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Floor Debate  
May 16, 2019

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FOLEY: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the seventy-eighth day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Pastor Matt Quanbeck of the United Lutheran Church, Laurel, Nebraska; Senator Gragert's district. Please rise.

PASTOR QUANBECK: (Prayer offered.)

FOLEY: Thank you, Pastor Quanbeck. I call to order the seventy-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, I have an appointment letter from the Governor to the Nebraska Commission on Industrial Relations; that will be referred to Reference. I have reference reports referring certain gubernatorial appointees to standing committees for hearings. I have a communication regarding a gift of land from the Department of Administrative Services; that will be referred to the Executive Board for referral to the Appropriations Committee for purposes of conducting a public hearing. Consequent to that, I have a Reference Board, as well as a notice of hearing from the Appropriations Committee. Mr. President, the-- I also have agency reports acknowledgment, as well as the report of registered lobbyists for this week. That's all that I have.

FOLEY: Thank you, Mr. Clerk. Members, we'll proceed to the agenda, General File, Appropriations bill, LB323A. Mr. Clerk.

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CLERK: Mr. President, LB323A is a bill by Senator Crawford. (Read title.)

FOLEY: Senator Crawford, you're recognized to open on LB323A.

CRAWFORD: Thank you, Mr. President; good morning, colleagues. LB323A is simply the A bill to catch up to LB323, which we have passed to Select File. So this is the A bill that will then also sit on Select File with the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Is there any discussion on the A bill? I see none. Senator Crawford, you're recognized to close and advance the bill. She waives close. The question for the body is the advancement of LB323A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 32 ayes, 0 nays on the advancement of LB323A.

FOLEY: LB323A advances. Proceeding now to LB470A. Mr. Clerk.

CLERK: LB470A is a bill by Senator La Grone. (Read title.)

FOLEY: Thank you, Mr. Clerk. Senator La Grone, you're recognized to open LB470A.

La GRONE: Thank you, Mr. President. This is the A bill to catch up to LB470, which is on Select. It does not reflect the amendment on LB470. So we'll need an amendment to the A bill on Select File. But we need to advance it in order to consider that. So I'd ask for your green vote on LB470A. Thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. Debate is now open on the bill. Senator Wayne.

WAYNE: Thank you, colleagues. Thank you, Mr. President. Colleagues, I'm going to throw out an idea this morning. I'm not trying to stop this bill, but I think I just want to get something that's been on my mind for the last 48 hours off my chest. Today is the 78th day. That means after today we have 12 days left. But we actually have 21 actual days, minus one holiday. The reason

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why that's important to me is I keep hearing rumors about ending early this session. And at the risk of making a lot of people in here mad, including the Speaker, I've thought about this for two days before I got here, so my math kept changing as I thought about this. But the reality is, is I'm going to offer what I say the Nebraska Legislature marathon starting today. And the reason I say that is because we are at a critical point in our state. We have property taxes that are driving out the small farmers. We have educational issues that directly affect our work force development. We have a work force crisis, and this year we are talking about maybe ending early. That makes no sense to me. I don't know any other way, so I'm going to give you a snapshot of the last 36 hours for me. I get up, come down here, as I am down here working my job, yesterday morning instead of coming down here early, I had to get up, go get things lined up for a concrete pour, go to court, then go have a safety meeting, and then come down here for what I deemed to be a late night. Go back home with my seven-month-old who wakes up at 3:30, 4:00 because he wants to hang out with dad and watch Netflix; be back on the road by 7:30 to get down here. I have literally been grinding my whole life since I was 11 years old. I don't know another way. But what I do know is that when I'm having a safety meeting and I'm telling everybody I'm leaving to go to Lincoln, they're inspired by the fact that we're doing something for north Omaha. They're inspired by the fact we're actually having conversations about how to grow north Omaha, because most of my people work for north Omaha. But I'm hearing that we might end early. And I submit that we will fail our jobs if we do so. That we have a mechanism to force this body to talk, and I know one is being circulated right now, it's called a major proposal. And we have two bills on General File that have enough breath in them that we can talk about and solve all the problems, at least these two major ones, LB289 and LB720. We create those as major proposals, and I hope Exec and the Speaker will do so, and they're both on General File. Forget the names, forget the numbers, but think about the position in which they're in on General File. We start one day with morning; we start one in the afternoon with the next. And we hold them on General File and we vote the same day, locking in everybody in here who wants to give and take on a compromise. And maybe we'll have a conversation for work force development around why SNAP benefits for certain people are important. And if for some moral reason you can't vote for that, that's fine. But if it's political, if it's just a decision that you just don't really care about, but you feel like you got to go with your side, we can have a conversation underneath LB720-- underneath that guise of LB720. While you need property tax relief, we talk about LB289 in the

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morning, and we move them together because the problem is there's a lot of distrust in this body; a lot of deals going on in this body.

FOLEY: One minute.

WAYNE: But we have a vehicle with these two bills that if we get done, instead of adjourning seven days early or eight days early, let's spend the next 21 days solving these two issues, because within those two issues are a lot of underlying issues that we can bring on board. How Medicaid expansion affects people like me and generations below me who might not want to come here to work. Let's have that conversation. Let's move them all together. So I won't be going out to lunch. I will be here every night until 7:00. My office is open. Every lunch period we can have a conversation. Every time we have a break we can have a conversation. But I'm starting my Nebraska marathon because I don't know another way. We have 21 days, 49 smart individuals who can get together and get this done if we choose to. It's up to us right now in this moment to decide do we just forget our duties of why we came down here.

FOLEY: That's time, Senator.

WAYNE: Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Before proceeding, the cupcakes being distributed on the floor this morning are in celebration of the birthday of Senator DeBoer. Happy Birthday, Senator DeBoer. Continuing discussion, Senator Friesen.

FRIESEN: Thank you, Mr. President. Thank you, Senator Wayne. You know, everybody is tired of being here. I think 90 days is too long. We should make it 60 days and 45 days. I think we'd have just as much fun and we'd still all be ready to go home. We do have two big issues facing us yet. I still think we can get them done within the time frame that the Speaker's given. But if we can't, we do what we have to do. We have left this session early in my past five years. In the end, we get done what we need to get done, and as Senator Chambers, the clock is ticking. He knows what time-- he knows what time it is, and the rest of us do too. Not as well as him, but we measure time and days and we know how much time we can waste and mess around and how

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much time we need to work. I think we've gotten a lot of things done this year. We've addressed a lot of things. Maybe some things haven't come to a vote. Some of the things that I would have like to see come to a vote haven't, and I think everybody has something that they wish they could have gone further on. Whether or not we can solve the problem, I think we've gone further this year than we've ever gone in the five years I've been here. And I think part of the reason is there were two competing proposals, one deals with incentives and giving up revenue, and the other proposal needs revenue, and therefore the two are kind of meshed together. And me being on Revenue, and just-- and still learning, this is my third year on there, sometimes I'd say we have a revenue problem, sometimes it's a spending problem. And it seems like, you know, I love discussing the budget. It's the only thing we're required to do, and I think we should spend even more time on it. And I know Senator Stinner gets a little frustrated with us, but we don't sit in on those hours and hours of hearings and we have questions. And it's nothing personal. It's not personal against Appropriations. And just because the Revenue Committee comes out with a committee proposal, that doesn't give it a free pass either. Everybody needs to ask questions. The thing is the Appropriations Committee and the budget is the biggest thing there is. It's most important thing we do. And there's a lot of things in it. If we don't ask questions and we don't find out what's in there, we're not doing our job. And so as we go forward here, I still think that we can reach a compromise on both the proposals coming up. I think that we still have a little ways to go and figuring out how long term we're going to fund K-12 education in the state. And you could say maybe our whole education system because we do pour tremendous resources into education in this state, if you go K to the university system. It's not as though we don't fund education enough. It's maybe how it's distributed. Is it fair? Is it comparable to other states and how we tax things? Those are things we need to talk about more often, and maybe as a body rather than just as a committee. So with that I appreciate Senator Wayne's thought. I'm not going to take a position either way. But I think it's-- we are down to crunch time, we're running out of hours. And I think we still have a few good discussions left. With that, thank you, Mr. President.

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

CHAMBERS: Thank you, Mr. President. Members of the Legislature, early in the session I advised, or you can say warned, that we would reach this point in the session when we have a

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long way to go and a short time to get there. Days were wasted. Issues I thought were important were given short shrift, just cast aside: SNAP, tipped workers, LGBTQ, abolishing the death penalty, and there are issues that I fought against. One of them was LB289. When those who are so concerned about property taxes and had no concern about the rainy-day fund managed to persuade a group of the rubes and Yahoos to put over \$20 million into the so-called Property Tax Relief Fund and not the rainy-day fund, which is where it should have gone, if you're concerned about the state as an institution, consider the long arc of history. But that was not done. Soon as that foolish vote was made, I stated that we don't need LB289 now. You've got your property tax relief at the expense of the state's overall future welfare. I am not in favor of extending the session. I wouldn't mind ending it today. When you have people who are not going to do the right thing, give them 100 days and they will not do the right thing for 100 days. We didn't have to arrive at this point. I'm one of those people you don't pay attention to, and I know it. I know that from the first day the session starts. But it does not deter me. It does not discourage or dishearten me because I know what I'm going to deal with from having dealt with it for more than 40 decades. The individuals may be different, but the overall makeup of the Legislature remains the same. The Governor controls. The Governor can send his flunkies out there in the Rotunda. They can snatch up senators and make them change their vote. Senators will work hard on what they call compromises. And when the time comes for the compromise to be given effect, they sit on their hands and don't vote. Nobody compelled them to compromise. A compromise is something willingly and knowingly entered into. I may shift a position to maybe facilitate the movement of some things that I think are important. But that's the way I operate. I don't tell you all to do that. And if you all were going to negotiate with me or we're going to negotiate about the interests of people I'm concerned about, here's the way you negotiate. I've got six eggs. You've got six eggs. We negotiate until you have 12 eggs. I have no egg. Then you tell me, Ernie, when you get some more eggs, let's negotiate again. I don't believe there's good faith in this place. I don't believe there's honesty in this place. There are, I believe, though, well meaning but weak people. There are people who talk about principles, and they can articulate those principles very well.

FOLEY: One minute.

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CHAMBERS: But when time comes to act on them and the Governor says, don't, then the principles go out the window. You put them on the shelf until the next day comes when we're just talking about principles and doing nothing. I can understand what Senator Wayne, young man that he is, when he discusses the grind of his life. I've probably been doing it two lifetimes based on his young age compared to mine, and here I still am; not asking quarter, even though sometimes I'll give quarter. So things are going to proceed as they will. What is, is. What shall be, shall be. But what you think should be may not be at all.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Bolz.

BOLZ: Thank you, Mr. President. I actually do have some questions on the LB470A bill. Colleagues, if you look on your gadget, LB470, as it stands right now, does have a General Fund fiscal impact. The things that we have reserved General Funds for in terms of Appropriations Committee discussion include the judge's salaries and federally-required funds for background checks. So I'm not sure that any legislation with a fiscal note will be able to move forward this year. I do see an amendment filed that uses the College Savings Plan account for this purpose, which I think should manage the fiscal implications here, but I would like to have a little dialogue with Senator La Grone if he would yield.

FOLEY: Senator La Grone, would you yield, please?

La GRONE: Absolutely.

BOLZ: So, Senator La Grone, is my understanding correct? We have a General Fund fiscal impact on the bill as it stands, but your amendment which has been filed would use resources from the College Savings Plan account. Is that all accurate?

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La GRONE: That's all accurate. It's not the full picture though. So if I could just add a piece to that.

BOLZ: Sure.

La GRONE: Se essentially, we were working with Revenue, we were told that the amendment we adopted on General File of that bill would take care of the fiscal note. When it came back, it obviously did not. So the amendment that's filed on Select pulls out the main problematic piece, which was my bill, that will take out the overall General Fund impact. The result of that is that Senator Wayne's bill has a still has a small OCIO fee, which is why I dropped the A bill, which will need to amend on Select so that we can use the cash fund mentioned in the amended version of LB470 to pay for Senator Wayne's OCIO's fee.

BOLZ: Okay, I appreciate all of that. I guess a couple of follow-up questions. The first is, we've had some conversations about the use of the College Savings Plan. Is this an appropriate use of those funds?

La GRONE: Yes, because if you look at what those funds can be used for, I don't have the exact language off the top of my head, but essentially it's to administer the cost of that program. Obviously, this is an administrative-- when you have to change the form to be able to allow for what Senator Wayne's bill allows for, that's an administrative cost associated with the program.

BOLZ: OK. That's all very helpful. I think it's important not to just move A bills forward, but to make sure that we have an understanding, an agreement in terms of the resources that we're allocating. Your plan sounds reasonable. I'm willing to move forward the A bill. But it sounds to me as though for all of this to come together we need to have shared agreement on the amendment on Select File, is that correct?

La GRONE: That's correct. Otherwise the bill wouldn't be able to advance.

BOLZ: OK. Very good. Thank you, Senator La Grone. Thank you, Mr. President.



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FOLEY: Thank you, Senator Bolz and Senator La Grone. Senator Chambers.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, being in the unique position that I occupy here, I'm going to do what I think ought to be done, as everybody else should. And you'll notice that even though when other people say something or take a position, they do not do it alone because they speak with and for the majority. So that automatically sanctifies what they say and gives it standing. When you were that lone voice crying in the wilderness, you cannot avoid being relentless. You cannot sit back and rely on the goodwill or expressed, but hypocritical, so called good intentions of others. This Legislature would not have to meet 90 days, or 60 days, if we were going to do what a legislature should do. We could lay out the problems facing the people in this state, take the action that is available to us to address those problems to the extent that we can, then go home. But politics will enter in because a legislature is a political body par excellence. It is designed to be political. It functions in the way that a political entity functions. That means messy, treacherous, dishonest, back stabbing, treachery, lying, misleading on purpose to achieve often what is an unworthy goal when you weigh it against what is best for the common good. And it is done in many instances to advance the political ambitions of the person sitting in the Governor's chair. That Governor may not run in 2020, but after that he has political ambitions. And he'll drag some people along with him, or tell them that he will, so that he can use them at this point and then dump them when the main attraction is going to come center stage, which will be his political welfare. I am not promised any time on this earth. The only time that any of us can function is in the instant, and that instant has a duration of only an instant. What happened before it is past, you cannot bring it back. What has not yet occurred is the future and you cannot live in the instant before it comes. You can only live now. Look at LB289 metaphorically. Somebody talked about an earned income credit, or something like that, off in the future to placate the poor people who are going to be ground every day they go to the store. And yet when I was a little child, you know the kind of stuff you all taught me, I call it "stuff", but I thought it made sense then: A bird in the hand is worth two in the bush. So the bird in the hand is the money you have when you go to the store, and the state takes a percentage of that as sales tax. And they tell you, well, later on we're going to try to make it up to you if certain things develop.

FOLEY: One minute.

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CHAMBERS: I don't want to see LB289 come back, but if it does, I'm going to take time on it, and I'm going to take time on the other things, because LB289, under the rules that have been set, should not come back unless it's got those 33 votes. And I don't believe it has them. But if you're going to get rid of the rules, as the man in the Chair did one day, and I took him to task for it, and some others joined in, then I'll fight according to the non-rules that you all put in place. I'm going to speak one more time on this, but it may not be all the speaking I'll do this morning.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not upset with anything Senator Wayne said. I am pleased when any senator who has a principle is willing to stand up and advocate for it. You don't have to get people's permission. You don't have to get their approval. They're not approving of what you're trying to do, so why should you placate them? If they smile at you, it's a smile from the teeth out. And if there's a sound made along with that smile, it's known as a snarl. When a predator shows its teeth, you don't hear a friendly purr if it's a member of the feline family. You look at that lion who's up there when RKO comes on, and he rolls his head and goes aghhhhhhh [GROWL]; not meow, meow. They want you to say meow. What do you think fangs are for? Those eyeteeth, as you call them, they're for gripping, to grip and hold, and those teeth between them are for cutting. You cut with those, and the ones in the back are for grinding. Nature gave these predators everything that they need. These animals that graze have looser jaw construction so that they can grind their food, and they don't need canine teeth, because all they're going to do is sit there and grind it and chew their cud. But a predator has a very tight jaw structure. There's no side to side movement, there's up and down, because the predator has to have a cutting ability with its teeth. If they move from side to side, the cutting will not occur. So its teeth cut, and then they chew. I'm not going to be the prey. That's what you all would like me to be, and you have the numbers on occasion, metaphorically speaking, to treat me like prey. But sometimes the worm turns and the predator becomes the prey. The hunter becomes the hunted. And if rabbits had shotguns, there would be a lot few human hunters going after rabbits. So whereas you're the hunter today, beware lest you become the hunted tomorrow. That which you want will be treated the same way. You mistreated those things that somebody such as I want, and I told you the day will come when time is on my side. I told you that we have reached that part of the session. We're now in the posterior portions of the session and the field

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belongs to me. You know what I might do today? Take over your-- what do you call that where everybody agrees in advance? Consent calendar. If I withhold my consent as one man, I can derail what you all want to do, because when I do that, I don't care--

FOLEY: One minute.

CHAMBERS: --about individual bills. I look at the entire panoramic scene. And each bill I use for a given purpose, and I don't care if you advance it after the 15 minutes have been utilized, but every minute that I take is one minute less that remains for you all. Senator Wayne opened the door for this discussion, and for that I thank him, and I don't think what I'm doing was on his radar screen is something that would be anticipated. But when I see the opportunity, I take it. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator La Grone, you're recognized to close on the advance of the bill. He waives close. The question for the body is the advance of LB470A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 38 ayes, 0 nays on the advancement of LB740A.

FOLEY: LB470A advances. Proceeding to LB786A. Mr. Clerk.

CLERK: LB686A is by Senator Lathrop. (Read title.)

FOLEY: Senator Lathrop, you're recognized to open on LB686A.

LATHROP: Thank you very much, Mr. President; and colleagues, good morning. You'll recall we heard LB686 yesterday and advanced it from General to Select File. Among other things, that bill included a deferred judgment provision. That deferred judgment provision requires that we-- the courts maintain a list of people who have previously been on a deferred judgment. The A bill before you is a cash expenditure from the Supreme Court Automated Cash Fund to take care of the cost of setting up that list that will permit prosecutors, probation office, and the like, to

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determine whether someone is disqualified for a deferred judgment. With that I would appreciate your support of LB686A on to Select File. Thank you.

FOLEY: Thank you, Senator Lathrop. Debate is now open on the bill. Senator Chambers.

CHAMBERS: Thank you, Mr. President. I have no debate for the bill itself. I support it. I support the underlying bill. I think I made it clear that Senator La Grone and I follow different paths down here. And since I took time on his bill, I think I'll take a little time on the bill of Senator Lathrop with whom I agree on most things. But he being a much younger man than I, not having had the amount of experience that I have, may go a little different direction from the one that I will take, so we don't walk in lockstep. So here's what I'm going to do since I gave the kind of presentation I did before is read something. It's a large sheet of paper that I have on the-- there is a picture with two parts. One is a young black boy in profile. The other, he's looking at whoever is taking the picture and his head is turned slightly to the side, and he has a very lost, hopeless look on his face. One that I, as a black man, have seen more times than I want to even think about on the faces of black children. This article appeared in the "Omaha World-Herald" November 11, 2013. I collect articles. I believe in documentation. What I handed out to you this morning, where the "Bible" talked about the period when a woman is unclear to document that the "Bible" indeed said that, then I gave my reaction to it. So this article is headlined: New trial sought for boy executed in 1944 at age 14; at age 14. Before I read this, because I'm going to take a little time, there were five young black men, they could be considered boys at their age, who were called the "Central Park Five" because they were charged with, tried for, convicted of having raped a white woman. Donald Trump in those years jumped on the bandwagon; everybody talked about how savage they are. How animalistic they are, yet there was nothing in the way, nothing in the way of evidence that attached them to the crime, nothing. But they were black. They were handy. White people were outraged. And the white people's blood lust must be satisfied, so they didn't get a lynch mob, they don't do it like that up north, they get the sheriff. They get the Nebraska Supreme Court. They get the judges and the cops to do it for them. The other day they talked about this black woman who's being accosted by a cop, and she was not willing to submit to what he wanted, so he grabbed her and she resisted. He took his TASER out. She took it from him, and used it on him. He threw her to the ground. She was going to deploy the laser-- the device again, and he pulled his pistol and shot her five times while she's on the

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ground. And you know what his-- he was afraid for his life. These murderous, white, vicious, racist cops murder black people: men, women and children. And you love them. You praise them. And they know that's what you all call the new normal.

FOLEY: One minute.

CHAMBERS: You don't need a lynch mob anymore. You let the police do it, or your courts do it, and they continue to do it. So while the disease continues to rage, I shall continue to try to provide an antidote. Did you say a minute, Mr. President?

FOLEY: Yes, Senator.

CHAMBERS: Thank you. I will stop and then turn on my light.

FOLEY: Senator Chambers, you're recognized.

CHAMBERS: I'm going to read this article. See, this won't bother you all, especially those of you who care about fetuses, embryos, and zygotes. This is a 14-year-old black kid, and they feel about him in your society like this country felt about the Jews, the Italians, and the Eastern Europeans who they did not want to be allowed into this country because they said, but it was specifically with reference to the Italians when their babies, they're delightful and cute like all babies, but they grew up into be adult ugly Italians, adult ugly Jews, adult ugly Eastern Europeans. That's your history, and you have not gotten rid of it. And if you read today's newspaper, listen to today's news, you will hear Trump echoing those things about immigrants whom he has demonized. You all didn't come here for this, did you? Well, the "Bible" told you about another matter: Be ye also ready for you know not the day nor the hour when the son of man cometh. My father was a man; as a male, I'm his son. So you knew not the day nor the hour when this son of that man would come, did you? Well, now you know. The South Carolina teen was accused in the deaths of two white girls. Now one of the girls was 11, one was 7. This boy weighed 95 pounds. Columbia, South Carolina. Supporters of a 14-year-old black boy executed in 1944 for killing two white girls are asking a South Carolina judge to take the unheard of action of granting him a new trial in hopes he will be cleared of the charges. I have to digress.

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One of the young men who was convicted of having raped that white woman in Central Park was offered early release; let out of jail early, if he would just admit that he was wrong. And this child, that's what he was at the time, he said, no, I didn't do it, I'm not going to say I did it. All five of them, you know what I'm leading up to, all five of them were exonerated. And you know why? Because the guy who did it wound up in prison on another charge and it bothered him that these guys were still in prison for something he had done, so he wrote a confession. And in his confession he wrote things that only the perpetrator would know. So they had to let these black men go. They had to, because they were embarrassed, not a sense of justice. That still goes on now. If I came in here every day and just stood on a desk and screamed at the top of my voice every time I was recognized, nobody could criticize. You would. But based on what we've gone through and go through now, and watch happening on this floor and in this state, to act otherwise is what is an aberration. The ability to scream serves a purpose. Continuing: George Stinney, S-t-i-n-n-e-y, was convicted on a shaky confession in a segregated society that wanted revenge for the beating deaths of two girls ages 11 and 7, according to the lawsuit filed last month on Stinney's behalf in Clarendon County. The request for a new trial has an uphill climb. The judge may refuse to hear it at all since the punishment was already carried out. Also, South Carolina has strict rules for introducing new evidence after a trial is complete, requiring the information to have been impossible to discover before the trial and likely to change the results, said Kenneth Gaines, a professor at the University of South Carolina's law school. Quote, I think it's a long shot, but I admire the lawyer for trying it, unquote, Gaines said, adding that he's not aware of any other executed inmates in the state being granted a new trial posthumously. The request for a new trial is largely symbolic, but Stinney's supporters say they would prefer exoneration to a pardon. Stinney's case intersects some long-running disputes in the American legal system.

FOLEY: That's time, Senator. You're recognized for your third opportunity.

CHAMBERS: Thank you, Mr. President. The death penalty and race, at 14 he's the youngest person executed in the United States in the past 100 years. He was electrocuted just 84 days after the girls were killed in March 1944. The request for a new trial includes sworn statements from two of Stinney's siblings who say he was with them the entire day the girls were killed. Notes from Stinney's confession and most other information deputies and prosecutors used to convict Stinney in a one-day trial have disappeared along with any transcript of the proceedings. Only a

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few pages of cryptic, hand-written notes remain according to the motion. Quote, why was George Stinney electrocuted? The state cannot produce any paperwork to justify how he was, unquote, says George Frierson, spelled F-r-i-e-r-s-o-n, a local school board member who grew up in Stinney's hometown hearing stories about the case, and decided six years ago to start studying it and pushing for exoneration. A date for a hearing on the matter has not been set. The girls were last seen looking for wildflowers in the tiny, racially-divided mill town, I'm going to pronounce it Alcolu, A-l-c-o-l-u, about 50 miles southeast of Columbia. Stinney's sister, who was seven at the time, said in her new affidavit that she and her brother were letting their cow graze when the girls asked them where they could find flowers called, maypops. The sister, Annie Ruffner, said her brother told them he didn't know, and the girls left. Quote, it was strange to see them in our area because white people stayed on their side of Alcolu, and we knew our place, unquote, Ruffner wrote. The girls never came home, and hundreds of people searched for them through the night. They were found the next morning in a water-filled ditch. Their heads beaten with a hard object, most likely a railroad spike. Deputies got a tip that the girls had been seen talking to Stinney. They came to his home and took him away. His family would not see the boy again until after his trial. Newspaper accounts suggested that a lynch mob was nearly formed to attack the teen in jail. Stinney's dad worked for the major mill in town and lived in a company house. He was ordered to leave after his son was arrested, said Stinney's brother, Charles Stinney, who was 12 when his brother was arrested. Charles Stinney's statement explains why the family did not speak to authorities at the time. Quote, George's conviction and execution was something my family believed could happen to any of us in the family. Therefore, we made a decision for the safety of the family to leave it be, unquote, Charles Stinney wrote in his sworn statement. I'm going to finish this when I speak on the next bill.

FOLEY: Thank you, Senator Chambers. Senator Lathrop, you're recognized to close on the advance of LB686A. Senator Lathrop. He waives close. The question for the body is the advancement of LB686A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 38 ayes, 0 nays, Mr. President on the advancement of the bill.

FOLEY: LB686A advances. Speaker Scheer, you're recognized.

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SCHEER: Thank you, Mr. Lieutenant Governor. Just a quick memo on the agenda. We are moving LB630 up above LB519. So if you're looking at the schedule, we will make that minor change. Thank you.

FOLEY: Thank you, Mr. Speaker. Members, we're going to proceed to Select File. First bill of which is LB427. Mr. Clerk.

CLERK: Mr. President. Senator Slama, no amendments to the bill.

FOLEY: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB427 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB427. Those in favor say aye. Those opposed say nay. LB427 advances. LB447, Mr. Clerk.

CLERK: Senator, I have E&R amendments to LB447.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB447 be adopted.

FOLEY: Motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. E&R amendments are adopted.

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB447 be advanced to E&R for engrossing.



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FOLEY: The motion is to advance LB447 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB447 advances. LB447A.

CLERK: LB447A, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB447A be advanced to E&R for engrossing.

FOLEY: Members you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB447A advances. LB315.

CLERK: LB315, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB315 be advanced to E&R for engrossing.

FOLEY: Members you heard the motion to advance LB315 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB315 advances. LB281.

CLERK: LB281, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB281 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB281. Those in favor say aye. Those opposed say nay. LB281 advances. LB454.

CLERK: LB454 does have E&R amendments.

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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB454 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. E&R amendments are adopted.

CLERK: Nothing further on the bill, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB454 be advanced to E&R for engrossment. Sorry.

FOLEY: Motion is to advance the bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB454 advances. LB260.

CLERK: LB260, Senator, I have E&R amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB260 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. E&R amendments are adopted.

CLERK: Nothing further, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB260 be advanced to E&R for engrossing.

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FOLEY: The motion is to advance the bill to E&R. Those in favor say aye. Those opposed say nay. LB260 advances. LB726.

CLERK: LB726 does have E&R amendments.

FOLEY: Senator Slama.

SLAMA: I move that the E&R amendments to LB726 be adopted.

FOLEY: Motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted.

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB726 be advanced to E&R for engrossing.

FOLEY: Motion is to advance LB726 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB726 advances. LB476.

FOLEY: LB476. I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB476 be advanced to E&R for engrossing.

FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB476 advances. LB505.

CLERK: LB505 does have Enrollment and Review amendments.

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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB505 be adopted.

FOLEY: Motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. E&R amendments are adopted.

CLERK: I have nothing further on the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB505 be advanced to E&R for engrossing.

FOLEY: Motion is to advance LB505 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB505 advances. LB374.

CLERK: LB374 does have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB374 be adopted.

FOLEY: Motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. E&R amendments are adopted.

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB374 be advanced to E&R for engrossing.

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FOLEY: Motion is to advance LB374 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB374 advances. LB248.

CLERK: LB248, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB248 be advanced to E&R for engrossing.

FOLEY: Motion is to advance LB248 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB248 advances. LB571.

CLERK: LB571, I do have E&R amendments, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB571 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted.

CLERK: I have nothing further on that bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB571 be advanced to E&R for engrossing.

FOLEY: Motion is to advance LB571 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB571 advances. LB571A.

CLERK: LB571A, I have no amendments to the bill, Senator.

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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB571A be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB571A. Those in favor say aye. Those opposed say nay.  
LB571A advances. LB561.

CLERK: LB561, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB561 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB561 to E&R for engrossing. Those in favor say aye. Those  
opposed say nay. LB561 advances. LB525.

CLERK: LB525, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB525 be advanced to E&R for engrossing.

FOLEY: Motion is to advance LB525. Those in favor say aye. Those opposed say nay. LB525  
advances. LB609.

CLERK: LB609, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB609 be advanced to E&R for engrossing.

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FOLEY: Motion is to advance LB609 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB609 advances. LB719.

CLERK: 719, Senator, I have no amendments. Senator Erdman would move to amend the bill with AM18-- oh, I'm sorry, Senator, I understand you wish to withdraw AM1820. Thank you.

FOLEY: Amendment is withdrawn.

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB719 be advanced to E&R for engrossing.

FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB719 advances. LB719A.

CLERK: Mr. President, LB719A, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB719A be advanced to E&R for engrossing.

FOLEY: Motion is to advance LB719A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB719A advances. LB62.

CLERK: LB62. I have no amendments to the bill, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB62 be advanced to E&R for engrossing.

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FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB62 advances. LB559.

CLERK: LB559. I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB559 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB559 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB559 advances. LB220.

CLERK: 2-2-0, LB220, excuse me, I have no amendments to the bill, Senator.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB220 be advanced to E&R for engrossing.

FOLEY: Members, the motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB220 advances. LB135.

CLERK: LB135. I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB135 be advanced to E&R for engrossing.

FOLEY: Motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB135 advances. LB244.

CLERK: LB244, I have E&R amendments pending.



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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB244 be adopted.

FOLEY: Motion is to adopt the E&R amendments to LB244. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted.

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB244 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB244. Those in favor say aye. Those opposed say nay. LB244 advances. LB308.

CLERK: LB308 Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB308 be advanced to E&R for engrossing.

FOLEY: Motion is to advance LB308 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB308 advances. LB392.

CLERK: LB392, Senator, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB392 be advanced to E&R for engrossing.

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FOLEY: Motion is to advance LB392 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB392 advances. LB564.

CLERK: LB564 does have Enrollment and Review amendments.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB564 be adopted.

FOLEY: The motion 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, Mr. President.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB564 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB564 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB564 advances. LB123.

CLERK: LB123, I have no amendments to the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB123 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB123 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB123 advances. LB414.

CLERK: LB414, Senator, I have no-- I'm sorry, I do have E&R amendments.

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FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB414 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted.

CLERK: Nothing further on the bill.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB414 be advanced to E&R for engrossing.

FOLEY: Senator Slama, excuse me, members, the motion is to advance LB414 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB414 advances. LB533.

CLERK: Senator, LB533, I have E&R amendments pending.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB533 be adopted.

FOLEY: Motion is to adopt-- it's a debatable motion. Senator Lowe you are recognized.

LOWE: Thank you, Lieutenant Governor. LB533 is a controversial bill, I believe. When I was gone last week, on Friday, when it was voted on, I'm not sure why it's on the consent agenda. But I would like to have a roll call vote. And thank you, Mr. President.

FOLEY: Senator Lowe, we are on the E&R amendments. You're asking for roll call vote on E&R amendments or the advance? On the advance. The immediate question is the adoption of the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

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

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that LB533 be advanced to E&R for engrossing.

FOLEY: Debatable motion, Senator Cavanaugh.

CAVANAUGH: I just wanted to reiterate what this bill does. It makes us federally compliant and updates our marriage certificates. And so I welcome the roll call vote and hope that we can move forward to make sure that we are federally compliant. Thank you.

FOLEY: Thank you, Senator Cavanaugh. Senator Lowe, did you ask for a roll call or machine?

LOWE: Roll call machine vote-- roll call vote, please. Excuse me.

FOLEY: Roll call vote has been requested on the pending motion to advance LB533 to E&R for engrossing. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken.) 29 ayes, 8 nays on the advancement of the bill.

FOLEY: LB533 advances. Speaker Scheer, you are recognized.

SCHEER: Thank you, Mr. President. Colleagues, last day of the week, I would like to make an announcement. If I could get your attention, because it is one of probably more importance than some weeks. Given where we are at, I have assessed the remaining priority bills and decided that we will end session early. We'll be Sine Die on May 31. It will be the final day of the session and I'm scheduling two days after Memorial Day as recess days. That Thursday, May 30, will be a very short day, probably a check-in day in the afternoon. Predominant reason is we had some very late A bills that came in this morning that were passed. Those need a minimum of seven days, and so consequently we had not originally planned on coming back on Thursday, but because of those bills, we'll come in more as a check-in so that we have the seven-day

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requirement by constitution that will allow those bills then to become law as well. Next week will be the final days of General File and Select. All bills that are placed on Final Reading on Tuesday will be read on Final-- on Friday the 24th, allowing an opportunity for overriding motions on those bills that may be vetoed between there and the 31st. If needed, we will also have Friday May 31 in order to complete Final Readings that were not available to get across by Tuesday. Because of the condensed time, I will tell you that I would anticipate Tuesday and Wednesday both being later days. I don't know that they will be 11:00 days, but they may be later days. I don't know that they'll be over-- late, late nights. They may be ones that we will just simply work through the dinner hour until 7:30, 8:00, but I will be able to let you know more of that at that day as we are moving legislation and knowing where we're at more of a time frame on that day. So, I don't want to make commitments one way or the other on that. Let's see-- on Tuesday, we'll be doing Final Reading of the budgets, the claims, and a couple of additional bills that will impact the budget. Once they're completed, we'll take up Select Files without amendments that are on General File so we can move those somewhat quickly, and then we'll return at 1:30, we will take up Senator Groene's pull motion on LB147. And on Wednesday, we'll complete General File debate on all the priority bills, one of which I'm assuming have been told will be coming out Tuesday, so make room to facilitate that on Wednesday. And we'll then do Select on Thursday and Final-- and the rest of the Select on Thursday. That we did not get done on Thursday, we'll do on Friday; and Friday will be Final Reading for all the bills that we are able to get through on Select earlier in the week so that they will have the five-day period to protect themselves. As always, if there are any questions, please contact myself or staff. Listened to Senator Wayne this morning, we have left time for major discussion on some of the proposals that will affect the state. And we should be able to facilitate those time frames within this scheduling. We have done a lot of hard work this year. And you have done a great job. But as we're getting done early, I will tell you that two years ago, we also were done somewhat early, but I want you to remember that putting in a perspective and for those that are-- your first year, next year at a 60-day session, we would have already been done a month ago. So when you look back at what we've done the last month, we have to do within that 60 day period. So please do not anticipate that next year will be like this year. The short session is a different session all together. So I just want to make sure that there was fair warning given to those that if this is your first year, your second year, the short session is a completely different session and be prepared for a number, if not an extensive number, of late nights in order to facilitate all the priority bills

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being able to facilitate going across the finish line. My previous two years, we have always been able to get all the priority bills across that were out of committee and that were successful, they all have become law. I plan on doing that again this year, and I hope to be able to do that my final year as well. But it will take some cooperation on the body's part, and as you are thinking of next year, this isn't my final little talk to you, but start thinking about priorities for next year because the sooner that we can start working on those priorities next year, the better off we're going to be because it will be a very tight period. So I would appreciate, as you look at next year, start thinking about that and if it's going to be a new bill, start talking to those committee chairmen to try to get it up and out as early as possible so that we can work on it before the mandatory time to select priority bills. Thank you, Mr. President. And last but certainly not least, I do want to thank Senator Chambers. He was very cordial this morning when I asked him to allow us to move Select. I apologize, I have a family wedding that I have to take off to so I'll be gone the rest of the morning and he facilitated me being able to get through the Select, as well as being able to discuss with you, so I do want to publicly acknowledge that and thank him for his kindness. With that, thank you, Mr. President, and all have a nice weekend, it's a four-day weekend. Don't show up Monday, because no one will be here. So, thank you.

FOLEY: Thank you, Mr. Speaker. (Visitors introduced.) Pursuant to the Speaker's revision of the agenda, we'll move to LB630. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LB630, introduced by Senator Morfeld. (Read title.) The bill was read for the first time on January 23 of this year and referred to Judiciary Committee. The Judiciary Committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Morfeld, you're recognized to open on LB630.

MORFELD: Thank you, Mr. President, members of the body. I'm happy to introduce LB630, a bill to change elements of penalty provisions for and defenses to offenses involving unlawful intrusion and sexually explicit conduct. The bill was voted out of Judiciary Committee as amended on a 7-0 vote with one member absent. The purpose of this bill is twofold. First, to ensure that bad actors are punished when it comes to sexual extortion, otherwise known as

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revenge porn; and to create more options for prosecutors to have discretion to ensure that the consensual sharing of images between two under-aged minors is appropriately addressed, but does not result in a lifetime sentence or sex offender registry and felony when prosecutors determine the circumstances do not warrant that. I've worked with child welfare advocates and school law attorneys to draft portions of this bill that deal with minors in possession of explicit photos of themselves. I have visited with the County Attorneys Association and the Attorney General's Office and we all agree that something needs to be done to address these important issues. The committee amendment replaces the bill and makes changes consistent with the intent of my original bill. Senator Lathrop will be explaining the committee amendment more in depth and I urge your support of both the amendment and the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Lathrop [SIC]. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Lathrop, you are recognized to open the committee amendment.

LATHROP: Thank you, Mr. President. Colleagues, good morning once again. The Judiciary Committee voted to amend LB630 with AM1635 on a vote of 7-0 with one member absent. The committee voted to advance the amended bill on a vote of 7-0, also with one member absent. Technological advances have made it possible for all of us to create high quality photographs and videos and share them immediately to the Internet or social media. There may be some benefit to these new technologies, but they have also made it easier for people to harass, threaten and extort others, particularly through the creation and distribution of intimate or sexually explicit images and videos. The Judiciary Committee heard several bills this session intended to address these issues and close the gaps in state law. AM1635 would amend the current offense of unlawful intrusion in Section 28-311.08 to criminalize the distribution and threats to distribute intimate images that were created with the consent, but were intended to remain private. The amendment would amend our extortion statutes in Section 28-513 to specifically include threats to distribute intimate images and amend 18-- pardon me 28-1310 to harmonize the language in the offense of intimidation by electronic device with this new provision. AM1635 would make changes to the affirmative defenses for juveniles in cases involving visual depictions of sexually explicit conduct involving themselves or other juveniles within four years of their age. These changes would not preclude juvenile court involvement in appropriate cases, but would protect kids from

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being convicted of serious felonies in cases in which such serious penalty is not warranted. The amendment would clear up some ambiguity in the Sex Offender Registry Act related to when juveniles are required to register. The new language would clarify that juveniles adjudicated in other states would be required to register in Nebraska only if our laws would require it had the offense occurred within the state. Colleagues, Senator Morfeld had to leave and so I'm happy to answer any questions about the bill or the underlying amendment. And with that I encourage your support of AM1635 as well as LB630. Thank you, Mr. President.

FOLEY: Thank you, Senator Lathrop. Debate is now open on LB630 and the pending Judiciary Committee amendment. Senator Hilgers.

HILGERS: Thank you, Mr. President; good morning, colleagues. Let me say at the outset, I intend to vote green on AM1635 and LB630. I spoke with Senator Morfeld this morning, as well as Senator Lathrop, and Senator McCollister. I do have a few questions regarding-- at least some aspects of what will be incorporated in LB630. I've had the-- started the conversation with Senator Morfeld, McCollister, and Senator Lathrop. We'll continue those conversations. I'd encourage everyone to vote green at this stage in order to make sure that this stays on the train tracks under the Speaker's schedule and so it has a fair opportunity to be heard again on Final Reading before the end of-- before we adjourn Sine Sie. I wanted to make sure it got through this round. And we'll continue those conversations and hopefully reach some accord on the language. But at this point, I wanted to make sure that was on the record and I'd encourage all to vote green on the underlying amendment and the bill. Thank you, Mr. President.

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

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I appreciate what Senator Hilgers said, and I would like to be a part of that discussion also. What the Speaker had asked me to do, I did because he had an airplane to catch. And he indicated that I could finish reading my article that I started when we got to General File without upsetting what he had planned for the agenda. There are some people who probably would be interested in how this article ended. So, since it is going to span two bills, I'm going to mention that this is an article from the "Omaha World-Herald" dated November 11, 2013, the headline: New Trial Sought for Boy



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Executed in 1944 at Age 14. I had read the beginning of the article during the discussion on LB686A today. I'm not going to reread what I had read before, but if anybody does have an interest, that's the transcript they can look to to get the first part of this article. And I do not intend to take long on this bill. Continuing the article: The girls were last seen looking for wildflowers in the tiny racially divided mill town of Alcolu, A-l-c-o-l-u, about 50 miles southeast of Columbia. Stinney's sister, who was 7 at the time, said in her new affidavit that she and her brother were letting their cow graze when the girls asked them where they could find flowers called maypops. The sister, Annie Ruffner, said her brother told them he didn't know and the girls left. Quote: It was strange to see them in our area because white people stayed on their side of Alcolu and we knew our place, unquote, Ruffner wrote. The girls never came home and hundreds of people searched for them through the night. They were found the next morning in a water-filled ditch, their heads beaten with a hard object, most likely a railroad spike. Deputies got a tip that the girls had been seen talking to Stinney. They came to Stinney's home and took him away. His family would not see the boy again until after his trial. Newspaper accounts suggested that a lynch mob was nearly formed to attack the teen in jail. Stinney's dad worked for the major mill in town and lived in a company house. He was ordered to leave after his son was arrested, said Stinney's brother, Charles Stinney, who was 12 when his brother was arrested. Charles Stinney's statement explains why the family did not speak to authorities at the time. Quote, George's conviction and execution was something my family believed could happen to any of us in the family, therefore we made a decision for the safety of the family to leave it be, unquote; Charles Stinney wrote in his sworn statement. Charles Stinney said he remembered the events vividly because, quote, for my family, Friday, March 24, 1944, and the events that followed were our personal 9-1-1-- or 9/11, unquote. Both statements were made in 2009. Lawyer Steve McKenzie said he planned to file the request for a new trial then, but heard from a man in Tennessee who claimed that his grandfather was with George Stinney the day of the killings. McKenzie thought the information from someone not related to Stinney would be especially powerful, but the person suddenly stopped cooperating after stringing the lawyer along for years. The request for a new trial points out that at 95 pounds, Stinney probably could not have killed the girls and dragged them to the ditch. The motion also hints at community rumors of a death bed confession by a white man several years ago and the possibility that Stinney either confessed because his family was threatened or because he was given ice cream.

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But the court papers provides little information and the lawyers also would not elaborate. Newspaper stories from Stinney's execution had witnesses saying the straps to keep--

FOLEY: That's time, Senator.

CHAMBERS: --him in the electric chair did not fit around his small frame--

FOLEY: That's time, Senator. That's time. Senator Chambers, you're recognized.

CHAMBERS: Thank you. I hadn't heard you, Mr. Speaker, sorry-- Mr. President. I'll go start that paragraph again. Newspaper stories from Stinney's execution had witnesses saying the straps to keep him in the electric chair did not fit around his small frame and an electrode was too big for his leg. Lawyers also filed a request to pardon Stinney before the State Department of Probation, Parole, and Pardons Services in case the new trial is not granted. But Frierson said a pardon would be of little comfort to him in the Stinney case. The first step in a pardon is to admit you are wrong and ask for forgiveness. This boy did nothing wrong, Frierson said. Members of the Legislature, yes, he did do something wrong. You know what he did wrong? He was born. That was a sin that he committed. And being born a black child means that that child, by consenting to be born, agreed to be dealt with any way white people chose from rape to torture to murder. So by white American standards, in a nation with liberty and justice for all, a flag, which I refer to as a rag, flies over that country and flew over the courthouse where this child was held, arrested; the courthouse where a one-day trial resulted in his being convicted and sentenced to die. It flew over wherever they kept their electric chair, where they electrocuted him, and he's responsible for it. He didn't have to be born. He should have chose not to. But since he chose to be born into this racist white America, he got what America said he deserved. I accompanied John Joubert, a young white boy who was electrocuted in this state, to the execution chamber. But I did not stay to watch the state carry out its quasi-religious ceremonial killing. But I watched them try to strap him into the chair. It was a large wooden straight-back chair and he was so small that they had to lift him onto the chair. His legs-- his feet did not reach the floor. They had trouble fitting the straps to him because he was small. So one of the guards took the strap that went around his upper torso and leaned with all of his weight against it to make it come in contact with his torso, then somehow, the little piece that is supposed to go into a hole in

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the strap, he had to manipulate the strap because there was no hole because nobody that small was envisioned sitting in that chair. Somehow he managed to make that strap hold. When they strapped his arms, his upper arms were against the back arm-- the up and down part of the chair, his elbow rested on the chair--

FOLEY: One minute.

CHAMBERS: --and his forearm forward. And as they pulled the straps tight on him, his hands turned blue, and people who witnessed the execution said that there was some degree of activity between his body and the chair because of his small size. But that's what you all like. That's why you want a death penalty is reserved for the worst of the worst. But that white man, who on two occasions, separated by time, on the first one, he waylaid his ex-wife and shot her to death with a high powered rifle. He went to another county, lay an ambush and murdered a lawyer with the same high-powered rifle.

FOLEY: Mr. Chambers, you are recognized for your third opportunity.

CHAMBERS: Thank you, Mr. President. But as Senator Slama was saying when she spoke against abolishing the death penalty, it's reserved for the worst of the worst, but they were not-- his murders were not the worst of the worst. And he was allowed to cop a plea and the death penalty was taken off the table. There was another man who had beaten his wife, used blunt force about the head, shot her in the chest, in the arm, and I forget whether it was in her head. But he was not among the worst of the worst either, because they took the death penalty off the table for him. In the early days, there was a Nokes family, a man and a woman-- and his wife were having a threesome with a woman. They murdered the woman; they cut her in pieces, they wrapped her in butchers paper and dropped her cutup remains into the town's reservoir. And they did not get the death penalty, because as Senator Slama would say, that was not the worst of the worst to murder this woman, cut her body up in pieces, and throw them into the town reservoir. Numerous murders have been committed in the state, far more grisly than what I've described. So when you hypocrites stand on this floor and tell that statement over and over and over, you need to know what you're talking about. I don't even use the word hell unless I'm talking about where people are going. But there was one of the lady senators who was speaking against some

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craziness going on around here and questioned some men who want to dictate what a woman should do with her body and they couldn't answer the question and her comment was, then if you don't know what the hell you're talking about, don't talk about it. That's what I say about this death penalty. You all don't know anything. You're like parrots. You say things that are not true. I've studied the murders that occurred in this state. I looked at where murders for hire occurred and the death penalty was taken off the table by way of a plea bargain. You think the relatively small handful of people executed in this state had committed the worst murders? Absolutely not. But because of people like you all, you Christians, you lovers of Jesus, you members of the Catholic Church, you hypocrites are the ones who think the state should continue killing people; and I, the Gentile, the heathen, the unbeliever, will try to rescue people from your vicious cruel Christianity because you think they are unfit to live. But it takes somebody like me to put into practice the words that your Jesus, that you claim to believe in and worship, had said. Jesus did not dictate that anybody die. He rescued a woman who was under sentence of death based on the law. And he was her defense attorney and kept the death penalty from being carried out. But you, you Christians, you daily prayers to your Christ commit sacrilegious every time you do that. You blaspheme the name of this person called Christ, if indeed he was the son of God. But does that bother you? No, because you don't really believe. And you will continue your killing.

FOLEY: One minute.

CHAMBERS: But here's the irony. Some people who are on death row were taken off. And you're not going to execute people who are not sentenced to die and the vast majority of murderers in this state are not going to be sentenced to die. And there's nothing to differentiate between the cases of those few who are sentenced to die from the cases of the many who are not so sentenced. So, in my morally blinded way, I'm going to continue to try to prevent anybody from being killed by this state, no matter how they killed or who they killed. And I had two nephews who were murdered, by the way. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Is there any further discussion on LB630 or the pending Judiciary Committee amendment? I see none. Senator Lathrop, you are recognized to close. He waives closing on AM1635, Judiciary Committee amendment. Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

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ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: AM1635, Judiciary Committee amendments, have been adopted. Further discussion on LB360 as amended. Senator Lathrop.

LATHROP: Colleagues, I just wanted to take a moment to talk about this bill. So, there's-- I introduced the amendment, there really wasn't much discussion. I just want to tell you why I think this bill is necessary and kind of what we heard. So what's happening out in this world with young kids that have cell phones, adults that have cell phones, they're taking pictures of themselves and sending it to their boyfriends or their girlfriends and they're doing this when they're in junior high and in high school and we're not trying to turn them into felons, right? So what we've done in this bill is try to address how are we going to take care of what is commonly referred to as "sexting;" it's where some young person sends a picture-- typically, a young person. If it's two adults we're not worried about that, right? But when it's young people, and now a young person is in possession of a picture, digital on their phone of another young person. And what we have done with this bill-- and by the way, there's a million scenarios that we went through, which is why this sat in Judiciary Committee for some time as we attempted to work through those scenarios and come up with thoughtful legislation dealing with this process so we don't turn young people into felons over something that was really a not-well-thought-out thing to do. But we don't leave room for people to forward them to somebody else. As soon as you get one of these, if you're a young person, and you distribute it to somebody else, then you got a problem with the law. If it's just between two people who are young folks, now if it's an adult and a young person, there's a problem. And if they're young people and they have a greater than four-year disparity in their age, so a 16-year-old holding a picture of a 13-year-old is a problem. We thought those things through and put them in here. We also addressed a new phenomenon. It happened to Senator Arch's opponent, believe it or not. His wife came in and testified. She was two weeks out from their election, Senator Arch and his opponent. His opponent's wife gets an e-mail or some communication from her ex-husband that said, drop out of the race or I'm going to put this intimate image of you on the Internet. That's an extortion that we hadn't even thought about. Like, usually when people are extorting you, it's about money. Right? I'm going to do this or you give me some money or I'm going to do this. Well, we've taken care of that, but we've also taken care in this amendment with the situation where somebody is not asking for money, but

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they're simply threatening to make a disclosure of an image that was shared, perhaps consensually at first, but with the expectation that it would remain private. Those are the things that we're dealing with. It's kind of catching up our criminal code with the technology; and maybe ill-advised, the practice of taking pictures of one another and sharing them, particularly by young people. We also have a piece in here about the sex offender registry. We'll have more to say about that on Select File and sort of the difficulty with addressing what happens when somebody comes into Nebraska, they're required to register as a juvenile on a secret registry in one state and they come into Nebraska where we wouldn't require them to be registered, but for the fact that they're registered in a secret registry in another state. I think we have dealt with that appropriately, but we're going to have some discussion between General and Select on that topic. So, with that, I thought I would provide an explanation since this bill hadn't generated any discussion and let you know what we're up to over in the Judiciary Committee with LB630. I would appreciate your support of the bill. Thank you.

FOLEY: Thank you, Senator Lathrop. Senator Lathrop, in the absence of Senator Morfeld, you are recognized to close on the advancement of the bill. He waives closing. The question for the body is the advancement of LB630 to E&R Initial. Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB630 advances. Pursuant to the agenda, our next bill is LB519. Mr. Clerk.

CLERK: Thank you, Mr. President. LB519 introduced by Senator Slama. (Read title.) The bill was read for the first time on January 22 of this year, and referred to the Judiciary Committee. That committee reported the bill to General File with committee amendments; there are also other amendments pending.

FOLEY: Thank you, Mr. Clerk. Senator Slama, you are recognized to open on LB519.

SLAMA: Thank you, Mr. President; and good morning, colleagues. Today I introduce you LB519. And I want to thank Senator Hilkeemann and the State-Tribal Relations Committee for

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prioritizing this bill. I'd also like to thank Senators Pansing Brooks and Linehan who are cointroducers of this bill. LB519 represents a strong step forward for our state in support of survivors of sex trafficking. The bill extends the statute of limitations for human trafficking and child pornography, and also allows law enforcement to seek a wiretap order to investigate allegations of human trafficking. The statute of limitations in LB519 will be extended to seven years, up from three years, for a trafficker of an adult for labor or sex trafficking or within seven years after a victim's 18th birthday. It will also apply the same statute of limitations to those who benefit from labor or sex trafficking. For a person who has been found to be in possession of child pornography, the statute of limitations for that crime will also be extended to seven years, up from three years; or within seven years after the victim's 18th birthday. For a trafficker of a minor for labor or sex trafficking, there will be no statute of limitations applicable for the prosecution or punishment of said trafficker. Currently, the statute of limitations for trafficking of a minor is three years. Other crimes with an unlimited statute of limitations include murder, treason, arson, and forgery. So the extension of an unlimited statute of limitations to the trafficking of a minor is well within the expectations of our current statute. The changes I make in LB519 will apply to offenses committed within the statute of limitations and to those offenses that occur on or after the date this bill goes into law. Finally, because finding these traffickers and getting them behind bars for their crimes is so important, I have introduced language that will allow the Attorney General or any county attorney the ability to obtain court approval to wiretap for investigation purposes for labor or sex trafficking of both adults and minors. The Attorney General already has this ability for other serious felonies such as murder, kidnapping, robbery, bribery, extortion, and dealing in narcotics. Human trafficking is the fastest growing criminal industry globally. Human trafficking was made a federal crime in 2000, and Nebraska made it illegal in 2006. In the years that have followed, Nebraska has fought human trafficking with legislation, and LB519 is in that vain. Nebraska is part of a regional and national system of human trafficking. With I-80 running across the state and I-29 running along our most populous city, Omaha, human traffickers are active and most Nebraskans are none the wiser. Human trafficking doesn't just impact the I-80 corridor and extends to other communities such as Upland, Fremont, and La Vista, among others. Every month in Nebraska, 900 individuals are advertised for sex, often multiple times, and a majority of those who are advertised show signs of being trafficked. The average age for someone to become a trafficking victim is 15 years old. The need to crackdown on these traffickers is great. It is an expanding and growing industry

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because there is a perception among traffickers that they won't get caught. Many people are unaware of how frequent this crime is happening because it's an out-of-sight, out-of-mind crime. The victims of human trafficking need to feel they can come forward and report the crimes against them. However, many victims feel shame and embarrassment that they were trafficked; they fear retaliation or violence against them or their families by their traffickers if they report the crime. Many also have a lack of trust in the system of law enforcement. And the effects of the beatings, the rape and abuse can stay with a victim long after they are removed from their trafficker. In more than a few cases, by the time these victims report the crime, the statute of limitations has elapsed and charges cannot be filed. Because of these reasons, I have introduced LB519. As I said, Senator Lathrop will introduce to you committee amendment, AM1460. But briefly, LB519 includes two additional bills, each of which will be described in greater detail by their introducer, Senator Pansing Brooks. LB516 introduced by Senator Pansing Brooks ensures that all children in Nebraska who are sold for sex are recognized as abused and neglected children and are connected to needed services and supports. LB517 provides trafficking victims increased opportunities for justice by pursuing damages resulting from their victimization through civil action. We need to be able to help the victims of human trafficking and allow them time to heal and feel comfortable about reporting the crimes committed against them. We also need to ensure that law enforcement has the tools necessary to crack down on human trafficking. LB519 and the committee amendment, AM1460, serves both purposes. I would urge you to vote green on AM1460, the upcoming floor amendment on AM1460, which is AM1602, and on LB519. Thank you, Mr. President. And I'd like to yield the remainder of my time to Senator Pansing Brooks.

FOLEY: Thank you, Senator Slama. Senator Pansing Brooks, 4:30.

PANSING BROOKS: Thank you very much, Mr. Lieutenant Governor. Members of the body, I am very gratified that Senator Slama and I were able to work together, along with Senator Linehan, on this important human trafficking package. I also want to thank the Tribal Relations Committee for prioritizing these bills, and also Senator Lathrop for his hard work in helping us to get this package organized and put together in a really cohesive fashion. This represents the next phase in Nebraska's efforts to combat this abhorrent practice of human trafficking. AM1460 includes two trafficking bills that I brought this session, LB516 and LB517. The LB516 portion



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of this amendment clarifies the victims of sex trafficking, child victims, shall receive services for abuse and neglect, regardless of the relationship of the reported abuser to the victim. The Department of Health and Services shall respond to reports of trafficking, assign the case to staff for in-person investigations, use screening and assessment instruments to identify whether the child is a victim of trafficking, and provide for or refer and connect the child and family to services deemed appropriate by the department. These clarifications are important because child victims of sex trafficking are currently being categorized differently based on the relationship of the reported trafficker. As outlined in a 2016 policy memo, the Department of Health and Human Services, Division of Children and Family Services currently, quote: considers youth involved in sex trafficking as victims due to their age and increased vulnerability to exploitation by adults, end quote. This is similar to the statute of children abused and neglected under (3)(a). Despite this recognition, the department has treated in the past reports of a youth being trafficked differently, depending upon who the reported trafficker is. Those reports of a youth being trafficked with a parent or caregiver involvement are prioritized as a, quote, child abuse and neglect intake and are accepted as a quote, unquote, priority one with a response time not to exceed 24-hours. Reports that do not include parental involvement in the trafficking of a youth have not been characterized as child abuse and neglect intakes and do not currently receive the same priority response from the department. The intent of this bill and of our previous legislation is to require pursuant to Statute 28-831 and 28-710 that trafficked children, regardless of the relationship to their trafficker, have access to services necessary to address their need for safety and to prevent future abuse and exploitation. These services will be determined based upon the department's assessment of the safety, risk, and needs. We are also asking the department to do what is already required and was always intended in existing statute 28-713(1)(b) for alleged out-of-home child abuse or neglect. Or it says on page 6, line 16-21 of the statute, quote, the department shall investigate for the purpose of assessing each report of child abuse or neglect to determine the risk of harm involved to the child-- harm to the child involved. The department shall also provide such social services as are necessary and appropriate under the circumstances to protect and assist the child and to preserve the family, end quote.

FOLEY: One minute.

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PANSING BROOKS: Thank you. I want to just add that the current status of what is happening to youth who are trafficked by someone other than a parent is unacceptable. I have heard from advocates that youth are being charged on ancillary charges and detained in detention centers in an effort to keep these youth in a presumed safe environment. But that detention center was not ever the intention of our Legislature; and I'll come back to that next time on the mike. Thank you very much, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Pansing Brooks. (Visitors introduced.) As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Lathrop, you are welcome to open on the committee amendment.

LATHROP: Thank you, Mr. President; and colleagues, good morning once again. The Judiciary Committee voted to amend LB519 with AM1460 on a vote of 6-0, with two members present not voting. The committee then advanced the bill on a vote of 5-0 with three members not voting. AM1460 replaces the original bill. The amendment includes provisions of the original bill in Sections 8 and 10. Section 1 of the amendment contains a reworked version of Senator Pansing Brooks's LB517. This provision revises the Human Trafficking Victims Civil Remedy Act to provide additional detail to the section outlining civil damages that can be collected by a trafficking victim. The amendment also contains a revised version of Senator Pansing Brooks's LB516. These provisions make changes to several statutes related to the Department of Health and Human Services response to child abuse and makes clear that child victims of human trafficking are victims of child abuse. The department has assured us that the changes to LB516 alleviate the concerns they expressed at the hearing and eliminates any fiscal impact. The amended version of LB516 included in AM1460 makes the definitions and procedures in Nebraska state law consistent with existing federal law. AM1460 also contains some provisions of LB458, but that language would be removed by the amendment I'll introduce next. Thank you, Mr. President.

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

ASSISTANT CLERK: Thank you, Mr. President. Senator Lathrop would move to amend the committee amendment AM1460 with AM1602.

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FOLEY: Senator Lathrop, you are recognized to open on AM1602.

LATHROP: Thank you once again, Mr. President. AM1602 amends AM1460 to remove provisions in the committee amendment originally contained in LB458. LB458 is a bill that I introduced to solidify the role of child advocacy centers in multidisciplinary teams in investigating cases of child abuse and neglect. The Children and Family Services Division of the Department of Health and Human Services opposed that bill. Did you hear me? They opposed that bill and expressed concerns about making any changes to the relationship between the department, law enforcement, and the child advocacy centers. We agreed to continue to work on that issue over the interim. As we were assembling AM1460 to LB519 and the package of bill related to human trafficking, we identified a few minor provisions of LB458 that were complimentary. Federal law already requires that states to recognize trafficking is within the definition of child abuse and neglect and the changes to state law originally included in LB516 and included in AM1460 would align the definitions of child abuse and neglect in state statute with federal requirements. Among other things, child advocacy centers assist county attorneys in facilitating multidisciplinary investigation and treatment teams that coordinate the investigation and response to reports of child abuse and neglect. The substantive provisions of LB458 that were included in AM1460 and would be removed by this amendment would have required county attorneys to develop protocols for the teams that specifically include procedures for handling cases of reported trafficking of children. In October of 2017, our Legislature's Inspector General of Nebraska Child Welfare issued a report of an investigation into sexual abuse of state wards and youth and residential placement. One of the issues highlighted in that report was that not all reports of child sexual abuse called into the hotline were being investigated. The major reason these cases fell through the cracks was because of inadequate communication between law enforcement and DHHS about which entity was investigating the specific issues each investigation was intended to substantiate. The risks of cases of trafficked children falling through the cracks is particularly high, colleagues. According to their own fiscal note response to LB516, DHHS does not investigate all reports of abuse or neglect in which the alleged perpetrator is not a family-- not in the family home and no longer has access to the alleged victim. Unless it is immediately known that children are traffic victims, their cases are referred to law enforcement for investigation. Law enforcement may determine that a child is a traffic victim, but may not be able to locate the trafficker or collect enough evidence to prosecute the

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case. The provisions that are being removed from the bill and the Judiciary Committee amendment by AM1602 were included in the bill to ensure trafficking victims' cases would not fall through the cracks as the investigations moved back and forth between law enforcement and DHHS. These provisions are being removed from this bill by AM1602 at the insistence-- at the insistence of the department, but this is an issue that merit's attention from the Legislature. With that I would request and encourage your support of AM1602, AM1460 and the underlying bill. And I would yield the balance of my time to Senator Pansing Brooks. Thank you.

FOLEY: Thank you, Senator Lathrop. Senator Pansing Brooks, 5:40.

PANSING BROOKS: Thank you. Thank you, Senator Lathrop, for the time. Continuing on the portion that deals with LB516 that is added to AM1460, the current status of what's happening to youth who are trafficked by someone other than a parent is a misunderstanding of what was really intended by the Legislature when this bill was originally passed back in 20-- I believe, 2015. I've heard from-- nope, 2016-- that advocates that youth are being charged on ancillary charges and detained in detention, trafficked youth are, detained in detention centers in a misguided effort to keep those youth safe in a presumed safe environment. A youth detention center is not an appropriate placement for a trafficked youth. We can and must do better. It was never the intent of this legislative body to treat a child, sex trafficking victim, who is trafficked by her boyfriend differently than one that was trafficked by his or her parents. We discussed and debated this before my time here and we have debated it during my time here. We have made clear decisions that not only should youth who are bought and sold for sex not be treated as criminals or detained, but also that they should be treated as abused and neglected children. This bill also supports the prosecution of traffickers by increasing the statute of limitations for prosecuting traffickers of children and adults. Currently, pandering has a longer statute of limitations than trafficking of a child. We know that it often takes time for survivors to come forward, especially with law enforcement, and especially when these survivors are so young. Three years was not enough time. I want to thank the Department of Health and Human Services for working with us on this portion. We had several meetings with the women's fund and the Fiscal Office and made several tweaks to the bill that added important clarifications while removing any fiscal note. In addition, LB516 and AM1460 also includes LB517, which gives the courts greater guidance in awarding damages to a plaintiff who prevails in a civil action brought

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pursuant to the Human Trafficking Victims Civil Remedy Act. Current statute allows these awards of these damages, but damages are not clearly defined. This bill specifies that damages recoverable include but are not limited to the physical pain and mental suffering a plaintiff might experience and is reasonably certain to experience in the future; the cost of medical hospital nursing care supplies; reasonable value of transportation, housing, and child care; reasonable value of labor and services, monetary value of harm caused by the documentation circulation of the trafficking; reasonable cost incurred by the plaintiff to participate in criminal investigation or prosecution or attend a criminal proceedings related to the trafficking-- trafficking the plaintiff. In the event of death, damages available as in other actions for wrongful death and the reasonable cost incurred by the plaintiff to relocate the defendant or-- to relocate away from the defendant or the defendant's associates. So, we need to keep in mind that damages that a survivor experiences are very hard to quantify. How do you really put a price tag on the repeated rape and abuse of a person? These survivors suffer far worse than any of us could imagine. So our statutes could never fully reflect the totality of the suffering. What we can do is give greater meaning and clarity to the term, damages. Again, with human trafficking, we are now understanding that the, quote, unquote, oldest profession in the world is actually the oldest myth in the world. Human trafficking differs from prostitution because the elements of force, fraud, and coercion are present. So this is not the case of two consenting adults who are engaged in consensual sexual activity. We know that those who engage in this important practice of trafficking are often people who have either accumulated their own wealth through the sale of human flesh or have created a higher demand for trafficking victims by paying exorbitant sums of money. It is only fair that our statutes make it easier for survivors to recoup damages that they have suffered from those who have caused the suffering. I want to thank Professor Ryan Sullivan and his University of Nebraska law students for their work on this part of the bill. I also want to thank Professor Sullivan for his work at the Clean Slate Project which works with Nebraskans who are seeking a fresh start to clean up their past criminal history. This trafficking package is an important next step in our efforts. We have made a lot of progress in recent years. In 2015 we expanded definitions.

FOLEY: One minute.

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PANSING BROOKS: In 2016, we provided for legal immunity from prostitution charges for victims of human trafficking. In 2017, we imposed tougher sentences on sex buyers and traffickers, decreasing supply and demand of sex trafficking victims and bringing violent criminals to justice. In 2018, we passed a bill to allow survivors to access a process by which they could come forward with a conviction they received as a result of their being trafficked and to have that conviction set aside and those records sealed. I am happy to report that Nebraska was recently ranked number one in the nation by the national human trafficking watch group, the Polaris Project, in providing criminal record relief for trafficking victims. We received a B. The next closest rating was a D. There were three D's and all the rest of the country is rated F. I congratulate the Nebraska Legislature for that important fine work that we have done in this world of trafficking. So thank you. Thank you to the whole body. Thank you, Mr. President.

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

CRAWFORD: Thank you, Mr. President; good morning colleagues. I stand in support of LB519 and AM1460. And because it's important to the success of the bill, I will also be voting green on AM1602. I want to thank Senator Slama, Senator Pansing Brooks, and Senator Lathrop, and the Judiciary Committee for the hard work on this bill. I echo and am glad that we have on the record now really the progress that this body has made on sex trafficking over the past few years. A lot of that due to the hard work and leadership of Senator Pansing Brooks, and I appreciate her leadership on that issue. I just do want to make a note on the record about how important it is that we do continue this conversation about the role of child advocacy centers in dealing with our victims of trafficking. I'm glad to hear that Senator Lathrop has said that this is an issue that they're going to work on over the interim. The child advocacy centers provide a multidisciplinary approach that allows for coordination between the law enforcement and DHHS to make sure and also ensures that there is attention to protocols and to make sure there's effective protocol so that the children are treated in an appropriate manner for their age and asked questions in an appropriate manner for their age and ensure that they also are getting access to services that are important. We do have child advocacy centers across to serve all of our 93 counties. They're very important tool in dealing with issues of child abuse. I think they will be a very important resource as we continue to improve our response on sex trafficking. Thank you, Mr. President.

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FOLEY: Thank you, Senator Crawford. Senator Slama.

SLAMA: Thank you, Mr. President. I'd like to just very briefly, since I think we're all trying to get out of here around noon today, thank Senator Lathrop for his work on AM1602 and AM1460 and encourage a green light vote again on all three of the things on the board right now. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Stinner.

STINNER: Thank you, Mr. President. I too will try to be very brief. But I am an advocate of the child advocacy center simply because I've spent a lot of time with that center in Gering, Nebraska. They do wonderful work; 400 or so investigations every year on child abuse, as well as neglect. They are set up with professional, skilled people to do the investigation, whether we want to call it interrogation, but it's age appropriate. They prepare the attorneys for cases, the district attorney. They are very skillful in what they do. And I don't understand why HHS is totally against them. These victims are very vulnerable, writes Ivy Svoboda; I need access to coordinated, skillful investigations. They are trained and able to help support both law enforcement and DHHS as they investigate access and intervene in these cases. Now, I'll give you a little bit of statistics between 2015 and 2017. There has been over 40 percent increase in children served by child advocacy centers in Nebraska. In 2015, 4,945 children were seen at the child advocacy centers. In 2017, 6,931 children received coordinated services. There has been a 35 percent increase in forensic interviews conducted. These forensic interviews are performed by nationally trained experts and conducted in a neutral, fact-finding, trauma informed and developmentally appropriate way instead of a child having to repeat their story multiple times, these interviews capture evidence for investigating agencies benefiting children and families, DHHS, and local law enforcement agencies. There has been an 18 percent increase in medical exams conducted. These medical exams conducted by specially trained providers with expertise in child abuse, provider diagnosis, any needed treatment, and important reassurance to children and their caregivers. Advocacies provide-- provided to children and families has expanded greatly; advocates help guide and support child and family through the criminal court process. So I do support LB519 and the attached amendments. But I think this deserves additional look as

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it relates to child advocacy centers. And with that, I will yield my time back to the President.  
Thank you.

FOLEY: Thank you, Senator Stinner. (Visitors introduced.) Continuing debate. Senator Howard.

HOWARD: Thank you, Mr. President; good morning colleagues. I'll be brief because I know Senator Pansing Brooks would like to leave today. I don't believe I'm going to be voting for AM1602. I do have some concerns about what it is we're moving and some of our conversation about child advocacy centers and why they're being removed from this bill. Just a little bit of history; before our current director, the director previous to them had threatened the child advocacy centers, the loss of their access to our N-FOCUS system. So, it would have made it very difficult for them to do their work in terms of looking at the background of a child welfare case. And since that time, RCACs in our department have had a somewhat challenging relationship because their role is to do these forensic interviews to ensure that children who are victims of abuse get the care that they need immediately. And to do that, they have to work in partnership with the department in terms of making sure that they have enough information coming from N-FOCUS. What we are doing with AM1602 is actually removing provisions of LB458, which was Senator Lathrop's bill, which essentially modified the definition of a child advocacy center, literally changes "Department of Health and Human Services" to "the department," so some minor technical changes to their existing statute. And then adds victims of sex trafficking to protocols for county attorneys that are already existing. And so we're removing these sections which are small technical amendments that everybody agrees to, that county attorneys are doing, but do not include sex trafficking already. And so I personally don't believe that I can support AM1602, but I absolutely support LB519. I absolutely support AM1460. But I do have some concerns about the removal of Section 7 from AM1460. I know Senator Pansing Brooks has to go, so I will let my red light on this amendment speak for itself. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Senator Hilkemann.

HILKEMANN: Thank you, Mr. President. The State-Tribal Relations Committee voted unanimously to designate LB519 as the committee's priority bill for 2019. I want to-- like to



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thank Senator Slama for introducing this legislation and for the work of the Judiciary Committee to amend this bill to include several elements that will strengthen and improve our human trafficking laws. The role of the State Tribal Relations Committee is to foster better relationships between state and the federally recognized Indian tribes within Nebraska. Committee members include: Senators Wishart, Albrecht, Brewer, Gragert, Hunt and Walz. As committee, we worked closely with the Nebraska Commission of Indian Affairs who also gave their support for the prioritization of LB519. Formal studies have shown that human trafficking has a disproportionate effect on indigenous communities in the United States. It is for this reason that the committee felt that prioritizing this bill is an important step in wholly supporting Nebraska's indigenous population. I encourage your support of the committee amendments and of LB519 to be advanced to Select File. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilkemann. Is there any further discussion? Senator Lathrop, you're recognized to close on AM1602.

LATHROP: Thank you, Mr. President. I appreciate the remarks that we've had and the debate we've had on AM1602. I will just tell what you my experience is. The things that we're taking out with AM1602 were things that probably logically would be in this bill once you call sex trafficking child abuse, which is really the point of these-- of LB519. Why the department? I feel like we got in the middle of some dispute between Matt Wallen over at the Department of Health and Human Services and the child advocacy centers and why there is that tension is beyond me-- beyond me. I think in order for the bill to move, I would appreciate your support of AM1602 and alert this Legislature that we do need to be mindful of what's going on at the Department of Health and Human Services as it relates to the child advocacy centers, because whatever that issue is and whatever the tension is, it needs to be worked through as those people at the child advocacy center are doing important work. Thank you.

FOLEY: Thank you, Senator Lathrop. Members, you heard the debate on AM1602. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

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ASSISTANT CLERK: 21 ayes, 3 nays to place the house under call.

FOLEY: The house is under call. All members please check in at your desk. The house is under call. All unauthorized personnel please leave the floor. The house is under call. Senator Vargas, check in please. Senator Slama has authorized us to proceed and she will accept call-in votes. Members, the question is whether or not we should adopt AM1602. Call-in votes would be accepted at this point.

ASSISTANT CLERK: Senator Lindstrom voting yes. Senator Bostelman voting yes. Senator Linehan voting yes. Senator Lowe voting yes. Senator Crawford voting yes. Senator Stinner voting no. Senator Friesen voting yes. Senator Brandt voting yes. Senator Blood voting yes.

FOLEY: Record, please.

ASSISTANT CLERK: 26 ayes, 7 nays on the adoption of the amendment.

FOLEY: AM1602 is adopted. Raise the call. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Senator Wishart would offer AM1591.

FOLEY: Senator Wishart, you're recognized to open on AM1591.

WISHART: Good afternoon, colleagues. I'm here today to introduce AM1591 to LB519, a bill that seeks to close a loophole in Nebraska statute that deals with sexual contact with a law enforcement officer. I brought this bill after reading an article last year about a woman in New York who reported being sexually assaulted by two police officers, only to learn there was no law specifically prohibiting law enforcement officers from having sexual contact with somebody in their custody. These two officers claim that the woman consented to sex. I was shocked as I read further that as of 2018, 35 states, including Nebraska, have a loophole in their statutes that don't specifically prohibit a law enforcement officer from having sexual contact with someone they are detaining. Currently, existing Nebraska law has increased penalties for sexual contact with an inmate or parolee and states that an inmate or parolee cannot consent to sexual contact

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with an employee of NDCS or the Division of Parole Supervision. Colleagues, my goal with AM1591 is to extend the protections currently in state statute for inmates and parolees to all Nebraskans who are detained by a law enforcement officer. I worked on this legislation over the interim with the input from the ACLU, the Women's Fund of Omaha, the Nebraska State Patrol, and the Fraternal Order of Police. I believe it is in the best interest of law enforcement and their code of conduct to pass this legislation and have zero gray area and strict penalties when it comes to sexual contact of officers with detainees. I want to thank Senator Slama for her diligent work on LB519, and also for working with me on amending this important legislation. I believe the two bills are a natural fit. Thank you for your consideration.

FOLEY: Thank you, Senator Wishart. Senator Slama.

SLAMA: Thank you, Mr. President. I rise very briefly in support of AM1591. I thought it was a natural addition to the bill considering it's well within reason that these human trafficking victims could be further victimized with this loophole that Senator Wishart seeks to close. So I would encourage a green vote on AM1591, AM1460, and LB519; and thank you for your support. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Is there further discussion? Seeing none, Senator Wishart, you're recognized to close. She waives close. The question for the body is the adoption of AM1591. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the amendment.

FOLEY: AM1591 is adopted. Further discussion on LB519 or Judiciary Committee amendment. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Senator Chambers would move to amend with FA69.

FOLEY: Senator Chambers, you're recognized to open on FA69.

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CHAMBERS: Thank you. Mr. President, members of the Legislature, this is an amendment that makes some minor word changes. They don't alter anything about the bill. There has been an agreement by the introducer of the bill to this amendment. But for the sake of the record, I will read what it does. On page-- this is amending AM1460. Page 1, line 8, strike the words, quote, as a result of, and insert, approximately caused by. Then in line 7, strike the word "with" and insert the word "in" i-n. In line 14, strike the words "defendant's activities" and insert "actions of the defendant." Strictly word changes and there has been an agreement to this, so that's all that I have to say. Even though I feel a very strong temptation, because everybody is so eager to get out of here, to frustrate their plans and their desires, but I'm not going to give in to that temptation. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Any discussion on the amendment? Senator Slama.

SLAMA: Thank you, Mr. President. I would just like to briefly rise in support of this floor amendment and thank Senator Chambers for his respect of our time. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Chambers, you're recognized to close on your amendment. He waives close. The question for the body is the adoption of FA69. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 40 ayes, 0 nays on the adoption of the amendment.

FOLEY: FA69 is adopted. Is there any further discussion on the bill or the Judiciary Committee amendment? Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. I want to speak on-- I'm a cosponsor on LB519, and I want to speak to the seriousness of what we're talking about here in the state of Nebraska. If you don't think human trafficking exists in the state, if you don't think it happens in your community, if you don't think it happens in your district, you're wrong. In my district there are arrests happening, have happened on human trafficking of children. It does happen. It is something that we all need to be aware of. And those of you out there watching on TV or listening streaming this, please pay attention, because if you see something that doesn't look right, if it just is odd,

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call law enforcement, call someone, let someone know, let them check into it. You could just save a life. It's that important. This bill is very important. I appreciate and I thank Senator Pansing Brooks and Senator Slama for bringing this legislation. I urge us all to vote green on this. And I also urge us all when you go back out into your districts, you talk about this, you inform people, you let them know. Thank you, Mr. President.

FOLEY: Thank you, Senator Bostelman. Senate Lathrop, you're recognized to close on your Judiciary Committee amendment. He waives close. The question for the body is the adoption of AM1460, Judiciary Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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

FOLEY: The committee amendments are adopted. I see no further discussion on the bill. Senator Slama, you're recognized to close.

SLAMA: Thank you, Mr. President. I'll be very brief. I'd like to thank Senator Bostelman for his support of the bill as a cosponsor, and I would also like to thank, before we advance this bill, which I'd encourage your green vote on LB519, thank Senator Pansing Brooks for her tireless efforts over the last few years to fight human trafficking. Senator Bostelman is right, folks, it's happening in your districts. When I introduced this legislation, I was completely in the dark that this was going on much outside of the I-80 corridor and outside of Omaha and Lincoln. And boy, when I introduced this bill, I had folks come forward in my district saying, this person has been trafficked, would you like to hear their story? And those are stories that will stick with me until the day I die. So I'd like to thank everybody in this body for their support of this bill and for fighting human trafficking together. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Members, you heard the debate on LB519. The question is the advancement of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 45 ayes, 0 nays on the advancement of the bill.

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FOLEY: LB519 advances. Next bill is LB462. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LB462 introduced by Senator Friesen. (Read title.) The bill was read for the first time on January 18 of this year; referred to the Transportation and Telecommunications Committee. That committee reports the bill to General File with committee amendments. There are also additional amendments pending.

FOLEY: Thank you, Mr. Clerk. Senator Friesen, you're recognized to open on LB462.

FRIESEN: Thank you, Mr. President. Members of the Legislature, LB462 was a bill introduced to dovetail on our committee's interim study resolution during the last interim, LR426. The bill would make changes to Nebraska One-Call Notification System. As introduced, the bill would have required utility locators to be licensed, would have created a one-call dispute resolution board. During our hearing, there was much opposition to the bill, so the Transportation and Telecommunications Committee has adopt a committee amendment that takes away most of the opposition to the bill. In addition, we designated LB462 as our second committee priority bill and have added another utility regulation bill, LB617 to the committee amendment. LB617 has been significantly amended by the committee from its introduced version. As introduced, LB617 would have deregulated voice telecommunication services, including quality of service, customer service, and pricing in any exchange deemed competitive by the Public Service Commission. At this time I'd like to move on to the committee amendment.

FOLEY: Please proceed on the committee amendment.

FRIESEN: Thank you, Mr. President. The committee amendment strikes portions of LB462 relating to locator licensing and the dispute board resolution-- resolution board. Instead of licensing locators, we would allow the State Fire Marshal to review the training materials for locators if appropriate and to propose best practices for locators. We will still need to work on creating an entity to handle smaller disputes between locators and excavators and we plan to introduce an interim study resolution to study this issue again this summer. What LB462 does, as it would be amended, would require that plastic or nonmetallic underground facilities be locatable either by mapping or with tracer wire. The bill would require the board to assess the

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effectiveness of enforcement of the law and the board's damage prevention and public awareness programs and provide reports to the Legislature. LB462, as amended, would require a nonresponse from a utility or a contract locator to be conveyed to the center which would be conveyed by the center to the excavator and the utility. The bill would clarify that the One-Call Act applies not only to excavator liability, but also to operator liability for damages and requires that the Attorney General to provide an annual report on complaints made and the number of prosecutions each year. As far as LB617 portion of the amendment is concerned, all reference to local exchange service in areas deemed to be competitive are eliminated. This means that the Public Service Commission would continue to have all of its current authority with respect to quality of service and customer complaints. The major changes to current law would amend and eliminate notice and public meeting requirements for local telecommunications companies if they wish to raise local service rates. None of their other competitors have these requirements and it's time that these requirements are eliminated. I also have an amendment to the committee amendment that I'd like to present.

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

ASSISTANT CLERK: Thank you, Mr. President. First of all, I have a motion here from Senator Wayne with a note that you wish to withdraw.

FOLEY: Motion is withdrawn.

ASSISTANT CLERK: Next, Senator Friesen would move to amend with AM1670.

FOLEY: Senator Friesen, you're recognized to open on AM1670.

FRIESEN: The amendment to the committee amendment makes two changes. First, it strikes Section 13 of the amendment. This is an issue in the One-Call Act that relates to operator liability to an excavator for failure to locate facilities properly which could cause damage to the excavator. Again, this is something we need to explore in the interim study this summer and bring it back up in a bill next session. Second, the bill adds "and excavator" to language relating to the center's responsibility to notify operators when it receives a response that none of the

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operators underground utilities are in the excavator's area of planned excavation. I urge you to adopt this amendment and then the committee amendment. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Senator Friesen, I understand you're going to withdraw AM1670. Is that correct?

FRIESEN: Yes.

FOLEY: AM1670 is withdrawn. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Senator Friesen would move to amend with AM1736.

FOLEY: Senator Friesen, AM1736. You're recognized to open.

FRIESEN: That's the one I just talked about. We just had the wrong one up on the board.

FOLEY: Very good. Thank you for that clarification, Senator Friesen. Debate is now open LB462 and the pending amendments. Senator Hilgers.

HILGERS: Thank you, Mr. President; good morning, colleagues. I rise in support of LB462, all the amendments that are on the board, as well as another amendment that will come that I filed earlier this morning. And I want to thank Senator Friesen as the Chair of the Transportation and Telecommunications Committee, as well as the committee for helping-- to agreeing to have a portion of a bill that I had introduced, LB617, into this bill which is the committee priority bill. So, I just want to give-- I won't speak very long, but I do want to give a brief-- some background and context as to what LB617 did and then what pieces of that bill are in this particular bill. So one of the issues that we deal with in the Transportation and Telecommunications Committee, but it's specific on the telecommunications side, is we are-- we are trying to-- we struggle with and try to deal with, sort of, the changing nature of technology when it comes to telecommunications, and then how to match up and mirror and marry up our regulatory scheme. So if you think about land lines, you know, if you're old enough to have had-- never-- to have



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grown up before there were cell phones and you had the one land line provider or maybe you had AT&T back in the '60s or '70s, it used to be that you just-- there was a monopoly for land line telephone services. And so when we had that monopoly regime around the country, what happened is-- when you have monopolies you tend to not have the kind of competitive pressures to help drive down prices, help improve quality, and the like. And so what we had historically was a regulatory system through which those monopolies were regulated, and you had to do very specific things to ensure that prices couldn't-- consumers couldn't be gouged, consumers had certain rights and ability to have notice, and things like that. Over time with the explosion of other telecommunication services, whether it's cell phone, you know, the Verizons, Sprints, T-Mobiles of the world, or even through the VoIP phone systems where you're providing telephones through-- telephone service over an internet connection rather than over a land line, we've had an explosion of technology, an explosion of competition. And so, we have, in large part, a regulatory system hasn't totally caught up with the technological change. So what we had and what LB617 was initially intended to address is we sort of have a bifurcated regulatory system right now. If you are a legacy land line telephone company in Nebraska, and any of you who probably live in Lincoln or Omaha may not have that, you might have other options, you are regulated under a certain-- for your quality of service and price, you're regulated in a different way than if you just get your cell phone service through another provider. So what LB617 was intended to do was to take away some of the regulation for those legacy land line providers so that we had parity between competitor, real competitors, who were competing with the same service, the same product. In other words, there wasn't really a rationale reason, at least that's the premise of LB617, that there is not a rationale reason to treat them differently. So, LB617 was introduced to committee, there was opposition. There was some concern that the full bill and the quality of service piece, in particular, might go too far. So we agreed to significantly pare that back and actually leave the quality of service deregulation side, the parity side of that bill, which is really the heart of it, out, and we put in into the-- as part of the committee amendment into LB462, just really a smaller sliver. And really what this does, the sliver is is this, so one of the requirements for these land line carriers is that they have-- whatever they want to change their rates, they have to have this-- public informational meeting. It's not a hearing, it doesn't impact their ability to have the rate increase or not, it doesn't impact the ability of the PSC to have a hearing themselves. But what it does require are these companies to go and have a public information session in each PSC district across the state, which is a hoop that other companies

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don't have to jump through and-- at least historically, in the recent history people are not attending those meetings. So, I think last year, one of the telecommunication providers who this impacts said two people showed up the whole year,--

FOLEY: One minute.

HILGERS: Thank you, Mr. President. --the entire year. And in some meetings, no one shows up at all. So it's a small sort of additional cost burden that's put on one competitor in this marketplace. So the idea behind the amendment that's going into LB462 is part of AM1568 is just to say, hey look, you know, that one thing-- your other competitors don't have to do that, we're not going to require you to do that. And it's intended not to-- not to ensure that consumers still have the same rights. The amendment that's coming up in discussions with Senator Cavanaugh is to ensure, and I'd urge your green vote on that as well, is to ensure that subscribers still have a 60-day notice, so AM1568 would take out that notice. This would put 60-day notice back into the amendment and to ensure that consumers at least had a heads up before the prices might change. With that I'm happy to answer any questions and I'd urge your green vote on all of the amendments and underlying bill on the board. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Kolterman.

KOLTERMAN: Thank you very much, Mr. President. I was wondering if Senator Friesen would yield to a few questions.

FOLEY: Senator Friesen, would you yield to a question, please?

FRIESEN: Yes, I would.

KOLTERMAN: Senator Friesen, I'm not going to take a lot of time on this bill, but the just-- part of this is you're moving the one-call system from one department to another. Is that accurate?

FRIESEN: No, that's not accurate.

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KOLTERMAN: So what-- how does the Fire Marshal become involved in this?

FRIESEN: The Fire Marshal's Office has always been involved in it as they regulate gas pipelines and things like that. So they've always had that component and always will.

KOLTERMAN: So they-- are they the ones that do the inspections for the one-call system?

FRIESEN: They do the inspections of gas pipelines and liquid pipelines, things like that. The locators that I think is what talking about, the people who locate lines, is that your question?

KOLTERMAN: Yes.

FRIESEN: Those can be utility operator. They can be excavators who hire locators. They could be third-party locators.

KOLTERMAN: But they have to be licensed, according to this?

FRIESEN: No. We've taken that out. If you listened to my amendments, we removed that.

KOLTERMAN: OK. So that was removed?

FRIESEN: Yes. Now the Fire Marshal's Office will review their training material and see if that meets what they consider proper guidelines for training.

KOLTERMAN: The reason for my line of questioning is I recently had one of my constituents call me, he's been in the construction business for years, and he poured a cement parking lot, didn't do any excavating, so he didn't call one-call. Then after it was all done, the Fire Marshal came around and said, hey, you used stakes on that, you had to pound stakes in the ground, that could cause a \$10,000 fine. And he said, how much leverage can we give these Fire Marshals? I hear that all the time about the Fire Marshal's Office. So when I saw that they are involved in this, it just raised a question for me. Can you respond to that?

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FRIESEN: I can't answer that question, but I know we've had complaints about the Fire Marshal sometimes exceeding their authority. But really they only regulate like gas lines, liquid and high pressure gas lines, those type of things. They don't locate any or have anything to do with water lines, city utilities, telephone lines, they have nothing to do with any of that. So I don't know what the issue was.

KOLTERMAN: Who enforces the one-call, if somebody doesn't call one-call?

FRIESEN: Well, the Attorney General's Office, and that's part of the problem. What we're having is we have some disputes, but until they rise to the cost of about \$10,000, excavators are unwilling to go forward. They usually just eat the cost and so that's why we thought we would create this dispute resolution board to handle some of those smaller dollar amounts and not burden the Attorney General's Office with trying to enforce some of this. But the Attorney General's Office is the ultimately enforcement tool.

KOLTERMAN: I appreciate that. I'll support the bill, but I've had a lot of calls about the Fire Marshal being over-egregious. I just think that somehow we have to get control of that. But thank you.

FOLEY: Thank you, Senator Kolterman. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. I did not support this bill out of committee. I do appreciate the work that both Senator Friesen and Senator Hilgers have done on the bill. These amendments make some very important changes to the bill. But I do still have some underlying concerns. So this bill is two bills together: LB462, Senator Friesen's one-call bill; and LB617, Senator Hilgers' bill about the telecommunications consumer protections. And page 9 of the amendment still strikes out lines 13 through 26, which in my view and interpretation of this, and that of the Public Service Commission, is that we are taking away consumer protections that have been in place since the 1980s when this was first enacted. And actually at that point in time, this is the stripping down of previous consumer protections and we're stripping them down even further. I have concerns about taking authorities away from the PSC. I do appreciate the amendment for the 60-day notice so that consumers do at least know in

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advance when their rates are going up because there is a petition process that they can then begin to take if they so choose. And without that 60-day notice, they don't have an opportunity to do anything. And for many of our more rural populations, land lines are really a life line, because we don't have a great infrastructure for cellular out there. I know that the telecommunications companies have wanted this for a long time because of parity and that they are regulated at a higher standard than our wireless companies are. I appreciate that that's not fair or equitable. But in my conversations with the PSC, we have no authority to regulate wireless companies because of federal regulations. I am going to be submitting an interim study to look at what we can do, because I think that we should have parity in how we are regulating the same industry, but I don't think that parity should come with the stripping of consumer protections. And I think that that is a dangerous thing for us to be doing, especially for our rural communities where you're really held hostage to whatever these companies want to do because it is the only access you have. So I'm very concerned about that. I think that the changes that have been made to this bill, these amendments, help put some of that back in. I would really prefer to see lines 13-26 put back in entirely, but I understand that they're not going to be in. I will yield my time to Senator Hilgers to address some of that.

FOLEY: Thank you, Senator Cavanaugh. Senator Hilgers, 1:45.

HILGERS: Thank you, Mr. President. Thank you, Senator Cavanaugh. I want to thank Senator Cavanaugh, we've had a number of, I think, great conversations on this bill. And I understand and appreciate the concerns that she has articulated and I was hopeful we could address all of them to her satisfaction. And I think, ultimately, the bill as it-- what is being added into LB462, I don't think all consumer protections are created equally. I think there are consumer protections that go to the quality of service and the ability to the PSC to actually have oversight and open up hearings and do certain enforcement authorities. That actually really was part of LB617. That piece is not here. Really what this is, it is a consumer protection in a way, but it's really a-- it's just an additional hoop that this company, these type of companies have to jump through. And if they have to-- the thing about it is no one is really using it now. So as I mentioned before, two people showed up for at least one telecommunications company last year; a lot of these meetings no one comes up. So it's not-- and the other thing I would say is from a practical perspective--

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FOLEY: One minute.

HILGERS: Thank you, thank you, Mr. President. --from a practical perspective, there are restrictions on a company to actually treat rural versus not rural differently so they have-- these companies tend to have statewide pricing. And so, almost from a functional perspective, eliminating this notice or it's not even a-- this ability to have an informational meeting doesn't impact or even having the meeting doesn't really constrain them one way or the other. What constrains them are market dynamics and their ability to-- that they price statewide. So ultimately, I think it's a small thing. It's an extra hoop that they have to jump through. And I don't think with or without it it will impact the ability to consumers to be protected against price increases other than in any way differently than they are currently today. But it just removes-- makes this a little more business friendly and takes away a small additional burden for some companies here in Nebraska. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator McCollister.

McCOLLISTER: Thank you, Mr. President; good morning, colleagues. Briefly, Senator DeBoer's birthday today and she wants to get to the next bill, so I'll be brief. I wonder if Senator Friesen would yield to a question?

FOLEY: Senator Friesen, will you yield, please?

FRIESEN: Yes, I would.

McCOLLISTER: Thank you, Senator Friesen. The committee's statement is very interesting, tells an interesting story. Seven senators voted this bill out, but yet you look at the opponents of this bill and it's a who's who of the utility business. What magic did you do to change this bill to make it come out of your committee with a vote of 7-1.

FRIESEN: We have an excellent Chairman, along with an extra good committee who really works on trying to fix the complaints that we hear. We did--

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McCOLLISTER: That didn't quite do it, Senator Friesen.

FRIESEN: We negotiated with everyone. We took out several controversial parts and changed some others. We really did. We removed some contents completely. The head-- the dispute resolution board, we took that out. That would have had a fiscal note. They were very opposed to that. There were other things that we have addressed and we tried to tame it down and then we're going to do an LR over the summer to try and bring on the how we're going to do the dispute resolution board and things like that. We're going to work on that further.

McCOLLISTER: Your comment about being a-- having a quality Chairman seems to be accurate. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. Senator Groene. Is Senator Groene on the floor?

GROENE: Thank you, Mr. President. I'm not on the committee. I don't know much about the one-call. I know of it. But I get some constituents once in a while calling me complaining about it. For example, I've got guys that are small business people replacing sprinkler heads. They go out and they get a call in the summer time to replace sprinkler heads and things on underground irrigation-- lawn irrigation or-- one of them got pulled over by an inspector and threatened to get fined because he said he was replacing a sprinkler head because he didn't call one-call. And he said the statute says if you disturb the ground, if you disturb the dust, you have to call one-call. So Senator Friesen, would you answer a question?

FOLEY: Senator Friesen, would you yield, please?

FRIESEN: Yes, I would.

GROENE: Do you know what the statute says and how detailed it is? I didn't have a chance to look it up.

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FRIESEN: Well, we have not addressed any of those statutes. But I do believe, if you are excavating, if you have a shovel and you are digging in your yard, I think you probably should call diggers' hot line.

GROENE: So if I'm replacing myself a sprinkler head, I should call diggers' hotline?

FRIESEN: For your protection, you should.

GROENE: And wait three days when I got a half hour to do it after work?

FRIESEN: Well, again, I'm not going to answer that question because I don't know if there is things buried in your yard, but one of the hazards of digging without a one-call and calling them is if you would cut a fiber optic line, for instance, you will be responsible for repairing that and that can get really expensive. So it just depends on where you're at.

GROENE: So I till my garden, should I call?

FRIESEN: No.

GROENE: Why not?

FRIESEN: Tilling is exempt. I can go out in the field and do what we call regular farming practices and we do not have to call one-call. But if you would take a shovel and start to excavate, that's considered digging.

GROENE: So I'm tilling six inches with my tiller, but if I've digging five inches with a shovel around an old sprinkler head, I have to call one-call.

FRIESEN: That's to your benefit. I don't know that it specifies, but it says excavating.

GROENE: All right. So anyway, the problem here is if anybody knows the guys who go out and do that lawn service type, they're on their cell phones, how they exist, and they get calls all the



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time and they go from this block and they turn around and go the opposite direction and work on a sprinkler, or one that's leaking or a valve that's leaking. They're being told that they can't do that anymore. They got to call one-call first and go out there and have it checked out. So anyway, if that's the case, that's one of the areas I might look at legislation last year. There's got to be some kind of common sense in this law. But I haven't had time to research it. But I appreciate Senator Friesen answering the questions he could. All right. He wants that-- be asked the question again. I'm going to ask you a question. Go ahead and answer it, Mr. Carmack.

FRIESEN: So, if for instance, you are out replacing your sprinkler and someone drives by, they cannot just fine you for digging in your yard without calling one-call. There is no such thing. The punishment would come if you hit something, then you're liable for the damage. But there is no--

FOLEY: One minute.

GROENE: Thank you.

FRIESEN: --ticket or offense for digging.

GROENE: But this was a state inspector who happened to be driving by on another major job he came to check and he seen him out there and he pulled over and started lecturing him about it. He didn't fine him. He just said, you cannot do that, you have to call and do the one-call. So anyway, thank you, Senator Friesen. Maybe I'll talk to you about a clarification in small statute next year that might be on consent calendar. Thank you.

FOLEY: Thank you, Senator Groene and Senator Friesen. Senator Friesen, I see no further discussion on AM1736. You're recognized to close on your amendment. He waives close. The question for the body is the adoption of AM1736. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the amendment.

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FOLEY: AM1736 is adopted. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Senator Hilgers would move to amend LB462 with AM1837.

FOLEY: Senator Hilgers, you're recognized to open on AM1837.

HILGERS: Thank you, Mr. President. Briefly, this is the amendment I mentioned earlier, that we worked on with Senator Cavanaugh. It puts back in the 60-day notice requirement into the bill. I'd encourage your green vote on this amendment. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Any discussion on the amendment? I seeing none. Senator Hilgers, you're recognized to close. He waives close. The question for the body is the adoption of AM1837. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, please.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the amendment.

FOLEY: AM1837 is adopted. Is there any further discussion on LB462 and the pending Transportation Committee amendment? I see none. Senator Friesen, you're recognized to close. He waives close on AM1568, Transportation Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: The committee amendments are adopted. Any further discussion on the bill? Senator Friesen, you're recognized to close on the advance of the bill. He waives close. The question for the body is the advance of LB462 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 37 ayes, 0 nays on the advance of the bill.

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FOLEY: LB462 advances. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LB680 introduced by Senator DeBoer. (Read title.) The bill was read for the first time on January 23 of this year and referred to Judiciary Committee. That committee reports the bill to General File with committee amendments.

FOLEY: Senator DeBoer, you're recognized to open on LB680.

DeBOER: Thank you, Mr. President. Also, thank you to everyone here for staying for my priority bill. To happen on my birthday, and it might go a few minutes over noon, but thank you for staying to do that. I'm going to do it the short, short version here because this bill is very straightforward. It is the civil side to go with the criminal side that we did earlier today when we talked about the Judiciary Committee's priority bill regarding the unlawful disclosure of intimate images. This is the Uniform Civil Remedies for the Unauthorized Disclosure of Intimate Images Act. You don't have to be able to say it in order to vote for it, so please don't let that stop you. This is a uniform act which means that where there are lots of different state legislatures making lots of different laws, there is a uniform commission to try to make those laws the same throughout the country for areas where it was better for there to be similar laws in order going across state laws, similar to the Uniform Commercial Code. This is the uniform law that would deal with what they sometimes refer to as revenge porn. It's a little broader than that because it also includes if you're trying to bribe someone or something like that. It is a civil cause of action. Criminal law is for those harms against society. We dealt with those earlier. And civil law is for harms against individuals. So this is where you would sue someone for money for disclosing an intimate image which was made that was private and intended to be private and was nevertheless "nonconsentually" shared. So that is the gist of this act. And if you have any questions, I'm sure we'll be happy to answer-- I'll be happy to answer them.

FOLEY: Thank you, Senator DeBoer. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Lathrop, you're welcome to open on the committee amendment.

LATHROP: Thank you, Mr. President and colleagues. The Judiciary Committee voted to amend LB680 with AM1537 on a vote of 7-0 with one person absent. The committee voted to advance

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the amendment on the same 7-0 vote with a member absent. AM1537 replaces the original bill. The amendment makes three changes, colleagues. The first change would be to remove the section of the bill creating a new process for a plaintiff, that's the person bringing the action, to proceed using a pseudonym to pursue the action under the act. A plaintiff would still be able to use that pseudonym process, but under existing procedures in Nebraska law. A second change would be to revise the section about damages to replace the uniform act discrimination of, quote, statutory damages, end quote, with a description of presumed damages to ensure the act would not-- to ensure the act would be consistent with Article VII, Section 5 of our state constitution. The third change would clarify that internet computer service providers would only be liable if they were involved in the creation or development of the information transmitted through their service. With that I would encourage your support of AM1537 and LB680. Once again, this is a little bit of a companion to the bill that we moved earlier by Senator Morfeld dealing with what is generally referred to as revenge porn. This is a uniform act that's been brought to us by the Uniform Law Commission, and I think it merits our approval. Thank you.

FOLEY: Thank you, Senator Lathrop. Is there any discussion on LB680 and the pending Judiciary Committee amendment? I see none. Senator Lathrop, you're recognized to close on the committee amendment. He waives close. The question for the body is adoption of AM1537 committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: Committee amendments are adopted. Further discussion on LB680 as amended. Senator Lathrop.

LATHROP: Colleagues, sometimes we need to burn a little clock and that's happening right now while some documents are being signed and offered. I don't know if they're amendments or what they are. But going back to the underlying bill-- this is the civil cause of action. Earlier we dealt with the criminal-- criminal component to revenge porn. This is the civil action; it allows for somebody to bring a cause of action in the event. And I think that should do it. I appreciate your support of LB680. Thank you.

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FOLEY: Thank you, Senator Lathrop. Senator Wayne.

WAYNE: Thank you, colleagues. I was working on something with Speaker Scheer. I just need to address some things about ending the session early. Last year, three bills were vetoed after we left: LB449, LB998, LB873. Right now online, because I've been working with the prosecutors, I'm pulling my hemp bill back; the hemp bill that many of these farmers want. If it's not on the agenda Tuesday, possibly on the agenda Wednesday, I will not make that deadline and your hemp bill could be vetoed without us being back here. Mass transit, the way the schedule looks, could be vetoed without being a vote override. Property tax, we're not going to get there, I guess. We only got-- got to be on the agenda on Tuesday or Wednesday. We need time. And more importantly, we need to start having conversations today. So I'm not going to keep this going any longer. But I'll be in my office afterward for a couple of hours if we want to start talking property tax and LB720, all those conversations, it needs to happen. I don't fear 7 days; we have 21 days. We can do something this year if we choose to. We can all vote no on May 31 when we make a motion to adjourn sine die and we can stay. I've built my entire practice and my entire schedule around this agenda. I'm here. I expect the same sacrifice from everybody else who is here for \$12,000 a year. So, I just want to keep that in mind as we go through this weekend, how serious are we about getting stuff done? Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senator DeBoer, you're recognized to close on the advance of LB680. She waives close. The question for the body is the advance of LB680 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the advancement of the bill.

FOLEY: LB680 advances. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. Revenue Committee reports LB153 and LB288 to General File; LB288 having committee amendments. Additionally, Enroll and Review reports LB686 and LB592 both having-- to Select File, both having E&R amendments. Notice of committee hearing from the Business and Labor Committee. LR142 introduced by Senator Hughes; that will be referred to the Executive Board. LR143 introduced by Senator Albrecht,

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that will also be referred to the Executive Board. LR144, introduced by Senator Matt Hansen, is referred to the Executive Board. LR145 introduced by Senator Hunt will be referred to the Executive Board. LR146 introduced by Senator Wayne will also be referred to the Executive Board. LR147 introduced by Senator Hansen, that will be read and laid over. LR148 introduced by Senator La Grone will be referred to the Executive Board. LR149 introduced by Senator Wayne, that will be referred to the Executive Board. Amendments to be printed: Senator Bolz to LB109; Senator Briese to LB183; Senator Linehan to LB289; Senator Wayne to LB657. LB289A introduced by Senator Linehan, (Read LB289A by title for the first time.)

Finally, Mr. President, Senator Matt Hansen would move to adjourn the body until Tuesday, May 21, 2019, at 9:00 a.m.

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