

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 21, 2020

**SCHEER:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-eighth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Greg Lawhorn from the Community of Believers Church in Creighton, Nebraska, guest of Senator Gragert. Would you please stand?

**PASTOR LAWHORN:** Father in heaven, I come before you in this brief moment to lift up the men and women of this Senate. They carry enormous responsibility and face tremendous difficulties as they carry out their tasks on behalf of the people of Nebraska. All government and authority has been established by you, and all who occupy positions of leadership will one day answer to you for their actions. And so I ask that you grant them wisdom today, give them understanding of the issues they must address, and how to bring about the greatest good for the greatest number of people. Use them to bless the people of Nebraska. Protect them from corruption and self-promotion. Let them be truly public servants. Help them to labor together in peace and honor for the good of our beautiful state. And I ask that you reveal yourself to them as their God and Savior today. Each has been made in your image, glorify yourself through your mercy and justice in them. According to your will, grant them the peace that passes all understanding. I ask these things of you in the precious name of Jesus Christ, the true Lord and Savior who reigns over all things with justice and mercy. May his name and work be glorified today. Amen.

**SCHEER:** Thank you. I call to order the twenty-eighth day of One Hundred Sixth Legislature, Second Session. Senators, would you please record your presence? Roll call. Mr. Clerk, please record.

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

**SCHEER:** Thank you. Are there any corrections for the Journal?

**CLERK:** I have no corrections.

**SCHEER:** Are there any messages, reports, or announcements?

**CLERK:** Mr. President, your Committee on Urban Affairs, chaired by Senator Wayne, reports LB866 [SIC LB876] to General File; LB1003, LB783, LB1152 [SIC LB801, LB993, LB1178], all to General File with amendments attached. And priority bill designations: Urban Affairs Committee, LB866, LB1003; Senator Lowe, LB783; Senator Halloran, Chair of Agriculture, LB1152; Senator Lathrop, LB912 as personal priority;

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and Education Committee, LB1131. Mr. President, in addition to that, the Education Committee reports LB1131 to General File with committee amendments attached. I have an appointment letter from the Governor. Agency reports acknowledged and available on legislative website. And lobby report as required by state law to be inserted in the Legislative Journal. That's all that I have, Mr. President.

**SCHEER:** Thank you, colleagues. Senator Dorn would like to welcome Dr. Marlon Weiss from Lincoln. He's performing the physician of the day duties. He's under the north balcony. Would you please stand to be welcomed by the Legislature. Thank you very much. Mr. Clerk, first item.

**CLERK:** Mr. President, Select File, LB1054. Senator, I have no amendments to the bill.

**SCHEER:** Senator Slama for a motion.

**SLAMA:** Mr. President, I move that LB1054 be advanced to E&R for engrossing.

**SCHEER:** Colleagues, you've heard the motion. All those in favor please say aye. All those opposed. LB1054 is advanced to E&R Engrossing. Mr. Clerk, next item.

**CLERK:** LB944, Senator. E&R amendments, first of all.

**SCHEER:** Senator Slama for a motion.

**SLAMA:** Mr. President, I move that the E&R amendments to LB944 be adopted.

**SCHEER:** Colleagues, you've heard the motion. All those in favor say aye. Any opposed? The E&R amendments are adopted.

**CLERK:** Senator Bostelman would move to amend with AM2414.

**SCHEER:** Senator Bostelman, you're welcome to open an AM2414.

**BOSTELMAN:** Thank you, Mr. Speaker. Good morning-- good Friday morning, colleagues, and Nebraska. What this is, is an E-clause specifically to sections that deal with my junk title bill that I had on-- that's in this bill. This provides opportunity, this vehicle has not been on the road for a number of years. We heard the story behind it, and this will allow them to actually be able to put the vehicle on the-- on the

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road this summer rather than waiting really another year. So I'd appreciate your green light on AM2414, which is a E-clause just for that section of the bill that deals with the junk title. Thank you.

**SCHEER:** Thank you, Senator Bostelman. Going to floor discussion. Seeing none, Senator Bostelman, you're welcome to close the amendment. He waives closing. The question before us, adoption of AM2414 to LB944. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 38 ayes, 0 nays, Mr. President, on the adoption of Senator Bostelman's amendment.

**SCHEER:** AM2414 is adopted.

**CLERK:** Senator Friesen would move to amend AM2396.

**SCHEER:** Senator Friesen, you're welcome to open.

**FRIESEN:** Thank you, Mr. President. This amendment relates to motor vehicles and it incorporates the provisions of LB961 as amended by the committee. I was the introducer of LB961 and the bill was advanced unanimously from the committee. LB961, as amended, would provide uniform regulations for peer-to-peer car sharing companies which provide car rentals through an Internet application. These companies are like an Airbnb model for housing rentals. It puts automobile owners and prospective drivers together through an app-based model. This bill will recognize the unique insurance needs of car owners and drivers when they share cars through this model. The insurance and consumer protections designed for these entities are based on a framework developed by the National Conference of Insurance Legislators, or NCOIL, and other stakeholders. In addition to insurance requirements and liability provisions, the bill provides for record-keeping requirement by the program, disclosure required by the program to vehicle owners and authorized drivers, and responsibility for program-installed equipment. Vehicles subject to safety recalls are also covered. Finally, there are provisions relating to identity verification. My goal as the introducer was to ensure that there was sufficient protection for owners of vehicles that are shared through this program. And we know from our work with the transportation network companies like Uber and Lyft, there are times when owners of vehicles in these programs lost insurance protection because of clauses in insurance policies that barred them from claims when their

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use of personal vehicles were not covered by their policies. I believe the bill, as amended, provides sufficient protection for owners of these vehicles. We will have a little bit further discussion on the floor. Some questions have been raised about the insurance components of this. So I look forward to that discussion and we will work to fix those in the near future. And so with that, I'd be happy to answer any questions about the bill and I'd urge your adoption. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Friesen. Going to floor discussion. Senator Lathrop, you're recognized.

**LATHROP:** Thank you, Mr. President and colleagues. Good morning. I am standing in opposition to this amendment. And I had an opportunity this morning-- I was reading bills last night, as we do, and I ran across this amendment. It's starting out it-- there's sort of a Christmas tree bill, which is the underlying bill, LB944. It has a great deal of content in it if you haven't read it. This is a separate bill, came out of Transportation, it's being added on to the Christmas tree bill on Select File. My first opportunity to read it. I would much rather be doing this on General File, moving it, and then trying to work on it. But Senator Friesen and I have had a conversation this morning, we're gonna have a little bit of a dialog about my concerns. I think the bankers also have some concerns and I can maybe share those as well. And then you'll get a flavor for what the concerns are and hopefully we can put the hold, you know, kind of push the pause button, make some changes, come up with an amendment so that we can move this amendment forward. So this is a concept that's not unlike an Airbnb. Somebody develops an app. The app is a place where I can go and find a house, an Airbnb house if I want to get a place down in Cabo on the beach. I can go to Vrbno and-- and rent a house through an app or through a platform. This is automobiles, right? That car isn't moving down the street and it isn't running into any-- that house isn't running into anybody. And so the question is, have we taken care not just of the guy that wants to start the app, he has a business interest, and not the guy who wants to loan his car out and make money doing it, a lot of exclusions in insurance policies, but there's everybody else on the street these guys might run into. And we want to make sure those people are taken care of in this process. And my problem has to do with mostly that third group. There's a fourth group, too, which is the bankers that want to make sure their collateral is taken care of. And right now, I don't think it is. So let me visit with you a little bit about what my concerns are. If you

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loan your car to somebody and you-- you have insurance and that person takes your car out with your permission within the scope of your permission and runs into somebody, your insurance will cover it. If somebody pays you to use your car, there's an exclusion in your auto policy that says this policy will apply as long as you have permission, but it doesn't apply if you're making money at this enterprise. So if you are-- can I get a gavel?

**SCHEER:** Oh.

**LATHROP:** Thank you. If you are, if you are making money, so if you're running a delivery service, you're making money, there's an exclusion in your policy won't cover you. As soon as you do one of these peer-to-peer, your insurance coverages does not apply. So what the bill does is it says, well, what we're going to do is we're going to make the platform have liability coverage. Now when we dealt with this problem before with the Ubers and the Lyfts, we ran it through the Public Service Commission and required a million dollars in coverage. This says that the app, whoever these people are and wherever they're at, are going to have a minimum limits policy. So now we're going to take people that don't own a car, don't have insurance and put them in somebody else's car, and they're now gonna be driving with minimum limits. If they want to drive an Uber, they'd have to have a million dollars in coverage. Right? We want to protect the public, that other group that has an interest in what happens with these things. That's my first concern with the bill. It only requires minimum limits. And in Nebraska, I can tell you, because I do this work--

**SCHEER:** One minute.

**LATHROP:** --at 25/50 it is too low. That's not enough protection for you, me, all of us in this room that might get hit by one of these guys. There's a second provision in this amendment that also causes me concern, and that is it ends the concept or the principle of vicarious liability. What's that mean? Vicarious liability comes about in many different ways. If you are an employer, you are vicariously liable for the actions of your employee that are done in the scope and course of your employment. In the concept in the-- in the world of auto, over in Iowa, you are vicariously liable for anybody driving your car if you are the owner. In Nebraska, we have a concept called negligent entrustment--

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**SCHEER:** Time, Senator. Thank you, Senator Lathrop. Senator Williams, you're recognized.

**WILLIAMS:** Thank you, Mr. President. And good morning, colleagues. And I also rise at this point in opposition with more questions than I have answers. And part of this relates back to a couple of bills that we had in Banking Committee several years ago that dealt with the Uber and Lyft situation. And they were talking about the exact things that Senator Lathrop has been talking to you about. What I would like to add on to that is you also have the issue of many of the vehicles have a lien attached to them, and the lienholder is sitting there requiring and expecting insurance on those vehicles. And oftentimes what we found out in the hearing with Uber and Lyft, the drivers that were using their personal car that was financed and had a lien on it did not understand that their insurance changed the minute they became for hire. In fact, their insurance disappeared when they became for hire.

**SCHEER:** Excuse me, Senator Williams. Colleagues, could we please control our conversations on the floor? It's difficult to hear the speakers as they are talking this morning. Thank you, Senator Williams.

**WILLIAMS:** Thank you, Mr. Speaker. So going on with that, so you have a situation where a person has financed their vehicle. They don't necessarily know that it's not covered. And we had this ball of confusion. So through the Banking Committee, which normally deals with issues like we're talking about here, because it, it involves licensing, it involves insurance, we began requiring a notification. And there are some provisions of notification in the legislation we are looking at here, but I would question whether they are sufficient types of notification. In the Uber/Lyft situation in addition to the insurance that Senator Lathrop was talking about, the vehicle owner is required to be notified by Uber and Lyft that they-- if they have a lien on their vehicle, they may be in violation and they need to notify the lienholder, that's specifically in there. Also, it requires a notification in writing to them of that same kind of thing. What I would suggest is also different here with the Uber/Lyft situation, as Senator Lathrop talked about, the-- the Public Service Commission is involved. Under this arrangement of peer-to-peer, the Public Service Commission is not involved. So we have a different regulatory scheme here. I think it is apparent with this that it is time to take a step back, think about the overall results of this. These kind of things are coming and we need to be thoughtful about the regulation that we

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put together. We need to consider all parties. I am concerned that not all parties have been represented well in the discussions leading up to the final amendments that are here. So with that, I would encourage us to take a pause. And I would yield any time that I have left to Senator Lathrop.

**SCHEER:** Senator Lathrop, 1:30.

**LATHROP:** Thank you. And thank you, Senator Williams. I want to go back to the concept of vicarious liability, because we have in Nebraska liability based upon a concept called negligent entrustment. So if you are leaving the bar at night and you-- you are-- maybe you're impaired and you hand your keys to somebody, or maybe you're not, and you hand your keys to somebody you know is a drunk, right?

**SCHEER:** One minute.

**LATHROP:** This person is intoxicated, they get in a car accident, I can be held liable for negligently, carelessly entrusting my vehicle to someone else. This bill explicitly says vicarious liability doesn't apply in Nebraska in this situation. It will if it's your car, if it's you that does it with your own vehicle, but not if it's somebody who goes through the app. There's no reason for that. In fact, there's probably a stronger reason for vicarious liability because imagine the people that will rent it. How much time do I have left?

**SCHEER:** Twenty-five seconds.

**LATHROP:** I'll-- I'll wait until I-- I have my light on because it will take me longer to explain it than 25 seconds. And it is a critical piece of my problem with the bill. Thank you.

**SCHEER:** Thank you, Senator Williams and Senator Lathrop. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. So I'm not gonna really disagree with anything that's been said here. Now there is notification to the owner that if there is a lien on the vehicle, he is required to notify that lienholder, but there's no way to proof that. It's in part of the agreement, but if he fails to do that, no one will know. So there is some notification in there. What I really want everybody to know is that these companies are currently operating. They're operating under current law, which now I would say that there's people out there that have loaned their vehicle or leased their vehicle out through this app

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that don't have insurance and they don't know that. They have not read the fine print of their insurance policy. But these ride-sharing apps are currently operating in this state. If you want to go on your phone, you can-- you can see what vehicles are available and you could rent a-- there's several different choices out there of vehicles that you can rent. And so they are currently operating, they just have really no regulations on them whatsoever. So this-- this bill, as it's written, even though it may have some flaws, is better than what we currently have is what I maintain. Senator Lathrop will disagree on the vicarious liability. But again, if I-- if I go to Enterprise Rent-A-Car, I can have one point left on my license, I can be a horrible driver, I probably don't even own a car. And if I go there and throw down a credit card and my driver's license, I can rent a vehicle and be on the road. I can say that I have insurance, I don't think they check it, or I can purchase their insurance. Either way, I may be a-- numerous DWIs and a horrible driver with one point left on my license, but I can go rent a car from Enterprise or any of those places. You're still a-- if you have a valid driver's license, you can do that. So now if I also as a-- as a neighbor want to loan you my pickup, I can do that. My insurance stays in force, but as soon as I charge you \$25 for doing that, my insurance is not valid. And if everyone would read their automobile policies, 99 percent of the time, I think there's a little box that says when you start to use your vehicle for a commercial purpose, you lose your insurance. You have no insurance, no liability, no comp, no collision, no insurance. And so that has happened recently. There was-- we've had people that have-- there-- we had a lady one time who was just delivering newspapers and she ended up backing into somebody's pickup. She turned it in to her insurance company, and she said, well, I was out delivering newspapers and I backed in this guy's car and-- well, read the fine print. You don't have insurance. Delivering newspapers is a commercial use. So it is an issue. But let's just remember that this app is currently working and it is being used in the state. So either we can come up with a fix to make it better, which I'm willing to do, but again, I'll say that I believe this bill or this amendment is better than what we have currently. So we are gonna work towards a fix. As soon as we get done discussing in a little bit here, I will ask the Speaker to put a hold on it so that we give this some time to come up with an amendment. But that's the current conditions that we're operating under now. And so I just want everybody to look at the bigger picture and let's see if we can work to a conclusion here, and we won't today. I will ask for a Speaker's hold in a little bit. But I want everybody

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to know what the situation is and what is currently happening in the state and how this app works. So if we do nothing, they will continue to operate.

**SCHEER:** One minute.

**FRIESEN:** With that, thank you, Mr. President.

**SCHEER:** Thank you, Senator Friesen. Senator Lathrop, you're recognized.

**LATHROP:** OK. Thank you, Mr. President, and colleagues. I wanted to talk about this concept or this doctrine of vicarious liability and in particular, negligent entrustment. So negligent entrustment, as I started to explain, the classic example is handing your car keys to a drunk that goes out and hurts somebody. You are responsible because you are the person that entrusted your vehicle carelessly to someone who predictably went out and caused an accident. When you take away that liability, when you take away that and this does it in broad terms, so if you go over to Iowa, you don't even have to prove negligent entrustment. You can sue the guy driving and the owner is equally responsible, same in Colorado. That's just the way vicarious liability works. It's different from state to state. When you take that liability away, you take away a protection for the other guy out on the road that gets in a car wreck. Here's the thing that-- that's also troubling about this idea, and I'll grant you, I'm a little old school. It took me a little while to understand this Vrbno and the Airbnb's, and you guys were probably-- the younger people were doing this long before I even understood it. But when you're doing this with a car, this person, whoever these guys are that came up with this app, they're making money off of this. OK. They're insulating themselves from responsibility. They're making money. And here's the-- here's the concern, and Senator Friesen just kind of addressed it a little bit, this platform isn't deciding who's a safe driver to loan my car to. OK. All you have to do to get a car under this app is to have a valid driver's license. You could be on meth, you could be high as a kite, you could be drunk as a skunk, and you could have 11 points on your license. They're not doing anything to screen the people who are going to be driving the car. And then they say, by the way, don't hold me responsible or anybody responsible for not screening these people. And who do you think's going to be using this app? Right? The people that own a car and have insurance are driving their own car. The people that are going to use the app are people who don't have a car and

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don't have insurance. I'm not saying that those people necessarily or as a group drive carelessly, but maybe we ought to take a look at it. And maybe there's a reason they don't have a car or they don't have insurance. Maybe they can't get insurance, but now they're going to be rolling around Nebraska with minimum limits. And I can tell you that Banking and Insurance Committee is a hard place to get the limits raised. But this 25/50 that we have in Nebraska is entirely too low. It gives people the security that they have insurance, it lets them register a vehicle, but then it exposes them to excess liability because it is not enough coverage. I appreciate the courtesy Senator Friesen has shown in allowing me to express some of my concerns this morning and his willingness to request that we set this aside for a time and provide the parties an opportunity to work through these issues. I will say this, too, and this is about the guy that loans the car out, his collision coverage doesn't apply anymore. So when somebody piles his car into a tree, the platform isn't paying for collision coverage, his collision coverage is gone, he has a totaled vehicle, and his note is still due over at the bank. And I think making sure the collateral is taken care of and insured before these things are on the road, all of which was taken care of when this stuff went through the insurance committee--

**SCHEER:** One minute.

**LATHROP:** --and was managed or overseen by the Public Service Commission. So with that, I would express, once again, my appreciation to Senator Friesen.

**SCHEER:** Thank you, Senator Lathrop. Seeing no one in the queue, Senator Friesen.

**FRIESEN:** Mr. Speaker, I would ask that you put a Speaker's hold on this until we ask to bring it back.

**SCHEER:** Thank you, Senator Friesen. I will place a hold on this bill and we'll come back upon the agreement to the individuals. Mr. Clerk, next item.

**CLERK:** Mr. President, LB924. Senator Slama, I have no amendments to the bill.

**SCHEER:** Senator Slama for a motion.

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**SLAMA:** Mr. President, I move that LB924 be advanced to E&R for engrossing.

**SCHEER:** Colleagues, you've heard the motion. All those in favor please say aye. Yes, just one moment. Senator Chambers did have his light on. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, many days during this session when I had something to say, I would say it on other people's bill or when there was one of these confirmation reports. What I have to say today should be said on my own bill to show that I don't play favorites even when I'm on the other end and my bill is going to be used. And to make sure I have time to finish what I want to say, I'm going to leave my light on so I can be recognized if I don't finish. There was a very bad incident that happened when some Lincoln High girls on a basketball team went to Fremont. There was a clear racist environment, there were things said, adults were even involved, and I think this is atrocious. It's why I say the things I say on this floor. White children are what their parents are. They reflect what they learn at home, at church, and everywhere else. These little towns, I think Fremont might be one of them where they wanted laws against renting property to people who didn't look right. That's not what they said, but that's what they meant. So an article appeared in the Lincoln Journal Star that I will utilize. My office did get a call about it and I could only say at that time that I had seen no report of it. So I'm not in a position to take what I hear on the phone on a matter like this and run with it. It seems to me, I told the caller, that if something like this happened, it would be so notorious and observed that there would be something in the newspaper. Well, yesterday there was. Lincoln Journal Star on the front page, Taunts Lead to Postgame Fallout; subhead, parents question how school officials have responded. The article: The fallout from a Lincoln High/Fremont girls' basketball game where racial slurs yelled by at least one Fremont student at Lincoln High players led to a postgame confrontation, continues-- it continues to play out more than a week later. I'm digressing. They said at least one player-- one student, yeah, at least one, but there were more than that one student. And there were adults doing the same thing, too, because people who were at the game heard it and witnessed it. Continuing: Two days after the February 7 game, Lincoln High coach Dominique Kelley-Johnson, Kelley spelled K-e double l -e-y, Johnson posted comments on Facebook in support of her players, in which she called the game, quote, one of the more hostile environments I've experienced with high school

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athletics, unquote. I'm gonna depart again. Don't we hear all this talk about athletics teaching sportsmanship, fair play, respect, and then these white students and some white adults will take out after black youngsters and girls at that. It's why I stand on this floor and say if there are people who hear me and they don't like what I say, don't call my office and say it to a woman. Don't approach anybody, approach me and say it to me. I'm 82 years old. If you've got that much venom in you, you certainly should not have any reluctance to face an 82-year-old man and say it to his face. I'll tell you what happened when I made a comment about the flag. I went to a store called Russ's in Lincoln and this big old lummoX, several inches taller than I am--

**SCHEER:** One minute.

**CHAMBERS:** --had on one of those hunting-- I've talked nine minutes already?

**SCHEER:** One minute, sir. You have one minute left.

**CHAMBERS:** OK.

**SCHEER:** It's just a time at the mike, it's a five minute, not ten.

**CHAMBERS:** Oh, OK. And he had a flag on his hat or something, and he muttered something about what I said about the flag. I said, hey, come over here and tell me what you had to say, tell me so I'll understand. Then he put his head down and kept walking. He probably is accustomed to bullying white people because he's big, they'll cut and run. He's almost twice my size. He started it, but I had something for him and it's not a gun like some of those cowards are gonna bring to a Judiciary Committee hearing this afternoon, and I bet every one of them is white. Guns to try to intimidate. And I will pause until I'm recognized, we only had-- because I only had a minute left. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Chambers. You're next in the queue, you may continue.

**CHAMBERS:** Thank you. And before I go back to the article, how many of you all on this floor, white people, Christians or whatever, have to get up and read something like this in the paper about what's happening to your children in a sanctioned activity sanctioned by the schools? When I tell you, we as black people confront things you never

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even thought about, you don't believe it. You don't accept it. And even if you did, you didn't care because you say in your mind, well, it's not gonna happen to my child. And what you don't add to it, because my child is white, we are privileged, we are exempt from that kind of hostility, that harassment, that intimidation. Our children don't have to leave home and go to school and wonder if somebody is gonna call them a racial name. But that's what we have to be concerned about, then we are considered the bad people. I paused to turn on my light. When my children were little-- I told them because they went to white schools, if somebody calls you that N word you go right upside their head. That's a fighting word. And if any of them call you that, they want to fight you. And when the teachers found out what I had told my children, I said, well, my children all are small, they got little bitty fists with little bitty knuckles. And if they hit one of these white kids in the mouth, it's not gonna kill him or her. But if that is not done and that little white child who learned that at home carries that out into the wider world because they get away with it at school, they may lose their life saying it to the wrong person. So my child ought to be given an award for saving that little white kid's life and teaching that child with a hit in the mouth what the parents of that child, what the ministers of that child, and all the others in the white community will not teach them. So one day my daughter told me that when she came home from school that they had her younger brother out in the hall, and the principal told her, I want you to talk to your brother. And she said, she asked the principal, well, what do you want me to talk to him about? She said, well, he'll tell you. So she said, what are you out here for? He said, well, that boy called me that word. And my daughter said, you know what daddy told you to do when you get called that word? And my son said, I did. So my daughter told the principal, whose name was Doan [PHONETIC], Miss Doan, you have to talk to my father. And you know, she never called me. And the only reason I know about it, because my children told me. They're willing to deal with children, deal with the child's parent. And as I've said on this floor before, and I mean it, even though my children are grown now, I'd die and go to hell ten times for my children if they're gonna be abused by some white person or group of white people. They're going to hell or I am. It's playtime for you all. How can a child be expected to learn? Then when we get bills like the kind Senator Groene is bringing, white people support it because in their minds the ones that'll be snatched up by the teacher or the guard or the cafeteria worker will be a black child. That's what's going on in their mind. And it's going on in mine too. I happen not to

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have any children there now who are that young. But if a parent told me that, I'd go right up to the school with him and I'd tell that adult who grabbed that child, like I told these teachers if they grab my child, grab me, I'm his father. And one teacher had taken my son's paper, a substitute teacher, balled it up and thrown it in the wastebasket. And when my son came home and told me, I went up to the school. This was at Fontenelle, the name of the school, the principal, Miss Doan, and we were in her office talking, and this teacher was there-- all of them bigger than I am. Look how small I am.

**SCHEER:** One minute.

**CHAMBERS:** I said, you grabbed my son. He said, well, I didn't grab him hard. I said, yes, you did, here's where I think you grabbed him. And I grabbed him and tried to jerk his arm out of the socket. And I grabbed him so hard he moved. I said, that's the way you grabbed my son. Now there's less disparity in size between you and me. So now let's you and me do what you ought to do when a man grabs you like you grabbed my son and like I'm prepared to do to you for grabbing my son. He went behind the principal and said, Miss Doan, Miss Doan. They're bold when they're dealing with our children, and you all pass laws to justify it. That is crazy. And maybe you've only dealt with black people who are cowards. But when you deal with me, that's not what you're dealing with. I'll continue with this-- let me just tell you about the article and at some point--

**SCHEER:** Time, Senator.

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

**SCHEER:** Thank you, Senator Chambers. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. Speaker. I yield my time to Senator Chambers.

**SCHEER:** Senator Chambers, 4:50.

**CHAMBERS:** Thank you, Mr. President. Thank you, Senator Hunt. I will work to finish this article now, so it will be a matter of record. I had read where the coach of the students had mentioned that it was one of the most hostile environments I've experienced with high school athletics, end of her quote. She said several Fremont fans were wearing Trump 2020 shirts and hats and a man walked up to Lincoln High players before the game and said, quote, black and Latino unemployment is the lowest it's ever been, unquote. He said it to a child. What do

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you think would have happened if he came up there dressed like a monkey representing one of the vilest, most hateful, racist bigots to be in any public office, and that does not exclude George Wallace, had come up and said it to me? He won't say it to a black adult. He'll say it to a black child. And I'm not a man of violence. I love peace. I bring peace. When there were problems during the '60s, confrontations, if I thought it was gonna get children and innocent people hurt, I intervened and stopped it. There are articles that describe the way I stopped it. But if it's adult on adult, whatever the adult provokes is what the adult has to deal with. You all don't confront this. You don't read anything. You don't know anything. You grow up in these little rural towns where there's hatred. I get phone calls from black people about how the sheriff, the chief of police, and the town's people harass them, call them names. I say, why do you stay there? Invariably, the comment is, it's my home, it's where I live and I shouldn't have to let somebody run me away from my home. And then I look at the way some of you whine and cry on this floor because something's gonna to happen to one of your bills. You couldn't begin to live the life we live and survive. You couldn't have gone through what I went through during my 82 years and function in a body like this where fisticuffs are not allowed, where I have to have a sharper mind than you. I have to learn your rules better than you do. And then rather than learn your rules, you change them to try to stop me. You outnumber me more than 40 to 1. Could you, as one white person who had been reared around black people who called you racial slurs while you were growing up as a child and your white family was too poor to get away from this black community and you wound up in a Legislature, this is all fanciful, fictional, where there were 48 black people and you. Would you stand up to those 48 black people who wanted to tell you, sit down and shut up, you shouldn't even be here? White people would start shaking and you wouldn't see hide or hair of them again because you can scare them when they are being confronted by other white people. But I come here and I confront you day after day after day, week after week after week, month after month after month, year after year after year, decade after decade after decade. And the difference between me now and when I came here 46 years ago, I'm older, but I'm still the same me and I'm wiser and I know you all better. Your rules don't change that much because I know the only rule you're gonna usually try to change, and that's one to shut me up and you've never been able to do it in all that time and you cannot do it now. And then

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our children, our children have to be confronted by you all who outnumber us. The president is white,--

**SCHEER:** One minute.

**CHAMBERS:** --the judges of the Supreme Court are white, the Governor here is white, the Secretary of State is white, the sheriff is white, the chief of police is white, the U.S. Attorney for Nebraska is white, everything is white, and you all still can't be fair. And you want me to come down here and swallow spit to get along with you. And I see the kind of legislation that you fight against and you hurt your own people. I'm outraged that--

**SCHEER:** Time, Senator.

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

**SCHEER:** Senator Chambers, you are next. However, that would be your third time on the-- at the mike, are you-- which could be a close for this as well.

**CHAMBERS:** Close?

**SCHEER:** Well, it's not your close because you still have someone behind you. So if you'd like to pass over and then come back it would be your close. You-- you have one more person in the queue, so if we pass over, you would take that one and come back it would be your close.

**CHAMBERS:** Yes, yes, pass over me.

**SCHEER:** OK. Senator Cavanaugh, you're recognized.

**CAVANAUGH:** Thank you, Mr. Speaker. I rise in support of Senator Chambers' bill, and thank him for bringing this bill. I think it's a really important piece of legislation, and I wanted to speak to what Senator Chambers was speaking about with Fremont and Lincoln High School athletics. I have three young children, as many in this body know, and when my children say or do something hurtful to each other, to others, or to me, we sit down and we talk about it. And then we wait until they are ready to apologize and acknowledge what they have done, why it is hurtful, and why they shouldn't do it. In reading over this article from the Lincoln Journal Star, it stands out to me that--

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**SCHEER:** Pardon me, Senator.

**CAVANAUGH:** Thank you.

**SCHEER:** Colleagues, please.

**CAVANAUGH:** It stands out to me that that's not what is happening for these girls. No one is forcing-- or not forcing, talking to the girls from Fremont and the parents from Fremont and showing them how to show the girls from Lincoln that they matter, that they're valued. Colleagues, we're talking about systemic racism in children. I'd appreciate if you could keep your conversations a little bit quieter. Thank you. These young women deserve an apology. They deserve an apology from the adults, and they deserve an apology from the students, not just the students who didn't do anything that apologized to them after the game for how things went. They deserve an apology. We talk about restorative justice. We're not teaching our white children, our privileged children, how to be humble, how to correct their mistakes. This isn't the future we should hope for. I hope that the Fremont School takes this seriously and doesn't just say that they're going to do what needs to be done to address this situation. I hope that they publicly acknowledge what happened, that they publicly apologize to these children to make this right. Our state slogan, Nebraska isn't for everyone, is ridiculous, but clearly true today. And Fremont students and parents need to learn that this is inappropriate. I hope that we as a body, as a community, and a state can stand up for children, all children. Children of color are discriminated against and hurt, and this is heartbreaking. I cannot imagine if someone made my child feel like that, but I don't have to because she's white and I recognize the privilege that I have with that. And I will yield the remainder of my time to Senator Chambers if he wants it to add to his closing. Thank you.

**SCHEER:** Senator Chambers, 1:45.

**CHAMBERS:** Thank you, Mr. President. Thank you, Senator Cavanaugh. And I can tell you all, I was a child and I was hurt like that. The teacher read a racist story called Little Black Sambo and the little white kids were allowed to laugh at me, and I was the only black child in the classroom. I had feelings, my feelings were hurt, nobody I could turn to. The teacher who had told when something happened to a white child, and people laugh, we don't laugh at each other. So being naive and not being aware of how things really work because my parents

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had taught me to respect teachers, I'm waiting for the teacher to tell these white kids, don't laugh at him, we don't laugh at each other. But not only did she not say that, it dawned on me, they're laughing at me because she's reading the story to them. She hasn't read a story that made fun of these white children. And it gave me my orientation with reference to what my situation would be when I'm around white people. There were a few other black children in that school and they didn't turn out the way that I did.

**SCHEER:** One minute.

**CHAMBERS:** Some people wound up doing drugs, some alcohol, some-- most of them are dead now. But for some reason, whatever it was, it just made me stronger and more determined if I had to do it by myself to stand against white people wherever they are, when they're doing something wrong to us. And unfortunately, I diluted my efforts because I didn't want to see them do wrongful things to anybody who was weak or defenseless or friendless. So I wound up dividing my energies by protecting white children being ganged on by other white students. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Chambers. Senator McDonnell would like to welcome the Nebraska School Counselor Association, and three of the school counselors of the year: Megan McDougal from-- an elementary counselor of the year; Tasha Osten, the middle school counselor of the year; and Loni Watson, the high school counselor the year. They are seated under the south balcony. We do welcome you. They're a little quick this morning. I did want to note that Josie McDonnell is also in attendance and that is a niece of Senator McDonnell's. Turing to the queue, Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Colleagues, what happened in this situation is not an isolated event. And I think it's important we really have a conversation at least one day as a government body about systemic racism and what goes on. See Fremont got publicized because it just happened, but earlier this year, Kearney also had a MAGA night during a basketball game and the same thing happened. Two young referees that I used to coach in basketball this weekend quit refereeing at a Millard West tournament for the same reasons. This goes on and on and on. Now I am thankful enough that I am biracial and I have the best of both worlds, but I also understand that I oftentimes see the worst of both worlds in my own family. The problem is we as a body refuse to deal with the changes that need to occur.

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Senator-- is Senator Erdman here? I'm not trying to call him out. I just want to ask him some questions. No, he's not.

**SCHEER:** I don't see him at his desk, Senator.

**WAYNE:** Well, since we're gonna talk for a little bit, will somebody get on the mike and push their queue and tell me what the \$3.1 million is going to Wyoming's canal for? There, there is-- Senator Erdman, can you answer that question? I-- I would like to yield to a question.

**SCHEER:** Senator Erdman, would you please yield?

**WAYNE:** 3.9--

**ERDMAN:** Yes, I would. I'd be glad to.

**WAYNE:** So there's a 3.9 budget item that I saw in the budget that is for a canal that I believe is in Wyoming. Can you explain a little bit of that?

**ERDMAN:** Yes, I can. Senator Wayne, that canal delivers water to 55,000 agricultural acres in the state of Nebraska. It also delivers about that same amount of water to the Wyoming agricultural people. That canal had a tunnel that collapsed last summer and the irrigation water stopped flowing to all those people, including Wyoming and Nebraska. And so Wyoming kicked in their half of the repairs to get that temporary repair in place so they could have irrigation water again. And that 3.9 is our share.

**WAYNE:** So 3.9. What would happen to that community or those communities if that canal wasn't rebuilt?

**ERDMAN:** It would be an economic drag on the community because that's a significant portion of ag land that wouldn't have any irrigated crops.

**WAYNE:** Now explain to me, what does that mean by economic detriment? What-- what-- what exactly does that mean?

**ERDMAN:** Are you looking at-- you looking for a dollar amount?

**WAYNE:** Not necessarily dollar amounts, but the true impact of what happens to that community because I-- I really don't know, that's why I'm asking.

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**ERDMAN:** Well, what would happen is the agriculture people in that area wouldn't buy the seed, fertilizer, chemicals, equipment, those kind of things would be a drag on that economy because there wouldn't be a need for them because they wouldn't be irrigating those acres.

**WAYNE:** Would you say it's safe to say that bankruptcies and-- and stress would go up in those communities?

**ERDMAN:** Yes.

**WAYNE:** The farmers wouldn't probably not necessarily have jobs as they would have to move out of farming?

**ERDMAN:** Yeah, it could happen, yes.

**WAYNE:** I would like to ask Senator Walz some questions.

**SCHEER:** Senator Walz, would you please yield?

**WAYNE:** Senator Walz, what was the economic or the social impact of the floods throughout your district?

**WALZ:** I-- I don't have an exact number, but I would say it was millions.

**WAYNE:** And this year we have a bill that actually is-- that is gonna be the committee priority that I chair to help move an entire community, correct?

**WALZ:** Yes, we do.

**WAYNE:** But why is it important that we have to move that community?

**WALZ:** It's important that we have to move that community because if that town of Winslow floods again-- if they decide to stay in, in Winslow-- the community members decide to stay in Winslow and rebuild,--

**SCHEER:** One minute.

**WALZ:** --FEMA will pay for that now. But if it floods again, they will not pay. They will not fund rebuilding again.

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**WAYNE:** And that would have generation effects on kids and families for generations there, wouldn't it?

**WALZ:** Absolutely.

**WAYNE:** Thank you, Senator Walz.

**WALZ:** Thank you.

**WAYNE:** How much time do I have left, Mr. Speaker?

**SCHEER:** Forty seconds.

**WAYNE:** I will push my button and continue this conversation for the next moment.

**SCHEER:** You actually are the next in the queue so you can continue.

**WAYNE:** Thank you. Senator Gragert, can I ask you some questions?

**SCHEER:** Senator Gragert, would you please yield?

**GRAGERT:** Sure.

**WAYNE:** What was the social effects of the floods and some of the economic effects in your area during the floods?

**GRAGERT:** Well, it was devastating up in western Knox County, Boyd County especially. We had waterlines go out, bridges, a number of bridges that interfered with people getting to work. Actually, some people quit their jobs because the route they had to go around on Highway 12 to get to their-- to-- to their work.

**WAYNE:** And this could have generations of effects, I'm assuming, if-- if the state and the counties decided not to step in and help out, and even the federal government decided not to help out, we're talking generation after generation, maybe two or three generations of societal problems and economic impacts. Is that correct?

**GRAGERT:** I would agree with that to-- to some extent, that-- you know, our children are already migrating from rural to urban, so this will just accelerate that-- could.

**WAYNE:** Thank you, thank you, Senator. Colleagues, this is my point, and my point is very simple. As a body and as political subdivisions,

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when there is a natural disaster, when there is something that unthinkabout-- unthinkable happens to a community, we step in. We step in and we help. But do you know the one community, the one group who has systematically and intentionally by government been put down, been put out of jobs, redlining, making sure that we can't buy homes, making sure that we can't go to jobs, making sure jobs are writing to make sure-- written so that if you have a certain hair type, you can't participate in. But yet when there's a natural disaster, an unintentional act, we have no problem distributing \$3.9 million to fix a canal to make sure that community has jobs. We-- we have no problem doing \$53 million across this state for flooding to help out farmers in small communities. But yet we have documented racism by our government and institutional-- institutions that affect black and brown people for generations, but yet this body has never spent a dime correcting it. Fremont, Kearney, Millard West, that's just a small symptom of a bigger issue. We've never dealt with it. And when I come and I ask for \$5 million for our community, I can barely get out of committee or it won't come out of committee. But if we need 3.9 to help farmers, that really the canal is not even in our state, we can do that. We are passing a bill that is gonna allow the entire community to move, which I'm in favor of. I picked it as a committee priority. We spent \$53 million on flood to help out communities. But I can't get \$5 million for north Omaha. Yet, I can pass out a map on this floor that says here's redlining that was signed off by our government, by our banks, but no, we don't want to do that because that makes us uncomfortable. That makes us acknowledge a past that we don't want to deal with. There's a problem. And I know it makes people uncomfortable, half of my family, it makes feel uncomfortable, but we have to do something. When that budget comes out, 3.9, we'll spend all day on it. And I agree with the 3.9. But why can't you guys agree with \$5 million for my community? I agree with tax incentives to a certain degree. But why can't we do some tax incentives for my community, because north Omaha isn't getting a \$400 million data center?

**SCHEER:** One minute.

**WAYNE:** I've sat here for three to four years and actually longer when I was on OPS school board coming down here dealing with this way to just ignore the situation. I'm OK with helping flood victims. I'm OK with helping every community. I'm asking for just a little bit to help mine. Just a little bit. And guess what? It's gonna cost some dollars. But if we can spend \$3.9 million on farmers in western Nebraska, we can spend \$5 million in north Omaha. If we can spend \$53 million to

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make sure our communities can keep their jobs, to make sure children don't have lasting effects that I see in my community day in and day out, we should be able to put aside \$10 to \$12 million for that. And if we don't, colleagues, what are we doing?

**SCHEER:** Time, Senator. And you are the next in the queue. But before, I would like to thank Senator Gragert and Senator Walz as well on the previous. Senator Wayne, you're recognized.

**WAYNE:** I wasn't planning on talking. I'm supposed to be in Exec Session right now for my committee at 10:00. But yesterday I had a conversation with Senator Walz, I actually reached out to people on different basketball teams, Omaha North and a couple other people, and they've had same experiences, not just in Fremont. But the fact of the matter is, body, we're not doing our part. We're not making the decisions we need to make. And I'm not asking for reparations. I'm just asking for a fair opportunity to compete just like you all do. That if my community is devastated and we got to redo some bridges and redo some things, redo just basic roads, I would like the opportunity to try that. But if we can spend \$53 million across this state and \$3.9 million in one community for some water-- by the way, there are still communities in Nebraska who don't have drinking water, by the way, that probably won't cost \$3.9 million, but we're ignoring them. They're more on the eastern side of the state, I do know of one on the western side, but where are our priorities? What are we gonna do? It's a short session, I get that. But it's gonna turn into a very long one if we don't figure it out. I presented a bill yesterday for a small Imagine Act in Revenue. I just want the same thing that the farmers want. Farmers have a bill that allows \$2 million of rural community development act, \$2 million for livestock, for farmers. You get a tax incentive. I mirrored that same bill and said, hey, we need to apply some in north Omaha. Now obviously, I can't have livestock in north Omaha, so let's figure out what else we can do. We can mirror it down to the same cost. But I bet you when that gets to the floor, we're gonna have a huge problem. I see it year in and year out. So I didn't mean to get up here and lecture everybody, but I wanted to put it in perspective that Fremont is a small issue when it comes to the-- and a symptom of a bigger issue that we are ignoring and refusing to deal with. And that is our own predecessors in District 13. I can't say District 11 because it's been 60 years in there, I think, Senator Chambers, but every other senator we have made, not we here, but previous senators have made decisions that have systematically destroyed my community. And we are not even going to do anything about

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it. But when it's a natural disaster, unintentional act, we are quick to fix that community that doesn't look like mine. It's time for us to stand up for the intentional acts of our past and say, let's do something about it. And if we can't do that, I don't need to hear about Fremont. I don't need to hear about \$3.9 million going to fix water because none of it matters and we'll just stop the whole session. Let's figure out how to close the urban and rural divide, and we can do that this year in a short session. Let's figure out how to talk about how do we make sure everybody is truly on the same playing field and have the same opportunities as everybody else. The north Omaha businesses are not the same as Facebook. We're not gonna get the same breaks nor are we gonna have the same time and energy and resources to start that business and build something. So how do we do something for small communities? And the fact of the matter is, and I'll end with this, a struggling farmer, a struggling rural community is no different than north and south Omaha struggling. The only difference is our symptoms. We have easier access to guns. We are more violent, not by-- because we're in north Omaha, it is just easier. The fact of the matter is, when you're on Facebook and you're two cities away and you get mad, you got to drive an hour, that gives you an hour to calm down. I just got to walk down the street and start a fight. There are some geographical reasons of why things happen in Omaha that don't happen anywhere else, but the underlying issue of poverty and lack of good jobs are the same.

**SCHEER:** One minute.

**WAYNE:** They are the same. The farmer who's struggling to buy a piece of equipment who gets a sales tax exemption is no different than a start-up business down here who's trying to get a skid loader. Why does he have to pay sales tax, but the farmer doesn't? They're struggling the same. And this year we can fix that. We got tax incentives, we got property taxes, all of it ties together, and I hope we sit down and have a real conversation about it. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Wayne. And Senator Wayne, I apologize that I didn't tell you that was your third time at the mike. Senator Chambers, there's no one else in the queue if you'd like to speak.

**CHAMBERS:** Thank you, Mr. President. Members of the Legislature, what I'm going to do is copy that article and hand it out. But tailgating on what Senator Wayne mentioned, I had a bill the other day in the

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Revenue Committee that would take the sales tax off residential water. And once again, that bill-- that will probably go nowhere, but farmers don't have to pay sales tax on water that's used for irrigation. So once again, different strokes for different folks if they're white. I have been trying to get money into north Omaha to parallel the money being sent into white communities. I could get nowhere. So then a big hotel wanted to get some money. They wanted to use this throwback concept. Senator Ashford carried the ball for them and I had stopped that bill and I was gonna stop it again. And he knew I could stop it, because if I had to stop the session, I would do it to stop that bill, and I demonstrated over and over again that I could stop the session whenever I want to. And if you want to see me do it this session, I'll do it to show you how it's done. But you have to have some heart. You have to have some nerve to do that. I don't need the heart because I have none anyway. So even when I'm deficient when it comes to that, I'm better than most of the people in here when it comes to standing up. He asked me, what would it take for me to let the bill go? One black man and he had to come to me to ask, what must he do to be saved, so to speak. And I said, that money, some of it has to go to north Omaha and some to south Omaha. And that's what they agreed to do, not because they cared about north Omaha, not because they cared about south Omaha, but they cared about that big hotel built by a white magnate. And in order to get that, they were able to trickle what amounted to crumbs by comparison to north and south Omaha. We as black people always have to find a way to position white people in such a manner that if we are not treated fairly, it will hurt them. Then to protect themselves, they will say, well, if black people have to benefit, that's the cost of it. And that's what I've had to deal with all of these decades. And because of the fact that things have not changed, they've gotten worse in some instances, I'm fighting things now that I did when I came here 46 years ago. There's a difference between change and progress. You can rearrange the deck chairs on the Titanic, but that does nothing of substance to make that boat able to float when it ran into an iceberg. But at any rate, I wanted to bring that to you this morning, the article, I will hand around. And if any of you think that I'm through discussing this issue, you are mistaken. And you know, and you don't have to go too deep down inside yourself, you know good and well that it's my obligation, my responsibility, and it's something that I must do and I shall do it. I did this on my bill to show you that I'll do to mine what I do to yours, take some time. And also, if you want to get even with me, kill the bill. If you kill the bill, you don't kill me. But

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you put me in a frame of mind where vengeance is mine, sayeth the Lord, I shall repay. I told you how you all made me your God by making me the alpha and the omega of the Legislature. If it's one thing I know how to do,--

**SCHEER:** One minute.

**CHAMBERS:** --it's to gain revenge. I'm not like the poor widow that Jesus talked about who went to the unjust judge and said, judge, avenge me of mine enemy. But she kept going so often that the judge got tired and he finally did it. I don't ask who will avenge me of my enemy. They will wish that somebody else would do it. Mr. President, I'm through on this bill, and I want to emphasize on this bill. Thank you.

**SCHEER:** Thank you, Senator Chambers. Senator Slama for a motion.

**SLAMA:** Mr. President, I move that LB924 be advanced to E&R for engrossing.

**SCHEER:** Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB924 is advanced to E&R Engrossing. Next item, Mr. Clerk.

**CLERK:** Mr. President, I have an announcement very quickly, Urban Affairs is meeting now underneath the north balcony. Mr. President, the next bill, LB770. I have E&R amendments first of all, Senator.

**SCHEER:** Senator Slama for a motion.

**SLAMA:** Mr. President, I move that the E&R amendments to LB770 be adopted.

**SCHEER:** Colleagues, you've heard the motion. All those in favor please say aye. Those opposed say nay. The E&R amendment is adopted.

**CLERK:** Mr. President, Senator Gragert would move to amend with AM2443.

**SCHEER:** Senator Gragert, you're welcome to open.

**GRAGERT:** Thank you, Mr. President and members of the Legislature. AM2443 is a simple amendment. LB287, Senator Quick's bill, was passed by the Legislature on February 13 and signed by the Governor on the 19th. Among other things, LB287 amended the same section of statute that LB770 proposes to change. Consequently, AM2443 reflects the

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changes made by LB287 to Section 37-438, as well as the changes proposed in LB770, thereby harmonizing the two bills. This change was brought to me by the Bill Drafters Office. I urge your support of the adoption of AM2443 and for the advancement of LB770, which provides free lifetime park permits for disabled veterans. Thank you.

**SCHEER:** Thank you, Senator Gragert. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you. Mr. President and members of the Legislature, I will support Senator Gragert's move, but I have a great amount of hostility in me toward the Game and Parks Commission. They have lied when it comes to the issue of the mountain lions. Now I haven't had them come and speak against my bill with reference to the prairie dogs, but they should have been there to speak for it. Now if I were to respond the way white people would respond in a situation like this, my hostility toward the Game and Parks Commission would make me do everything I could to kill any bill that had their name on it, just on principle, however misguided, but I have to do some nuanced thinking. I cannot think in cliches and speak in slogans as white people can get away with like, make America great again, make America great again, keep America great. That's all white people have to do. And that's why they call it a dog whistle, because white Americans like trained canines will jump up and take the bait. But I apologize for the canines. It would be so much simpler for me to learn the lessons that white people's mistreatment toward me would teach a rational person. And by rational, I meant one who thinks about how things occur, causes and effects, who the enemy is, what the enemy does. And you never do anything to strengthen your enemy, but everything you can to weaken the enemy, even if it's tangential to the main struggle. That's the way we as black people are treated or mistreated. I still want somebody to stand on this floor and show me that I'm mistaken when I say I'm not a citizen in the United States of America. I'm a resident. And actually I have more right and claim than you all sitting here, because the wealth of this country was built on the backs of my people, unpaid slave labor. There were white men who didn't have to go to war in the Revolutionary War because they sent men who were called slaves. And when they could document that a certain number of their so-called slaves were going to fight in the Revolutionary War on the side of the Americans, then that white man and any sons or males white in his family who would benefit from anything that that country produced would not have to go fight for it. But black men who were hailed as property had to fight for the freedom

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of white people from their kind of people in England. But Senator Gragert, I'm not going to do as I've been done by. I will try to remember the words that I heard a white guy named Rod Stewart sing in a song that was written by Bob Dylan. It was called Forever Young, and do unto others as you would have them do unto you, was one of the lyrics. And that's a universal concept, not just in Christianity or Judaism or Islam, but among people everywhere, treat me like you want to be treated. Don't mistreat me if you don't want me to mistreat you. So I will show by my example what my self-imposed code requires me to do. If I--

**SCHEER:** One minute.

**CHAMBERS:** --were a Christian, I'd be free to take revenge. If I were religious, I could justify it by saying God is punishing you through me, but that makes me better than your God. You should be glad that the Legislature, by rendering me alpha and omega, created a better God than the ones you all pray to every morning up here. So trying to give you an example, and in my role as your God, to give your God an example, I'm not going to seek revenge. I'm going to vote for your bill because it does something that's worthwhile, even though it involves an agency for which I have the most profound contempt. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Chambers. Seeing no others wishing to speak, Senator Gragert, you're welcome to close on your amendment. He waives closing. The question before us is adoption of AM2443 to LB770. All those in favor please say aye-- or vote aye; all those opposed vote nay. Have all voted that wish? Please record.

**CLERK:** 34 ayes [SIC], 0 nays, Mr. President on the adoption of the amendment.

**SCHEER:** AM2443 is adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Pansing Brooks would move to recommit the bill to committee.

**SCHEER:** Senator Pansing Brooks, you're welcome to open.

**PANSING BROOKS:** Thank you, Mr. President. 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 today I had to stand up

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because an article came past my desk that talks about, and it's in the Lincoln Journal Star, that talks about the fact that the Attorney General's Office has decided that they are going to-- and I'm having it passed out right now, they are going to work with four other conservative states to block the Equal Rights Amendment being passed in our country. I cannot tell you how aggravating, how beyond disturbing this is that state dollars are being used in this manner. Of all the things, of all the messages for Nebraska to send, we do not want to protect women, we do not want to give women equal rights. Remember all the discussions about business, economic development, remember all of these discussions we have had to be a stronger state, to be a welcoming state. You know that I've been fighting for LGBTQ+ rights to welcome all people. What kind of message does this send to the rest of the country whom we would like to move out to the rural areas, to western Nebraska, to those beautiful areas that we have, to have businesses and grow and thrive. But what's the message now that we're sending? Hey, come to Nebraska except if you want to have any kind of women's rights and if you want any kind of LGBTQIA+ rights. Wow. Wow. I just can't even imagine. Somehow there's been a disconnect between the legislative branch that's working to fight for people's rights and maybe not everybody in this body is, but I think generally we do try to-- try to help people. We may not go about it in the same manner. But we do try to help others, and I find this just shocking that this has happened. I hope this-- that the pages could get me my copies, please, quickly. Could you come to me? Thank you. So the other states that have chosen to join this case are Tennessee, Alabama, Louisiana, South Dakota, and gosh, Nebraska. Thank you. Again, the-- the article talks about five Republican-led states are seeking to block an effort by three Democratic-led states to-- to see the Equal Rights Amendment adopted into the U.S. Constitution. There's a question about whether even legally that all can go forward. But why did we have to take a stand on this? Why do we have to take state dollars and do this? I got an article from the Nebraska History-- History Nebraska, and it talks about the history of the Equal Rights Amendment. We were one of the first states to ratify the Equal Rights Amendment until we rescinded it later. The reason we rescinded it was because Senator Richard F. Proud of Omaha, who led the reversal, told the World-Herald that the ERA would, quote, absolutely wipe out, unquote, laws regarding a husband-- requiring a husband to support his wife and would allow the drafting of women and would satisfy no one but the, quote unquote, women's libbers. How antiquated. So that is the tenor that was taken in '73 when Nebraska decided to rescind the

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Equal Rights Amendment. What I also have is the-- the document that was filed on behalf of the state of Nebraska that talks about all sorts of things that don't even mention the draft. They don't mention the fact that women's libbers are trying to get equal rights and that-- that this is gonna stop a woman from getting any kind of support from her husband. No, none of that is-- none of that is mentioned. You know what they go off on? They go off on the ideas that it's gonna cost the state a lot more to give women equal rights. Really? If they think that it's gonna cost a lot more to make sure that the-- the percent of the population that is the highest percent of the population, women have equal rights, then what the heck are they doing and what's going on? Because if this is gonna cost a lot of money to give equal rights, you can tell something's going on because they've spent money to file this whole-- whole brief. Then they go on to talk about, and here's, of course, the key reason and, of course, this will make some of you just shut down, but it's disingenuous again. It's disingenuous because what they've said is movement-- movants, meaning the state, our state has laws that prohibit the expenditure of funds on abortion. So they've turned it into a whole abortion argument about whether or not women have the right to equality in our state and equality in our country. Then they also go on and talk about school athletes and the whole LGBTQ thing. So we've moved this from, oh, it's about women and, you know, they're not gonna be able to get child support to all of a sudden, oh, my God, if we make women equal, they might actually be able to get laws that-- that protect them if they are LGBTQ. But then they go on to say movants don't concede that any of these law-- of their laws that they have would violate the Equal Rights Amendment. So they're saying we don't think that our laws would do this. But just in case, we're going to take a stand, a stand against economic development, a stand against bringing businesses to our state. You think this doesn't affect bringing businesses to our state? Remember, we don't have the mountains that attract people on their own. We don't have the gas that helps pay for property taxes. We need all people, quit discriminating. We need to stand up as a group and say, I don't want my tax dollars spent like this. Was this really necessary? Was this necessary to go forward and join this case to say we are not in favor of giving women equal rights? I'm glad I'm here because you know what, back in the '70s, I was part of the Lincoln-Lancaster Commission on the Status of Women. And I founded a gender bias task force. And one of the main things we worked on was the Equal Rights Amendment to try to get this passed and to go forward and work together to make sure that women

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have rights similar to men's. You know, the-- the men, of course, in the body aren't really looking about this, maybe they're listening. What are we doing here? Here's the announcement to all of you outside the state, LGBTQ, no protections; women, don't expect protections here. The Attorney General's Office has just announced we don't think we would have any cases, but we're sort of worried that our laws are violating women's rights. So we're gonna protect ourselves that we will not have a case against-- by women against us, and so we're gonna move and be part of the-- of the lawsuit. So again, the litigants-- it-- it talks on and says that the movants, meaning the state of Nebraska, cannot sit back and wait until after the ERA is added to the constitution and litigants begin using it to challenge their laws. It says here also-- this is even questionably dubious that we did rescind that because no state had ever withdrawn its ratification of a constitutional amendment when Nebraska did it back in 1973. Opponents question the legality of Nebraska's decision. According to the Alice Paul Institute,--

**SCHEER:** One minute.

**PANSING BROOKS:** --the-- the U.S. Constitution speaks only of the state's power to ratify amendments, but does not grant the power to withdraw ratification. Therefore, the decisions of the five states to rescind their ratifications are arguably a legal nullity, although this has not been tested in a court. I've talked to many of you on the body this morning about this. Senator Hunt agrees and wanted me to mention her concern about this. Nebraska, we have to do better. We want you here. You are loved, male, female, transgender, bi, gay, lesbian, we want you here. Come help our state thrive. Come be with us. Help-- help us grow. Enjoy our fabulous public schools. Come be part of our economy. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Pansing Brooks. Senator Vargas would like to introduce his intern today, Morgan Wallace, from Scottsbluff, Nebraska. She's a student at UNL. She's under the north balcony. Would you please stand to be welcomed by the Nebraska Legislature. And colleagues, just a mid-morning reminder, today is the last day for committee and Speaker priority bills. You have until the close of session this morning. Just a friendly reminder because that will be coming in about the next hour, hour and a half. Returning to floor discussion, Senator Chambers, you're recognized.

**CHAMBERS:** Thank you. Members of the Legislature, yesterday I made comments about the conditions women face in this country. A certain young woman senator applied what I said to conservative women even though I didn't use the term. Well, I guess maybe people tell these conservative women who are "Repelicans" that all we are going to deprive of their rights are nonconservative women. They're not gonna make any difference. Anything men hold up to women in this country is a trick, puts women in trick bags. To be, and I'm gonna say conservative now because I know some conservative women, to be deemed a conservative woman in good standing there are certain things you have to put up with, certain things you are not to say, certain things you are to say when you're given the cue. White women need to exercise the right to vote. I read the white men's Declaration of Independence and I told you it said all men. Why did it not say all human beings? Because women were not contemplated, not just the black women who were being raped and otherwise sexually exploited by the white men signing the Declaration of Independence, but white women were not given rights either. You need to read about and things that were written by Abigail Adams. Most of you all don't know who that is, certainly not conservative women. Because if they did read about her, they wouldn't allow themselves to be made second-class members of even their "Repelican" Party. I've read complaints by some of them of not being able to hold certain positions in the party that made them second-class "Repelicans." Where did these men come from? Are not their mama's women? Or were they born from alligators and crocodiles, chameleons, snakes? Was the Attorney General of Nebraska not birthed from a woman? And he would not want his mama to enjoy all the rights and privileges under the constitution of this country. This Equal Rights Amendment by its name signals that there's inequality in this country based on a woman being a woman. It doesn't say superior rights to men, equal. That means there is not parity, they're not on the same footing. And white women in Nebraska will not object to the Governor spend-- the Attorney General spending taxpayer money to join these lawsuits that really don't involve Nebraska directly. But it's a political move and it's to remind women of their place. And many women, especially in Nebraska, will accept it. They've been conditioned from little girls at home, through the schools, at church, and wherever else they go that they're not equal to men. And if all that a woman was looking for is to be equal to a man, meaning sameness, then your standards are not very high. What the Equal Rights Amendment would do is to make available to women the opportunity to

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rise as high as their ambition and their ability will take them and not to be artificially--

**SCHEER:** One minute.

**CHAMBERS:** --prevented from doing so and being held back. What I ought to do is to go along with what the Attorney General is doing, because by doing that I'm getting even with more of the white people than if it were just white men I was dealing with. But as I tell you all time and again, all of us are of the same human family. Artificial distinctions and boundaries are created by human beings who do so for the purpose of gaining an advantage and to be-- be able to take advantage, exploit, and misuse others. They characterize certain human beings as being inferior. Then you can enslave them, make them work for nothing, abuse their women, and their little girls.

**SCHEER:** Time, Senator.

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

**SCHEER:** And Senator Chambers, you're next in the queue, so you may proceed.

**CHAMBERS:** And this is the only time I'll speak. I'm not trying to hurt Senator Gragert's bill. I should have asked him, is he for or against the Equal Rights Amendment? But I'm not going to do that because he respects his mother, I'm sure. And if he has daughters, I'm sure he respects them. And he wouldn't sit still to have a man stand in his face and say, your wife is not equal in terms of the rights she ought to have under this constitution, or that his daughter, if he has a daughter, would fit into the same inferior status. Why will white women docilely swallow spit and accept this mistreatment? Because the men control the education system. They control everything. The ad writers, a-d, those in advertising who shape and form public opinion are predominantly male, and the females have been given a male orientation where the job is so important, the title is so important that they'll go along with producing ads that degrade, demean women, thingify them, sexualize them, objectify them, and women go along with it. I don't understand white people, but really I do. I make that expression advisedly. Roger B. Taney, who is by the way, he was the fifth. How many of you all knew that Roger B. Taney was the fifth U.S. Supreme Court Chief Justice of the United States? I read your history. The fifth U.S. Supreme Court Chief Justice, who was a Roman Catholic

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also, made the remark that black men have no rights which any white man is bound to respect. He could have said white women don't either. But here's the funny thing. There are no rights black men have that white men are bound to respect, but there's an amendment to your U.S. Constitution-- I won't tell you what number it is, you ought to look it up, that give black men the right to vote while white women still cannot vote. And now this is a right that black men have to be accorded, that white men are bound to respect. But going by what Taney said, they're not going to. So when black men went to the polls to try to vote, they could be lynched, castrated, burned alive, all these horrendous, cruel, barbaric things that were actually done in this country on a regular basis to people who look like me. And I'm sure there are those who are living now who look like you, who says, oh, God, bring back the good old days. I am opposed to what the Attorney General of this state is doing. And if you look at the-- the states, Tennessee, Alabama, Louisiana, Nebraska, and South Dakota. If you rearrange those letters, it would spell slant and they are slanted. They're off the beam, they're not perpendicular, they're slanted. And that is the company that your journey-- your Attorney General puts your state in with. If I had the ability to persuade white women to listen, white woman would be-- women would be free after this upcoming election.

**SCHEER:** One minute.

**CHAMBERS:** White women would be free after this upcoming election. They would have exercised their vote. They would have thrown out all of the men who worked against their interests. They would have put in place women candidates. And then you'd see the white man change his tune because he's a coward when somebody stands up to him, then suddenly he collapses and he's begging and whining and begging for mercy. That's what he would do. But they're not going to listen. When I say they, I mean white women. They've been conditioned, they've been whipped down, disillusioned, disenchanted, made to think that they cannot believe in themselves. I would tell you, believe in yourself, trust your judgment, don't let anybody play you cheap or sell you short.

**SCHEER:** Time, Senator.

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

**SCHEER:** Thank you, Senator Chambers. Mr. Clerk.

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**CLERK:** Mr. President, Senator Pansing Brooks, I understand you wish to withdraw your motion.

**SCHEER:** Without objection, so ordered.

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

**SCHEER:** Senator Slama for a motion.

**SLAMA:** Mr. President, I move that LB770 be advanced to E&R for engrossing.

**SCHEER:** Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB770 is advanced to E&R Engrossing. Mr. Clerk for a few times.

**CLERK:** Thank you, Mr. President. A number of items: Natural Resources Committee, Chaired by Senator Hughes reports LB899 to General File; Transportation Committee, Senator Friesen reports LB1088 to General File with amendments; Banking Committee with Senator Williams reports LB767 and LB954 to General File with amendments; Revenue Committee, Chaired by Senator Linehan, reports LB187, LB865 to General File, LB805 to General File with amendments, likewise with LB1033 and LB1042; Health Committee, Chaired by Senator Howard reports LB840 to General File with amendments. Confirmation reports: Health and Human Services Committee and the Transportation Committee. An amendment to be printed, Senator Williams, LB909. Priority bill designations is the Business and Labor Committee, LB1160; Senator Linehan, LB1074, as one of the committee priority bills; Senator La Grone, LB1042; Senator Quick, LB840; Senator Bolz, LB43; Senator Halloran, Chair of the Ag Committee, LB791, as committee priority; Senator Hilkemann, LB1148; State-Tribal Relations Committee, LB848; Senator Cavanaugh, LB1060; Senator Briese, LB930; Senator McCollister, LB283; Senator McDonnell, LB963; Senator Friesen, LB461; Senator Hilgers, LB1183. That's all that I had, Mr. President.

**SCHEER:** Thank you, Mr. Clerk. Colleagues, I just want to correct myself. I misspoke earlier, it's not the Speaker priorities, it is your personal senator priorities that are due by the end of close today. So thank you, and I apologize for that confusion. Mr. Clerk, next item.

**CLERK:** Mr. President, LB1061, a bill by Senator Crawford, relates to Child Protection and Family Safety Act; it defines and redefines

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terms; to restate intent; change provisions relating to the handling of reports of child abuse or neglect and alternative response; provides powers and duties for the Nebraska Children's Commission and the Department of Health and Human Services; provides standards for the assignment or transfer of reports. Introduced on January 21 of this year, referred to Health and Human Services, the bill was advanced to General File. There are committee amendments pending.

**SCHEER:** Thank you, Mr. Clerk. Senator Crawford, you're welcome to open.

**CRAWFORD:** Thank you, Mr. President. Good morning, colleagues. This LB1061 is my priority bill. Before I get to my formal opening, I just wanted to paint a big picture view for you of what LB1061 is about and why it's so important. Nebraska used to be a state with one of the highest rates of pulling children from their home. Now, colleagues, keeping our vulnerable children protected and safe is a fundamental responsibility of the state, but one of our issues as a state is trying to find ways to help families and help families stay together and provide the services families need to be able to take care-- to take care of their children in vulnerable situations so that we can keep families together whenever possible and work with children and their families in their homes whenever possible. And as I said previously, as a state, we were a state that was failing on that account. We had the highest per capita removal of children of other states. Now since that time, the Department of Health and Human Services has instituted a pilot project called Alternative Response. And Alternative Response is a response in cases where we have low-risk child welfare cases, where it allows the department to come around that family and community services to come around that family and support the family and protect the child while making sure that we deal with the situations that are needed to keep that child safe and keep that family together. And-- and we have had studies of Alternative Response that have shown how effective it is and that for many of our families, it's more effective than our traditional response on child welfare cases. We just had a study from the university showing the importance and value of that approach. And colleagues, that approach has a sunset date. And so we must pass LB1061 to ensure we can continue to offer that Alternative Response-- response to our families. Another type of response that we've seen grow in our state is our noncourt responses to child welfare cases, and these have grown substantially. What LB1061 does is, one, again, it eliminates the sunset date so we can continue to operate those

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Alternative Response programs. But it also recognizes as we're continuing to operate with noncourt and Alternative Response approaches to child welfare, it's very important that our statutes have appropriate guardrails and guidelines. And so LB1061 puts in new guidelines and guardrails for Alternative Response and for those noncourt cases. Currently, the noncourt cases did not have statutory guide rails, and so that's a very important step that we make in LB1061. We have had conversations with all the parties who are engaged and involved in figuring out what these guardrails and guidelines should be. The bill, where we have it right now with a committee amendment, is an agreement on where those guidelines and guardrails should be. That's agreement with the Department of Health and Human Services who supports the bill, the Governor's Office supports the bill, the Child Advocacy Centers, the Foster Care Review Office, the Children's Commission, our child advocacy groups that are watching out for the safety of the children such as Appleseed and Voices for Children. All of these groups have come together and helped us to shape LB1061. And again, all of them are in support of LB1061. The one group that deals with these children that still has concerns about the bill that you may have heard from, are the county attorneys. And colleagues, we have worked with the county attorneys and we have taken their input, and we did make several changes to the bill to address several of their concerns. However, they still have concerns about the exclusionary criteria in the bill and we are meeting with them upon adjournment. We agreed to meet with them between General and Select to continue to talk about those exclusionary criteria. And we are doing that, we have that meeting set. And so I'm asking you to make sure that we advance LB1061. It's an important bill for our child welfare system and allow those conversations to continue between General and Select with the county attorneys. But again, all of the other people who are working with these children are in full support of LB1061. Now I'll go to my formal opening. Alternative Response is an approach to help families with less severe reports of child abuse or neglect, connect with the supports and services that they need in order to enhance the parents' ability to keep their children safe and healthy. It's an alternative to traditional response, which involves investigation by department officials and law enforcement, which may or may not involve the court system. In Alternative Response, no formal determination as to whether child abuse or neglect has occurred is made, and the subject of the report is not entered into Central Registry in child protection cases. Alternative Response provides a different approach to traditional child protective services when the

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risk of children is deemed to be low to moderate. In these cases, the goal of the AR program is to provide early intervention and services to at-risk families in order to prevent them from entering the court system. The intent is that cases in which there is deemed low- or moderate-risk children qualify for AR, exclusionary criteria, including physical and sexual abuse, prior reports of abuse, and instances involving serious injury help to ensure that more serious cases where the child's safety is at risk are placed in traditional response and are investigated. So colleagues, again, we've seen an increase in the use of Alternative Response, increase in the use of noncourt cases. One of the concerns that brought this bill to our attention is the-- the importance of making sure that we have a better clarity of definitions around what's considered noncourt case. And right now we have a lack of clarity of noncourt cases and a lack of regulation and oversight in this area. So LB1061 contains several measures to help correct these issues and removes a sunset date, again, to allow the state of Nebraska to continue an Alternative Response approach in child welfare. When I began working on legislation to remove the sunset date and reauthorize Alternative Response, I heard from child welfare advocates about some current problems that we do have arising from the use of these informal living arrangements in noncourt voluntary cases. And those included concerns about the voluntary nature of the arrangement and the legal rights of parents and caregivers and the safety of the placements and the lack of services and supports provided to children and families in these noncourt voluntary living arrangements. In discussing these issues I heard with advocates, it was decided that we could accomplish the update Alternative Response along with updates and definitions around noncourt cases, which is why I introduced LB1061. Its objectives are twofold: one, to eliminate the sunset date to authorize the department to continue using Alternative Response while keeping proper safety guardrails in place; and two, to accomplish some necessary related updates to our nonchi-- noncourt child welfare system. In drafting the process for LB1061, we turned to child welfare advocates to help us understand the areas in statute and regulation that needed to be within the current systems. LB1061 is a product of those discussions and was developed with a consensus from the Foster Care Review Office, Voices for Children, the Child Advocacy Centers, Appleseed, and provider groups. Additionally, we met with county attorneys and the department prior to introducing the bill and made a variety of changes that both of those groups requested. And again, we have the support of the partner of Health and Human Services for this bill. Over half of

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our child welfare cases are now noncourt-involved cases, and these have been operating without sufficient statutory or regulatory standards. With the shift toward increase noncourt and Alternative Response cases, there's a need for us to set these statutory parameters now to protect this-- these kids. Alternative Response has been demonstrated to yield positive results and the department has expressed a desire to eliminate the sunset and continue this program indefinitely. LB1061 accomplishes this change while reinforcing Alternative Response in noncourt-involved cases with clearer definitions, parameters, regulation, and oversight to ensure that our children are being served outside the traditional welfare system are safe and well cared for. As part of my discussion with the Department of Health and Human Services, I agreed to clarify legislative intent on the floor for one section. So this section has to-- this is on page 16 of the green copy and this section has to do with the written notice of rights that would be provided to the parent and caregiver in a noncourt case.

**SLAMA:** One minute.

**CRAWFORD:** The sub (a)-- thank you, Mr. President, --on line 10 refers to the specific factual basis of the department's involvement in the case. The department requests that we clarify that the intent here is not for the caseworker to enter a detailed, individualized narrative for each case, but instead we agreed the language "specific factual basis" means the allegation type, risk level, and safety threat if applicable. These are all items that are already gathered in reports for the N-FOCUS system, and that's what we mean when we say "specific factual basis." Colleagues, the changes in LB1061 are the product of many discussions. And again, the Department of Health and Human Services, advocates, our providers who work with these children on a-- on a daily basis have come together and support the guidelines and guardrails that we have here in LB1061. The committee of Health and Human Services-- the Health and Human Services Committee approved this bill unanimously, so they also are in support of where the guidelines and guardrails are in the bill as it is. But as I said before, I am still willing to--

**SLAMA:** That's time.

**CRAWFORD:** Thank you.

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**SLAMA:** Thank you, Senator Crawford. As the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Howard, as Chair of the committee, you are recognized to open on the amendments.

**HOWARD:** Thank you, Madam President. Good morning, colleagues. AM2417 inserts a new Section 8 into LB1061 and amends Nebraska Revised Statute 43-4203 related to the Nebraska Children's Commission. The new Section 8 strikes Section 1 to eliminate the committee of the Children's Commission that examine state policy regarding the prescription of psychotropic drugs for children. The goals of this committee have been accomplished, and so that portion is no longer needed in statute. AM2417 also amends Section 4 of the green copy to add a parent's history of termination of parental rights as an additional exclusionary criteria for Alternative Response. And just to go a little bit off-- off script here, I was around when the original Alternative Response statute was put in place. We did so with an agreement that we would put a sunset on it so that we could revisit Alternative Response and make sure that it was doing the things that we wanted it to do that we needed it to do. Alternative Response is a wonderful way for us to handle our child welfare system. Not every case merits court involvement. The best example I have is from when my mom was a social worker and she walked into a dirty home. A dirty home can have a myriad of issues, but it was-- it was neglect because the home was dirty. And it was an otherwise loving and intact family, but the home was dirty and presented a safety risk for those kids. Instead of-- in my mother's era, she would have had to take them to court in order to get services for that family. Now with Alternative Response, you can get services for that family, clean up that home and keep that family intact without having them go into the court system, which we feel is a better alternative. Senator Crawford was right, Nebraska used to be the leader in removing children from their homes. And part of that was because we didn't have a support system in place. We didn't have any other options in statute for a caseworker to use if they didn't want to have a child removed. We do know that the county attorneys have some concerns and we are meeting with them over the lunch hour today to address them. Their main concern was around drug testing. About a year ago, there were-- there were no-- the drug testing requirements were removed. The Health and Human Services Committee heard that concern and used a shell bill, LB1059, and it has an amendment, AM2511, to address those concerns. And so ideally that would sort of remove the conversation from drug testing from this

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conversation today. I would urge the adoption of AM2417. It was adopted unanimously by the Health and Human Services Committee, as was LB1061. And I appreciate the body's attention today. Thank you, Madam President.

**SLAMA:** Thank you, Senator Howard. Speaker Scheer, you're recognized.

**SCHEER:** Thank you, Madam President. Folks, a reminder again that today's the deadline for the designation for your individual and the committee priority bills. As of this morning, which is not the case now, we still had 18 senators and 8 committees bills, priorities that had not been designated. All priorities will be available next week for debate on General File. I've, in previous years, have always tried to give you a general idea what we may see for the next year-- or for the next week. I really don't know. We haven't had time to even go through those that would still be available only because of this morning. So next week my only suggestion is you can look at the agendas as they come out daily. We will be putting those bills on the bottom as we continue to go down, so you'll have some idea and hopefully those will not be necessarily brought up the next day. I'm trying to keep about two days' worth of activity on the agenda, so you should have a full-day warning on what bills will be coming. As of next week, I should be able to give you a better perspective on more of a week-at-a-shot-type deal as I have in the previous three years. But for next week, you'll just sort of have to watch that agenda a little closer to see what may be coming up. But everything will be finally available to us to work with so watch the agenda. If you haven't gotten your priority in, please do so this morning. Thank you, Madam President.

**SLAMA:** Thank you, Speaker Scheer. Debate is now open on AM2417. Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Thank you, Madam President. I am rising in wholehearted support of Senator Crawford's LB1061 and AM2417 from the Health Committee. I just wanted to say that the Alternative Response is really designed to help serve families outside of the court system. It helps keep kids at home when the risk is low and families can receive services. So clearly it's helped save the state money and it's important for our future and for our kids to provide Alternative Responses. I wanted to just add one more thing that I'm-- I'm so grateful that Senator Crawford worked so hard on this bill. She was able to bring together, if you look at your-- at-- at the committee

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statement, she was able to bring together the Department of Health and Human Services, Voices for Children in Nebraska, the Nebraska Alliance of Child Advocacy Centers, the Foster Care Review Office, Nebraska Appleseed, among others. So really, that's just an amazing thing, because often-- often these groups are on opposite sides of one another. So I want to thank Senator Crawford for her brilliant and great work at-- at having a meeting of the minds of so many varied groups with varied interests. And I cannot say more than-- than that I am very wholehearted on this bill. So-- and I'll give the rest of my time to Senator Crawford if she wants it, but I don't-- I don't know. Do you want time?

**SLAMA:** All right. Thank you, Senator Pansing Brooks. Senator Crawford waives the opportunity. Senator Vargas would like to announce the following guests visiting the Legislature, there are 15 high school seniors and 1 teacher from South High School in Omaha, Nebraska. They're seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Continuing debate. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Madam Chair. So I'm gonna rise with some concerns regarding LB1061. I'm concerned that the bill goes a little bit too far and I would like to make some points that I hope will be addressed in an amendment to enhance the protection and safety of the children. I appreciate what the bill seeks to do. It's to codify our state's policy with respect to Alternative Response. Alternative Response is a different way to respond to allegations of child abuse or neglect so children can stay in their homes and offenders are not placed on the Central Child Abuse Neglect Registry. It should be reserved for the lowest-risk cases where the danger of the child facing future abuse or neglect is minimal. Putting Alternative Response policy into statute is a serious undertaking with a significant safety consequences for kids, and that is why it's so important that we get it right. I believe we need to take a more proactive-- or protective, more cautious approach to ensure that we are best safeguarding our kids. I understand work is underway on an amendment that would be added-- that would add exclusionary criteria for Alternative Response. And this is a list of the types of child abuse and neglect cases that we, as policymakers, are saying are too serious and too risky to allow for Alternative Response. The amendment adds drug endangerment, domestic violence, all forms of physical abuse, and a broader definition of abandonment to the exclusionary list. The exclusionary criteria are high-risk indicators viewed as inappropriate for the Alternative

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Response approach. The consequences of getting this decision wrong to a child born addicted to drugs or a child caught up in the trauma and abuse of domestic violence or a child who is physically abused or a child who is left alone without care for hours, days, weeks, or months, can be dire. These cases are simply too serious to be allowed to go to Alternative Response, where the key players in our child welfare system may be completely unaware of the case. Under current law, Chapter 28, Section 728, I quote, The Legislature finds that child abuse and neglect are community problems requiring a coordinated response by law enforcement, child advocacy centers, prosecutors, and the Department of Health and Human Services, and other agencies or entities designed to protect children, unquote. When allegations involve serious risk, that coordinated effort is best accomplished through a traditional response at the time an allegation is made into the DHS hotline. Traditional response ensures oversight and involvement by multidisciplinary teams, including county attorneys. Alternative Response is still in its early stages in Nebraska. Alternative Response began as a pilot project on October 1, 2014, in 5 counties and was expanded in 2016 to an additional 30 counties and statewide thereafter. Alternative Response in noncourt-involved cases should remain an option for some families. However, safeguards should be in place to assure that children are safe and not overlooked. We should enact a narrowly tailored law to begin with and then debate a gradual expansion of cases appropriate for Alternative Response without risk of harm and safety to children. Would Senator Crawford yield to a question?

**SLAMA:** Senator Crawford, would you yield?

**CRAWFORD:** Yes.

**FRIESEN:** Senator Crawford, it's my understanding that you are working with Nebraska County Attorneys Association on an amendment to add some exclusionary criteria for Alternative Response and to take a more cautious approach. Do I have your commitment there will be an amendment on Select File that will add to the exclusionary criteria for Alternative Responses or otherwise address the county attorneys' concerns?

**SLAMA:** One minute.

**CRAWFORD:** Thank you, Mr.-- Mrs. President-- Madam President.

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**FRIESEN:** Thank you, Senator Crawford.

**CRAWFORD:** So I have committed to work, to talk to the county attorneys on adjournment. We have a meeting scheduled and to talk about the exclusionary criteria. I'm not right now able to talk-- to commit to those-- that specific amendment. It is the subject of our conversation.

**FRIESEN:** OK, thank you. Thank you, Senator Crawford. We as a Legislature need to ensure that oversight remains for our children who are most at risk. If we advance the bill without an amendment, we would be ignoring the alarm bells that have been sounded by county attorneys about the need for additional safeguards and children at serious risk of harm due to domestic violence, drug abuse, or repeated neglect may not receive the oversight necessary to ensure their safety. Thank you, Madam President.

**SLAMA:** Thank you, Senators Friesen and Crawford. Senator Bolz, you're recognized.

**BOLZ:** Thank you, Madam President. I want to rise this morning in support of LB1061. And I want to preface my comments by saying when it comes to child welfare issues, I'm a tough customer. I am a-- a person who has a lot of experience and critical analysis of the child welfare system. So I-- I say that to preface what I say next, which is, this is a really good bill. And the Department of Health and Human Services and Senator Crawford deserve a lot of credit and kudos for digging into the details and finding compromise and finding a way to move forward a good idea and a-- a solid concept that truly helps our kids avoid the trauma of out-of-home placement while also protecting health and safety. And so if you're listening, Department of Health and Human Services, on this one, I'm-- I'm really pleased of the work. And Senator Crawford, I think you've done incredible-- an incredible job here. Some of the things I like about it, specifically as a-- as a person with a social work degree, are the requirement that we'll use an evidence-informed and validated tool for comprehensive assessments. And Senator Friesen, I appreciate some of your questions and concerns about who is and who isn't appropriate for Alternative Response, what should be the inclusionary criteria and exclusionary criteria, I think that's a fair conversation. But I also think that the use of validated tools and assessments really helps us get a sense of what is happening in a family and what the appropriate response is. Sometimes I think because human services can be emotional and interpersonal, we forget

that it can be a social science. And so using an evidence-based tool as required in this bill is wonderful. I do like that we are defining what a noncourt-involved case is. The Department of Health and Human Services has shifted, as Senator Crawford was reflecting, to more noncourt-involved cases. And I think that this bill strikes a really nice balance between allowing those noncourt-involved cases to proceed in our state while also defining and clarifying what is and what is not court involved and noncourt involved. I do think it is helpful to define what is required to be forwarded by law enforcement or a county attorney. Those things are important to put in statute that there are specific lines in the sand that should always be forwarded to law enforcement, for example, sexual abuse. I also like the-- the noncourt improvements and clarifications related to the written notice of rights to parents and caretakers so that people know what's going on and what they can do about it, and the-- the-- the facts of department involvement and the possibility of further action will be articulated and clarified. And finally, I really like that-- that additional pieces in this set of changes will go to rules and regulations. In my experience in social services and in human services, there are so many unique examples and unique circumstances that cannot be captured in statute. And those really must be articulated and identified through rule and reg, and I think this bill strikes a really nice balance between articulating those guide rails and giving the department flexibility to adopt rules and regulations to respond to multiple sets of circumstances. The one thing I do want to say kind of in response or in reflection to Senator Friesen's comments about the exclusionary criteria and that we shouldn't ignore the alarm bells, I would say that there are other alarm bells that are being responded to in this bill.

**SLAMA:** One minute.

**BOLZ:** Social workers, particularly school social workers, rang a lot of alarm bells to me about the lack of definition and clarity of process for noncourt-involved cases. And what a noncourt-involved case basically means is that there's-- there's not court oversight. So we need to have other systems and structures in place to make sure that those kids who have been identified as being vulnerable get that opportunity to make sure that their-- their health and safety is protected. So I do think we should move this bill today because there are alarm bells that rang that Senator Crawford and the Department of Health and Human Services responded to. And I think we deserve the

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opportunity to advance this bill and work on the final technical changes between General and Select. Thank you, Mr. President.

**SLAMA:** Thank you, Senator Bolz. Senator Wishart, you're recognized.

**WISHART:** Thank you, Madam President. It's good to see a young woman up there. I rise in strong support of LB1061 and AM2417. I am someone who has personal experience with this. My husband and I were foster parents and we had the honor of fostering a young boy several years ago. And in knowing what I know now about his situation, we would have benefited from having a program like this. We would have benefited from being able to support him and his mom and be a coach and a team for them. And so I strongly support this bill, and I hope that the prosecutors will come to the table honestly and really work with Senator Crawford on making sure that this goes through, because in my opinion the best way for us to support children in Nebraska is to ensure that we're supporting their families as well. Thank you.

**SLAMA:** Thank you, Senator Wishart. Senator Arch, you're recognized.

**ARCH:** Thank you, Madam President. I also rise in support of LB1061 and the-- and the underlying amendment. Appreciate very much Senator Crawford's work. She met with me this summer, briefed me on what was-- what was going on with this particular bill and the-- and the desire to get more definition, more structure to our system and appreciated that very much. I-- we had a very robust hearing on this issue, many people testified. We listened carefully. Appreciate, again, Senator Crawford's willingness to work with the county attorneys. The intention is not that this is some off the books work, but, but we will-- we'll, I think we can find some, some structure that we can agree to. I want to-- I want to read just a couple of paragraphs though that came from the-- the Department of Health and Human Services' testimony where they came and-- and voiced their support to it. And I thought for those of you that may not be familiar exactly what this program is that we're talking about, I thought that the summary of this was-- was-- was excellent. Alternative Response is one approach the department uses in response to alleged child abuse and neglect not involving physical abuse or neglect resulting in serious bodily injury or sexual assault. It is used only with families assessed to have a low to moderate risk of future abuse or neglect. Many of these families are reported because of concerns about physical neglect, such as a child seemingly being inadequately fed. Alternative Response differs from noncourt-involved traditional response in that

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it treats parents and other caregivers as partners. Community resources that reflect each family's unique needs and strengths are identified and utilized. No one is labeled a perpetrator or victim. No findings of abuse or neglect are made. No one is listed on the Central Registry. So this is a-- this is an option that the department uses. I would strongly encourage the passing of LB1061 with the underlying amendment, allow Senator Crawford to meet with the county attorneys, and continue that discussion. Thank you.

**SLAMA:** Thank you, Senator Arch. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Madam President. I rise today with concerns about LB1061 and the-- and the issues it leaves unaddressed. I've been contacted by the Nebraska County Attorneys Association who have real concerns about the safety of kids under this Alternative Response model. From what I hear Senator Crawford and other proponents of this bill saying, Alternative Response is intended to address the most low-risk cases. If that is what we are doing here, then I believe an amendment to this bill is needed to address the fact that Alternative Response is not the right response for cases of physical abuse-- physical abuse, cases of domestic violence, and drug endangered intakes. As it stands now, the only exclusion for physical abuse cases is for the physical abuse of the head or the torso or abuse resulting in physical injury. Why does only abuse of certain body parts exclude a person as being low risk? Any case of physical abuse deserves the attention of the entire team of service providers. I have been assured that interested parties are meeting this afternoon to address these concerns. I appreciate the willingness of parties to do that. And I look forward to being able to support a bill that keeps the safety of Nebraska's vulnerable and abused children as safe as we can. Again, Alternative Response is appropriate for the low-- lowest risk cases where the danger of the child facing future abuse or neglect is minimal. Right now, I understand that the criteria for what case-- for what cases can go to Alternative Responses are in DHHS's regulation, and this bill would be more permissive than our current regulations. Through LB1061, we are putting what we as senators consider to be low-risk child abuse and neglect cases into our laws. I encourage each of you to look at this bill and decide if you think these cases are low risk in your eyes or if the kids that are drug endangered or living in a domestic violence situation deserve to have our utmost attention with service providers and law enforcement agency involved in these cases. Again, it is important that we get this bill right and I am hopeful the amendment brought to us on Select File will do just

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that. With that, we spoke off the mike on this about what I see in-- in my district because I do go out about and meet with truancy probation, county attorneys, juvenile justice, law enforcement, our city law enforcement and others. And this is a concern that we get it right as far as-- especially when we're dealing with drugs or abuse in the home. The thing is, is that we're not-- we're not always seeing DHHS respond in a way that should be. And it's not that we want these children or their parents to go into the court system. It's to protect them to make sure things are being done right and we want to make sure that when-- if we set a low risk, that it's done appropriately. A little different, we're talking about CPS a little bit. If-- if law enforcement goes on a well-check or probation officer goes on a well-check and there's drugs in the house or-- or potential drugs in the house, and they call for DHHS to respond, well, then the family gets a three-day notice. Well, they can clean it up, get everything out in time before they come. But we know-- or law enforcement or probation knows that there's drugs in that house. So it's not-- it's not that we want to, again, put them into the court system or take the child out, but it's to make sure we identify that and make sure we have a good response from DHHS and that we have the actual improvements or advocacy for that child that's needed. And so those are some of the concerns that we have. And I understand that they are going to work on this with the County Attorneys Association and I appreciate that. And I encourage your votes, a green light on AM2417 and LB1061. Thank you, Madam President.

**SLAMA:** Thank you, Senator Bostelman. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Madam Chair. I'm gonna-- I didn't have time on the mike last time, and I'm gonna give you some examples of what has been happening and some of it comes from the county attorneys, some comes from a case that I personally know of. But so you have a parent on drugs drop their child off at a-- I think it was a relative's house and basically abandoned them for six months. Left no medical, you know, no power of attorney. If something would have happened to that child, you would have had to take him to the emergency room and there would have been no parent-- parental signature or anything. They left no way to get a hold of the parent. That kid was abandoned for over six months. And then the parent comes back and takes him back into the home and everything seems to be OK. These are cases of neglect that I'd say are past the point of just we cannot just let them do that without any record or any-- any tracking of that happening. In another

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case, what happened was the-- the parents were using drugs. The child was removed from the home for a week or so, put in foster care. And then the way our policy seems to go here, we're so intent on placing these kids back in the family that they sometimes they'll bring that child back, and the parents are so high on drugs, they can't even hardly answer the doorbell. And we drop the kid off and leave them again. And over and over, time after time, that child has been pulled out of that home over and over and put in foster care for short periods of time, and then we put them back in the home and it doesn't work. And yet there's really no way for them to take that child out. And as one person put it, they should take that child out of that home and they should never see their parents, their grandparents, their uncles ever again because they're all using drugs. They're all just as bad as the others. And there's got to be those cases where you just take that child out of the home and put them somewhere where they're going to have a chance. And the way I see it, we have gone too far in trying to put those kids back in some of those homes where they stand no chance. We talk a lot about protecting the child, but there are times when they should probably never see those parents again. That's how bad some of the abuse is. So I know it's a difficult topic, and it's not in my wheelhouse, not my committee. And I trust you guys, you're doing what you need to do, but we need to keep in mind that there are cases out there where this isn't working. Thank you, Madam President.

**SLAMA:** Thank you, Senator Friesen. Senator Howard, you're recognized.

**HOWARD:** Thank you. Am I the last in the queue?

**SLAMA:** Yes, you are.

**HOWARD:** May I use this time for my closing then?

**SLAMA:** Absolutely, you're recognized to close on the committee amendments.

**HOWARD:** OK. Thank you. I just want to address a-- a few things that came up in our conversation. I want to remind everybody that LB1061 doesn't deal with drug testing or drug utilization by parents, and we are addressing that with LB1059 and we'll have a hearing on that on Thursday. This is more of a personal note. On a personal note, when someone is addicted to drugs, that doesn't make them a bad person. OK. So my sister had a substance-use disorder, she was never a bad person.

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She made some poor choices, but she was never a bad person. And what we want to do is make sure that families have the opportunity to get the services and supports that they need in order to be successful, and LB1061 certainly helps with that. In the absence of LB1061, the exclusionary criteria for Alternative Response lies in the regulations with the department. And so, for instance, originally there had been an agreed upon 22 exclusionary criteria for Alternative Response. And over the summer the department made them considerably looser without any oversight and without any intervention from the Legislature. So for instance, your concerns about physical abuse, Senator Bostelman, that's a great one. However, when you just say physical abuse, if you spank your child, you will go to court if you just say physical abuse. And so you have to be really clear that there has to be bodily injury, there has to be a consistency, because we don't want spanking cases to go to court. Right? And so we want to be really thoughtful about the words that we're using in this language, in this legislation. So we are committed to working on this. AM247-- 2417 was adopted unanimously by the committee and is well considered by Senator Crawford. She has worked a-- a considerable amount on getting this language right, making sure the department and the advocates are comfortable with it. But I'll be honest with you, there may be a moment where I disagree with the county attorneys, where there is more nuance to these issues than just saying all abuse or all domestic violence, because we want somebody really looking at that family holistically without the specter of being involved in court every single time. And so that's the thought, that's the level of thought that's gone into LB1061 and to AM2417. And I would certainly urge its adoption on the floor today. Thank you, Mr. Pres-- Madam President. Madam, thank you.

**SLAMA:** Thank you, Senator Howard. The question is, shall the committee amendments to LB1061 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays on the adoption of committee amendments, Madam President.

**SLAMA:** The amendment is adopted. Discussion on the advancement of LB1061 to E&R Initial. Seeing no one in the queue, Senator Crawford, you are recognized to close on LB1061.

**CRAWFORD:** Thank you, Madam President. And thank you, colleagues, for that vote on the committee amendments. I just want to thank the Health

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and Human Services Committee and-- and Chair Howard for their diligent work on this issue. They are the subject experts on this issue and I appreciate their diligent work to make sure that we're able to move forward and continue Alternative Response that's evidence-based and effective in our state and also create some new guidelines and guardrails for our noncourt-response cases in our state that, again, are currently existing without guidelines and guardrails. And as Senator Howard alluded to, we did initially have 22 exclusionary criteria, the department then reduced those. And so actually LB1061 is stricter in terms of exclusionary criteria than we would have otherwise if we were not to pass this bill. So we think these exclusionary criteria are critical. Again, I've committed to continue that conversation about exclusionary criteria with the county attorneys. We'll have that conversation upon adjournment to have that conversation about the exclusionary criteria. But it's important that we meet the right-- the correct balance of making sure we're keeping our children safe and working with our families in the most effective way possible moving forward. So I encourage your support for LB1061 and appreciate all the conversation that we've had about-- about this issue and about continuing and making Alternative Response and our noncourt cases strong and effective in our state. Thank you, Madam President.

**SLAMA:** Thank you, Senator Crawford. The question is the advancement of LB1061 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk.

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

**SLAMA:** LB1061 advances. The next item is-- Mr. Clerk, for the next item.

**CLERK:** Madam President, LB1014 is offered by Senator Lindstrom. It's a bill for an act relating to insurance; it changes the Multiple Employer Welfare Arrangement Act; introduced on January 15; referred to the Banking Committee; the bill was advanced to General File. No committee amendments. I do have an amendment to the bill from Senator Lindstrom.

**SLAMA:** Senator Lindstrom, you are recognized to open on LB1014.

**LINDSTROM:** Thank you, Madam President. Today, I bring before you LB1014, which would amend the Multiple Employer Welfare Arrangement

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Act to allow for self-employed individuals to participate in a multiemployer welfare arrangement in Nebraska. Health insurance is a critical issue for families and businesses and their ability to succeed. Unfortunately, in many particular rural areas for self-employed farmers, it is a real struggle to find affordable options for health insurance. Farmers and ranchers in Nebraska and across the country struggle to find affordable health insurance with decent coverage and access to providers. At a time of low commodity prices and significant stress in the ag industry, finding ways to lower health-- high health insurance premiums and out-of-pocket costs for Nebraska farmers is vital to ensuring that our farmers can remain competitive in a global economy. In 2019, the Land O'Lakes, a farmer owned-cooperative with ag retail member owners in our state, worked with and obtained the approval of Nebraska Department of Insurance to bring its Cooperative Farmer Health Plan to Nebraska under the multiemployer welfare arrangement that provided for affordable and comprehensive healthcare coverage option to Nebraska self-employed farmers and their dependents. This plan arrangement was possible because of the federal association health plan rules that have been issued by the Nebraska-- excuse me, the United States Department of Labor. In 2019, a federal court struck down the AHP regulations that govern this plan, among other health insurance rules. While the Nebraska Department of Insurance worked diligently to find a remedy so Land O'Lakes could continue offering a plan in the state for 2020, no state statutory authority exists for them to do so. LB1014 provides that statutory authority in state law for the department to review and approve multiemployer welfare arrangements for self-employed individuals that are subject to meeting Nebraska law and requirements. This bill requires these plans to have appropriate safeguards, such as specific solvency requirements, stop-loss insurance provisions, as well as consumer protections, which are already part of other health insurance plans offered in the state. If signed into law, LB1014 would allow Cooperative Farm Health Plan to be reoffered in Nebraska in 2021. Thank you to Senator Dorn, for making this his personal priority for this year. I ask for your green vote on the upcoming amendment and LB1014 to Select File. Thank you, Madam President.

**SLAMA:** Thank you, Senator Lindstrom. Mr. Clerk for amendments.

**CLERK:** Madam President, Senator Lindstrom would move to amend AM2449.

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**SLAMA:** Senator Lindstrom, you are recognized to open on your amendment.

**LINDSTROM:** Thank you, Madam President. AM2449 ensures ACA compliance as the act existed on January 1, 2020. The amendment also satisfies the solvency concerns from testimony heard at the public hearing on February 4, 2020. AM2449 provides that healthcare coverage to covered individuals shall establish and maintain a surplus in the trust in an amount of at least \$750,000. Appreciate your green light on AM2449 and the underlying bill. Thank you, Madam President.

**SLAMA:** Thank you, Senator Lindstrom. Debate is now open on AM2449. Senator Kolterman, you're recognized.

**KOLTERMAN:** Thank you. Good morning, colleagues. This a bill that we heard in-- in Banking and Insurance Committee. It's taken on a life of its own. We've had an opportunity to meet with the insurance companies, with Land O'Lakes, talked to a lot of-- got a lot of information from the consumers that have been purchasing these types of plans, worked with the Department of Insurance. It's just a good piece of legislation that's made even better with AM2449. We've put a lot of safeguards into this bill. With that, we've got the buy off or the sign off of a lot of the companies that had concerns. And I think I would encourage you to support AM2449, LB1014. It's-- it's an opportunity for our agricultural producers to get a better purchasing power and a better product on the marketplace. And it's-- it's very good legislation. So I'd encourage you to support it. Thank you.

**SLAMA:** Thank you, Senator Kolterman. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Madam Chairman. So to give an example, a self-employed ag producer, my health insurance costs over the past ten years have tripled. It is probably one of the most highest expenses other than property taxes that we are faced with. And you know years ago, corn growers tried to get a group policy together to where you'd have corn growers join an association and you'd-- you could pool it and buy health insurance. And it turns out after they started looking at it, that it's not a really good idea to put a bunch of 60-year-old farmers that are in a high-risk occupation together into a group. So what this does is it really does open it up to a lot younger, a broader range of people that we can form a group and-- and have at least some options on health insurance that are not outrageously

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priced like when you try to go buy individual policies. So I know currently there are a couple of co-ops that do offer policies. I know they were forced to-- they were gonna be able to carry it this year. But if we don't pass this legislation, they will no longer be able to do that. And so there are a couple of co-ops out there doing it currently, but they will be forced to stop doing it at the end of this year, I believe. But this is a good policy, the way I look at it, because a lot of these co-ops now are getting large enough, I would say the average age of their employees is a lot lower than what the average age of a bunch of farmers is. So it-- it really spreads out the risk and it lowers the cost overall by being able to pool into these health insurance plans. So I do support the amendment and I support the bill. And I thank Senator Lindstrom for bringing this bill. Thank you, Madam Chair.

**SLAMA:** Thank you, Senator Friesen. Senator La Grone, you're recognized.

**La GRONE:** Thank you, Madam President. So I was the lone no vote out of committee on this, and that's because I had some solvency concerns. But I completely agree with everything Senator Friesen just said about the issue of ensuring that self-employed folks have affordable health insurance. As a self-employed individual, it's something I deal with a lot, but I think AM2449 addresses those concerns. So with the amendment, I'll be able to support the bill. But I would like to walk through that amendment with Senator Lindstrom just so we get some of that on the record if Senator Lindstrom would yield to a question.

**SLAMA:** Senator Lindstrom, do you yield?

**LINDSTROM:** Yes, I will.

**La GRONE:** So to start off, Senator Lindstrom, can you just give us a really broad overview of what the-- the amendment does? Then I want to-- after that I'll want to delve into the solvency aspect.

**LINDSTROM:** Yeah, the two main components to your point deal with the solvency issue. The original bill had a floor of \$500,000 and a cap of \$2 million. Based on the-- based on the testimony that we heard from Medica and a few other folks in there, Mr. Bell, we looked at what South Dakota has-- has just done and raised the \$500,000 to \$750,000. And then we're giving the discretion to Director Ramge and his group to make sure that any MEWA group that comes in, they can set whatever

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parameters they want on the-- on the high end or upper side-- upper side of that number, so we lifted the cap. Actually, it was part of your suggestion as well, and so we took that, met with the groups, addressed it, and everybody signed off on it.

**La GRONE:** So we-- so what we did is we increased the floor and then we took the cap off and left it at the discretion of the department. Is that correct?

**LINDSTROM:** Correct.

**La GRONE:** Thank you, Senator Lindstrom. And colleagues, I just want to point out why I think that's really important is these MEWAs, while they can be really great tools to allow folks to have access to insurance that wouldn't otherwise have access to it, since they don't participate in the same reinsurance aspects that your traditional type plan-- excuse me, the same guaranty fund aspects that your same-- that your traditional healthcare plan might participate in, there are some solvency concerns. And I think AM2449 is a great way to address those and ensures that they have adequate safe harbor provisions and ensures that the Department of Insurance is the one making the determination about exactly what that level should be to ensure that these entities are solvent, because the nightmare scenario would obviously be if one of them became insolvent and then folks that thought they had health insurance suddenly didn't. I think with AM2449, that isn't a concern because our Department of Insurance does a great job in ensuring the solvency of the institutions that it regulates. And with that, I would yield the remainder of my time to Senator Lindstrom.

**SLAMA:** Senator Lindstrom, you're yielded 2:08.

**LINDSTROM:** Thank you, Madam Chair. Thank you, Senator La Grone, not only for the time, but the suggestion to make this bill better. Again, this an important tool for our ag producers across the state and appreciate everybody coming together in my office to address the concerns to make this bill better. This could potentially affect 23,000 lives in a positive way. And so I would encourage your support on both the amendment on-- and LB1014. Thank you.

**SLAMA:** Thank you, Senators Lindstrom and La Grone. Senator Dorn, you're recognized.

**DORN:** Thank you, Madam Speaker. Just wanted to get up and talk just a little bit. I wanted to thank Senator Lindstrom for bringing this bill

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and having the opportunity to make it my personal priority bill. Also all of the people involved, Senator Kolterman, Williams, and La Grone, that helped address and helped form the amendments so that some of the issues that as this bill came out, there were questions about some of the dollar amounts and those things in there and how they work together to get that done. I would encourage a green vote on both the amendment and the bill itself. Thank you.

**SLAMA:** Thank you, Senator Dorn. Senator Lowe, you're recognized.

**LOWE:** Thank you, Madam Chair. I stand here in support of LB1014, and I'd like to yield my time to Senator La Grone if you'd like to have it.

**SLAMA:** Senator La Grone, you're yielded 4:42.

**La GRONE:** Thank you. Thank you, Senator Lowe, for that time. I just want to reiterate what everyone has said, how this is great that we're able to solve this problem. But I think that Senator Kolterman's really the expert on insurance and on folks and different kind of entities that we use, so I was wondering if Senator Kolterman might yield to a question or two?

**SLAMA:** Senator Kolterman, do you yield?

**KOLTERMAN:** Yes, I will.

**La GRONE:** Thank you, Senator Kolterman. I was just wondering if you could just give a really brief overview about how a MEWA differs from a traditional insurance plan?

**KOLTERMAN:** Well, a MEWA is a multiple employer plan. And so what-- what they've done here is they've made-- they've made individual farmers employers, and it allowed-- it opened up a statute in the law that allowed them to negotiate for insurance through a MEWA. Now MEWAs can take various stages. So as an example, some of the larger organizations in the state have MEWAs, but they're fully insured. In this particular case, this MEWA is self-insured and it's got the backing of Land O'Lakes. Now, not every MEWA is gonna have the backing of a multi-billion dollar company. So one of our concerns has been how do we-- we're not worried about Land O'Lakes in the future of this plan, but what happens if somebody smaller comes in and wants to do a MEWA? That's why we needed to have the things in place to allow for the Department of Insurance to regulate each and every one on an

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individual basis with certain parameters to keep bad actors out of the industry, out of the-- out of the playing field. We feel very comfortable with what we've done here has allowed Senator-- or Director Rame and his staff the ability to regulate this in a fair way. It's put in some minimums. It's got-- there's no maximums that they can request. And at the same time, it protects the consumer. We've seen companies go broke. This-- this particular plan is not protected by the guaranty fund. But again, we've got a \$17 or \$18 billion company backing it up. So we feel okay with this one. But again, we wanted that flexibility to allow the Department of Insurance to regulate it the way they saw fit.

**La GRONE:** Thank you for that explanation, Senator Kolterman. And thank you for all the work that you've done on this bill. I think we-- like everyone has said that it would took a bill that initially had some concerns, and really made it into something that's gonna help a lot of people. So I appreciate everyone's work on this and would encourage your green vote on both AM2449 and LB1014 after the amendment is adopted. Thank you, Madam President.

**SLAMA:** Thank you, Senators La Grone, Lowe, and Kolterman. Seeing no one else wishing to speak, Senator Lindstrom, you are recognized to close on your amendment.

**LINDSTROM:** Thank you, Madam President and members. Again, I appreciate the conversation dialog this morning and again would like to thank all parties involved to make this with the amendment an even better bill. So I encourage your vote and especially to Senator Dorn for making this his personal priority. So thank you, Senator. With that, I encourage your green vote. Thank you, Madam President.

**SLAMA:** Thank you, Senator Lindstrom. The question-- question is shall the amendment to LB1014 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk.

**CLERK:** 41 ayes, 0 nays, Madam President, on the adoption of the amendment.

**SLAMA:** The amendment is adopted. Discussion is open on the advancement of LB1014 to E&R Initial. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Madam President. I just wanted to make a couple comments. I've been an insurance agent for the last 40 years in my small town and I've had insurance on a number of farmers over that

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period of time. But just a few years ago, just shortly after the Affordable Care Act was implemented, Blue Cross Blue Shield of Nebraska quit offering individual policies and many of my farmers that-- self-employed individuals had to find coverage somewhere else. And the selection is down to one insurance company in the state of Nebraska now. And this-- I wanted to support LB1014 because this will give individuals, self-employed people in my area all over Nebraska another option to pick a health insurance plan in there-- it's very important for them to have health insurance. If they end up getting sick without it, they could lose everything. And I'm glad to see that this is gonna give them an option. Besides just basically some of them just have one choice at the current time. And I thank you, Senator Lindstrom, for bringing this. And I support LB1014. Thank you, Madam President.

**SLAMA:** Thank you, Senator Clements. Seeing no one else wishing to speak, Senator Lindstrom, you are recognized to close on the advancement of LB1014.

**LINDSTROM:** Thank you, Madam President. Thank a lot of senators here on the floor today, but the one person I'd like to thank that maybe doesn't get enough of the shout-out is Bill Marienau, the counsel for the Banking, Commerce and Insurance Committee. He does a lot of work to help us get a lot of these things done and appreciate his efforts and thank you. And I again appreciate the green vote on LB1019-- LB1014. And with that, have a great weekend. We'll see you on Monday. Thank you, Madam President.

**SLAMA:** Thank you, Senator Lindstrom. The question is the advancement of LB1014 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays on the advancement of LB1014.

**SLAMA:** LB1014 advances. Mr. Clerk for items.

**CLERK:** Madam President, LB1016 and LB997 are reported to Select File with Enrollment and Review amendments attached. I have amendments to be printed: Senator Wayne to LB424; Senator Matt Hansen, LB962; Senator Vargas, LB283. Priority bill designations: Senator Hughes, LB931; Senator-- or Natural Resources Committee, excuse me, LB632; Senator Groene, LB1021; Senator Wayne, LB1218; Senator Vargas, LB1155; Judiciary Committee, LB1004 and LB1062; Senator Vargas, LB1089;

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Senator Ben Hansen, LB1203; Senator Scheer, LB1106. Mr. President, excuse me, Madam President, name adds: Senators Gragert to LB752; Senator Wayne, LB770, LB876, LB8-- LB984, and LB1003; Senator Matt Hansen, LB866, LB997; Senator Hilgers, LB1046. Announcements: The Government Committee will have an Executive Session following their hearing today, Government, following their hearing; Senator Groene is moving his meeting time for next Tuesday from 1:30 to 1:00, that's Tuesday, February 25; the Agriculture Committee will have an Executive Session today in Room 1524, Agriculture Committee today in 1524. And Miss-- Madam President, Senator Halloran would move to adjourn the body until Monday, February 24, at 9:00 a.m.

**SLAMA:** Colleagues, you've all heard the motion. All those in favor say aye. All those opposed say nay. The Legislature is adjourned.