

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the fifteenth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Todd Thelen of the Concord Evangelical Free Church in Concord, Nebraska, Senator Gragert's district. Please rise.

**PASTOR THELEN:** Good morning. Thank you very much for this opportunity. Would you join with me as we pray? Heavenly Father, God of infinite wisdom on searchable knowledge, we're asking, Lord, for your guidance today on all the proceedings. And Lord, I feel compelled to echo the prayer of Nehemiah from the Old Testament when he said, I beseech you, oh great and awesome God of heaven. You are the one that keeps covenant, extends mercy to them that love you and observe your commandments. And so let your ear now be attentive and your eyes open to the prayer that I pray before you this day. Father, it's in your word, the Holy Bible, that we have the principles, the precepts by which you desire that we be governed. And so I pray that that is what we would seek for counsel, for advice, for wisdom, the understanding. Then, Lord, to apply these principles and precepts to our, our laws and our ordinances. Father, I'm also deeply grateful for the men and women that serve in this legislative body, the time that they give and sacrifice, away from family weeks at a time. Bless them, Lord, for their service. And may today, they sense your presence. May they hear your voice in all the decisions, policies that they establish. Again, Father, we consecrate the next hours to you. Watch over us and guide us, I pray. In the power that's in the name of Jesus Christ. Amen.

**FOLEY:** Thank you, Pastor Thelen. I call to order the fifteenth day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**ASSISTANT CLERK:** No corrections this morning.

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

**ASSISTANT CLERK:** There are, Mr. President. Notice of committee hearings from the Health and Human Services Committee. Additionally,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

the Committee on Enrollment and Review reports LB518 and LB541 to Select File, both having E&R amendments. Additionally, a reference report for, from the Executive Board concerning a gubernatorial appointment. Finally, a Conflict of Interest filed by Senator Matt Hansen. That'll be on file in the Clerk's office. Additionally, amendments to be printed: Senator Quick to LB287 and Senator Groene to LB148. That's all that I have at this time, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR299. Members, Senator McCollister would like us to welcome Dr. Steven Williams of Omaha, Nebraska, serving us today as family physician of the day. Dr. Williams is with us under the north balcony. Doctor, if you could please rise. We'd like to welcome you and thank you for being here today. Members, the first item on the agenda is a motion to withdraw. Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator Lathrop would move to withdraw LB787.

**FOLEY:** Thank you, Mr. Clerk. Senator Lathrop, you're recognized to open your motion.

**LATHROP:** Thank you, Mr. President. Colleagues, good morning. I offered LB-- or introduced--

**FOLEY:** Excuse me, Senator. Members, please come to order. Members, please hold down your conversations. Senator Lathrop, you're recognized.

**LATHROP:** Thank you for that, Mr. President. And good morning once again, colleagues. I offered or introduced LB787. It, it is a bill, bill that addressed the authority of the Public Service Commission to set uninsured and underinsured motorist coverage limits for common carriers. As it turned out, in my absence back in 2015, that, that subject matter had been addressed in LB629. So my bill became unnecessary. I was advised of that by the Public Service Commission. So on additional consideration, I think it's unnecessary and I'd move and encourage your support of my motion to withdraw LB787. Thank you.

**FOLEY:** Thank you, Senator Lathrop. It's a debate of a motion. Senator Chambers, you're recognized.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, I think I may as well start a tradition since this is my last go around, my last rodeo. Withdrawal of bills time is really going to be Ernie time. And in order that nobody thinks I'm favoring Senator Lathrop because we kind of go way back, he has one of those motions. So I'm going to make my extraneous, I didn't mean to say extemporaneous and mispronounced it, my extraneous remarks. What the "Repelican" Party and former Senator Riepe, I think that's the one-- those guys all look alike to me, took a picture of me. They shadowed it, made me look sinister. Now the more I look like me, the more sinister white people consider me to be because they'd look at that picture and say, well, this is just one of those guys who'd knock you in the head and take your purse and snatch your baby and rape your wife. But-- and that's Americana. But if they put a picture of me that white people recognize, then that will draw out that racism and turn it against whoever they're using me against. They did that when Senator Erdman was running against the person out there where he came from. These people asked, are you for somebody who would go for Chambers? If he goes for Chambers, is he for Chambers? Are you-- this kind of racism. They run against other white people, but they campaign against me. So I am going to say a thing or two on Senator Lathrop's bill because he is a likable person. He has integrity and I respect him deeply. I want that in the record so it won't appear that I'm doing this to show any slight against him. But I don't like your flag and I'm going to read something, which might change my mind. Yesterday, I asked about this over the land of the free and the home of the brave. And I wonder why you all don't choke when you tell that lie. Every one of you who has led that prayer, when you get to those words that you know are a lie, you say one nation. That's a lie. Under God, that's a lie.

Indivisible, and you admit and read in the paper every day how divided this country is, that's a lie. With liberty and justice for all, that's the biggest lie of all. But this may change my mind, this article that I'm going to read, because it will show that that flag, which you call it-- when I'm in a nice mood, I call it a piece of fabric. When I'm in an honest mood, I call it a rag. Here's what I'm going to read. This comes from the Omaha World-Herald, January 24 of this year. On page 4A, from a column labeled Nation, they talk about things that happen in other places than Nebraska because people who live here think this is everything. Headline: Bank sorry for calling police on black customer. Good god from glory, am I reading about Russia? Am I reading about Iran? Am I even reading about Israel? All these autocratic countries, is that what I'm reading about? No, I'm

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

reading about the country with liberty and justice for all, where Thomas Jefferson said all men are created equal. And women ought to be offended every time they read that so-called Declaration of Independence because you all weren't mentioned at all.

**FOLEY:** One minute.

**CHAMBERS:** And Thomas Jefferson knew the difference between a man and a woman because he had a young black girl that he made babies on. He knew the difference. He knew there were individuals in this country other than males. But when he made the statement he's most famous for, all men are created equal, not women. Women are created to be fire extinguishers, sex toys, things to be trafficked and made use of. That's my gentle introduction. I will continue when I'm recognized.

**FOLEY:** Senator Chambers, you are recognized.

**CHAMBERS:** Thank you. Now Mr. President, I almost feel like getting in a prayerful mood and assuming a prayerful posture, linking my fingers, putting my linked fingers on my chest. I don't say over heart because I don't have one of those and I don't want to be hypocritical, like you all, and feel like I've got something that obviously, I don't have. Thank God, if there is a God or some gods. Now that I've laid the groundwork, "Detroit. TCF Bank says it should not have called police on an African American customer who was trying to deposit three checks that were part of a race discrimination lawsuit settlement with his former employer." Sometimes I have to digress. The checks were from a settlement in a discrimination lawsuit and the bank is discriminating. White people, white people, sometimes it's hard for me to refer to you all as my brothers and sisters. And I understand why Cain did what he did to Abel, except that I won't do that to you all. But I think you all would deserve it more than Abel did. Let me continue, "The bank suspected that the checks were fraudulent and called police." What made them suspect that bank, that checks brought in by a customer to be deposited were fraudulent? See this black skin of mine? You see my black skin? That's what makes white people suspicious. Anytime we come, all you have to be doing is taking advantage of the open invitation of these financial institutions to do business with them. And when you're coming to put money in their bank, which they will then have use of, they are suspicious. Not suspicious only to the point where they tell the guard to keep an eye on you, keep his hand on his gun and his finger on the trigger. They call the police. That doesn't bother you all, does it? You don't know why I'm

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

angry, do you? That's why some things, I think is a waste of time to talk to white people about. You have no understanding, no compassion. And then I merely use words and you get so offended. These senators jump up when I say the police are black people's ISIS and they spend days condemning me. And here is something where a black man going into a bank with checks that are legitimate and they are so suspicious, they call the police. And you don't want me to talk about that. You must be crazy or you think that I am. You may be, but I'm not. Continuing, the bank suspected that the checks were fraudulent and called police, triggering a race discrimination lawsuit against the bank on Wednesday by Saunore Thomas, S-a-u-n-t-o-r-e Thomas, 44, of Detroit, who says he was humiliated after four officers showed up at the bank when he was trying to cash the checks. I walk in a bank and four of these white cops come in, maybe guns drawn and I'm, and I'm humiliated. I'm not supposed to be humiliated, am I? Would you be humiliated? He's somebody's father, somebody's husband. Some people start having children young. He could be somebody's grandfather. Forget all that, he's a human being. But he's not an American citizen. We black people are not citizens--

**FOLEY:** One minute.

**CHAMBERS:** --even though there is no definition or even acknowledgment of second-class citizenship in the constitution. Were we citizens, they wouldn't call the police on us when we're coming to do business. And you all sit around here like knots on logs because it doesn't affect you. I wish I could be as cold-hearted toward white people in trouble as you all can be about all black people. As quiet as it's kept, I get more saltwater tear-drenched pleas from your people than I do from my people. If I could feel toward them what you feel toward me, I would very courteously say, go find who your senator is and talk to him or her. Go call the Governor. Call anybody who is white like you. But they know that I'm weak. That's why I know I don't have a heart. People with hearts are cruel. They are cold-blooded. They are vindictive. They are hate-filled.

**FOLEY:** That's time, Senator. Senator Chambers, you're recognized for your third opportunity.

**CHAMBERS:** I think I may have made my point. Now I'm going to read my Ernie-gram for today. And I usually don't do that, but you all had another one of those public prayers that lasted more than two minutes, which violates the rules that these preachers are supposed to follow.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

They don't have any respect for you all. Then the things they pray for shows how much contempt they have for you and how wrong they know you are, telling you the things you ought to do and then trying to make you fear God so you'll do it. All right. This is Ernie-gram, number 15, Ernie's biblical commentary, Saint Luke 6:46 verse. And why-- I don't have to read it. And why call ye me, Lord, Lord, and do not the things that I say? The heading: Thus Saith The Lord-- But on the Other Hand: JESUS SAID, Pray secretly, / And not out in the street. / Christians say, To hell with that! / Public prayer's my meat! / JESUS SAID, God knows thy need / Before ye even ask it. / Christians say, That can't be true, / For, empty is my basket! / JESUS SAID, Thine enemy love, / For God is pleased by this. / Christians say, That makes no sense! / Who would, a cobra, kiss? / JESUS SAID, Who takes thy coat / Should also have thy cloak. / Christians say, Get outa here! / For certainly you joke. / JESUS SAID, If one compels / One mile, go with him twain. / Christians say, If I did that, / I'd have to be insane. / JESUS SAID, Sell what ye have, / And help the wretched poor. / Christians say, That's cutting close; / You'll soon be out that door! / JESUS SAID, Thy cheek was struck? / Then offer up the other. / Christians say, I'd take my gun / And blow away the mother! / JESUS SAID, To all who crave / Salvation, it is free. / Christians say, A gold mine's / In the gospel -- on TV! / JESUS SAID, Respect thy wife; / You, two, should be as one. / Christians say, It's obvious, / Of marriage, you've had none! / JESUS SAID, Take up the cross / And humbly follow me. / Christians say, You surely jest! / And laugh uproariously. / JESUS SAID, from all my words, / It seems, in vain I died. / Christians say, ALL trouble-makers / Should be crucified! / JESUS HUNG his head in sadness, / Turned away. And then -- / Christians say, If you come back, / We'll nail you up again! And based on what theologians say about the "Bibble" and the "Word," as they pronounce it or mispronounced it, "of God," you all crucify Jesus every day. You all hate Jesus. You judge how somebody feels about another person by the way they treat that person. The way you all treat Jesus, I can understand why he never comes down here to sit in when you all are ask these prayers. And every time I wrote one of these little stanzas, I heard in my innermost ear, Amen, Brother Chambers, carry on. And then I said, is that you, Lord? And the voice said, thou has said. And because that voice knows that I read the "Bibble," when you hear those words thou has said, that means you got it right. You all don't love Jesus. Why do you commit that blasphemy

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

every day? Because you are as hypocritical toward Jesus as you are with that flag.

**FOLEY:** One minute.

**CHAMBERS:** You all are such hypocrites. Why don't you stand up and say what I'm saying is a lie, that you all believe in this Jesus? Some of you all were even offended that somebody who's not a Christian prayed over you yesterday. Well, if your God of one blood made all nations that dwell upon the face of the earth, why was not that man your brother? Because he was of a different faith. Such hypocrisy, such hypocrisy. I have said I'm God's surrogate, I'm Jesus' stand-in because I'm not afraid to come here and be among you hypocrites. Thank you, Mr. President. And I advise you to vote for Senator Lathrop's motion. And don't hold against him the fact that I respect him.

**FOLEY:** Thank you, Senator Chambers. Senator Lathrop, you're recognized to close on your motion. He waives close. And the question for the body is the adoption of the motion to withdraw LB787. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 38 ayes, 0 nays on the adoption of the motion.

**FOLEY:** The motion is adopted. Speaker Scheer announces some special guests visiting today. We have with us the president of Northeast Community College, Leah Barrett, as well as Dr. Tracy Kruse, also from Northeast Community College. Those guests are with us under the south balcony. If they could please rise, like to welcome you both to Nebraska Legislature. Proceeding on the agenda to General File. Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. LB312, introduced by Senator Ben Hansen, is a bill for an act relating to the Dentistry Practice Act; defines a term; changes and eliminates provisions related to functions authorized for dental hygienists as prescribed; eliminates obsolete provisions; and repeals the original section. The bill was read for the first time on January 15 of last year and referred to the Health and Human Services Committee. That committee reports the bill to General File with committee amendments.

**FOLEY:** Thank you, Mr. Clerk. Senator Ben Hansen, you're recognized to open on LB312.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**B. HANSEN:** Thank you, Mr. President. LB312 is a bill to allow licensed dental hygienists to perform all of the authorized functions within their scope of practice. They currently can perform in a clinic setting, in a public health setting, except for periodontal scaling, root planing, and the administration of local anesthesia and nitrous oxide. These specific procedures were not allowed because of the nature the procedures require, in many cases, the administration of nitrous oxide, which also requires the supervision of a licensed dentist. Rural Nebraska has a deficiency of dental hygienists. This bill was intended to increase opportunities for people in rural settings to receive the dental care they need and maintain a healthy lifestyle. The bill was heard in the Health and Human Services Committee on February 14 and voted out with no opposition. A committee amendment removed the opposition of the Dental Association, as they testified in the committee hearing. So now the Association now no longer oppose-- is opposed to the bill. I ask for your green vote on LB312. Thank you.

**FOLEY:** Thank you, Senator Hansen. As the Clerk indicated, there are amendments from the Health Committee. Senator Howard, you're recognized to open on the Health Committee amendments.

**HOWARD:** Thank you, Mr. President. Good morning, colleagues. AM1134 amends LB312 to clarify which procedures a public health dental hygienist is allowed to do, removes the provision that would have allowed public health dental hygienists to work with patients receiving home healthcare or hospice care, and creates an evaluation provision. First, subsection (3)(a) of the green copy is amended so that in the context of a public health setting or healthcare facility, the department may authorize a licensed dental hygienist to perform all of the authorized functions within the scope of practice of a licensed dental hygienist, except periodontal scaling, root planing, and the administration of local anesthesia and nitrous oxide, just as Senator Hansen said. Second, subsection (3)(a) is also amended to remove the provision in the green copy that would have allowed a dental hygienist to work with patients receiving residential or hospice services. And third, language is inserted into subsection (4). The new language requires the Department of Health and Human Services to evaluate the delivery of dental hygiene services each year and provide a report electronically to the Clerk of the Legislature on or before September 15 each year beginning in 2020 regarding the evaluation. The Health and Human Services Committee is also required to hold a hearing at least once every three years to assess the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

reports submitted. This amendment and this bill were adopted unanimously from the Health and Human Services Committee and I would urge its adoption on the floor today. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Howard. Debate is now open on LB312 and the pending committee amendment. Senator Hilkemann.

**HILKEMANN:** Thank you, Mr. Speaker [SIC]. I'm wondering if Senator Hansen would answer a question for me?

**FOLEY:** Senator Ben Hansen would you yield, please?

**B. HANSEN:** Yes.

**HILKEMANN:** Senator, did this process go through the 407 process? Did this change of scope go through 407?

**B. HANSEN:** You know, honestly, I cannot remember. I had a feeling you were gonna ask that question. But off the top of my head, I cannot remember. I'm looking through it right now.

**HILKEMANN:** Could you find out for me, if that went through 407? If it did-- why it did not go through 407 because this is a scope of practice change, if I understand?

**B. HANSEN:** Yes, I will.

**HILKEMANN:** Thank you.

**FOLEY:** Thank you, Senator Hilkemann and Senator Ben Hansen. Are there any other members wishing to speak? I see none, Senator Howard, you're recognized. You're recognized to close on the amendment if you care to, Senator. She waives closing, is that right? Senator Howard, are we waiving closing?

**HOWARD:** No, sir.

**FOLEY:** OK, please--

**HOWARD:** All right. Thank you, Mr. President. I apologize for the confusion. I wanted to address Senator Hilkemann's question. While I can't answer the recent 407 question, this doesn't change scope because it really is about the administration and it's about their ability to perform certain services that they're already allowed to do in certain locations. And so that's not necessarily considered a scope

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

change that would rise to the level of a 407. So we're looking up whether or not it has a current 407, but really, this is not considered a scope in the sense that they're doing something different. They're already allowed to do all of the things that are in the bill because the amendment removed anything that was controversial in that regard. It really changes where they're allowed to do it. So with that, I would urge the adoption of AM1134. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Howard. The question for the body is the adoption of AM1134, the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

**FOLEY:** AM1134 committee amendment has been adopted. Is there any further discussion on LB312, as amended? I see none, Senator Ben Hansen, you're recognized to close.

**B. HANSEN:** Thank you, Mr. President. I appreciate everyone's green vote on the amendment. This is a good bill to help get healthcare to those in the rural areas that need it most. So I'd appreciate your green vote on LB312. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hansen. The question for the body is the advancement of LB312 to E&R Initial. Those in favor of vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

**FOLEY:** LB312 advances. We'll proceed to the next bill on General File. Mr. Clerk.

**ASSISTANT CLERK:** LB126, introduced by Senator Hughes, is a bill for an act relating to Game Law; provides for special landowner deer hunting permits as prescribed; provides a duty for the Game and Parks Commission; and repeals the original section. The bill was read for the first time on January 10 of last year and referred to the Natural Resources Committee. That committee reports the bill to General File with committee amendments.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** Thank you, Mr. Clerk. Senator Hughes, you're recognized open on LB126.

**HUGHES:** Thank you, Mr. President. Good morning, colleagues. I'm pretty sure all of you have received some emails on this bill. I've taken my vote card and I've just about been able to talk to everybody a little bit about this bill. So I appreciate your taking time to understand this issue. I think we're gonna have a little bit of discussion about it. Originally, what the bill was, was to allow the landowner to hunt on his own land, prior to the regular rifle season in the state of Nebraska. And this is just for deer. So it costs the landowners of the state of Nebraska about \$60 million a year to feed the deer herd. We found out-- we talked to Game and Parks, learned about how many deer there are, went to a website of whitetails, and about how much the average animal eats, took that times the price of corn, came up with about \$60 million a year. Currently, the landowner who is feeding that deer 365 days a year does not receive any type of compensation other than a discounted hunting permit. I think the landowner needs some sort of recognition. So that's a little background on where this bill came from. The original bill was amended by the committee. I've got another amendment, the committee amendment, and then I have a personal amendment, which is the last one, which becomes the bill. And that's the one that I would like to talk to. So I'll save my time till we get to that amendment because that's the one that becomes the bill. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. You're recognized to open on the committee amendment.

**HUGHES:** As I just stated, the committee amendment will be replaced by the AM2150 and I would like to get to that amendment to explain--

**FOLEY:** Thank you, Senator Hughes.

**HUGHES:** --what's going on.

**FOLEY:** Thank you, Senator Hughes. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Hughes would move to amend LB126 with AM2150.

**FOLEY:** Senator Hughes, you're recognized to open on AM2150.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**HUGHES:** OK. Thank you, Mr. President. Thank you for indulging me, everyone. What this bill does-- what-- ultimately, the amendment would become the bill. And what it would do would give a qualifying landowner, and qualifying means you have to own a certain amount of land, up to four free permits to hunt deer on your own property the, the five days prior to the regular rifle season. So the Saturday through Wednesday, prior to the regular firearm season-- rifle season, the landowner can go hunt on his own property, take his kids or his grandkids out and go hunt, get their deer, and be done with it. So the, the advantage to this bill, I think, the true advantage is once the landowner gets to hunt their deer, it's a lot more likely that they will open up their land to let other people hunt. That's what a lot of people are afraid of, is the landowner is gonna go shoot their deer and, you know, close their land off forever. If a landowner has a problem with deer, you know, damage to their crops, they're more than happy to open up, but they don't want to be competing at the same time. If the landowner can get out there early, he doesn't have to worry about the road hunters, which is a problem. You're gonna hear that there's a lot of pushback from the archers because they don't want another firearm season that they have to compete with. The archers get from the 1st of September to the end of December to hunt. They get 122 days. I'm asking for five days for the landowner to have the opportunity to hunt his own land with his kids and grandkids. And you need to realize that the landowner's gonna hunt his land first, regardless, because that's his right. He has the opportunity to say who goes on his land first. And if he's a hunter, why not? This is not self-serving for me. I am a landowner. I, I went deer hunting once in my life, probably 40 years ago. I have no desire to go deer hunting. I don't care for the taste of venison. And I'm certainly not gonna shoot it if I'm not gonna eat it. So in a nutshell, it gives the landowner the right to hunt his own land five days prior to the rifle season. And he can have up to, not more than, up to four permits that he can use for himself, his kids, or his grandkids only to go hunting with this. Now if you look at the fiscal note, it looks pretty big. But the biggest part, the thing that I need you to remember is Game and Parks has signed off on this. They have agreed with what AM2150 says. So I don't see the problem, but I know there's some senators gonna ask me some questions. So if you have questions, I'd be glad to try and explain it. But this just gives the landowner a little bit of recognition for feeding the state's deer population all year long. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** Thank you, Senator Hughes. Debate is now open on LB126 and the pending amendments. Senator Gragert.

**GRAGERT:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I stand opposed to LB126. This may be one of those freshman moments for me that Senator Chambers talks about throughout the session. I'd like to start with a, a little history of this bill. As a member of the Natural Resources Committee, let me explain why I voted to, to let this bill out of committee. I was informed this bill was only going to be used as a tool to bring the Game and Parks to the table for discussion of a few issues and one specifically, wildlife populations and the resulting crop damage. The bill did bring about the intended discussion and the current proposal, LB126. I oppose this bill because it has went beyond the initial intent. This bill proposes to open the deer season, rifle deer season early for landowners changing from seven days to the original bill, three days in the committee amendments, and now back to five days with the latest amendment and removal of the requirement to open 50 percent of the land to hunters, to hunting. I feel this bill will lead to the following unintended consequences. Law enforcement; the Game and Parks have approximately 50 game wardens to cover the entire state. Opening this season early will just add to the difficult job of the game wardens to enforce this law of who should be hunting. This would also interfere with the time frame of the bowhunting and more specifically, during the rut. Senator Hughes mentioned, yeah, they do have from September to the end of January, whatever. But most of that is time when the cornfields are not even harvested so it's an important time, during the rut, for the bows--bowhunter. The, the success rate for the bowhunter is much less than for the rifle hunter. I believe the bowhunter should be given their time to hunt without additional pressure added from the rifle hunter. Furthermore, there are individuals that also invest a lot of time and money enhancing their hunting areas on lease land. An area-- an early-season landowner only gives them the disadvantage of taking the big buck, prior to those who have invested their time and energy in preparing for opening day. By enhancing-- I mean, these individuals plant food plots, clear cedar trees on landowners they have agreements with. Both these practices benefit land and animals. Removing cedar trees from certain pastures and rangelands improve the grass resource for grazing cattle. I could go on and on after working for a number of years, 30 years, with the Natural Resources Conservation Service. I realize how complex conservation of our natural resources, soil, water, air, plants, and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

animals can be. This is a complex web without the one silver bullet that is going to fix all. One of the biggest factors for wildlife management is habitat. And no matter how many take permits the Game and Parks allow, if private owners don't allow access to their property, the wildlife herds will continue to be a problem with the additional, with the added frustration of drawing a, a permit with no place to hunt. Responsible harvesting of wildlife is a necessary tool not only to manage the wildlife damage, but to protect from waste by diseases that can eradicate the entire herd. There are a number of programs and possibly could be more for providing the relief--

**FOLEY:** One minute.

**GRAGERT:** --proposed in this bill. Thank you, Mr. President. One program I am familiar with is the monies the landowner provide to the landowners for access to their CRP, conservation reserve acres. These acres are foot traffic only. Individuals found to be abusing land can be denied future access. Programs like this, this and other opportunities to lease their land would provide for relief of wildlife damage. As a member of the Natural Resources Committee and having attended all the committee meetings this summer and hearing the testimony, I believe this bill is a result of too much compromise and not enough thought-out discussion by SME, subject matter experts, and the landowners on what has and has not worked with our ever-changing environment and landscape. Please vote no on advancing this bill and give the subject matter experts and property owners more time to work through a more comprehensive plan for solving this issue and, and possibly more at the same time. Thank you.

**FOLEY:** Thank you, Senator Gragert. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. Good morning. I stand in support of Senator Hughes's bill. A year ago when Senator Hughes was considering this, he had stopped by the office and he said, I'm thinking about a preseason for landowners. And I said, I said, yeah, I understand that. I'm doing the same thing. So he and I talked about it and I said, there's no reason for both of us to do the same thing. So he introduced LB126 and I appreciate that. In my area, we have numerous miles of country road. And when deer season opens, the landowners there do not participate. It's too dangerous. They have people driving down the road, shooting off of the road, driving on private property. And so they just give up hunting at all because there are too many unknowns to go out there and risk your life to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

shoot a deer. So what Senator Hughes is asking is an opportunity for those people who feed and care for these animals and they eat their feed all year long, an opportunity to harvest one before everybody else gets there. So what we continually talk about here is the opportunity for somebody to have a recreational experience. They want to go out and hunt something, kill something. No one that's shooting these deer probably have any need for the meat that stands between them and starvation. So it's a recreational event. If they don't get to do the recreational event, nothing changes in their life, except a little enjoyment out in the country. But for the landowner, it means something. They're eating his feed and they're doing whatever else to his property and he gets no reimbursement. And so this is an opportunity for the landowner to, how shall I say it? Have some reward for what he does for taking care of the wildlife that the state supposedly owns. So we talk about, all the time about the rights of the hunter and the landowner. Don't open up his property and let him shoot the wildlife. Well, this may be news to some of you. They don't want the wildlife there in the first place. And so consequently, they don't want hunters on their property in the second place. And so it's difficult for me to understand why we should take private property for public use with no compensation. And that's exactly what that is. And people say, well, that's not what the constitution says. I mean, that's what it means. It means property. Well, if they eat my hay or corn, whose property is that? It's mine. And so you say what you want, but that's exactly what these wildlife are doing. They're taking private property for public use for no compensation. So we need to give these landowners an opportunity to shoot these animals before everybody else gets there as a way of saying thank you for taking care of the animals that you've raised for us all year. We spend a lot of time, a lot of time, and we pay a lot of attention to those people who are organized, those hunting people, those big game organizations that are organized. We spend a lot of time talking about them. The landowner, the people feeding the elk, the deer, and the antelope; they don't have a lobbyist. They're not organized. They're out there working, trying to pay these high taxes. So someone needs to be concerned about those people.

**FOLEY:** One minute.

**ERDMAN:** And that's exactly what Senator Hughes and I are trying to do here. So I would encourage you to support the amendment as well as the bill. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** Thank you, Senator Erdman. Senator Arch.

**ARCH:** Thank you, Mr. President. I just have a couple of questions for Senator Hughes, just for clarification, if he'd yield?

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**ARCH:** Thank you. Just to make sure I understand, this has, this has nothing to do with depredation? This is, this is the recognition of, of the landowner and, and the fact that they're feeding these animals year-round, is that correct?

**HUGHES:** That is correct.

**ARCH:** OK. So how does this, how does this differ than the current landowner permits that are available today?

**HUGHES:** This, they're free permits rather than a discounted permit. And also it gives the landowner early access to hunt with a rifle, so the Saturday through Wednesday before the regular firearm deer season. So they can be out there with their kids and not be worried about road hunters and patrolling their land to keep people off of it that don't have permission. And the, the, the reason for the five days is it gives the weekend for the landowner whose kids and grandkids may not be close by. And it also allows for a couple days, the Friday, the Thursday and Friday of no hunting, to let the herd kind of settle back down for the regular firearms season.

**ARCH:** OK. Thank you. This, I mean, currently, this doesn't affect anything having to do with private property rights. At the present time, the law is very clear. Without permission, you are not to go on a private property, is that, is that correct?

**HUGHES:** That is correct. The, the landowner has the right to say who can enter onto their property.

**ARCH:** OK. And the last question I have is currently under law, hunters are able to purchase two permits maximum during the year where a buck could be harvested, an either or permit or a, a whatever that combination, but only two. Would the free landowner permit that you're proposing count towards those two?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**HUGHES:** That is not my intent. If the landowner gets a free permit, that should be sufficient.

**ARCH:** All right. Thank you very much.

**FOLEY:** Thank you, Senator Arch and Senator Hughes. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President. Good morning, Nebraska and constituents. I have a lot of problems with this bill. Senator Hughes knows it. I voted no when it came out of committee. Partial to what Senator Gragert talked about earlier, is what happened last session. This bill was not supposed to go anywhere, wasn't supposed to do anything. However, we got to the point now, to where now we're allowing additional hunting seasons with a rifle to landowners. I guess, you know, one comment that was made this morning that since we're feeding all those-- and I am a landowner. Since we're feeding all those animals, I should be able to go out and, and shoot the animals that are on there. We already have a depredation program that we're working on right now to improve that, to address that issue. So does that mean that we should go out and kill every animal on our land? I had a vineyard. As soon as that rake, as soon as that cluster started forming berries, turkeys come out and would, would, would eat those berries. Does that mean I can shoot every turkey? Once those clusters were formed and they're ripe and I had to net. If I didn't net, I had-- does that mean I need to go out and shoot every Baltimore Oriole? Every flicker? Every bird that came into, into my vineyard to eat because they're the state's birds? I don't think so. I think that we're going down a policy avenue here that's outside of the scope of what the Legislature should be doing. This needs a-- this activity needs to belong to our biologists and our game folks who know how to handle this in a more appropriate way, to provide those licenses, to provide that depredation. Problem is, that hasn't happened very well in the past. However, I do believe Game and Parks now are aware of it. Commissioners are very much so aware of it and I think we're gonna see a lot different avenue to take care of these issues. The problem with this-- we're talking about reducing animal herd, then it should be doe only. No bucks, only shoot does. The fiscal note, if you haven't looked at the fiscal note, it's rather significant. In my area, in my, on my, on my side of the state, we're more densely populated. There's more landowners. They share-- the land isn't-- we don't own large tracts of land like you do out west. So in my section, that would be 16 permits plus more rifle permits in my section. That's something that would really devastate the animals in my area. And we don't have

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

that issue, but it now would allow myself and others to, to go out and shoot those, that many animals. So there's a problem with that. It would close our trails. During rifle season, if you're not aware, between Valparaiso and Brainard, Nebraska, there's a trail for walking, hiking, riding horses. During rifle season, they close it. So now we're gonna extend that another week. So that's gonna be closing another week and a half or two weeks. So we're gonna close these trails. And that will be across the state of Nebraska because they shut those trails down. I had problems with spotlights. I've had problems with poaching. I've had problems with people on my property. What did I do? I called the sheriff. I called the game warden. We took care of the problem. My concern is this is going to enhance that problem, because now we're gonna have more people coming, more people coming out from out of state coming in, not knowing perhaps where the boundaries are. So we're gonna have an increased challenge for our law enforcement and our game wardens. If you look at the fiscal note, there's a, there's an increase because we're gonna have to hire more game wardens. Point being, I understand and I agree; that's an issue. It's a problem. I think this will only create a larger problem for us in those areas. Let alone the type of hunting, now we're gonna, well, now we're gonna put people with rifles out into the, in, into the, in the woods, into our land when we have pheasants and quail hunters coming out, when we have--

**FOLEY:** One minute.

**BOSTELMAN:** --[INAUDIBLE] for those coming out. So now we've got a conflict not only with the archers, but the people who are hunting pheasants and quail. Now it's a safety issue on top of that. During deer rifle season, I think, what Senator Erdman said, I agree with. We don't walk on our roads. We don't go out. My wife and I, we don't walk up and down the roads during rifle season, just because. Now we're gonna add another week in there that's gonna have the same effect. I think we're really looking at a, at an opportunity here to do a lot of disservice to the state. I think we need to work on-- I know we need to work on this and we are working on this. I am not sure-- in fact, I know this, this bill will not have the effect, intended effect that we want to have with it. We do need to go to those areas that have depredation problems. We do need to take care of that. There are plans. There are, are discussions in the works right now to address those issues, to handle those issues. They've not been done well in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

the past, but it's gonna be worked on and we're gonna have some significant progress, I believe--

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

**BOSTELMAN:** --and perhaps some bills coming up--

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

**BOSTELMAN:** --and in discussion. Thank you.

**FOLEY:** Thank you, Senator Bostelman. Mr. Clerk, for announcement.

**ASSISTANT CLERK:** Thank you, Mr. President. The Executive Board will hold an Exec Session at 10:00 under the south balcony. Exec Board, 10:00, under the south balcony.

**FOLEY:** Thank you, Mr. Clerk. Continuing discussion. Senator Brandt.

**BRANDT:** Thank you, Mr. President. I'd like to thank Senator Hughes for bringing this bill. Part of the bill I like; I like free permits for landowners. They pay a tremendous amount of property taxes in this state. And I think that's just one small way that we can recognize that, particularly in light of the damage that these deer numbers do to our cornfields. And, and I'm speaking in southeast Nebraska where I live. If you have fields adjacent to rivers or a creek or a waterway of some sort, it's not unusual to see two or three acres stripped. And they're still paying full property tax on that. I guess, I've got some questions for Senator Hughes, if he would be able to answer?

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**BRANDT:** Senator Hughes, so let's say I farm 1,200 acres. Do I just get permits on 1,200 acres or do I get a permit every section or every quarter section or every 80?

**HUGHES:** You, if you own 1,200 acres, you would qualify for the four free permits. And you can hunt only on your land, only on what you own. So it's, it's not carte blanche. You can't hunt on your neighbor's, you only hunt on your own land. But 1,200 acres, you would qualify for the maximum four permits.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**BRANDT:** So now if that land was titled-- let's say that 1,200 acres was 300 acres in my wife's name, and 300 in my name and 300 in one of my kid's name and 300 in the other kid's name. How many permits would we get?

**HUGHES:** The landowner of record can qualify for up to four permits if they own 320 acres, so you would qualify for three.

**BRANDT:** OK. And then I guess the last question I have, so I am not a deer hunter myself. Are these transferable or it's just locked in stone that only that landowner and his immediate family can use these?

**HUGHES:** Only their-- they are not transferable. It's only for the landowner and their immediate family, children, and grandchildren.

**BRANDT:** OK, thank you.

**FOLEY:** Thank you, Senator Brandt and Senator Hughes. Before proceeding, Senator McCollister would like to recognize some guests today. We have with us Charlee Sharack, Mollie Petersen, and Jessica Schiefelbein, all students from Elkhorn High School. Those students are with us under the north balcony. Students, if you could please rise, like to welcome you to the Nebraska Legislature. Continuing discussion. Senator Gragert.

**GRAGERT:** Thank you, Mr. President. So this bill is about overpopulation of deer and being-- and wanting to be compensated for feeding those deer. And you know what? I'm all about that part of this bill, myself. I'm about landowners getting four free permits on the acres that Senator Hughes talks about. The only thing I'd like to see-- if it's about overpopulation of deer and the wildlife damage, those four free permits ought to be doe only. To go about and, and try to solve the overpopulation, shooting big bucks isn't, first of all, the most favorable way to do that. I would like to ask Senator Hughes a few questions and I visited with Senator Hughes before I-- and showed him the questions. But I'd like to ask him a few questions before I build a case on why-- how important it is to let hunters harvest wildlife. So if--

**FOLEY:** Senator--

**GRAGERT:** --Senator--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**GRAGERT:** Thank you, Senator Hughes. We talked about in the end-- in your opening, you've already answered about three of these questions. But just to keep me in order here, you are a landowner, right?

**HUGHES:** My wife and I do own some land, yes.

**GRAGERT:** OK, thank you. Do you personally hunt deer?

**HUGHES:** I went deer hunting once in my life, probably 40 years ago.

**GRAGERT:** OK, do you let individuals hunt on your land?

**HUGHES:** If they come and ask my permission? Yes, I do.

**GRAGERT:** OK. Would you agree the deer population on your land has increased over the years?

**HUGHES:** Absolutely.

**GRAGERT:** Obviously, you-- you have crop damage from wildlife, correct?

**HUGHES:** Yes.

**GRAGERT:** OK. If you, if you had to guess-- or maybe you don't have to, but if you had to guess, how many deer would you say are on your land, hundreds, maybe thousands?

**HUGHES:** Probably hundreds. It's a small number because where I farm is not-- there, there are no trees. It's not heavily wooded. It's pretty wide open and pretty flat so it's not good, really good habitat for deer. But the numbers are increasing so they are spreading out and that's why I'm seeing more deer now than I did, you know, 10, 20 years ago.

**GRAGERT:** OK, thank you. So I guess you believe that shooting four deer and being able to hunt five days early, this will help solve the overpopulation of the deer that are creating hundreds and thousands of dollars' worth of crop damage?

**HUGHES:** No, this will not solve that problem. This, this bill is intended to give the landowner some recognition for what they are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

contributing to the state's wildlife population and that's feeding them 365 days a year.

**GRAGERT:** OK, thank you. Again, yeah, I, I agree, like, was earlier mentioned, that landowners should get free permits. Could you tell me again-- well, I think we-- I can leave off, but could you tell me again why you feel landowner-- well, you already answered that question. So I'm just gonna move on to why I feel it's important for landowners to allow hunting through this and that we took the 50 percent land out of it to-- to go on the land. But a little quick math, like in the past here, one square mile is 640 acres. So ten square miles-- this is all just building up to what I want to bring out, but ten square miles is 6,400 acres. One year in college, you know, I can only remember this because of the situation at the time. I, I was barely passing a class dealing with the subject of wildlife. I had to do some research for extra credit. Anyway, as I recall, I, the white-tailed deer that I did the research on spends--

**FOLEY:** One minute.

**GRAGERT:** --its entire life within an area of approximately ten miles unless pressure is put on this animal. This is the area in which it will stay. So what kind of pressure will cause an animal to leave this area? Well, one; pressure from the fact that population is getting so large that the young and the weak are forced to move out and find somewhere else to live. And the second pressure is from being hunted in that area by either predators and/or hunters. So in this case, either you have plenty of coyotes and mountain lions or your deer herd, deer herd will, will become overpopulated if you do not let the hunter hunt on the land. And this is, this is important. And, and Senator Hughes has already said, well, if he gets to hunt early or if the hunter-- not that he hunts, but if the landowner--

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

**GRAGERT:** Time?

**FOLEY:** That's time. Yeah.

**GRAGERT:** Thank you.

**FOLEY:** Thank you, Senator Gragert. Senator Groene.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**GROENE:** Thank you, Mr. President. I have some real doubts about the bill and if a couple of changes were made, I might be able to support it. But I have property along a river, not a lot, but to reach that property, we drive along the South Loup River for 30 miles. This time of year, I'll see herds next to the river of 50 to 100 deer; maybe one, maybe two will have antlers. The problem is not the trophy buck. The problem is the doe and the young buck. Bucks don't have babies. One buck can cause a lot of babies, but only one doe can have a baby, a fawn. The problem is does. This bill is an early trophy hunting permit. I think in the long run, it will discourage hunters because every hunter, like everybody who buys a lottery ticket, goes out there thinking they're gonna get that big buck they spotted as they scouted the month before. So you got 50 hunters out of one buck. If they know now that that buck is gone, the farmer shot it already, why go hunting? Why be out there on the last day then and decide to shoot a doe because you do want to meat? The buck is gone. If this bill said antlerless deer, I could maybe support it. But this is just an early trophy hunting season. And I never thought of what Senator Gragert and Senator Bostelman said. Where I grew up and even in the area where I do have some land, there's six landowners close by because people buy property along the river and they're not farmers. I could see 30 or 40 hunters in about a three-square-mile area around me on those five days along the river. And that's where this will happen is along the rivers where they congregate. I just don't see that-- you'd be better off giving these permits to a landowner in early December or something when they are-- late November, when they start congregating in areas for antlerless deer. But and I-- as I'd said in the previous debate we'd had on the bill or a similar bill on, with Game and Parks, Game and Parks is being proactive and they started that antlerless hunter database where they already have 1,742 folks signed up. There is a way for a landowner to-- to get out there and hunt on that land and for a rancher or a farmer to get hunters on their land. I remember my dad telling me one time about-- we had hunters on the land. He said-- I said why, why do we let them on there? He said, well, Mike, as long as I'm taking government payments from those folks, I think they can hunt on my land. It made sense to me. We need hunters. We need wildlife. We need the Second Amendment and to keep the Second Amendment, we need hunters. All plays together. This bill is an early trophy-- get the biggest buck, the biggest rack and let the family take it. Does nothing for the problem of overpopulation later in this, later in the winter when they congregate on these lands. So thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

If, if this was amended to say you could shoot an antlerless deer early, I'd vote for it. Thank you.

**FOLEY:** Thank you, Senator Groene. Senator Kolterman.

**KOLTERMAN:** Thank you, Mr. President. Good morning, colleagues. I rise in support of this bill and the amendments, as proposed. I've been an avid deer hunter my entire life. And I also know that I've had a lot of my farm families come up to me and say, we feed these things all year long. We ought to have at least one week advantage on everything, everybody else. And I don't care whether it's a trophy deer or if it's a doe, it just is only fair that they get a shot. They're still gonna control the population. I, personally, I'm a meat hunter. I shoot does 90 percent of the time and I think this is good legislation. Thank you very much.

**FOLEY:** Thank you, Senator Kolterman. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. Good morning, again. Listening to the discussion as I have, we are focused on the hunters. We don't focus much on the landowner. And I think that's what Senator Hughes is trying to bring to your attention is the fact that these people are feeding and caring for these animals or should I say, putting up with these animals for a year. And he's asking for an opportunity for the landowner to have some reward for doing that, being able to shoot an animal before everybody else arrives and makes it unsafe. I believe that is his goal. And if he would yield to a question? Senator Hughes, I would like to ask you a couple of questions.

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**ERDMAN:** Senator Hughes, did you hear my statement just then about what you're trying to accomplish, is that a true analysis of what you're trying to do?

**HUGHES:** Yes, that is accurate.

**ERDMAN:** OK. So as we talked about this last year when you and I were both discussing bringing a bill, I would assume that you had the same issues with your residents and those people in your community about the safety of hunting, is that correct?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**HUGHES:** Yes, it is.

**ERDMAN:** And Senator Bostelman made some comments earlier about-- the discussion with Game and Parks has become more focused and would you agree that that's true?

**HUGHES:** We have had some very frank discussions with the commissioners of Game and Parks and Game and Parks personnel.

**ERDMAN:** OK. And so consequently, it has accomplished some of what we wanted to do. But I will share with you what I think may happen about getting with Game and Parks and then I'll ask you for your response. Even though they have come to the table for discussion, even though we have shared with them our concerns, I haven't seen them make any progress in doing anything that counts. And I don't have any confidence that they're gonna carry through with what they said unless we force them to, would you agree with that?

**HUGHES:** There are ongoing discussions of ways that we think we can improve how Game and Parks manages the, the land and the wildlife in Nebraska.

**ERDMAN:** OK. So as we move forward here, until we see some, what shall I say, change in direction that means something from Game and Parks, I believe that we need to have some things in place to help us allow these landowners to take advantage of those things that they're paying for and not being compensated and that's one opportunity; to go shoot an animal in safety of their own land before somebody else comes out there and shoots their animal. So we're talking about landowners and the rights that they should have. And remember, those people coming out from the cities or wherever they come from, it's a recreational event. It's not a necessity. And those landowners, it is a necessity, that's where they make their living from. And so we have-- our focus is in the wrong place. It's very similar to what we do with taxes in Nebraska. We're always focused on those who pay, excuse me, those who collect and spend the taxes and we never focus on the people who pay the taxes. So our focus is wrong there as well. And so this is an opportunity for the landowners to have an opportunity to shoot what they have watched eat their crops, tear down their fences, or whatever else they do for a year, to get a chance to harvest one of those animals. This is a commonsense approach. The landowners are not nearly

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

as organized as the hunters. And I'm sure you have gotten numerous emails this morning--

**FOLEY:** One minute.

**ERDMAN:** --from hunters that tell you that you sure can't do this, it will ruin our hunting. But you haven't gotten any emails from the landowner that say we can't continue to pay these property tax and we can't continue to have these animals run rampant on our ranch or farm doing the things they do. Those people are out earning a living to pay the property tax. So the focus is always on those who make the loudest noise and the organization that does that are the hunters. So what we're asking you to do is take into consideration the landowners. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Briese.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I rise in support of LB126, as amended by AM2150. And I heard a few things this morning, something to the effect, well, it's about opening up an early trophy season for landowners. It's about-- it doesn't help improve wildlife management. Well, that's not what this bill is about. I see this bill doing two things; first, this bill is about property rights. It's about giving landowners just a little more control over their property; not much, but a little. And I think it's important to do so. And secondly, it recognizes the contributions of our landowners to the preservation and management of our wildlife resources and it's important to recognize landowners' contributions in that regard. And this is a way of thanking landowners for those contributions. And we have to remember, our landowners are the folks that feed our wildlife and oftentimes at a cost, sometimes substantial, sometimes moderate, sometimes minimal, but always an expense to the landowner who owns a property on which wildlife resides and feeds. And this is a small way that we can show our appreciation to these landowners and it has no adverse impact on the viability of our wildlife populations. And any, any impact on hunting opportunities is fairly negligible. And as pointed out by Senator Hughes earlier, it can actually increase access. If you have a chance to go out and hunt your property with your kids and grandkids, fill your tags early, you're more likely to allow the public on your property. And so I think, you know, this really can improve the hunting public's relationship with our landowners. And by showing our appreciation here and giving landowners just a little more control over their property, it can improve our

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

relationship with our landowners. And any chance we get to improve this body's relationship to the people out there in rural Nebraska who sometimes feel disenfranchised, I think it's important we take that opportunity to improve that relationship. So I'm gonna support AM2150 and LB126 and thanks, thank Senator Hughes, again, for bringing that to us. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Briese. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President. A couple of things were brought up, we'll talk about then we'll, we'll talk about fiscal note because if we look at the fiscal note, we're talking about over \$16 million of revenue that's lost. So that's-- as we hear the discussion, both from Senator Erdman and from Senator Hughes, the discussion is bad management. We don't have, we don't have-- the park service don't have enough people out there to manage the properties that they have but yet we're gonna take \$16 million away from them. Property rights-- you know, I have those property rights to do what, do what I want on my property. I can hunt. I am, I am a landowner. I get a landowner's permit. My permit cost me \$42 less than everybody else's permit. I'm already saving \$42 there. There is a, there is a, a depredation issue and it does need to be addressed. But what's gonna happen here is-- in the hearings that we heard out in Scotts Bluff and out in that area, we had landowners come in and they said, do you, do you allow people to hunt on your property? No. So even if they have these permits, they're still not gonna allow people to come on the property to hunt. So what about the animals on your property? I have too many animals on my property. OK, we had an issue with elk this year, everybody should be aware of that, recently. There was a number of elk on a person's property. That person actually charged people to come on his property to hunt. It was an outfit-type thing so he was making money on that and that was fine; that's what he can do. But the thing was, is Game and Parks, or the Game side, they issued one depredation tag of up to 50 animals, potentially, to be taken. When they started harvesting those animals. What did the elk do? They left. Where did they go? They went to the neighbors. So did that solve any issue? No, it didn't. So giving the-- giving me the opportunity to rifle hunt early is only gonna push my animals that's on my property across to my neighbors. And if we have-- everybody is out there because we have four owners in, in my section, so that's 16 tags, we're just gonna push, keep pushing them further out. The other thing is, is if we're talking about trophy animals, if you're talking about hunting racks-- and that's part of the discussion we're talking about right here-- that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

landowner, that grandson, that son, whomever, will go out and shoot that big buck. If that's their concern, if that's what they want, I guarantee you they're not gonna let anybody else come on their land and hunt because they're gonna target certain animals. They're gonna have certain animals out there that they're looking for, to harvest. And the younger animals, they're gonna let grow up and get bigger. So why would a landowner then let someone else come on and harvest that animal that they're allowing to remain on their property so that in years future, they can harvest that animal for their family? Should landowners be provided some type of support and compensation? I'm not doubting that. I'm not against that at all. I think there's a better way to do it. If this is something that we're going to do in the future, I think there needs to be more discussion on that-- how that really comes about, talking with all landowners and those involved. Out-of-state hunters now; who are they gonna let come on land to hunt? Don't know. Those are issues we need to consider if you-- again, if you go back to the fiscal note and you look at the fiscal note, there's 13,916 permits potentially affected. Of that 13,000 permits, the regular-- there's \$11,455,000 and landowners, there's \$5,727,000, so what you do is you-- remember I said, I buy my landowner's permit? So I'm not gonna buy that permit now, but then I'm gonna get a free permit. So we're reducing the amount, in the, in the sums of millions of dollars, which the Park-- the Game compartment [SIC] will get to be able to provide for the game wardens and those type of people, the biologists, to go out there and then help manage and help do the depredation--

**FOLEY:** One minute.

**BOSTELMAN:** --process in our state, to help our landowners do that. If you're gonna give a free permit, why not give it just during the regular, just at the regular season, at the regular time? Why not just give it-- or give it half, cut my permit in half again, cut their permit in half again? We have to have additional staff. That's \$406,000-- \$407,000; \$25,000 more on registration verification, computer systems we're gonna have put in. Law enforcement, \$151,000, at least, on, on new law enforcement folks to be out there. So I'm not arguing the point that there's a depredation issue. I'm not arguing the point that there needs to be a reduction of herd or animals in certain areas. What I am saying is there's-- I think there's a better way to do it. And that's something that, right now, we're talking

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

with, with the Game Department about. We're talking with them to, to address it specifically in a way--

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

**BOSTELMAN:** --that will make a difference. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Bostelman. Senator Friesen.

**FRIESEN:** Thank you, Mr. President. I stand in support of LB126 and the amendments as a landowner and a hunter. I've hunted for over 40 years. When we talk about trophy hunting, I mean, this bill really doesn't have anything to do with trophy hunting. If I want to trophy hunt, I close off all my land to any hunter and then I can continue to buy a landowner permit and trophy hunt, if that's what I want. This doesn't make it any easier or any, any harder. That's my prerogative, whether I want to let someone on my land. Me, personally, if anyone comes to my door, I don't care where they're from; I've let them hunt. I appreciate them stopping to ask permission and they've always had access to anything that I can let them hunt on. But if I was interested in trophy hunting, I'd just close off my land and I can sit there and let the deer come to my land as everything else gets hunted and I can trophy hunt. That's not what this is about. This is about a landowner who pays a lot of property taxes, has a lot of expenses. And deer do do damage, whether they're enough to get a depredation permit or not. I have never done that. I've just accepted it as part of farming. On those fields that are close to the river, there's quite a bit of damage. But again, I think this is just a process where I think that we can get some more hunters involved and I think on a little easier scale. And it does make it a little bit safer for us as landowners who are living out there and having to oversee the property. It gives us that opportunity to do that. Would Senator Hughes yield to a question?

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**FRIESEN:** I do have a question. If, if, you know, in some cases we have multiple landowners, I mean, husband and wife. I am in partnership with three brothers. Can the four of us now get 16 permits if we so choose?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**HUGHES:** If you have enough land.

**FRIESEN:** How many acres would that take?

**HUGHES:** That 80 acres is the, the minimum for one permit.

**FRIESEN:** OK, OK. So corporate ownership, when you have multiple shareholders?

**HUGHES:** If there-- I think the shareholders are entitled as well.

**FRIESEN:** OK. So I, I mean, I, in my area, I mean, I don't know if 10 percent of the guys hunt. I don't see the, the fiscal note as being that big a deal. Most people, most hunters, even farmers, just tend to want to get a general permit so that they can hunt with their friends and hunt wherever they want instead of just on their land. So I don't, I don't know that a lot of people are gonna take advantage of this, but I still believe that the opportunity should be there. With that, I'll yield rest my time to Senator Hughes.

**FOLEY:** Thank you, Senator Friesen. Senator Hughes, 1:55.

**HUGHES:** Thank you, Senator Friesen, I appreciate it. I just want to talk about-- a couple of points that I want to reiterate. AM2150 was negotiated with Game and Parks and they signed off on it. They're OK with it; the fiscal note, the letting the landowners hunt early, giving access, you know, to their own land, Game and Parks has signed off on it. So these are our wildlife biologists, you know, the people who manage Game and Parks all year round, have said this is our ideal. As far as hiring more game wardens, they don't hire additional game wardens during deer season so why would they hire additional game wardens for an early season? The same number are always out there. They just have different responsibilities because there are different seasons going on.

**FOLEY:** One minute.

**HUGHES:** I do know several of you are getting a lot of emails from a special interest group that are very adamantly opposed to this, but I will point out that is a special interest group. They have a special interest. But what you need to remember is the landowner has the right to hunt his own land first, regardless of when the season is. And this is not about depredation. It's not about trophy hunting. It's about showing a little bit of recognition to the landowner because they're

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

the ones that are raising the state's wildlife, all the state's wildlife. This is just letting them have the opportunity to go deer hunting, one species, a little early and have some time with their kids and grandkids.

**FOLEY:** Senator Hughes, you may continue on your own time now, Senator.

**HUGHES:** Thank you, Mr. President. I appreciate the discussion. It's taken us a long time to get to this, to this point. This bill has had a lot of different cooks stirring the pot to get us from even the concept that Senator Erdman and I talked about over a year ago to AM2150. We have had hours of discussion to get us to this point, not only with landowners, I've had discussions with the Sportsmen's Foundation, with lots of interested other hunter groups, and the Game and Parks Commission. We have sat down and we have worked this out. This is the compromise. This is what everybody has come together, except-- basically, one special interest group is not happy with this. But it's important to remember that the landowners are the ones taking care of all of our wildlife. And most landowners don't own huge blocks of land; they own a parcel here, a parcel there. So if you're out deer hunting in this process, early, and you happen to spook that deer and he runs off of your property onto the neighbor's property that you do not own, you do not have the right to shoot him over there. You either have to wait till he comes back to your property or you shoot something else. That's a point that I need to emphasize, that it's hunting, it's family time, and it's not, not a slam dunk. You know, not every deer hunter that goes out gets a deer. And for grandpa to be able to take his grandkids deer hunting, teach them about the land, about the wildlife, you know, the things that you learn when you're out, you know, in the country looking at things; it's not just about hunting deer, it's about quality time with your family, your kids and your grandkids. So I appreciate the discussion. I understand there's some heartburn from some special interest groups and I appreciate that, but I cannot emphasize enough that the state agency that takes care of this has signed off. They're OK with the fiscal note. They're OK with the process. They're OK with making it happen. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Senator Gragert, you're recognized for your third opportunity.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**GRAGERT:** Thank you, Mr. President. I was wondering if Senator Hughes would yield for a couple of questions?

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**GRAGERT:** Thank you, Senator Hughes. I just want to clarify. Now you've, you have, in the past or the history is you've had some problems with Game and Parks coming to the table to discuss issues with you?

**HUGHES:** Deer hunting is probably the second-- deer population is the second most problem that I receive calls about from my district, the Republican River Basin. So I have had numerous meetings with Game and Parks of how we can deal with that problem and, you know, this, this is a process. We have, we have taken a lot of stabs at this, a lot of, you know, pardon the pun, a lot of shots at this. And, you know, this is, this is the culmination of many, many hours of meetings with Game and Parks, trying to find a way to recognize the contribution that the landowners of the state of Nebraska make to the state of Nebraska through raising our wildlife.

**GRAGERT:** So there were other issues that you've discussed with the Game and Parks beyond the wildlife damage. And we listened to a lot of testimony out in Scotts Bluff on wildlife damage and the fact that Senator Bostelman brought up, a lot of people that owned 18, 20,000 acres. And if they let anybody hunt, it was two hunters. But-- so would you-- after all these hours and hours and lots of meetings, would you say that this bill is, is really just a compromise from-- for what other bills you may-- brought to the Game and Parks?

**HUGHES:** This, this bill-- there was negotiations that went on and I did have to give some things up in order to get Game and Parks to sign on to this, yes.

**GRAGERT:** OK.

**HUGHES:** I'm not done visiting with Game and Parks. I think there are some other issues that need to be discussed. And, you know, I-- you know, my job is to help them do their job better.

**GRAGERT:** OK, thank you. Thanks, thank you, Senator Hughes, that's all I have for you. Again, I believe wholeheartedly that the landowner

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

should get these free permits and, and be compensated and be thanked for letting these-- these animals eat their, their corn and their, and their beans all year long. But-- but the part about being able to go out there and hunt early and-- and specifically, because the landowner here, she owns the land. There is no reason to have to be out there early, so they-- to complicate and, and intrude in on other hunters and, and making the law more complicated to enforce, I just don't see the reason for it. This may be a small impact, like Senator Briese mentioned, to start out with that's-- this is just a few landowners and-- probably just a few landowners that are even gonna take advantage of this. But it could turn into a great impact on the number of hunters that, that really lose interest in going hunting, just for the fact that why-- the big buck has already been shot, I don't even get a chance at it. So I can see other ways and, and a more comprehensive plan to, to work on with the landowners and the subject matter experts. And I, and I understand Senator Hughes has, has done this, has evidently talked with Game and Parks, but once again, I can't stress enough, I believe this is too much compromise. It's, it's not really what is the best comprehensive plan for a number of issues. I've already heard today--

**FOLEY:** One minute.

**GRAGERT:** --that people-- thank you, Mr. President-- today of people road hunting and, and it's, it's a bigger issue-- there's more issues, I should say, than overpopulation and feeding these-- once again, I voted, I voted this out of committee because I was, I was told this LB126 wasn't gonna be pushed forward. And I would be more than happy to work with anybody, Game and Parks, Senator Hughes, and whatever other wildlife interests there is, in coming up with a more comprehensive plan to solve this issue. Thank you.

**FOLEY:** Thank you, Senator Gragert. Senator Erdman, you're recognized for your third opportunity.

**ERDMAN:** Thank you, Lieutenant Governor. A third opportunity already? Wow, OK, thank you. So I was listening to Senator Gragert and his comment about voting it out because he didn't think it was gonna go anywhere. I understand that, but one of the things that he brought up is-- have you had conversations with Game and Parks? Senator Gragert, let me just say this: I have had numerous conversations with Game and Parks and if you know Director Jim Douglas, you can understand how those conversations went. Need I say more? I think that says it all.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

So talking to those people, especially Director Douglas, is like-- he talks in circles. We had a hearing on the donation that we were gonna receive, that the state was gonna receive, Game and Parks was from the Environmental Trust, the American Elk Foundation and Senator Chambers asked Director Douglas several questions. And eventually, after not answering, Senator Chambers said, have you ever answered a question straight up or do you always talk in circles? And so that is my same impression of talking to Game and Parks. So what happens with Game and Parks, Senator Gragert, is the board of directors get information from Senator-- from Director Douglas that he wants them to have so they make the same decisions that management has already made. Is this a compromise? No. They're not interested in compromise unless you force them to do something. So as Senator Hughes commented, we brought them to the table. We had a discussion and the only reason they're willing to do anything is because they're getting into a corner. And when you've seen the fiscal note, that's bogus. And I don't know who put that together, but you and I both know that that's a bogus fiscal note. They won't hire one more person because what they do is any excess money they have, they buy more land. So instead of taking the money that they could use to run and manage the recreational areas like they should, they buy more land. And so they, they don't have a money shortage problem. They have a priority problem on where they spend it; case in point, Lake McConaughy, the redheaded stepchild of Game and Parks and all the other recreation areas where they don't manage them and collect the fees they should. And that's why they don't make any money in those facilities. So they will tell you that they've earmarked this money for land purchases and they can't use it for anything else. Well, of course. If I earmark it for land purchases, that's what I'm gonna use it for and I'm gonna tell you that I can't use it for anything else. And so don't get me started on having a conversation with Game and Parks to make a difference, it won't; case in point, the way they tried to do McConaughy this last couple of months. They've had open and public meetings where people have tried to make a comment or share their thoughts and they have physically removed, physically removed those people from the meeting. That's Game and Parks. Somebody needs to get their attention and I believe Senator Hughes is trying to do that. Now they agreed that this was a bill that they would support. That's what Senator Hughes said, I believe him. And the only reason they did is because they were painted into a corner. So to stand here and think that I have confidence that Game and Parks is going to do something on their own--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** One minute.

**ERDMAN:** --thank you-- that they're gonna make a difference on their own? I don't believe that. It's a problem for me when we have an agency of the state like Game of Parks that has a lobbyist. It's a problem for me for organizations or agencies who collect tax dollars, have a lobbyist. None of those landowners paying those property tax have a lobbyist. They're not organized. And the hunters will be part of the solution. We have to shoot more of these animals. So the solution is getting Game and Parks, the hunters, and the landowners in a place together to describe how many animals do we need and how do we get there and then manage that number once we do. That's the answer. When we get there, we may not, but we're gonna give it a heck of a try. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Bostelman, you're recognized for your third opportunity.

**BOSTELMAN:** Thank you, Mr. President. I think Senator Erdman and Senator Hughes hit the nail on the head. Game and Parks doesn't have a choice. They're not here to talk about this. They're not out in the Rotunda. They don't have a choice. This is, this is where they're at. This is-- they have no choice with this. They're, they're in support, kind of, not really, but they're not gonna come speak against it. I've talked with them. I've talked with Senator Hughes. We've had meetings. There are things in place, being worked right now to address the issue of the landowner, address the issue of permits, depredation, those type of things-- how things might be worked if this bill-- I stand opposed to this bill. I'll continue to stand opposed to this bill as a landowner. We can do better for our landowners. If you want to give a free permit, why don't you give a free permit just to the landowner in general? Just give a free permit. If that's what it's about, recognition, landowner permit's free. Right now I save \$42 on my permit, when I buy it. My son, \$42 on a permit when he gets it. So if this is about recognizing the landowner, then give him, give all landowners a, a free tag. If that's what, if that's what this is about. If this is about reducing the herd, reducing the animals, then depredation is the way we'd go with it or you shoot doe only. Depredation; we're working on a, on, not a solution, but a way forward on depredation, how it's gonna be better handled within Game and Parks. The commissioners have heard and they understand. Game and Parks has heard and they understand that changes are being made, must be made. My concern is, is this is a safety issue. My concern is this

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

is an issue that's not gonna have the effect that we want to have. If landowners, as I think Senator Friesen may have said, he didn't think very many landowners would take advantage of it. Then why are we doing it? So we're-- once again, are we really doing what the intent of the bill is? And I don't think we are. The bill has a fiscal note and that fiscal note can be questioned as all fiscal notes are questioned; I get it. But there will be a fiscal impact and when one-- we need to address depredation and when we need to address our parks, when we take more money away from those by, by giving-- reducing the fees, eliminating the fees, we're not helping the situation out any. So I do believe that there are issues here that, that are being addressed, that need to be addressed. Game and Parks, the commissioners, they said, well, no one comes to the meetings to say anything. And the response to that was, was when those people did go to the meetings, they weren't heard. No one did anything. I tell you what, right now, from those commissioners talking with those commissioners-- and they're gonna do something-- they hear loud and clear what the issue is. They're ready to act. I do not believe this is necessary at this point in time. I do believe that we have things working right now and corrective measures will be made. I think Senator Erdman has had some very good points, as to some things that are going on within Game and Parks. But what we're doing right now is setting a policy. If we're gonna do this, then why don't we have a mountain lion bill out? If we're looking at policy, why aren't we doing that? Why aren't we making changes? If we would delist-- if we would not manage the mountain lions anymore, they would be shoot on sight. Is that what you want to do, reduce the mountain lion, the numbers?

**FOLEY:** One minute.

**BOSTELMAN:** If we really want to, if we really want to reduce the number of animals that we have on property, that doesn't do us any good to shoot one or two and chase them to the neighbor and then the neighbor doesn't shoot them. If I am an archer at the time and I'm out of the way of the, of, of the, the landowner next to me, they're gonna run the deer to me. But they don't come back and they go nocturnal. So if you hunt-- Senator Erdman, I believe, and Senator Hughes, neither of them hunt. So as a hunter, a lifelong hunter, I know how those deer act. And once that first rifle shot is fired, they go nocturnal. The big deer understand what that means. There's a lot more traffic in the area and stuff. So again, if we want to do something for the, for the landowners, to provide them something, I think the depredation is the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

best way to go. Maybe there's another way we can go on landowner permits or youth permits.

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

**BOSTELMAN:** Thank you.

**FOLEY:** Thank you, Senator Bostelman. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. I rise in support of LB126 and the amendments. I suspect that the A bill will come down considerably once those amendments are approved. I don't know that for sure, but I'm just looking from this as a matter of fairness. I've listened and I'll be upfront, I'm not a hunter. I have never hunted. I'm not a fisherman; I don't like fish. So I'm speaking just strictly as a landowner. And if I owned the land-- in order for anyone to hunt on there other than government land that may be available, I have to give the permission. And if those that are providing that ground to others to hunt on-- they're doing that as a service to the state and to those hunters. I think the least that we could do is allow them the opportunity to harvest what they would off of their own ground before others get that same opportunity. It's no different than-- I suppose, if I had a farm pond, you know, if I'm gonna get up and go fishing in the morning, I probably would like to fish by myself first. You can come at 10:00 and fish; have at it, catch whatever you want, but I'm gonna go down and fish first. I don't-- I just don't see anything wrong with the concept of allowing an individual that owns their own property to have the ability to go utilize that in a hunting purpose before he allows others to go after or her for that matter; a lot of women hunt as well. So I, I-- briefly, I just wanted to throw support. I am maybe looking at this too logically. I don't believe it's gonna reduce the number of deer that are harvest. I don't think it's gonna cause a problem. I heard one of the people say, well, once the big buck's taken, no one else is gonna be hunting. Well, I don't believe that. I, I don't hunt, but I've been around coffee shops when guys will come in after, you know, getting up and going at daylight and trying to get a deer and somebody will say, oh, jeez, I got, you know, that great big one out there. I got, you know, the other six by six. You know, I've got him. Well, guess what? That afternoon, they all go back out trying to shoot something. It's not like they pack their bags and go home. They're there for the sport. As Senator Erdman said, they're not there to harvest the food. It's there for the sport. So it's not going to affect how many deer are taken one way or the other,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

it just gives those that own property the opportunity to utilize it before they allow others to use it. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Senator Moser, you're recognized.

**MOSER:** Thank you for the opportunity. I would like to ask Senator Hughes a question or two, if he'd respond?

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**MOSER:** So are these permits transferable or able to be sold to hunters?

**HUGHES:** No, these are strictly for the landowner and their immediate issue or children and grandchildren.

**MOSER:** So does the permit have a name on it when you get the permit?

**HUGHES:** Those would be details that Game and Parks would, would work out.

**MOSER:** OK. How do you handle a situation where there are multiple owners of property? Say there are, say there are three or four brothers or sisters that own, you know, a couple hundred acres or, or three, three 80s together. How would you handle the-- giving them permits? You'd give each one four or you-- they'd have to divide the one, the permits? How would you do that?

**HUGHES:** Each landowner gets up to four permits, but they have to own at least 320 acres to qualify for the four permits. You have to, you have to own 80 acres in order to qualify for one permit. So if you have enough acres, then yes, you do qualify for additional permits.

**MOSER:** So if you had three sisters that owned 240 acres, they'd get three permits and they'd have to decide which of them or which of their family gets to use those permits?

**HUGHES:** That's correct.

**MOSER:** OK. Well, those are just some questions I had. I got a couple of emails on it and one of the emails suggested that the owners of the property were gonna get permits that they could turn around and sell

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

and that they felt that was wrong. So that, that answers one of the complaints. Thank you very much.

**FOLEY:** Thank you, Senator Moser and Senator Hughes. Senator Hughes, you're recognized to close on AM2150.

**HUGHES:** Thank you, Mr. President. Thank you, colleagues. This has been a good discussion. A couple of points that I want to reiterate is the fiscal note has come up quite a few times and I think if we can get AM2150 and the other issues adopted, the fiscal note will change considerably. I think there's some misunderstanding. These are not general funds that-- or not-- yeah, they're-- this is not coming out of general funds. Game and Parks is a cash-funded agency. So these are funds that are generated from hunting licenses and park permits and those types of things. Game and Parks has signed off on that. So just to reiterate, this is not about depredation. This is not about trophy hunting. This is something for the landowner in recognition of their ability-- they're raising the state's wildlife all year long. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Members, you've heard the discussion on AM2150 and the question for the body is the the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 38 ayes, 1 nay on the adoption of the amendment.

**FOLEY:** AM2150 is adopted. Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator Bostelman would move to reconsider the vote just taken.

**FOLEY:** Senator Bostelman, you're recognized to open on your motion of reconsideration.

**BOSTELMAN:** Thank you, Mr. President and colleagues, that we're gonna take a little bit more time on this morning. I do believe there are some areas that we need to take a look at with this bill. If this bill is going to continue on through its path, I do believe there are some significant issues that need to be dealt with. And we need to talk about those just a little bit. We talked about Game and Parks just a little bit ago. And please understand, I don't think Game and Parks in any way, shape, or form really are excited about this bill or anxious to support this bill. As Senator Erdman said, they don't have a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

choice. They're kind of forced into this one. As a landowner, again, I have those tags. I, I-- as a landowner, I can hunt on my land. I can get a landowner tag. So if we're really trying to do something for the landowners, it's a free tag to the landowners, period. That gives them something that they don't have now. If it's a depredation issue, then we need to do exactly what we're doing in, in negotiations or in discussions with Game and Parks to be held as, as-- to address the depredation issue, how best to do that. There's a couple ideas that we have working on right now that think everybody agrees upon. We just need to have a little bit of time to get those ideas fleshed out and amendments made and not necessarily on this bill, but on another bill. So as we look at this, it isn't a clear black and white, clearly written decision to be made. Landowners do benefit and the license is what they receive. Landowners should be provided some form of acknowledgement if it's compensation or otherwise. I don't disagree with that. However, there are several issues-- funding, fiscal note is an issue, whether it's the millions that's there or not, that's still millions, potentially, of dollars that, that Game and Parks are gonna lose. How is that gonna affect their current operations? How many people will that-- is that gonna cause job loss or others within the Game and Parks? If they lose a couple million dollars, how is that gonna affect their budget, their bottom line? If we have-- right now, as a, as a, as a landowner, when I apply, I don't-- and I hunt on my ground. Everybody else that hunts in this state have to buy a habitat stamp. That habitat stamp is \$25 currently and that habitat stamp is supposed to be used to improve habitat and do those type of things. As a landowner, I only pay \$25 for my deer permit. Everybody else, they pay \$37, I believe it is. There's a \$42 difference in, in the cost of that permit. If we want to reduce animals, we should give out doe tags. And oh, by the way, if you would look and talk to Game and Parks, specifically on the number of animals reduced or taken by permits, there are a lot of permits out there that aren't utilized, late season tags. Now there's also argument of how effective late season tags are in the January hunt. But still there's a lot of tags, hundreds and hundreds of tags for does out in the western part of the state and others that aren't used. No one has those, no one's buying those. Well, maybe that's the place that we do-- if we want to talk about youth, youth hunting, how better to get a, a young person energized or excited about it than having a special time so they can go out? Maybe that's the month of December, the whole month of December on a doe tag and it doesn't cost anything. That's another idea. So there's different things that we can do out here to provide

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

for the landowner. But also, there's some things that we're talking about and discussing to provide for depredation on those areas within the state that have excess number of, of deer that do-- that are causing problems. And it's not just deer, we've heard elk are a problem. And I tell you, turkeys are a problem, too. So those of you who plant corn and got a lot of turkeys around, a turkey will follow you right down the-- when you're planting, right down the road and they'll take that corn seed right out of the ground, right behind you. So there's different things that happen on our, on our properties that do reduce, reduce yield. I've seen some of those fields. It's pretty significant. And there's a couple of things that tie into that. One was bad management on the, on the wild management area or the NRD ground that Game and Parks managed right next to it. They let it go overgrown and those type of things. And those deer have overproduced and, and have devastated the land next to it. I get that and I think things need to be done. However, if we're gonna establish a special permit time for landowners, then perhaps we need to have a deeper look into what time of that would be or if we want to go to a youth permit, we go to a youth permit at a certain time. And quite frankly, if you're a bowhunter, there's no better time than during bow season to take that son, daughter, grandchild, or youth out with you in the stand to experience what it's like standing, sitting in a stand, sitting in a blind because it's not easy. It takes a lot of time and you'll have a lot of time to bond with that child. You'll be a lot-- have a lot of time to educate that child on the greater impacts of what goes on on our farms. So as we see this moving forward, again, we're talking about landowners. I have that opportunity right now with a landowner permit to have a permit that lasts the-- all the seasons with that specific type of weapon or the bow, the rifle, or black powder to hunt at a reduced rate. I get that right now. However, if we set up a special season that conflicts, what's gonna happen is, is archery season is gonna be shortened up. And, and the question is, well, they've got all-- we've got months to hunt, archery, during archery season. Well, early in the season it's hot and the crops are in the field and it's very-- and the leaves are on the trees, if you will. It is difficult during that time of year to take an animal. If you go later in the year, you do have the crops out, but now they're scattered out. It's harder to harvest those animals at that time. So what we need to do is, is really think about how that works within the, within the current system of reducing the animal herd. Deer season, rifle season used to be earlier in November, during the rut. Deer season has been pushed back a week, specifically for the reason

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

to allow archers to come in there and have an opportunity during the rut that they didn't have before. Now whether you like hunting or not, that's-- I understand people are objective to hunting and that's fine. But that season is set up-- those dates have been moved specifically to harvest more animals, to give a better-- an increased opportunity for a person that's archery hunting to take that animal. If you move it back, if we eliminate that time, that's gonna reduce the number of animals, potentially, that's harvested out of that field, off that landowner's place. One they have a problem with depredation, with overpopulation of deer. We need to think about what we're doing and how we're doing it. We need to understand that this will have an effect in the management of game animals throughout the state. I'll come back to the thing I mentioned earlier was that, OK, when I had a vineyard and I was growing grapes, does that mean now I should be able to get a free turkey permit? Should I get a free elk permit? Should I get a free antelope permit? Because I tell you what, birds, whether they're turkeys or just an Oriole, a flicker, or whatever it is, they'll come in--

**FOLEY:** One minute.

**BOSTELMAN:** --when your grape's at a certain spot-- when they get a certain ripeness, they will come in and eat every grape out of that row. They will eliminate your harvest, 100 percent. So how are we gonna handle that? Because that's a real issue for our grape growers in this state. So, again, if we're looking at trying to provide something for our landowners, a fiscal, a financial type of opportunity for our landowners, this isn't it. What we need to do is we need to consider other opportunities, which we're working on, other things that will help do a better job providing an opportunity for our landowners to give them a little break, if you will, a recognition, acknowledgement. I think we do that already with our reduced fees for landowner tags and reduce-- and not having to have a habitat stamp. As long as I'm on my property that I own, I don't have to have a habitat stamp because I provide exactly what they're talking about.

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

**BOSTELMAN:** Thank you.

**FOLEY:** Thank you, Senator Bostelman. Senator Groene.

**GROENE:** Thank you. I am not taking part in a filibuster at all, I'm just-- got some concerns with this bill. I like the intent of it-- about depredation in areas, but this doesn't do that. And I like-- when reading the original language, I thought it was a good idea. If you have a deer problem, the original language said if such landowner consents to make fifty percent or more of his or her farm or ranch land located in a single commission-designated deer management, deer management unit available for public deer hunting during the firearm deer hunting season. So all right, so you can go out and shoot them early because you own the land and you can get the trophy deer. But, but then if you have a problem, you ought to allow people on there to hunt. That should be a bargain here. I don't think this is gonna increase hunters. Nobody is gonna all of a sudden go out and buy a gun and start learning how to use it because their brother bought a farm and they're gonna go hunting. These folks are hunting already. They are already hunting. The family gets together. It's a tradition. On that Saturday morning, the land is posted. You cannot hunt here. The family goes out and shoots the deer and they buy a permit. This is gonna take an awful lot of-- but what the family will do is just move it up five days. They don't have to buy a permit. It's gonna hurt the Game and Parks Commission's income. There's gonna be no new permits. There will be no more deer shot, they'll be just shot five days earlier and they'll wait and try to get the bucks because their freezer is still full of the deer from last year. For good policy, I love the intent. I understand that the landowner-- it's their land. I love property rights, but deer like groundwater, like river water belongs to the state of-- people of the state and you just happen to own the land. It's just the way it works, just like the air above it. Floods will destroy your land too, just like deer will but you don't own the river, the water. It's part of life. It's part of living on an earth that has nature changes. It's the risk of farming, but we have management tools to take care of those deer. We have a website that says if you want hunters on there, you can contact these individuals. They'll help clean up the deer, the overpopulation. You're already hunting the first Saturday morning. You can go out and get your trophy deer. I don't see the-- what, what we gain here, but a pat on the back and say, yes, we understand; we care, farmer, that you are-- or landowner, that you are feeding these deer. But it's a good management tool. I don't see it helping anything. I, I happen to agree with-- Senator Bostelman has some good ideals. The problem is in late November and December and January when they congregate. They congregate in certain areas where there's alfalfa fields and grass

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

along the rivers. That's the time we ought to open up some hunting for antlerless deer for certain individuals. Take this and put five days in, in, five days in late December around the holidays when family's home to-- for the holidays and put in antlerless deer. Now, that would make a difference. It would even make a difference if certain farmers-- farms were designated as, as troubled areas of overpopulation. And, and those farmers could bring five--

**FOLEY:** One minute.

**GROENE:** --people in, didn't even have to be a neighbor, didn't even have to be family or four people and shoot some antlerless deer. That's good management of our natural resources. This is-- I fully understand where Senator Hughes and the people who brought it to him come-- I, my background is ag. I understand how mad I used to get when I'd go out hunting and somebody was meeting me coming from the different direction on my dad's ground; pheasant, but we need hunters. We need the heritage of hunting. The Second Amendment needs hunters and we need as many as we can. And if we get to the point where we discourage and we tell the people of urban Nebraska that they're not welcome out there hunting, that that deer now belongs to the farmer too, you are gonna do great harm to hunting and the heritage of it in the state of Nebraska. It, it just follows--

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

**GROENE:** Thank you.

**FOLEY:** Thank you, Senator Groene. Senator Gragert.

**GRAGERT:** Thank you, Mr. President. Well, earlier on, Senator Erdman made the comment that we're only talking about the hunters. We're not talking about the landowners. So I just want to get up and, and talk a little bit about the landowner. You know, if the landowner, what I'm hearing today, is so willing to open up his land, especially if he gets first opportunity to go on that land, I guess I, I would like to see the 50 percent requirement that you'd open up 50 percent of your land, especially the habitat where you're-- where the deer or the antelope or the elk or the turkey are, that are providing wildlife damage; open that-- let's put that back in there and, and be, be able to open that land, you know. Once again, I'm not saying just every, everybody that drives by has the right to go on your land. You still have the right to say who goes on and who goes off your land. But it's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

more of a commitment than just say, well, if I get five days to hunt early, yeah, I'll probably open up my land. The other, the other thing I want to get-- I think the landowner may be overlooking is, is being able to lease that land. You have, you have a great resource out there that you may not be taking advantage of with that deer population and those big bucks. There's-- I realize and I got buddies that-- they, they tend to pay hundreds, if not thousands of dollars to go hunt a, a trophy buck or a trophy elk or, you know, that, that turkey that may not be anywhere else in their possession. So it's, it's important, you know, if property taxes are high and, and I got to make up every dime I can and you overlook the opportunity to open your land up, to lease your land for hunters to go on there, I just really think you need to take a, a close look at that because there's a potential for thousands of dollars there for a hunting season, whatever it may be; once again, deer, elk, antelope, pronghorn, turkey. The other thing that I, I hope that landowners are thinking about when we, when we talk about wildlife damage, crop damage from the wildlife, is the numerous programs that, that are out there to be able to take some of your less-productive land and enroll it into conservation practices like tree belts. You know, a couple others I can think of are riparian buffers along their stream to attract animals to those areas where you put in a, a food plot that is more, is more likely for that animal to graze on or browse on, you know, during their feeding periods instead of your corn and/or beans. But there's numerous, there's numerous programs that I hope everyone has taken advantage of, both from the state and the feds, federal government. The CRP, Conservation Reserve Program, it's, it's a program that not only throughout the years, you can enroll a good majority of your land, your less-productive land into this program. And it's based on rental rates and other factors, but you get a pretty good payback on-- with that program, as far as if you are looking to--

**FOLEY:** One minute.

**GRAGERT:** --enroll it and not have to put the inputs in-- thank you, Mr. President-- not have to put the inputs into a crop. But once again, that will tend to keep these animals, whatever they may be, in those areas; again, tree plantings, forest improvement, stuff like that. And the only, the only thing I-- if you're one of those landowners with many acres, there, there has to be pressure put on those animals. Like, once again, I, I, I heard out in Scotts Bluff, the individual had 18,000 acres. Well, and when-- letting two people hunt on 18,000 acres isn't gonna solve an overpopulation of wildlife.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

So I just wanted to bring back, you know, or concentrate on the landowner because it's only fair.

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

**GRAGERT:** Thank you, Mr. President.

**FOLEY:** Thank you, Senator Gragert. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President. Would Senator Hughes yield to a question?

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**BOSTELMAN:** Senator Hughes, we were talking on the side and, and I think we can come to a point-- perhaps, let this move on and get another bill done today. But you've agreed to, to work with me on, on some amendments to the bill that, that we'll take a look at and then we'll readdress it on Select File.

**HUGHES:** Absolutely.

**BOSTELMAN:** OK, with that, I withdraw my reconsideration motion.

**FOLEY:** Your reconsideration motion is withdrawn. Mr. Clerk.

**ASSISTANT CLERK:** Nothing further, Mr. President.

**FOLEY:** Senator Hughes, you're recognized to close on your committee amendment, AM757. He waives close. And the question for the body is the adoption of AM757. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 37 ayes, 1 nays on the committee amendment.

**FOLEY:** AM757 committee amendment is adopted. Further discussion on the bill as amended? I see none. Senator Hughes, you're recognized to close on the advance of the bill to E&R Initial.

**HUGHES:** Thank you, Mr. President. I appreciate the opportunity, the discussion we've had this morning. And I will reaffirm my commitment to work with Senator Bostelman between General and Select to see that we find some common ground to move forward on this bill. There are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

some definite issues from different aspects of the hunting community and the landowner community that we need to work out and make sure that Game and Parks is part of that discussion. So I appreciate everyone's support. I appreciate everyone's questions that we had this morning. And I would certainly urge your green vote on LB126. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. The question for the body is the advancement of LB126 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 38 ayes, 1 nay on the advancement of the bill.

**FOLEY:** LB126 advances. Items for the record, please.

**ASSISTANT CLERK:** Thank you, Mr. President. Committee report, the Business and Labor Committee reports LB888 and LB926 to General File. Notice of committee hearings from the Business and Labor Committee, the Revenue Committee, and the Appropriations Committee. Additionally, amendments to be printed, Senator Kolterman to LB720. Motion to be printed, Senator Brewer moves to withdraw LR284CA. Senator Hilgers, amendment to LB381. The Speaker has designated LR-- or the Exec Board, excuse me, has designated LR279CA as its first committee priority bill. Additionally, LR307, congratulating Drew Gerken being recognized for his service to the Omaha community, that'll be laid over, introduced by Senator McCollister. That's all I have at this time, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. We'll now proceed to the next bill on General File. Mr. Clerk.

**ASSISTANT CLERK:** LB540, introduced by Senator Walz, is a bill for an act relating to developmental disability services; eliminates a termination date; and repeals the original section. The bill was read for the first time on January 22 of 2019, and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments.

**FOLEY:** Thank you, Mr. Clerk. Senator Walz, you're recognized open on LB540.

**WALZ:** Thank you, Mr. President, and good morning, colleagues. LB540, with the committee amendment, changes the sunset date under the state's Home and Community-Based Services Waiver in the Developmental

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

Disability System. It provides services for youth that are transitioning from the education system to maintain and receive day services necessary to pursue economic self-sufficiency and independence. It's important to note that originally, the department was in opposition of this bill. But after discussions over the interim, they decided to support the bill with the committee amendment. The Medicaid Home and Community-Based Services Waiver Program is authorized in 1915(c) of the Social Security Act. The program permits a state to aid in the array of home and community-based services that assist Medicaid beneficiaries to live in their community and avoid institutionalism. The state has broad discretion to design its waiver program in order to best meet the needs of their targeted population. Waiver services complement and/or supplement services that are available to participants through the Medicaid state plan and other federal, state, and local public programs, as well as the supports that families and communities provide. The time period during which the individual leaves the safety and security of their parents' home to go to college or live on their own is crucial in fostering independence. If there are not services and supports in place to help ease the transition, it can have drastic consequences on the individual. For some people, if routines are not followed and behavior is reinforced in a new environment, they can quickly become forgotten. In that case, they will need to relearn those former tasks. This problem can quickly compound itself--

**FOLEY:** Excuse me, Senator. Members, please come to order. Senator Walz, you may continue.

**WALZ:** --thank you, Mr. President-- putting the individual at risk and wasting all the hard work they, their family, and their community have put into their development. This is an issue for the state and our liability as well. If we were to lose this waiver priority, people with disabilities transitioning from high school would be at a greater risk of institutionalism and segregation, where they would otherwise be capable of living and working independently. Should that happen, we would be acting against the goal of our recently created Olmstead Plan that strives to reduce institutionalism in Nebraska, a very important component in the Olmstead Plan. I am also so fortunate to have been able to work with people with disabilities and witnessed the tremendous growth that is possible. It is amazing to see people develop and become more independent, engage with their community, enjoy their employment, build on their social skills, and gain more control of their own personal choices. Many of these skills and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

opportunities would not be possible without the formalized training and staff provided by the day habilitation services. It would be devastating for many families and individuals without the extra support these transition services provide. Thank you and I would encourage you to support LB540.

**FOLEY:** Thank you, Senator Walz. As the Clerk indicated, there are amendments from the Health and Human Services Committee. Senator Howard, as Chair of the committee, you're recognized to open on the committee amendment.

**HOWARD:** Thank you, Mr. President. AM1182 to LB540 is a very simple amendment. It reinstates the sunset on this program, but it extends it from June 30, 2021, to June 30, 2025. As Senator Walz stated, I believe this addresses the department's opposition to the original green copy of the bill. The amendment was advanced from the committee unanimously and I would urge its adoption on the floor today. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Howard. Debate is now open to LB540 and the pending committee amendment. Is there any discussion of the bill or the amendment? I see none, Senator Howard waives closing on the committee amendment. The question for the body is the adoption of AM1182. Those in favor of vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the adoption of the committee amendment.

**FOLEY:** The committee amendments are adopted. Is there any further discussion on LB540 as amended? I see none. Senator Walz, you're recognized to close on the advance of the bill.

**WALZ:** Thank you. Just briefly, I just wanted to say that I would appreciate your support on LB540 and your continuation of supporting people with developmental disabilities. Thank you.

**FOLEY:** Thank you, Senator Walz. The question for the body is the advance of LB540 to E&R Initial. Those in favor of vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 43 ayes, 0 nays on the advancement of the bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** LB540 advances. Proceeding to the next bill, please.

**ASSISTANT CLERK:** LB643, introduced by Senator McDonnell, is a bill for an act relating to emergency response personnel; changes provisions relating to death or disability prima facie evidence requirements for a firefighter or firefighter-paramedic as prescribed; and repeals the original section. The bill was read for the first time on January 23 of last year and referred to the Judiciary Committee. That committee placed the bill on General File with no committee amendments.

**FOLEY:** Thank you, Mr. Clerk. Senator McDonnell, you're recognized to open on LB643.

**MCDONNELL:** Thank you, Mr. President. Good morning, colleagues. LB643 proposes to amend Section 35-1001, relating to death or disability prima facie evidence requirements for a firefighter or a firefighter-paramedic by adding breast cancer and ovarian cancer to the list of cancers already specified in the statute. Language currently exists within the statute that references male-specific cancer, prostate systems. And it is time our laws be updated to accurately reflect the fact that the fire service is not a male-only field of service. Women are filling the role of the, of the fire service protection to their communities at an ever-increasing pace and LB643 adds necessary language to statute that acknowledges their service and the risks they are taking providing that service to their community. Firefighting is more dangerous than most people know. In fact, the number one cause of death among firefighters is not from the fire itself, but from the occupational exposures to the toxins and carcinogens at the fire scene. Besides inhalation hazards, chemicals pose a significant threat to the firefighter's health through skin absorption, even with full protective equipment. When firefighters attack structural fires, they are repeatedly exposed to many hazardous chemicals. A study conducted by the National Institute of Occupational Safety and Health in 2013 found that firefighters have a 14 percent increased risk of dying from cancer as compared to the general population. Cancer is a leading line-of-duty death among firefighters today and LB643 acknowledges the high-risk exposure and expands the protection in our law to cover female cancers as well. LB643 advanced to General File with unanimous support from the members of the Judiciary Committee and it poses no fiscal liability to the state. I would greatly appreciate your support in continuing to move this important legislation forward. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

**FOLEY:** Thank you, Senator McDonnell. Debate is now open on LB643. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. Would Senator McDonnell yield to a question?

**FOLEY:** Senator McDonnell, would you yield, please?

**MCDONNELL:** Yes.

**CLEMENTS:** Senator McDonnell, I don't understand what the difference is if you have determined that your death is in line of duty versus whether it isn't. What kind of benefits are there to the employee?

**MCDONNELL:** With, based on your, your disability benefits and your pension benefits. So, for example, the last firefighter, female firefighter that was killed in the, in the line of duty in Omaha, she did-- her family did receive the, the disability-- I'm sorry, the death benefits after her, her ultimate sacrifice.

**CLEMENTS:** And without this bill, then some of these would not receive any extra benefits from the department, is that it?

**MCDONNELL:** Yeah. Based on right now, when the bill was first put in place, it was discussed more about a male firefighter. Now most recently with that death, which we-- the city of Omaha and the pension board did recognize her, her ultimate sacrifice. But based on adding ovarian cancer and breast cancer, we're bringing the cancers more in-line with the service of its male and female firefighters.

**CLEMENTS:** And so the payments to the individual or through the firefighter's insurance or individual coverage within the department, is that it?

**MCDONNELL:** Yes. There is no fiscal note to the state of Nebraska.

**CLEMENTS:** All right, that's all the questions I had. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements and Senator McDonnell. Any further discussion on the bill? I see none. Senator McDonnell, you're recognized to close on the advance of the bill. He waives close and the question for the body is the advance of LB643 to E&R Initial.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the advancement of the bill.

**FOLEY:** LB643 advances. Next bill, please, Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, LB387, introduced by Senator Pansing Brooks, is a bill for an act relating to juries; names the Jury Selection Act; defines terms; changes terminology relating to juries; transfers, changes, and eliminates provisions relating to jury commissioners, juror qualifications, exemptions and excuses from jury service, jury lists and summoning juries, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand jurors, jurors' notes, jurors viewing property or a place material to litigation, and compensation for jurors; provides duties for clerk magistrates; changes terminology relating to verdicts in court proceedings; changes penalty provisions; harmonize provisions; provides an operative date; repeals the original sections; and outright repeals several sections. The bill was read for the first time on January 17 of 2019, referred to the Judiciary Committee. That committee placed the bill on General File. There are committee amendments, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Pansing Brooks, you're recognized open on LB387.

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. Members of the body, LB387 is a bill that seeks to modernize procedures for the selection of jurors. And I want to say that I forgot to say my intro, which is good morning, Nebraskans. Our state's unique motto is "Equality Before the Law." So know that whoever you are, wherever you are on life's journey, and whomever you love, we want you here, you are loved. So back to LB387 that's a bill to modernize procedures for the selection of jurors. The bill was brought to me by the Nebraska Association of County Officials and the clerks of the district court. The bill seeks to update jury selection to accommodate modern court practices and define related terminology. The bill was advanced from the Judiciary Committee last session by a unanimous vote. There was no opposition and no fiscal note. In drafting this legislation, the clerks of the district court looked at the whole of Chapter 25, Article 16 and determined that it might be easier for the public attorneys and others who work with juries if the whole article was

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

reorganized into chronological order with topics grouped together. As often happens when amendments are adopted over time, related subject matter gets separated and out of order. The substance of new language defines terms such as grand jury, jury commissioner, and jury list. It also describes the processes for qualifying and summoning jurors. The main substantive change is a raise of the age of exemption from 65 to 70 to make it consistent with the federal court system, which already uses the age of 70 in Nebraska. Nebraska is one of the few remaining states to-- that has 65 as the age of exemption from serving on a jury. The second main change is to allow the jury commissioner to not provide the juror with a printed qualification form, but to allow them to provide the information to complete, to complete it on-line. Again, this is similar to the federal court systems process. There is a provision that if the juror does not complete the qualification form on-line within ten days, then the jury commissioner shall send the juror a printed qualification form. In closing, I would ask that you advance LB387 and committee amendment AM404 to Select File. Thank you, Mr. Lieutenant Governor.

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

**LATHROP:** Thank you, Mr. President. Colleagues, once again, good morning. LB387 was heard by the Judiciary Committee on March 14 of 2019, and was advanced to General File with committee amendments and both the committee amendment AM404 and the motion to advance to General File were on 8-0 votes. AM404 makes four changes to LB387. First, it removes language in Section 3, subsection (5) of LB387 by removing language requiring approval by the courts in the definition of jury management system. The other three changes address items that will not be considered public records, but are maintained as court records. These items include the grounds for a juror who is excused or disqualified, the postponement from and reasons for postponement of a juror, and the records on the key number determinations for jury selection. I would urge your adoption of AM404 as well as advancing LB387 to Select File. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Lathrop. Debate is now open on LB387 and the pending Judiciary Committee amendment. Seeing no one wishing to speak, Senator Lathrop, you're recognized to close. He waives close and the question for the body is the adoption of AM404 Judiciary Committee

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 30, 2020

amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 35 ayes, 0 nays on the adoption of the committee amendments.

**FOLEY:** AM404 committee amendment has been adopted. Is there any further discussion on LB387 as amended? I see none. Senator Pansing Brooks, you're recognized to close on the advance of the bill. She waives close and the question for the body is the advance of LB387 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 34 ayes; 0 nays on the advancement of the bill.

**FOLEY:** LB387 advances. Items for the records, please.

**ASSISTANT CLERK:** Thank you, Mr. President. Committee report from the Transportation and Telecommunications Committee referring LB785, LB831, and LB768. Those were reported to General File, some having committee amendments. Additionally, amendments to be printed: Senator Howard to LB329, Senator Kolterman to LB205A, and Senator Kolterman, as well, to LB607A. Finally, a series of name adds: Senator Hunt to LB640; Walz, LB640; Morfeld, LB640; Hilkemann, LB640; Bolz, LB748; McCollister, LB805; Hunt to LB1020, Bolz to LB1147, and Bolz withdrawing her name from LB1148. Finally, Mr. President, a priority motion. Senator Hunt would move to adjourn the body until Friday, January 31 at 9:00 a.m.

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