

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

Floor Debate
May 30, 2019

[]

[RECORDER MALFUNCTION.]

CHAMBERS: "It will then have been proved that, among free men, there can be no successful appeal from the ballot to the bullet; and that they who take such appeal are sure to lose their case, and pay the cost. And then, there will be some black men who can remember that, with silent tongue, and clinched teeth, and steady eye, and well-poised bayonet, they helped man kind on this great consummation; while, I fear, there will be some white ones, unable to forget that, with malignant heart, and deceitful speech, they strove to hinder it." These racist monuments down south, where large numbers of black men and women live, honoring these racist confederates should be destroyed. They should not be put in museums anymore than museums should be filled with swastikas to commemorate what the Nazis did, and keep these things so that future generations will know. Many of these things in the south were not contemporaneous with events that took place. They were elected during the time of so-called integration struggles, when black people had the nerve to think that their children should be allowed to attend public schools. And there were white people who did not think so. And these brave, courageous white men and woman and their children would gather around these grade schools, even. And children as young as five years old going into the kindergarten had to be accompanied by federal marshals because white men and grown women were throwing projectiles at these little children. My little black children, you little black children. All of our children. I don't treat your children, when they come around me down here, the way ours were treated. I would never turn my back on one of those children. And if some of you have been around my office at the right time, you have seen and heard the way when they come through the hall and the teacher identifies me and they say, oh, he's in our textbook. And then a cheer goes up. And I don't do like white people had done and turn my back and say, get away from me, you little-- and give a string of insulting, racist condemnations to those children.

FOLEY: One minute.

CHAMBERS: I believe in the power of the example. And that's what I want to be. But maybe I've made a mistake. And I should accept from you the same principle I guide my life by and that

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

Floor Debate
May 30, 2019

you believe in the power of example. And you have shown me by the way you mistreat black people and our children and raped our women the way I should treat you today, to the extent that I can. Be rude, be insulting, make you feel subhuman like you have done to us so many years. Why do you think that I react to things this late in the history of this country the way that I do? Because I read. And I can understand what I read. I have read your Constitution. I have read Supreme Court decisions interpreting your Constitution.

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

CHAMBERS: Thank you, Mr. President.

FOLEY: You're recognized for your third opportunity.

CHAMBERS: I've read your laws, federal and state, court opinions. I have won cases in your white courts and have been quoted favorably in federal courts. And it happens we're dealing with an anti-woman bill today, LB209. And there was one like that passed by the Nebraska Legislature with every Senator voting for it, save one, and I was that one. And I was the one that the federal district court, the federal court of appeals in Kansas City; and the U.S. Supreme Court sitting in Washington, D.C. I was quoted on their way to striking down that execrable law as unconstitutional. It violated you white peoples' Constitution, and every one of you voted for it. And the black man tried to tell you, but you wouldn't listen. But there are some white people who think more of the welfare of the country than they think of the racism of some of these small, narrow-minded members in legislatures all around this country. And you see that attitude being manifested by these kind of laws, as they call them. Being enacted against women by men and misguided women, telling women that these vicious men have the right to control the way a woman uses her body. They have the right, they feel, and the power to say, we are going to treat you differently from the way we would treat you if you contracted a communicable disease from body, from somebody. We don't make you carry that decease untreated until it runs its course, even if it means killing you. But when you are impregnated and you are carrying the genetic material of a racist, a vicious racist, you must keep that racist genetic material in your body until it reaches fruition. You must do that. Your disease cannot be treated, because these vicious white men have said so. And that's the way they mistreat their own white women. Their mamas were

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

Floor Debate
May 30, 2019

white, their grandmas were white, their daughters are white. And if you think that little of your own, I know what you thing of mine. And you know who showed that? You have bills here against human trafficking, sex trafficking. George Washington was a sex trafficker, Thomas Jefferson, Patrick Henry, James Madison, Andrew Jackson, Alexander Hamilton. All of them sex traffickers, rapers of black women and little girls. And you teach children that these are the examples, and that same spirit is in these white men in these legislatures who are telling you white women what you cannot do with your bodies. And you had better wake up and good out and vote. That's all that they pay attention to. You can moralize all you want to. You going to try to persuade the Catholic Church through moralism when they have priests, from the pope on down, raising and messing over little boys. And you're going to talk to morality to them? And they're the ones who said, you have got to keep the genetic material in this rapist in your body for nine months because these vicious white men say so. Suppose your mama had been raped, what would you think then? And your half brother is the child of a rapist?

FOLEY: One minute.

CHAMBERS: Did you say time?

FOLEY: One minute.

CHAMBERS: Thank you, Mr. President. Once again, I chose--

[RECORDER MALFUNCTION]

FOLEY: Record, please.

CLERK: (Record vote.) 47 ayes, 0 nays on the adoption of the report.

FOLEY: The report is adopted. Before proceeding, the cookies that were distributed on the floor this morning were in recognition of Senator Hilkemann's 49th wedding anniversary.

Congratulations, Senator Hilkemann. Second confirmation report from the Government Committee, Mr. Clerk.

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

Floor Debate
May 30, 2019

CLERK: Senator Brewer would report on the appointment of two appointees to the State Personnel Board.

FOLEY: Senator Brewer, you're recognized to open on the confirmation report.

BREWER: Thank you, Mr. President. Again, on Tuesday, May 21, the Government Committee held a hearing on these two appointees by the Governor. Those two appointees to the State Personnel Board are Christopher Waddle, he's the President of the Giltner School Board. He's worked in human relations with Central Community College in Grand Island and was previously appointed by the Governor Heineman to the State Personnel Board. The second nominee is Sharon Rues, she works human resources at Mutual of Omaha and is past, has been past experience in the Nebraska Department of Transportation. Again, the committee members had an opportunity to speak with each of the individuals. Exec Session followed, a committee vote of 8-0 recommending their confirmation. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Discussion on the report. I seeing none. Senator Brewer, you are recognized to close on the report. He waives close, and the question before the body is the adoption of the second confirmation report from the Government, Military and Veterans Affairs Committee. Those in favor vote aye; those opposed vote nay. Have you all vote who care to? Record, please.

CLERK: (Record vote.) 47 ayes, 0 nays, Mr. President, on adoption of the report.

FOLEY: The reported is adopted. We will now proceed to the reports from the Nebraska Retirement Systems Committee. Mr. Clerk.

CLERK: Mr. President, Retirement Systems, chaired by Senator Kolterman reports on the appointment of Janis Elliot to the Public Employees Retirement Board.

FOLEY: Senator Kolterman, you're recognized to open on the first of what I understand is three different confirmation reports. Senator Kolterman.

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

Floor Debate
May 30, 2019

KOLTERMAN: Yes, thank you, Mr. Lieutenant Governor. The Nebraska Retirement Systems Committee held a confirmation on May 23 for Janis Elliot. Ms. Elliot has been reappointed by the Governor to serve a third five-year term on the Nebraska Public Employee Retirement Board as one of two members representing schools. Ms. Elliot was originally appointed to the board in 2009, was reappointed in 2014. The Nebraska Public Employees Retirement Board oversees all the retirement plans. Ms. Elliot has her master's from UNO in science education with an emphasis in physics. She has taught in Nebraska public schools since 1994 and is in her thirty-fifth year of teaching. She is currently the chair of the science department of Central High School in Omaha. Ms. Elliot has served as chair of the Public Employees Retirement Board since 2017. She has also served as vice chair of the PERB and committee chair for several of PERB's committees. She is currently on the executive committee of National Council of Teacher Retirement and made a presentation at Harvard as a panelist during national training seminars for NCTR. Her background and expertise, extensive experience will continue to make her a valuable member of the Nebraska Public Employees Retirement Board, which oversees all of our retirement plans. The Retirement Committee unanimously voted to move Ms. Elliot's appointment to the Legislature for confirmation. I would ask for your support in confirming this appointment to the Nebraska Public Employee Retirement Board. Thank you.

FOLEY: Thank you, Senator Kolterman. Is there any discussion on the first of three reports from the Retirement Committee? I see none. Senator Kolterman waives close, and the question before the body is the adoption of the first of three reports from the Retirement Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote.) 48 ayes, 0 nays on the adoption of the report, Mr. President.

FOLEY: The report is adopted. Next report, Mr. Clerk.

CLERK: Retirement Systems reports on the appointment of Allen Simpson to the Public Employees Retirement Board.

FOLEY: Senator Kolterman, you're recognized to open on the second confirmation report.

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

Floor Debate
May 30, 2019

KOLTERMAN: Thank you, again. And good morning, colleagues, again. The Nebraska Retirement Systems Committee held a confirmation hearing on May 23 for Allen Simpson. Mr. Simpson may sound familiar to you. He was confirmed earlier this year to serve as the public at-large member of the Public Employees Retirement Board. However, he was recently hired as a risk manager for the state of Nebraska, and thus became a state employee and was no longer eligible to serve as the at-large representation, representative of the board. Mr. Simpson was recently appointed by the Governor to serve as the State Employees Retirement representative on the Public Employees Retirement Board with the previous representative-- when Denis Blank resigned last month. This term expires next year. Mr. Simpson graduated from Northwest Missouri State University with a bachelor's in office administration and secondary education. He was previously employed as a comptroller commander of the Nebraska Air National Guard, where he worked from 1995 until he retired in 2017. He formerly served as a budget analyst with the Nebraska Air National Guard for three years, as an accounting technician for the Missouri Air National Guard. He received a certified defense financial manager level 3 certification from the Department of Defense, which is the highest financial certification from DOD. His background will make him a valuable member of the Nebraska Public Employees Retirement Board, which oversees all the state retirement plans. Again, the Retirement Committee unanimously voted to move Allen Simpson's appointment to the Legislature for confirmation. I ask for your support in confirming this appointment to the Public Employees Retirement Board.

FOLEY: Thank you, Senator Kolterman. Is there any discussion on the second confirmation report from the Retirement Committee? I see none. He waives close, and the question before the body is the adoption of the second confirmation report from the Retirement Systems Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: (Record vote.) 45 ayes, 0 nays, Mr. President, on the adoption of the report.

FOLEY: The confirmation report is adopted. Next report, Mr. Clerk.

CLERK: The third Retirement Systems report appoints-- reports on the appointment of Michael Jahnke to the Public Employees Retirement Board.

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

Floor Debate
May 30, 2019

FOLEY: Senator Kolterman, you're recognized to open on your third confirmation report.

KOLTERMAN: Thank you, again. The Nebraska Retirement Systems Committee healed a confirmation hearing on May 23 for Michael Jahnke. Mr. Jahnke was appointed by the Governor to serve as the State Patrol representative on the Public Employees Retirement Board when the previous representative, Dennis Leonard, resigned earlier this year. This term expires next year. He holds a BA in public administration from Doane University, and graduated from the Federal Bureau of Investigation National Academy in 2010. He holds a certificate of achievement from the University of Virginia in criminal justice education. Mr. Jahnke, Jahnke, is a major with the Nebraska State Patrol and currently serves as the western operations commander. His 25-year service with the patrol has included duties and responsibilities in operational, investigative, and administrative functions. Prior to joining the Nebraska State Patrol in 1994, he served in the U.S. Air force, serving the majority of his time stationed overseas. His 30-plus years of service include a deployment to the Persian Gulf in support of Desert Storm. The committee received a strong letter of support for Mr. Jahnke and previous State Patrol PERB member Dennis Leonard. His background will make him a valuable member of the Nebraska Public Employees Retirement Board, which oversees all the state retirement plans. The Retirement Committee unanimously voted to move Michael Jahnke's appointment to the Legislature for confirmation. And I'd ask for your support in confirming this appointment. Thank you very much.

FOLEY: Thank you, Senator Kolterman. Is there any discussion of the report? I see none. Senator Kolterman waives close, and the question before the body is adoption of the third confirmation report from Retirement Systems Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote.) 47 ayes, 0 nays on adoption of the report.

FOLEY: The confirmation report is adopted. We will now proceed to confirmation report from the Transportation Committee. Mr. Clerk.

CLERK: Mr. President, Transportation Committee, chaired by Senator Friesen, reports on the appointment of Ann Richart as director at the department-- or the Division of Aeronautics.

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

Floor Debate
May 30, 2019

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

FRIESEN: Thank you, Mr. President. Members of the Legislature, I ask you to confirm the Governor's nomination of Ann Richart to the head of the Division of Aeronautics within the Nebraska Department of Transportation. Our committee held a confirmation hearing on Tuesday, where Ms. Richart testified about her experience in the aviation industry. A graduate of the Embry-Riddle Aeronautical University in aeronautical studies with an emphasis in management, Ms. Richart began her career at a small airline in Alaska. She has been an airport director at airports in Oregon, her home state, and Kansas, New York state, and Massachusetts. She also worked as director of the Oregon Department of Aviation for six years. The committee was impressed by her credentials and presentation, and she appeared to be highly qualified for the position. I urge you to confirm Ann Richart as the director of the Division of Aeronautics at the Department of Transportation. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Discussion is now open on the Transportation's confirmation report. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. Thank you, Senator Friesen for bringing that. I rise today to talk about the Department of Transportation. I think Ms. Richart is a good nominee and should be adopted or appointed. My issue is dealing with the Department of Transportation. And for the lack of a better term, lack of common sense. For years, the city of Oshkosh has asked the Department of Transportation to lower the speed limit from 45 to 40. They claim that they have a study, a transportation study, and whatever information they have, that says that is not a safer speed than 40, 45 is safer than 40. I don't understand it, don't comprehend it. There are other issues that I've had discussions with, with the Department of Transportation that have not gone well. I'm not sure exactly why they do some of the things they do. But going forward, we will have to try to figure out a way to help them understand what common sense looks like. And if that involves changing a statute, then we will do that. But I've been talking to these people in the Department of Transportation for a long time, since 2005, when I first became a county commissioner. One thing that kind of comes to the surface is the Department of Transportation is the state of Nebraska, and the rest of us are aliens. I'm tired of it. OK? So we have had some discussions and Kyle has worked with me in some areas. And some areas, it hasn't been so good.

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

Floor Debate
May 30, 2019

So I thought I'd take this opportunity to share any frustration. I know it's the end of the session and people's fuses get a little short. But this has been ongoing for a long, long time. And so we have got to come to some understanding on how we do things in the state of Nebraska. Thank you.

FOLEY: Thank you, Senator Erdman. Is there further discussion? I see none. Senator Friesen, you are recognized to close. He waives close and the question before the body is the adoption of the confirmation report from the Transportation and Telecommunications Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: (Record vote.) 48 ayes, 0 nays on adoption of the report.

FOLEY: The confirmation report is adopted. Next confirmation report comes from the Business and Labor Committee. Mr. Clerk.

CLERK: Mr. President, the Business and Labor Committee, chaired by Senator Matt Hansen, reports on the appointment of Gregg Neuhaus to the Commission on Industrial Relations.

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

M. HANSEN: Thank you, Mr. President, and good morning. Members of the Legislature, as Chair of the Business and Labor Committee, I present to you the confirmation report for Gregory Neuhaus on his appointment to the Commission on Industrial Relations, commonly called the CIR. We were referred this appointee on May 15, and to accommodate the early adjournment of the session the committee had a public hearing on Mr. Neuhaus on May 23, last Thursday, where Mr. Neuhaus appeared by phone. I want to bring to everyone's attention that the committee voted unanimously to present Mr. Neuhaus' appoint to the Legislature without a recommendation. Rule 3, Section 4(4), requires that a committee shall prepare a report which approves, rejects, or makes no recommendation on the appointment. Also, according to our rules, in the event that a committee files a report make no recommendation on appointment, the Legislature shall consider a motion to approve the appointment. To put simply, the motion before you is to approve Mr.

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

Floor Debate
May 30, 2019

Neuhaus to the CIR, and that motion will require 25 votes. First let me give you a brief summary of what the CIR is and does. The CIR is a state agency designed to resolve public sector labor controversies with jurisdiction over state and local government employees. The CIR is an administrative agency with quasi-judicial powers. The constitution authorizes such an agency, and it was first created by the Legislature in 1947. The CIR is made up of five part-time commissioners appointed for six-year terms. When an impasse in negotiations between an employer and the union occurs, a case is filed with the CIR-- as assigned. Decisions of the CIR are appealable directly to Court of Appeals. And as a quasi-judicial agency, commissioners are tasked with dealing with specific and technical aspects of employment law. Mr. Neuhaus is being appointed to fill a vacancy on the CIR created when former commissioner David Partsch was appointed to the county court judge in Otoe County. This partial term expires on June 9, 2019, so Mr. Neuhaus is also being appointed to a full six-year term that runs until June 9, 2025. At the hearing, Mr. Neuhaus shared that he is an attorney in private practice, with his experience has been general practitioner with background in both civil and criminal law. At the hearing, a senator asked specifically about his experience in labor and employment law, and Mr. Neuhaus answered, and I will quote here, "Really not in labor law. I follow it, I read the decisions of the CIR and, of course, the appeals. I think by not having a great deal of experience in labor law it maybe gives me a little bit more of an unbiased view going to the commission. End quote. Following Mr. Neuhaus' testimony, there was opposition testimony from Susan Martin, representing the Nebraska State ALF-CIO, the NSEA, and the Nebraska Labor Unity Council, and the Teamsters Local 554. Ms. Martin's testimony was focused on their view that Mr. Neuhaus lacked the experience in the areas of law pertaining to the types of cases that would come before the CIR. Looking at the statutes governing qualification is 48-805, Nebraska Revised Statutes. It states that commissioners shall, quote, Be appointed because of their experience and knowledge in legal, financial, labor and industrial matters, end quote. Because of my concern for Mr. Neuhaus' lack of experience in labor and industrial matters and discussion with other committee members, it was my judgment that the committee was not going to recommend him for approval. However, it was our obligation as a committee, under our rules, to forward it to the Legislature whole on whether or not he should be approved. And thus, I made the motion to advance the appointment without a recommendation. And I will note that I have just handed out a handout prepared by our clerk entitled Committee Confirmations of Gubernatorial Appointments that summarizes our rules and our three options. And will note that

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

Floor Debate
May 30, 2019

we took the third option on that list. As I discussed with committee numbers, this would allow each of them to share their perspectives on the appointment on the floor, if they should choose to do. As such, the committee makes no recommendation on Mr. Neuhaus' appointment to the CIR. I've handed out copies of his resume that was provided at the committee, as well as a rough draft couple of the testimony-- oh, sorry, a copy of the testimony in opposition by Ms. Martin, as well as rough draft copy of the transcript of the public hearing for the body's consideration. A final reminder that a green vote is to approve him to the CIR, and that his approval will require 25 votes. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Discussion on the report. Senator Bolz. Senator Bolz, you are recognized.

BOLZ: Thank you, Mr. President. I rise in opposition to this confirmation report and want to provide a little bit of legislative history for similar types of conversations on the floor. Two years ago when Colonel Rice was debated for confirmation on the floor, several questions came up about his ability to serve in that position. His past experience specifically showed that he had had some challenges in terms of managing culture within his positions. That was debated on the floor and Colonel Rice was appointed anyway, over my opposition and over the opposition of six others. Later, in May of 2019 [SIC], Colonel Rice was let go by Governor Ricketts. The colonel did not live up to the Governor's expectations, he did not maintain the confidence of the public. And colleagues, we had that information. And that information was provided based on his employment history, debate on the floor, the transcript from the committee hearing, and the input of stakeholders who had information to share with us about the colonel's previous history. So colleagues, when we don't pay attention to confirmation reports, things don't work out as they should. And I don't believe that this individual, Mr. Neuhaus, has the expertise necessary to effectively serve in this role. I think that that was articulated in the hearing and in the transcript, and I don't think he deserves our confirmation. If we confirm him in anyway, we may lead up to a similar position, we may be in the very same circumstances as we had with Colonel Rice. Let's learn from past experience. Let's hold off on a confirmation for the CIR at this point and wait for a better, more well-suited candidate. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Senator McDonnell.

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

Floor Debate
May 30, 2019

McDONNELL: Thank you, Mr. President. I don't know Mr. Gregory M. Neuhaus, I have nothing personal against him. I appreciate Senator Hansen handing out his resume. I believe there's a lot of great work here, legal work. I just don't believe that past work and that experience puts him in a position to serve on the CIR. Earlier, Senator Hansen had read some of the testimony, which all of you have it, page 4 of 9. There's also a followup question by Senator Lathrop. "OK, so you've never, either for the employer or the employee side, done any employment law or negotiated any kind of labor contracts, anything like that?" Mr. Neuhaus responded with "I have not." Because of his lack of experience in labor law, I will not be able to support Mr. Neuhaus today. Thank you, Mr. President.

FOLEY: Thank you, Senator McDonnell. Senator Crawford.

CRAWFORD: Thank you, Mr. President. Good afternoon, colleagues. Well, my colleagues, honorable Senator Bolz and honorable Senator McDonnell, have already spoken about many of the issues that I was going to say. So to-- I think they don't need to be repeated. I stand in opposition to this nomination, this appointment. And one key part of the committee process is reflected in the transcripts, and that's what Senator McDonnell just pointed you to, and I just want to reemphasize that, and that's on page 4 of 9 at the bottom of the page. And so in the bottom of the page we, Senator Lathrop asks if he, "So you have never, either for the employer or employee the side, done any employment law or negotiated any kind of labor contracts or anything like that." And the appointee said, "I have not." So I'm concerned about an appointee coming into this position without adequate experience, and I urge your opposition as well. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Lathrop.

LATHROP: Thank you, Mr. President, colleagues. As Senator McDonnell said, and I agree, I don't know Mr. Neuhaus and this is not personal thing for me. It's certainly not a partisan thing in any respect. As many of you know, I spent a little bit of time working on the Commission on Industrial Relations when I was here my first time. And as a body, we don't function like the federal government, typically, where the President makes an appointment and the Senate confirms and the person ends up on the bench. In Nebraska, we have a whole different approach

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

Floor Debate
May 30, 2019

when it comes to judges, except when it comes to the Commission on Industrial Relations. These men and women who serve as commissioners used to be called judges. And at some point back when I was serving and we made some changes, we started calling them commissioners. We do have the opportunity, though, and you should regard this as an opportunity to confirm a judge, because that's exactly what they do, they decide disputes for public employees between the state or a political subdivision and labor organization. And the statute that controls our discussion today is only one sentence long, it's 48-805, and it says: the commissioners shall be appointed because of their-- because they are representative-- pardon me. The commissioners shall not be appointed because they are representatives of either capital or labor, but they shall be appointed because of their experience and knowledge in legal, financial, labor, and industrial matters. Those are the four things that you need to see on somebody's resume. And Mr. Neuhaus, same kind of practice I had when I first started out, it's a pretty general practice, but it doesn't include labor law. And my concern, my opposition, is not to the fact that he is not a competent lawyer. I suspect that he is very competent. Probably has a good rating through Martindale-Hubbell, his coworkers or his contemporaries that rate him probably give him a satisfactory rating. The question is whether he meets the qualifications of the statute. And when he answered a question for me, he was very candid about it: No, I don't have any experience. I've never done a labor contract, never done a labor dispute. And I would submit to you, I would submit to you that there is a lot of attorneys who have, who have some background, who would make a suitable person to be a judge in these type of disputes. And so my opposition has to do with whether he meets the statutory qualifications as set out in 48-805. And by his own acknowledgment, he does not. And for that reason, I'll oppose the nomination. Thank you, Mr. President.

FOLEY: Thank you, Senator Lathrop. Senator Halloran.

HALLORAN: Thank you, Mr. President. Good afternoon, colleagues, Nebraskans. What I look at when I look at an appointment for something like this, and Senator Lathrop is right, it's a judge position, essentially a judge position, is someone who is neutral and who is as unbiased as can possibly be. And that's a challenge in today's world to be unbiased, but Mr. Neuhaus presented himself, I believe, in a manner that would suggest he is unbiased. I know we should be electing some people, someone with experience, but with experience can come bias. So I think it's rather refreshing that this gentleman does not come with that potential bias. Looking at

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

Floor Debate
May 30, 2019

previous appointments to the Commission on Industrial Relations, we've had several, we had several that didn't meet those prescribed requirements set out in statutes for past experience. One was Karen Flowers, who was voted in on the 4th month, 24th day, 1991. Twenty-six aye, 7 no-- or 0 no, excuse me. And her law experience was this: domestic relations. Period. No labor experience, no labor relations, no labor contracts. Domestic relations. Now I don't know this lady and her performance on this commission, but I'm going suggest that she possibly did very good job. The second individual, William G. Blake, who is currently on the commission, in similar fashion, he was voted in but he had the following qualifications: investor rights and insurance, civil litigation, contract negotiations, estate planning, and small business advising. I do not know Mr. Neuhaus, but I look at his resume and he obviously understands the law, understands how to understand the law, and would be very qualified under any of the circumstances, as were these two people I just mentioned, who had no experience in labor relation laws, labor contracts. And so I will fully support the appointment of Gregory Neuhaus. Thank you.

FOLEY: Thank you, Senator Halloran. Senator Albrecht.

ALBRECHT: Thank you, President Foley and colleagues. I rise in favor of this confirmation. I did, too, serve for two years as Chairman of Business and Labor, and I did remember Patricia Vannoy. We appointed her and it was-- she had no labor law as well. When I look at, Senator Crawford, on page 5 of 9, and the transcriber actually showed that you had asked why this person would like to serve on the CIR, and Mr. Neuhaus said, well, as you know, I have practiced for a long time and I think I know the law quite well. Although, obviously I don't know the labor law as much as I will probably in the next couple of months, but it's a matter of service to the state. I think it's an important job. It's something that I think you, you want to have an attorney who has a well-rounded background in law and can study the law, learn the law quickly, and apply it as it's meant to be applied. Obviously, you know, CIR follows the statutes that the Legislature passed. You don't, you don't make the law, you follow the law. So I think I can do a good job, and that's why I would like to do it. Now, my question, if Senator Hansen, Matt Hansen, would yield to a question.

FOLEY: Senator Hansen, would you yield, please?

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

Floor Debate
May 30, 2019

M. HANSEN: Yes, I would.

ALBRECHT: Thank you, Senator Hansen. And thank you for the information you have given to us. Thank you for bringing this to the floor so that you can allow to us make the decision on behalf of Mr. Neuhaus, because not very many people want to come forward to offer their time and services. But I have two questions. How often does this court of industrial relations meet? Or Commission on Industrial Relations, how often do they meet?

M. HANSEN: They meet as needed, and I couldn't necessarily tell you how many times.

ALBRECHT: OK. So could you tell me how many cases they have heard in the last five years?

M. HANSEN: No, not off the top of my head.

ALBRECHT: And I don't believe there's many, unless there's an issue that comes forward. I think we received on the last two appointments that we had, Dallas Jones, Commissioner Dallas Jones; and Commissioner Patty Vannoy, both of those have the same sort of folks come forward and not want them to be considered. So for that reason, I do stand-- I do not know this man. I don't know much about him. I do know that that's why we have committees and that's why we have confirmation assignments come from the committee. But I do appreciate you bringing him forward. And these people that we had before are certainly, Dallas Jones had some background in practicing labor law, but certainly Patricia Vannoy did not, and they came to the floor with one of them with six yeases and one absent; and the other one had four yeases and two present, not voting. So I stand in confirming this gentleman, if at all possible. Thank you.

FOLEY: Thank you, Senator Albrecht and Senator Hansen. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. I don't personally know Mr. Neuhaus, but I stand in opposition to his confirmation. I sound like a broken record, but from 2009 to the end of 2012 I served as executive director of the Platte Institute. And during that time, we did two studies on the CIR. One of the studies was to eliminate the CIR and the other study was to simply reform the CIR. And what we, where we came down on those two studies

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

Floor Debate
May 30, 2019

was that we should reform the CIR, and the Legislature during that time did reform the CIR, much through the efforts of Senator Lathrop, who did a starring role in that effort. I think the CIR has been great success. You know, by going through that CIR process, unions don't feel the necessity to strike because they have an ability to get pay increases and benefit increases by a rather innovative process. And I think it's worked great. And the fact we've had so few cases is a tribute to the CIR and the way it's currently composed. So with that, I encourage your no vote for this particular confirmation. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. Senator Howard.

HOWARD: Thank you, Mr. President. I rise in opposition to this confirmation. And I have, I don't believe I've ever met Mr. Neuhaus. But I think really what I want to touch on is that it really behooves to us make sure there are competent individuals on these boards, because they are a reflection of the Legislature and the state as a whole. So, for instance, on the Rural Health Advisory Commission, the Health and Human Services Committee made the decision to encourage a rural health physicians assistant to be confirmed. For the Deaf and Hard of Hearing Commission, we had family members of people who were deaf or hard of hearing, who really have lived experience with that issue. And then when I think about our Stem Cell Advisory Commission, we had a researcher on it, a researcher specific to stem cell research. Competency is incredibly important when we are considering these boards and commissions because they are essentially our outward-facing groups for some very specific issues. It's a reflection of what the Legislature believes should be reflected back to the people of this state. And when we are thinking about governmental units, when we're thinking about our friends in labor, what we are reflecting back to them is that competency for their board, the one that makes decisions about their livelihoods, competency is not important. Now, colleagues, apparently there are four things that you need to have a background in. These are things that are legal, financial, labor, and industrial matters, when you go on to the CIR. Colleagues, I am an attorney, I'm trained as an attorney. Do you think I should be on the Commission of Industrial Relations? I have no background in labor. My grandpa was an IBEW, my mom was in AFSCME, but that doesn't make me competent to serve on the Commission of Industrial Relations. If you don't have a background, it's going to be very difficult for you to fully understand the weight of the decisions that you're making. And, in essence, you're making livelihood decisions for citizens of our state.

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

Floor Debate
May 30, 2019

And so, colleagues, I know people aren't really paying attention, and that's absolutely fine. What is more important is that when we consider this confirmation, we consider how it looks and how it reflects on us. Are we going to tell the people of Nebraska that it's OK to not be competent and serve on our boards and make decisions about the lives of our citizens? I would venture a guess, no. I don't have a personal issue with Mr. Neuhaus. He actually would be appropriate for a lot of other boards, and I think perhaps his name should be put up for them. But in this instance, for the Commission of Industrial Relations, I don't think he's an appropriate recommendation. And so I can't, I can't support his confirmation today, and I would urge the body to reject it as well. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Senator Lowe.

LOWE: Thank you, Lieutenant Governor. I enjoy hearing the senators talk that have never met this man. I've met him. He's gruff, he's to the point, but he's a good man. That should be the qualification. How many of us here sitting today took classes in the Legislature of how to be a senator? Did we pass with flying grades? Oh, wait, there wasn't a class. None of us here today, well, except for two, Senator Lathrop and Senator Chambers, have been reelected once we were out. Senator Neuhaus [SIC] is a good man. That should be the litmus test. I haven't heard anything yet that any of his decisions were bad. I think we need to think about how we're doing this, because otherwise we're going to do this with all of our appointments. And frankly, I'd rather spend my time on good legislation. Please vote green on this appointment. Thank you, Lieutenant Governor.

FOLEY: Thank you, Senator Lowe. Senator Hilkemann.

HILKEMANN: Thank you, Mr. Lieutenant Governor. Most of these confirmations are easy when, try to talk for a minute, when the committee says 7-0 that they're in favor of or so forth. And now we have one where the committee hasn't even, hasn't even given a specific recommendation other than not to recommend by a 7-0 vote. That puts me in kind of a difficult situation. I wonder if Senator Hansen would take a couple of questions from me.

FOLEY: Senator Hansen, would you yield, please?

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

Floor Debate
May 30, 2019

HANSEN: So, Senator, I just want to kind of there shed some things that have been circulating. What if, if Mr. Neuhaus does not get 25 votes, what happens?

M. HANSEN: He will not serve on the CIR.

HILKEMANN: OK. And if, so that would leave, what happens if we leave an opening on the CIR until, let's say, next session?

M. HANSEN: The Governor would get to appoint someone presumably after we adjourn sine die, and we would handle that appointment in early next session.

HILKEMANN: OK, so that position would then remain open throughout the summer, until we meet again next year. Is that correct? Possibly? Or the Governor, you said the Governor would appoint him?

M. HANSEN: Yes.

HILKEMANN: OK, so, OK. And in essence, he made the recommendation to begin with, so if we don't appoint him, he'll most likely get appointed anyway, is that correct?

M. HANSEN: No. It is my understanding that if we do not confirm Mr. Neuhaus, he would not be eligible to serve. So the Governor couldn't necessarily just reappoint him after we adjourn sine die. The Governor would be able to appoint a different person to fill the same opening.

HILKEMANN: I see. OK, thank you very much for that clarification. Those are just questions that I have on this whole process, and thank you very much, Mr. Lieutenant Governor. Thank you.

FOLEY: Thank you, Senator Hilkemann. Senator Vargas.

VARGAS: Thank you very much, Mr. President. I remain, stand opposed to this appointment. It's we only have one more day left and we're having this conversation. I know Senator Lowe

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

Floor Debate
May 30, 2019

mentioned qualifications and that we, I don't have a law degree, I'm in the Nebraska Legislature. I recognize that. But the Nebraska Constitution states the qualifications for a state senator, 21 years or older, residing in the district for a certain amount of time. There are very clear qualifications that we have written into statute. If we disregard the qualifications, then I would imagine, why did we write them in the first place? I don't want this to seem political or one-sided but we do have very clear qualifications. I don't want to have to read them again, but the qualifications that Senator Howard recently stated are not an "or" having an experience in legal or labor or X, Y, and Z. There's a set of standards. Once upon a time, when I was younger, I was on the Nebraska, the Omaha Public School Board. For those of you who have dealt with issues having to do with unions, labor disputes, we dealt with negotiations, it is very involved. Not only from a stance of negotiation, but in terms of actually understanding case law and having had the experience in this sector. I want you to remember that things going up to the CIR are at a point where they require not only somebody to be a good man or person, but requires somebody to be, have a certain level of expertise. We use the word "competent" but in my word, knowledge and experience is actually the language in statute. We require that of somebody because we have gotten to a point, potentially, where we have not been able to address some of the issues before getting to the CIR. It was created with an intent. Separate from some of our other commissions that are trying to then dig into maybe creating recommendations, sometimes setting policy, this is setting a determination. We don't often go through this process of saying somebody is not qualified. I think this is a really good example where we can say we're actually abiding by the statute, we're setting precedent in the right way, we're upholding what the word qualification means, which again is a standard that must be compiled and attained for this privilege. It's a privilege to be on this committee and they're doing duty for the state senator-- for the state of Nebraska. So I hope, and I implore us to consider that. We're not appointing somebody because they're inherently a good person, we're not appointing somebody because they have some experience. We're reporting somebody because the five people doing this work, we require them to have a certain level of qualifications and experience that we have written into statute at some point, and the Senators before us decided that that language sets the standard of qualifications. And if we are to disregard that, I think that's a problem. This is our fail safe, our fail safe on-- and again, if this was more general, I think there would be some standing to say you require somebody to be a lawyer. OK, then maybe we can get to a place where we can work around that. But again, having dealt with these types of negotiations, when things get to this point, you need

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

Floor Debate
May 30, 2019

somebody that, yes, is unbiased. More importantly, you need somebody that actually has the expertise in this field that can then reference the case law and having been there and being knowledgeable. Because if somebody in Omaha Public Schools has been on the board, we had really great lawyer on staff that helped us with a lot of different situations--

FOLEY: One minute.

VARGAS: --and she had years of experience in labor law. We need that type of person to also be on these commissions, so that we are making prudent judgments because those judgments matter and set some precedent for the state of Nebraska. So with that, I ask you to not vote on this confirmation. I recognize he has qualifications, unfortunately just not qualifications that senators that have written the statutes specific for the CIR that has a lot of weight on the type of work that we do for this focus. Thank you.

FOLEY: Thank you, Senator Vargas. Senator Chambers.

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

FOLEY: Senator Albrecht, would you yield, please?

ALBRECHT: Yes.

CHAMBERS: Senator Albrecht, no trickery, no need to know anything specific about the law. If you were going to have an operation, would you want a general practitioner to perform it or somebody who had experience in performing that specific type of operation?

ALBRECHT: I would probably go to a specialist.

CHAMBERS: So would I. And you do-- I'm not going to ask it in the leading way. Do you see a difference between being a surgeon and being a general practitioner?

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

Floor Debate
May 30, 2019

ALBRECHT: I do.

CHAMBERS: And a surgeon, just by having that term, that wouldn't necessarily tell you the area of specialization but it lets you know there's something beyond just being a general practitioner that would let that person refer to himself or herself as a surgeon. Would you agree with that?

ALBRECHT: Yes.

CHAMBERS: Thank you. I would like to ask Senator-- that's all I would have. I would like to ask Senator Lowe a question or two.

FOLEY: Senator Lowe, would you yield, please?

LOWE: Yes.

CHAMBERS: Senator Lowe, you said this gentleman is a good man. Now does that mean he has never been convicted of a crime; he has never beaten his wife; abused his children; and if he borrows, he'll pay back; or just what did you mean when you said he's a good man?

LOWE: I've met him and he has a pretty decent reputation.

CHAMBERS: All right. Now when you mention he hasn't made any decisions that are wrong, what kind of decisions were you referring to?

LOWE: I was going by the fact that he hasn't been in trouble, as far as I know of. He ran an election for the Legislature, and lost by just a few votes. So there's about 50 percent of the people in his district that like him.

CHAMBERS: OK. And but a majority of those who voted didn't like him for that position. Would you agree?

LOWE: I would say a majority did.

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

Floor Debate
May 30, 2019

CHAMBERS: Then why didn't he win? That's all I'll ask you. Thank you. Members of the Legislature, if I were in a foot race as a track meet and I led all the way until we got to the last 10 yards, and that person who was running against me beat me by a half-step, that person won the race. All of the good running that I did up to that point meant nothing. The final way to judge is by looking at who actually won the race. A generalist in the law is not good enough. If a person is a heart specialist when it comes to surgery, that does not mean he or she would be a good neurologist or neurosurgeon who could pressure an operation on the brain. The body has nerves, vessels, every place in it, but they have particular configuration and function, and even the texture of the brain is different from anything else found in the body. Heart muscles are different from other muscles. I'm trying to make a point. I could write a treatise on the law, but that doesn't mean I could win a case, because I have no experience in litigation. I could know from A to Z, everything about business law, but that is not the same as me serving on this commission where I formulate policy by rendering decisions--

FOLEY: One minute.

CHAMBERS: --of a technical nature on specific matters that come before me. I don't care how much I may know about sports law, that does not qualify me to be on this commission. Having made these general statements, I'm going to turn on my light and get more to the point. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator DeBoer.

DeBOER: Thank you, Mr. Lieutenant Governor. Since this is the second-to-the-last day of this session, this is, I think, the second-to-the-last day I get to say I'm new here. So I'm going to take advantage of it. I don't know this gentleman, but I want to think more in general about our duty in these confirmation hearings. And I sort of wonder what is the point of doing these confirmation hearings if we don't take seriously the matching qualifications to statute. Again, committee work is very important. That's one of the things that I have most discovered this session. And the committee vetted him, sat there, asked him questions, and then couldn't recommend him. We've talked about, I remember, I don't know, a couple months ago, I guess, now, we talked about taking these confirmation hearings more seriously, about making sure that

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

Floor Debate
May 30, 2019

we're a little more careful with these confirmation hearings. My constituents have e-mailed me, asking me not to affirm this guy, the committee can't recommend him. From his words and his resume that I can see in front of me, he isn't qualified. I don't know. But if I take my job seriously with these confirmations, I think I have to listen to the evidence in front of me, and I don't know how else to make decisions except by what the committee says, what the qualifications listed in statute and in his resume, his own words are. I don't know how else to make my decision if I don't listen to that evidence. Therefore, I oppose. Thank you, Mr. President.

FOLEY: Thank you, Senator DeBoer. Senator La Grone.

La GRONE: Thank you, Mr. President. I rise in support of Mr. Neuhaus' nomination. And I want to speak to the point that some of my colleagues have been discussing of the qualifications statute, 48-805. And what it says is that the commissioners shall be appointed because of their experience and knowledge in legal, financial, labor, and industrial matters. Now, I understand their point, that there's an and in there, rather than or, which implies that you should have experience in all four areas. But if you look at how the statute has actually been applied, that has not been the case. What has happened is that we have looked to one of those four areas, and if we apply that test to Mr. Neuhaus, he absolutely has experience in legal matters. A great example of someone else who fits into that category is the current presiding commissioner, William Blake. In his confirmation hearing in 2000, he went into this legal background, but pointed out that he did not have experience dealing with the CIR or in labor matters. So if we want to look into how the statute has actually been applied in the past, it would go in favor of Mr. Neuhaus' confirmation, because if we require all four categories of every appointee to this commission, we're soon going to run out of applicants, because that would be an extremely high bar to meet. Mr. Neuhaus, as everyone has said, has great qualifications as an attorney, and as legal matters is indicated in this qualification statute, 48-805, I think he is more than qualified and meets the same qualifications as a William Blake and now Judge Flowers, who both had almost identical experience when they successfully were appointed to the commission with no votes in the negative. Thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. Senator Linehan.

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

Floor Debate
May 30, 2019

LINEHAN: Thank you, Mr. President. I'm going to support Mr. Neuhaus. I don't quite understand why he is on the floor, if there's a problem. And everyone that has-- I've been listening I think. Nobody has stood up except for one senator and say they, said they even know him. So I think it's a very bad idea not to confirm somebody that the Governor has chosen. Obviously, the Governor, his name is involved in this, it's his appointment. He, I'm quite sure, has confidence in him or he wouldn't have appointed him. So I think we need to be very careful here. It's hard to get people put their names forth to serve, and we need people to do that. And if we, we don't have any good reason-- I don't follow this. This is a person who has been willing to put his reputation on the line, to go through the process, and nobody is coming up with anything that seems to disqualify him. So we all have friends and family who go through these processes. We need to be very careful that we're not discouraging people. So, again, I plan on supporting this nomination and I hope we can definitely confirm him today. Thank you.

FOLEY: Thank you, Senator Linehan. Senator Hilgers.

HILGERS: Thank you, Mr. President. Good, afternoon, colleagues. I rise in support on the confirmation. I intend to vote green. I just want to make really just two points. The first is really to sort of push back a little bit on this idea that-- that experience is a-- is a necessary qualification in this instance. And I don't mean any experience whatsoever, but the specific labor or business experience. And the reason I say it is you might say, Senator Hilgers, well, gosh, why wouldn't you want to have experience? I think you would on the margin, but let me just make this point. Think about judges that are serving every day here in Nebraska, either at the state or federal level. So think of federal judges as an example. They deal with very complex specialized issues, say, patent law, ERISA law, or the like. But before when they were in private practice, if they were in private practice, very unlikely that they were doing that type of specialty at all. Similarly at the state level, you have certain judges who might not have any criminal experience. They may only have civil experience. They may not have any family law experience or juvenile experience but they have certain commercial experience. The idea that they should be experienced in every aspect-- I think we don't hold our judges to that standard. So I think in this instance I don't want to hold this individual to that standard here. Now what is important in my view, which is why I'm voting green, is a demonstrated record of competence, experience with the legal process. Mr. Neuhaus, as I understand it, has done-- I think I saw in the testimony hundreds, if not over a

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

Floor Debate
May 30, 2019

thousand, cases; a reputation in his community, at least a legal reputation in his community. And those are the-- those are the things that I'm going to base my opinion on, and that's why I'm going to vote green on that point. The other thing I'd say is in this, I think in this arena as well when you talk but experience, the way you get experience on the labor side, if you are a labor lawyer, you tend to-- and this is true in some other areas in law-- you tend to be on one side or the other. You tend to be on the employer side or you tend to be on the labor side. So if you're very experienced, that tends to-- that will likely mean, maybe not always, but I think more often that not, if not nearly all cases, that means you are on one side. So if that individual-- if we-- if we want to say experience is it, you got to have-- you have to have this x amount of experience in labor field and you show up here and it turns out that all that experience came on one side, which I think is more likely than not to be the case in many instances, then what we are going to say is, you know, that person might have an inherent bias. So I think having someone who hasn't been just representing labor or hasn't been just representing the employer side, who has the capacity and ability to learn, some-- you know, be able to learn and get a grounding in these types of cases and be fair and competent in the way that he discharges his responsibilities I think meets-- certainly meets the threshold for confirmation and I intend to vote green. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Slama.

SLAMA: Thank you, Mr. President. I'm a member of the Business and Labor Committee and voted in favor of advancing Mr. Neuhaus' consideration to the floor. I would have supported a vote endorsing him, giving him the committee's endorsement as we sent this nomination to the floor. And I will tell you that as we're looking at the Nebraska State Statute regulating the requirements for CIR members, I'm reminded of another debate that we've had this year about Don Arp, Jr. The same discussion was held that within the statute does this nominee have the qualifi-- these specific qualifications necessary to serve on the Crime Commission. And in that case, we as a body decided that, hey, the statute, while it says there's a requirement of appropriate training and experience in the field of criminal law and justice, even though Arp doesn't have any experience as a law enforcement officer, we can deal with the fact he has some relevant enough experience. So I would say that as we're looking at the statute outlining the requirements of commissioners on the CIR that we take into account the precedent we have set

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

Floor Debate
May 30, 2019

not only in past years in assigning members to the CIR with no labor law experience but also in the precedent that we've set this year in understanding that our statutes have to be flexible and these nominees are volunteering to serve their time. Mr. Neuhaus could, I'm sure, be making a lot more money charging billable hours. He chose to serve on this commission and he's demonstrated, as Senator Hilgers said, a record of competence and as such I endorse his nomination being confirmed. I'd like to yield the remainder of my time to Senator La Grone.

FOLEY: Thank you, Senator Slama. Senator La Grone, 2:50.

La GRONE: Thank you, Mr. President. Thank you, Senator Slama. I wanted to touch on one more thing that Senator Hilgers touched on briefly, and that is how often in the labor law context you're on one side of the issue or the other. And I've already covered how Mr. Neuhaus has similar qualifications to sitting commissioners on the CIR, but also in the application of the statute, in the past, in 2008, a nominee went down because they said he had too much labor experience, he had practiced too much on one side of that area of law. So if we're saying that in some instances your labor experience is too much, oh, but then, Mr. Neuhaus, you don't have any labor experience, that's not enough, we're really limiting it to effectively a Goldilocks situation of experience of you have to have just the right amount of experience, not too little, not too much. If we set that standard, that's really going to limit our field of applicants. And I think that really puts us in a bad position. Thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. Senator Groene.

GROENE: Thank you, Mr. President. I stand in favor of Mr. Neuhaus' appointment. I've looked. I've asked questions. I can't find anywhere where Mr. Neuhaus has showed a bias for labor or management. It didn't show up in the testimony. It was just that he had a lack of experience. His qualifications, he-- they said he's-- he's been a good public servant. He ran for state office and only lost by 72 votes in a very mixed district. And then he stepped forward. He still wants to do his public service and applied for this position. I'm totally confused. I follow politics in Nebraska too much. That's why I ended up here. I remember back in 2008 when Mr. Sam Jensen, I believe, was up. I think Mr. Lathrop-- Senator Lathrop, and Senator Howard, her mother was here. They said he had too much experience, that appointee. He had too much experience and he was so

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

Floor Debate
May 30, 2019

good at his job, so good at his job that what he said as a representative of management in labor disputes, they attributed that to his personal feelings and they rejected him. I don't know of one lawyer who will-- who will tell me that when they stand up in court, that what they say is their opinion. If they're really good, it's the opinion of their client. But he was rejected. Now the same individuals, some of them, are telling me this guy, Mr. Neuhaus, doesn't have enough experience, not the right side of the dispute experience, I guess. He is as good a person as you can find for an appointment. He has shown in his legal practice that he's competent. Individuals have come to him for advice and-- and hired him. He's never been in trouble with the Bar. His personal life is sound. He's a citizen. I remember once an attorney in this body, I won't say who, we had a debate and were talking about constitutional law. And the point came up that when you come out of law school, you're not an expert in anything. You take courses in every contract law, constitutional law-- if I'm wrong, tell me about it-- but you will come out of there as a well-rounded individual in the law. My assumption is it doesn't take you very long that if anybody walks in your office, if you're-- unless you're completely incompetent, you them, I can't represent you because I know nothing about that topic or you help them. So my assumption is Mr. Neuhaus, first day on the job, will become com-- will-- is competent and will research every case, as he did in his successful law practice. And he will represent the state of Nebraska very well because he's unbiased. He's the judge we all want when we're in trouble or in front of a-- he's unbiased. What better individual to be appointed to this position? Because not anybody in this body can show me one bit of evidence this man shows a bias towards labor or management. If you can, pre-- please let me see it because I can't find it. Who would you rather walk in front of if it was your case, if you were the school board, if you were the union? Unless you can buy and have the power or the Legislature who will reject a Mr. Sam Jensen, who was very qualified, in '08 and pack-- pack the bench, as they call it--

FOLEY: One minute.

GROENE: But I'm not here to pack the bench. I'm here to appoint people to commissions and vote for them who are unbiased and knowledgeable. He said he was knowledgeable of the law. It says knowledgeable or experienced. He's knowledgeable. And any lawyer can become very knowledgeable in a hurry. As state senators, we become very knowledgeable in the law when we get put on committees, don't we? And I think we all make good decisions, most of us, if we're

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

Floor Debate
May 30, 2019

not biased ahead of time. No, this-- this should be over with. Mr. Neuhaus should be appointed, and quickly. He's a good individual, showed good character all his life, and he has no biases. Thank you.

FOLEY: Thank you, Senator Groene. Senator Dorn.

DORN: Thank you, Lieutenant Governor. Is Matt-- I see Matt Hansen-- Senator Hansen is here, I'd like to ask a couple questions, I guess, kind of along the line of what Senator Hilkemann asked, just more for clarification.

FOLEY: Senator Matt-- Senator Matt Hansen, would you yield, please?

M. HANSEN: Yes, I would. Thank you.

DORN: Do you know how, like, Mr. Neuhaus' name came in front of the Governor? Was he appointed? Was he himself-- did he apply or-- or-- or did somebody recommend him or how did the name come about so that the Governor could choose his name?

M. HANSEN: I don't know how the Governor handled the appointments. I do know the Governor gave us his appointment letter effective May 15.

DORN: OK.

M. HANSEN: But I don't know how the Governor goes out and solicits nominations to openings on--

DORN: --for the CIR. Yeah, I was just curious on how that name came about if-- and maybe some other senator or somebody else knows, too, if you would be happy to find that information out. The other one was a little bit along what Senator Hilkemann asked the question and he-- I think he-- you answered to that, if we don't approve this appointment today, then the Governor appoints a person and that person fills in the remaining time until the next session, is that correct?

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

Floor Debate
May 30, 2019

M. HANSEN: Correct.

DORN: That's correct. So that position isn't just open, then, for the next six, seven months?

M. HANSEN: No. It's-- it's my understanding that there would be an interim appointment and we have allowed interim appointments to serve until they can be confirmed or rejected by the Legislature.

DORN: OK, good, because-- thank you-- because I-- if they have a five-member board and they each kind of take turns hearing cases and then three have to vote in favor of it, that would put that board for a long period of time at a little less of a full board, or whatever. So thank you much. And if somebody-- if anybody else knows how this name came about, I'd be interested in knowing that, as if-- if he nominated himself or if he applied or what happened there. Thank you.

FOLEY: Thank you, Senator Dorn. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to the confirmation. And several-- I actually wasn't going to talk on this. I was going to vote no. But several senators have brought up that there's no evidence of bias. I believe Senator Linehan brought that up, Senator Groene, and-- and maybe Senator Hilgers. Senator Groene specifically said that there was no evidence of bias for labor or management. However, I've just rewatched a video of Mr. Neuhaus talking about his philosophy on one aspect of labor relations. He says, quote, in a public forum-- and I'm happy to send around the video if people would like to see it-- quote, instead of worrying about a minimum wage, be the best employee you can be, in an entry-level job get there early, stay late without pay. I think that for somebody who is going to be a commissioner on our Commission of Industrial-- conditional-- Commission of Industrial Relations, the state agency designed to resolve public labor controversies, which is essentially employee disputes, pay disputes, things like that, there's a clear bias and it's in his own words in a public forum. And so to say-- to get up on the floor and be like, there's no evidence that he's biased or he's not qualified, well, we can probably dispute qualifications. Some people might claim, since I am an attorney, that I may be qualified to serve on the Commission of Industrial Relations, now that I can actually say it. But I would probably argue otherwise, quite frankly, in the fact that I-- I don't

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

Floor Debate
May 30, 2019

have any experience with employee disputes of this type of nature and of these types of issues. And so we-- we can argue that. But to get up on the floor and say there is no bias here when he is in public, in a public forum when he was running for office, stating that people who are entry-level should work without pay? And that's just, you know, that's how it should be? Well, I'm pretty sure I'll know how he'll start ruling on some of these issues, some of these issues that just-- that, you know, have a big impact on people's lives and on policy. So there clearly is a bias. He's made his position, particularly on entry-level positions, at least, very clear, and I think that that's cause for real concern regardless of whether Mr. Neuhaus is a good guy or he isn't a good guy. I have plenty of friends who I think are good guys and women that I would not want serving on the Commission for Industrial Relations because of some of their views and biases, quite frankly, or their lack of experience. They're all good folks. But when people clearly have a bias against workers receiving pay and are on record for it and somewhat proud of it because they're doing it during a-- a debate for a public office, then that is cause for concern. And I think that that's cause for legitimate concern by this body. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Groene doesn't understand law school. It gives you a general overview of all areas of the law, but you're not an expert in anything when you get out of law school. I didn't attend classes. I didn't flunk a course. I didn't flunk an exam. And Creighton didn't like that, and white students didn't, because when I was a freshman I made the Dean's List and it knocked a bunch of them off, and I didn't even attend classes. It's because I read the textbooks and I can think. No examination is going to be written that has material on the exam not contained in the textbook. I can read the textbook for myself. I can evaluate, analyze, and look at the way the cases are arranged, the way they're decided, and determine which points are important, and that's how I wrote the examination answers. Creighton kept me out for several years because of absences. Lawyers, judges, ministers, professors at Creighton asked that the faculty at the law school let me back in. They wouldn't. A new person came from Yale who was going to lead a building fund drive so that they could build a law school. He had heard about me. My name was notorious. He looked at the file. He said, not only did he not see any reason for me not to be in the law school, but I would have a very good lawsuit because of the way Creighton deprived me of the right to earn a living when I

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

Floor Debate
May 30, 2019

had all the qualifications. And he sent some students down to the barbershop where I worked. I'm not too proud to work and make honest money. Badges and titles don't mean anything to me. And they had said that this man, his last name was Rayfill [PHONETIC], wanted me to come back to the law school. I wouldn't have to attend classes, but I'd have to pass them. I wouldn't have to purchase another textbook. And if I passed all the exams and my courses, I'd get a degree. I said, that's fine, I like that. I went to some classes to see what the law was in terms of development, and then I didn't go to classes very much and I passed my exams and I graduated from Creighton. I have a law degree. But I don't practice law. However, I've won cases and I've won cases-- speed-- traffic cases against VASCAR, radar, aircraft clocks. And when a prosecutor from Omaha had gone to a national conference, he was asked, who is this senator in Nebraska who has rewritten the law on speed detection devices? They read cases, and my name was connected with cases where I won because I read the law. But I wouldn't say that that qualifies me to be a judge. There was a grand jury report that made negative comments toward me and other people. So I objected. I lost at the district court level. It went to the Nebraska Supreme Court. They expunged the entire report. The whole report was thrown out because I read the law, I read the cases, and I applied them. The Nebraska Judiciary Committee, of which I was a member, authorized me to represent the Legislature in a case on gambling that was before the federal court. I had gone to the Chair of the committee and said let the committee vote that I represent the Legislature, then let the committee get the Legislature to confirm it, which they did.

FOLEY: One minute.

CHAMBERS: The reason I wanted that done was because in the indictment it mentioned federal-- it mentioned state officials and judges. Well, those are categories where the Legislature could exercise the power of impeachment and you had to show in order to have standing that the one you represented would have a basis under law to get the revelation to you of this information. Since the Legislature does have the power of impeachment, since some of the categories of people who were implicated were those officials subject to impeachment, the federal court said that I did have standing to represent the Legislature. However, upon review of the record, no judges, no other persons actually had done anything that would violate the law. Nobody in the Legislature thought of that. Nobody anywhere did. But I did from my own reading.

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

Floor Debate
May 30, 2019

FOLEY: It's time.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Blood.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I've been listening, as usual, very closely to this debate, and I think there's some points that need to be brought up that have yet to be brought up and some things that need to be clarified. Senator Linehan, she was curious about why this nomination came to the floor if there wasn't enough support in the committee, and that it is my understanding-- I want to make sure that we're really clear on this-- that when the government-- the Governor puts forward an appointment, that it has to come to the floor for debate under our constitution. So whether the committee supports it, doesn't support it, doesn't matter, still has to come onto the floor for debate. So that's why we're here today. The committee did their job. The Chairperson did his job as well, and thank you for that. I don't think the issue is that we're questioning that this gentleman does not have qualifications as an attorney. I think that the issue is that he or she has to be able to represent and understand public sector law. And I don't agree with my friend Senator Hilgers that on those committees that sometimes people tend to be either prolabor or probusiness or lean in those particular directions. I think that that's unfortunate if that is an indeed true statement, because we need to make sure that this is an organization that is not biased and is looking at the law and their personal likes and dislikes. And so I think whomever is assigned to the CIR really should fall under the Nebraska State Statute that everybody keeps quoting but kind of misquoting, but it stresses the importance of experienced knowledge in labor and industrial matters, labor and industrial matters, not legal matters. Legal matters are part of it though. And then I-- I went on-line and I looked at some of his more than 1,500 cases that are public record, by the way, and I don't really see any matching criteria based on that statute that says that he's a good fit for this position. Again, we're not questioning that this person is a nice person or not a nice person or a good person or not a good person. But I saw the same video that Senator Morfeld saw and-- and other information that I found on-line, and my concern is that when we have an organization that has quasi-judicial powers, as this group does, we're talking about people. That's the bottom line for me. These are people who have jobs, whose jobs and pay and other issues depend on this group to be fair and to

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

Floor Debate
May 30, 2019

be knowledgeable. Having served on a city council in the third largest city in Nebraska, we had cases that went to the CIR. And we have to be sure that when we're talking about people's livelihood, when we're talking about if they're going to have jobs, not have jobs, if they're going to have particular things available to them that is going to be decided in this organization, that these people are qualified, that these people are not biased. You know, when someone says, hey, go ahead and work without pay and prove you're a good worker, that tells me that person is biased and that is concerning to me. So our job, whether you vote or don't vote or whatever you're going to do today, is to appoint good people, not necessarily somebody that we like or we don't like, somebody who is qualified, somebody who's going to look out for our working men and women, and the entities that support them, as well, because our municipalities, for example, need protection just as well as our workers do, but are going to do it in an unbiased fashion. And I have grave concerns when I hear senators saying that, well, they'll catch up to speed and they'll learn it as they go. Well, that could be to the detriment of somebody and their job.

FOLEY: One minute.

BLOOD: That could be the detriment to a community trying to do the right thing for their employees. So I respect the opinion of the committee. I think this may not be the person for this job, and I think we need to vote accordingly. And keep party out of it, is kind of what I'm hearing right now on the floor as well. I'm going to take it right back to where I always go. It's about the person, not the party, and this may be the person that is not right for this job at this time. Thank you, Mr. President.

FOLEY: Thank you, Senator Blood. Senator Lathrop.

LATHROP: Thank you, Mr. President. Colleagues, I did not intend to speak twice, but when I heard my colleagues stand up and suggest that somehow we could ignore the statute, I feel like I need to. I've heard the term that the statute as-- as has been applied or that it needs to be flexible. There's no room in this-- in this sentence here. By the way, the statute begins with "Commissioners; qualifications." The qualifications are you need to check four boxes. This guy checks two, maybe three. But he doesn't check all four. And we don't-- we don't take these-- by the way, we're writing these laws, right? Do you want people to-- to take the laws that we write

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

Floor Debate
May 30, 2019

every day and go, oh, you know, he's a nice guy, so that doesn't apply to him? It's not about whether he's a nice guy. It's not about whether he's a great lawyer, and he could be. I don't know him. But it's about whether he meets the qualifications that the Legislature laid out. This is our law. This is our law. We set it. And it's not about whether he's biased or unbiased or whether somebody in 2008 was and this guy isn't, or that he's a nice guy or that you met him. By the way, that Mr. Arp that we confirmed that Senator Slama talked about, he met-- barely met the qualifications but he met them. We had a conversation about that. The guy was writing in police journals and things like this. He was involved in some forensic work. We had that conversation and I think I remember saying I think he barely meets the qualifications and we're going to give-- we're going to give him a green light because he's the Governor's appointee. In this case, we have somebody that doesn't check all the boxes. And they're not fuzzy lines. They're not fuzzy lines. I guess at the end of the day, you're going to do what you're going to do. But if you approve somebody and if you agree to this, you are ignoring our own statutory qualifications for this position. It's not about whether he's a nice guy, probably is, and it's not about whether he's a good lawyer, probably is. It's about whether he has the requisite knowledge in the area of labor and he admittedly does not. And being a nice guy, this-- there's no room for flexibility in these qualifications. And if you don't like the qualifications, amend them next year and then we can approve him the next time around. Thank you.

FOLEY: Thank you, Senator Lathrop. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. I think that Senator Lathrop said it well. I wasn't planning on speaking on this either, but when so many senators have stood up and said that there's no evidence that this guy is biased, that there's no evidence that he's going to come down more on one side on labor, management, we know that that's just not true. We have public video of him in a public forum talking about how he doesn't think there should be a minimum wage, that he thinks people should come to work early and stay late and not get paid extra for it. That's like extremely biased. That's all the information you need right there. In a news article he was also quoted saying-- this is from the Independent. He said, "Do you want an educated, conservative Republican, or do you want a liberal, Democrat, Union person? Do you want the tentacles of unions in the Legislature?" Well, I believe in separation of church and state. I believe in separation of executive and legislative. And I don't want the tentacles of the Governor in the

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

Floor Debate
May 30, 2019

Legislature. I think that we need to defend the institution that we have. We might have a problem when it comes to qualified candidates applying for these positions. And again, we're not saying this is a good guy or a bad guy. We're not saying that he's not a great lawyer. I can't speak to that. But we can speak to the qualifications of the person for this job and we can, you know, stand up for the integrity of the job that we have to do here to uphold the own-- the standards that we set ourselves. And for that reason, I will be opposing this nominee. And I would give the remainder of my time to Senator Chambers. Thank you.

FOLEY: Thank you, Senator Hunt. Senator, Chambers, 3:30.

CHAMBERS: Thank you, Mr. President. Thank you, Senator Hunt. Members of the Legislature, I'm mentioning a few things that I've done for a purpose. I don't need anybody to pat me on the back. But there was a priest who wanted me to take a job teaching at Creighton. I refused. I said, I don't have the temperament or disposition to be a teacher. There was a professor at the University of Nebraska Law School who was going to get me a teaching position in the law school. A senator, who was a lawyer from the western part of Nebraska, had said the only thing that I could do that would help the Nebraska University more than what I had done on the floor was to be a teacher in the Law School. But I know my limitations. I have gotten judges disciplined, suspended. One, who everybody thought was immovable, his name was Richard Jones, in Omaha, I got him taken off the bench. All these young people now who will take a bar exam didn't know the changes that I brought. There was a time when the questions on the bar exam were not made public. A student could not see his or her corrected paper. There was no appeal procedure. And I sat down with the judges of the Nebraska Supreme Court and got all of that changed. Terry Carpenter mentioned it. There was some documentary made by public television who also made note of it. I see thing that ought to be changed and I change them. People have no idea what I have done and they don't need to have an idea. But when we're discussing something like this, I would match my credentials intellectually, knowledge of the law, with anybody. But I wouldn't be appropriate to sit on this commission. I would not be suitable as a teacher. It's not enough for people to say, well, he's a nice guy or he knows this or that. There is a context in which these things occur and in which a person functions. Mere knowledge, merely doing the things that I've done, would not qualify me to be a good teacher.

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

Floor Debate
May 30, 2019

FOLEY: One minute.

CHAMBERS: And I have sense enough to know that. When Senator Groene speaks, I just wonder, in view of some of the things he says on the floor of the Legislature, whether he really means what he says here. I think this is a party-line thing. The Governor has shown to be-- have poor judgment. He had a white nationalist on his staff and said he didn't know anything about it, although this guy was posting that trash on the Internet. He appointed Brad Rice to be head of the State Patrol. And after Rice had done some things, I said the Governor should fire him. The Governor said, from his Office, I was ridiculous. Less than a week later, he fired him. And I can document all this in the newspaper. I know what I know. I know what others should know. I've seen white people, because of a privileged position of being white, they got positions they're not qualified for. This man is not qualified for this position. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Bolz.

BOLZ: Thank you, Mr. President. I-- I'll be brief, but I did want to share concerns related to a transcript in the Judiciary Committee hearing on February 4 of 2015 related to LB586. Mr. Gregg Neuhaus is on the record and-- and to be fair, anyone is welcome to come and see the copy of the transcript. I'll leave it at the end of my desk, because it-- it is only fair to look at it in context. But a direct quote from his testimony as follows. "Employers are going to avoid hiring persons from these new protected classes because it's easier and cheaper to defend a lawsuit claiming discrimination in hiring than it is to defend a lawsuit claiming discrimination in firing. The result is fewer jobs for"-- "people that this bill seeks to protect. Over the years, I've advised many, many real estate clients that you never, ever buy a lawsuit and you never, ever hire a lawsuit." Colleagues, you may read this and review this and interpret it for yourselves. But the way I read and review this, in stating, "Over the years, I've advised many, many real estate clients that you never, ever buy a lawsuit and you never, ever hire a lawsuit," tells me that this individual is comfortable advising clients against hiring people who might be in protected classes. As a person who is in a protected class myself, that gives me pause, that makes me question his integrity and his judgment in a position such as the Commission on Industrial Relations, and it makes me vote against his confirmation. I would hope, colleagues, that you

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

Floor Debate
May 30, 2019

would also do your homework, review the record, and make your decisions based on the factual information presented to you. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. I-- I was also not planning to speak on this, but I was concerned about the comments that Senator Morfeld made about the-- stated at a town hall, statements of the candidate, because I think that we oftentimes forget how far we've come with our labor and business practices in this country, and it is because of labor negotiations and that people fought and died for the regulations that we have now in statute at the state level and at the federal level. So this is really an important thing when we talk about the care and safety of our work force. I don't know this gentleman, as most of us do not. But hearing that he does not have a background in this area is concerning to me. I have a family of lawyers. I, myself, am not a lawyer. And I would only recommend one of my family members for this position, and that family member is my cousin, who is the HR director for the Legal Aid of Nebraska. She has a master's in business, she has a juris doctorate, and he has worked in HR for 20 years. So she's the only family member I have that I would ever suggest to be doing this kind of work because being a lawyer does not mean that you know all of the law. Just like being a doctor, you specialize in certain areas of the law. And so I find it concerning that not only does he not have that experience, but he also doesn't have-- he has a stated record of not being protective of-- of the work force and workers' rights and that's something that we really should consider. This should be a nonprejudicial position, and the person in the position should be able to hear out both sides of-- of the concerns. But you should not already be predetermined that workers don't deserve protections. They very much do deserve protections and I would caution us against forgetting the history of workers' rights in America. It is very, very important and people did die to get-- make sure that we have protections. So thank you. I'll yield my time to the Chair.

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

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I, too, wasn't going to stand on this, but it became too much and I just want to say that, first off, I feel very strongly that we need to

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

Floor Debate
May 30, 2019

be following our laws. Senator Lathrop and I worked together well on a number of different matters. He and I did not totally agree on the-- on the Arp appointment. And so I was not wholeheartedly supportive of that appointment because I didn't feel like he met the-- the muster and the requirements set forth in the statute. But again, Senator Lathrop is correct, he-- Mr. Arp did have at least some contact and affiliation with legal matters and with-- with what he had worked on in his past. Again, we can pick and choose, and we can graze through the laws and choose which ones we want to follow and which ones we don't. But clearly Nebraska Statute 48-805 says commissioners "shall be appointed because of their experience and knowledge in legal, financial, labor, and," I'm emphasizing the word "and," "and industrial matters." That word "and" is critical to this entire appointment, and words do matter, colleagues. It doesn't say "or," and then you can pick and choose which things you think he's going to fit with them. Yeah, he's a lawyer, so if it had said legal, financial, labor, or industrial matters, then we could say, yeah, he's a lawyer, let's put him in that spot. The fact that it says "and" legal matters, matters. That is a word that actually lawsuits turn on that specific word, "and." And whether we use "or" or "and" matters. And Legislatures before us determined that this is how they wanted to set forth that law. So I also want to thank Senator Bolz for bringing forth that information, the information that he, that Mr. Neuhaus has said never buy a lawsuit or hire a lawsuit. Therein lies the bias and the prejudice not to hire protected classes, potentially, those subject to race, religion, sex, creed. Those-- those are biased statements just a few years ago. So I will stand opposed to this appointment. I do generally support the Governor's appointments. But again, I was one of those who stood up against Colonel Rice because there had been three separate times that he had had complaints leveled against him. And we stood up and argued against it and said this person should not be appointed. And in this instance, I hope, colleagues, that we can do better. I hope we can find somebody without the bias that we're hearing, without-- I'm sure he's a very good lawyer. But again, there are a lot of us that are lawyers that aren't prepared to do this work. It is very complicated work. Thank you. And with that, I'll give the rest of my time to Senator Chambers if he'd like it.

FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, 1:00.

CHAMBERS: Thank you, Mr. President. Thank you, Senator Pansing Brooks. What the Nebraska Supreme Court, the U.S. Supreme Court, the lawyers that put together the judicial

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

Floor Debate
May 30, 2019

standards for judicial conduct have pointed out, one of the most important matters for the court is to have public confidence. There cannot be public confidence in this commission with a man serving on it who has already stated prejudices against the very types of persons who might come before that commission. By the way, it used to be called a court. But I analyzed what a court is, I looked at what commissions do, and I was the one who brought the legislation that changed it from a court to a commission. You all didn't know that, did you? You don't think I know anything, do you? I do things that change things. And you think it's been that way all the time because it's been that way for as long as you knew it. But somebody--

FOLEY: That's time, Senator.

CHAMBERS: --brings changes-- thank you, Mr. President.

FOLEY: But you're next in the queue, Senator Chambers. You may continue.

CHAMBERS: Thank you. Mr. President, Omaha was going to put one of these speed cameras in operation. Their lawyer had said that it's constitutional, the ordinance that he drafted. Again, I read the law and I saw through it right away. A traffic infraction in a-- in Nebraska is the same as a criminal violation. All the principles of due process have to be there. One of the first is that you must be able to face your accuser. If they have as evidence what was recorded by a camera, you cannot face your accuser. A person who was ticketed by an officer has one set of standards. When it's by a machine, you don't have that. You have violated due process. You have two different standards for the same offense, and a judge ruled I was correct and struck it down. That's what I did. Nobody in this Legislature did it. Nobody in the legal realm did it. But I did it, and I'm not a lawyer, because I won't take the bar and I won't join the Bar Association. But I can study the law. Two impeachments that occurred in this state, and I was the introducer of both resolutions. Paul Douglas as the Attorney General, the Legislature impeached him. A majority of the court agreed to convict. But for impeachment, you have to have a supermajority of five, rather than just a majority. Four judges said impeach him, that he's guilty. Three said no, so the supermajority was not there. But a majority of the Supreme Court agreed. Dave Hergert, who was a Regent with the University of Nebraska, I offered the re-- the impeachment resolution there, and the Legislature named me as one of the managers of the matter. He David Hergert was

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

Floor Debate
May 30, 2019

impeached. The Supreme Court convicted him. He can never hold a public office again. There were Republicans in the Legislature who didn't want to see that happen. I have been here long enough, I have seen enough, and what some of these people on the floor are saying now are what cause me to say that there's no respect for this Legislature. There are people in the Legislature who have no knowledge, no understanding of what a Legislature is. They demean it, they lower the standard, and that's why people have no respect. So I have to just go out on my own and do the things that I think need to be done, and you still don't listen. A recommendation to be a judge is not enough, that he's a good guy or he hasn't been convicted of a crime. There's a higher standard than that, but not by the Legislature, because their Governor appointed him. I'm going to say again, your Governor's judgment is so good he had a white nationalist on his staff, and this guy had posted stuff on the Internet, racist. But the Governor put him there and only got rid of him when the public made an outcry. And the Governor said he didn't know. I'm not a rubber stamp in this Legislature. I'm not going to automatically vote for somebody because the Governor offered him or her. When the federal government set a speed limit on the interstate, that didn't bind the states. The states could do differently. The federal government cannot set a state speed limit. The way they would make the states do it is say, if you don't go along with it, we'll withhold road funds. So I knew the Legislature was not going to offer a speed limit higher than what the federal government wanted. So I said, here's what we're going to do--

FOLEY: One minute.

CHAMBERS: --we can set whatever punishment we think is appropriate at the state level because what we have on the books as the speed limit is a state-sponsored speed limit even though it's the same as the federal government. So I said, if you are going no more than ten miles an hour over the speed limit, you can only be charged a \$10 fine, no points off your-- of your license. The legal eagles said that was wrong, the federal government would with-- withhold funds. That didn't happen. And when the then-Governor took it to court, the Nebraska Supreme Court upheld what I had done. That's what I did. You say, why do I keep saying I, I, I? Because I'm the one who did it and not one in here can match me. Nobody who's ever been in this Legislature can match me. Nobody in any Legislature in the country can match me. And if I made a list all the things I've done, you'd say, gee, I didn't know that. There are a lot of things

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

Floor Debate
May 30, 2019

you don't know because you didn't pay attention. But there are serious things that we can all have a hand in making sure they're done properly. This is one of them.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Matt Hansen, you're recognized to close.

M. HANSEN: Thank you, Mr. President. Colleagues, as just a reminder, the Business and Labor advanced Mr. Neuhaus' appointment to the floor with no recommendation. That was a procedural option open to us in the rules, and I appreciate the committee for-- for taking my recommendation to move them forward with it. I believe you've heard five members of my committee, not including myself, speak on the floor today. And you've seen the split in perspectives and why-- why we went forward in this path. I do think it's our role as Legislature, it's both constitutionally and in our rules and just kind of in our role as an-- the legislative branch of a government to hold an oversight light-- hold an oversight role over some of these positions, positions we as a Legislature have created but said need to come back to us for approval. I think it's our obligation then as committee Chairs to make sure it gets to the floor for the full body to decide, and that is what this is. So this is a motion to approve Gregory Neuhaus to the Commission on Industrial Relations. A yes vote would allow him to be appointed and-- and that's what this motion stands. Mr. Neuhaus is a private practice attorney from Grand Island and would be a new appointee. And with that, as a courtesy to Mr. Neuhaus, I would ask for a call of the house.

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

CLERK: 22 ayes, 2 nays to place the house under call.

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

Floor Debate
May 30, 2019

FOLEY: House is under call. All senators please return to your desk and check in. The house is under call. All unauthorized personnel please leave the floor. The house is under call. Senator Hughes, the house is under call. All 49 members are now present. The question before the body is the to-- the approval of the appointment of Gregory Neuhaus to the Commission on Industrial Relations. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 27 ayes, 19 nays on the report, Mr. President

FOLEY: The appointment of Gregory Neuhaus has been approved. I raise the call. Items for the record, please.

CLERK: Mr. President, a series of resolutions: LR268 and LR269, Senator Bolz; Senator Geist, LR270, LR271; Pansing Brooks, LR272; Arch, LR273; McDonnell, LR274; Geist, LR275 and LR276; Lathrop LR77; Hunt, LR78. And I have a Reference report referring a study resolution (re LR262). That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. We'll now proceed to the next item on the agenda, Final Reading on LB470e. Mr. Clerk.

CLERK: Mr. President, a motion on the desk, Senator Chambers would move to return the bill to strike the enacting clause.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, this is not for the purpose of killing the bill or taking a long time on it, but this got past me. We only have two bills, so I had a chance to look at it. And one of the key points is where a definition is changed where real property now becomes personal property. You're going to change what is real property into personal property. And I told Senator La Grone he and I can have that discussion, but I want to make it clear what I'm getting at. On page 2, in line 30, is where you see the line-- the term "personal property." Then if you go over to page 3 and look in line 6, this dwelling complex and

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

Floor Debate
May 30, 2019

related amenities located on a United States Department of Defense military installation is now personal property. A dwelling is not personal property. Now if you all think that that's good policy, you can pass the bill, which you probably will anyway. But I think there is a legal question here and it might rise to the level of a constitutional problem. If I have a dwelling and I pay property taxes on it, and you have a similar dwelling, but just because of its location yours is personal property, that looks to me like a discriminating-- a discriminatory application of the tax laws, and I don't know that that can be done. Since I haven't had time to research it, I would like to ask Senator La Grone a question or two, and he might want to pass that part to-- well, he'll handle it the way he feels-- sees fit. If he would yield, I'd like to ask him a question or two.

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

La GRONE: Absolutely.

CHAMBERS: Senator La Grone, since I'm going to ask you the question, have you got the bill before you?

La GRONE: Yes.

CHAMBERS: All right. We have new language on page 1 beginning-- that I'm concerned about-- in line 7. And for the record, "dwelling complex and any related amenities located on a United States Department of Defense military installation in this state if: The owner of record of the land upon which such installation is situated is the United States Government or any instrumentality thereof." Now when they say the land is owned by the government, the dwelling could be owned by a private individual. Isn't that true, based on this?

La GRONE: That-- that is my understanding. But in terms of the intricacies of that portion of the bill, I think Senator McDonnell would be better to answer those [INAUDIBLE] on his bill.

CHMABERS: So you wouldn't mind if I ask the questions to Senator McDonnell?

La GRONE: Absolutely.

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

Floor Debate
May 30, 2019

CHAMBERS: All right. Senator McDonnell, if you would respond?

FOLEY: Senator McDonnell, would you yield, please?

McDONNELL: Yes, I will.

CHAMBERS: Senator McDonnell, we're speaking of a house or a place where people live, not a trailer or anything like that, but an actual dwelling. Isn't that true?

McDONNELL: Yes.

CHAMBERS: And the only thing that distinguishes it from any other similar dwelling is that it sits on this military base. Is that true?

McDONNELL: Yes.

CHAMBERS: If this dwelling were moved off that base and placed somewhere else and you put a foundation under it and so forth, then you'd have to pay property tax on it, wouldn't you?

McDONNELL: Yes.

CHAMBERS: How is it that-- oh, and then here's-- so that this part will complete the question, in line 30, they talk about personal property, and on the next page, defined as personal property is the dwelling complex and related amenities. A dwelling now is no longer property for the purpose of property taxes. It's now personal property and there is no property tax. Is that correct?

McDONNELL: And I'm sorry, Senator. What page were you on with line 30?

CHAMBERS: OK, page 3.

McDONNELL: Page 3?

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

Floor Debate
May 30, 2019

CHAMBERS: Yes. I mentioned page 2 because we're defining personal property. "Tangible personal property" is what we are defining, and that's in line 30 on page 2.

McDONNELL: Page 2, line 30?

CHAMBERS: When you're with me--

McDONNELL: Yes, I'm-- I'm there with you, Senator--

CHAMBERS: OK.

McDONNELL: --on page 2, line 30.

CHAMBERS: The term "tangible personal property" is what's being defined. Then when we go to page 3, in line 6, this now becomes tangible personal property, not real property, for purposes of taxation, "A dwelling complex and any related amenities." So we're talking about a housing development. Is that correct?

McDONNELL: Yes, we're talking about military property that through the Department of Defense has made an agreement for someone to manage that property, which that property will return eventually to the federal government.

CHAMBERS: But a private entity could own it, too, isn't that right? They just don't own the land--

McDONNELL: Yes, they could sign the-- they can sign the agreement with the Department of Defense to manage that property.

CHAMBERS: If I'm not being too meddlesome or prying, who asked you to bring this bill?

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

Floor Debate
May 30, 2019

McDONNELL: This-- this was brought to me by a-- a number of different people, the people that currently manage the property, Burlington Capital, and people from the air force base that live on the property.

CHAMBERS: Mike Yanney wouldn't happen to be a part of that, would he, or is he?

McDONNELL: Yes, he would.

CHAMBERS: Oh.

McDONNELL: He is part of Burlington Capital, yes, he is. The--

CHAMBERS: Thank you.

McDONNELL: --individual that's--

CHAMBERS: OK.

McDONNELL: --in charge of the housing that testified was Dominic Vaccaro, and then there was a person from the former military, retired Air Force, that also testified.

CHAMBERS: Thank you. And since this is not a grilling are an "I got you," I want my position to be clear in the record. When you have some of the wealthiest people in Omaha, and by the way he's one of those who is spearheading that drive to put-- and that's all I'll ask you, Senator McDonnell-- to put that young people's jail in downtown Omaha, Yanney and his outfit. They don't care about youngsters. They don't have no interest in juvenile justice. But the builders, the contractors, and the architects are making tons of money by designing then constructing it. It's going to have fewer beds than the current facility. The spillover will probably result in some of those young people being taken down the street and put in the adult prison, which is run by Douglas County. But back to this. I am very skeptical when these are the people who are going to persuade the Legislature to redefine real property as personal property. That's the only way they can get out of paying property taxes. But what is it going to do if somebody looks at this

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

Floor Debate
May 30, 2019

piece of legislation and look at what the purpose of it is? Now I will come back to Senator La Grone. Senator La Grone, your part of this bill does what, because you can state it better than me reading all of this and you won't have to do that, if Senator La Grone will answer a question or two?

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

La GRONE: Yes. My part of the bill actually isn't in the bill anymore.

CHAMBERS: Say it again?

La GRONE: My part of the bill is no longer in the bill.

CHAMBERS: OK. So the only thing in this bill now is what's being discussed?

La GRONE: No. I have Senator Wayne's bill, as well, which was what-- which was a companion bill to my bill. Effectively, his OCIO fee was cheaper, so we decided to go with his portion this year rather than mine.

CHAMBERS: Doesn't it say something in here about those programs that we were--

La GRONE: 529 programs?

CHAMBERS: Yes.

La GRONE: Yes.

FOLEY: One minute.

CHAMBERS: And it also talks about payments in lieu of taxes?

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

Floor Debate
May 30, 2019

La GRONE: Correct. I believe there's two instances where Senator Wayne's bill appears. I'm trying to find the page at this moment. If we don't find it within your minute, feel free to turn on your light again and ask me.

CHAMBERS: Take your time.

La GRONE: So one portion of Senator Wayne's bill is on page 11. That's the transfer to pay for his OCIO fee.

CHAMBERS: It does what?

La GRONE: So when you change-- so what his bill does is two things. It says that if you are on state aid benefits and there are contributions to a 529 that you are the participant in, that contribution does not count as income for you, so you're not kicked off your [INAUDIBLE]

FOLEY: That's time, Senators. Thank you, Senator Chambers and Senator La Grone. Senator McDonnell.

McDONNELL: Thank you, Mr. President. And just to kind of refresh everyone, based on the idea of what we were trying to do, and I-- again, I thank Senator La Grone and-- and Senator Wayne for joining me in-- in this bill-- was try to make sure that we improved the military property and the housing for the people that are serving our country and their families. And the way we were doing that was to make sure that the infrastructure was taken care of at the same time, making sure that the schools will remain whole, 100 percent, that the money going to the schools would be there, that with the-- working with the Sarpy County to make sure that 5 percent was going to the county, based on the idea that-- for people to go register their vehicles, to be part of their voting process, and the-- the remainder would go into a separate trust for infrastructure that no company, no individual would-- would benefit off that money. It would have to be used for the infrastructure on the property that the federal government owns through the agreement the Department of Defense has given to that person, that company that's going to manage the property. So we're making sure that we're improving the military housing. There's two states in the-- in the country that do not tax military-- that do tax military property, and it's

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

Floor Debate
May 30, 2019

us and the state of Florida. So other states have chosen to do it differently. We've chosen to go this direction, so we're making sure that the infrastructure on that military property, that the people that are serving our country and their families are living, is taken care of, and also the schools that remain-- remain whole-- made whole, and also that 5 percent is set aside for the county to cover their cost. Thank you, Mr. President.

FOLEY: Thank you, Senator McDonnell. Senator Chambers.

CHAMBERS: Mr. President, members of the Legislature, had I followed the discussion on this bill when it was before us, then I would be better prepared. But I do not want to have a bill that looks to me like it has more than one subject. I don't want to not have raised the issue on the floor. So now that Senator La Grone knows the direction I'm going, you had mentioned something about material on page 11, so I'll let you explain that so it's clear. If he-- if Senator La Grone is willing to respond to a--

FOLEY: Senator La Grone, if you'd yield again, please?

La GRONE: Absolutely. So basically the bill does two things at this point. It has Senator Wayne's LB529 provisions and it has Senator McDonnell's military housing provisions. And as I understand your point, and jump in if I'm wrong here, it is that those are two different provisions. So your question is, how is that a single subject under the single-subject provision of Nebraska's Constitution?

CHMABERS: Yes. I'm saying I see two subjects here.

La GRONE: Right. So there are three standards for single-- for the single-subject provision, and I can't quote the sections up-- with-- since I don't have it in front of me. One deals with constitutional amendments, another deals with ballot initiatives, and then you have a third for bills that we pass through this body. And again, I can't quote it, and I can't pull a case out of my head, but effectively what the standard is for bills that we pass through this body is that if the substance of the bill can be contemplated under the title of the bill, it falls under one subject that

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

Floor Debate
May 30, 2019

this body considered. Both Senator Wayne's provisions and Senator McDonnell's provisions fall under the single title that is stated on the Final Reading copy of the bill.

CHAMBERS: Thank you. And here is why I disagree with that. The title can give an accurate designation, even description of what the bill contains, but that does not mean the mere fact that these things are mentioned in the title will allow more than one subject. And when you are changing the definition of real property so now it becomes personal property, and there is no property tax, it is an area different from what Senator La Grone had talked about and what Senator Wayne's proposal deals with. So in order that Senator Wayne is not being discussed when he's here to discuss his own part of the bill, I would like to ask Senator Wayne a question or two if he would respond.

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes.

CHAMBERS: Senator Wayne, would you state what your portion of the bill is designed to do, how it operates?

WAYNE: Yes. Thank you, Senator Chambers. My portion of the bill is simple. We are trying to start a process in which we can end the cliff effect for those who receive state aid, such as SNAP or childcare subsidies such as Title XX. So if an employer wants to give somebody a raise, that employee can opt to have that raise portion go towards the 529 plan for their children and they would essentially get the raise but it would go to the future planning of their children and it wouldn't count towards their benefits. They wouldn't lose their child subsidy or their SNAP benefits.

CHAMBERS: Thank you. And that part, when it was Senator Wayne's bill, I agreed with that, without a doubt, and I agree with it when it's expressed here. But you're hard pressed to say when you are talking about SNAP, the cliff effect, and where the money can be put someplace else so that--

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

Floor Debate
May 30, 2019

FOLEY: One minute.

CHMABERS: --it's not counted against what would be looked at to determine whether you're qualified for SNAP, then you have this rich man's scheme where they can have real property defined as personal property. That constitutes two subject matters. I had stated that I'm not going to take a long time on it. I'm not going to take a long time on it. But there's no way that I can support this bill when I'm convinced that what Senator Wayne's portion does is not-- it has nothing to do with what Senator McDonnell's part that allows these private entities to define real property as personal property. There is no connection whatsoever. Had I been aware of this--

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

CHAMBERS: --before now--

FOLEY: That's time.

CHMABERS: You said time?

FOLEY: Yes.

CHAMBERS: Thank you, Mr. President.

FOLEY: Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I'm just rising to speak to one portion of the bill and that is the area of 529s. People are coming up again saying, you know, is-- is-- are-- is this all OK? And we've discussed this probably ad nauseam to many of you, but I think it's been important discussion. And Senator Lindstrom's bill that had Senator Wishart and Senator Linehan's portions in it, we made clear that-- that-- that the 529s were not to be used for K-12 funding. This is not-- this is not a portion of Senator Wayne's bill that is-- that is before us, and his bill is important regarding the cliff effect. So I have been working with Senator La Grone and-- and the others on this bill, and I will be supporting this bill. Thank you.

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

Floor Debate
May 30, 2019

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

ALBRECHT: Thank you, President Foley. Would, I believe, Senator La Grone yield to a question?

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

La GRONE: Yes.

ALBRECHT: So with all these bills that Senator Chambers is talking about that were blended into it, is LB444 still in there?

La GRONE: I'm not familiar with what LB444-- is-- oh, that was Senator McDonnell's original bill number, is that correct?

ALBRECHT: Correct.

La GRONE: Yes, that's in there.

ALBRECHT: So the fiscal note that shows-- which, Senator Chambers, thanks for bringing this to our attention. So the Department of Revenue notes that because of the exemption is placed within the homestead exemption statute, Section 77-3523 would require county treasurers to certify the entire loss to all taxing agencies. This loss is then reimbursed from the General Fund. Therefore, schools would receive both a direct reimbursement from homestead exemption from the General Fund and the payment in lieu of taxes required by LB444. Other taxing entities would receive only the direct reimbursement from the General Fund. So starting in '20-- '20 and 2021, \$1.4 million would come out of the General Fund, the next year 1.460, and the next year 1.524. So, property taxes, can you answer to that, Senator La Grone? Is that--

La GRONE: Yes, I believe you're reading an old version of the fiscal note.

ALBRECHT: I am? So what's the new?

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

Floor Debate
May 30, 2019

La GRONE: I believe so. I don't-- I obviously can't see what you're looking at. But that sounds more like the General File copy to me. I could be wrong based on not knowing what you're seeing.

ALBRECHT: OK. So where would I find the most recent one?

La GRONE: I think Senator McDonnell would probably be able to-- so his-- his-- the amendment on General File--

ALBRECHT: Yep. Yep.

La GRONE: --took care of Senator McDonnell's fiscal note. As to the specifics of that, he could probably answer that better than I could.

ALBRECHT: OK. Senator McDonnell, yield to a question, please?

FOLEY: Senator McDonnell, would you yield, please?

McDONNELL: Yes.

ALBRECHT: OK. So you went from a million and a half to cash funds of only \$60,000. So does that mean the people no longer will-- it wouldn't make schools or the counties-- where-- where is the schools or the counties going to be?

McDONNELL: Yeah. What we worked out to get rid of the fiscal note was the idea that the schools would be made 100 percent whole, that--

ALBRECHT: And how would that be?

McDONNELL: The money would go directly to the schools in the bill. The dollars that they-- they're collecting right now to go to the schools would continue. The county then would only take 5 percent of the remaining money that's going to go into the-- the fund for the infrastructure.

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

Floor Debate
May 30, 2019

So you're-- you're looking at an old fiscal note that no longer exists in this bill based on the agreement would be-- there would be a-- 5 percent going to the county, which they have agreed upon, there would be 100 percent still going to the school, then there would be an infrastructure trust fund for all that money to be spent on the infrastructure with the state overseeing it.

ALBRECHT: OK. So is this existing property that's already owned by the United States Government?

McDONNELL: Yes.

ALBRECHT: So how can that money-- how can they tax it if you're-- if you're asking in this bill for it to be exempt?

McDONNELL: Because there's two states in the country, the state of Nebraska and the state of Florida, that decided after they had agreements with property being managed to improve the property for the military housing, that they would tax. It was us and the state of Florida. So they have been taxing it.

ALBRECHT: Thank you. Thank you.

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

CHAMBERS: Mr. President, I'm just going to linger on one part of it, because I wish that our legislating would be more thorough and better considered. I'm not condemning Senator La Grone, Senator McDonnell, Senator Wayne. Had I been aware of this sooner, I would have asked for an Attorney General's Opinion in the same way I did on another bill that was coming before us. It was one that Senator Erdman was involved in, and he saw that the Attorney General's Opinion was correct, and he began to use that as a blueprint. That was not a case where you had more than one subject. It was where the taxing law was not being followed in the way that it should based on what people were trying to do. That's a very general oversimplification. You have more than one subject in this bill. Now you can pass anything you want to. Whatever

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

Floor Debate
May 30, 2019

happens in another state is governed by that state's constitution. In Nebraska, a law passed by the Legislature can contain only one subject. From this discussion, you see several subjects here. What Senator Wayne is doing has nothing to do whatsoever with what Senator McDonnell is trying to do. The matters that Senator Albrecht raised, maybe something about in lieu of taxes, where, rather than being taxed, you agree to pay a certain amount, that's not connected to what Senator Wayne's bill does. I'm not going to vote for this bill. And if I feel strongly enough about it, I will go to the expense of hiring an attorney to challenge it. We have to be more careful about the way we legislate. I told you I believe in trying to show the way by example. If I believe that this law that's proposed has more than one subject and the Legislature insists on passing it anyway, I don't know whether the Governor will sign it. Listening to this, his people ought to tell the Governor to get an Attorney General's Opinion before the Governor signs it. If this is passed today, in order for you to have a chance to override any vetoes, the Governor would have to veto this immediately. And if he signs it, in view of this discussion, then you know what I'm going to have to say about the Governor, his legal counsel, the Attorney General, but mostly the Legislature. We have a responsibility and an obligation. But here's what I'm willing to concede. The fact that I see it this way doesn't mean it actually, under the law, is that way. I think it is. But you don't have to take my word for it, just like my word isn't taken for a lot of things. But on this one, it is such a serious matter, the stakes are so high, that I will hire a lawyer. And I believe that I can obtain standing as a taxpayer. And there are other bases where maybe I can--

FOLEY: One minute.

CHAMBERS: --when I'm raising the issue of more than one subject in a law. That's all I will say. And anything else I'll say, I will wait till I close. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. You're recognized to close on your motion to return the bill to Select File.

CHAMBERS: Mr. President, I'd like to ask our constitutional expert, Senator Morfeld, a question, and he may have followed-- not followed-- followed the discussion.

FOLEY: Senator Morfeld, would you yield, please?

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

Floor Debate
May 30, 2019

MORFELD: This is the--

CHAMBERS: Senator Morfeld, will you yield?

MORFELD: Yes. This is the worst-paying legal job I've ever been in, so, sure.

CHAMBERS: Senator Morfeld, have you followed this discussion?

MORFELD: Have I-- have I followed it? Yes.

CHAMBERS: Yes.

MORFELD: Do I understand all of it? Absolutely not.

CHAMBERS: Nor do I, but let me see if you understand this part. Under the Nebraska Constitution, can a law be constitutional, passed by the Legislature, if it contains more than one subject?

MORFELD: No.

CHAMBERS: All right. From the discussion with Senator Wayne, and I'm oversimplifying, dealing with SNAP and the cliff effect, Senator McDonnell is trying to find a way for some rich guys in Omaha to do some developing and other things and not have to pay property taxes. Are those-- do those two ideas constitute one subject matter or two?

MORFELD: I don't know the exact answer to that question. I need to probably research some of the case law before I came to a conclusion on that.

CHAMBERS: A very good answer, thank you. And, Mr. President, so that I can tie mine in a neat package, because I'm going to ask for the transcript, my contention is that this bill contains more than one subject. Since it contains more than one subject, it violates the Nebraska Constitution. By violating the Nebraska Constitution, the law, the bill, it is unconstitutional, in

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

Floor Debate
May 30, 2019

my opinion. Now if I'm wrong, I don't mind you saying "we told you so" by our vote. But I can look around here and you all are not really sure, even those of you who haven't followed the discussion closely. From what Senator Albrecht asked, you know that has nothing to do with the cliff effect related to people who are on SNAP. And the application of any money that they make that might disqualify them from SNAP, they can put it into one of these other programs that is being administered by the Treasurer. This does not hang [RECORDER MALFUNCTION] think it has to fall apart. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Chambers, I was distracted for a moment there. Did you-- did you withdraw that motion or are you going to take it to a vote?

CHAMBERS: Oh, yes, yes.

FOLEY: Take it to a vote? Members, you've heard the debate on the question of whether or not to return the bill to Select File. Because we're on Final Reading, I'll need all senators, please, at your desks. Senator Chambers.

CHAMBERS: I want to withdraw my motion.

FOLEY: Very good.

CHAMBERS: OK.

FOLEY: The motion is withdrawn. Thank you, Senator Chambers. Members, I'll still need you at your desks. We're in Final Reading. LB470e, Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing the reading, vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 38 ayes, 6 nays to dispense with the at-large reading.

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

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

Floor Debate
May 30, 2019

ASSISTANT CLERK: (Read title of LB470.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB470e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

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

FOLEY: LB470e passes with the emergency clause attached. Our next bill is LB470Ae, Mr. Clerk.

ASSISTANT CLERK: Mr. President, engrossed-- reading engrossed LB470A, by Senator La Grone. (Read LB470A on Final Reading.)

FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB470Ae pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) Vote is 43 ayes, 1 nay, 5 present and not voting.

FOLEY: LB470Ae passes with the emergency clause attached. The next bill is LB209, Mr. Clerk.

CLERK: Thank you, Mr. President. Priority motion, Senator Wishart would move to return LB209 to Select File for a specific amendment.

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

WISHART: I waive this motion. Oh, no.

FOLEY: Motion is withdrawn?

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

Floor Debate
May 30, 2019

WISHART: Oh, sorry. OK. There was some confusion about this. Anyway, originally I had introduced an amendment on LB209 that I had talked with Senator Albrecht about. And at that time, she had said that this is a friendly amendment. But I understand the situation we're in, so I recognized it-- it wouldn't be friendly anymore. But I did want to get on the record some discussion on this. One of the concerns I have with this bill is we've been talking about the fact that we have worked to make it as medically accurate as possible. But there is still the big unknown about the Web site. And so the amendment that I was seeking to introduce, and the reason I'm-- I withdrew it and then refiled it, was I wanted to give Senator Blood a chance with her amendment that was successful. But I do want to get this on the record, because this is going to be something that I will be following the Department of Health and Human Services carefully. The amendment that I had introduced was about requiring that the Web site had medically accurate information. My concern is that there are other states that have posted links to-- to hot lines and that potentially aren't giving women the best, medically accurate information. And so I want to make sure if we're doing this legislation, that we are ensuring that what is on the department's Web site is medically accurate. So the amendment I introduced just requires that the information be medically accurate. In my understanding, medically accurate is defined as verified or supported by research conducted in compliance and accepted scientific methods and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, etcetera. I will be watching the Department of Health and Human Services, watching their Web site. And I do plan on coming back next year if we find that what they have posted on their Web site does not follow what I think needs to be a strict understanding of medical accuracy. I will say again that Senator Albrecht and I had talked about this amendment, she had OKed it, but unfortunately we ran out of time. And I don't intend on taking this motion further, but I-- I did want to get up and-- and note that I will be watching the department to ensure that they are serving the Nebraskans well. Thank you.

FOLEY: Senator Wishart, are you leaving your motion up at this point?

WISHART: Yes.

FOLEY: OK. Thank you. Senator Hunt, you're recognized.

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

Floor Debate
May 30, 2019

HUNT: Thank you very much, Mr. Lieutenant Governor. Speaking of bills with more than one subject, the number of things that I like about this bill is zero. The number of things I like about what's going on with women's reproductive rights, with access to reproductive healthcare, with interference in the doctor-patient relationship, with the demeaning of the standard of care that all patients deserve, especially women, who are pretty much the only people who are primarily affected by these kinds of bills, the number of things I like about all of those things going on in our country is zero. And there are some different things that I want to talk about today, and I may not get time for all of them, so I would invite anybody to give me time if they'd be able to. But first I want to talk about a fact sheet that I've distributed on the floor. This didn't come to me from anybody, so before anybody is tempted to say, you know, this was given to you by this funded organization or whatever, no, this is all scientifically proven facts. And there's footnotes on everything so you can check the things that I'm talking about. I'd also like to talk about the history briefly of medical experimentation in our country and how this contributes to it, and I think that we should talk a little bit about informed consent, because Senator Albrecht, the introducer of this bill, has continuously said that that's what this bill is about. And I expect this bill to pass fully. We know that that's where this is going. And many people have said to me, Megan, are you really going to take us all the way on this bill today on Final Reading? Yes, because when you're messing with reproductive healthcare, when you're messing with access to services, and when you're bringing bills that doctors literally don't want, yeah, I'm going to take up all the time, and that is a lesson to you for bringing bills about abortion. So if I have any time left, I'd like to ask Senator Albrecht some questions because, given that this will pass, I think that we should put some things on the record in the event of future legal challenges that we can look back on. So politic-- politics are occurring, we're being politicians here, because this law isn't one that's being made on the basis of evidence or on a basis of need or on a basis of demand. It's being made on a basis of a desired outcome. It's being brought because it might help some of our chances at reelection. I would say to those people that there's a lot of other things that we could do to-- to reach out to our voters, to be available to the people we represent, and to show them that we're good representatives for them, besides bringing bills that erode the doctor-patient relationship. But here we are today. It's the second-to-the-last day, and this is what we have to work with. I'm a pragmatist, and I'm really looking at this bill in terms of costs and benefits. I have worked really hard throughout the whole debate on this issue to make sure that we don't turn this into a debate about the morality of abortion. This bill isn't even a bill that really deals

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

Floor Debate
May 30, 2019

with that. It's a bill that originally made providers say something that they didn't believe to be true. With the amendment, a big concern that I have now is what's going to be going on that DHHS Web site. I spent quite a bit of time on the phone with HHS over the past couple weeks, I talked with them today, and I'm still not be able to get a solid answer about where women are going to be sent-- where women are going to be sent who reach out to DHHS for medical advice. And given that we don't know that the places they're going are going to be given-- giving them medically accurate information, we don't know if these are religious organizations, we don't know if these are funded by groups that-- that don't support science.

SCHEER: One minute.

HUNT: I don't think that we should be doing that. So first I want to just go back over the ethical concerns that I have about this bill. There's a lack of scientific validity. There are unknown, unstudied effects of progesterone for this intended purpose. We know that DHHS might be referring patients to an unethical organization, and we also have to think about the aspect of experimentation on a vulnerable group of people. What I write on this sheet is, this legislative interference transforms an unproven theory into law, bases law on methodologically flawed research, and in effect turns unethical experimentation on pregnant women into legislative mandate. In states with abortion reversal legislation, women are effectively being conscripted into an unmonitored research project because, as of now, there's absolutely no medical research or documentation that abortion reversal therapy is possible. So what we're--

SCHEER: Time, Senator.

HUNT: Thank you.

SCHEER: Thank you, Senator Hunt and Senator Wishart. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I came across an article that I wanted to share from. This is article from Pregnancy Help News dated October 1, 2018. It says: For more than a decade, women have used abortion pill reversal as a means to stop their in-progress chemical abortions and save their unborn babies' lives. Now, Heartbeat International, which took the reins

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

Floor Debate
May 30, 2019

of the 24/7 helpline and provider network the spring of 2018, says the protocol has led to the births of more than 500 babies, with another 100 on the way. "This-- represents not only 500 lives saved, but 500 women who were given a second chance to-- save themselves and their babies from a terrible fate," said Jor-El Godsey. Godsey is president of Heartbeat International, a global network of more than 2,600 pregnancy help locations. Thanks to the commitment of the medical providers and pregnancy help centers who make the Rescue Network possible, 500 children are alive today. Abortion Pill Rescue is a network of more than 400 medical practitioners who administer the protocol. It answers well over 100 calls per month from its 24/7 helpline. That is up from 50 calls per month since Heartbeat took over the hot line early in 2018. With chemical abortions accounting for as many-- as many as 40 percent of abortions in the U.S., the interest in abortion pill reversal is growing. Doctors George Delgado and Matt Harrison developed the treatment in 2007. Research released by Delgado in 2018 revealed that up to 68 percent of women who change their mind about an abortion and started the treatment were able to give birth to a perfectly healthy baby. The findings were not altogether surprising since progesterone has been used as an FDA-approved drug to prevent miscarriages since the 1950s. Successful abortion pill reversal has been reported in 46 U.S. states and 17 other countries. There are 430 medical practices, plus 84 pregnancy help centers that prescribe the protocol. Although abortion advocates have dismissed the life-saving treatment as junk science, dozens of women are now sharing their success stories, putting faces and names to the human beings who are alive today because of this protocol. And they quote a-- a girl-- a woman named Emily is one of them. At 19, when Emily discovered she was pregnant, she was happy, surprised, and scared all at the same time. A freshman in college and living at home, she fear-- feared her parents' reaction. Her sister and her best friend were supportive but her ex-boyfriend responded with anger. He told me I deserved it, it was my fault, and I was a horrible person who he wanted nothing to do with. I decided abortion was my only choice, Emily wrote. I went to Planned Parenthood. They rushed through my appointment, gave me the first abortion pill, she wrote. I felt horrible there. They treated me as if nobody cared about me. I cried the whole way home. I felt so sad that I had taken the pill at Planned Parenthood. This was the second time she'd been there. At age 17 she had her first abortion for what she said is her worst memory.

SCHEER: One minute.

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

Floor Debate
May 30, 2019

CLEMENTS: When I got home, I decided an abortion was not what I wanted. I wanted my baby. Then I had an idea. Maybe I could reverse the abortion. I had no idea it was possible. She did a Google search and found a hot line. A woman answered, connected her to a local pregnancy help center where she went early the next morning. Today, Emily is married to a man who loves her son, Ezekiel. Zeke is four, in preschool, and Emily works as a paraeducator for special-needs third graders. The hot line saved my life by saving my son's life, Emily says. Zeke is the best thing that ever happened to me. Zeke is the absolute love of my life, and I love him with my whole heart. And I just wanted to share that success story, and the number of success stories is 500 and growing with this procedure. I'd like to have more women have the right to choose that option. I urge you to vote green on LB209.

SCHEER: Time, Senator.

CLEMENTS: Thank you.

SCHEER: Thank you, Senator Clements. Senator Wishart, you're recognized.

WISHART: Thank you, Mr. President. Again, colleagues, I don't plan on-- on taking this motion the entire way. But I do have very serious concerns. We've had three people since I have been a senator, in terms of turnover in the Department of Health and Human Services, at their upper management level. We've had-- we have-- we've gone through three different directors. I do think this is a time when the Legislature, when we're seeing that level of turnover, needs to be committed to ensuring that Nebraskans are served well through the Department of Health and Human services. They have amazing, amazing staff there. But I-- I do think that we need to ensure that what is going up on this Web site is medically accurate. And again, from looking at other states, my concern is that we would be putting inappropriate links to hot lines. Senator Hunt discussed that she called one of those, and it led her to a church in Colorado. Colleagues, that's-- that is absolutely unacceptable when we're talking about public resources and a public Web site, and especially when we're talking about making sure that women have access to medically accurate information. So with that, I will withdraw this motion, and we can move on.

SCHEER: Without objection, so ordered. Mr. Clerk for a motion.

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

Floor Debate
May 30, 2019

ASSISTANT CLERK: Mr. President, Senator Hunt would move to recommit LB209 to committee.

SCHEER: Senator Hunt, you're welcomed to open on your motion.

HUNT: Thank, Mr. Speaker. A lot of people who are proponents of this bill keep talking about a second chance at choice. That's a-- a phrase that I've heard so many times since I was there for the committee hearing, because I'm especially interested in this type of topic. And since we've been discussing it on the floor, "second chance at choice," it sounds like a really nice slogan, right? That's because it is a slogan. It's a slogan that's used by Dr. George Delgado, who is the author of the study that Senator Clements was talking about. And I'm sorry, but that study is totally invalid. It-- it raises some questions. It raises some valid scientific questions that are worth asking. And the way that Dr. Delgado went about answering those questions was not ethically, morally, scientifically, medically valid. He-- for example, he didn't have the approval of an institutional review board. He had no oversight of an ethical review committee. He removed patients, subjects, from the sample set whose pregnancies had already been terminated by the mifepristone, which totally skews the-- the validity of the outcomes. So he can say, well, this percentage of women ended up keeping their pregnancies when they took my magic Skittle pills, and it would be just as valid because they took the people out of the-- the-- the segment that he was testing who potentially would not have had results that he wanted. That's a huge problem. No control group was used, which further invalidates the limited results of this case report which is totally anecdotal. Another big problem I have that I think is the reason that I say everybody should be against this bill, is that Dr. Delgado has a financial interest in the passage of bills like these in all different states. Dr. Matthew-- whatever-- it's in my notes here, the guy who also does this with him, they're selling abortion reversal kits. And when I called the hot line, the one that referred me to a church to get medical treatment-- what? When I called the hot line, I asked them about how they're selling these kits, and the person I talked to on the phone said that they sell them to medical providers, doctors, often crisis pregnancy centers which do not provide medically accurate information to their patients, and that's a hill I'll die on. Why is our Legislature-- like, do you understand how mind blowing this is and how much of the work that we have to do in this Legislature is just about protecting the integrity of the institution of the Legislature? Why should the Legislature be conscripted to sell drugs for a doctor who is trying to

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

Floor Debate
May 30, 2019

help women who have changed their mind about abortion? Is Dr. Delgado an OB/GYN? No. He's licensed in family care, palliative care, and hospice. Why is he doing anything between anyone's legs? There's nothing down there for him to do. He's not qualified to do anything like that. So we've got the financial conflicts of interest, no ethical oversight, completely invalid results because from the sample size that he was studying, he removed people whose pregnancies had ended. The good news is there is a valid study going on right now. There's already patients being recruited for it by Dr. Mitchell Creinin, who is a professor at the University of California-Davis. Creinin said in a news story on VICE News titled "There's no proof 'abortion reversals' are real. This study could end the debate." This is from April 17, 2019. It also mentions the bill we're debating in Nebraska in this news story. "This study could end the debate." Before I talk about that study, I want-- I have told Senator Albrecht, I've told every senator here because I sent a mass e-mail, if we want to do an interim study, if we want to do something figuring out what the validity is of this science before we put that in statute, that is how we do informed consent, that is how we make sure that patients have accurate medical information, is waiting to see what the study says. This study could end the debate. So Dr. Creinin says-- "Now, Creinin says he's about to find out whether abortion reversal is, indeed, real. Thanks to a recent grant of more than \$400,000 from the Society of Family Planning," which I'm sure many of you are going to go, woo, it's going to be so invalid. "Creinin is currently spearheading what's thought to be the first study on abortion reversal that uses randomized, double-blind testing and placebos"-- you've got to have a placebo or we don't know if it's valid-- all hallmarks-- "all hallmarks of the most rigorous forms of studies. It's been approved by UC Davis' institutional review board," and it's "registered with ClinicalTrials.gov. The progesterone protocol is not recommended by the American Congress of Obstetricians and Gynecologists, which says any claims about abortion reversal's effectiveness 'are not based on science and do not meet clinical standards.'" Before the proponents of this bill correct me, does the bill talk about abortion reversal? No. Is DHHS going to be telling patients about abortion reversal? Yes. That's the problem with the bill. Mifepristone helps end pregnancies because it binds tightly to the hormone receptors that also attach to progesterone, he explained, and no amount of progesterone can unwind these bonds. Quote: If you have four bolts on your door, if you think that coming in with some extra keys is going to help you unlock the bolts when none of the keys necessarily work in the lock, it ain't gonna open the door, he said. One part of this story that made me laugh out loud was this quote from Dr. George Delgado. Delgado told VICE News that he's designing his own randomized controlled

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

Floor Debate
May 30, 2019

study and it will tentatively include 900 women. Each patient will be given one of three treatments involving progesterone; none will receive a placebo, as Delgado, who opposes abortion, considers that to be unethical. So he's going to do his own study and no one's going to get a placebo? That's called not a study. That's called human experimentation. That's-- that's not going to-- he has nothing about institutional review boards. He's not doing this ethically. If I did a study that was like, do gummy bears solve tummy aches, and I had three groups of patients, three groups of-- of people I was testing this on, and I gave group one 5 gummy bears and I gave group two 10 gummy bears and I gave group three 100 gummy bears, and I said, well, group one, who took the fewer gummy bears, had less of a tummy ache, that does not mean that gummy bears prevent tummy aches. There's no correlation and there's no way for Dr. Delgado to know if progesterone can "reverse" an abortion unless he has a placebo. Luckily, as I said, we do have a real doctor, who does not deserve to have his license taken away, who is doing a real study. And I think that the responsible thing for this Legislature to do would be to wait to see the results of that study before putting into statute something that the American Medical Association doesn't want, that the American College of-- of Obstetricians and Gynecologists doesn't want. The only people who want this are people who are explicitly, "activistly"-- actively anti-abortion. And I think that if this body is interested in limiting access to abortion, obviously, there's an appetite for that all over the country right now, you know what? I think this body could do that. I think that if we had brought a six-week ban, I think that if we had seen a heartbeat bill this year, it would have passed with flying colors. And a lot of people told me not to talk about that because they're saying, well, don't give them any ideas. They've already got the idea. I'm not putting this in anybody's head. We know that's coming, and we know we're going to do this all over again next year when that happens. Another reason that I have a lot of concerns about this is because we already see how the concept of abortion reversal is being used to abuse people, in my mind. We have a long history in America of people being exploited for bogus medical research, and much of that was politically motivated. It's not-- I don't know if a lot of you are familiar with Tuskegee, but there are a lot of times in our history when people of racial minorities, people of ethnic minorities were experimented on for medical research, and which is why I want to talk about this story. So last year, there was this undocumented migrant girl who's 17. She was raped and she need to get an abortion. And the-- our current presidential administration did not want her to get the abortion. They went to court with the ACLU so she ended up being able to get one.

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

Floor Debate
May 30, 2019

SCHEER: One minute.

HUNT: But what this story talks about, and I can read the story when I have more time, and I will, the girl who was raped and needed an abortion, she took mifepristone, and then the Office of Refugee Settlement, HHS, wouldn't let her take the second pill until she had an examination for a fetal heartbeat. That amounts to experimentation on a human being. They discussed reversing the abortion for the teenager. They-- this is all in the deposition from the ACLU. They discussed giving this teenager an untested, unproven treatment to reverse a procedure that she wanted because she had been raped. And as Senator Chambers says, nobody should have to carry the DNA of their rapist inside them for nine months. So that is something that this administration was considering making this teen doing, according to the deposition from the ACLU. The moral implications that that has is so staggering to me and the fact that all of us in this body, I have the vote list here--

SCHEER: Time, Senator. Time, Senator. Thank you, Senator Hunt. Those waiting in the queue: Senator Slama, Lowe, Cavanaugh, and Senator Ben Hansen. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I was hoping Senator Hunt could yield to a couple questions, if she'd be willing. Sorry.

FOLEY: Senator Hunt, yield-- would you yield, please?

HUNT: Yes.

SLAMA: Senator Hunt, have you read the Final Reading copy of this bill?

HUNT: Yes.

SLAMA: Do you happen to hand-- have it handy, by chance?

HUNT: I have handy the Judiciary amendment.

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

Floor Debate
May 30, 2019

SLAMA: OK. Well, we can work off of that. Could you point to the line in which progesterone is referenced in that version of the bill?

HUNT: I don't believe progesterone is referenced.

SLAMA: OK. It's not.

HUNT: No.

SLAMA: Any reference to the abortion reversal pill or any abortion reversal--

HUNT: I have said the problem I have with this is not that it's in here.

SLAMA: OK. Thank you very much. Thank you.

HUNT: It's that DHHS is going to be telling people it's true.

SLAMA: Thank you. Can we-- thank you. Well, she's not cooperating, so let me just point out very clearly that in the Final Reading of the bill, and in the copy of the bill which she is referencing, there is no mention of progesterone, there is no mention of the abortion reversal pill, and there is sure as heck no mention of Delgado or any reference to the Delgado study. So I take issue with the fact that this keeps coming up. Folks, are we trying to purposefully mislead each other about what this bill as amended does? I've read through what this bill does 11 times on the floor of this body, and so I think I'll do it a 12th time, because evidently, what this bill does is not sinking in. All right. So referencing the Judiciary Committee amendment to this bill, the changes to our current state statutes begin on page 1, subsection (e). "Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone." Folks, this is a statement that is backed by science. About 35 percent of pregnancies are not terminated by mifepristone alone, hence the need for the second abortion pill. "If you change your mind and want to continue your pregnancy after taking mifepristone, information on finding immediate medical assistance is available on the web site of the Department of Health and Human Services." Next change is at the end of page 2. So first off, we

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

Floor Debate
May 30, 2019

don't change the beginning of this sentence which reads "The physician or his or her agent shall orally inform the woman that the materials have been provided by the Department of Health and Human Services and that they describe the unborn child, list agencies which offer alternatives to abortion," and here is the part that we change, "and include information on finding immediate medical assistance if she changes her mind after taking mifepristone and wants to continue her pregnancy." All right. We get to-- get through page 3, page 4 before there's any additional changes, page 5 no more changes, page 6 no more changes. And then we get to page 7, subsection (d), "Materials designed to inform the woman that she may still have a viable pregnancy after taking mifepristone." Again, backed by science, folks. "The materials shall include the following statements: 'Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone.'" Again, backed by science, folks. It's true. If you change your mind and want to continue your pregnancy after taking mifepristone, it may not be too late." Again, with 35 percent of women, this is true. "Materials, including contact information, that will assist the woman in finding a medical professional who can help her continue her pregnancy after taking mifepristone." All of the statements-- oh, and then we get to page 8, section (5), "The Department of Health and Human Services shall publish and make available on its web site materials designed to inform the woman that she may still have a viable pregnancy after taking mifepristone. The materials shall include the following statements: 'Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you change your mind and want to continue your pregnancy after taking mifepristone, it may not be too late.' The materials shall also include information, including contact information, that will assist the woman in finding a medical professional"--

FOLEY: One minute.

SLAMA: --thank you, Mr. President-- "who can help her continue her pregnancy after taking mifepristone. (6) The Department of Health and Human Services shall review and update, as necessary, the materials, including contact information, regarding medical professionals who can help a woman continue her pregnancy after taking mifepristone." Senator Hunt has made it clear that she wants to take the full hour and a half on this. Let's make sure that while we're taking this

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

Floor Debate
May 30, 2019

hour and a half, we're not purposefully misleading members of this body about what the bill does. I'm getting sick and tired of having to read this bill over and over again. No mention of the abortion pill reversal, no mention of proge-- progesterone, and no mention of a study, folks. This is for information only. So I support LB209 and oppose the motion to recommit. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Lowe.

LOWE: Thank you, Lieutenant Governor. I stand in support of LB209 and against the motion. You know, I think about it, and I think about a young girl that may end up in a situation she doesn't want to be in and she overreacts, goes to the doctor. The doctor gives her the pill, says take this other pill soon. She goes back and talks to her boyfriend, and the boyfriend says, no, don't do it, what can we do? She has an option. That's all this is, information for an option. With that, I yield to Senator Albrecht.

FOLEY: Thank you, Senator Lowe. Senator Albrecht, 4:20.

ALBRECHT: Thank you, President Foley, and thank you, Senator Lowe, for yielding me some time. You know, I'm very happy to go another hour and 30 minutes on this bill because I think the state of Nebraska, the women who are making a choice need to have-- be-- be informed about the-- the decisions that they're making and how it would affect them today and for the rest of their life and the child that does not have that voice, for-- for us to be a spokesperson for them as well. And again, I just want to take you back to what LB209, my priority bill, is all about. And its purpose is to ensure that every woman receives the information she needs and deserves to make a truly informed and voluntary decision when deciding whether to proceed with an abortion. This is a-- a good bill. This is a very basic bill. It simply does allow the woman to be told that if she should take the first pill and-- and decide to turn back and want to carry the pregnancy to full term, that she has a Web site that she can go to and they will help her along to find the needed help she needs to carry it through. We also have an amendment, number AM1432, which replaces the original bill, which Senator Slama just went through. I certainly don't need to go over that. And we also have a good amendment brought by Senator Howard, who chairs the Health and Human Services Committee. And I think there's been a lot of hard

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

Floor Debate
May 30, 2019

work put into this bill so that we do not compromise what people may think or feel about whether they think it's medically and scientifically OK. This is something that we as a body get to decide on what we feel is right for the woman and for the unborn child. It's an informed consent. And you know what? It-- it is all about a woman if she should choose-- so choose to change her mind, that she would have all the information in front of her to do so. It's not too late. Medical abortions, you know, are up to ten weeks. So in that ten-week period, they have enough time to contemplate what they want to do. But when they go into an abortion clinic, they're going to be told that they can contact somebody at the Health and Human Services Department and they will direct them. Today I'm certain, if you call, you're not going to get our Health and Human Services Department to let you know where you need to go in the state of Nebraska. Once this bill goes through, they will, and I have the utmost confidence in the department to do the right work to provide the information that's going to be needed for the women in the state of Nebraska and what doctors would be there to assist them. You know, we all make decisions that we wish we would have-- would have in-- like investigated a bit more, spent more time trying to ask questions of our loved ones or, you know, the significant other or your husband or whoever it is that you're--

FOLEY: One minute.

ALBRECHT: --the relationship with. But unless we have all the information, we cannot allow ourselves to-- to know what our options are. So with that, I just understand that-- that if the woman has this bill-- if this bill passes, a woman will have that choice and I think that the state of Nebraska owes it to these folks to be able to know all their options, these-- before they decide to-- to go through with an abortion. So with that, I'll you back the time. Thanks.

FOLEY: Thank you, Senator Albrecht. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. I want to talk something about that I feel remiss that I haven't spoken about previously, and that is legislation that was passed and then overridden by then-Governor Heineman in 2010. And this was providing for prenatal care for low-income women, and some of those low-income women did include undocumented women. And so it was a bit of a controversial bill beyond just the face value. The Governor at the time

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

Floor Debate
May 30, 2019

vetoed this coverage, and it resulted in an increase in abortions in Nebraska. Women losing access to healthcare and access to prenatal care causes abortions in Nebraska. This is a direct correlation. The women that were receiving these abortions stated that the reason they were getting abortions was because they did not have access to prenatal care. So I would like to reiterate that when we talk about wanting to reduce or completely eliminate abortions in Nebraska, in this country, there are real things we can do, and those include SNAP benefits, childcare subsidies, and, most important, paid family and medical leave. If you are serious about eliminating abortion in Nebraska, support parents. Give them then opportunity to have medical care. Give them the opportunity to take time off to be with their children. This is how we reduce abortion in Nebraska, not a bill that does something that doesn't need to be done because it's already done. And with that, I will yield the remainder of my time to Senator Hunt.

FOLEY: Thank you, Senator Cavanaugh. Senator Hunt, 3:00.

HUNT: Thank you, Senator Cavanaugh. That was very reasonable and very true, which I love to hear. Talking about informed consent, Nebraska Statutes define informed consent in two places. They define it generally and then it's also defined in our abortion statute. And those are the two places in our statutes that talk about informed consent. So if your question is, where in our abortion statute do they talk about what informed consent is? It's actually pretty much the whole statute. It starts out: No abortion shall be performed except with the voluntary and informed consent of the woman, which should be "person," upon whom the abortion is to be performed. Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if-- and then that's the whole bill, only if all this, which I've marked up significantly because there's a lot of very bad, unscientific language in there. I distributed a letter from abortionclinics.org, which is the Bellevue center where abortions are performed. They do over half of the abortions in Nebraska. Dr. Deborah Turner, who is an abortion care provider, testified in committee and we've heard from other providers all over the state and all over the country testify that they already give patients informed consent. So when Senator Slama or Senator Albrecht talk about this is just letting women know their options, this is just letting patients know what's out there, we just really want them to be able to make a better choice, we want to give them a second chance at choice, which every time they say that, you could actually get a-- a residual from Dr. Delgado for selling his abortion pill reversal kits. I just-- I hate to hear that.

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

Floor Debate
May 30, 2019

Doctors are already telling women that if they don't take the second pill, they are likely to continue the pregnancy. And when you look at the studies that these bills are based on--

FOLEY: One minute.

HUNT: --and they say that there's a high rate of "success" for women who take progesterone between the two pills, actual research that is in respected journals that's done ethically says that there's no difference. And we don't know the effects of progesterone on the fetus. We don't know the effects of progesterone on the woman. High dosages of progesterone have been linked to all kinds of negative outcomes for women. In-- in babies, in-- in babies who are born for women who take a lot of progesterone, there are a lot of really messed-up birth defects that I could describe to you on the floor and won't right now unless I get in the mood to later. But we should not be giving women experimental treatment that has not been proven. And DHHS is going to be doing that. That's the problem with this bill. It's not that it talks about progesterone. It's that it's giving DHHS the power, which they can't account for because I keep asking them to give patients--

FOLEY: That's time, Senator.

HUNT: Thank you.

FOLEY: Thank you, Senator Hunt. Senator Ben Hansen.

B. HANSEN: Thank you, Mr. President. I stand still in support of LB209 and against Senator Hunt's motion. And I just want to yield the rest of my time to Senator Albrecht.

FOLEY: Thank you, Senator Hansen. Senator Albrecht, 4:45.

ALBRECHT: Thank you, President Foley, and thank you, Senator Hansen. Again, I'm going to go back to what the bill is all about. It shouldn't surprise us that this-- the abortions happen quite frequently in the state of Nebraska. I think someone had referenced from 2000 until 2017 that we have had reported over 50,000 abortions. And I'd just like to note that 55 percent of the abortions

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

Floor Debate
May 30, 2019

in the state of Nebraska are now medication abortions. Those begin by taking the abortion pill mifepristone. Again, this bill is about one thing, and it is informed consent. It gives every woman a second chance at choice. If she wants to pursue it, it ensures that no woman who regrets starting an abortion is left in despair. LB209 as amended requires that a woman be told the following. Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you change your mind and you want to continue your pregnancy after taking mifepristone, information on finding immediate medical assistance is available on the Web sit of the Department of Health and Human Services. All of these statements are medically and factually accurate. They have one purpose in mind. It's to give the woman information she needs including what to do if she changes her mind. There are doctors and nurse practitioners in Nebraska today who are helping women save their pregnancies after taking mifepristone. At the committee hearing we heard from Teresa Kenney, a nurse practitioner in Omaha who has assisted several women who came to her for help because they regretted taking mifepristone and wanted to save their babies. The committee also received a letter from Dr. Robert Plambeck, an OB/GYN here in Lincoln who has attended thousands of births, over 4,000. He has assisted six women who came to him for help. All six women delivered to term healthy babies, including one set of twins. I've-- I had distributed Dr. Plambeck's letters-- letter probably-- we are on the tenth hour of debating this particular issue. But I'm quite certain none of you have that at the-- at your-- at your desk, but I'd be happy to read that a little later just to remind folks what that was all about. You should also have another letter from Dr. Britt Thedinger who has also written his personal-- in his personal capacity as a doctor in support of LB209. We have many stories of women who have children that have re-- have gone and-- and were seeking help after that first pill, abortion pill. The help that's available to women who regret having begun this process of mifepristone abortion only helps women if they know about it. No woman should find out weeks or months later that she could have saved her pregnancy if only she had known it was possible. LB209 gives women accurate information about all their options. This bill has broad support in this body and I have been encouraged by the support it has received from many doctors, nurses in the state of Nebraska. It gives women hope to control over their own medical-- hope and control over their own medical treatment and another opportunity to choose life. It gives women an opportunity to spare themselves the pain and--

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

Floor Debate
May 30, 2019

FOLEY: One minute.

ALBRECHT: --the regret of no longer wanted abortion, as well as the pain and regret of losing a wanted child. LB209 would strengthen our present-- present informed consent on abortion statute by providing information to women undergoing the chemical abortions that first pill, mifepristone, taken alone may not result in aborting your child and that there is help to reverse this process. Abortion facilities would have to direct the woman to the Nebraska Department of Health and Human services, which would provide further information as well as help the woman find the medical professionals skilled in the protocol of providing progesterone to reverse the process. Thank you.

FOLEY: Thank you, Senator Albrecht. Senator-- Senator Albrecht, you're actually next in the queue. You may continue for five minutes.

ALBRECHT: Perfect. Again, I stand before you, and I understand that there are questions about how our Department of Health and Human services would in fact work with-- with people on either a hot line or they direct them to the folks that would actually help them. I'm quite certain, and I do trust them, whether we've had a turnover or not, our-- this body does need to have some faith in the job that they provide. And I do believe the right information will be provided to the women who choose to get the information to find out if they could be helped in reversing this process. I also understand that not everyone wants to-- to engage with the science, and I-- I feel like we don't really need to be doing that anymore on the floor because I think everyone has made up their mind on where they-- where they stand, on whether the Delgado study was of interest to them or if it was scientific enough for them. But you know what? If it's in the medical books and it's been proven that women today have children because they have been on one of the hot lines to get help from a doctor to help them be able to sustain their pregnancy, I think that in itself, with the number of children that are-- are here today, says it's very significant and it's something to be considered. I only stand here today knowing that there are several people in this body who have come up to me and said, you know, this is probably the most well-spelled-out bill. It's not challenging science. It's not challenging, you know, whether our department is going to have the right things. This is talking to women when they decide to go in with the most difficult decision of their lives to be told that, yes, in fact, there is someone who could help them

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

Floor Debate
May 30, 2019

and here is the information. That's what we are asking them to do. Would anyone voting against the bill really not want a woman to know her options, not really want them to be directed to someone who could help them, not really wanting them to know more information than that here is your first pill, take the second one, and-- and then we lose more, you know, children because of a woman did not have the information she needed to make that decision. And I just implore all of you to think about the number of lives that we have lost just in the state of Nebraska and how many of those would have been spared had the woman known that she has options, that she could go seek help in-- in taking that pregnancy to full term. So with that, I'll yield the Chair back the time. Thank you.

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

PANSING BROOKS: Thank, Mr. Lieutenant Governor. First off, yes, we know this bill and this vote will go forward. But I-- I-- I have still some concerns and want to rise in that regard. I appreciate the fact that some people are saying this is a second chance at choice. Wow. Literally, the proponents have said this is a second chance at choice. So what I'm hoping is that people are all of a sudden becoming more pro-choice, letting the people decide, letting the women decide what they will do or won't do with their bodies. What I fear most is that it's a second chance at guilt and false hope and shame, because that is truly what happens. Again, we have ongoing arguments about whether the science of the study exists, whether it matters, whether it-- anybody even really cares because decisions have been made. I think that's sort of sad. The other thing is that it was just said that-- that women should know their options. I could not agree more. And it's not the heavy hand of government that needs to be in there helping that woman decide or helping that doctor inform that patient. We don't have that in all the other realms of science where we dictate to the doctors what they are going to say, to whom, when, and how. It's just-- it's just not what we do, except when it comes to women's health. I think that is sad. I think it's unprofessional. I-- we talk about getting government outside of the-- not have the heavy hand of government all over us and let us make our decisions and live our lives. But boy, when it comes to that bedroom and when it comes a woman's healthcare, boy, we need to weigh in and we need to tell women what they need to be doing and how they're going to do it. And those doctors, they don't care enough to-- to give the appropriate information or give options. I've never even been to a doctor that hasn't given options and told me what the downsides are, what the upsides are, what

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

Floor Debate
May 30, 2019

could happen, what kind of terrible response could occur from whatever medication I might consider taking. That's our healthcare system today. So just one more thing I wanted to quickly mention is I-- I hear this mumbling about trying to do some things similar to what is going on nationally, and we're all quite aware of what's happening nationally in Georgia, Louisiana, Alabama. I-- I just want to send the-- the warning shot over the bow, because as you look to these states, Disney, Netflix, Time Warner Cable, Comcast, all of these businesses are now discussing leaving Georgia. So I ask that all of you, as you think about draconian, even harsher efforts to create barriers to women being in control of their own bodies and of their own healthcare, I ask you to think about work force development next year, I ask you to think about trying to attract businesses, because businesses are filled with women who don't want the government weighing in, who don't want the government telling them what they can or can't do, in many instances, with their bodies.

FOLEY: One minute.

PANSING BROOKS: We're trying to attract business, we're trying to retain our children here to work in our businesses, and yet we continue to make laws that don't encourage them to stay and don't encourage them to come. So as you-- as we move forward next year, I would just ask that we work and contemplate the work force development needs of our state to help our state move forward and thrive economically. Thank you, Mr. Lieutenant Governor.

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

BOSTELMAN: I yield my time to Senator Slama.

FOLEY: Thank you, Senator Bostelman.

SLAMA: Thank you, Senator Bostelman. I appreciate it. I'd just like to fact check something that was said on the floor. Is-- would Senator Cavanaugh yield to a question if she's around?

FOLEY: Senator Cavanaugh, would you yield, please?

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

Floor Debate
May 30, 2019

CAVANAUGH: Yes.

SLAMA: Sorry. Just to refresh my memory, you referenced earlier today a Governor's veto of prenatal care which led people-- women to get more abortions, correct?

CAVANAUGH: Yes.

SLAMA: That one, was that Campbell's bill in 2012?

CAVANAUGH: It was in 2010; 2012, I believe, is when they got it reinstated.

SLAMA: When they got the prenatal care reinstated?

CAVANAUGH: Yes.

SLAMA: OK. So, yeah, just to clarify some time line here, LB599 was the prenatal care bill. There's-- OK-- prenatal care bill. It was-- it was vetoed by the Governor, but that veto was overridden, so there's no Governor veto that caused women to get abortions because they didn't have access to prenatal care. Just in essence, I wanted to clarify that for the record. I also wanted to clarify for the record that implying that we are getting some sort of residual for arguing in favor of a bill that seeks to inform women about their options, that we're getting some sort of residual or Dr. Delgado is getting some sort of residual by selling his antiabortion kits, by passing bills in the body, is, to take a quote from Senator Pansing Brooks, sad and unprofessional, but also very misleading about what this bill does. And with the rest of my time, I would just like to talk about a couple of different citations which reference the fact that mifepristone alone is not always effective at terminating a pregnancy, which is a scientifically proven fact that is in this bill. There's no fake science here. The Reproductive Health Access Project puts the effectiveness of mifepristone at ending a pregnancy at 65 percent. The National Institutes of Health, in a 1991 study-- I'll just read the study with the remainder of my time so that we can just clarify for the record that mifepristone alone, it's scientifically proven, is not always effective at ending a pregnancy. So this is referencing a National Institutes of Health Study from 1991, published in September, conducted by Avrech, Golan, Weinraub, Bukovsky,

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

Floor Debate
May 30, 2019

and Caspi. Mife-- its title is "Mifepristone (RU486) alone or in combination with a prostaglandin analogue for termination of early pregnancy: a review." I'll skip over the abstract and just go into the PIP: This review of trials of RU-486-- which from here on out, I'm just going to replace "RU-486" with "mifepristone" so that you all can follow what I'm saying here-- with prostaglandin for termination of early pregnancy begins with a summary of experimental and conventional early abortion techniques, which introduces mifepristone with explanations of its mechanism of action, pharmacology, effects on adrenocortical receptors, hypothalamic axis, and endometrium and ends with a discussion of its use in ectopic pregnancy and post-coital contraception. RU-486, so mifepristone, acts by stabilizing the progesterone receptor so it cannot signal its DNA to effect hormone action. Its peak plasma level is achieved in 2 hours, with a half life of 20 hours. Mifepristone has--

FOLEY: One-- one minute.

SLAMA: Thank you, Mr. President. Mifepristone has anti-glucocorticoid effects at high doses. It also inhibits gonadotropin secretion in a dose-dependent manner, blocking ovulation. The main use of mifepristone is in early pregnancy termination, a procedure termed contragestion, a consequence of its anti-progesterone action on the endometrium. Given alone, it is effective only 60-73 percent of-- in-- in 60-73 percent of pregnant women. So let me break this down for you. Beyond the scientific jargon, the NIH, in a study that is published in the NIH, concluded that mifepristone alone is only effective 60-73 percent of the time. The Reproductive Health Access Project has put that number more at about 65 percent.

FOLEY: That's time.

SLAMA: Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator McCollister.

McCOLLISTER: Thank you, Mr. President, members of the Legislature. I have a few questions for Senator Albrecht.

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

Floor Debate
May 30, 2019

FOLEY: Senator--

McCOLLISTER: But I oppose LB209, and I support the recommit motion-- the recommit motion-- the recommit motion. Senator Albrecht--

FOLEY: Senator Albrecht, would you yield, please?

ALBRECHT: Yes.

McCOLLISTER: Senator Albrecht, on page 8, line 15, I'm going to read the passage that is relevant. "The Department of Health and Human Services shall make available on its Internet web site a printable publication of geographically indexed materials designed to inform the woman of public and private agencies with services available to assist a woman with mental health concerns," and then the following page, on line 16, the Department of Human Services-- "Health and Human Services shall review and update, as necessary, the materials, including contact information, regarding medical professionals who can help a woman continue her pregnancy after taking" certain medications. How will the department determine which agencies and what medical providers to put on their Web site? Do you know how that-- that will occur?

ALBRECHT: Well, thank you, Senator McCollister, for the question. I believe these are two different questions that you're asking me. And on page 8, line 15, is something that was currently in the bill and is not new language, so that is not something that this bill will be addressing. It will, in fact, address, on page 9, line 13-- let's see here, page 9, line 13, let's see-- so that's what's new in this bill. Page 9, line 13 says, "The Department of Health and Human Services shall prescribe a reporting form which shall be used for the recording of every attempt at continuing a woman's pregnancy after taking mifepristone as"--

McCOLLISTER: Thank you. Thank you. I-- I think line 6 on page 9 also indicates that they want the department to indicate providers. But let me ask you a few-- the names of a few providers. You can tell me whether or not they'll be included. How about the Abortion Pill Rescue? Will that agency be included on the Web site?

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

Floor Debate
May 30, 2019

ALBRECHT: That's up to the Health and Human Services team if they feel that that's where this needs to go.

McCOLLISTER: I have a couple others. How about the Pregnancy Center?

ALBRECHT: I couldn't tell you if that would be one. I would think it would be just doctors who could assist these women in taking their child to term.

McCOLLISTER: No Footprint Too Small?

ALBRECHT: I don't know who that is.

McCOLLISTER: Youth for Christ?

ALBRECHT: I don't know that Youth for Christ can deliver babies but if they do, maybe they'd be on the list.

McCOLLISTER: How about Planned Parenthood?

ALBRECHT: Well, that's-- they don't deliver babies, so I don't believe they'd be on the list.

McCOLLISTER: But would some of those agencies be faith-based agencies? Is-- should that be on the HHS Web site?

ALBRECHT: Well, I don't know see why, if they're actually bringing those-- quite frankly, the-- the Catholic-- Saint-- I can't remember which one, but it's in Omaha. That's where my daughter-in-law went to deliver our healthy babies so--

McCOLLISTER: I see.

ALBRECHT: --with the same type of procedure, the progesterone being used.

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

Floor Debate
May 30, 2019

McCOLLISTER: Now on page 9, you-- it goes through the new language, and you-- you pointed that out. Thank you. And it requires HHS to keep-- keep track of a lot of information provided by physicians. Is that correct?

ALBRECHT: Correct.

McCOLLISTER: What happens if a physician chooses not to submit that information? Is there a--

FOLEY: One minute.

McCOLLISTER: --a penalty section?

ALBRECHT: That I would-- I'm certain that this is something that Senator Howard brought forward. Maybe you could ask her a little bit more about the-- the amendment that you had. She's looking at me. But I love the fact that we have this new amendment on here because it will give us more information, and factual information, on how many births we have because of the-- the women changing their mind and going to our hot line.

McCOLLISTER: OK. I relinquish the rest of my time to Senator Hunt, although I don't think there's that much time left.

FOLEY: Thank you, Senator McCollister. Senator hunt, 0:20.

HUNT: Thank you, Senator McCollister. I'll just give it back to the Chair. Thank you.

FOLEY: Thank you, Senator Hunt. Senator Murman.

MURMAN: Thank you, Mr. Lieutenant Governor. It's a woman's right to have complete medical information regarding the medical abortion process so she can potentially reverse the-- the decision if she so chooses. No woman should be coerced into continuing a medical abortion by not being fully informed. Physicians have an ethical and professional responsibility to provide

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

Floor Debate
May 30, 2019

patients this information. And I've also got information on progesterone. It's a natural hormone that supports healthy development of unborn-- unborn babies in the womb. In the abortion pill reversal process, a medical professional administers progesterone to counteract the effect of mifepristone. I'm going to be pretty blunt from here on out. I think the longer this discussion goes, it just inspires me a little more, but it does bother me that we call abortion women's health. You know, about 50 percent of the babies killed by abortion are women. So how can we call this women's health? And worldwide, it's more than 50 percent because worldwide, especially if you include China, there's sex-selective abortion. And also it bothers me a little bit when we talk about discrimination against minorities when we're talking about abortion, because a higher percentage of babies killed by abortion are minorities when we compare that to the percentage of-- of minorities in the overall population. So abortion is very discrimina-- discriminatory toward minorities. It sounds to me like the original intent of Planned-- of the founder of Planned Parenthood is still in effect today, that original intent is still in effect. And I would like to give the rest of my time to Senator Albrecht.

FOLEY: Thank you, Senator Murman. Senator Albrecht, 2:50.

ALBRECHT: Thank you, Speaker, and thank you, Senator Murman, for your words. They're very kind. You know, there are several states right now that have enacted a law somewhat like this, Arizona, Arkansas, South Dakota, Utah, Idaho, North Dakota, Kentucky, and Oklahoma, including three in the Eighth Circuit, Arkansas, South Dakota, and North Dakota. And of those states in the Eighth Circuit, their laws have been-- have not been challenged at all up to this point. Arkansas' bill, which has an even stronger language than LB209, was passed in 2015 and in four years has led to not one legal challenge. You know, I'd like to talk more about the Delgado study that seems to be challenged here on the floor. Again, I want people to know and understand that Issues in Law and Medicine is a peer-reviewed, professional journal published in dozens of countries. It's been cited in 2 U.S. Supreme Court Opinions, 7 Supreme Court Opinions and at least 14 state and federal Court of Appeals, and more than 1,100 Law Review articles. This is anything but a hack journal, used often here. Your-- the attacks on this bill, as been directed at this particular study, involving the Delgado study, which is relevant to this conversation of-- in 2018, the study had 754 women and it was reviewed and approved by the

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

Floor Debate
May 30, 2019

institutional review board. I do know and understand that people want to challenge that study. But again, the number of-- of--

FOLEY: One minute.

ALBRECHT: The number of births, 257 resulted, and 4 others were viable fetuses that were lost up to the 20 weeks' gestational time, not all of these children, you know, will be saved, due to other possible medical conditions. But to know that of the 754, 547 patients were analyzed with outcomes who underwent the progesterone therapy, and just knowing for myself, you know, that our family members have used this, many of the 12 grandchildren that my husband and I have were brought into this world because of the progesterone. So I'm not going to challenge that. I just want to be here today to support LB209 because it will be an avenue for women to know that they can, in fact, contact someone who can help them.

FOLEY: That's time, Senator.

ALBRECHT: Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Briese.

BRIESE: Thank you, Mr. President, and I would like to yield my time to Senator Albrecht.

FOLEY: Thank you, Senator Briese. Senator Albrecht, 5:00.

ALBRECHT: You know, it's-- it's pretty difficult to stand up here and talk about the same thing for ten and a half hours, but, you know, I don't know how much more that we can belabor this subject and not help the people of Nebraska understand why LB209 has been debated as long as it has on this floor. We have got to stand up for the woman's right to-- to choose. It is a woman's choice what she does today in the state of Nebraska. But it's also her right to know. It's her right to know that she has the ability to go find someone who will help her through this particular situation that she's in. This is talking about 55 percent of the medical abortions done today with no-- no cause to tell that woman that it could be changed and she could carry to full term. That

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

Floor Debate
May 30, 2019

first pill, you know, we haven't even gotten into the-- to the weeds of what-- what happens when that woman takes that first pill. She gets to go home to take the second pill. We haven't discussed any of those things. I don't even want to go there. I simply want the women who know that they are going in to-- to-- to make that choice to abort their child, if they have reservations when they leave that clinic and want to know that they-- they could contact someone for help, I mean, six years ago, Rebekah, the gal that came in to talk to me about this, to tell me that, you know, she sat in her car and she had regrets so she Googled six years ago to reverse the process of the first abortion pill and she-- she was guided to a particular hot line that helped her, that helped her have that-- that second child of hers. And that in itself, to know that we have the ability on this floor to change the minds of some of the gals that go in and choose to have an abortion but know that they can re-- they can change it and deliver a full-term baby, that, I believe, is our responsibility. There's no physician, I don't believe, in the state of Nebraska that is only going to go halfway with us. They are not going to just tell us, you know, hey, I'm going to take your gall bladder out, but, you know, some people live, some people die, maybe you should do this, maybe you should do that. But you know what? Give me my options. Let me decide whether I want to have that gall bladder out. Maybe I want a second opinion. Maybe I want to know, you know, what my other options are. Women deserve to know all their options when they're in a situation like this that is very difficult for them to make the decision. So I implore you to support LB209 for what it is, and I yield my time back to the President.

FOLEY: Thank you, Senator Albrecht. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good afternoon, colleagues. I appreciate the debate we've been having on this, multiple rounds. I think this might be my first time having the opportunity to-- to speak, or choosing to speak, probably, rather. And I appreciate the discussion of what we had earlier kind of "happenstance," but the discussion earlier about how this bill has evolved from its initial copy to what we have now, which is largely the referral to a Web site and referral to some outside source-- services, as I understand it. I just can't help but notice throughout this debate we talk about kind of making it-- empowering the information and empowering the decisions for these women, and that's something I absolutely can support, making sure there is informed consent, making sure that resources are available. But then you're asking us as a Legislature to go around and approve some resources that we don't know what

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

Floor Debate
May 30, 2019

they are or who they're going to be. And that's the kind of disconnect, especially with this final version of this bill, because it has been whittled down so far, that I'm still struggling to get over. We want to provide information, but we're not sure which group's going to provide that information, but we want to provide that information, but don't think doctors are doing it now, but we trust the doctors that run DHHS to do it in the future if we tell them to? It's these different disconnects of what's happening now, what we want to happen, what should happen, the-- the-- the information that we've received from other individuals who have called some of these hot lines that may be the choice of DHHS. We don't know. That's the difficulty I think we're really getting into as a body. If we just wanted some really emphatic "informed consent is great, we should have all doctors do that all the time," that's one thing. But here it's when we're getting into, as I understand it, the referral to-- to outside agencies, the referral to contact information-- I apologize. I closed my amendment and I lost my position. I believe it was contact information to other professionals who can help. And then when-- when we're asked, well, who are those going to be, what are those, do they have any connections to, you know, named individuals, it's unclear and there's some allegations yes, there's some allegations no. We're talking about having the clearest amount of information possible when we as a Legislature want to know what actually information we are going to be providing. And that's the part that I think we're still falling short on. With that, I would yield the balance of my time to Senator Cavanaugh.

FOLEY: Thank you, Senator Hansen. Senator Cavanaugh, 2:20.

CAVANAUGH: Thank you, Mr. President. I just wanted to provide some clarification on what Senator Slama and I were discussing previously, which is in 2010 the Legislature voted down bill LB1110. Governor Heineman spoke fervently in opposition to that bill which would have expanded prenatal care. On March 1 of 2010, 1,500 women lost prenatal care benefits in Nebraska, so the Legislature tried to enact this bill that would reinstate the benefits for the 1,550 women. They were not able to do that successfully and there was an increase in abortions over the period from March 1, 2010, to 2012. In 2012, Senator Kathy Campbell introduced a bill that would reinstate those benefits. The-- Governor Heineman vetoed that bill which came out of the Legislature, and the Legislature ultimately overrode his veto and those benefits were reinstated. And we saw conservative and progressive groups, Catholic groups, Planned Parenthood, all

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

Floor Debate
May 30, 2019

come together on the steps of this Legis-- this Capitol. I-- I came down that day. I was living in Omaha. And Kathy Campbell held--

FOLEY: One minute.

CAVANAUGH: --a rally, a press conference to talk about this. And I heard groups talk about-- religious groups talk about their concerns because women who were being denied access to prenatal care were having abortions because they didn't know what else to do. And that is the instance that I was speaking of and I felt that it was maybe being misunderstood or misinterpreted by Senator Slama, so I wanted to provide some clarification. There was a Lincoln Journal Star article about it, and I've lost the page. Oh, here's the title, "Clinics report women denied prenatal care are opting for abortions," March 19, 2010, Nancy Hicks, Lincoln Journal Star. So apparently this isn't just something that I'm projecting. It's something that was reported on in the media. Thank you.

FOLEY: Thank you, Senator Cavanaugh. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. Everybody I hear talking about how, well, there's nothing in this bill that isn't true, it is true that if you don't take the second pill after you take mifepristone that you might continue your pregnancy, so why don't we put that into statute, what's wrong with that? OK. But don't forget that 25 of you supported the bill in its original form which compelled doctors to tell patients something that isn't true. The only reason that we're talking about this on the floor right now is because the Judiciary Committee fixed it, because they did good committee work, because they did great legislative work with their staff and they fixed that bill so it was in better shape for us to debate. Because we've already seen once this year, we know that when there's 25 cosponsors on a super controversial bill, that means there's going to be a pull motion, that means that it's coming to the floor. And I-- I will thank forever Senator Lathrop and his foresight for trying to get this bill out in as least bad of a shape as possible. So, yes, there's nothing in the bill that isn't true. But what the bill does is what abortion statute has always done in Nebraska, which is make it harder for patients to seek healthcare. Senator Albrecht, you said that if it's in the medical books, that-- what did you say? I wrote it down. It's in the medical books that patients have kept their pregnancies because of this hot line.

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

Floor Debate
May 30, 2019

What book? This is not in a medical book. This has never been in a medical book because there's no evidence for it. And if this is the most well-spelled-out bill, that's because of the Judiciary Committee that fixed it. All of you supported this bill before it was well spelled out, when it still had pseudoscience in it. And the problem now is the continued barriers for women seeking reproductive healthcare and also the lack of knowledge about what's going to be on that DHHS Web site. This is a huge, huge ethical problem that we have, especially given the unethical behavior of Abortion Pill Rescue, which patients in Nebraska should not be referred to. We've-- we also talk a lot about informed consent. There are three elements that underlie what informed consent is. Patients have to have the capacity to make decisions about their care, their participation in these decisions must be voluntary, and they must be provided adequate and appropriate information. We heard extensive testimony in committee. You got a letter from an abortion clinic saying that they already give women this information. There is no problem with informed consent. We're talking about giving women their options and that there's a second chance at choice. What about the first chance at choice? Not a lot of people in here support that. We also know that abortion-- I've-- I've said this before, but we also know that abortion has the highest level of decisional certainty of almost any medical procedure, and we absolutely care about the small percentage of women who express regret about that decision. But the right thing for them to do is to return to their provider and get care for their pregnancy, not to send them to a Web site that's-- that's going to be telling them things that we don't know is true. I also thought Senator DeBoer the other day-- Senator DeBoer the other day had a really interesting point about how did all of these women who have purportedly received abortion reversals gotten there? They Googled it. They Googled something like "Is abortion reversible?" or "How do I reverse an abortion?" or "I regret my abortion" and then they were brought to this Abortion Pill Rescue Web site. Are they going to get brought to the DHHS Web site? No, that's-- that's not how Google works. That's not a realistic expectation. And again, we are using taxpayer resources to block women's access to healthcare and to waste money through DHHS having them spin their wheels--

FOLEY: One minute.

HUNT: --and run in a hamster wheel to put something on their Web site that no one is actually going to use. I would love to see how many people access that page that actually end up taking

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

Floor Debate
May 30, 2019

action from it because I bet that's very low. When you do Google abortion reversal, if you Google "is abortion reversal real, can I reverse my abortion," you know what results you get? You get news article after news article and study published in real journals, like the New England Journal of Medicine, saying there's no such thing. So until we have proof that this is true, we should not even be discussing putting this in statute, nor should we be "fixing it" by having DHHS do that dirty work and refer people to abortion reversal because the Legislature was unable to put that in statute. Treating high-risk pregnancies with progesterone is different from the directive we're talking about, it's different from the indication of reversing an abortion. So when you say, I know someone whose pregnancy, they were able to give birth because they got progesterone treatment--

FOLEY: That's time.

HUNT: --that is not the same things we're talking about. It's not comparable.

FOLEY: That's time, Senator.

HUNT: Thank you.

FOLEY: Thank you, Senator Hunt. Senator Brewer.

BREWER: Thank you, Mr. President. Well, I managed to stay out of fight for ten-plus hours. And I've sat on the fence because, quite frankly, I'm no expert in pregnancy, abortions, and I think there's probably a few on the floor who would agree I don't understand women in general. But when it comes to one of the factors that we're talking about here, and that is the issue of dealing with the loss of life, I have had the unenviable experience in life of taking other people's lives, and it is something that leaves you with demons that won't go away. Now maybe when a woman has an abortion, that isn't the same effect. I would hope not. But if it is, and this bill gives you a chance to rethink that, then I can't see how you wouldn't support it because I would give anything to be able to go back and not have to make some of those decisions or to rethink the ones I did make. With that said, I would like to yield the remainder of my time to Senator Slama.

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

Floor Debate
May 30, 2019

FOLEY: Thank you, Senator Brewer. Senator Slama, 3:30.

SLAMA: Thank you, Senator Brewer. Since it looks like I'm going to be either the last speaker on this bill or the next to last, I'd just like to reflect on how much time we've taken on this bill. We've taken ten-and-a-half hours on a very simple, clear-cut, straightforward bill for the sheer fact that it has been wrapped up in misinformation and false accusations. I may read the bill again just to reiterate what this bill does, because we're still having references to progesterone, abortion reversal pills, and a Delgado study. None of that is referenced in this bill. Was it originally referenced in the original bill? Sure. But through the committee process we made this bill better. And according to some accusations on the floor, no one should ever cosign onto a bill until it's in perfect shape, so I'll be watching the bills that that senator cosigns onto and looking for any amendments whatsoever that are brought to that bill or those bills. I'd like to thank Senator Albrecht for in the next-to-last day of session breaking my record for the session of having the longest filibustered bill. I had originally held it on my civics bill, LB399. But I'd also like to thank her for bringing this bill. She has worked with both sides of the aisle. She has worked with everyone in this body and outside groups to make sure that this bill is in the best form that it can be, and I appreciate those efforts. It's worth noting, just to clarify what Senator Cavanaugh clarif-- tried to clarify earlier on the floor, abortions did not go up in 2010 or 2011 or 2012 as a result of the 2010 bill LB1110's failure. In fact, they continued to go down. In 2009, there were 2,551 abortions performed. In 2010, there were 2,464. That's a drop of just short of 100. In 2011, there were 2,372 abortions performed, again, a drop of around 90. And in 2012, there were 2,299 abortions performed. That's a drop of 73. There was no Governor veto on the 2010 bill. It died on its own. Twenty-- in 2012, Senator Campbell's bill--

FOLEY: One minute.

SLAMA: --was passed and the veto on that was overridden. But just to close, in my last minute I'd like to thank Senator Albrecht for her hard work on this bill, which is for information only, to ensure that when a woman is making one of the most pivotal decisions in her life, she has the appropriate information available to her if she changes her mind. This is a very simple bill. And I rise in support of LB209, and I would encourage my colleagues, if you believe in informed

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

Floor Debate
May 30, 2019

consent-- consent, especially in a procedure as serious as abortion, to join me in voting green on LB209 and against the motion to recommit. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Mr. Clerk, you have a motion on the desk?

ASSISTANT CLERK: Yes, Mr. President. Senator Albrecht would move to invoke cloture on LB209 pursuant to Rule 7, Section 10.

FOLEY: It's the ruling of the Chair that there has been a full and fair debate afforded to LB209. Senator Albrecht, for what purpose do you rise?

ALBRECHT: I'd like a call of the house and roll call vote in regular order.

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

ASSISTANT CLERK: 28 ayes, 1 nay to-- to place the house under call.

FOLEY: House is under call. All senators please return to your desks and check in. The house is under call. All unexcused members please return to the desk, check in. Senator Chambers and Senator Wayne. All 49 members are now present. The first vote is Senator Albrecht's motion to invoke cloture. She has asked for a roll call vote in regular order. Mr. Clerk, please call the roll.

ASSISTANT CLERK: (Roll call vote taken.) The vote is 36 ayes, 12 nays on the motion to invoke cloture.

FOLEY: The motion to invoke cloture is successful. We'll now proceed to the next vote, which is Senator Hunt's motion to recommit the bill to committee. Those in favor of recommitting the bill to committee vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 8 ayes, 36 nays on the motion to recommit to committee.

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

Floor Debate
May 30, 2019

FOLEY: The motion to recommit is not successful. Our next vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 37 ayes, 11 nays to dispense with the at-large reading.

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

CLERK: (Read title of LB209.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB209 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) The vote is 36 ayes, 12 nays, 1 present and not voting, Mr. President.

FOLEY: LB209 passes. Items for the record, please. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB209. I also sign LB470e and LB470Ae. Next item is legislative-- legislative resolution number LR104, Mr. Clerk.

CLERK: Mr. President, LR104 was a resolution originally introduced by, I believe, Senator Walz. It's a resolution creating a call-in on Executive Board to appoint a special committee. Resolution was referred to the Executive Board for public hearing; advance to the floor for further consideration. There are committee amendments pending.

FOLEY: Thank you, Mr. Clerk. Senator Walz, you're recognized to open on LR104.

WALZ: Thank you, Mr. Lieutenant Governor. LR104 is a continuation of last year's LR296, state-licensed care facilities oversight committee. This committee was created to investigate circumstances leading up to and surrounding a veteran's death at the Palmer Life Quest facility. This is not the only facility that was experiencing problems at that time, but it was the one that garnered the most attention. Therefore, the committee was also tasked with studying the lack of

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

Floor Debate
May 30, 2019

adequate conditions of all state-licensed care facilities, the treatment of individuals residing in such facilities, as well as various actions taken by DHHS. I think by now, most of us understand the seriousness of the situation the nursing homes in our state face. Last year 21 Nebraska nursing homes were placed in receivership after missing payroll. Much of the crisis we are seeing stems from Medicaid reimbursement rates, but there are many more problems that the committee identified. Just a few of the issues we encountered as a committee were a lack of adequate staffing levels for inspectors at DHHS, therefore they were not meeting their set number of inspections every year. We found black mold in the living areas in some of these facilities. There were individuals living in situations with no access to fire escapes. And many, many other issues. We must do everything possible to ensure assisted living facilities are clean, safe, and healthy places where residents are treated with respect and provided the necessary care and supports that will allow them to live the most dignified life possible. Rural Nebraska needs these facilities if we want small towns to survive because they are often the largest employer in a town. But this is also an issue for the entire state. And I believe that it is crucial to the well-being of these citizens that we continue to take a more in-depth look at the situation by continuing the oversight committee. With that I would ask for your green vote on LR104. Thank you, Mr. President.

FOLEY: Thank you, Senator Walz. As the Clerk indicated, there is an amendment from the Executive Board. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President; good afternoon-- or good evening, colleagues. AM1884 to LR104 changes the resolution so it's the same as LR296 as it was amended on the floor last year. Specifically, what AM1884 would do, it changes the reference to the investigative committee, instead it calls for appointment of an oversight committee. It also removes the references to hiring outside legal counsel, consultants, and investigators, and removes the ability of the committee to issue subpoenas. During the course of the hearing, one of the-- we asked-- there was some opposition in the hearing, we asked that opposition whether or not they would be opposed if we just had a continuation of the oversight committee. Indicated that that would remove the opposition. This particular amendment, LR104 as amended, came out of the committee 9-0. So, I'd encourage your green vote on AM1884 and the underlying resolution. Thank you, Mr. President.

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

Floor Debate
May 30, 2019

FOLEY: Thank you, Senator Hilgers. Is there any discussion on LR104 or the pending committee amendment? I see none. Senator Hilgers, you're recognized to close on the committee amendment. He waives close. The question for the body is the adoption of AM1884, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 45 ayes, 0 nays on adoption of the committee amendment.

FOLEY: AM1884 committee amendment is adopted. Is there any further discussion on LR104 as amended? I see none. Senator Walz, you're recognized to close. She waives close. The question for the body is adoption of LR104. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 42 ayes, 0 nays on the adoption of LR104, Mr. President.

FOLEY: LR104 is adopted. Next resolution is LR257. Mr. Clerk.

CLERK: LR257 was a resolution introduced by Senator Stinner. It involves the state accepting a gift from the Association of Former State Legislators. The resolution was introduced by Senator Stinner. I do have an amendment to the resolution, AM1974.

FOLEY: Senator Stinner, you're recognized to open on LR257.

STINNER: Thank you, Mr. President, members of the Legislature. The purpose of LR-- and I've got 237, it's 257, I guess, is to comply with the requirements under Section 81-1108.33 which stipulates that any gifts in excess of \$10,000 made available to the state in a real property structures or improvements shall be reviewed and approved by the Governor and the Legislature. Last year, the Nebraska Association of Former State Legislators initiated the approval process of a proposed gift to restore the Capitol courtyards to the original 1932 landscape design of Ernst Hemminghaus. The gift being proposed would be made entirely through the use of private funds. The restoration work would be managed by the Capitol Administrator and would include the installation of irrigation and drainage system rehabilitation of soil, replacement of sod, and

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

Floor Debate
May 30, 2019

planting of over 3,000 perennials and 5,000 annual plants. Additional options may be included as desired. Acceptance of this gift would allow for contract negotiations and other preparations to be conducted immediately. And I would emphasize that no state funds are involved. With that, Mr. President, can I proceed to the amendment?

FOLEY: Please do.

STINNER: Thank you. AM1974 would make a few technical changes to clarify the intent of the resolution and allow smoother transition of the gift. The first change under this amendment would strike language in the first paragraph detailing the specific value of the gift. The language stricken on the second line of the first paragraph reads: of approximate value of \$330,000. Value given under the original draft of the resolution is an estimate. So would be appropriate to correct for this discrepancy as a contract negotiations commence. The second change is to be made under AM1974 is found on the fourth and fifth lines of the third paragraph which will clarify that the responsibility of ongoing maintenance falls on the former state legislators and not the Capitol Commission. The language to be stricken is as follows: will it be accomplished within existing Capitol grounds personnel. And finally the third change would be made to-- made is to specific reference to the statute of which this resolution is complying Section 81-1108.33. I would encourage your green vote on AM1974 and LR257. I would also like to thank the former state legislators for their generous gift. And I think some of us have contributed that are here, and I would encourage additional gifts. I know that Senator Williams and Senator Pansing Brooks have worked on this within the Legislature, and I would like to thank everybody involved. Thank you, Mr. President.

FOLEY: Thank you, Senator Stinner. Is there any discussion of LR257 and the pending amendment? I see none. Senator Stinner, you're recognized to close on the amendment first. The question for the-- he waives close. The question for the body is the adoption of AM1974. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 43 ayes, 0 nays on adoption of Senator Stinner's amendment.

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

Floor Debate
May 30, 2019

FOLEY: AM1974 is adopted. Any discussion on LR257 as amended? I see none. Senator Stinner, recognized to close. He waives closing. Question for the body is the adoption of LR257. Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: 46 ayes, 0 nays on the adoption of the resolution, Mr. President.

FOLEY: LR257 is adopted. Proceeding now to LR13. Mr. Clerk.

CLERK: Mr. President, LR13 was a resolution originally introduced by Senator Murman. As a result of its introduction, it was referred to the Agriculture Committee for public hearing. The resolution was reported back to the Legislature for further consideration. There are Agriculture Committee amendments pending.

FOLEY: Thank you, Mr. Clerk. Senator Murman, you're recognized to open on LR13.

MURMAN: Thank you, Mr. Lieutenant Governor. Today I present LR13 with committee amendment, AM435, to urge the respective federal agencies to enforce their standards for labeling milk and dairy products, and immediately end the use of the term "milk" on nondairy products. This bill was voted unanimously out of the Agricultural Committee earlier this session with no opposition testimony. The Food and Drug Administration has regulations that define milk and cream as the lacteal secretion practically free from colostrum obtained by the complete milking of one or more healthy cows. This definition further applies to milk used to create other dairy products including yogurt, butter, ice cream, and cheese. Today, more than ever, consumers are becoming more aware of what they are feeding themselves and their families. Many families are very busy and often don't have time to be misled by food labels. Plant-based products labeled as milk are misleading to consumer, especially when these products are packaged in identical ways and are placed in the same location in the grocery stores. Imitation dairy products, such as plant-based products derive from rice, nuts, soybeans, hemp, coconut, algae, and other foods that imitate milk, yogurt, and cheese, often do not provide the same nutritional content as real milk, cheese, and yogurt derived from dairy cows. Earlier this year, dairy supporters and farmers from across the country submitted roughly 13,000 comments to the FDA urging them to reserve the use of the terms milk, yogurt, butter, ice cream, and cheese for products derived from real dairy

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

Floor Debate
May 30, 2019

origination when they are labeling their products. At this time, the comments are still in the process of being sorted through. In the document that I have distributed, you will see different numbers from studies regarding consumer beliefs in these plant-based products ranging from protein value to comparable nutrition value. This isn't happening abroad. In both Canada and the United Kingdom, they label these products appropriately with the term "beverage" or "drink." By using the word "milk" we are misleading consumers in a time that transparency is important. Not only are we misleading customers, but we are causing our dairy producers across the state to struggle. It was just shared with me that in Nebraska alone we have lost ten dairy farms since January 1, 2019, partly due to a negative economic outlook pressured by the current mislabeling of imitation dairy products. On a personal note, I have been working on this issue for at least 15 years through dairy organizations such as Dairy Farmers of America, Nebraska State Dairy Association, and the Nebraska Dairy Industry Development Board. The Nebraska Dairy Industry Development Board administers the dairy check-off in Nebraska. The purpose of the check-off is research and development, and also promotion and advertising of dairy products. Dairy farmers have invested a lot of time and money to enhance and promote milk, yogurt, butter, ice cream, and cheese for decades. In recent years, dairy farmers have been taken advantage of by other products using dairy-specific labels. All we want to do is support the FDA in enforcing its own policy on the definition of milk. Colleagues, I urge your support of LR13. Thank you, Mr. President.

FOLEY: Thank you, Senator Murman. As the Clerk indicated, there are amendments from the Agriculture Committee. Senator Halloran, you're recognized to open on the committee amendment.

HALLORAN: Thank you, Mr. President and colleagues. Well, the committee amendment is a white copy amendment. The committee amendments do not change the substance of the resolution, but primarily revised various parts of the "WHEREASes" and resolve clauses to incorporate consistent terminology that is utilized in existing FDA regulations and in the FDA regulatory comment docket that is referenced in the seventh "WHEREAS" clause. In particular, the amendment utilizes the term "dairy food" as a preferred term to encompass familiar food products that have standardized terms under federal law, meaning they must conform to identity standards that require real dairy milk or cream as basic or essential ingredients. The amendment

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

Floor Debate
May 30, 2019

also utilizes the term, quote, plant-based, end of quote, to refer to products identified in the resolution as nondairy sourced imitation milk in dairy food analog products. The committee amendment further resolves awkward sentence structure in resolve clause 1.c. and to more clearly state the purpose of the resolve clause. I would urge adoption of the committee amendment and the approval of the resolution.

FOLEY: Thank you, Senator Halloran. Discussion is now open on LR13 and the pending amendment. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Murman a question or two.

FOLEY: Senator Murman, would you yield, please?

MURMAN: Yes.

CHAMBERS: Senator Murman, are you a conservative?

MURMAN: Yes.

CHAMBERS: What is a conservative?

MURMAN: Probably the traditional definition of a conservative is someone that doesn't appreciate change. [Laughter]

CHAMBERS: Can you add to that? Is that what your definition for yourself would be?

MURMAN: Oh, that might be definition B in the dictionary. I'm not sure.

CHAMBERS: So Senator Slama is one who doesn't-- she-- she's-- that definition fits her, correct? She said she's a conservative. I've heard her say that many times.

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

Floor Debate
May 30, 2019

MURMAN: No, I wouldn't pin that definition I just gave you on anyone.

CHAMBERS: Why not?

MURMAN: Well, I probably could have phrased it a little better.

CHAMBERS: Well, do so.

MURMAN: Well, maybe doesn't change on a whim.

CHAMBERS: A conservative does not change on a whim.

MURMAN: Correct.

CHAMBERS: Do you believe in government regulation?

MURMAN: Only when necessary.

CHAMBERS: And it's necessary when it's something you agree with, would you agree with that?

MURMAN: No. As in this instance, consumers are confused. Milk has traditionally been a secretion of the mammary gland, and when we use milk to-- when the term milk is used to make consumers think that they're buying something different than what they're really buying, that is not a good thing.

CHAMBERS: Well, don't a lot of so-called food products or consumables try to give the impression that they're something they're not in terms of more nutrition, energy-producing, health-enhancing? Don't most-- or many products do that?

MURMAN: Yes, they do. But they-- they must be labeled fairly and accurately also.

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

Floor Debate
May 30, 2019

CHAMBERS: Have you ever heard of Jeremiah Peabody?

MURMAN: No, I haven't.

CHAMBERS: Have you heard of his green and purple pills?

MURMAN: The what kind of purple pills?

CHAMBERS: Jeremiah's.

MURMAN: No, I haven't.

CHAMBERS: They're polyunsaturated, quick dissolving, fast acting, pleasant tasting green and purple pills. You haven't heard of those?

MURMAN: No. Are they gluten free also?

CHAMBERS: They have been called a form of milk. They have as much protein as milk. They have as much vitamin D as four hours in the sunlight. So would you buy some of those pills and consume them on the basis of that representation?

MURMAN: No. If I consumed the recommended amount of dairy products in a balanced diet, I wouldn't need those pills.

CHAMBERS: How much milk should be consumed in a balanced diet?

MURMAN: Well, an adult, I-- I haven't checked on the latest from the FDA, but I-- I think it would be about 2 glasses per day.

CHAMBERS: And how many ounces are in a glass? Because glasses come in different sizes.

FOLEY: One minute.

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

Floor Debate
May 30, 2019

MURMAN: They'd be 8-ounce glasses.

CHAMBERS: And you said two glasses per day would do it.

MURMAN: Well, I'm not an expert on that, but that would be my best estimate.

CHAMBERS: Why don't you consult with Senator Slama; she usually fills you guys in on what's going on and what things mean.

MURMAN: She might be Googling it right now.

CHAMBERS: And you're just not picking it up.

MURMAN: No, no, I'm just giving you my best information.

CHAMBERS: Do you think I'm a consumer?

MURMAN: Yes.

CHAMBERS: Do you think I'm confused about these products?

MURMAN: Well, you could possibly-- because of the way they're packaged and labeled, think that they have the--

CHAMBERS: No, no, I'm asking for your opinion. Do you think I'm confused by these products? And I think almonds are produced by cows?

MURMAN: No, I don't think you would think almonds are produced by cows, but you could think that almond milk has very comparable nutrition value to milk.

FOLEY: That's time. Senator Chambers, you're next in queue. You may continue.

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

Floor Debate
May 30, 2019

CHAMBERS: Thank you. That's all I'll ask you, Senator Murman. Members of the Legislature, this seems like a serious discussion, but it's self-interest, it's protectionist, it's underestimating the intelligence of consumers. I don't think you could find anybody on the street who think that almonds are produced by cows. So if cows don't produce almonds, almond milk, obviously, isn't the milk that comes from cows. And almonds could be more nutritious. And there are some people who are lactose intolerant who could eat almonds. So there you're having a compromise. Something called milk, but which does not produce the negative reaction that what Senator Murman refers to as real milk would produce. Personally, I think this is much ado about nothing. I think it goes against all the things that the so-called conservatives talk about. They don't want the government to set standards for the amount of carbon-reduced into the environment. Trump has put a guy in charge of climate science consideration who doesn't believe that climate change even happens, and he's interested in undermining the science of climate. Climate science, he's trying to undermine that, Trump is trying to do it. That's where you're consuming the-- you're confusing the public or outright deceiving the public. Now, this is something that Trump might offer because he doesn't understand it. I've been watching his hand gestures lately. Instead of just making like an OK sign, making a circle of his finger, his first finger and his thumb, and elevating the other three fingers, he doesn't do that anymore. He kind of has his palms open with the top knuckles folded and he throws them apart, then brings them together; throws them apart, brings them together. And that's the man who leads you all. He is losing his mind right now before the eyes of the world. He is an inveterate liar. He's a pathological liar. He doesn't know the truth from a lie. He was praising Mr. Mueller when his hand-picked Attorney General misrepresented what Mr. Mueller said. When Mr. Mueller commented truthfully, accurately, and factually about what he said, your President began to attack him. He attacked one of your fellow Americans. Now you all talk about that flag. He attacked one of your fellow Americans when he was in Japan in order to-- to concur with Kim Jong-un. Now, I have always said Kim Jong-un is far more intelligent than your President; he thinks faster, he knows more, he's better educated. And to show how simpleminded Senator Murman's President is, he referred to himself as a stable genius. Do you know what a stable genius is? Somebody who cleans up manure after animals in a stable. And he refers to himself as a stable genius without even knowing what he's calling himself. He is insane.

FOLEY: One minute.

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

Floor Debate
May 30, 2019

CHAMBERS: I would like to change Senator Murman's resolution and ask that a select group of top psychiatrists coin an appropriate term to fit your President. It would be difficult to do. And you all follow him. He tells farmers, you ignoramuses, he loves you, but he's going to cut your subsidies. You can't even sell soybeans to China now because the government said that there cannot be any importation of American soybeans; and you all like that. And you're worried about somebody confusing almond milk with a dairy product? Don't you care about the soybean farmers? Got heaps, mountains of grain, why don't you all at least convert it to some edible product--

FOLEY: That's time.

CHAMBERS: --and give it to the poor and the hungry in this country?

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

CHAMBERS: Is that my third time?

FOLEY: No, you got one more. Thanks, Senator Chambers. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. Since we're talking about milk, I just apparently could not resist getting in on the conversation. First, I would like to thank Senator Hilgers, who I don't see here right now. But some of you know, not all of you know yet, but we will be getting a mother's room in this building, thanks to the works of-- there he is, Senator Hilgers and his wonderful staff. So, thank you. I did want to ask Senator Murman if he would yield to a question.

FOLEY: Senator Murman, would you yield, please?

MURMAN: Yes, I would.

CAVANAUGH: Senator Murman, how will this impact the labeling of breast milk?

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

Floor Debate
May 30, 2019

MURMAN: This resolution does not impact the labeling of breast milk, because what it does is ask the FDA to enforce its own rules on milk labeling.

CAVANAUGH: Terrific. So we won't have to worry when we have our mother's room about special labeling on the refrigerators in there?

MURMAN: No, you won't.

CAVANAUGH: OK, thank you. I just, as the fictional Journal of today says that I am representing moms everywhere. I want to make sure we were clarified that moms everywhere know that their milk is going to be just fine. Thank you.

FOLEY: Thank you Senator Cavanaugh. Senator Chambers.

CHAMBERS: Thank you, Mr. President. And before people chuckle too much, why should they worry about labeling a woman's milk when they can control her whole body? How about that? Why don't you offer a resolution saying that it is the sense of the Nebraska Legislature that the government has no business mandating that a woman carry genetic material of a rapist in her body for nine months? Why don't you do something like that? Do something that makes sense. I'm going to start reading this, and whatever comes up next I'm going to use that time to finish it. The rash of so-called pro-life laws are actually anti-women, aided and abetted by some misguided women. "Pornographic Pens," a metaphor by Ernie Chambers: Creeps presume to write of women. Women cringe: They but exploit us. Dull of mind, their caveman brains do hunch like buzzards over coitus. Coitus, such a word is foreign to this nasty-minded crew. Mindlessly they flaunt the "f word." If they think, their pen scrawls screw. Sex consists of ramming, bamming, based upon imagined lusting of some horny, sex-starved females; add to that, some brutish thrusting. Crudity, they do display here, like mechanics with gross tools; pounding, grasping, torquing, clanking, symphony of oafish fools. Naught they know of soft endearment whispered in the blushing ear, never to their mind occurs a thought to dry the lonely tear. No imagination, sadly, gives flame to their gutterish minds. Empty, pointless, purile nothings, in their scribbled scum, one finds. Nothing sensitive or gentle bathes the thought of slope-browed men; when such write of love they put a drop of semen on their pen. Life for them

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

Floor Debate
May 30, 2019

has scant distinctions. Someone to them, should explain, having sex involves but genitals, making love involves the brain. Violence, sex, and degradation, heaped like pond'rous, jagged stones on the supine form of women, crushing spirits, smashing bones. Me, I'm macho, mindless mantra, little else can one expect. Ah, if only women they could cherish, or at least respect. Herein are depicted men with smut-stained morals torn and shoddy, arrogating to themselves the power over women's bodies. Sadly, some misguided women, who refuse to kick the traces, are deluded and conditioned, docilely to keep their places. Just like Geoffrey Chaucer's echoic parrot, they are shallow and dense, mindlessly by rote, repeating words, but never grasping their sense. Almost as if laboring under some malignant forces hex, lemming-like they plod in lockstep and betray selves and their sex. I heard some of those kind of people on this floor saying what men say. They think men respect them. They're going to control your bodies until if you're raped you have to carry that to term. Catholics do it. Preachers do it. Men who hate you do it. They play with you. You're toys. You don't count. You're not a human being. I see Senator Slama schooling some of the old codgers over there. You all need to find out what the people here think of you all. You think they respect you? And you stand up here on this floor--

FOLEY: One minute.

CHAMBERS: --and let these men talk about how your body ought to be utilized. They own you. And you act like they own you. You respond like they own you. You seek their approval. You get that goofy grin and wait for approval. And you all know I'm telling the truth, and the men certainly know it. It's disgusting to be in a body like this and know how seriously women are demeaned, women are degraded, and their education is so poor, so inferior that they accept being treated like things. And I think that it is pitiful. They need to be rescued and saved from themselves. Some are even the designated correctors of women on the floor.

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

CHAMBERS: You said time?

FOLEY: That's time.

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

Floor Debate
May 30, 2019

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Hunt.

HUNT: I'll yield my time to Senator Chambers.

FOLEY: Thank you, Senator Hunt. Senator Chambers, 4:50.

CHAMBERS: Thank you, Senator Hunt. Members of the Legislature, I knew I wouldn't get to say anything on that LB209. But those who call themselves pro-life are so lacking in ethics and they think they're so tricky and clever. That bill is about the quackery of that guy who talked about reversing a medical abortion. And by getting this simpleminded Legislature to vote for that bill, they can now take it and interpret it the way they want to. Look, the Nebraska Legislature backed up this guy's research. They talked about it on the floor. This is code words. This is the dog whistle. Some of the cruelest people are those who call themselves pro-life. There was a priest who when a doctor who performed abortions was shot, he said the shooter should have been praised because the shooter was protecting innocent life. You know why these Catholic priests are against abortions? Where will the little boys come from whose rectums they are going to destroy? You hear of a place in a Catholic building called the rectory? You know what they call it when they're rape these little boys? The "rectumry." You know that the Catholic Church is really the whore of Babylon. Read what the "Bibble" says about it. And from the top down, Benedict the 16th was the head-- what do you call him? Mucky muck of the Catholic Church in Berlin before he became a Pope. His last name was Ratzinger; and I call him Ratzinger the Rat. They had the worse child abuse by priests in Berlin under him than anybody else, and he became the Pope. They had an order of men in the Vatican who were trained to deal especially with people in America. And those men in that place were subjected to sexual assault and abuse by bishops and archbishops and even cardinals. And you all want to tell me an organization like that is so morally clean they can dictate to women about how they ought to conduct their lives and what should be done with their bodies. Maybe if they like women instead of little boys, they would show more respect for women. A woman is not merely a fire extinguisher. She's not merely a vessel through which men pass on their genetic material by injecting it into an unwilling woman's vagina, and these other men will compel her to carry that disease inside her

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

Floor Debate
May 30, 2019

body for nine months. And these women think that these men respect them? Let a man get gonorrhea, clap, and the law says he cannot get medical treatment because that disease must be allowed to run it's course. Why don't you tell Alex Trebek he cannot get treatment for his pancreatic cancer because he's a man. Let that disease run it's course. They only do that with women. They don't respect their mothers. They don't respect their daughters. They don't respect their wives. They don't respect their nieces. And these women let them get away with it. What's the matter with you all.

FOLEY: One minute.

CHAMBERS: You ought to hear me talk to and about black people who sell us out to get along with white people. You think I'm critical of you when you betray your own. That is the worse thing. Under the laws of war, you are not allowed to shoot captured enemy, those who are trying to kill you. But we know laws of war like all laws are violated. But that's supposed to give a veneer of civilization. But you know what a country can do and not violate any law? It can shoot its traitors. It can shoot its traitors. It can hang its traitors. But the last I heard, they wouldn't be hanging these soldiers, they put them before a firing squad. But they hanged--

FOLEY: That's time, Senator.

CHAMBERS: You said time?

FOLEY: Yes.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Halloran, you're recognized to close on the committee amendment. Yes. AM435. He waives close. The question for the body is adoption of the committee amendment, AM435. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of the amendment.

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

Floor Debate
May 30, 2019

FOLEY: AM435 committee amendment is adopted. Further discussion on the LR? Senator Chambers.

CHAMBERS: Thank you, Mr. President. This day is like all other days to me. It is sine die eve. They don't know how to pronounce Latin. It wouldn't be pronounced sine die. They Americanize everything and show their ignorance. But that's all right, that's what America is. They go to other peoples' countries, they ridicule their customs, disrespect their women, like they disrespect American women. This article I'm reading is from the "Lincoln Journal Star" dated August 28, 1993; headline: Juvenile Court Judge Resigns over Parental Notification Law. A juvenile court judge said Friday that he is resigning because of a state law that could require him to authorize an abortion. Quote, I simply cannot enter an order authorizing one human life to be put to death-- to put to death another totally innocent human life, unquote, Judge Joseph Moreland said in a letter to Chief Justice William Hastings of the Nebraska Supreme Court. The judge's resignation after 21 years on the juvenile court bench resulted from the state's parental notification law which took effect in 1991. This is because those busybody Catholics didn't want girls to be able to get an abortion without telling their parents, and the father could have been the one who impregnated her. That's what little respect these suckers in the Legislature had, and there were women here then too. But there were also women there who spoke against it. Continuing: Moreland said he was randomly assigned a parental notification case this week for the first time since the law took effect. Moreland, a 61-year-old Catholic who was opposed to abortion, said he was not critical of other judges and his resignation stemmed from his own conscious. Quote, I could not comply with that law, unquote, he said, adding that his resignation will be effective October 31. The law was sought by opponents of abortion and was sponsored by then Senator Bernice Labeledz, a one time-- at one time one of the Legislature's most outspoken foes of abortion. Quote, it was brought forward to my attention that without that judicial bypass, we could not get the bill passed because it would be unconstitutional, unquote, Labeledz said. She said that without that provision, quote, there was a big, deep, concern about dysfunctional families. You know what that dysfunction was? The daddy had impregnated his daughter and she got to get permission from him to get an abortion. Guess who was one of the most staunch opponents of all of these antiabortion bills? I was, and I'm proud of it. I will never back off. And I told these people, well-intentioned, who had been deceived, misguided, misled, bamboozled by the Catholic Church that they were not responsible, in my opinion, for what they said. And they

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

Floor Debate
May 30, 2019

could say it was a sin to have an abortion all they wanted to. But they'd never get me to vote that it was a crime. And I would never vote to criminalize a doctor who performed a legitimate constitutional surgical procedure; and some of these strongest antiabortion senators and congresspersons, I've read articles, one was from Nebraska, who got a woman pregnant and got her an abortion. And if you all doubt what I'm saying about an order of nuns set aside--

FOLEY: One minute.

CHAMBERS: --for the purpose of sex for priests, for priests, and some had gotten abortions. You know where I first heard it? On public radio from a woman who was a female theologian and she had personal experience with it, and she knew about the abortions that Catholic doctors gave to Catholic nuns who had been impregnated by Catholic men, and you all are going to stand on this floor and talk that nonsense. I'm going to read a rhyme that I wrote, it's called Consequences. I'm going to put my light on. Introduction, part one: Joseph Moreland was a judge. For many years the law he served, from his ethics did not budge. Was his fate the one deserved? Some folks dubbed themselves pro-life, while others named themselves pro-choice.

FOLEY: Senator Chambers.

CHAMBERS: When they come together strife.

FOLEY: You may continue on your next round, Senator.

CHAMBERS: Thank you, Mr. President. Some folks dub themselves pro-life, while others name themselves pro-choice. When they came together strife erupts express with raucous voice. You are a slut, pro-lifers yell, in fury at a pregnant youth. Seeking an abortion, hell is where you're going. That's God's truth. These pro-lifers are some biscuits. We're the angels sent by God to rescue helpless unborn babies. He will send his punishing rod to smite you like a bitch in rabies. Those are tactics of a thug, cry pro-choicers in retort, you should see such pull and tug against those choosing to abort. Never, scream pro-lifers shrilly, they'll have neither rest nor peace. We shall hound them willy-nilly, hiss they like a gaggle of geese. And I hear that hissing on this floor. Neither side respects the other, battle lines indelibly drawn. They contest with one another

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

Floor Debate
May 30, 2019

like ants waring on the lawn. Some pro-lifers call abortion murder, slinging moral mud. Others shunning mere distortion, gun down doctors in cold blood. Killing doctors, said a priest, who dwells within the pro-life ranks, is the slaying of a beast, it's justified and merits thanks. There was a priest who said that. In the name of God such people foam at hatred and are willing to impale on church's steeple principles of life by killing. In the Legislature often bitter conflict raged in earnest, never did opinion soften, flaming like fire in a furnace. Though abortion is a right protected by the constitution, some pro-lifers move by spite were eager to reap retribution. If one did abort, not birth, pro-lifers would admonish her: baby killer, you're no worth, and wanted laws to punish her. If they'd mind their own business, they wouldn't have time to be so hateful, and I can hear the hatefulness on this floor. Since abortion can't be banned, opponents of it set their mind to make it onerous they planned harassment of the meanest kind. That 219--209; intended to make it onerous. Not content to call abortion wicked merely or a sin, agony must be the portion dealt to women by cruel men. Whether draped in preachers' garb or legislators' pinstripe suit, men did wield the poison barb to give to women pain acute. True, some women were diluted into helping place the hex which on women's rights obtruded, traders were they to their sex. That was not the first nor last time that some few would be convinced to betray their own such pastime self destructiveness "evinced." I know you all are enjoying this. If the tables turned and men got pregnant, laws would cause no friction. All abortions would be in and that without the least restriction. Everywhere one turned, there would be a place to help a man abort, regardless whether pregnancy resulted from a rape or sport. Burger King, McDonalds would diversify a pregnant bloke, all their stores abortion could obtain with burgers, fries, and Coke. If in fact the truth be told, convenience would be paramount and none would criticize or scold, and there would be no running count. If males had abortions, none that fact would see--

FOLEY: One minute.

CHAMBERS: -- the need to hide like gunslingers notch on gun, each would be a mark of pride. Soon there was a law enacted by the forces who opposed all the abortions it impacted in a way they had not supposed. For that law contained a mandate which events would prove was errant. Er a girl could seek to terminate pregnancy she must tell a parent. I'll wait until I'm recognized and then I'll finish it. Thank you, Mr. President.

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

Floor Debate
May 30, 2019

FOLEY: Thank you, Senator Chambers. You are recognized; it's your third opportunity.

CHAMBERS: Thank you. Pro-life legislators claimed their efforts had but one intent, euphemistically they named that stratagem informed consent. That's what they said about that LB209, informed consent. It had nothing to do with it. They lie in the bill; stand on this floor and lie through their teeth. Liars. Tricksters. Deceivers. Continuing: Though draconian was the law, before it took on final shape, even harsh pro-lifers saw the need to let some girls escape. In some situations, clearly, it would serve no proper use telling parents for quite dearly girls would pay through cruel abuse. No compassion was involved. Pro-lifers knew they had to yield, lest their law should be dissolved in court for lack of such a shield. So, a means was fabricated to bypass the need to tell parents, and that means was faded to backfire, just how? Hear well. By the law of pregnant youth could make the cruel laws terms relent, she must show a judge in truth that she could give informed consent. If that hurdle was surmounted, if case had been made by her, youthfulness must be discounted, and the judge could not deny her. Pro-life judges sat the bench, giving pro-life partisans pride thinking they'll not give an inch to the pro-abortion side. Joseph Moreland is our judge, at least that's what pro-lifers thought. From his ethics he'd not budge, they learned what mischief they had brought. When confronted with the case involving bypass Judge M. knew grim reality he must face, the laws' mandate he could not do. Though a judge for many years, whose work upheld the laws' design, facing now the fear of fears, he had no choice but to resign. In his inward ear there sounded warning principals deafening roar, law by which his life was bounded, loved he faith-- loved he, but faith loved he more. Rather than betray the one and rather than forsake the other, with the law he must have done, the law of which faith was the mother. Pro-life solens in their zeal to force their morals onto others, caused their own the blade to feel, not those unwilling to be mothers. Joseph Moreland was a judge who controversy had not courted. From his ethics did not budge, abortion his career aborted. See, some of these mean-spirited people are past the childbearing age. It's not going to happen to them. They see these young women and they envy them and they want to make them suffer. You get raped, they are the kind who would say, well, if she would dress differently she wouldn't get raped. Why don't you tell the rapist to mind his own business, keep his hands to himself, and keep his penis in his pants. And if these pro-lifers would keep their noses out of other people's crotches, get your ear away from the bedroom wall, get your eye away from the bedroom keyhole. Mind your own business. Busybodies, gossips, meddlers, you can't handle your own affairs, and you're going to

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

Floor Debate
May 30, 2019

meddle everybody else's. There's a guy he sang a song and he said about they can't control their own lives, he'd be damned to let them to control his. That's what goes on in this world. And you all don't want to hear it here. This is where you ought to hear it. This is where we pass laws. We pass laws for the state to kill people; pass laws to make it difficult for a woman to get an abortion; pass laws to compel doctors to say things that are not scientific or medically indicated; compel the Department of Health and Human Services to be an arm of the Catholic Church. You all know that that LB209 is full of lies. You know it's not doing what you said on this floor and lied about and said that it does. Somebody was reading statistics about the number of abortions. I have never heard that person stand on the floor and talk about the number of children who go to bed hungry because their parents cannot provide them food. Give statistics on the number of abortions, but never talk about extending Medicaid for people who are working--

FOLEY: That's time.

CHAMBERS: --but can't afford to get medical care for their children.

FOLEY: That's time, Senator.

CHAMBERS: Oh, you said time?

FOLEY: That's time.

CHAMBERS: I'm sorry Mr. President. Thank you.

FOLEY: Senator Hunt.

HUNT: I'll yield my time to Senator Chambers.

FOLEY: 5:00, Senator Chambers.

CHAMBERS: Thank you, Senator Hunt, you are learning to do what they did. How they always yield time, one after the other, and they all pop up and say the same thing over and over and over.

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

Floor Debate
May 30, 2019

And nobody can confront them except me. Because I don't care what you think, and I don't care how you act or how you feel, because I'm concerned about the women who are abused and misused by you all in your self-righteous, sanctimonious hypocrisy. Why if Jesus came back here, you'd lynch him. You would hang him on the cross. He'd come through that door and he'd walk down this hall-- this aisle, and he'd say, what is this you're doing? You are lying. You are not telling the truth. And all these so-called Christians would look at each other. Oh, we thought Jesus was different. You don't care about Jesus either. Why don't you read the Bible and see what he told you to do. He told you to show compassion, and then when you want to make these harsh judgments, he asks you, who art thou that judges another man's servant? You don't know. Let the wheat grow with the tares and when the time comes there is somebody who will make the separation, somebody who knows how properly to judge. In fact, somebody who shouldn't do judging either, because a thing can only be what its maker made it. The "Bible" even said: Can the pot say to the potter, why hast thou made me thus? Would you make a typewriter and destroy it because it doesn't behave like an adding machine? That's what your god does; knows that you're sinful, knows that you're hateful, know that you can't be anything other than you were created to be. He even said, do you get fruit from thorns? He knows. That's in your "Bible." But you're the ones who say that it's God's word. All of these things in the Bible that degrade women were written by men. I showed you all by giving you copies of those scriptures that talked about how unclean women are, and it takes seven days to try to get clean. If she touches anything, the one who touches it is unclean and has to cleanse himself. If she sits anywhere, that is unclean. If she touches anything, it is unclean. That's what they say about women in your "Bible." Then you want them to fall down and worship it and worship the men who are the ones doing it. Francis is trying to show you all an example. He went to prisons and washed the feet of prisoners. He went to women's prisons to show respect and regard for them. And what do you all do? You want to punish people more harshly. But you make a mistake and you want everybody to forgive you; you want them to look the other way. The "Bible" tells you how you're going to be judged. The way you judge others is the way you're going to be judged, but you don't believe it. If you thought you would be as treated as harshly as you treat other people, you would straighten up and fly right. But you don't believe that's going to happen. That's why you can be so mean to each other. And that's why I, a black man, know so much about you. All I have to do is watch you here in action. You know, I work with and strategize with some of those simpleminded people--

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

Floor Debate
May 30, 2019

FOLEY: One minute.

CHAMBERS: --from the rural areas on how they ought to treat these peoples who messed over them when it came to property taxes, getting the back of the hand. And then they wanted these simpleminded farmers and "ruralies" to support them. And I stood on the floor and ridiculed them, said I want to see how you let them slap you around now. They showed you they don't think-- they don't think anything of you. See, they got their bill moved. Then yours came and poor Senator Briese couldn't even get a cloture vote. And I mocked, but I spoke respectfully for those who had some sense and understood and let them know that this is a time for you to listen to ol' Joe Kennedy that I tell you about: Don't get mad, get even; show them that you will play the game the way they played it with you. If they've got six aces--

FOLEY: That's time, Senator.

CHAMBERS: Time you said?

FOLEY: Yes.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Murman, you're recognized to close on your LR. He waives close. The question for the body is adoption of LR13. Those in favor vote aye; those opposed nay. Record, please.

ASSISTANT CLERK: 28 ayes, 3 nays on the adoption of the LR.

FOLEY: LR13 is adopted. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Single name adds: Senator Arch would add his name to LR118.

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

Floor Debate
May 30, 2019

Finally, a priority motion: Senator Lindstrom would move to adjourn the body until Friday, May 31, 2019, at 9:00 a.m.

FOLEY: Roll call vote has been requested. Please call the roll. Motion to adjourn, please call the roll. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 16 ayes, 17 nays on the motion to place the house under call.

FOLEY: Motion fails. Roll call vote on the adjourn motion, please.

ASSISTANT CLERK: (Roll call vote taken.) The motion is 36 ayes, 1 nay to adjourn.

FOLEY: We are adjourned.