

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

FOLEY: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the twenty-third day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Reverend Owen Derrick from the First Presbyterian Church in Tekamah, Nebraska, Senator Ben Hansen's district. Please rise.

REVEREND DERRICK: Let us pray. Eternal God, as we begin this new day, may we look back at yesterday with gratitude rather than regret, fondness rather than bitterness, and a sense of satisfaction rather than a feeling of failure. Lead us in our actions and decisions today so that tomorrow, too, will be filled with thanksgiving, love, and peace. Present God, be with us this day in our every thought, word, and deed. Watch over our going out and our coming in. Help us to guard our hearts, to mind our tongues, and so to use our minds that in all that we feel, say, or think, you will be glorified. God of the unknown, make us mindful of the effect our presence here on earth has on the future for ourselves, our families, our neighbors, our state, our nation, and our planet. May we live our lives less sure that we know what the future holds and more aware of the awesome responsibility you have given each of us as stewards of your creation. Loving God, bless those who hold elected office in the state of Nebraska, at whatever level, that they may do their work in a spirit of wisdom, kindness, and justice. Help them to use their authority to serve faithfully and to promote the general welfare of all people. Remind each one of us that you have called us to serve and not to be served. Through us, give hope to the hopeless, love to the unloved, peace to the troubled, and rest to the weary. Be with us now and bless the fruits of those who labor here in this chamber and within the government of this state. Enable us all, in all our doubts and uncertainties, to ask what you would have us do; that in your light, we may see light. In your truth, we may find truth. And in your life, we may enjoy life. On this day, when we celebrate the 211th birthday of Abraham Lincoln, we are reminded of his assertion. I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go. Lord, we know how that feels. Nevertheless, may we discover that prayer is most effective when we see it as a primary privilege rather than a last resort. Be with each one of us as we begin this new day. Be our guide, be our strength, be our example, and be our God. Amen.

FOLEY: Thank you, Reverend Derrick. Members, today we are going to have a very special posting of the colors, which will be presented by

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

the Nebraska Department of the Sons of Union Veterans of the Civil War, in honor of the 211th anniversary of the birth of Abraham Lincoln, who was born on February 12, 1809. So please remain standing for the posting of the colors. After the colors have been posted, I'll recognize Senator Geist for the Pledge of Allegiance. Please rise. Senator Geist.

GEIST: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

FOLEY: Thank you, Sons of Union Veterans. Thank you. I call to order the twenty-third day of 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. A communication from Senator Halloran designating LB344 as his personal priority. In addition, Senator Brandt would designate LB996 as his personal priority. Notice of committee hearings from the Health and Human Services Committee as well as the Natural Resources Committee. Amendment to be printed; Senator Hughes to LB126. Finally, I have a conflict of interest statement from Senator Morfeld. That statement is on file with the Clerk of the Legislature's Office. That's all 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 LR308. Senator Cavanaugh would like us to recognize Dr. Joe Miller of Omaha, Nebraska. He is serving today as family physician of the day. Dr. Miller 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. And Senator Albrecht has some special guests today. We have Hannah Mayo, Ashley Marquez, and Savannah Leseberg, all from Wayne

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

High School, visiting us today under the north balcony. If those guests could please rise, we'd like to welcome you to the Nebraska Legislature. We'll now proceed to the agenda. First item is legislative confirmation reports. Mr. Clerk. I apologize, Senator Stinner, I needed to recognize you for a budget report, please.

STINNER: A point of personal privilege.

FOLEY: Please proceed, Senator.

STINNER: Thank you. Either today or tomorrow, you'll receive a preliminary report of the Appropriations Committee on the budget. I'll emphasize it's preliminary. This is our first cut. I will tell you that the committee has adopted all of the measures in the budget recommended by the Governor. The difference is that we put it all in the General Funds and didn't separate out those one-time Cash, Cash Reserve allocations that the Governor had in it. If you look at page 6 and 7, that's really the financial status of where I believe we're at today as well as where the Cash Fund is. It does have a historical analysis of revenue expenditures, volatility analysis. It does break out also, each one of these adjustments. It compares where the committee is at versus where the Governor is at on, on some of these issues or recommendations. So when you get it, look through it. It's, it's a real easy read. It's not 120 pages, but it's, it's informative. Remember, it's preliminary. We're going through hearings after hearings. The committee will meet again, try to get a final cut, and then issue that to the floor with our recommendation. So you should-- actually, I think they're passing it out right now, thank you very much. So you should have it in your hands very shortly. If you have questions, please either ask me or someone in the committee. Thank you.

FOLEY: Thank you. Senator Stinner. Now we'll move to the agenda. Confirmation reports, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. The Natural Resources Committee reports on the appointment of Sherry Vinton to the Nebraska Environmental Trust Board.

FOLEY: Thank you, Mr. Clerk. Senator Hughes, you are recognized to open on the first of two confirmation reports. Senator Hughes.

HUGHES: Thank you, Mr. President. Good morning, colleagues. I present for your approval the reappointment of Sherry Vinton to the Nebraska

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

Environmental Trust Board. Ms. Vinton came before the Natural Resource Committee on February 5. This is a reappointment for Ms. Vinton and she will represent Congressional District 3 on the board. Ms. Vinton lives and ranches with her husband and family in Whitman, Nebraska. She met her husband in college while studying accounting and then returned with him to the Sandhills ranch that is owned and operated by her husband's family for five generations. Ms. Vinton, her husband, and two of their adult children and their respective families continue to run their ranching enterprise. Ms. Vinton also serves on the Grant County Planning Commission and is a member of the Nebraska Cattlemen. She is a lifelong Nebraskan with environmental, agricultural, and land use planning interests. She and her family are advocates for private property rights, information, and education. Ms. Vinton has served on the Environmental Trust Board since 2007. The Nebraska Environmental Trust was established in 1992 to preserve, protect, and restore the natural resources of Nebraska for future generations. Using revenue from the Nebraska lottery, the trust has provided more than \$319 million in grants over 2,200 projects across the state. Citizens, organizations, communities, farmers, and businesses can apply for funding to protect habitat, improve water quality, and establish recycling programs in Nebraska. The trust values projects that bring public and private partners together cooperatively to implement high-quality, cost-effective projects. The committee advanced Ms. Vinton's appointment by an 8-0 vote. I ask for your confirmation of Sherry Vinton to the Nebraska Environmental Trust Board. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Is there any discussion of the confirmation report? I see no discussion. Senator Hughes, you are recognized to close. He waives close and the question for the body is the adoption of the first of two confirmation reports from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of the committee report.

FOLEY: The first of two confirmation reports is adopted. Senator Hughes, your second confirmation report, please.

HUGHES: Thank you, Mr. President. Good morning, colleagues, again. I present for your approval the reappointment of Douglas Anderson to the Environmental Quality Council. Mr. Anderson came before the Natural

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

Resource Committee on February 6. The Environmental Quality Council was created by the Legislature in 1971 as the public body that adopts rules and regulations for the Department of Environmental Quality to administer. The council consists of 17 members who are appointed by the Governor to serve staggered four-year terms. Mr. Anderson lives in Aurora, Nebraska. He is currently employed as a facilities manager at Performance Plus Liquids in Palmer. He has been in manufacturing business for 40 years. If reappointed, he will be-- this will be Mr. Anderson's fourth term on the Environmental Quality Council. He values the work of the EQC, the work that EQC does, and looks forward to another term to continue to make things better. He is filling the agricultural processing position on the council. The Nebraska Legislature delegated the authority to the council to adopt regulations and standards on a broad range of environmental subjects such as air, water, and land quality to protect public health and welfare. The committee advanced Mr. Anderson's reappointment by an 8-0 vote. I ask for your confirmation of Douglas Anderson to the Environmental Trust Council [SIC]. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Is there any discussion of the second confirmation report from the Natural Resources Committee? I see none, Senator Hughes, you are recognized to close. He waives close and the question for the body is the adoption of the second confirmation report from the Natural Resources Committee. 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 confirmation report.

FOLEY: The second confirmation report is adopted. Proceeding on the agenda now to General File, 2020 Senator Priority bills. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. LB924, introduced by Senator Chambers, is a bill for an act relating to law enforcement; changes provisions relating to racial profiling prevention policies; prohibits law enforcement agencies failing to comply with racial profiling monitoring and reporting requirements from receiving funding from the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; requires anti-bias and implicit bias training for law enforcement officers; and repeals the original section. The bill was read for the first time on January 10 of this year and referred to the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

Judiciary Committee. That committee reports the bill to General File with no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Chambers, you are recognized to open on LB924.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, this is what I would refer to as a peewee bill. It is one that I think should have no problem being accepted by the Legislature. I handed out two articles so that you would have some background, if you needed it, to show why a bill like this is necessary. In a nutshell, there still is an overabundance of stops, searches, arrests of nonwhite people based on the fact that they are not white. What this bill would do is to give this anti-bias training just two hours out of the year. I had calculated how many hours there are in a year, even if you just made it work hours, but I didn't bring the piece of paper with me. And with my inability to remember that many numbers, I can't tell you exactly, but there are several thousands of hours. What I'm going to do is explain why I took this bill instead of my bill to abolish the death penalty. For symbolism and symmetry, I could have taken the bill and said I'm going to leave the way I came in; fighting to end the death penalty. But rather than do something that is symbolic and achieves nothing, I'm bringing this bill, which can focus on a problem, which even law enforcement people acknowledge. There have been any number of killings of unarmed black people and even a couple of white people who had mental illness. But because of the way they acted, the officers-- and the person didn't have a weapon. The officers panicked and killed and the head law enforcement person who would be talking to the public about it would say this is something that could have been avoided with training. There is not an overabundance of training. This bill will focus attention on a problem, it will take away excuses, and also, it can be a beginning. But I'll say, like Winston Churchill, it's not the beginning of the end, but it may be the end of the beginning. And I'm going to read the testimony of a white woman who said she wishes that she had given it when she was at the hearing. Her name is Loretta Fairchild, Ph. D, economist, and old, white woman. That's what she wrote. And this is her testimony. By the way, nobody spoke against the bill. How much time do I have, Mr. President?

FOLEY: Seven minutes.

CHAMBERS: I think I can finish it. I would like to speak to each of you white senators and to each white person in the state of Nebraska.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

I am exhibit A in all the problems Senator Chambers has always been trying to highlight in this body and this state and nation. I look quite innocuous to you, but I have been totally oblivious to the pain and suffering we white folk have been inflicting daily and hourly on every black human being across Nebraska. I've turned a blind eye and walked by on the other side because I felt safe and comfortable in my life. So didn't that mean black people felt equally safe and valued? But Ferguson is now a name that resonates in my life. That's where the young black man was shot by the police. He was unarmed. August 2014; where were you in August 2014 and how was your life impacted? If it's just vague history in your life today, could that be a sign that you might benefit from joining with me and asking a lot more questions? I've been learning that black people and white people lead really distinct lives right here and that I actually know nothing about how different their daily lives are from mine. I'm just beginning to recognize how they are forced to use up lots of energy and brain power just to avoid having their lives disrupted hourly as they are going to normal work or to the grocery store. I'm discovering, only since Ferguson and that is five years ago, that I need to repent, hourly, of my complacent assumption that my problems are way more important than black people's problems or the problems of other people of color in Nebraska. Could that be based on my unrecognized assumption that I'm more important than any black person or my assumption that since black people have always been forced to conform to my white expectations, that their subordination is normal and right and should continue for the next 300 years? Our police officers, both black and white, are working hard at "doing right" every day. But as long as they are stuck with me and the rest of us white folk in their "normal" worldview that white makes right, they cannot move forward into seeing black human beings as being worthy of being treated with as much dignity and respect as they always give to me, the little, old, white lady, when I get pulled over for running a red light at 27th and O Street, when I'm driving distracted. The well-meaning objection from the police association that adding two hours for training on "not doing racial profiling" to their existing 20 hours of training precisely illustrates why this "added training" is vital. Yes, our police are overworked, but they are not overtrained. If they and you and all of white Nebraskans could see this as an opportunity for raising the concept of improving race relations into their top priority, instead of just one more add-on to their current white-focused work, maybe this could become Nebraska's Ferguson moment. Could it mean a turning point where we white people could embrace a reframe, an opportunity to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

move from complacency to questioning to wanting to learn what life is really like for black people as they are confronted by police, whether they are breaking the law or not? Would any of you be willing to join with me in struggling to repent hourly, from my passive tolerance of unspeakable injustice during all the decades of my life? Please pass this bill easily as an acknowledgement-- and she wrote this following. But since I'm reading her letter, I'll read all of it-- as an acknowledgment that Senator Chambers' work in our Legislature has inherent value, even though his very existence feels to us white folk like a thorn in your side. Thank you for giving serious consideration to these concepts. Members, this bill is so uncontroversial that I feel strange or uncomfortable-- uneasy offering it. But I notice, sometimes, things that are ironic or coincidental. When I first came to this Legislature-- I was elected in 1970, but I first entered in 1971. That was the Eighty Second Legislature. This is my last session and I'll be term-limited out again and I'm 82 years old. If somebody had told me, [SINGING] when I wore a younger man's clothes, that this is the Eighty Second Legislature and you will be 82 years old when you get out of here, I'd say, man, you must be crazy. And that same guy who sang about the younger man's clothes, he said, you'd say I'm crazy. Well, you may be right, for all I know. But it might be a lunatic you're looking for. Members of the Legislature, any questions you have to me, I'm prepared to answer them, but I don't know what else or what more to say. So I will have to wait and see what you might have questions about. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Debate is now open on LB924. Senator Lathrop.

LATHROP: Thank you, Mr. President, and colleagues. I stand in support of LB924. This came out of the Judiciary Committee 8-0 and I wanted to speak on it because I'm now in my tenth year on that committee, the Judiciary Committee. And over the ten years that I have spent on that committee, I have had a number of bills pass through there that deal with this topic. And we have done studies, we've required that information be kept by the Crime Commission, that reports be given. And every time we do this and every time a report is prepared and submitted and I read it, we recognized that there is-- the statistics support the idea that there is bias, racial bias in law enforcement. This is not this bill and that fact is not an indictment of all of law enforcement because bias is something that isn't-- doesn't necessarily suggest that the individual is a racist. That's not what this is about. This is about bias; the inclination to view somebody else

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

behind the wheel of a car differently based upon race. And the statistics suggest that that actually is happening in this state. In the past year, I've taken a look at and-- and we have studied bail reform. And the idea of bias struck me, maybe most strongly, when I looked at the statistics on bail reform. And what we know is if there is an objective measure, an objective measure for who gets bail and how much that bail is, a score, if you will, after an assessment, that a more fair system is available to minorities. And what we know, under the current system as opposed to an objective measure, is that if you are appearing before judges-- these aren't law enforcement people, these are judges-- if you appear before a judge to have your bail set, you're more likely to have it set higher if you are African-American than if you are a Caucasian person with the same criminal history, the same crime, everything else the same. That's bias. That's bias. It's not necessarily racism, it's the-- it's the way, perhaps, people were raised, their-- the way they view minority populations and it happens in law enforcement. This bill will help law enforcement recognize-- it will take them two hours a year to be trained in the topic of bias, racial bias in the way the law is administered in who they pull over, and how they treat individuals they encounter every day. Senator Chambers has suggested it's a small step in the right direction. I think it is as well. I think it's also important. I think it deserves our-- our support, and I would encourage you to support LB924. Thank you.

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

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Good morning, Nebraskans. Our state's unique motto is Equality before the law. So know that whoever you are and wherever you are on life's journey and whomever you love, we want you here. You are loved. So I stand today, a little bit of a catch in my throat, because this is Senator Chambers' last priority. And he has described this bill as a peewee bill, but it has been brought by the giant in our Legislature. And clearly, battling implicit bias is not a peewee issue and it is something that our-- our body has tackled before. It has already been required for training of SROs, school resource officers, and teachers in last year's bill. So I am-- I'm just so gratified to be able to wholeheartedly support Senator Chambers' final priority. I hope that we all can take a moment to reflect about how much work Senator Chambers has done for justice among Nebraskans and how much he has fought to protect what he calls the-- the least, the last, and the lost. And someone else also used that phrase long ago. So I just-- I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

want us to recognize that this bill is emblematic of-- of the decades of work that Senator Chambers has done. I hope this will be a wholehearted-- I presume it will be a wholehearted support of this bill and I want to thank Senator Chambers for his vision over these decades in his priorities, in his battles. And I'm just gratified to be able to give my wholehearted support to LB924. So thank you, Mr. Lieutenant Governor.

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

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

FOLEY: Senator Chambers, would you yield, please?

CHAMBERS: Yes, I will.

CLEMENTS: Thank you, Senator Chambers. I haven't had a chance to review this bill very much, so I'd like to have some clarification. I see in the bill it talks about motor vehicle stops. Is that the only situation where the training is going to be occurring, on motor vehicle stops?

CHAMBERS: No, it would have to do with all contacts that the police would have with any person, under whatever circumstances. But the statistics that are readily available relate to these motor vehicle stops because you can document the disparity numerically and concretely. But it goes into all areas of police officer contact with the public. And not just black people are affected in this area. There are some people, because of their age-- one gentleman, he's not as old as I, but he used to be a hippie. He said he still wears his hair long. All he's trying to do is make it to the end of his life, but he said he gets stopped occasionally, the way it was in the old days, because of the way he looks. He's not driving erratically. And giving the officer the benefit of the doubt, he said maybe he thought I was high on something or maybe using something. So I, as a black man, am aware, keenly, of how it affects us, but I've received calls from other white people where they felt like they were being profiled because they weren't really doing anything that merited a stop.

CLEMENTS: So will this training apply to both minorities and for other people who have a different appearance?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

CHAMBERS: It applies to-- first of all, every police officer would have to take the training and this-- the curriculum or the coursework would be easily obtainable because other states have done it. The Crime Commission has put together certain rules and regulations on profiling. So every officer will take it and it will show them that they have these attitudes that genuinely, and it's hard for me to accept this, genuinely, they may be unaware that they have. And because of that inclination to view people a certain way, they will engineer a police contact where they shouldn't.

CLEMENTS: Thank you. Another question; I see Crime Commission funding is withheld if they violate this or if they're not trained. Are there any other penalties? Is there a direct penalty to a law enforcement officer?

CHAMBERS: The only office-- the only way that an officer who does this would be disciplined is if the person who was victimized would file a complaint. Internal affairs would review it. If they found that something had been done inappropriately, then it would be up to the police agency to impose discipline. But there is nothing in the language of this amendment itself, that would impose any punishment. And the withholding of funds applies to the reporting, gathering of information that is supposed to be done by these police agencies. And if they fail to do that, then they will not be able to get any funds, whether they're grants, donations, or whatever, from the Crime Commission.

CLEMENTS: Now I was curious as to what the sort of funding is from the Crime Commission to law enforcement, would you expand on that?

CHAMBERS: Well, yeah. There-- there are grants that can be given. There might be statutory provisions where a certain financial assistance is made available to law enforcement agencies to carry out certain functions. But any and every type of funding that the commission makes available to a law enforcement agency will be withheld if that particular agency--

FOLEY: One minute.

CHAMBERS: --does not make the reports that are required right now by law. Some of them are not doing it.

CLEMENTS: All right. It's not a major part of their funding, though. Most of their funding comes from local taxes. Then the final thing I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

see in the fiscal note, some of the county sheriffs indicated some costs, but there was no city police that had any cost. Did they indicate that they're able to just absorb this into their normal training?

CHAMBERS: Say it again?

CLEMENTS: Well, there is not a fiscal note, an extra cost, noted by Lincoln or Omaha departments. Did they indicate to you that they're able to just absorb this into their normal training?

CHAMBERS: Right, it would be de minimis, as they say in philosophy, not even worthy of specifying because it would just be a part of what they do anyway and they would just add a little bit more to it.

FOLEY: That's time, Senators.

CLEMENTS: Thank you.

FOLEY: Thank you, Senator Clements and Senator Chambers. Senator Vargas.

VARGAS: Thank you very much, President. I don't have too much to add here. I just-- I want to thank Senator Chambers. A couple of things that people may know; the state of Nebraska has-- has embarked on a collaboration with the Annie E. Casey Foundation for the last several years. Senator Krist was the co-chair along with, along with members of probation. And I, in the last two years, have taken on that as the co-chair. And one of our initiatives with the Juvenile Detention Alternative Initiative is to try to reduce our-- the number of juveniles in detention. But the underlying crux behind this was really-- we started to see that there were more individuals of-- of color from underrepresented backgrounds that were in our justice system, specifically in the juvenile justice system. There's just-- and the term "disproportionate minority contact" is in statute. We've seen it. It is, it is-- research shows that it does exist. And a lot of this does have to do with how do we get ahead of it? It's not a judgment on whether or not somebody is good or bad. It's a judgment on whether or not we need to anticipate and-- and look at what biases may exist, make sure we have adequate training, and get ahead of it before-- so that we are-- we're not allowing the data to then just be absolute and just accept that's just the way it is. And so what I can say is if you-- if you take a look or if you're researching this a little bit more, you'll see across the country, municipalities and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

states are doing this step into requiring a minimum of two hours of annual training in some way, shape, or form, many which are doing a lot more because they think it is just one small step in the right direction that's going to get ahead of some of the data that we're seeing that is concerning us. And it's getting ahead of some of the things that we're seeing within our corrections system, where we are seeing disproportionate number of minorities or-- or individuals of color in our system. So that's all to say I'm very proud of Senator Chambers taking this step. I do think it is, it is a small step, but I think it's the right step. And it's in line with what we've done in the state of Nebraska through collaboration, through many different people. I'm thankful to Corey Steele working with me on this initiative with JDAI, Annie E. Casey, and-- and-- and the Governor's Office for all working together on these-- on these different initiatives. So thank you. I support LB924.

FOLEY: Thank you, Senator Vargas. Senator Groene.

GROENE: Thank you, Mr. President. I've had some questions for Senator Chambers, if he'd take them?

FOLEY: Senator Chambers, would you yield, please?

CHAMBERS: Yes.

GROENE: Senator Chambers, how many years have you been on the Judiciary Committee?

CHAMBERS: All the years of my legislative life, 46 years.

GROENE: So I'm still contemplating-- do you think you have enough background and training and experience that I should trust that you can come up with an adequate bill for the Judiciary Committee?

CHAMBERS: I certainly hope so, but I'm not able to determine how anybody would react to anything that I do or say.

GROENE: Thank you. I'm just pulling your chain.

CHAMBERS: I know that. That's why I gave such a nice, cordial answer.

GROENE: I had to be in the transcripts on your last priority bill. Training-- pick up where-- now this is a serious question. Well, I got one more. Do you trade votes? That's supposed to be funny too. Anyway,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

on the training, I noticed the State Patrol didn't have a fiscal note either. To pick up on where Senator Vargas was saying, was that because they're already doing it and like the city of Omaha and Lincoln are already doing this, so they figure there's no fiscal note, do you know?

CHAMBERS: Well, some are, but the bill is needed because it goes a step further and requires this training in order for an officer to maintain certification. That's the little prodding that will make these agencies take the training seriously. But I think it's such an-- an infinitesimally small element in terms of their overall training that I don't see how they can even attach a dollar amount to it. And if you look at the fiscal note, somebody-- I don't know which agency did--

GROENE: Well, thank you, but--

CHAMBERS: --but it's inconsequential.

GROENE: --but I thought the fiscal note was based on that-- it was an additional two hours, another 10 percent of time had to be spent, man hours that had to be spent on training. That's why I'm assuming that the State Patrol and the city of Omaha, Lincoln, a lot of cities are already doing it. But it's a good thing; there's nothing wrong with putting it in the statute because you already have the requirements that they have to report it. So maybe if you train them, they know what to report. No, I'll stand in favor of LB924, but I sure would like to trade a vote, Senator Chambers. No, I don't trade votes and neither do you. Thank you.

FOLEY: Thank you, Senator Groene. Senator Bostelman.

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

FOLEY: Senator Chambers, would you yield, please?

CHAMBERS: No. Yes.

BOSTELMAN: [LAUGHTER] I want to follow up a little bit on what Senator Clements had said. I'm looking at the fiscal note. On page 2, there's \$12,000 in there on the fiscal because it adds two hours onto their current 20 hours of training. Is your intent to add that two hours on

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

or could that be incorporated in the 20 hours they already are having-- they already require?

CHAMBERS: Just so they give the two hours of this kind of training. And I say, again, that if they don't have something currently in the rules and regulations, they can obtain examples of these programs from other police agencies, which have done it all over the country. But I don't see the need to do anything really extra. It can be a part-- even included in the 20 hours of regular training that they have to do now in order to maintain their certification. There should be no extra cost and disregard of anything that may have been said in that fiscal note by the head of any police agency, in my opinion.

BOSTELMAN: OK, thank you and I appreciate that and I would agree with you. The other question I have-- and I talked with Senator Vargas off the mike just a little bit-- in the-- on page 5, when you get into-- it's the section of the agency shall be ineligible for received loans, grants, funds, or donations administered by the commission. Does that include, like, funds for juvenile justice, truancy, those type of programs or are those programs outside of what your intent is, that if they do not meet the requirement that those funds would be withheld from?

CHAMBERS: I don't know what all would be embraced and the kind of money that is made available by the commission. But right now, under the law, there's a requirement that information in conjunction-- in connection with racial profiling and what is being done about it, to collect information, to report it, and whatever else the statute requires right now, some agencies have not been doing it. So this is an enforcement incentive for these agencies to obey and do what the law requires them to do right now.

BOSTELMAN: And I understand that and I appreciate that. I was just wanting to understand a little bit more about where the funding may be withheld from. And that would be up to the commission then. Senator Vargas, would you yield to a question?

FOLEY: Senator Vargas, would you yield, please?

VARGAS: Yeah, happy to.

BOSTELMAN: We talked off the mike on this just a little bit and do you have anything to add to that because I'm just wanting to understand

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

where the funds would be withheld from under the-- the Crime Commission, where those areas are.

VARGAS: Yeah, so the way I read the bill and my understanding of the Crime Commission is if the-- if any of the agencies don't submit the required information in regards to the training, documenting it to the Crime Commission, the Crime Commission can then determine that they're ineligible for grant funds. The Crime Commission has community-based juvenile services, SASP, VOCA grants, and several other grant programs that they administer. But again, most of those grant programs have very strict requirements for submitting data on applications. I don't see it as an-- an additional onerous based on what I know about the application process for community-based juvenile aid. But there-- those are some of the programs that grants that-- that-- that go into the Crime Commission.

BOSTELMAN: Sure, thank you very much. And I appreciate that and that's-- we do work, in my counties, with-- with some of these programs for our youth and that and I just want to make sure that those funds are available for those. If it's going to impact, then our counties need to be paying attention and our local law enforcement need to be paying attention-- make sure they document and do what they need to do. But these are really very important programs for our youth and our juveniles and that in our communities. I just wanted to make sure I understand and they understand what may be at risk. Do you have any comments to that, Senator Vargas?

VARGAS: I agree with you and I'm glad it's on the record. And I would say that a lot of these programs, specifically the community-based juvenile services grant program, this helps to ensure whatever-- whatever programming they do with those dollars. I actually think the training will just help further support any of the initiatives that they would get from the grant. So I-- I think this helps in that regard, but it's good that it's in the record and we're alerting people across the state.

BOSTELMAN: OK, thank you very much. I yield my time back to the Chair.

FOLEY: Thank you, Senator Bostelman and Senator Vargas. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. Good morning. As I listen to the conversation this morning, one can get informed on things and I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

appreciate that. I appreciated Senator Clements asking that question about the fiscal note. And then I listen to what Senator Bostelman said about the, the 20-hours training they have now if it could include the two hours, there would be no fiscal impact at all. I was wondering if Senator Chambers would yield a question?

SCHEER: Senator Chambers, would you please yield?

CHAMBERS: Yes.

ERDMAN: Senator Chambers, if you know, could you tell me-- in Senator Bostelman's example of including the two hours of this training in the 20 hours, would that be permissible?

CHAMBERS: It's up to the police agency to determine how they are going to give that training, but it has to be a discrete, separate, identifiable--

ERDMAN: OK.

CHAMBERS: --two-hours minimum--

ERDMAN: Right.

CHAMBERS: --given to this. So if they want to include it in the 20 hours that they're required to do right now, I suppose that's up to them, but I couldn't say more than what I've done already.

ERDMAN: OK, thank you. So I'm going to conclude from that is that you're not requiring them to do another two hours, they could include that in the 20?

CHAMBERS: Just so this two hour-- I'm just dealing with what I'm bringing. This two hours of training has to be identifiable--

ERDMAN: Right.

CHAMBERS: --and it has to be documented that it's given. However the police agency does it--

ERDMAN: OK.

CHAMBERS: --makes no difference to me. But they would have to inquire--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

ERDMAN: Oh.

CHAMBERS: --with the Crime Commission whether this would be in addition to, so there would be 22 hours instead of 20.

ERDMAN: So if they continue with the training they have now and they had to add these two hours, there would be a fiscal note attached, and if they did it as an inclusion in the 20, there wouldn't be anything as long as they documented that they did the two hours of training?

CHAMBERS: Well, it's such an insignificant, inconsequential amount of time over a one-year period that other agencies will not waste the time trying to break down an amount that it would cost. Maybe, they'd say, if pop bottles still had a deposit-- if you sell so many pop bottles, then that-- that will pay for this.

ERDMAN: OK, thank you for answering my questions, I appreciate it.

SCHEER: Thank you, Senator Erdman and Senator Chambers. Seeing no one else in the queue, Senator Chambers, you're welcome to close. Senator Chambers, you're welcome to close.

CHAMBERS: Thank you. Mr. President, members of the Legislature, this is such unfamiliar territory for me that I feel that I'm adrift and lost at sea. Oh, that rhymes. Well, I'll be. And so did that, do you see? But at any rate, I don't know of any bill that I brought where there was this kind of support for it, which indicates that this is really what I can call a peewee bill. Without diminishing the significance or importance of it, it's something that could almost be a revisor's bill, meaning that there is no controversy, that it makes sense. It's not going to inconvenience anybody and accept that it will do some good. It's a step in the right direction. It will focus attention. If it were not for that element, Senator Halloran, I would apply what I call the Loran Schmit maxim. It's a bill that doesn't help anybody, it doesn't hurt anybody, it doesn't cost anything, it doesn't do anything. Well, it will help, but I don't think it'll cost anything and it will do some good. So I hope that you will vote to do whatever you do with bills like this when you have a bill that people are going to support. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. The question before us, colleagues, is the advancement of LB924 to E&R Initial. All those in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record, Mr. Clerk.

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

SCHEER: LB924 does advance to E&R Initial. Mr. Clerk, LB770.

ASSISTANT CLERK: LB770, introduced by Senator Gragert, is a bill for an act relating to Game and Parks; changes the fees for annual and temporary permits for nonresident motor vehicles; provides for disabled veterans permits; and repeals the original section. The bill was read for the first time on January 8 of this year and referred to the Natural Resources Committee. That committee reports the bill to General File with no committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Gragert, you're welcome to open on LB770.

GRAGERT: Thank you, Mr. President, and members of the Legislature. Under LB770, disabled veterans would be allowed one lifetime park permit at no charge. To be eligible for the free lifetime permit, a veteran must be a Nebraska resident, honorably discharged or general discharge under honorable conditions, and rated 50 percent or more disabled as a result of his or her service or 100 percent disabled nonservice connected and receiving a pension from the U.S. Department of Veterans Affairs. The Game and Parks Commission would be allowed to adopt rules and regulations to implement this proposal. This is the same criteria that qualifies disabled veterans for a free lifetime Small Game Hunt/Fish/Fur Harvest Permit. Last interim, I worked with the Game and Parks Commission and Nebraska Department of Veterans Affairs on the park permit issue. My suggestion to make up for lost revenue was to increase the cost of nonresident park permits. I realized-- I realized that the maximum amount for nonresident park permits was already proposed to increase from \$45 to \$55 in LB287 and that the commission had plans to use this increased revenue on ongoing capital maintenance of park facilities. I believe the nonresident fee could be raised even further, considering that the vast majority of visitors to Lake McConaughy are from Colorado, where the cost of a park permit is \$80. The Nebraska Game and Parks Commission suggested an additional \$10 increase on nonresident park permits, bringing the top cap to \$65, which is still \$15 less than Colorado. Furthermore, LB770 proposes to increase the cap on daily nonresident fees from \$8 to \$12 to fund the free lifetime park permit for disabled veterans.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

The commission projected these changes would bring in enough revenue to still allow for capital maintenance per LB287 as well as account for any loss in resident park permits' revenue from the free lifetime permit for disabled veterans and absorb any drop in nonresident visitations due to price increase. Keep in mind that these are increases in the caps for nonresident fees. The commission may not, and likely would not, increase the fees to these levels. However, they would have the authority to do so. Furthermore, I want to point out that if the disabled veteran hadn't previously or did not intend to pay the fee for a park permit, there would-- there is no revenue loss. The only loss in revenue is for disabled vets who previously purchased a park permit or intended to in the future. Over the interim, I also asked the Legislative Research Office to compile what states offer free park permits for disabled veterans. I found that of the 40 states that have park permits, 19 of the 40, almost half, offer free park permits to disabled vets. Furthermore, an additional eight states offer free or reduced-price park permits to the military, of which five states offer benefits to both the disabled vet and the military. LB770 was advanced from the Natural Resource Committee on an 8-0 vote and no one testified against LB770 in committee. In summary, LB770 offers a free lifetime park permit to disabled veterans who are, in my opinion, the most worthy of this-- of this benefit. With the proposed increase in the nonresident park permit fees, it would not jeopardize the Game and Parks Commission's ability to fulfill their responsibility. I urge your favorable vote on LB770. Thank you.

SCHEER: Thank you, Senator Gragert. Going to the floor for discussion. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. Speaker, and good morning, again. I spoke with Senator Gragert earlier this morning and he knows what I'm thinking. And as you'll notice, I am a cosigner on this bill. I understand what he's trying to do. One of the things that he mentioned in his opening remarks was that if you attend or go to a park or a recreation area in Colorado, even if you are a Colorado resident, you pay \$81. I think he said 80 percent of the visitors at Lake McConaughy are from Colorado and the maximum amount that Game and Parks can have an out-of-state permit for is \$65, according to this bill. And Senator Gragert and I had a comment about that this morning and a conversation about let's just go to a maximum of \$80. And so he looked up to see what the fee was in Colorado, South Dakota, Kansas, and he showed me those numbers and they're significantly less than our \$45. So I may want to do this, Senator Gragert, and I would hope that this would be a-- a friendly

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

amendment. Perhaps we need to consider an amendment to this bill that would allow for an \$80 permit for Lake McConaughy and Lake Ogallala because if 80 percent of the people who come to visit those two facilities are from Colorado and if they go to a recreational area in Colorado and it costs them \$81, I'm not quite sure that we should allow them to come to Nebraska for \$15 cheaper than they can go in their own state. And so let's designate a Lake McConaughy sticker for out-of-state people that's \$80 instead of the \$65. That seems to make sense to me. That's where the biggest influx of out-of-state visitors are, in my district, anyway. They would have the funds to do what they need to do as far as policing that area and improving the structures there. It would give them the funds to do the things they need to do to manage it correctly. I don't know how that could be a negative. We're not penalizing the people who live in Ogallala or the people in Nebraska that go to that-- those lakes. But we would be collecting the money from most people out of state that is even less than what they get-- they would have to pay to go to their own recreational areas. So if Senator Gragert would yield to a question, I would like to ask him one if he would yield?

SCHEER: Senator Gragert, would you please yield?

GRAGERT: Sure.

ERDMAN: Thank you. Senator, you heard my comments about having a special permit just for Ogallala at \$80 and give me your impression of that.

GRAGERT: Well, I appreciate the-- the thought there, but working with the Game and Parks, you know, throughout the interim, we took a lot of things into consideration in, you know, when they decided to come up with the \$10 additional fee. And like you mentioned earlier, all the surrounding states: Kansas at \$25 dollars; Iowa, free; South Dakota at \$30. And the, the-- that we were only charging \$45 or that is the cap right now-- that we could take the park permit up to \$65 and it's kind of around about that, I understand that's still \$15 under-- under the Colorado and that they are 80 percent at Lake McConaughy.

SCHEER: One minute.

GRAGERT: Just-- just looked at trying to-- to be a reasonable increase and be able to fund our Game and Parks. So that's what-- how we came up with \$65. And at this time, after going through that with the Game

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

and Parks and without additional input from the Game and Parks, I would hesitate to go to \$80 at this time.

ERDMAN: Did you have a conversation with Game and Parks about having a different fee for Ogallala than in other recreational areas?

GRAGERT: No, we did not, we did not.

ERDMAN: Maybe between General and Select, we have that conversation.

GRAGERT: I could certainly do that.

ERDMAN: Thank you.

SCHEER: Thank you. Senator Erdman and Senator Gragert. Senator Morfeld would like to welcome the following guests: 35 members of the Nebraska Early Childhood Policy Leadership Academy. They are from 17 different communities across Nebraska. They are seated in the north balcony. Would you please stand and be recognized by the Nebraska Legislature? Returning to floor discussion. Seeing none, Senator Gragert, you're welcome to close on LB770.

GRAGERT: Thank you, Mr. President. I appreciate the attention on this bill. In closing, I'd like to share a couple points. First, we have passed a number of veterans bills last year and this year, all good legislation. But what sets this bill apart from all the previous veteran bills is this one is for our disabled veterans, most deserving. Second, after serving two tours in the Middle East, Desert Storm and Iraqi Freedom, as a medevac helicopter pilot, I have seen the changing events of individuals after hitting improvised explosive devices, also known as IEDs; individuals fortunate to live, but will have a long road ahead of them in fighting back some of the-- to some resemblance of a life they led before. These individuals are the-- are the ones with missing limbs, lost eyesight, and possibly, the unseen mental wound so many have had to endure. These are disabled veterans so please join me in saying thank you and God bless. Vote yes for LB770. Thank you.

SCHEER: Thank you, Senator Gragert. The question before us, colleagues, is the advancement of LB770 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Has everyone voted that wish to? Please record.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

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

SCHEER: LB770 does advance to E&R Initial. Mr. Clerk, returning to the agenda, LB106.

ASSISTANT CLERK: LB106, introduced by Senator Dorn, is a bill for an act relating to DNA Identification Information Act; changes provisions relating to DNA records; and repeals the original section. The bill was read for the first time on January 10 of last year and referred to the Judiciary Committee. That committee reported the bill to General File with no committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Dorn, you're welcome to open on LB106.

DORN: Thank you, Mr. Speaker. Good morning, colleagues. LB106 was brought to me last year by the State Patrol and is a very straightforward bill. LB106 will harmonize the current state statutes regarding DNA records and confidentiality to comply with federal law, federal rules and regulations, and laboratory policies and procedures. The bill will ensure the privacy and confidentiality of the DNA profiles and assure they meet federal standards. The purpose of LB106 is to harmonize a portion of the DNA Identification Information Act with federal law and our memorandum of understanding with the FBI who oversees the database as it relates to privacy and confidentiality. The clarification provided in LB106 will assist the courts in issuing court orders that will not take the Nebraska State Patrol Crime Laboratory out of compliance with federal law or our memorandum of understandings. The bill will not affect any MOUs that the Nebraska State Patrol has in place with private laboratories. Thank you.

SCHEER: Thank you, Senator Dorn. Going to floor discussion. Seeing none, Senator Dorn, you're welcome to close on LB106. He waives closing. Colleagues, the question before us is the advancement of LB106 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Has everyone voted that wish to? Please record.

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

SCHEER: LB106 does advance to E&R Initial. Mr. Clerk, next item, LB219.

ASSISTANT CLERK: LB219, introduced by Senator Wishart, is a bill for an act relating to children; provides requirements for foster care

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

transition proposals and provision of materials relating to acquiring a driver's license; provides for a child in foster care to obtain a driver's license and provides immunity from liability for caregivers; repeals the original sections. The bill was read for the first time on January 14 of last year and referred to the Judiciary Committee. That committee placed the bill on General File. There are committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Wishart, you're welcome to open on LB219.

WISHART: Thank you, Mr. President. Good morning, colleagues. I'm here today to introduce LB219, a bill that seeks to make transition to independence easier for Nebraska youth in the foster care system. Senator Kathy Campbell's Nebraska Strengthening Families Act passed the Legislature in 2016 and among other things required the state to provide essential documents, including a driver's license or identification card, to young people as they age out of the state's care. This bill, LB219, is the next step in ensuring that youth in our foster care system are able to successfully transition to adulthood and independence by addressing additional barriers for foster youth having access to a driver's license. Because of a young person's status in the foster care system, there is often confusion when the youth turns 16 and decides they would like to learn how to drive. LB219 ensures that youth in the foster care system are not met with any additional requirements simply because of their status. Currently, existing state and federal law requires DHHS to provide youth with copies of a certified birth certificate and Social Security card when the youth ages out or exits foster care at age 18, 19 or 21. LB219 would add age 14 so that youth receive the necessary documents required to allow them to get a driver's license. Committee AM1472 addresses a couple of concerns from the committee that Chairman Lathrop will address, but it is my understanding that the amendment will remove any requirement on the department to provide the documents at 14 and just allows those documents to be requested at that age. This removal of that requirement on the department should remove the fiscal note on the bill. Being able to drive is an important step to independence. Obtaining a driver's license allows youth to be able to drive themselves to school, extracurricular activities, and to work. It is my goal with LB219 that we are not standing in the way of youth in our state's foster care system as they transition to independence. Removing barriers for these youth who obtain a driver's license can only help them as they grow into adulthood. LB219 received no

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

legitimate opposition in the hearing, was passed unanimously out of the Judiciary Committee, and Committee AM1472 should remove any fiscal note, again, associated with the bill. Thank you for your consideration. I'd be happy to continue on a dialog on this. Thank you.

SCHEER: Thank you, Senator Wishart. As the Clerk noted, there are committee amendments from the Judiciary Committee. As Chairman, Senator Lathrop, you're welcome to open on AM1472.

LATHROP: Thank you, Mr. President. Colleagues, good morning, once again. The Judiciary Committee voted to amend LB219 with AM1472 and advanced the bill on 8-0 votes. The amendment makes two changes. The first change is to remove Section 3 of the original bill, which would have amended Section 43-4708 regarding limitations on liability for caregivers for harm caused by a child driving or learning to drive a motor vehicle. The second change is to remove the provision in Section 1 that would have required the department to provide all children in foster care with a copy of their birth certificate on or before their 14th birthday. The department would still be required to provide a copy of the birth certificate for a foster child, as necessary, to obtain a driver's license. Simple changes; I agree the bill is noncontroversial and I would encourage your support of the amendment as well as the bill. Thank you.

SCHEER: Thank you, Senator Lathrop. Going to floor discussion. Seeing none, Senator Lathrop, you're welcome to close. He waives closing on the amendment. Colleagues, the question for us is the adoption of AM1472 to LB219. All those in favor please vote aye; all those opposed, vote nay. Have all senators voted that wish to? Please record.

ASSISTANT CLERK: 33 ayes; 0 nays on the adoption of the committee amendments.

SCHEER: AM1472 is adopted. Seeing no one left to speak in the queue, Senator Wishart, you're welcome to close on LB219. Senator Wishart waives closing. The question before us is the advancement of LB219 to E&R Initial. All those in favor please vote aye; all opposed vote nay. Have all senators voted that wish to? Please record.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

SCHEER: LB219 is advanced to E&R Initial. Mr Clerk, for items.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Education, Chaired by Senator Groene, reports LB998 to General File with committee amendments. Amendments to be printed. Senator Morfeld to LB58. Notice of committee hearings from the Revenue Committee. LB518A, introduced by Senator Linehan, is a bill for an act relating to appropriations; appropriates funds to aid in the carrying out the provisions of LB518. LR312, introduced by Senator Lathrop, congratulating Tyler Richards on the rank of Eagle Scout. That will be laid over. That's all I have at this time, Mr. President.

SCHEER: Thank you, Mr. Clerk. Returning to the agenda, LB448.

ASSISTANT CLERK: LB448, introduced by Senator McDonnell, is a bill for an act relating to the Nebraska Workers' Compensation Act; changes provisions relating to compensation paid for burial expenses; and repeals the original section. The bill was read for the first time on January 18 of last year and referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator McDonnell, you're welcome to open on LB448.

McDONNELL: Thank you, Mr. President. Good morning, colleagues. LB448 proposes to amend the Nebraska Workers' Compensation Act by increasing the death benefit for burial expenses from a maximum of \$10,000 to an amount not to exceed 14 times the state average weekly wage. In 2019, the Workers' Compensation Court adjusted the weekly income benefit to \$855, which would have-- would make the maximum burial benefit \$11,970 should this legislation be enacted. This benefit has not been increased since July 19, 2012, when it was adjusted from \$6,000 to \$10,000. Here we are, seven and a half years later, with no adjustment to this benefit, yet the incremental cost of living, as well as burial expenses, continues to rise. Business and Labor Committee AM935 proposes to amend LB448 to 12 times the state average weekly wage, providing for a maximum death benefit of \$10,260, an increase of \$260 above the 219 [SIC] benefit. The bill, with the proposed committee amendment, was advanced unanimously by members of the committee. The Workers' Compensation Court estimates no fiscal impact from this bill. The primary goal of LB448 is to update our laws to align the cost of living with the detrimental cost of dying. AM935 would provide a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

minimal increase to the current benefit, while LB448, as a whole, would provide for future incremental adjustments based on the average weekly wage as determined by the Workers' Compensation Court. Also, I'm currently working with Bob Hallstrom. He was representing the National Federation of Independent Businesses and opposed this bill and we are currently working on a possible compromise based on if this bill advances from General File to Select. Thank you.

SCHEER: Thank you, Senator McDonnell. As the Clerk noted, there are committee amendments from the Business and Labor. Senator Hansen, you're welcome to open on AM935.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. The Business and Labor Committee held a public hearing on LB448 on March 4, 2019. After that, the committee unanimously voted the bill to General File with Committee AM935. Under current law, burial expenses is a flat \$10,000 and was last increased to that amount eight years ago, in 2012. This bill, introduced, changes the enumerated statutory amount to instead be 14 times the average weekly wage. As Senator McDonnell noted, the committee amendment reduces this and changes the maximum burial expenses in the green copy to 12 times the state's average weekly wage. Under Nebraska Revised Statute Chapter 48-121.02, the administrator of the Nebraska Workers' Compensation Court uses the formula and statute to determine the state's average weekly wage for the year. For 2020, the average weekly wage is set at \$882. Therefore, under the committee amendment, the maximum of burial expenses would be twelve times \$882, which is \$10,584. This change would allow for a reasonable yearly increase in burial expenses. I would urge your adoption of the committee amendments and the advancement of LB448. Thank you, Mr. President.

SCHEER: Thank you, Senator Hansen. Going to the floor discussion. Senator Chambers, you are recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I support the amendment. I support the bill. There's something that I do whenever we have a bill related to cemeteries, death, dying, and so forth and after how nice you all were to me this morning, I probably should forego doing it. But I cannot do that. I've got to do it and you'll see what it is shortly. But the cost of dying led Oscar Wilde to say that the economy was so bad he would have to die beyond his means. The cost of funerals and being laid to rest, or whatever you call it, is skyrocketing. But since it's a part of this society and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

the way people do things, what Senator McDonnell is asking is very reasonable. That's why I will support it. But a group called the Arbor Society will put you in the ground, or whatever they do with your ashes after they cook you, and I went ahead and joined that organization. I think I can get out of here for not any more than \$2,000. And it's appropriate they should be called the Arbor Society, because on Arbor Day, you plant things and that's what undertakers do. But now I'm going to do what I generally do. And as nice as you all have been, I shouldn't do it, but I'm going to sing a song. This is called the "Morticians' National Anthem." Forward, I was given a commission by a mortician to write a national anthem for those who do plant them. [SINGING] Corpses, condolences / Flowers, a coffin / Black curtain hearse / that they carry you off in / Tombstones and epitaphs with verbal slayings / These are a few of our favorite things. In case you can't tell, the song is sung to "My Favorite Things." Churches and eulogies / pallbearers, mourners / Weeping and wailing in / all the church corners / Choirs droning dirges / that made grown men cry / These are the things that take place when folks die / Fine embalming / keeps the corpse fresh / add some makeup too / then a good service / lends just the right touch / and all of this waits / for you / Graves freshly dug / with stone vaults placed inside them / caskets are placed in / those vaults that do hide them / Florists, morticians / grave diggers and such / These are your servants who thank you so much / Row upon row rest / the graveyards residents / Someday all out here / will all be insiders / Here is a truth which / each person does know / We all shall help make that populace grow / When the last dirt / tops the casket / and the grave is filled / we shall not gather / again in this way / until someone else is chilled. Thank you very much.

SCHEER: Thank you, Senator Chambers. Senator La Grone, you are recognized.

La GRONE: Thank you, Mr. President. I want to thank Senator McDonnell for bringing this bill and being willing to work on the technical concerns on the review period before Select. And with the understanding that that will be coming on Select, I would urge my colleagues to advance the bill to Select. If Senator McDonnell would like the rest of my time, he can have it.

SCHEER: Senator McDonnell waives the opportunity. Going to the queue, seeing no one in the queue, Senator Lathrop, you're welcome to close on-- oh, I'm sorry-- Senator Hansen, you're welcome to close on AM935.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

M. HANSEN: Thank you, Mr. President. And good morning, again, colleagues. Colleagues, just as a reminder, the Business and Labor Committee amendment just strikes the word twelve-- sorry, strikes the word "fourteen" in the original bill and replaces it with the word "twelve." And with that, I would urge your adoption of the committee amendment. Thank you.

SCHEER: Thank you, Senator Hansen. The question before us, colleagues, is adoption of AM935 to LB448. All those in favor please vote aye; all opposed vote nay. Have we all voted that wish to? Please record.

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of the committee amendments.

SCHEER: AM935 is adopted. Returning to floor discussion. Seeing no one in the queue, Senator McDonnell, you're welcome to close on LB448. Senator McDonnell waives closing. The question before us is the advancement of LB448 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

SCHEER: LB448 is advanced. Senator Williams would like to welcome the following guest; Ginna Claussen, a friend and neighbor here in Lincoln. She is located under the north balcony. Would you please stand and be recognized by the Nebraska Legislature? Returning to the agenda. LB515, Mr. Clerk.

ASSISTANT CLERK: LB515, introduced by Senator Vargas, is a bill for an act relating to the Student Discipline Act; redefines a term; changes provisions relating to intent, suspension, expulsion, reassignment, discipline, and hearings; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 22, 2019, and referred to the Education Committee. That committee reports the bill to General File with committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Vargas, you're welcome to open on LB515.

VARGAS: Thank you very much, Speaker. Good morning, colleagues. LB515 amends various sections of the Student Discipline Act with changes that will ensure due process and increase fairness for students. Before going into the bill, I want to touch briefly on the history of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

the Student Discipline Act. In 1976, the Student Discipline Act was created because what had preceded it was deemed unconstitutional by the Nebraska courts. Without any rules about suspension and dismissal, students were being treated differently from school to school and from district to district. The stated purpose of the Student Discipline Act was and continues to be to assure the protection of all elementary and secondary school students' constitutional right to due process and fundamental fairness within an orderly and effective educational process. Now current law goes on to say that the sanctions are to be interpreted at all times in recognition of the right of every student to public education. Now what we've seen in, in this-- over the years, like many of our statutes, there are some provisions of the law that need to be updated in order to fulfill the original intent or mission. At the hearing on this bill, we heard from an attorney who practices in education law and she spoke about her experience navigating the Student Discipline Act with her clients, why these updates are necessary, and what effects the current law has had on students and families. I hope you'll be able to reference some of the transcripts. But from the cleanup perspective, I've tried to insert reasonable additions, such as making sure parents are told where to request a hearing and setting some timeframes for certain actions to happen. Now there are a couple of changes that go beyond general cleanup. One change would allow parents to request a new hearing officer from a list of alternatives assembled by the district if they do not agree with the choice of the superintendent. Another change would explicitly allow homework and classwork completed during the suspension and hearing process to count towards credits earned. Currently, some school districts accept credits earned, while others do not, causing a much bigger problem to the student who, in addition to being expelled, fails a semester behind or falls a semester behind. LB515 is the second version of this bill for me. In a previous legislative session, I introduced LB999. There were some concerns raised at the hearing on LB999 from various members of the Education Committee. So we introduced an interim study, like many of us do. We convened the interim study, LR456, to do a deeper dive into those concerns and iron them out before reintroducing the bill again. I convened a group of stakeholders, including the Nebraska Council of School Administrators, the Nebraska Council of School Boards, the Department of Education, NSEA, Voices for Children, and others in this roundtable discussion, which is what is being produced in LB515. What you have before you is the consensus that the group arrived at and represents the agreement we all made to move forward on the bill. It's one of the reasons why

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

you see this bill coming out of committee 8-0. With that, I urge you to support LB515 and move it on to Select File. I'd like to thank the members of the Education Committee, specifically also Chairman Groene, for their work on this and-- and ask that you move it on. And if you have any questions, I'm happy to answer them. Thank you.

SCHEER: Thank you, Senator Vargas. As the Clerk noted, there are committee amendments from the Education Committee. Senator Groene, as Chairman of the committee, you're welcome to open on AM1673.

GROENE: Thank you, Mr. President. LB515, as amended and with a white copy, AM1673 requires that suspended students be given an opportunity to complete their homework in addition to classwork. The bill and amendment advanced to General File from the Education Committee with an 8-0 vote on February 11, 2019. AM1673 makes several changes to the original language of LB515. The amendment changes the terminology of a hearing officer to "hearing examiner" in order to be consistent with current law. The amendment allows suspended students to be given an opportunity to complete any classwork and homework, as opposed to only classwork, and requires students to develop guidelines-- excuse me, and requires schools to develop guidelines that reflect that and share those guidelines with the student and parents or guardians. The amendment allows-- modifies the timeline for a principal to recommend discipline from within two school days after learning of the alleged misconduct and initiating proceedings under the Student Discipline Act to two school days after learning of the alleged misconduct. The original bill's language allows a student or parent or guardian to request a hearing examiner different than the one the principal had originally chosen. This is in the case that guardians or parents want a hearing. When this happens, principals are required to offer at least one alternative hearing examiner. The bill originally said a list of them. Rural school districts came in and said it's hard to find even one, let alone a list of them, so that was changed. In addition, the principal may offer other individuals as alternatives to the chosen hearing officer. And we did work with Senator Vargas and he was-- and we-- I think we came up with a good bill, so I recommend green votes on AM1673 and LB515. Thank you.

SCHEER: Thank you, Senator Groene. Looking for floor discussion, seeing no queue, Senator Groene, you're welcome to close on AM1673. He waives closing. The question before us, colleagues, is the adoption of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

AM1673 to LB515. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record, Mr. Clerk.

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

SCHEER: AM1673 is adopted into LB515. Seeing no floor discussion, Senator Vargas, you're welcome to close on LB515.

VARGAS: I want to thank Chairman Groene, members of the committee. Again, this bill came out 8-0. I also want to thank, publicly, the Nebraska Council of School Administrators, the rural school administrators as well, the school boards, the Department of Ed, NSEA, Voices for Children. Again, this was introduced two and a half years ago. We then introduced an interim study and then we reintroduced it last year and had no opposition testimony last year. And what you have in front of you is that culmination of work. Thank you all for helping us to update this specific act and I ask for your green vote on LB515.

SCHEER: Thank you, Senator Vargas. The question before us, colleagues, is LB515 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted the wish to? Please record.

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

SCHEER: LB515 is advanced to E&R Initial. Colleagues, we're going to stand at ease for about five minutes, please, thank you. Colleagues, Senator Howard would like to welcome the League of Women Voters from all over the state in Nebraska. They're located in the north balcony. Would you please stand and be recognized by the Nebraska Legislature? Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. A committee report. The Education Committee, chaired by Senator Groene, reports LB920 to General File with committee amendments. Additionally, your Committee on Enrollment and Review reports LB1054 to Select File. Amendments to be printed. Senator Lindstrom to LB929, Senator Stinner to LB817. LR313, introduced by Senator Brewer, congratulating the American Legion on its 101st anniversary. That will be laid over. Finally, a series of name adds. Senator Hunt added to LB1015, Senator Brewer to LB1015 as well. Business and Labor Committee will hold an Exec Session upon adjournment in Room 2022. Business and Labor Exec Session upon adjournment in Room 2022. Finally, Mr. President, a priority motion.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 12, 2020

Senator Matt Hansen would move to adjourn the body until Thursday, February 13, 2020, at 9:00 a.m.

SCHER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed nay. We are adjourned.