent on the loyalty

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test. The opportunity. Without knowledge, without a background, you don't have an opportunity. You don't have an opportunity to sit down on the flag at the Pledge of Allegiance. You don't have an opportunity to stand because you don't know why you're doing either. It gives you an opportunity. There is nothing in this bill that says anything about the Pledge of Allegiance, doesn't say anything in here. Doesn't say anything about standing up and putting your right hand across your heart, it doesn't say anything. So I don't know where this conversation came from, in some court case in another state. I don't know. Now I will tell you there is a regulation in Rule 10 of the Department of Ed that says each public school district shall require each student, district school to establish a period of time during the school day when a majority of people is scheduled to be present during which people will be led in a recitation of the Pledge of Allegiance in the presence of the flag of the United States of America in grades kindergarten through 12. Pupil participation in the recitation of the Pledge of Allegiance shall be voluntary. Sounds like America to me. Pupils not participating in the recitation of the flag shall be permitted to silently stand or remain seated, but shall be required to respect the rights of those pupils elected to participate. Respect the rights. How does that feed back into this bill? How to be a civil American. Civil. Respect the rights. Everything that was said by Senator Hunt about the pledge has nothing to do with this bill. It has to do with a rule by the Department of Education, which feeds into this bill that you train the teachers expected to tell and inform students of what is the procedure or the tradition surrounding the flag of the United States of America. Remember, let's go back to the word that was added in this legislation-- opportunity. That sounds like America to me; the land of opportunity. Without knowledge, without a background of where we came from, we don't know where to go. This is a very, very good legislation. That term "ism" Americanism has been stricken from the new language. This bill is about American history and how to be a civil-- civil citizen. This is very good legislation.

FOLEY: One minute.

GROENE: And it needs to pass and it need to be done today. It needs to go and let-- by the way, this Department of Education that we have in our divisions of government is right now writing the new standards that will instruct our school teachers in our administrations, what [INAUDIBLE] be taught, what opportunities-- opportunities our children must be given to access knowledge right now. We need to update. We need to update the old 1947 Americanism bill. This

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is America. This is how it works. Pass this legislation and let's not get off in the weeds with the anarchists. All right? This is a good bill. Thank you.

FOLEY: Thank you, Senator Groene. Senator Chambers.

CHAMBERS: Mr. President, I don't believe we are going to complete three hours today. Senator Slama surprised me by saying she saw nothing wrong with one of the amendments that related to grammatical construction. So I'm going to make sure that we run out of time on this bill today. And before we get to it again, I'm going to lay out amendments that I would suggest and show them to Senator Slama. I'll tell you why I'm doing it. If I see a piece of legislation which is as bad as this one, the first thing I will try to do is kill it. There is so much, in my opinion, that is wrong with it. However, when it becomes clear to me or I'm convinced that the Legislature, in spite of everything, is going to enact this bill under the number LB399 into law, it ought to be in better shape than what this bill currently is. And although it's going to take me a lot of time, take me away from time that I want to spend on other things and need to spend on other things, I'm going to rewrite this thing. And I'm going to make it clear when I show Senator Slama my work product, individual amendments, but then I'm going to show her what I would call a rewrite of the bill. Let me give you just an example of something that I threw together. And when Senator Groene threw in the term "anarchist," see, that's what this kind of trash does. It encourages that kind of nonsense being added to the conversation and by the Chairperson of the Education Committee no less. This bill came out of his committee. He has a degree, a college degree. I don't know if he had to study grammar at any point. But this bill should not have come out with the grammatical errors, the poor syntax which are present. So I'm going to take some time today, carry us to adjournment. We're off Friday and we're off Monday. And I had some things that I have to do when we're not in session. But what I agreed to do when I took this job was to discharge the duties of this office to the best of my ability. Now, maybe Senator Groene doesn't have much ability, so he's doing the best he can with what he has to work with. This is why we have 49 people here, so that we can all come together, and where I have a weakness, somebody else may have a strength in that spot. And that strength is put in place of my weakness. When we get through, we have jointly, we have cooperatively, we have crafted something in the form of legislation which will not be an embarrassment. If this language were taken to a teacher who teaches eighth grade grammar and asked to correct the syntax, the grammar, you would see all



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kind of red line-throughs, blue pencil substitutions. Now, if the ones who are supporting this bill are wedded to the form it was in when it came onto the floor, then everything I offer will be rejected.

FOLEY: One minute.

CHAMBERS: But there is a wild card in the deck this time. Senator Slama has shown a willingness to at least listen, to at least consider. And it's up to me to be persuasive. And I believe that I can do that. Some of this is so bad, it embarrasses me to read it. When I first came across this Americanism material, I didn't read it carefully because I saw so much wrong with it, it was a waste of my time. Somebody had talked about a Nazi-- they didn't call it a Nazi, a German Bund in the earlier days of the 1900s in Detroit, I think, and they called themselves a labor operation. They were really pro-Nazi.

FOLEY: That's time, Senator.

CHAMBERS: And it was-- that it?

FOLEY: But you may continue on your third opportunity.

CHAMBERS: Oh, thank you. When it was determined that it was pro-Nazi and during the war. Then people objected and they had to go undercover with some of the things they were doing. There was some priest called Father Coughlin, who in today's world might be treated and handled in the way he should be, just as in today's world those pedophile priests, bishops, archbishops, even cardinals are being handled. But in those days it was not the case. So they went undercover and they wouldn't use any words that smacked of anything German. They said the word they would use is "Americanism." That the next strong push to undermine this country and turn it hard turn to the right would not have any ism that would raise alarm. And that next word would be "Americanism." Those people studied what the ordinary American thinks; the buzz words that will make the ordinary American feel that everything is all right. And they incorporated those words, but the doctrine that they were presenting was still pro-Nazi. And these are things that if people read history, they wouldn't have to read too hard, they wouldn't

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have to go into too much detail. And if you have somebody who's the chairperson of a committee, that person should at least be conversant with the subject matter of that committee. Why am I speaking so bluntly? Senator Groene speaks bluntly. When he was referring to what Senator Hunt had offered, he used the term-- I forget the word, had to do with anarchist or something like that. This is not anarchy when you're trying to improve legislation. And I think anything, practically, would be an improvement over this. So the task that I gave for myself today, not realizing that this bill was even on the agenda, take us to adjournment, then do some work with Senator Slama. And if I'm not successful, when the time limit is up on Select, then you all will take a vote and you will move it. Then I will have to renew my efforts on Final Reading. And I'm going to take my time. I'm going to speak slowly so that anybody will understand what I'm saying, why I'm saying it. And they should ask themselves, not the people on the floor, that's not going to work, but people who are watching us, would they want their child to come home writing papers as poorly crafted as this legislation. If you insist on passing it, it will be crystal clear to anybody who reads the record that I put forth an effort to keep the Legislature from being embarrassed, that entire complex of laws known as the Americanism portion of the statute is a cause of embarrassment now. But it stayed in the books all of that time. This would be an embarrassment if corrections are not made. And I resent the fact that I have to do--

FOLEY: One minute.

CHAMBERS: --other people's work. You all took the same oath. I'm not under oath. I don't take oaths. I make a solemn declaration called affirmation, no swearing. The only reason for an oath, if you all want to know, is not that taking the oath in court is going to make somebody tell the truth, it simply calls attention to the solemnity of what is going to go forth, make the person aware that once you have crossed this threshold and you have taken that oath to tell the truth, if you deliberately, knowingly, and intentionally lie, that is perjury and there's a criminal sanction. It's to notify people of what their duty and responsibilities are--

FOLEY: That's time, Senator.

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CHAMBERS: --and what will happen if those duties are not complied with. Is that my time, Mr. President?

FOLEY: That's time. That's time, yes.

CHAMBERS: I sensed it. Thank you.

FOLEY: Thank you, Senator Chambers. Senator Hunt. This is your third opportunity, Senator Hunt.

HUNT: Thank you. Thank you, Mr. Lieutenant Governor. I agree with Senator Chambers who talked about some of the problems in the wording of the bill. And I can continue with some thoughts on the same type of tack. In Section 1, let's see, I might avoid on the mike talking about sections and lines because I have-- I can't print things right now on my computer and so I'm kind of flying and doing my best here. But I'm looking at the committee amendment on page 2, line 21, where we talk about the services-- the services of the men and women who achieved our national independence and salvaged our constitutional government and preserved our union. That needs to be stricken, "the men and women." It needs to be "the services of people who," as to avoid inconsistency when referring to both of the sexes. Men and women was striked out in other places in the bill, but here it was left in. We also talk about the, quote, incorporation of multicultural education as to develop a pride and respect for institutions and not be a mere recital of events and dates. That doesn't really make any sense because teaching multiculturalism is not related to recitation of events and dates. I just fail to see the purpose of this part and I think it takes the spot of maybe some time that should be spent in class with logic and critical thinking, which isn't really mentioned in this bill at all. There's also a desire in this bill, a mention of teaching kids to sing songs below sixth grade like "Star Spangled Banner" and "America the Beautiful." But what does that have to do with history or civics class? That's for chorus, that's for choir. Also in my opinion and in my experience as a parent and someone who knows a lot of kids too and has been a kid, making kids sing those songs are going to lead to them disliking it. It's just not appropriate to put in statute. We also mention-- this is something I had a problem with from the beginning specifically. We only mention Communism and Naziism. I'm finding this part of it too, let me-- yeah, we mention Communism and Naziism and similar ideologies. And it

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says: "including but not limited to." But I would also include anarchism and socialism, because when we write statute like this, we have to be writing it for the future, not just for our elders and their unique past. When we talk about Naziism, we're pointing a finger at Germany. Germany was the country that had Naziism. Naziism isn't a word that's pertinent to other countries. It comes from German language. It refers to a specific type of government that was in Germany. And Germans aren't the only ones capable of fascism. So we don't need to subliminally point fingers at a country in our statute when we're talking about types of government. I think that the intentions of this bill are definitely well-meaning. But I think that there is a huge chasm between the understanding of people who are writing statute, well-meaning statute, trying to get kids to do great things, and the administration-- or administrators of education, the historians, the experts, the researchers, and the scientists who should be writing this curriculum based on historical fact, historical context, as we understand it today, not as it's been written in the history books, because we know that that's not necessarily accurate all the time either. I have been taught many things in government and civics that didn't really stick in my mind because the educators didn't try to integrate the knowledge. They didn't tie it to critical thinking, they didn't tie it to logic and reason. Instead, they just tested us on our ability to recite information. And I understand that the intention of the bill is to make sure that doesn't happen. But how is this bill going to stop that from happening when both knowledge and logic and critical thinking are not mentioned at all in the bill? So, I would urge us to, as a body, to reconsider the structure of this bill--

FOLEY: One minute.

HUNT: --to include the teaching of logic and critical thinking if we are going to be deciding what to teach kids and not leaving that up to teachers, which we should be doing. Because it's important that kids can differentiate from information and misinformation. And we cannot use statute to tell the facts when it comes to patriotism. There are no facts of patriotism. We have to make sure that we are just enforcing self-directed thinking, critical thought, decision making. And I think that's something that we should all agree on. Thank you.

FOLEY: Thank you, Senator Hunt. Senator Hunt, you are recognized to close on AM433. She waives close. The question for the body is the adoption of AM443 to LB399. Those in favor vote

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aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Members, the question before us is whether or not to call the house. Record, please.

CLERK: 16 ayes, 3 nays, Mr. President, to place the house under call.

FOLEY: The house is under call. All members please return to your desk and check in. The house is under call. All senators please return to the Chamber, the house is under call. Senator Ben Hansen, could you check in. Senator Groene, could you check in. Senator Gragert, could you check in. Senators Lathrop, Pansing Brooks, DeBoer, and Speaker Scheer, if you could return to Chamber please and check in. All unexcused members are now present. The question for the body is the adoption of AM443. Those in favor vote aye; those opposed vote nay. Record vote has been requested by Senator Chambers. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 12 ayes, 31 nays, Mr. President, on the amendment.

FOLEY: The amendment is not successful. I raise the call. Senator Blood, for what purpose do you rise?

BLOOD: Thank you, Mr. President. I stand today--

FOLEY: Senator Blood, for what purpose do you rise?

BLOOD: I stand today for personal point of privilege.

FOLEY: Please proceed. Please proceed.

BLOOD: Oh, I'm sorry, I thought you said to be seated, I apologize. I was getting angry for a second. [Laughter] I would like to remind everybody that tomorrow, since we are not here tomorrow, is International Women's Day. And the theme this year is about balance. And the request that I have of everybody is to remember that balance is not a woman's issue, that it is a business issue. As Senator Pansing Brooks brought up, that balance is about human rights. So

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tomorrow, as you celebrate International Women's Day, and I'll be watching your social media for that, know that the race is on for the gender balanced board room, a gender balanced government, a gender balanced media coverage, a gender balance of employees, more gender balance in wealth, sport coverage and so on. So please be part of the solution because gender balance is essential for economies and communities to thrive. Thank you, Mr. President.

FOLEY: Thank you, Senator Blood. Items for the record, Mr. Clerk.

CLERK: Yes, Mr. President, I have some things. Bills read on Final Reading this morning were presented to the Governor at 10:50 a.m. (re LB22, LB60, LB74, LB80, LB81, LB111, LB192, LB192A, LB200, LB256, LB307, LB52, LB152, LB214, LB223, LB442, LB536, LB25, LB25A, LB103, LB119, LB159, LB185, LB203, LB235, LB333, LB372, LB380, LB406, LB469, LB622, and LB624.) Constitutional amendment read on Final Reading this morning was presented to the Secretary of State (LR1CA.) Notice of hearings from the Health and Human Services Committee and the Education Committee; those signed by the respective Chairs. I'm sorry, I also have Revenue. Amendments to be printed: Senator Hilkemann to LB716; Williams, [LB]463; Quick, [LB]269; Linehan, [LB]610; McDonnell, [LB]445; Slama, [LB]399; Vargas, [LB]399; Chambers, [LB]399. Mr. President, committee reports: the Business and Labor Committee chaired by Senator Hansen reports [LB]305 to General File with amendments; [LB]311 to General File with amendments. Urban Affairs chaired by Senator Wayne reports LB87, [LB]520, and LR14CA to General File. A new resolution: LR40 offered by Senator Bolz; that will be laid over. I have an explanation vote from Senator Chambers. A series of name adds: Senator Geist to [LB]103; Hilgers, [LB]103; Senator Morfeld, [LB]720.

Mr. President, Senator Quick would move to adjourn the body until Tuesday morning, March 12, at 9:00 a.m.

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