

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FOLEY:** Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the thirty-third day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Jason Dowell of the Freedom Baptist Church in Stamford, Nebraska, Senator Hughes's district. Please rise.

**PASTOR DOWELL:** Let us pray. Our precious Heavenly Father, we do thank you for allowing us to be here this morning. Lord, it is by your providential hand, Lord, that we're here today. You knew who would be here this morning. You're the one who gives us breath and gives us laugh. And Father, we thank you for that. Thank you, Lord for most of all your love towards mankind. And Father, we thank you, Lord, for loving us when we were unlovable. Father, I thank you for bringing my family to the state of Nebraska some 11 years ago. And Father, I thank you, Lord, for allowing us to be here and amongst these people and it become our home. Father, I thank you, Lord, for all of your providential hand in my life. Father, I thank you for bringing me to a place showing me I was lost and needed a savior. Father, I thank you, Lord, for calling me to preach the glorious gospel of Christ. Father, I thank you, Lord, for laying on my heart in 2014 to start the Freedom Baptist Church there in Stamford, Nebraska. Lord, I could do nothing apart from you and, Lord, all is vain and vanity apart from you. Lord, I thank you for all that you have done. Father, I thank you for what you're doing now. And Lord, I thank you for what you will do in the future. Father, I pray for these that are amongst us today. Father, I pray, Lord, that your hand, Lord, would guide them and, and direct them through the word of God. Father, again, we thank you for our great nation. Many today call it Super Tuesday. And Lord, every day is a super day because you allow us to live and you give us breath and you give us life and you are the giver of life. And Father, I pray Lord, that you will help us always stand for life and liberty and justice for all. Father, we do thank you again for Senator Hughes and his service. Lord, we thank you, Lord, for all of the senators and their service to the people. And Father, again, we thank you, Lord, for this great nation. And Lord, as I think and as I read through the word of God, I think about one man by the name of Apostle Paul, who gave his life on Nero's chopping block as his head severed from his body. He gave his life for a cause of freedom and liberty. And Father, we just thank you for all of the men who have given their life down through time. Father, I pray, Lord, that you help us to give our life

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

and give our breath for the one that gives it to us. And Father, we ask all these things in Jesus most precious name. Amen.

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

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

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

**CLERK:** I have no corrections.

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

**CLERK:** Mr. President, at this time I have neither messages, reports, nor announcements to report.

**FOLEY:** Senator Albrecht would like to recognize Dr. David Hoelting of Pender, Nebraska, who is serving today as family physician of the day. Dr. Hoelting is with us under the north balcony. Doctor, would you please rise? We'd like to welcome you to the Nebraska Legislature and thank you for being here. Now proceeding to the first item on the agenda, General File 2020, Committee Priority Bill. Mr. Clerk.

**CLERK:** Mr. President, LB1131 was originally introduced by Senator Groene. It's a bill for an act relating to education; it amends numerous sections; it changes tax levy notice provisions; eliminates obsolete provisions; updates terminology; redefines terms and eliminates obsolete provisions of the Tax Equity and Educational Opportunities Support Act; changes provisions relating to distribution of school funds from school lands; changes diversity plan requirements; changes reporting deadlines; changes requirements under the Nebraska Reading Improvement Program [SIC]; and repeals the original sections. The bill was introduced on January 22 of this year, referred to the Education Committee, advanced to General File. There are committee amendments pending, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Groene, you're recognized to open on LB1131.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**GROENE:** Thank you, Mr. President. LB1131 is a technical bill introduced to update statutes primarily due to outdated language. It incorporates changes brought to us from the-- to the committee, attention from both the Nebraska Department of Education and the Coordinating Commission for Postsecondary Education, as well as updates identified by the committee. It updates references to regional accredited postsecondary institutions to simply accredited in order to reflect changes made by the U.S. Department of Education. It provides for a flat fee of \$35 to be paid to a provider, physician, psychologist, chiropractor, dentist, hospital, clinic, or any other licensed healthcare provider of electronic records, in addition to paper records needed by the Nebraska Department of Education's Office of Disability Determinations. It specifies the, the 50 cent per-page fee is only for paper copies, not electronic records. It harmonizes language related to property tax requests because total budgeted operating expenditures sometimes decrease at some districts. However, current statutory language only references how much total budgeted operating expenditures will exceed the prior year's budget. It removes provisions related to income for solar or wind agreements on school lands used to fund a sunseting NDE grant program for effective educators. That has been replaced, a similar program by the, the lottery bill that we will hear later. Beginning in February 2021, the income from such solar and wind agreements will be distributed to all school districts as part of the apportionment of the temporary school fund. It provides similar procedures for adjustment for evaluation of education service units due to annexations as currently existed-- exists for adjustments of valuation of school districts due to annexation. When property is transferred, half the valuations are certified. ESU taxing ability and core services aid amounts do not accurately reflect current valuations. This change corrects the difference. It clarifies terminology related to the distribution of funds to ESUs and the ESU's Coordinating Council for core services and technology infrastructure as well as shifts payment dates to the last business days of the month instead of first business day to be consistent with TEEOSA payments. It changes the dates for two reports to be filed with the Legislature by the learning community from January 1 to February 1 of each year and eliminates language no longer needed in statute. It amends the Nebraska Reading Improvement Act to clarify dates, harmonize and correct statutory language. It strikes language no longer needed due to enactment of LB377 in 2018, which eliminated three school classifications. It makes several nonsubstantive changes to the statutes related to education. It cleans

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

up language to conform to current law. For example, "high school district" is changed to "school district" because all school districts now have high schools. This is an Education Committee priority bill and advanced by the committee 8-0. There were no opponents, no neutral testimony. Likewise, there were no opponents or neutral letters for the record. Thank you for your time and I ask for the advancement of LB1131. Thank you, Mr. President.

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

**GROENE:** Thank you, Mr. President, members of the Legislature. This amendment adds three separate bills to LB1131: LB640, introduced by Senator Howard, defining multicultural studies to include the study of Holocaust and other acts of genocide; LB1076, introduced by Senator Bolz, relates to the Community College Gap Assistance Program to include other eligible institutions, including Nebraska's four tribal colleges. Other eligible institutions means an accredited college, which is further specified for purposes of this act as a not-for-profit, two-year postsecondary institution with a physical presence in Nebraska. LB950, introduced by Senator Murman, relates to the eligibility provisions for the Access College Early Scholarship Program. It allows the Commissioner of Education to verify an applicant's eligibility upon request of CCPE Coordinating Commission, while retaining all of the existing, existing eligibility criteria in statute. The Education Committee voted unanimously to include each of these bills in LB1131. I'm sure the three senators who-- bills we have amended into, into LB1131 will further clarify the intent of their bills so I wait for them to comment. Thank you for your time and I ask for the adoption of AM2456. Thank you, Mr. President.

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

**CLERK:** Mr. President, I now have amendments to the committee amendments. The first, Senator Crawford, AM2638.

**FOLEY:** Senator Crawford, you're recognized to open on AM2638.

**CRAWFORD:** Thank you, Mr. President. And good morning, colleagues. AM2638 is a friendly amendment to the committee amendment on LB1131 that adds provisions of LB1001. And I just distributed a copy of the committee statement for LB1001 to your desk so that you can see that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

committee statement and note that it was passed out of the committee unanimously. I want to thank Senator Groene for inviting me to use this bill as an avenue for getting this bill to the floor that passed unanimously out of his committee. I also want to thank Senator Lowe, who is a cosponsor of the bill. And I also want to thank, Senator McCollister, who, who convened a meeting of suicide prevention advocates and senators over the interim and have-- had conversations about what we can do about the alarming increase of suicide rates in our state. And this bill was one fruit of that conversation. LB1001 is a bill about youth suicide prevention. It would require all public middle schools, high schools, and postsecondary institutions to print a suicide prevention hotline or crisis line on all new student IDs. It came out of the Education Committee with unanimous support and there were no opponents at the hearing. The bill was supported by several mental health and suicide prevention advocacy groups. And we also heard from a 13-year-old young man at the hearing who compellingly spoke about his experience losing a friend to suicide and his own subsequent struggles with mental health and suicidal thoughts. The young man expressed how having a suicide prevention lifeline on the student ID would make a world of difference for a student in crisis who may not have the strength and motivation to seek help. He said that having the number printed right there on the ID that students are required to carry could put lifesaving resources at their fingertips and remind them that help is just a call away. So colleagues, I appreciate your attention this morning and would ask for your support for AM2638. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Crawford. Debate is now open on LB1131 and the pending amendments. Senator Howard.

**HOWARD:** Good morning, Mr. President. Good morning, members. Today, I rise in support of LB1131, the Education omnibus bill, as amended by AM2456. The part of the amendment that I'm speaking to today is on page 57, which is language from a bill I introduced last year, LB640. This language adds to our multicultural statutes and says that this education shall include studies related to the Holocaust and other acts of genocide. When the vote was taken in the Education Committee to include LB640 in LB1131, the vote was unanimous. And there are a myriad of reasons why this language is important. A poll found that two-thirds of young American adults could not identify what Auschwitz is. The Holocaust is a vital part of world history that demonstrates the dangers of prejudice, discrimination, and dehumanization that is fueled by racism and intolerance. It is especially important to teach

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

our young people now as there are very few left who survived World War II, not only those who were held in concentration camps, but the brave soldiers who fought to free them that are, that are still with us today. Also, understanding about these world events can inform broader understandings of mass violence globally, as well as highlight the value of promoting human rights, ethics, and civic engagement that bolsters human solidarity. This is a powerful tool to engage learners on discussions pertaining to the emergence and the promotion of human rights, on the nature and dynamics of atrocity crimes and how they can be prevented, as well as on how to deal with traumatic past through education. It's my hope that by educating our youth about the past, we can prevent these events from happening in the future. I would urge your green vote on-- well, all the way through AM2638, AM2456, and LB1131 today. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Howard. Senator Chambers.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, I'm going to support all of these amendments and I'll support the bill, that is my tentative position. Because there is a provision that Senator Howard just mentioned that would relate specifically to the Holocaust, I'm going to offer an amendment that would include slavery, lynching, and racial massacres in America. It's fine to talk about what happened in-- around, around the rest of the world, but there are so many things not known about American history that if we're going to start bringing in these types of horrendous crimes against humanity, we should not forget the crimes against black humanity that took place in America. I came down here yesterday, I did a lot of work, I put some documents in your boxes yesterday. You probably have not seen them, but I put them there rather than hand them out on the floor this morning because I thought there might be somebody who would come early or come yesterday as I had done. I'm going to go through my amendment when I get to it. And if mine is not accepted, I don't think the bill ought to be accepted if it contains that requirement to teach about the Holocaust. I am not a Holocaust denier. In the past, I've brought bills, not bills, but amendments, not amendments, but resolutions when something was going to be done by a leader of this country that would demean what had happened to Jewish people in Nazi Germany. There was one particular item that dealt with Ronald Reagan going to Bitburg Cemetery in Germany to lay wreaths. Well, that's the cemetery where members of the Waffen SS are buried and I deemed it to be inappropriate for him to do that. But it wasn't just me. There were columnists, commentators, editorialists all over the country who took

the same position. Reagan went anyway. In that resolution, I outlined, in a thumbnail sketch kind of fashion, the things that the Jewish people had gone through during that period, the different methodologies that were used to destroy them. At first, they would be lined up and shot in the back of the head. Some of the SS troops, when they did that, couldn't deal with it. They said they were in the military to fight armed insurgents or combatants, but not unyielding people with their hands tied behind their backs and they would be pushed into mass graves. Not everybody died from those gunshots, but obviously they would die when the bulldozers covered them with the earth. They decided they'd have to try to find a way that would separate the killing of these people from the ones who would do it. So they got vans, hermetically sealed the backs of them, something like Humane Society trucks when they're going to kill animals, and they would pipe the exhaust fumes into the back compartment. By the time they drove around a while and got to where they were going to incinerate these corpses, most of the people had died. As usually happened, not everybody succumbed. When people were dying in this fashion, if they had urine in their bladder--

**FOLEY:** One minute.

**CHAMBERS:** --it was released. If they had feces, wherever they reside, they were released. So not only when they opened these doors did they see piles of people trying-- who had tried to get out, but the odors that were there, the horrendous images, and it was felt that this was too horrendous a sight for the tender sensibilities of the Nazis who had to handle these corpses, so then they came up with an ingenious idea. And I'll stop at this point and see if I'll be recognized again. Thank you, Mr. President.

**FOLEY:** You may continue, Senator Chambers.

**CHAMBERS:** Thank you, Mr. President. There was an IG Farben chemical company and they produced a gas, Zyklon B, and it was determined that if they would put people into a huge gas chamber and let this gas come in, they could kill a lot of people at one time, and the only thing that had to be done was to remove the corpses. And in the efficient manner of the Nazis, they had Jewish people who were in these camps remove the bodies, take them to the place where they'd be buried, and in a sense, although unwillingly, participate in this horrendous activity. But I suppose some of the Jews who did participate in the burials felt that this would be a way to try to show a last ounce of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

regard for these people who had been killed in this way. In order to fool the Jews and make them cooperate when they arrived at the camp, Treblinka II was where a large number of these killings occurred. There were death camps scattered around Poland. Treblinka was the main one. Auschwitz was the concentration camp. But they had one camp in Treblinka where the people had to cut stones, dig stones, provide materiel for the Nazi regime. In Treblinka II, the killings occurred. And when people came in on the trains, they would be divided. Some would go to the left, some to the right to give the appearance of just an organizational way to handle these large numbers of people. But those who were in the worst line, all of them were going to be killed as soon as possible, but they couldn't do it all at once. They would be told that because they had not bathed and they might have lice, they were all going to take a shower. And before they took a shower, they should take their clothes off. The women would pile their clothes in one location, the men would pile theirs in another. People who had shoes should tie the shoelaces so they could reclaim their shoes. All of it was done, all of it like technicians do this kind of work, then they were herded into this supposed shower. When they were there, the doors were closed and instead of water, down wafted the Zyklon B, the gas that would kill all of them. These were some of the things that I explained to my colleagues to justify my offering the resolution suggesting that President Ronald Reagan not go to the cemetery where these Death Heads troops were buried. He went anyway. And the Legislature, if I recall, did not adopt the resolution. There are many things associated with horrible actions in this world. There are positions legislators will take with reference to some of these if they feel it's proper with quotation marks, meaning that it won't offend their constituents at home who may hate Jews. So when I saw the amendment saying that there should be teaching about the Holocaust, I have no objection to that, the, the words and other Holo-- not Holocaust, but genocides was included. Because when the original bill--

**FOLEY:** One minute.

**CHAMBERS:** --when the original bill, which comprises this amendment was offered, there were people who did not want the term Armenian Genocide included. Because that particular action, although hundreds of people, over a thousand were involved in killings, it had not been officially and formally labeled a genocide. There were people who testified against the bill because of that provision. But when it was determined that such provision was the main bone of contention, that would be

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

removed and you wind up with what we have before us today. Thank you, Mr. President.

**FOLEY:** Senator Chambers, you may continue in your third opportunity.

**CHAMBERS:** Thank you. Mr. President and members of this Legislature, I could tell you all-- and what I'm going to do to try to make you understand what happened to me when I was one of a handful of black youngsters who attended Lothrop Elementary School in Omaha. It was so many years ago and the thing that will let you know that it was a predominantly white school, all the teachers were white, the principal was white, the janitors were white, most of the students were white. And most of those white kids had parents with enough money to buy them milk. In those days, if you brought milk money, there would be a mid-morning milk break for you. And these tiny-- well, not tiny, but small cartons with maybe a cup full of milk coated in plastic or wax-- they were cardboard. They'd give you a straw and you'd drink your milk. If you were absent, the teacher would give that milk to another student. Never was the milk of an absent student given to any of the few black children in any of the classrooms. Since I was the only one in my class, I know that no black child got that milk in my class. Then she read a horrendous story that probably marked me for the rest of my life. It has marked me up to this point in my life. But if I am unfortunate, as a lot of people in this country are, who as we reach our declining years will begin to forget things, begin to forget people, reach a point where they are totally or virtually disconnected from reality. So I have to say, that horrendous story affected me throughout my life up to this point. And should I retain my faculties until the day that the international harvester harvests me, that story is something I will not forget. It was called Little Black Sambo and I'm not going to go into it today. But what I experienced in that classroom, being laughed at and mocked and a white teacher led the onslaught, did something to me which may have turned me into something other than what would happen if it had been somebody else. Instead of making up in my mind that if I grow up and I ever have control of white children, I was going to make them hurt in the way this white woman was making me hurt. This white woman whom my parents taught me to respect because she was a teacher, she would teach me how to be smart and how to learn a lot of things. Well, instead of arriving at that vengeful point, I didn't want any child or anybody to feel the way that I felt no matter what the cause. And when I write or had them put after my name in this roster, defender of the downtrodden, it can be traced all the way back to what was done to me in that classroom on

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

a very hot summer afternoon when white children were allowed to laugh at and mock me and the teacher not only didn't stop them, she was the ringleader. She did the thing that caused them to do this to me so I never was comfortable in the presence of other people's suffering. When I heard what happened to the Jews in Germany, I had to read about it. I've read more books probably than most Jews, know the names of more of the Nazi war criminals--

**FOLEY:** One minute.

**CHAMBERS:** --than maybe most people who studied military history. I read assiduously about Adolf Eichmann, how he escaped from Nazi Germany, how the Israelis found out where he was, went there, drugged him, put him on an airplane as a sick individual and tried him in Jerusalem; read about the trial, the expert defense that was given for such a person when everybody knew what the outcome would be. But the lawyer who defended Eichmann showed what the duty and responsibility of one who takes the oath of being a lawyer and advocate would have to do under the most trying of circumstances. That's just a lead into when we get to my amendment. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Wayne.

**WAYNE:** Thank you, Mr. President. Senator Chambers, I would like to yield him more time.

**FOLEY:** Senator Chambers, 5:00.

**CHAMBERS:** Thank you, Mr. President. Thank you, Senator Wayne. Members of the Legislature, from time to time, I brought up the issues surrounding race, racism, white supremacy, the Ku Klux Klan, all of these manifestations in this country of what would happen to me if they could get away with it, but they did more horrendous things to us than they did to the Jews in Germany. It was not on the organized massive scale, but in Germany, there were people who did not want those things to happen. They shielded Jews, they protected them, they allowed them to stay in their homes, they dressed them in non-Jewish attire. In this country, there were pregnant women who were lynched. They would be struck in the stomach while they're hanging, swinging in the breeze. And these Christians are having their ceremony with their little children and if a fetus fell out and there was any sign of life, they would come and they'd crush it. They would crush it. Sometimes a woman was so far along that before they could actually

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

hang her up-- I don't know whether it was the stress, she would give birth and that child would make noise and these white men would come up with their boots and crush the skull. They would cut the penises off black men while they were still alive. They would cut off their testicles and put them in jars of formaldehyde-- that's what I call it, the preservatives that they had at that time-- and display them on mantle pieces in their homes and businesses. Photographs were taken, numerous postcards were fashioned with these kind of scenes, and they were sent all over the world. These white people were proud of what they had done to people like me. These massacres that occurred in America would usually start with a false allegation against a black man. And since we all look alike, it didn't matter which one they grabbed. I say false because when they would have postmortems not just on the body, but on the activity, they would find out that what was alleged did not happen. As with Will Brown, one person I will discuss who had been lynched in Omaha, they accused him of coming up on this man and this white woman. He took the man's pistol from him, held it on him while he raped the white woman. So he's raping this woman and holding the man at bay with a pistol. Well, the one that they selected and that both of these people identified was Will Brown. He was a laborer who had migrated to Omaha because he had been told that there were jobs. He was in his early 40s, about 42, I believe. At the time they were taking him, there were people who knew him and said he couldn't have done this, he was physically incapable. It was determined from other records they had that he had rheumatism. He had it to such an extent that he was virtually crippled. He would not have had the strength to do anything to anybody. But all the white people wanted was somebody because he was a small piece in a larger chessboard that a fellow who was an underworld boss named Tom Dennison had in mind. Under the guise and the confusion--

**FOLEY:** One minute.

**CHAMBERS:** --of getting rid of this rapist, his thugs set the courthouse afire. And what they did was to go in and get all kind of records, records dealing with real estate, criminal records that Dennison thought should no longer be in existence. And they went right to where these records were because he had people working in the courthouse. They had set these records out where they would not be missed and these records were taken and they were burned. The New York Times and other news media around the country did some investigative reporting. They discovered these things. The World-Herald at that time was better than what a newspaper called the Bee was, B-e-e. This was

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

the one that whipped up the furor that led to the lynching, the murder of Will Brown. They hanged him, they shot him while he was hanging--

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

**CHAMBERS:** --they cut him down. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Crawford, you're recognized to close on AM2638.

**CRAWFORD:** Thank you, Mr. President. Again, AM2638 includes provision-- the provisions of LB1001, which is-- the committee statement is on your desk. It provides for suicide information to be put on all new student IDs in, in, in middle school, high school, and our universities. And I appreciate your support. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Crawford. Members, you heard the debate on AM2638. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 41 ayes, 0 nays on the adoption of the amendment to the committee amendments.

**FOLEY:** AM2638 is adopted. Mr. Clerk.

**CLERK:** Senator Groene would move to amend the committee amendments with AM2671.

**FOLEY:** Senator Groene, you're recognized to open on AM2671.

**CLERK:** Senator, do you want to withdraw this?

**GROENE:** Yes.

**CLERK:** OK.

**GROENE:** It belongs somewhere else.

**CLERK:** All right. Very good.

**FOLEY:** The amendment is withdrawn. Mr. Clerk.

**CLERK:** Then, Mr. President, the next amendment I have to the committee amendments is Senator Chambers' FA104.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FOLEY:** Senator Chambers, you're recognized to open on FA104.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, this amendment would go to the part of the bill that will be amended by Senator Howard's amendment, but hers was added in as a part of the committee amendment. Where you get to the point of saying genocide and other-- the Holocaust and other genocides, I would put Holocaust, other genocides, and then add the words slavery, lynching, racial massacres in America. I handed out this material and I'm going to read the cover sheet because this is what I genuinely believe. I was asking myself, why am I going to all this trouble collecting all of these articles, which in the newspaper are different sizes, different configurations? I cut all of the article and I lined the whole thing up on the floor, then I measure to see how long this totality of the article was, then I divided that number-- that amount by the number of those columns I could get a sheet of-- on a sheet of paper and then I cut the article to fit that sheet of paper. If the article went beyond what would go on an eight by-- eight and a half by eleven sheet of paper, then I would use a page two. But I went through all of these miscellaneous articles; some of them in the original were typed smaller, some larger. I tried to reduce those that were large, blow up those that were small so that they would look consistent. This is the cover sheet: Colleagues, I intend to offer amendatory language to require the inclusion of American slavery, racial massacres in America, and lynching as subjects to be addressed along with the Holocaust as proposed by Senator Howard's amendment. You may ask why I expended so much time and effort preparing three detailed exhibits for distribution this morning? It would be less difficult to answer why an all-knowing deity that created rivers, forests, animals, and air would also create humans who pollute the air and water, destroy forests, and kill off animals for sport and each other in senseless wars. Alexander Pope offered alternative answers regarding why. I will share the exhibits which people likely will discard them-- with people who likely will discard them without reading them. In his essay on man, Alexander Pope wrote these words, "Hope springs eternal in the human breast." I am a human, I hoped that some would read, but in case my original thesis was correct. Pope gave me something in his essay on criticism "For fools rush in where angels fear to tread." I know it's foolish for me to give you all the handouts I give you. I know when you throw them away, you feel that you're fixing me. But I am what I am, that's all that I am, and I have a self-imposed standard of conduct. I do things that I feel ought to be done by somebody in this

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

position, whether you read the information I give you or not. If I have it, I should make it accessible and available to you so that it's at your fingertips in as manageable and a non-- you don't have to do any work-- a nonwork manner as possible. On this first sheet is an article with the headline, Lynching to be federal crime 65 years after Emmett Till was slain. If you all had somebody in your office bring you that hand out, you will see on page two-- because I'm not going to read the whole thing. A page of Emmett Till as a 14-year-old kid and then the monstrosity that these white men turned him in to. A white woman who, when she was 72 years old, admitted that she lied when she said he had groped her or grabbed her or whatever she said. Her husband at that time and his half brother kidnapped this 14-year-old kid down in Mississippi from his grandfather's house. They beat him mercilessly, they shot him through the head, they gouged out his eyes. They took a fan from one of these big cotton gins and wrapped it-- attached it to him by wrapping barbed wire around his neck and putting him-- putting this on him and dropped him in the Tallahatchie River. For some reason, he did not stay submerged; his body rose to the surface. When it was dragged out-- because he had been kidnapped and the grandfather knew that, he figured this must be his grandchild, although he was so bloated, so disfigured, so dehumanized. The only way they could identify him-- identify this grotesquerie as him was a ring that he had on his finger. When he was sent back to Chicago in this condition, his mother insisted on having an open casket. The mortician didn't want that. He said nothing like this would ever be shown. She said, I want the world to see what those people did to my only child. So this grotesque, this monstrosity of what was left of a human being-- and it would be in your mailbox or that box that you have in the mail room. Jet Magazine, a black magazine put out by the Johnson Publishing Company that also published Ebony, took graphic photographs, put them in the magazine, and they were sent all over the world and there was outrage. America was justifiably condemned universally as a vicious, barbaric, monstrous place. Only in America could such a thing be done to a child. And for several days, it may have been five, that coffin lay open and over 100,000 people, not just from Chicago and Illinois from all over, walked past that coffin, looked down at what white America was really about; the land of the free, the home of the brave. And when you look at this atrocity, you will see why I say the words should be the land of the tree and the home of the slave. There are three exhibits that I attached. One goes into detail about the lynching of Will Brown in Omaha. The second deals with a book written by a white man about that lynching. Although

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

it's in the form of a novel, it is historically accurate. The facts are all verifiable. He was a graduate of Creighton, where I graduated from, too. They'll claim him and they should. He went into archives, he read court documents, he talked to everybody that he could, and his novel could be called a historical novel, even though it's written from the standpoint of following three people who came to this country as immigrants. The last one deals with-- well, here's the headline, 99 years after racial massacre, Tulsa to search for the dead. There's a place called Greenwood. It was put together by slaves fleeing from the south and through entrepreneurship, they developed businesses, homes, churches, and had a thriving community. Tulsa had a lot of white people.

**FOLEY:** One minute.

**CHAMBERS:** They became resentful and envious. They hated that something like this happened. So as occurs, a white woman claimed that a black man tried to rape her on an elevator. There was a commission that was put together decades later and they pointed out that perhaps this man did trip and bump into her, but there was nothing like an attempted rape, but that was the excuse. I'll turn on my light, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Blood.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand in favor of FA104, AM2456, and LB1131, the underlying bill. I just briefly want to say that I believe that teaching these topics really does create a safe place for students where they can explore and discuss, challenge and form their own opinions and values. And I believe that this knowledge, combined with a clear understanding of respect and tolerance for difference, can only empower our children to tackle prejudice and make the very most of their lives in this ever-changing world that we live in. So this information will be used far beyond our classrooms. And I truly believe that it is never too late to do the right thing. And I believe that that's what this floor amendment does. With that, I would yield any time I have left to Senator Chambers.

**FOLEY:** Thank you, Senator Blood. Senator Chambers, 4:00.

**CHAMBERS:** Thank you, Senator Blood. Thank you, Mr. President. In this incident for over a day, the white people-- in fact, I'll read the opening paragraph of this article. It was reprinted in the Omaha

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

World-Herald February 16 of this year, headline: 99 years after racial massacre, Tulsa to search for the dead. They reprinted an article from the Los Angeles Times. They marched into the thriving black Tulsa neighborhood on May 31, 1921 with shotguns and Molotov cocktails. Some wore masks, while others proudly showed their white faces. Over the next two days, the mob killed hundreds of African Americans, drove thousands more from homes, and looted businesses before burning them to the ground. The rampage, known as the Tulsa Race Massacre of 1921, is among the worst incidents of racial violence in American history. And for nearly a century, leaders throughout Oklahoma seem determined to ignore it. Now a reckoning is underway. It would take too much time to read the entire article, but it's among those that I distributed. And I know you won't read them. I'm not being cynical, I'm being realistic. What they are looking for now are mass graves. They set the number of black people killed, all ages, both genders, at 300 at minimum. There are four sites where they feel mass graves might be located. There's a type of underground radar that can be used by scientists to detect things under the ground. And they're going to start these excavations in April. There are even white people in Tulsa and throughout Oklahoma who are saying this needs to be done, that they heard about this while they were growing up, and it's one of those things that this town needs to come face to face with. This gap in the history that's taught to the children needs to be filled in factually. And once it had been phased, then there could be some kind of effort to recompense the people whose ancestors had their businesses destroyed, their homes and churches destroyed. As bad as were the Nazis, as bad as was Hitler, America helped to rebuild Europe and even Germany, always charity--

**FOLEY:** One minute.

**CHAMBERS:** --abroad. Did you say time?

**FOLEY:** One minute.

**CHAMBERS:** Thank you. What did the Nazis do? And America wanted to rebuild, this happened in America. And what Americans want to do is bury it, paper it over it-- paper over it and pretend it never happened. We as black people are aware because it was passed down through generations. And America, while professing-- presenting itself as the beacon of freedom, must come to terms with its past that stretched over a century. While saying they will lynch a black man and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

destroy a community because of an accusation of molesting a white woman--

**FOLEY:** Time.

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

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

**GROENE:** Thank you, Mr. President. I stand in opposition of FA104 as an unfriendly amendment and I'll give you my reasoning. I was criticized last year on the pull motion, by Senator Howard even, that we didn't bring her, her LB640 out of committee. And I told her there was reasons why we should not do it and the majority agreed. In her original bill, it said "the Holocaust and other acts of genocide, which may include, but not be limited to, such acts in Armenia, Ukraine, Cambodia, Bosnia, Rwanda and Sudan." Where do you stop with that list? In our heritage, heritage of all of us in the world history, there has been genocide on our families. There has been slavery on our ancestors. Who rowed the Roman boats chained to the oars? It was my ancestors. I told Senator Howard, if you remove that and just concentrated on the evil of genocide, I was fine. But we left Holocaust in, which I regret. Genocide is evil, slavery is evil. Now here we go again with another amendment picking on certain instances in history. Slavery exists today in the world, it exists today in the world. My ancestors were slaves, as I said. Your ancestors were slaves. Slavery is evil. If you want to change the bill to strike Holocaust and say genocide and slavery, I'm all for it. But what about the American Indians here? Were they massacred? What about the settlers that were massacred by the American Indians? What about the rustlers who were lynched? You know, people who were lynched when they came to towns in Nebraska-- in, in the west. To pick certain instances in history does our children a disservice. Slavery is evil, so is genocide. Now if you want to do in the history book, which we do in the, in the civics bill and discuss about the history of America and those instances which they should and do, I'm all for it. But one slavery is not worse than another slavery in the world. One genocide is not worse than another genocide in the world. Genocide happened in every country. The Czars-- whole family, genetics, genocide, was massacred so everyone of their bloodline was gone. The French Revolution, it was done to the French royalty. Genocide happens in this world, it's evil. But if you want to-- I'll bring an amendment that says genocide and slavery, period. It's evil. One instance is not

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

worse than the other. We are doing a disservice to our children to focus on one event in world history and not the rest. So I stand against and I would just assume we pull AM6-- the LB640 out of the bill. And if we want to bring a bill, Senator Chambers, that condemns the evil in the world that man does to man, I'm for you, but not to name specific events because one isn't worse than the other. So I would encourage my colleagues to stand up to a bad bill. You are not racist to do that. You are doing a disservice to your children to worry that you-- somebody might think you're a racist and maybe you are because I don't have a drop of it in my blood. But this is not right. Slavery is evil. Let's not name one, one event that's more evil than another. Thank you.

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

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, Senator Groene once again revealed his ignorance. There is no slavery that he can talk about, where hundreds of thousands of people, even in the millions, were transported across the ocean from where they lived into America as has happened here. Some European countries wanted to abolish that slave trade when they saw how bad it was. So when one of their man of wars approached one of these ships filled with black Africans coming to this country, the white people, Senator Groene's ancestors, threw them into the ocean and animals learn. Sharks began to follow these ships because it was a source of food. He can stand here all he wants to and say every slavery is the same. His color is not what it is because some white racist bastardized his entire people, bastardized them. Presidents rape these black women and these little girls and he wants to say it's something that ought to be condemned in general ways. Well, when you have people like Senator Groene, you need people like me to counteract it. Who is exhibit A of what American slavery did? We did not come to this country by choice, his people did. They did not breed people of his, breed them like cows, pigs, and chickens and then sell their own children like livestock. There are articles if he, in his ignorance, would read, would show the actual handbills, the actual advertisements. They would let these men go and fondle these black women, feel their breasts, penetrate their vaginas. And he said that happened to his people. He is a-- I don't use that kind of language. I'm not going to talk about him here, but what he said is infuriating, infuriating. And this is what white Americans do, they say sweep it under the rug. Well, the Native Americans were slaughtered. I brought bills to deal with the situation confronting Native Americans in this state, did away with

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

the so-called Indian bounty bill, dealt with retrocession, which Senator Groene wouldn't even understand, and other things. He would call Wounded Knee a battle. Wounded Knee was not a battle, it was a massacre. Women and children and others were massacred by the United States Army. So what he wants to say, well, white Americans messed over other people, so we'll just forget it all and we won't do anything about anything. Well, I am bringing something to you which would create a set of circumstances where these children will be exposed to the realities of this country. They will have a better understanding of why things that are happening now are happening. A direct line can be drawn from what happened during slavery to things that happen today. Nobody would look at Senator Groene other than the fact that he's a big, white guy when he walks into a store and be put in fear because he's white. He doesn't face these things and he is so narrow, so bitter that he cannot understand what these things do--

**FOLEY:** One minute.

**CHAMBERS:** --to other people. Now I can find enough justification if I wanted, based on the reason these white people have committed mass murder and do the same thing and point out historically and contemporaneously things that are happening to black people simply because we're black at the hands of religions, the police, the courts, the schools. There are still segregated schools in the city of Omaha. He doesn't know that. When I say he, I mean Senator Groene, and he stands up here and he's going to persuade you all and try to give you an excuse to not do that which ought to be done in an educational setting. If these things are not to be taught about in the classroom, where are they to be taught? Or are you adopting the attitude that if they're not taught about, they will go away? It'll be as though they never happened. Well, they did happen.

**FOLEY:** That's time.

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

**FOLEY:** Thank you, Senator Chambers. Senator Wayne.

**WAYNE:** Thank you, Mr. President. Thank you, colleagues. Has anybody actually read the bill? And the area that we're talking about is on page 57, statute 79-719-- 79-719. And if you read that section, it causes concern. And I'm talking about current law and then I'll tell you why the amendment makes it worse. Current law says for the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

purposes of 79-719 to 79-723, multicultural education includes but not limited to studies relative to-- and it says cultural history and contributions of African Americans, Hispanic Americans, Native Americans, and Asian Americans. That is the current law. Now think about that, colleagues, we're only going to talk about-- we're only demanding that is-- what's being taught to our students is the positive influences of those subcultures. That's the current law; the contributions, the positive things. While I appreciate the positive things, I don't think we should ignore the reality of the negative things that happen to those same subset of, of races. So then we add and to the Holocaust and other acts of genocides. What I find interesting about the amendment and particularly the section we're adding to is the multicultural education and the subset of races that are listed-- or ethnic groups that are listed are all American, but then we add the Holocaust and then other genocides. So what I gather when you read the plain meaning of the statute is we're only going to talk about the positive things that minorities have done in America. And we'll talk about the Holocaust that happened mainly over in Europe, but worldwide in some places, and that's it. So when I first read this, I said I have some concerns last week. I, I don't like the current law. And what I see Senator Chambers trying to do is saying the current law isn't the best. But rather than fight this for three hours, six hours, eight hours, twelve hours, I'm going to offer an amendment and I'm going to offer an amendment in the spirit of compromise, which for the most times that I've been down here for four years, I don't see Senator Chambers do that very often. And he says, well, why don't we just include a couple other things to make this section a little better, but this section is flawed. The fact of the matter is, is once slavery was over with, we still had another 100 years of Jim Crow, and the fact of the matter is, is that caused just as much problems as slavery did. The reality is, is during slavery, African Americans owned 1 percent of real property. Fast forward 450 years later to today, African Americans across America own 1 percent of property. That number has not changed. The fact of the matter is that we were given our freedom, we were given our freedom to struggle and, and, and basically be discriminated against and not participate in a capitalistic system. And if you don't know anything about that, I would tell you to look up to all my bankers, the Freedman Banks, I would tell you to read the color of money and learn about the banking institution from slavery until today and the discriminatory practices. And we don't have to look no farther than Nebraska. Wells Fargo was cited with a huge, huge fine for discriminatory practice less than ten

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

years ago, less than five years ago. So there are lingering effects that happen. And when I read the section of law, I have issues with the current section of law, but I'm willing to support Senator Chambers' motion to keep this bill moving forward. And then maybe over from, from General File to Select--

**FOLEY:** One minute.

**WAYNE:** --we can make it even, even better. But if we don't allow this amendment to move forward, then this entire section has to come out or we're going to spend a long time on it because at the end of the day, you can't just tell me the only thing we have to teach, because words do matter, is the positive contributions or the contributions that these ethnic groups and subgroups provided to America. And the only negative thing we're going to talk about is what happened mainly in other countries to a subset or ethnic group. There is a fundamental issue with the bill when it's going to come to this section. And part of it's not Senator Groene's fault, it's the underlining law that's part of the problem. But I see Senator Chambers giving an effort here to say, let's move the bill forward, we can work on it a little bit more. And I think to discount that does a disservice to what the reality of the issue is with this section of law. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Senator Gragert would like us to recognize some guests today. We have with us 30 high school students from the Hartington-Newcastle schools up in Hartington, Nebraska. Those students in the north balcony, if you could please rise? We'd like to welcome you all to the Nebraska Legislature. Continuing discussion, Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. Good morning, Nebraska. I appreciate the conversation that's going on about this, this topic in the bill. I'm supportive of recognizing the Holocaust in statute when we're talking about multicultural education. And I also support Senator Chambers' floor amendment to include slavery, lynching, and racial massacres in America. But this morning, I wanted to talk about a, a slightly different topic. In our country, the number of deaths due to the Coronavirus, COVID-19, has risen to six and the number of identified cases in the U.S. has climbed to 100. Globally, we've lost over 3,000 lives to this virus. The virus is admitted from an infected person over a short distance, such as when a person coughs or sneezes. The virus can also transmit through surface contact. So when someone

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

sneezes or coughs without washing their hands, they may spread the virus by touching surfaces that will then likely be touched by someone else. With a virus as transmissible and dangerous as COVID-19, it's important that those who may be affected avoid coming into contact with others as to not spread the disease. Yesterday, Governor Ricketts encouraged Nebraskans to stay home if they're sick so they don't infect others, but I would like to address why that is not realistic. According to research from the First National Bank of Omaha, most Americans and Nebraskans live paycheck to paycheck. Most people can't afford to take a day off work. Why? Because most working people aren't allowed to take a sick day off work. Every day, Americans go to work feeling ill because that's what we've been taught to do. Miss a day off sick, you better be in tomorrow. We're conditioned to power through, to take some vitamin C, or a pill and get back out there. And it's about being tough and working hard in this country and in-- politicians in Nebraska have been really unwilling to push back against that status quo in the interest of public health. But now that we're facing one of the most transmissible pandemics we've seen in our lifetimes, we lack the cultural norms, the social infrastructure, and the public policy to fight back against this outbreak. We do have hope in Nebraska. We have Senator Crawford's LB305, which would guarantee five days of paid leave per year for employees who work for firms with four or more employees, even though that was the first time paid leave has ever been discussed, discussed on the floor of the Legislature. In the whole time we've been here, we've never had a paid leave bill on the floor before, so that was historic. But it was handily defeated, of course, by an opponent filibuster who didn't take the problem seriously. We also, of course, have Medicaid expansion, which if it had been implemented as it was supposed to be, it would give us a head start on mitigation and treatment for this virus. Instead, we still have thousands of Nebraskans in the Medicaid gap who we know are unlikely to seek care if they are experiencing symptoms because of the cost of the care. Two Americans were held in mandatory hospital isolation in San Diego for suspected Coronavirus and they now face \$2,700 in outstanding medical bills. This public health crisis is demanding that people take care of themselves in ways they can't afford. We also have LB815 from Senator Morfeld to prohibit the proposed Medicaid expansion waiver program that includes numerous barriers, including tiered benefits, work requirements, and a waiver of retroactive eligibility, which would block care from so many Nebraskans who as a consequence may carry and spread this virus. As a body, this legislation is something that we could move to protect

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

public health. America is one of the few developed nations that does not guarantee paid sick leave by law. For millions of low-paid workers, the rule is simple; if you don't show up for work, you will lose a day's pay. Even worse, for nearly a quarter of U.S. adults, they've been fired or threatened with termination for taking time off to care for themselves. So we don't want people to spread a virus that's killed over 3,000 folks globally, but our current system is a barrier to taking those precautionary measures. When most Americans are sick, they work because it's the only choice they have. I don't think any of us realize how many service industry workers are going to continue to work, cooking and serving your food, cleaning your house, selling your respirators, working in stores while having flu-like symptoms because they don't have paid sick days.

**FOLEY:** One minute.

**HUNT:** As journalist Lauren Hough put it, Coronavirus makes clear what has been true all along, your health is as safe as that of the worst insured, worst cared for person in your society. It will be decided by the height of the floor, not the ceiling. Colleagues, your health is not private. It's not an individual matter for you to worry about. It doesn't matter how good your insurance is, how talented your doctor is, how quickly you can get an appointment. If you are around people who don't have access to care, who cannot take time off work, none of that will protect you. And I urge us to get together and talk about what we can do in the Legislature to prepare for this public health crisis because it's knocking on our door. So while we work to do something in here to help you Nebraska, don't touch your face, wash your hands, and try to take care of yourself. Thank you.

**FOLEY:** Thank you, Senator Hunt. We'll pause the debate for a moment for items for the record. Mr. Clerk.

**CLERK:** Thank you, Mr. President. Health and Human Services, two separate confirmation reports. Those will be laid over. Health Committee reports LB1124 to General File; LB1185, General File with amendments. General Affairs, LB1056, General File with amendments. Senator Howard offers LR329; Senator Hilkemann, LR330. Those will be laid over. And a new A bill, LB780A by Senator Stinner. It appropriates funds to implement LB780. That's all that I have, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FOLEY:** Thank you, Mr. Clerk. Continuing discussion on the bill. Senator Chambers. This is your third opportunity, Senator.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, had I developed into the type of person I would be were I white and subjected to abuse at the hands of black people, the way I was subjected to abuse at the hands of white people, I'd be like Timothy McVeigh, who blew up that courthouse, that federal building. You see the number of white people who are committing mass murder in this country, but I didn't do that. Instead of finding Senator Groene's children, if he had any, and beating the slop out of them, I learned white people's language, I studied their history, their books, and was invited by schools around this state to talk to their white students. One group wanted me to give their graduation speech because they could not think of anybody they would rather than me and they selected me because of what they heard me say on the floor of the Legislature. I doubt that anybody would invite Senator Groene to give a graduation speech based on what he says on the floor of the Legislature. This morning, I'm trying to reason with you. This legislative assembly is representative and is representative currently only in the sense of people being voted on by various districts and the people in those districts can send whom they please to represent them. But when you come from a district such as I do or Senator Wayne to a lesser extent, you're dealing in a hostile environment every day. You're being asked to forget all the horrendous things that the ancestors of these people who we call our colleagues did to our ancestors who were owned as slaves, who were raped, who had their cities, when they built them, burned to the ground, their property destroyed and stolen, any money they had in banks confiscated and given over to white people. And we had to come here in this environment. You saw some of it reflected in what Senator Groene said. This morning, I'm trying to reason with you. I could take a different approach very easily. I probably could have enough anger to split this thing that I'm holding in my hand with a judo chop. And this is very strongly and substantially built and maybe all I'll succeed in doing is shattering every bone in my hand, but I cannot tell you there were not times that I felt like risking that based on what I hear going on on this floor. I handed you the information. You can lead a horse to water, goes the saying, but you can't make him drink. You can lead a fool to school, but you can't make him think. I'm trying to appeal to that part of your brain, which is still operational, which I hope still can be appealed to. Slavery is something that affected this country for more years than it has

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

been supposedly free. Senator Groene didn't know that. He didn't know that John Hancock, who signed the Declaration of Independence larger than anybody else, was a slave smuggler. He didn't know Thomas Jefferson took his 14-year-old young black mistress with him when he went as a representative of America to France. You all didn't know that. You didn't know that he had as many children on his plantation--

**FOLEY:** One minute.

**CHAMBERS:** --by black women-- more, in fact, than he had by his white wife. And when a guy from England came, he said the only difference is that some look like-- if you want the example, he said, put some toast in the oven, some comes out darker than others. But other than that, they all look just alike, which indicates they have a common origin. That's what Senator Groene wants to pretend didn't happen. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. That was your third opportunity, Senator. Senator Groene, you're recognized.

**GROENE:** Thank you. A little calmer voice here. If we're going to teach our children the way it should, the way it should be taught of the evils of genocide and slavery, slavery that was done to man no matter what color your skin in the history of mankind-- it has happened. And yes, my ancestors were slaves to the Romans and to the English, my Irish McNally side. Yes, they were Senator Chambers, they were. When my gran-- great grandfather got off the boat at 14 years of age, the Union Army was there and put his Irish butt into the Army. He fought for freedom. At the age of 18, he survived and he came to Nebraska. To use the word white over and over again is racist. There were people who were white, who were racist, who owned slaves. My ancestors never did. To include the entire group of different nationalities into one group as evil is just as wrong and biased as the claim every man who is black has the same traits. That is what we got to stop in this country. It isn't white and black and Asian, it's America. We need to teach all children, no matter their heritage, that genocide and, and slavery is wrong, all children. Senator Chambers, I have a question for you.

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

**CHAMBERS:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**GROENE:** The original language of this bill isn't-- wasn't that your, your bill back in the 1990s?

**CHAMBERS:** Yes, it was a small step and it was not what I wanted. It was all that I could get at the time.

**GROENE:** Thank you.

**CHAMBERS:** There was nothing in the curriculum--

**GROENE:** Thank you.

**CHAMBERS:** --anywhere in this state. Let me ask the question--

**GROENE:** That was good, thank you. But I--

**CHAMBERS:** I will not answer any of your questions.

**GROENE:** But as to Senator Wayne's comment, the culture, history, and contribution of African American-- wasn't slavery part of the history that's-- that, that needs to be taught, colleagues? And it is taught in our schools. It is taught. What happened to them? History doesn't say anything positive; "the culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, and Asian Americans." Excuse me, but when the Asian Americans were building from the west, the Union Pacific, the Irish Americans were building from the east. Why-- should we add Irish Americans in here? Should we? How far you want to go down this trail? Let's take a few back-- steps back and say we're all human beings, we're all Americans, genocide is bad, slavery is bad no matter who it is done to. This just divides us. I'm bringing a floor amendment because Senator Howard said she would if it was divisive by putting it in a cleanup bill to remove, remove LB640 out of the bill. And Senator Wayne or somebody wants to bring a bill to the Education Committee to change the civic standards where this is taught, where it belongs, I'll gladly entertain it, that is if I'm Chairman again. But that's where it belongs. It don't belong in here, neither does Holocaust. But I would also entertain, if Senator Chambers would work with me, we'd change the language to just say genocide and slavery because that doesn't name any race or any, or any nationality or point fingers at anybody. It is just plain bad human behavior. That's what we need to be teaching our children, not who did it and how they did it and blame a whole subset of people for doing something only a few did.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FOLEY:** One minute.

**GROENE:** My ancestor damn near died. I'm not about-- I couldn't have been here if he would have died in the Union Army in the 1860s. But you're going to teach these kids that my ancestors owned slaves, too; that it was the entire white, Caucasian race that, that was evil. That is absolutely false and it has to stop. Thank you. I'd appreciate if everybody would vote red on FA104 and I'm going to, to drop that, that floor amendment to pull it. And if you're going to address this issue, let's address it in, in our civic standards. Thank you.

**FOLEY:** Thank you, Senator Groene. Senator Chambers, your light is on, but I cannot recognize you until it's time for your closing. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. And I, just for the record, knew that Senator Chambers brought that bill. And at the time it was discussed, if you read the legislative history of how to massage the bill to get it through, and so I have no problem. The underlining language was what-- is a step forward, but we still can make more steps just like Senator Chambers said. But here's the reality, the reason why Senator Groene is getting a little frustrated, the reason why I think Senator Chambers is a little frustrated is because we're listing things that goes to the heart of the problem. We're listing things and everybody's individual culture that they come from will be left out if we don't list everything. That is the issue with this section. So the way the bill currently reads, it talks about culture-- I mean, the way the current statute-- cultural contributions. I take contributions as being positive. You look at the floor debate that-- at the time, it was because we were trying as a body to inspire students to learn about positive things, not just during Black History Month, know the reason of why that was in there. That's why it was in there, we wanted to learn about all the contributions for all these different ethnic groups. I get that, but when you add the word Holocaust and genocide, you leave out everything. Right now, there are genocides going on in Africa that are going to be left out of this list. Is it as bad as a Jewish Holocaust? It's still ongoing so I don't know the end numbers yet. It could be millions upon millions in 20 years from now because it's currently going on. That is the point. When you start to list things, you leave out things. So I do think this section should be stricken, but I also want people to understand that last week I saw Senator Chambers, Senator Howard, and people talking about what we could do to keep the bill going forward. So I'm going to vote green on

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

this and then to make sure that this is actually in the bill, and if Senator Groene wants to bring an amendment that strikes it all out, I might vote green; I might not, I got to see the language. My whole point is, is that is the reason that this issue is occurring. Groene doesn't want to hear-- Senator Groene doesn't want to hear all white. And he thinks we hear white, it means all white. Well, I remember when Senator Chambers used to have a TV show on 22. My mother is white and she listened to him every Tuesday from 8:00 to 9:00. And she was like, well, he's not talking about me, I ain't racist. That was her approach. Senator Groene has a different approach. He feels if you say white, it means everybody. But it was like religion, it was every Tuesday in my house and then he'd always end with this, with this puppy and it was just like the thing that we did every Tuesday. My point is, is when you start saying words and you start writing words down, things are often interpreted by different ways. And when I read this bill, I feel the way it's currently written, it is leaving out a significant portion of my history. I can't speak for Senator Brewer, but I feel like it leaves out a significant portion of his history. That's just the way I read it. So that's why I don't believe in lists. But if we are going to have a list, I do want slavery to be mentioned. If we're going to talk about the Holocaust, that's only fair. Somebody else may stand up and say another thing needs to be listed and we might have 49 things that we're going to add to this bill. But as far as FA104 that's on the floor, there's no way I can vote against that, because right now my culture, my genocide is being left out. And if it's not being left out when you say the word genocide covers it, then mine is not as important--

**FOLEY:** One minute.

**WAYNE:** --as the Holocaust because that is specifically mentioned. That's just the way it works when you start listing things. So I only have 30 seconds yet. I don't know if anybody else is left in the queue, but I'll yield my-- the rest of my time to Senator Chambers if he wants it.

**FOLEY:** Senator Chambers, 44 seconds.

**CHAMBERS:** Thank you, Senator Wayne. Thank you, Mr. President. It's enough for me to say this, Senator Groene drew a line in the sand. I accept him. He wants to cut out of this bill what I think should be in it. I think the whole bill should go. Now I can find ways under the rules to talk about this bill until the rest of the session or until

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

he gets 33 votes and he's going to have to do it on the next stage of debate and Final Reading and other bills are going to fall. He's your leader. I'll see where you let him lead you to before I take a different approach. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Chambers, you're recognized to close on FA104.

**CHAMBERS:** Mr. President, members of the Legislature, if Senator Groene had any education he would understand logic, he would understand grammar. When you make a statement, birds fly, that means the birds that can fly, fly. There are wingless birds that do not fly. If you want to include all birds, you would say all birds fly. And that's when the scientists, the ornithologists would say, well, that's not correct. I've never said all white people owned slaves. So either he didn't listen or he's a barefaced liar. I didn't say poor Irish people who came here were slaveholders. If he said that I said that, he's a barefaced liar. He doesn't listen. You all made him Chairperson of the Education Committee and you see what you've got. Now this is what I have to contend with, but I'm still trying to reason with you. I'm using the language you were taught in school. I'm using the language you understand. I'm using and appealing to the principles that you were taught in school about freedom, justice, equality, and the correction of injustice; that, as Senator Blood pointed out, it's never too late to correct an injustice. That's why Tulsa is coming to grips with that racial massacre that occurred 90-some odd years ago. It's why other states, even in the South, are removing those racist statues of the slaveholders. I've named the slaveholders that I find to be culpable. Senator Groene must feel awful guilt. But see what I did the other day in the Judiciary Committee was to try to exonerate the Jews of the false allegation that they crucified Christ. The Jews did not crucify Christ. And maybe those young people who were in school and taught that in their churches will listen up. When Israel and the rest of the world was, was under Roman dominance, they could not order and carry out a death sentence. The Jews had to bring Jesus to Pilate because they could not kill him. Pilate did not want to kill him. He said that this good man has not done anything wrong. Pilate-- the only reason people know that Pilate was married, and I'm probably the only one who read your "Bibble" who can tell you that, his wife came to him and said have thou nothing to do with this just man for I have suffered many things in a dream because of him? So Pilate said, what has he done? They couldn't tell him anything that justified killing him under Roman law. So he said, you have a custom, this is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

your Passover, we're going to bring some criminals out here and you can exonerate the one you want, whoever you want. And there was a guy who looked like a Neanderthal man, except he wasn't dressed that way. He was a man who had engaged in insurrection, crimes of violence, and Pilate deliberately gave this line a feeling that they would have to take the one who even Pilate said had not done wrong. He said, who do you want? And the people, it was obvious to them, but the religious leaders, said Barabbas. So then the crowd paused, then they hollered Barabbas. And Pilate said, what should I do with your King? They said, he's not our King. And don't say he's our King, don't write he's our King. And Pilate said, what I've written, I've written; take Barabbas. And then he told his soldiers, kill him. You know who the soldiers were? They were Italians.

**FOLEY:** One minute.

**CHAMBERS:** Rome, from where Pilate came, is Italy. The hand that held the hammer that drove the nail being held by another hand, both of those hands were in the Rome-- hands of Italians. An Italian struck the hammer blows, an Italian held the nails, an Italian took the spear and stuck it in the Jew's side. All of them were Italians. Does Senator Groene talk about that? Do your preachers talk about it? The Jews are suffering right now because people say they crucified Christ. The Italians, based on history, crucified Christ. And that's what you get when you have false history taught like Senator Groene wants. Now I'm going to see what you do with my amendment. It's reasonable, it's rational, there is nothing false about it. I've given you information if you'll take the time to read it--

**FOLEY:** That's time.

**CHAMBERS:** --to see the justification. Thank you. Mr. President, I will ask for a call of the house and a roll call vote.

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

**CLERK:** 14 ayes, 1 nay to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber and check in. The house is under call. All members, please return to the Chamber and check in. The house is under call. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

Slama, if you could please return to the Chamber and check in? The house is under call. Senator Chambers, we shall proceed pursuant to your request. The question for the body is the adoption of FA104. A roll call vote has been requested. Mr. Clerk.

**CLERK:** Senator Albrecht.

**ALBRECHT:** No.

**CLERK:** Voting no. Senator Arch.

**ARCH:** Yes.

**CLERK:** Voting yes. Senator Blood.

**BLOOD:** Yes.

**CLERK:** Voting yes. Senator Bolz.

**BOLZ:** Not voting.

**CLERK:** Not voting. Senator Bostelman.

**BOSTELMAN:** Not voting.

**CLERK:** Not voting. Senator Brandt.

**BRANDT:** Yes.

**CLERK:** Voting yes.

**FOLEY:** Members, please hold down the conversation. We're trying to do a roll call vote.

**CLERK:** Thank you, Mr. President. Senator Brewer.

**BREWER:** Yes.

**CLERK:** Voting yes. Senator Briese.

**BRIESE:** Not voting.

**CLERK:** Not voting. Senator Cavanaugh.

**CAVANAUGH:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** Voting yes. Senator Chambers.

**CHAMBERS:** Yes.

**CLERK:** Voting yes. Senator Clements.

**CLEMENTS:** No.

**CLERK:** Voting no. Senator Crawford.

**CRAWFORD:** Yes.

**CLERK:** Voting Yes. Senator DeBoer.

**DeBOER:** Yes.

**CLERK:** Voting yes. Senator Dorn.

**DORN:** Yes.

**CLERK:** Voting yes. Senator Erdman.

**ERDMAN:** Not voting.

**CLERK:** Not voting. Senator Friesen.

**FRIESEN:** Yes.

**CLERK:** Voting yes. Senator Geist.

**GEIST:** Yes.

**CLERK:** Voting yes. Senator Gragert.

**GRAGERT:** Not voting.

**CLERK:** Not voting. Senator Groene.

**GROENE:** No.

**CLERK:** Voting no. Senator Halloran.

**HALLORAN:** Not voting.

**CLERK:** Not voting. Senator Ben Hansen.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**B. HANSEN:** Not voting.

**CLERK:** Not voting. Senator Matt Hansen.

**M. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Hilgers.

**HILGERS:** Not voting.

**CLERK:** Not voting. Senator Hilkemann.

**HILKEMANN:** Not voting.

**CLERK:** Not voting. Senator Howard.

**HOWARD:** Yes.

**CLERK:** Voting yes. Senator Hughes.

**HUGHES:** Not voting.

**CLERK:** Not voting. Senator Hunt.

**HUNT:** Yes.

**CLERK:** Voting yes. Senator Kolowski.

**KOLOWSKI:** Yes.

**CLERK:** Voting yes. Senator Kolterman.

**KOLTERMAN:** Yes.

**CLERK:** Voting yes. Senator La Grone.

**La GRONE:** Yes.

**CLERK:** Voting yes. Senator Lathrop.

**LATHROP:** Yes.

**CLERK:** Voting yes. Senator Lindstrom.

**LINDSTROM:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** Voting yes. Senator Linehan.

**LINEHAN:** Not voting.

**CLERK:** Not voting. Senator Lowe.

**LOWE:** Not voting.

**CLERK:** Not voting. Senator McCollister.

**McCOLLISTER:** Yes.

**CLERK:** Voting yes. Senator McDonnell.

**McDONNELL:** Yes.

**CLERK:** Voting yes. Senator Morfeld.

**MORFELD:** Yes.

**CLERK:** Voting yes. Senator Moser.

**MOSER:** Not voting.

**CLERK:** Not voting. Senator Murman.

**MURMAN:** Not voting.

**CLERK:** Not voting. Senator Pansing Brooks.

**PANSING BROOKS:** Yes.

**CLERK:** Voting yes. Senator Quick.

**QUICK:** Yes.

**CLERK:** Voting yes. Senator Scheer.

**SCHEER:** Yes.

**CLERK:** Voting yes. Senator Slama.

**SLAMA:** Yes.

**CLERK:** Voting yes. Senator Stinner. Senator Vargas.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**VARGAS:** Yes.

**CLERK:** Voting yes. Senator Walz.

**WALZ:** Yes.

**CLERK:** Voting yes. Senator Wayne.

**WAYNE:** Yes.

**CLERK:** Voting yes. Senator Williams.

**WILLIAMS:** Yes.

**CLERK:** Voting yes. Senator Wishart.

**WISHART:** Yes.

**CLERK:** Voting yes. Senator Bolz, voting yes. Senator Hilkemann, voting yes. Senator Linehan, voting yes. 34 ayes, 3 nays, Mr. President, on the adoption of the amendment.

**FOLEY:** The FA104 is adopted. I raise the call. Mr. Clerk.

**CLERK:** Mr. President, Senator Groene would move to amend with FA105.

**FOLEY:** Senator Groene, you're recognized to open on FA105.

**GROENE:** Thank you, Mr. President. As I told you, I, I sensed a problem with this and this bill really don't belong in, in LB1131. It's, it's a cleanup bill. But out of courtesy to Senator Howard and to her last year here, I thought, well, we could work it, put it in the bill. I told her there'd be problems. She agreed if there was problems, she would not fight taking it out. I hope she-- that word is still good. I know it is, she's a honorable person. The original bill said-- you know, we have hearings on bills, folks. The original bill said "the Holocaust and other acts of genocide, which may include, but not be limited to, such acts in Armenia, Ukraine, Cambodia, Bosnia, Rwanda, and Sudan." And now we just amended it to add slavery, lynching, racial massacre. This bill isn't anything that the public heard, it's nothing. It needs another hearing. It needs to come through the Education Committee as a bill next year and it needs to be fully debated. Senator Wayne should bring it probably. He said he sees big flaws with this bill and I agree with him. I agree with, I agree with him, with the original language. You just pick certain subsets of the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

human, human races and threw them in there and left out some, added some, and now we're going to add just one instance of slavery and not what happened in the world, the evil of slavery. This needs to come out, it needs to be a bill by itself next year, and have a full hearing on it and maybe we start first in human history in America and we quit being racist. We quit naming people by the color of their skin and their, and their ethnic background and we quit naming people in bills by where they originated and we just say multicultural, take all those names out. History, just condemn slavery and genocide on a human puts-- on a human understanding that it's evil. This mismatch of I was harmed and my heritage was harmed, and mine wasn't, and let's put-- let's accentuate this point in history and not this one is bad, bad government. And it does a disservice to our children in our schools to start doing this. So I'd appreciate if you would help me pull this out, do it right, have a hearing next year to refine the language to match the times. We're different people. Most of us, we don't see people by race, we don't see people by sex, we just see people. And to those of us who think that way, this kind of stuff, is bigoted. This kind of stuff of labeling things is racist because you are singling out certain ethnic groups. You are sending out certain actions and blaming all. Let's pull this out of there, let's take a fresh start and have a hearing on the language. There's been no hearing on this. It doesn't even belong here. It belongs in this history and the civics and the social studies sections of the, of the Americanism bill language in our civics. It doesn't belong here so I hope Senator Howard would agree, as she said she would, to pull LB640 out of the bill. Because I do understand English and that's what she agreed to if it caused a problem for LB1130 [SIC]. And Senator Chambers, you want to, you want to kill this bill? I don't care. I told you it was a cleanup bill. We brought it for-- as the Chairmans [SIC] do, for the departments they're related to. We brought it for Department of Education. There's nothing in here that would, that would-- that can't wait. So if you want to waste three hours and kill a bill I don't care about, I just did it as my duty as a Chairman of a committee, you go right ahead. You go right ahead because it's not important to me. I'd appreciate you killing it. Then we would come back at it at a better, better language. So anyway, let's pull it out. Let's start over. How many of you have thought about this issue before you arrived here this morning? Think about some of these floor amendments, folks. We change statutes having no idea that this was an issue. All of a sudden, somebody brings a floor amendment and by God, it's law. Meanwhile, other people have had sweat, blood, created bills, crafted bills,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

refined the bills, talked to the lobby interest groups, and created a good bill. And we're going to just boom-- with-- drop this morning and change the entire intent of Senator Howard's bill. Is that good government? I don't think it is. But by golly, we're going to show we're not racist and we're going to vote for something. That is the stupidest reason to vote for this, stupidest reason. If we're going to do it, let's do it right. Let's do it in our history standards, in our social studies standards. Bad bill, bad amendment, disjointed, doesn't cover the entire issue. And, and I-- Senator Chambers, I understand his passion. He's seen it, I didn't, but this isn't the way to do it. So I'd appreciate a green vote on FA105 and let's start over and, and I'll work with Senator Wayne. He'll be here next year. He doesn't have an opponent so, and-- but if I'm on Agriculture instead of Education next year, I'll probably won't be able to help you, Senator Wayne. Thank you.

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

**CHAMBERS:** Mr. President, members of the Legislature, all of you have been here this morning. All of you have heard the things that Senator Groene has said, his tone of voice and other things. I would like to ask Senator Howard a question or two if she would yield.

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

**HOWARD:** Yes, I will.

**CHAMBERS:** Now I'm not going to ask Senator Groene any questions. Senator Howard, did you and I talk about this amendment when it was in the bill?

**HOWARD:** My, my amendment?

**CHAMBERS:** Your amendment.

**HOWARD:** Yes.

**CHAMBERS:** And did I express strong opposition to it the way it stood?

**HOWARD:** Yes, you did.

**CHAMBERS:** And did you tell me that perhaps we could find a way to have inclusions and not just make it about the Holocaust since that particular incident was named? Did we have that kind of discussion?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**HOWARD:** Yes.

**CHAMBERS:** So none of this was done behind your back?

**HOWARD:** No.

**CHAMBERS:** Did I raise the issue that the bill did not advance from committee and, therefore, it should not be made a part of a committee amendment? Did I raise that issue?

**HOWARD:** Yes.

**CHAMBERS:** And yet, Senator Groene allowed it to be a part of the committee amendment. Is that true?

**HOWARD:** Yes.

**CHAMBERS:** Thank you. And now that the baby can't have his way, he wants to upset the apple cart that a lot of people have worked on. Maybe he didn't know-- what value would it have been for me to waste time with him when he'll ask a question, then he doesn't want me to give an answer. Now what I could have done as I've done in the past when the mike is turned off, just raise my voice and answer the question, but we're here to reason this morning. I see this as a very, very important matter. I'm not going to demean it. I'm not going to diminish its importance by reaching the level that Senator Groene is trying to drag the body to. You've seen him do this before. He can't have his way so he raises his voice. He misstates things and then he outright-- you all won't say it, he outright prevaricates. Now you have something in this bill. The bill deals with education. There was a discussion of it. He probably-- Senator Groene won't read the information that I handed out, but it shows how Congress felt that America needs to come to grips with its past and, therefore, they should make lynching, even after all these years of not doing so, a federal offense. Don Bacon, a "Repelican," had offered a bill to accomplish that. It's late, but it's better late than never. Senator Groene is not a man of wide learning or broad scope. I can't blame somebody who came from a small town for not having big town ways and understanding. I cannot expect a man who always had an easy time of it to understand what it means to be judged strictly on the basis of what you look-- the way you look, excel in all the white people's schools that I attended, graduate from Creighton without attending classes. They wouldn't let me finish at law school because I didn't attend classes. Then a new dean came here from Yale and when he came he

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

looked at my record, he said, this is the very kind of man who ought to be graduating from Creighton. So he sent white students down to talk to me and after more than a decade, because I wouldn't go to another law school, I had opportunities. I said I started at the Creighton, I'll finish at Creighton. He told me that if I would register for law school, I wouldn't have to attend a class, I wouldn't have to purchase a book. Any books I wanted, whether they were related to the courses I took or not, I could get from the bookstore. They owed me something. He felt-- he even-- his name was Rayfeld [PHONETIC], he even-- not Rayfeld--

**FOLEY:** One minute.

**CHAMBERS:** --it was-- well, I don't, I don't want to give the wrong name. He felt that I would have a good lawsuit against Creighton and I told him I'm not interested in a lawsuit; I want to get what I'm entitled to and that's a degree. I was allowed back to school. I took a course in labor law, missed classes, missed classes, but I wasn't dropped and I graduated. So that's the way I have operated within rules set by others who didn't have my best interests at heart. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Blood.

**BLOOD:** Thank you, Mr. President. I stand against Senator Groene's-- sorry, I started calling him Lagroene-- Senator Groene's floor amendment. And I would ask that he please yield to a question.

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

**GROENE:** Yes.

**BLOOD:** Senator Groene, what color are you?

**GROENE:** Never thought about it much.

**BLOOD:** Take a guess.

**GROENE:** Sometimes I'm tan, sometimes I'm white.

**BLOOD:** OK. Would you say that you're a black man?

**GROENE:** No.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**BLOOD:** Would you say when you walk down the street, people assume that you are white or Caucasian?

**GROENE:** If they're looking for race, I suppose they're looking.

**BLOOD:** Thank you, Senator Groene. I appreciate Senator Groene's comments about how he personally does not feel that he is racist. But I think there's a clear understanding that there is white privilege, that when I walk down a street, people don't have a preset bias against me. People don't go, oh, look, there's a chubby, white woman walking down the street, I bet she's dangerous. But unfortunately, even in today's world, even when we have people loudly yelling on the mike that they are not prejudiced, when a black person walks down the street, there is still bias. Whether we believe it or not, white privilege is the result of a conscious act. And when we refuse to separate it from historical inequities and when we don't recognize that we have white privilege, we're creating an issue. It exists because of historic enduring racism and biases. When we keep ignoring opportunities to move forward and to help our youth, understand that indeed, when you are Caucasian, you are privileged. That's the way of the world. People don't fear you when you walk down the street. But unfortunately, young men with hoodies walk down the street, people walk on the other side of the street, young men of color. When a young man might be shot in the back, it was self-defense, when he's a young man of color. When I walk into the grocery store, the end cap doesn't have displays for people of color. They're displays for people that are Caucasian. Everywhere I go, I see imbalance, inequities, and the only way I know how to stop that is when we start with our children. I'm going to say it again, it is never too late to do the right thing. Anybody can stand up here and say that they are not racist; great. But if you're a white person, myself included, we never have to understand what a person of color goes through. We can't compare what happened to our European ancestors because, yes, pretty much everybody has a story about that in this body, to what's going on with people of color. Because when you and I walk down the street, be you Italian, be you Czech, be you German, be you Irish, you're still white. You are still white. Racism is about racial inequality, systemic racism happens when these unfair processes are carried out. Racial bias is a belief. Racism is what happens when the belief is put into action. I don't ever understand when people have to announce that they're not racist. Because when I hear that sentence--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FOLEY:** One minute.

**BLOOD:** --it tells me that their ears, their brains, and their hearts are closed. Because again, we can never know because we aren't black. And great if you're not racist. Good for you, but you've got to understand that we have white privilege, whether you like it or not. It's a fact and the way of the world. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Blood. Senator Hunt.

**HUNT:** Thank you, Mr. President. I, I echo the words Senator Blood said. I thought that was really well said. I get along with Senator Groene. I respect where he comes from. We've had several conversations that, you know, we found common ground on many things and I respect him for that. But I rise in strong opposition to his FA105 and I rise in support of the, the other amendments in the bill up in the queue. I've been sitting here listening to this conversation and it's striking me that we're picking apart an aspect of a bill that is really so simple. Anti-Semitic violence is on the rise in America. It's on the rise across the whole globe and students need to learn about the Holocaust. It's one of the major events in human history, in modern history. There are still people alive who, who I've met here at the Capitol who experienced the Holocaust directly. It's important to teach these things so that our young people, who are the future decision makers of policy and industry and culture here in our country, have an understanding of the historical tragedies that are part of all of our history. Senator Chambers mentioned himself that he knows that many people don't believe the Holocaust existed, that it happened, and that in itself is a huge failing of education and humanity. This aspect of the bill hurts no one and it does something. It goes a long way to include a group of people who today are facing increased anti-Semitic violence. The FBI reported this year that Jews were targeted for the most religion-based hate crimes in 2018. This violence is on the rise and people saying that they don't think it ever happened, this is a harmless thing that we can do to fight back against that in Nebraska. Senator Chambers' amendment, which we adopted, refers to racial massacres in the United States. Students should know about these things. This happened in our country. Nothing in the language of these amendments, nor in the civic education bill, which has been brought up, prevents teachers from teaching all of the things that senators are bringing up in opposition to this amendment. With that, I'll yield my time back to the Chair. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FOLEY:** Thank you, Senator Hunt. Before proceeding, Senator Wishart would like us to announce some guests today. We have with us Leonard, Larry, and Lu Ann Mozer from Lincoln, Nebraska, all with us under the north balcony. If those guests could please rise, we'd like to welcome you to the Nebraska Legislature. Senator Chambers.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, Senator Blood touched on some issues that are real to everybody who is black. Let me tell you what some larcenous white people decided to do in order to take advantage of the racism they know exists in America. They were boosters. They would go into stores and they wouldn't steal a loaf of bread or a carton of milk, they would steal clothing. So they would arrange to have an interracial team of shoplifters, and the white woman knew what happened too. She said, now when they follow you, here's where you lead them, then I can get what I want and get out of here. And that's what they were doing until somebody caught on to what was happening. The racism is here. There are people who exploit it. There are some things that transmogrify. Now those alchemists that said that you can transmogrify base metal into gold if you know how to do it, but it couldn't be done. There's an expression, you cannot make a silk purse out of a sow's ear, which is true. But when I first said that, a senator got a sow's ear. He was a farmer and he had somebody who makes leather and things of that nature take this ear and do the best they could with it and he showed me. I said, does that look like a silk purse to you? He said, no, but it doesn't look like a sow's ear either. I said the statement that I made remains true. Some things can change; a caterpillar can become a moth, it can become a butterfly. This bill is not what it was. When I first approached Senator Howard and she had her amendment dealing with the Holocaust and other genocides, I wanted to scrap the entire amendment, but it did mean something to her and so we arrived at what is called in diplomatic circles, an accord. We reached an agreement that could let this bill move forward. Senator Groene is the Chairperson of the committee. If he could not look down the line far enough to see that something like this would develop, that's on him. I don't blame Senator Howard from trying-- for trying to get her proposal before the Legislature and enacted into law any way she could within the rules and that's what she did. She discussed with me the fact that it had not advanced from committee, why it had not advanced from committee, but that they had had discussions with the Speaker. Everybody knew that what she was doing-- the approach that Senator Groene was willing to take as Chairperson was allowed under the rules. Senator Howard

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

played by the rules. The rules also say any proposal on this floor is subject to motions and amendments. An amendment was presented in accord with the rules. It was debated in accord with the rules. It was adopted in accord with the rules. And nobody who voted to adopt it did so to submarine or torpedo this bill that Senator Groene has. He did not get his way. He could have avoided this as a Chairperson by not allowing a bill which had not advanced from committee to become a part of the committee amendment. That has happened. That is what you call water under the bridge, water over the dam. Now he wants to get even. He wants to fix Senator Howard. He wants to fix me. I believe everybody who voted for that amendment knew what he or she was voting for. People stayed on the floor, by and large, and listened to the discussion. Now that this work has been done, I'm not in support of Senator Groene's desire to snatch his marbles and go home. Now what he can do is ask that the bill be passed over and then it won't come up anymore. If he feels that strongly about it, that's within his prerogative. The Legislature as a body has chosen to make this bill something different from what it was--

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

**CHAMBERS:** --is was at first to make it better. Did you say time?

**FOLEY:** That's time.

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

**FOLEY:** Thank you, Senator Chambers. We'll pause for just a moment. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following three Legislative Resolutions: LR288, LR326, LR327. Continuing discussion. Senator Groene.

**GROENE:** I had a teacher once tell me in a debate class, he said, when they start attacking you personally, you know you won the debate. Have you heard me say anything negative about the sponsor of the amendment? Have you heard me say anything negative about the sponsor of the bill? I learned my lesson down here. I don't care who brings a bill, who brings an amendment. Senator Chambers says now he wants to get even. I'm not getting even with anybody. The language of the bill is not good for the state of Nebraska. It's bad government. This personal attacks continue on my voice. I have no control, Senator Blood, of the vocal cords the good Lord gave me. It is-- I am who I am as far as the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

way I speak and I really don't need this thing. I think I'm loud enough. But anyway, let's get back to the issue at hand. The bill was introduced by Senator Groene. The bill, LB1131, was turned into a committee bill by the committee. Senator Howard approached me and said, could we amend her bill into my bill? I said, yes, if we amend it, take out naming groups, and just said genocide. She said she wanted to leave Holocaust in there. I said, OK, but it's going to cause problems. Genocide is genocide. She then, about a week ago, came up to me and said, I heard rumbles about Senator Chambers and a change in the bill. And if it's going to cause a problem for you-- for the bill, I will-- we will remove it. Exact words. Senator Chambers, once that was amended into the Groene bill, it is my bill. You never talked to me ahead of time about amending my bill. Senator Howard never came and talked to me ahead of time about changing the portion of her bill that was amended into my bill. I found out about it this morning. Now any Chairman of a committee better be watching closely-- or a committee-- about making deals, about being nice, about allowing bills to be amended into a cleanup bill. If nothing else, we need to reject this because of the assault on collegiality and how things are done here. Let's reset the rules. I wouldn't imagine ever asking a committee Chair to put my bill into his bill or her bill and then going back door and talking to another senator and not talking to the Chairman of the committee about amending it. That is exactly what happened here. So I would appreciate your support for decorum of the body for setting the record straight of how we handle ourselves about asking and amending other bills into a committee priority bill and to not tear out the heart of the original part of the bill and replace it with language that had no hearing before the public, the second house. So I would appreciate a vote, a green vote on FA105 for those matters. The public should be involved in this debate at a hearing. Somebody wants to bring the bill next year--

**FOLEY:** One minute.

**GROENE:** --to alter the civics language in our statutes, I'm ready. This is not the place for it, throwing together quick language. I have been criticized for the language in my-- some of my bills because Bill Writing this-- the amendment by Senator Chambers wasn't written very well, folks. I'll blame Bill Writing for that. But anyway, let's do it right. Let's not change what our children are taught and to only limit it to certain events in history. If we're going to talk about slavery,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

let's talk about world history. Let's talk about the, the history of humankind and the events that happened and is happening today.

**FOLEY:** That's time.

**GROENE:** Thank you.

**FOLEY:** Thank you, Senator Groene. Before proceeding, Senator Walz announces some guests today. We have with us 70 fourth graders from Linden Elementary School in Fremont, Nebraska. Those students are with us in the north balcony. Students, please rise, we'd like to welcome you to the Nebraska Legislature. Continuing debate. Senator McCollister.

**McCOLLISTER:** Mr. Pres-- thank you, Mr. President. Good morning, colleagues. We have now spent two hours and eight minutes on this bill and I would contend, listening to the bill as I have, this isn't worthy of two hours and eight minutes. As I read the amendment, the amendment we adopted, we simply add "genocide," strike the period and put in comma, add "slavery, lynching, and racial massacres in America." Is that really worth that addition of language trying to kill this bill and spending so much legislative time on something that probably doesn't really matter that much? I think not. I'd like to commend Senator Blood on the comment that she made earlier this morning. I thought she was right on point. And if you ask somebody, are, are they racist? And they deny it, maybe they are. In-- for my own case, you know, as, as-- growing up with the upbringing I had, I acknowledge that I may not be the, the best person to describe what racism is in this country. So I understand that, I acknowledge it, and I think we need to do some things perhaps in this bill that-- to move this, this question forward. Thank you, Mr. President. I yield the balance of my time to Senator Wayne.

**FOLEY:** Thank you, Senator McCollister. Senator Wayne, 3:30.

**WAYNE:** Thank you, Mr. President. Thank you, Senator McCollister. You know, this is one of the more interesting and delicate topics one can have on this floor and I often go back to the Preamble of our Constitution where we the people in order to form a more perfect union. And we have strived to do that when they wrote that over 233 years ago, but we have a long way to go. And what you see playing out this floor is history, history of what this body has done on bills that were introduced over the last 40 years by Senator Chambers. And

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

this is an opportunity within the rules to make a step forward that couldn't have been made maybe 30 years ago. We are working on forming a more perfect union. But what people have to realize is that the legacy of slavery, Jim Crow, the Holocaust, other genocides or racial massacres, the legacy, the tentacles of these things still plague us today. And the best example I can use that is not racially motivated is when you think about a business deal. Most of us in here have conducted business in one sense or another. And it used to be the old saying that a business deal was made on the golf course. And it was really up until the late 1980s, 1990s, where people who looked like me, Senator Vargas, Senator Brewer, and Senator Chambers were actually allowed to participate fully on the golf course. So generations upon generations-- deals were never made to include those ethnic groups. So when you look at the income inequality of today, when you look at the mass incarceration, when you look at all these topics that we hear talked about that have hints of racism, because I can't say that they're fully racist--

**FOLEY:** One minute.

**WAYNE:** --I would never say that, but the reality is, it is tentacles of the past. It is tentacles of where we are playing a game. If you want to use a basketball analogy, we didn't get to fully participate with five people on the court and an unbiased referee until the fourth quarter when we're down by 70. So the reason this passion is coming out in this is because for many years, Senator Chambers was playing that game by himself with the unbiased ref or a biased ref. So there is an opportunity on the floor within the rules to say, you know what, I did a bill a long time ago and now I get the chance to perfect it and make it a little better. I don't see anything controversial about that. I don't see anything wrong with that. And in fact, to talk about slavery and, and racial massacres should be if we're going to have things in statute, in statute. So I would tell you to vote red on Senator Groene's amendment and leave it be and let's move this bill forward. But if we want to have a, a debate about--

**FOLEY:** That's time.

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

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, tailgating on what Senator Wayne mentioned about basketball, I was traveling around the country when I was trying to get athletes paid. And I went down to a conference in New Orleans and I talked with Dale Brown, the coach of LSU, the basketball team. He was renowned for having a great team and he wanted to meet me and he liked what I was doing, supported it. He mentioned how one time, he violated NCAA rules because one of his young, black players had a grandmother in Mississippi who died. He couldn't afford to go there, so not only did Dale Brown arrange for that young kid to get on a private plane and go there, they flew the whole team to Mississippi, and that was partly racism. And here's what happened, Brown said down here in New Orleans, they want black players, but they don't want too many of them at the wrong time. So when I'm down here and LSU is playing, we can play three if everything-- three black guys, if everything is going just about like it should. He said, but then when we get in trouble, I can play four. I said, OK. He said, when I get on the road, I can play my best players and I play five. He knew about the racism, it's everywhere. Now there was a time when R.J. Reynolds was marketing tobacco to young, white women. They pick those who are not highly educated. They use this kind of stuff from hillbilly programs, which I'd condemned and said those programs were degrading; they shouldn't even be on television. I was condemning them when white people were laughing at them. I know what the people who were the victims and the targets would feel because what I felt like as a child. And maybe they didn't, but I wanted to be sure there wouldn't be little, white kids who go to school and they say, you little hillbilly. So I got the Legislature to vote to adopt a resolution condemning what R.J. Reynolds was doing and how they were degrading these women. And I'll find a copy of that resolution. You can look at my record and see the things that I've done. When I was growing up, and Senator Groene would never have this happen where he grew up, black people were subject to restrictive covenants when it came to trying to move some place. When white people brought a-- bought a house in a white neighborhood, they signed this covenant saying they would not rent or sell it to a black person. Bob Boozer, a famous basketball player who played for the Olympics, the Olympic team, the NBA, couldn't buy a house in Omaha because of these restrictive covenants. They made a proviso, though, because white people want black people to do the work in their homes because they're cleaner than white people. So what they said, and it was in these covenants, however, if a white person wants to hire a black person to come into the house and clean and the person lives so

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

far away that she had to stay overnight, then that was allowed. In other words, you can have your modern-day version of a slave. That was in Omaha during my lifetime, something Senator Groene would not understand at all. When the multicultural issue came up, guess who were some of the young leaders who assisted me? Young, black-- young, white kids in Norfolk, Nebraska. Their teacher was Jim Kubik, who wound up getting an award as the outstanding teacher. Young, white kids wanted something in the schools other than what was only there. When I went to school, I read about Dick and Jane, both of them were white; dogs, Mack and Chip, nothing about black people except the only degrading thing they could find, which is Little Black Sambo, nothing about anything black people had done. I didn't know until they made a movie called Hidden Figures that black women had done the calculating that made it possible for those white guys who got on the moon to get back.

**FOLEY:** One minute.

**CHAMBERS:** You said time?

**FOLEY:** One minute.

**CHAMBERS:** OK. They made a movie, it was nominated for an Oscar and the black woman who did that calculating just died. She was 103 when she died and she had to do her calculating in a segregated facility at NASA and now they've named buildings after her. But the two who walked on the moon, you know what they said? If that black woman did the calculating, then if she said it's right, then it's right, and I'll go. And what she had said, what you all you-- she didn't say you white men, but that's who were doing it, what you all have done will get them to the moon, but it won't get them back. And she did the calculating-- and these other black women-- with a pen and paper, not a computer, and got them back. That's the way we have to do things. This is a simple, little amendment, it's not going to hurt anything. Don't let bitterness and anger and narrow-mindedness kill this bill. I think you should vote red on Senator Groene's amendment. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Howard.

**HOWARD:** Thank you, Mr. President. What a morning, everyone. All right, so I just want to clarify, sort of, the process on this bill that I experienced so that everyone can be on the same page on that. Last

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

week, Senator Chambers came to me and said he had some concerns about the Holocaust bill being a part of this bill. He indicated that he didn't like that it had not come out of committee, which is actually sort of a process that a lot of our committees have been doing when we've been building trees is we're taking votes to include the bill, but we're not necessarily sending the bill out. So procedurally, that's at least what my committee has been doing for all of their Christmas trees. So he also had some concerns that it didn't include slavery, it didn't include these other sort of mass genocides that have occurred in America. And I said, I don't have a concern about slavery. When I walked around the floor, I talked to, I think, every single one of you and said, are you OK with this Holocaust provision? And when I spoke with Senator Groene, I said Ernie has some concerns. If Ernie causes a problem that I can't fix, I will pull this out because I'm not here to run time on your bill if there's a problem that I can fix. And so Senator Chambers filed the fix. I looked at the fix. I don't have a concern with this fix, but unfortunately, Senator Groene does. I don't know what to tell the body, I'll be honest with you. Morally, I don't know how I vote for this floor amendment because essentially, it's saying don't teach kids about the Holocaust or lynching or slavery if we remove it. That's what we would be saying. But I also don't want to stand on this floor and say that if this caused a problem, that I wouldn't pull it out, right, because now I'm sort of between a rock and a hard place. This is sort of eight years here and I still don't know how to get out from between a rock and a hard place. I thought I was addressing Senator Chambers' concerns by saying, OK, whatever language works best for you. But unfortunately, it created new concerns for Senator Groene. I will most likely go present, not voting on this floor amendment because I honestly don't know what to do or what to tell the body. But I worry when things come to this floor and they become very personal, when it's about the ethics and the morality of the discussions that we had very quickly. Because when we bring personality and personal issues to this floor, we're not our best selves. We're not our best legislators, right? We do our best to think about what's best for the, the youth and the kids and the citizens of this state. And I was doing my best by suggesting that we include Holocaust education and other genocides as part of our overall educational system so that we can perhaps prevent a future Holocaust, prevent a future genocide through education. I am very sorry to the body that this has caused so much turmoil. And I appreciate all of the time and attention that we've given to the Holocaust this morning because it's more time and attention than we've

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

given it in all eight years of my time here, including slavery, coincidentally. And so I will most likely go present, not voting on this floor amendment, but I appreciate whatever direction the body decides to go in on this move. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Howard. Senator Groene, you're recognized to close on FA105.

**GROENE:** Thank you. I appreciate Senator Howard dressing down Senator Chambers for going personal all the time on the floor and attacking my fat tongue, brogue dialect sometimes, but this needs to die. This needs to go away. It needs to be done in a better manner. We need to bring a bill next year. I asked Senator Howard-- I did, she didn't work with me. I said, what about if we just take the Holocaust out and put genocide and slavery. I was way ahead of Senator Chambers on the slavery thing. No, we got to have the Holocaust there. I said, what about the Rwandans then? That wasn't white against black, that was tribe against tribe. What about the Bosnians? That wasn't race against race, that was Muslims against, call them what you want, Christians. And so genocide is bad, slavery is bad. Bring another bill next year, we put that in here. I'll work with whoever wants to, but this nitpicking and naming certain events and not the whole horror of those two genocide and slavery gives it disservice, gives the issues disservice. So as I said, I did not agree to this. It was not brought to me by Senator Chambers. It wasn't brought to me by Senator Howard. Because as you said, once the amendment was in committee, put in that amendment, it was my bill. It was Senator Groene's bill, introduced by me, turned into a committee, committee bill by the committee. This wasn't part of it so let's just bring it all out. And we should have probably just brought it to the floor as a bill, but there was problems with it. And we thought this, as the Speaker said and Senator Howard said, this year we've tried to because there isn't a consent calendar to blend some bills into, to committee priorities and that's what was done here. And just think about that, folks. When we do that as a courtesy to each other to create collegiality here that we get some, some minor bills that once subject bills passed so we can do-- spend more time on our priority bills, really, should we be doing this to each other? Should we be bringing amendments that absolutely change the whole direction of the bill? That's what you're voting on here. You're not voting that you want to send a message that you think the Holocaust was evil. It was, it was terrible; one of the worst events in humankind. So was the genocide in Rwanda. So was the one in Bosnia. I could go on and on, the mandate-- Mandan Tribe in a, in a-- north of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

here in the Dakotas, I could go on and on. Whose genocide is worse? Is there one worse than another? I don't think so. It's evil by mankind. So if we're going to teach our children the evils of what man is capable of doing, let's just define it as genocide and let's just define it as slavery. Now do you want a good do, good do legislation or do you want to vote on personalities and hurting somebody's feelings because it's their bill?

**FOLEY:** One minute.

**GROENE:** Either way on this vote, it won't hurt my feelings, but I do value good government. I do value the process. I do value the trust between senators. When somebody gives you their word, they keep it. I always do and I will continue to do that. We need to send a message that this doesn't happen on the floor. If your word is good, keep it. Let's take this out of there. Let's address it another day. There will always be another session in this body. Some will be here and some won't, but the body will handle it. Thank you. I encourage a green vote on FA105.

**FOLEY:** Thank you, Senator Groene. The question for the body is the adoption of FA105. Those in favor vote aye; those opposed vote nay. There's been a request to place the house under call. The question is shall the house go under call? Those in favor vote aye; those opposed vote nay. Please record.

**CLERK:** 29 ayes, 2 nays, Mr. President, to place the house under call.

**SCHEER:** The house is under call. All unauthorized personnel, please leave the floor. All those senators away from the floor, please return. The house is under call. Senator Bolz, would you check in, please? Senator Lindstrom and Senator Matt Hansen, would you please return to the floor? The house is under call. Senator Groene, we're still waiting on Senator Matt Hansen, would you like to proceed? A request for a roll call vote in regular order. Mr. Clerk. Senator Matt Hansen.

**CLERK:** Senator Albrecht.

**ALBRECHT:** Yes.

**CLERK:** Voting yes. Senator Arch.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**ARCH:** Not voting.

**CLERK:** Not voting. Senator Blood.

**BLOOD:** No.

**CLERK:** Voting no. Senator Bolz.

**BOLZ:** Not voting.

**CLERK:** Not voting. Senator Bostelman.

**BOSTELMAN:** Not voting.

**CLERK:** Not voting. Senator Brandt.

**BRANDT:** Not voting.

**CLERK:** Not voting. Senator Brewer.

**BREWER:** Yes.

**CLERK:** Voting yes. Senator Briese.

**BRIESE:** Not voting.

**CLERK:** Not voting. Senator Cavanaugh.

**CAVANAUGH:** No.

**CLERK:** Voting no. Senator Chambers.

**CHAMBERS:** No.

**CLERK:** Voting no. Senator Clements.

**CLEMENTS:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** Not voting.

**CLERK:** Not voting. Senator DeBoer.

**DeBOER:** Not voting. Senator Dorn.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**DORN:** Not voting.

**CLERK:** Not voting. Senator Erdman.

**ERDMAN:** Yes.

**CLERK:** Voting yes. Senator Friesen.

**FRIESEN:** Yes.

**CLERK:** Voting yes. Senator Geist.

**GEIST:** Not voting.

**CLERK:** Not voting. Senator Gragert.

**GRAGERT:** Not voting.

**CLERK:** Not voting. Senator Groene.

**GROENE:** Yes.

**CLERK:** Voting yes. Senator Halloran.

**HALLORAN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen.

**B. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Matt Hansen. Senator Hilgers.

**HILGERS:** Not voting.

**CLERK:** Not voting. Senator Hilkemann.

**HILKEMANN:** Not voting.

**CLERK:** Not voting. Senator Howard.

**HOWARD:** Not voting.

**CLERK:** Not voting. Senator Hughes.

**HUGHES:** Not voting.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** Not voting. Senator Hunt.

**HUNT:** No.

**CLERK:** Voting no. Senator Kolowski.

**KOLOWSKI:** No.

**CLERK:** Voting no. Senator Kolterman.

**KOLTERMAN:** Not voting.

**CLERK:** Not voting. Senator La Grone.

**La GRONE:** No.

**CLERK:** Voting no. Senator Lathrop.

**LATHROP:** Not voting.

**CLERK:** Not voting. Senator Lindstrom.

**LINDSTROM:** Not voting.

**CLERK:** Not voting. Senator Linehan. Senator Lowe.

**LOWE:** Not voting.

**CLERK:** Not voting. Senator McCollister.

**McCOLLISTER:** Not voting.

**CLERK:** Not voting. Senator McDonnell.

**McDONNELL:** Not voting.

**CLERK:** Not voting. Senator Morfeld.

**MORFELD:** No.

**CLERK:** Voting no. Senator Moser.

**MOSER:** Not voting.

**CLERK:** Not voting. Senator Murman.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**MURMAN:** Yes.

**CLERK:** Voting yes. Senator Pansing Brooks.

**PANSING BROOKS:** No.

**CLERK:** Voting no. Senator Quick.

**QUICK:** Not voting.

**CLERK:** Not voting. Senator Scheer.

**SCHEER:** Yes.

**CLERK:** Voting yes. Senator Slama.

**SLAMA:** Not voting.

**CLERK:** Not voting. Senator Stinner.

**STINNER:** Not voting.

**CLERK:** No voting. Senator Vargas.

**VARGAS:** Not voting.

**CLERK:** Not voting. Senator Walz.

**WALZ:** Not voting.

**CLERK:** Not voting. Senator Wayne.

**WAYNE:** No.

**CLERK:** Voting no. Senator Williams.

**WILLIAMS:** Not voting.

**CLERK:** Not voting. Senator Wishart.

**WISHART:** No.

**CLERK:** Voting no. 10 ayes, 10 nays, Mr. President, on the amendment.

**SCHEER:** Thank you, Mr. Clerk, FA105 fails. Returning to the amendment.  
Senator Murman, you're recognized. I raise the call.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**MURMAN:** Thank you, Mr. President. I stand in favor of the amendment and the underlying bill. I wanted to take the time to expand on AM2456 and thank Chairman Groene and the committee for their work to bring this forward and include my bill, LB950. LB950 was brought to me by the Coordinating Commission for Postsecondary Education to address a concern that they had with the qualification with ACE scholarships. The ACE, Access College Early, scholarship pays tuition and mandatory fees for qualified low-income high school students to enroll in college courses from Nebraska colleges or universities, universities either through dual enrollment or early enrollment agreements with these institutions. To receive the ACE scholarship, the student or student's family must qualify for free or reduced lunch, Supplemental Security Income, Temporary Assistance to Needy Families, Supplemental Nutrition Assistance Program, or SNAP, Special Supplemental Assistance Program, which is also known as WIC. The objective of the ACE Program is to encourage well-prepared high school students from low-income families to enroll in college courses. In 2018, the Nebraska colleges and universities enrolled 2,456 low-income Nebraska high school students who received 3,723 ACE scholarships. LB950 stemmed from a conversation between the Education Committee staff and Nebraska Coordinating Commission for Postsecondary Education. The concern is that if-- that in 2018-2019, 98.5 percent of students that qualified did so under the free or reduced lunch. In 2019, the U.S. Department of Agriculture created a new spending program called Community Eligibility Provision, or CEP. CEP allowed a school to opt to give the entire school free lunch if at least 40 percent of the student population qualified for other forms of welfare assistance. As more and more schools opt the CEP program, programs that are intended to help only those overcoming poverty become overloaded as entire schools become eligible for these programs by qualifying for free lunches. With the CEP qualification of at least 40 percent of the student population qualified for other programs of welfare assistance, then the entire school was allowed to opt in. The ACE scholarship dollars are going to students who may not necessarily need it. The original idea was to require the students to apply for the FAFSA every year in order to qualify. That idea brought a lot of constructive feedback from schools across the state who were concerned with striking the current requirements to qualify for ACE. We were able to work with the Nebraska Department of Education and the Coordinating Commission for Postsecondary Education to address the concerns with the lengthy process of filling out the FAFSA to amend with language that states the Commissioner of Education may verify eligibility for a student

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

described in subdivision 1c, which is the free and reduced lunch portion of this section when, when requested by the Commission. Knowing that we would work together and make changes, it was supported--

**SCHEER:** One minute.

**MURMAN:** --in committee by the Coordinating Commission for Postsecondary Education, Nebraska Department of Education, Millard Public Schools, and EducationQuest Foundation. What we have to be aware of is the overload on the ACE scholarship with current students who don't qualify for, for financial support. There's a possibility of a larger school who is considering participating in the CEP program, which will completely consume the funds available for the ACE scholarship. The main point of this bill is to make sure the students who really need the funding will be the ones getting it. I want to thank the Coordinating Commission for Postsecondary Education, the Department of Education, and the Education Committee staff for working with me to include the-- include this important bill in this package. Colleagues, I urge your support on AM2456 and LB1131. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Murman. Senator Groene, seeing no one in the queue, you're welcome to close on AM2456. He waives close. And the question for us is the adoption of AM2456 to LB1131. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 37-- excuse me, 38 ayes, 1 nay on adoption of committee amendments.

**SCHEER:** AM2456 is adopted. Seeing no one in the queue, Senator Groene, you're welcome to close on LB1131.

**GROENE:** I just witnessed a sad day in, in Nebraska's history. Seen a lot of senators not vote for a bill they knew was right because they're worried about little pamphlets coming out, little postcards on this vote in the coming election. That is sad, that is sad. So they sat, didn't want to be called a racist to do-- by doing the right thing, lost a lot of faith. But anyway, I continue on, I got two years here yet, so I will do the right thing every day. And I will stand up and I'll keep my word to anybody who asks me. Sadly, I've seen that broken again to me today, happens a lot, but I continue on and I'd

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

just assume the bill-- it is what it is. The point of this is that section of law. I will guarantee you what happened here was an awful lot of civics teachers and government teachers said, oh, I didn't even know that was in the statute. There's a lot of school board members saying, oh, I didn't even know that was in the statute. Because there's no penalty for not doing it, Senator Chambers knows that. It's just words in a bill, but it sends the wrong message to Nebraskans that we choose events that we consider racist, we choose events that we consider to be slavery, we choose events that is genocide and we start rating them what is worse. Both of those activities by humans are evil and we just decided to put into statute that some are worse than others. Excuse me, I don't agree. I will probably vote for the bill. I really don't care what you do. If you're worried about your reelection, sit again. Thank you.

**SCHEER:** Thank you, Senator Groene. The question before us is the advancement of LB1131 to E and R Initial. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 37 ayes, 0 nays on the advancement of LB1131.

**SCHEER:** LB1131 is advanced to E and R Initial. Next item, LB931. Mr. Clerk.

**CLERK:** LB931 by Senator Halloran, it's a bill for an act relating to Nebraska Rules of the Road; it changes a harvested products maximum weight overload exception; introduced on January 10, referred to the Transportation Committee, advanced to General File. There are committee amendments pending, Mr. President.

**SCHEER:** Thank you, Mr. Clerk. Senator Halloran, you're welcome to open on LB931.

**HALLORAN:** Thank you, Mr. Speaker. Good morning yet, colleagues. Good morning, Nebraskans. First, I would like to thank Senator Hughes for selecting LB931 as his personal priority bill this session. The need for this legislation was brought to my attention by farmers from my district. LB931 simply adds the ability for farmers to exceed the maximum load permitted by 15 percent as laid out in statute 60-6,294 when transporting grain or seasonally-harvested products from farm storage to market or factory. Currently, farmers may exceed the maximum load permitted by 15 percent when transporting grain or

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

seasonally-harvested products to storage, to market, or to stockpile in the field or from stockpile to market or to factory. If the destination is less than 70 miles from the origination point, farmers can utilize a simple overweight exemption, exemption form that they must carry with them when transporting the seasonally-harvested product. If the destination point is more than 70 miles and less than 120 miles, farmers will have to apply for an overweight harvest permit from the Nebraska Department of Transportation. These permits may be issued for 30 days or 60 days and may be renewable for a total number of days not to exceed 120 days per calendar year. This bill helps clarify the language in current statutes regarding transporting grain to market and ensures that farmers can deliver their harvested grains from farm storage to market without being penalized for being overweight if they were stopped by a carrier enforcement officer. I believe that this addition to the current law modernizes the language to fit the everyday practical needs of today's farmers in regards to transporting their harvested grains to market or factory and give them peace of mind when moving grain from all storage arrangements. LB931 was voted 8-0 out of Transportation and Telecommunications and there was no opposition or neutral testimony to the bill during the hearing. I ask for the advancement of LB931. Thank you, Mr. Speaker.

**SCHEER:** Thank you, Senator Halloran. As the Clerk noted, there is a committee amendment from Transportation and Telecommunications. Senator Friesen, as Chair, you're welcome to open.

**FRIESEN:** Thank you, Mr. President. The committee amendment, which was proposed by Senator Halloran at the hearing on LB931, amends Section 60-6,301 and it would allow the maximum load to be increased for a tandem axle, group of axles, or any gross weight by 15 percent for transport to the seasonally-harvested grain from farm storage to market or factory without a permit. This amendment provides language that is consistent with other provisions of the bill and the way the current law operates. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Friesen. Going to the queue for discussion. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I was discussing this bill with a farmer constituent of mine this weekend and he did have a question and I'm not sure what I just heard from Senator Friesen. Would Senator Halloran yield to a question?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

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

**HALLORAN:** Yes, certainly.

**CLEMENTS:** The farmer that I talked to was overweight, but he didn't have-- but he was properly within the right time period for being overweight, but he didn't have a form in his truck declaring that. And so he ended up having a \$1,400 fine. And is there still going to be-- how do you get that form-- he was kind of wondering if this form is still going to be required to be in the truck, even if you're in a permitted season?

**HALLORAN:** The form, the form will be required. It's a form that's available from Farm Bureau, I believe, that allows for overweight-- for 15 percent overweight during harvest. And they need to have that with them. But they fill it out themselves, give the definition of where their farm is and where their destination for the grain is.

**CLEMENTS:** All right. Well, it was, I think, an inadvertent thing. He just happened to jump in the truck because it was convenient and forgot about that form and was stopped. And so I'll just have to remind him-- he's already been reminded-- with that and I said maybe you should have just given the officer the corn because it wasn't worth as much as the fine. But-- and he said, I tried. So thank you. I just wanted to clarify that fact. Thank you.

**SCHEER:** Thank you, Senator Clements and Senator Halloran. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Wondering if Senator Halloran would stand for a few questions?

**SCHEER:** Senator Halloran, would you please yield again?

**HALLORAN:** Certainly.

**McCOLLISTER:** We talked off the mike about this bill and I-- we discussed the fact that there is no fiscal note, which I found to be surprising. I absolutely understand that this bill makes sense for farmers trying to get crops out of their field. I understand that. It's something that I'll support. But yet the fact that we had no fiscal note, I found surprising. Did you find that to be surprising at all?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**HALLORAN:** Senator McCollister, generally, when I sponsor a bill and if the, if the affected agency has no fiscal note, I usually don't inquire to them to make sure that they have one.

**McCOLLISTER:** But shouldn't we acknowledge, sir, that, that there is some damage to the road with these overweight trucks and that there is probably some necessity over a period of time to repair the road simply because of overuse and overweight trucks? That's my only point. I plan to vote for the bill. I just wanted to have you acknowledge that there may be some damage to the roads.

**HALLORAN:** The, the bill certainly doesn't really change anything other than adding from farm storage to market. The word stockpile is, is, is, is often vaguely interpreted by law enforcement and farm storage-- oftentimes hauling from farm storage will end up being-- the farmer may end up being pulled over. And, and per the laws that exist, does not clarify that they can haul from farm storage during that period of time with an exception.

**McCOLLISTER:** Senator, I acknowledge that. I agree with your point, just that I was surprised about no fiscal note. I intend to vote for the bill and thank you for bringing it.

**HALLORAN:** Certainly, thank you.

**SCHEER:** Thank you, Senator McCollister and Senator Halloran. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. Speaker. Good morning. I had a conversation with Senator Halloran off of the mike. I went back and read the bill again and answered my question. My question to Senator Halloran, what if you're overweight and you're hauling hay or alfalfa on your truck? And it's pretty well described that any product and seasonal harvest-- so I appreciate that. Senator McCollister, I will talk briefly about your comments about no fiscal note. All we're changing here is allowing the farmer to load grain out of his grain storage bin and not scoop it up off of the ground in a storage pile. So it doesn't make any sense to me that if you load grain off of the ground onto your truck, you're eligible for overweight. But if you load it out of a granary or a grain bin, you are violating the law. I understand that. That's exactly what Senator Halloran is trying to do. I appreciate that. I will vote for this bill. It's a commonsense bill that makes a difference for agriculture and it makes a difference for the people of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

the state of Nebraska. So thank you for bringing the bill, I appreciate it.

**SCHEER:** Thank you, Senator Erdman. Senator Brandt and Dorn would like to welcome 22 guests from the third grade at Diller-Odell Elementary in Diller. They are in the north balcony. Would you please stand and be recognized by the Nebraska Legislature? Thanks so much for coming down. Senator Brandt, you're recognized.

**BRANDT:** This is a, a really simple bill. Thank you, Senator Halloran, for, for bringing the bill. How this works today as a farmer is if my corn is dry, I can haul it from the field to the elevator with this overload permit. If the corn is wet, for example, and the elevator is really docking on that-- let's say it's 18 percent corn. I want to haul it to my drying bin, dry it down for two or three days, and then haul it to the elevator. Because of the quirk in the law, I can't use that overload permit and all this language does is, is just clarify that situation. So I would encourage your green vote on both the amendment and LB931.

**SCHEER:** Thank you, Senator Brandt. Seeing no one in the queue, Senator Friesen, you're welcome to close on AM2128. He waives the closing. The question before us is the adoption of AM2128 to LB931. 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 on adoption of committee amendments.

**SCHEER:** AM2128 is adopted. Seeing no one in the queue, Senator Halloran, you're welcome to close. He waives closing. The question before us is the advancement of LB931 to E and R Initial. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 41 ayes, 0 nays on the advancement of the bill.

**SCHEER:** LB931 is advanced to E and R Initial. Mr. Clerk.

**CLERK:** Mr. President, the Government Committee reports LB1110 and LB1121 to General File, LB1122, General File, and LB752, General File with amendments. Senator Lathrop would like to print an amendment to LB1148. Enrollment and Review reports LB344, LB870, LB963, LB963A, LB840 to Select File, some having Enrollment and Review amendments. Name add: Senator Matt Hansen to LB848, LB911, LB963, LB1155; Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

Hunt, LB1001. Mr. President, Senator Wishart would move to recess the body until 1:30 p.m.

**SCHEER:** Thank you, Mr. Clerk. Colleagues, you've heard the motion. All those in favor, please say aye. All those opposed say nay. We stand in recess.

RECESS

**HILGERS:** Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**SCHEER:** Thank you, Mr. Clerk. Any items?

**CLERK:** Nothing at this time. Thank you.

**SCHEER:** Then, we'll go to the agenda-- returning to the agenda, next item is LB461.

**CLERK:** LB461, by Senator Friesen, relates to motor carriers. It changes legislative policy relating to motor carrier regulation, redefines terms, eliminates certificates of public convenience necessity and permits for common and contract carriage, provides a permit application progress-- process, excuse me, for regulated motor carriers. It changes provisionally rates, insurance and bonding requirements. The bill was introduced on January 18 and referred to the Transportation Committee, advanced to General File. There are committee amendments, Mr. President.

**SCHEER:** Thank you, Mr. Clerk. Senator Friesen, you're welcome to open on LB461.

**FRIESEN:** Thank you, Mr. President. I introduced LB461 and I would like to discuss the bill as introduced and the committee amendment which replaces the bill. As introduced, LB461 would have repealed the requirement that common contract carriers must obtain a certificate of public convenience and necessity before they could lawfully operate in Nebraska. The current process to get that certificate involves a trial-like hearing and allows the current certificate holders to intervene and protest that application. Under current law, the Public

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

Service Commission is required to deny any application that may impair or endanger an existing business. Testimony at our hearing drew some opposition, particularly from taxi cab companies. As the committee moved forward, we considered two amendments, one that would have maintained much of the original bill, and another amendment that was adopted by the committee to deregulate in areas relating to household goods movers, agritourism and transportation of railroad employees by railroad carriers. I would like to now move on to the committee amendment that was introduced that replaces the bill itself.

**SCHEER:** As the Clerk noted, there is a committee amendment to the bill and as Chairman, you're welcome to open on it.

**FRIESEN:** First, the amendment would strike provisions relating to certificates of convenience and necessity for household goods movers and substitute a licensing process. Section 77-304.02 is amended to provide for a license to be issued by the Public Service Commission to a qualified applicant upon payment of a \$250 annual fee. The applicant would agree to abide by rules and regulations adopted and promulgated by the PSC and could be suspended or revoked by the PSC for failure to comply with rules, regulations or statutes relating to household goods movers. The license would be for statewide carriage and no charges for services would be regulated by the PSC. Second, the amendment would exempt certain carriers who transport passengers for agritourism activities. A motor carrier would hire-- would--- motor carrier for hire would be exempt if such services are incidental to agritourism activities that are defined in Section 82-603, be the destination of passengers is outside any incorporated city or village, and the point of origination and termination of the motor carrier is outside a county that includes a city of the metropolitan or primary class. Third, the amendment would exempt motor carriers who are engaged in the transportation of employees of a railroad carrier engaged in interstate commerce to or from their work locations. This act would become operative January 1, 2021, and I do have an amendment to the committee amendment that I would like to explain.

**SCHEER:** Mr. Clerk.

**CLERK:** Senator, I have your first amendment, which is AM2716

**SCHEER:** Senator Friesen, you're welcome to open on AM2716.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FRIESEN:** Mr. President, and members of the Legislature, the amendment to the committee amendment clarifies the continuing authority of the Public Service Commission with respect to movers of household goods and transportation of railroad crews. I met with Senator DeBoer and representatives of the household goods movers on some concerns they had with the committee amendment's language last week. I believe this is a good compromise on some of their concerns. With respect to railroad crew transportation, the language in this amendment provides that the PSC would continue to adopt rules and regulations relating to driver qualifications, equipment, operating standards and recordkeeping for those companies that transport railroad crews. These companies would continue to comply with Section 75-307, which provides that the PSC authority over insurance requirements. With respect to the household good movers, the amendment contains-- continues to provide PSC authority over quality of service. The language does not change the original language in the amendment that deregulates the industry regarding rates that could be charged by household good movers. In other words, there would be no statewide tariff for those movers. I'd be happy to answer any questions you may have about the amendments or the committee amendments. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. I just wanted to thank Senator Friesen for his work on this bill with me and this amendment. AM2716 does, in fact, cure the concerns that I had about the bill. It's a little confusing because I voted it out of committee thinking we were doing one thing-- I missed and accept, and it turns out it wasn't what I thought so now I think we have gotten to that point. I very much appreciate everyone's work on this. This is a good bill that will still continue to allow these railcar express drivers who, or whatever you call them, that carry the railroad workers to still have regulation for quality of service and minimum insurance requirements and things to the PSC. So this does, in fact, take care of my concerns. Please vote green on AM2716 and the underlying bill.

**SCHEER:** Thank you, Senator DeBoer. Seeing no one in the queue, Senator Friesen, you're welcome to close on AM2716. He waives closing. The question before us is the adoption of AM2716 to AM2205. All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** 37 ayes, 0 nays, Mr. President, on the adoption of Senator Friesen's amendment to the committee amendments.

**SCHEER:** AM2716 is adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator, I understand-- I have two floor amendments, but I understand those are both gonna go away in lieu of this amendment, is that right? Mr. President, Senator Friesen would move to amend the committee members with AM2730.

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

**FRIESEN:** Thank you, Mr. President, and members of the body. This amendment just adds language relating to household goods movers. It adds the requirement to the application for a household goods movers license, and it requires the mover to provide its principal place of business in Nebraska in the application for a license filed with the Public Service Commission. It's kind of a technical amendment, but it's one that's important to the household goods movers, and I urge you to adopt this amendment. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Friesen. Seeing no one wishing to speak, Senator Friesen, you're welcome to close. He waives closing on--

**CLERK:** Give me moment.

**SCHEER:** OK, just a moment. Stand at reese-- at ease for a second. OK, colleagues, you've heard the motion, The question before us is adoption of AM2730. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 39 ayes, 0 nays on the adoption of the amendment to the committee amendments, Mr. President.

**SCHEER:** AM2730 is adopted. Seeing no one wishing to speak, Senator Friesen, you're welcome to close on AM2205, and he waives closing on AM2205. The question before us is adoption of AM2205 to LB461. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 39 ayes, 0 nays on adoption of committee amendments.

**SCHEER:** AM2205 is adopted. Seeing no one wishing to speak, Senator Friesen, you're welcome to close on LB461.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**FRIESEN:** Thank you, Mr. President. It's nice to have everybody really quiet and settled down after lunch. It's nice and warm outside. Again, I'd like to thank the committee for really working hard on, and especially Senator DeBoer for helping get this bill in the shape it is today, and that's the reason things I think appear to be going so smoothly. And so I-- again, we have looked at many options here. We've looked at different ways of doing this and we reached this conclusion and I appreciate everybody willingness to work with us. And I think this is a good bill and would like to see everybody vote green on this. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Friesen. The question before us is advancement of LB461 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 41 ayes, 0 nays on adoption of the motion to advance the bill, Mr. President.

**SCHEER:** LB461 is advanced to E&R Initial. Going back to the agenda. Next item, LB1042. Mr. Clerk.

**CLERK:** Mr. President, LB1042 by Senator La Grone is a bill for an act relating to the Educational Savings Plan Trust. It changes provisionally the Department of Revenue miscellaneous receipts fund and the College Savings Plan Expense Fund, provides a certain contribution of the Educational Savings Plan Trust Fund be recognized as income for certain purposes. It redefines qualified higher education expenses and harmonizes provisions. Introduced January 16, referred to Revenue. The bill was advanced to General File. There are committee amendments, Mr. President.

**SCHEER:** Thank you, Mr. Clerk. Senator La Grone, you're welcome to open on LB1042.

**La GRONE:** Thank you, Mr. President. And colleagues, you may remember the substance of LB1042 from last year. It's essentially the Final Reading version of LB470 from last year, which passed 43-0. It does two things. It ensures that donations from an employer to an employee's 529 account, which is often for their child's education, does not count as income and also ensures that such contributions do not force them off of state aid programs. There is a committee amendment that gets rid of what we thought was cleanup legislation

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

for-- that matched federal definitions. That's what caused the fiscal note. So the committee amendment takes that out and then Senator Morfeld has an amendment and Senator Pansing Brooks has an amendment, that I am supportive of both amendments, but I will allow them to open on their amendments. Thank you, Mr. President.

**SCHEER:** Thank you, Senator La Grone. As the Clerk stated, there is a committee amendment from the Revenue Committee. Senator Linehan, as Chairman, you're welcome to open on AM2181.

**LINEHAN:** Thank you, Mr. Speaker. Good afternoon, fellow Senators. As Senator La Grone has explained, this one provision of LB470 that was passed last session, but because of constitutional issues the Governor vetoed the package. The-- the amendment strikes the original Section 3 of the green copy. This section would have allowed the use of NEST funds, the Nebraska Educational Savings Plans Trust to pay for two things. One would have been to pay the costs of participating in improved apprentice program-- apprenticeship program, sorry. And the second would have been to pay principal and interest on any qualified education loan. As Senator La Grone brought-- Senator La Grone brought this amendment to the Revenue Committee. And it's my understanding, and I think it's just what Senator La Grone said, that this amendment will greatly reduce the cost of the bill. As you know, we will not receive an amended re-- revise-- revised fiscal note until the amendment is adopted on the floor. But the goal of this amendment is to have the fiscal note go away. The bill was advanced by committee on a vote of seven yays and one present, but not voting. I would ask for your support-- I would ask you for your green vote to adopt AM2181. Thank you.

**SCHEER:** Thank you, Slander-- Senator Linehan. Seeing no one in the queue, Senator Linehan, you're welcome to close on your amendment. She waives closing. The question before us is adoption of AM2181 to LB1042. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

**SCHEER:** AM2181 is adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Morfeld would move to amend with AM2592.

**SCHEER:** Senator Morfeld, you're welcome to open on AM2592.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**MORFELD:** Thank you, Mr. Speaker. Colleagues, I present to you AM2592 to LB1042. I want to thank Senator La Grone for allowing me to amend this on, and I'll give a quick introduction of what's going on here. So first off, to ensure access to higher education and ensuring that remains affordable, many states have encouraged families to save for future college expenses in the form of 529 plans, named after the section of federal tax code. There are numerous tax benefits associated with 529 plans, but they're often underutilized, especially among lower and middle-income families. During the implementation of the Meadowlark Act last year, it was discovered that some charitable foundations and other organizations have rules which preclude them from funding endowments, effectively eliminating them as partners. LB1083 modifies the Meadowlark Scholarship Program to allow foundations and other organizations, some of which have rules restricting them from funding endowments, to contribute by adding language to allow contributions to go directly to accounts opened under the Meadowlark program. So the goal here is to create as widely universal potential funding sources for the Meadowlark Fund as possible giving a degree of flexibility to more potential partners to help fund college or vocational educational opportunities for more Nebraskans. I also want to make clear there's a few other changes in AM2592 that-- that makes to LB1042. First, it changes the transfer amount from the Department of Revenue miscellaneous receipts fund from \$59,188 to \$59,500. So an additional-- additional few hundred dollars. This fund transfers to pay for the provisions of LB1042 which originated from LB470. The fee was originally written to mirror the fee in LB470A, but the fiscal note for LB1042 indicates that the OCIO has raised the fee required for the software update. And so with that colleagues, I would request that you support AM2592 and I'd be happy to answer any questions.

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

**CLERK:** Mr. President, Senator Pansing Brooks would move to amend Senator Morfeld's amendment with AM2685.

**SCHEER:** Thank you, Mr. Clerk. Senator Pansing Brooks, you're welcome to open on AM2685.

**PANSING BROOKS:** Thank you, Mr. President. Good afternoon, 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 I'm rising today to add an

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

amendment, AM2685. It's a friendly amendment. I thank Senators La Grone and Morfeld for working with me to clarify a few things. Some of you may remember that during this LB610 package on the 529 bills last session, I spent quite a bit of time clarifying the language that the money from the 529s were not-- was not to be used for K-12 schools. The amendment I have filed on this bill, AM2685 adds the same language in two sections of LB1042, specifically on pages 10 and 14 of the amended version of the bill. The added language states that these dollars shall not be used to pay expenses associated with attending kindergarten through grades twelve. As you all know, I've been very concerned that these 529s could be used as a vehicle to divert public dollars to private K-12 education. The addition of this language is necessary to the bill to protect K-12 public schools. I want to thank Senators La Grone and Morfeld for listening to my concerns and I'm glad we could work out this compromise. I just have two questions. If Senator La Grone, would answer a question.

**SCHEER:** Senator La Grone, would you please yield?

**La GRONE:** Absolutely.

**PANSING BROOKS:** As I did last year, your intention for this bill to LB1042 is not to use public dollars for private K-12 education, correct?

**La GRONE:** That's correct.

**PANSING BROOKS:** OK. Thank you. And may I please speak to Senator Morfeld?

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

**MORFELD:** Yes.

**PANSING BROOKS:** Senator Morfeld, it's your intention that your portion of this bill, your amendment, AM2592, not be used for-- to use public dollars to pay for private K-12 education, correct?

**MORFELD:** Correct.

**PANSING BROOKS:** Thank you very much. And with that, I hope that you'll support both AM2685 and AM2592, and I give the rest of my time to Senator La Grone.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**SCHEER:** Senator La Grone, 7:30.

**La GRONE:** Thank you, Mr. Speaker. And thank you, Senator Pansing Brooks. I just want to reiterate that I saw this as a friendly amendment. It's the same language that was added to Senator Lindstrom's bill from last year so it would make it consistent language in all the 529 statutes. And I thank Senator Pansing Brooks for being willing to work with us on this. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Pansing Brooks and Senator La Grone. Seeing no one in the queue, Senator Pansing Brooks, you're welcome to close on your amendment. She waives closing. The question before us is the adoption of AM2685 to AM2592. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 36 ayes, 1 nay on adoption of Senator Pansing Brooks' amendment to the Morfeld amendment.

**SCHEER:** AM2685 is adopted. Seeing no one wishing to speak, Senator Morfeld, you're welcome to close. He waives closing on AM2592. The question before us is adoption of AM2592 to LB1042. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 32 ayes, 0 nays on the adoption of Senator Morfeld's amendment.

**SCHEER:** AM2592 is adopted. Returning to floor discussion. Senator Dorn, you're recognized.

**DORN:** Thank you, Mr. Speaker. Spoke with Senator La Grone here a little bit ago and wanted to ask him, I guess, some questions on the fiscal note on this bill. I think it changed some in there earlier. They'd estimated about seven or eight million in lost revenue. And then farther down in the fiscal note it was shown about a \$17 million in next year's lost-- I shouldn't say lost revenue, in decreased revenue because of the possibility what this bill could do. Could you just explain some of that or go over some of the thought there?

**SCHEER:** Senator La Grone, would you please yield?

**La GRONE:** Absolutely. So, Senator Dorn, the 9 million and then 17 million lost revenue is what the Revenue Committee's amendment addressed. So if you read the fiscal note, where that came in was we added two additional pieces of definition because the federal

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

government updated the definition of 529. It was primarily about apprenticeships using the money for apprenticeships. Since that, we did not-- I did not anticipate a loss in revenue and because that came in and said we'd lose revenue, I asked the Revenue Committee to take that part out. So now the only portion on there is the technical fee for the Department of Revenue to change the program to account for this. And that is coming from the cash fund that pays for the administrative upkeep of the 529 accounts.

**DORN:** One more quick question then. Then they're-- they're, I guess part of how this bill is going to be used is they can deduct it from their income tax.

**La GRONE:** So this does not give anyone a deduction-- any new folks a deduction. All it does is it simply ensures that folks aren't kicked off their state benefits if their employer gives to their child's 529. So if you remember Senator Lindstrom's bill from last year, that set up a process for employer contributions. This basically ensures that there's no cliff effect associated with that.

**DORN:** Thank you for the clarification. Thank you. I yield my time.

**SCHEER:** Thank you, Senator Dorn and Senator La Grone. Seeing no one wishing to speak, Senator La Grone, you're welcome to close on LB1042.

**La GRONE:** I would just like to thank all the senators that worked with me on this in making sure we had it all technically correct. And I would appreciate everyone's green vote on LB1042. Thank you, Mr. President.

**SCHEER:** Thank you, Senator La Grone. The question before us is adoption of LB1042 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

**SCHEER:** LB1042 is advanced to E&R Initial. Mr. Clerk, next item.

**CLERK:** LB1042A by Senator La Grone appropriates funds to implement LB1042.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**SCHEER:** Thank you, Mr. Clerk. Senator La Grone, you're welcome to open on LB1042A.

**La GRONE:** Thank you, Mr. President. Almost forgot about the A bill. So what the A bill does is that in the text of the bill effectuates the transfer from the cash fund to the Revenue Department. This allows the Revenue Department to use the funds that we are transferring them in the body of the bill for the changes to the program. Thank you, Mr. President.

**SCHEER:** Thank you, Senator La Grone. Seeing no one wishing to speak, Senator La Grone, you're welcome to close on LB1042A. He waives closing. The question before us colleagues is the adoption of LB1042A to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

**SCHEER:** Thank you, Mr. Clerk. LB1042A is advanced to E&R Initial. Returning to the General File, LB803. Mr. Clerk.

**CLERK:** LB803, introduced by Senator Hughes relates to agriculture. It adopts the Pulse Crop Resources Act, defines terms and dry-- under the Dry Bean Resources Act, the Accountability and Disclosure Act, for purposes of filing system for farm product security interest. The bill was introduced on January 8, Mr. President, and referred to the Agriculture Committee, advanced to General File. I have no amendments pending at this time.

**SCHEER:** Thank you, Mr. Clerk. Senator Hughes, you're welcome to open on LB803.

**HUGHES:** Thank you, Mr. President. Good afternoon, colleagues. LB803 was brought on behalf of the pulse crop growers of the state who would like a checkoff program to generate funds for research and market promotion efforts. LB803 will do the following. It will set up a commission of producers to manage the funds collected for research and promotion, but probably the most important, this thing-- this bill does is make producers of chickpeas eligible for the-- to benefit from the National Pulse Crop Coalition for such things as revenue insurance. It creates a board of five producers, three from grower districts and two members at-large. It allows-- excuse me, lastly, LB803 sets the checkoff at 1 percent of net market value, but after 2-- 2 years, the board is authorized to adjust that rate to a maximum

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

of 2 percent. Pulse crops include dry peas, lentils, chickpeas, fava beans and lupin. These crops have been grown in Nebraska for quite a few years now and are gaining a popularity with farmer-- farmers as an alternative crop. According to the University of Nebraska Pulse Crops Checkoff survey in 2018, there were approximately 80,000 combined acres of field peas, lentils and chickpeas produced in Nebraska. This bill was voted out of committee 8-0 with no opponents or neutral testifiers. I would like to thank the Speaker for giving this a Speaker priority and the Agriculture Committee members for voting this out. I would urge your adoption of LB803. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Hughes. Seeing no one wishing to speak, Senator Hughes, you're welcome to close on LB803. He waives closing. The question before us is advancement of LB803 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Has everyone voted that wish to? Please record

**CLERK:** 37 ayes, 0 nays on the advancement of LB803.

**SCHEER:** LB803 is advanced to E&R Initial. Mr. Clerk, LB803A.

**CLERK:** LB803A, by Senator Hughes, appropriates funds to implement the provisions of LB803.

**SCHEER:** Senator Hughes, you're welcome to open on LB803A.

**HUGHES:** Thank you, Mr. President. The only thing this A bill does is it allows the board to spend the money that they are collecting. It's a cash fund so-- and they can spend up to \$35,000 for board travel and for-- to hire part-time help in order to administer the fund. With that, I would entertain any questions if you have a question on that, but a very small amount of money. It's a very fledgling industry and we're trying to get it up and going to provide an alternative crop for the ag producers across the state of Nebraska. This is not just a western Nebraska deal, it's across Nebraska. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Hughes. Seeing no one in the queue wishing to speak, you're welcome to close. He waives closing. The question before us is advancement of LB803A to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Has everyone voted that wish to? Please record.

**CLERK:** 38 ayes, 0 nays on the advance of LB803A.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**SCHEER:** LB803A is advanced to E&R Initial. Mr. Clerk, next item, LB43.

**CLERK:** LB43 was a bill introduced by Senator Bolz. It's a bill for an act relating to victims right. It adopts the Sexual Assault Survivors Bill of Rights Act. Introduced on January 10 of last year. At that time referred to Judiciary, advanced to General File. There are Judiciary Committee amendments pending.

**SCHEER:** Thank you, Mr. Clerk. Senator Bolz, you're welcome to open on LB43.

**BOLZ:** Thank you, Mr. President. Good afternoon, colleagues. Today, I bring LB43, the Sexual Assault Survivors Bill of Rights Act for your consideration. This is a bill that honors survivors of sexual assault for their courage by providing a single document that makes them aware of the rights and resources that are available to support them. I introduced this bill last year and over the interim I have worked with stakeholders to develop thoughtful language that enumerates the rights of victims without creating undue obligation to medical and law enforcement personnel. I introduced LB43 because I know that it is important, given our current social climate, that survivors know that we hear them, we support them, and we choose to be part of the solution. Sexual assault is defined as forced, manipulated or coerced sexual contact and it includes rape, child sexual abuse, same sex assault, acquaintance rape, harassment and marital rape. The perpetrator use sex to inflict physical and emotional violence and humiliation on the victim or to exert power and control. Each day, hundreds of Americans are affected by sexual violence. In fact, every 98 seconds, an American is sexually assaulted. Every eight minutes, that victim is a child. Men, women and children are all affected by sexual violence. One out of every six American women has been the victim of an attempted or completed rape in her lifetime. About 3 percent of American men, or one in 33 have experienced attempted or completed rape. And according to the Crime Commission, there were 1,235 reported cases of forcible rape in our state in 2018. We also know that many instances of sexual assault go unreported. Sexual assault is traumatizing. After an assault the victims may not know how to react. They may be physically hurt, emotionally numbed by feelings of fear, anger or disbelief, leaving them unsure about what to do next. They may consider working with the criminal justice system, but be unsure where to begin. Learning more about what resources are available and what steps to take following sexual violence can help calm victims in a difficult time and may encouraged increased

reporting. Colleagues, increased reporting helps protect us all because it gives us more information about individuals who may be enacting crimes. LB43 offers consistent guidelines for providing the support and information that should be offered to every victim of sexual assault; it requires that survivors seeking help be notified of their rights, which include, but are not limited to, the right to be treated with fairness, dignity and respect; the right to have an advocate present with them during examinations or interviews; the right to healthcare, including a free forensics, medical examination; the right to prompt analysis of DNA evidence; the right to be heard and participate in the criminal justice process; the right to notice about the status of the case; the right to be protected from threats of harm arising from their cooperation of law-- with law enforcement. You might think this sounds like common sense, but survivors under duress are often overwhelmed by the experience and by the reporting process. Subsequently, it is the responsibility of those who are charged with helping survivors to remind them of their rights. As I mentioned, we have worked hard to mitigate opposition to the bill, and AM2037 offered by the committee is a reflection of that hard work. It includes-- includes compromises that address concerns expressed by law enforcement and prosecutors about preserving the timeliness and integrity of procedural processes, while still ensuring that we bring forward policy that respects the individuals who have survived sexual assault. I do think it's important to acknowledge that there is still some difference of perspective with legal representatives about the rights related to the presence of an advocate. Several language suggestions were offered for consideration. I bring this to your attention because importantly, colleagues, the right to have present an advocate during an interview or a deposition by a pol-- peace officer, prosecutor or defense attorney is one that survivors has voiced as critical to their emotional safety and well-being. Colleagues, the Sexual Assault Survivors Bill of Rights Act does not grant survivors the right to anything that they don't currently have a right to do. Advocates can already be present in these circumstances, but it does enumerate rights that are either granted in other sections of statute or reflect best practices or help to clarify and improve existing practices and are not prohibited elsewhere in our statutes. LB43, as amended by AM2037, helps the process of restoring peace of mind to individuals who've been traumatized. It offers clear information at a time when they are in need of compassion and support and makes them aware of existing resources available to them. I do want to address a few concerns that have been brought to me. One is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

the use of the term survivor. This is the preference of individuals who have survived a sexual assault. I think we need to respect that preference, and I would say that-- that we have to use a term for these individuals within the system and the preferred term for these individuals is survivor. I don't think that either term is necessarily more or less prejudicial, I think it's the preferred term of the survivors. I think the important thing to remember is that there-- there are some important pieces that are very vital to survivors. One is the provision of the information in a clear and comprehensive way by trusted people within the system. And another is a couple of clarifications, specifically that the survivors of assaults can provide information without fear of prosecution related to misdemeanors when they're articulating their experience with a sexual assault. And I think it's also important that because an individual is asking for protections or the execution of their rights under the Sexual Assault Survivors Bill of Rights does not result in an assumption of guilt for someone who might have perpetrated the crime or might be accused of perpetrating the crime. They still have their due process rights under the law, but this does help survivors access rights available to them that include, but are not limited to access to information about the status of their case, DNA evidence, protections within criminal proceedings and many, many others. So, colleagues, I welcome your questions and I ask for your support for LB43 and AM2037. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Bolz. Senator Lathrop, as Chairman of Judiciary Committee, you're welcome to open an AM2037.

**LATHROP:** Thank you, Mr. President, and colleagues, good afternoon. The Judiciary Committee held a public hearing on LB43 on February 22 of 2019. The committee voted to amend LB43 with AM2037 and advanced the bill to General File on votes of 6-0, with 2 members present not voting. AM2037 replaces the original bill. The amendment removes four sections of the original bill that repeated or duplicated protections that are already contained in existing law or are created elsewhere in the bill. The amendment also changes the language in Sections 4 and 5 to make it clear that sexual assault survivors have a right to have an advocate present, but do not have a right to consult with the advocate during an examination or interview. Sections 9, 10, and 11 are new. These sections harmonize victims' rights statutes and criminal procedure statutes in existing law with the definitions and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

protections created in LB43. With that, I would encourage your support of AM2037 as well as LB43. Thank you.

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

**HUGHES:** Thank you, Mr. President. Wondering if Senator Bolz would yield to some questions.

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

**BOLZ:** I'll yield if you'll share the microphone.

**HUGHES:** Thank you, Senator Bolz. I just want to walk through a conversation that you and I had earlier. I have some concerns from one of my county attorneys that are in my district, and I do want to ask you the questions that I asked you earlier about the concerns that this gentleman had. Probably the first thing is the lack of advocates in rural Nebraska. You know, how do-- how do we get around that if we have a-- if we have an assault that is reported and usually that happens at night and there's not a advocates center or anything within 100 miles, how-- how do we handle that?

**BOLZ:** Good question. And I would turn the body's attention to the map that was handed out earlier, and I believe it's here on your desk, Senator Hughes, that illustrates the statewide nature of the advocacy network. I would also note that LB43 requires that professionals notify survivors of the importance of a timely medic-- medical examination or reporting, and it provides that a survivor has the right to an advocate unless one cannot be accessed in a timely manner.

**HUGHES:** OK. Very good. Thank you very much. I guess the next point that I wanted to bring up was the-- having the advocate present during the deposition. I understand the advocate cannot say anything during the deposition, but in most instances, a lot of information or the truth is gained during depositions. So I guess I wanted to know-- have a little more background of why we're allowing the advocate to sit in during the depositions.

**BOLZ:** Fair question, Senator Hughes. One clarification I would make in echoing Senator Lathrop's comments is that we did refine the legislation to articulate that an advocate may be present, but may not consult with the individual. And their-- their behavior should be streamlined and should not in any way, shape or form be representing legal advice or any-- anything to-- to that. And the other thing I

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

would say is that the presence of an advocate can have a calming effect for someone who is traumatized and-- and that presence of a trusted person can be helpful. It is in all of our best interests to, whenever possible, get the truth and get enough information out so that if someone has perpetrated a crime, law enforcement can get the information they need to find that person and prevent them from doing further harm. The last thing I would say is that other states do have this language within their Sexual Assault Survivors Bill of Rights. We have been in contact with a national organization called Rise. And they were surprised about this concern because in the states that have similar language, they have not been reported to Rise as having any problems with that issue.

**HUGHES:** OK, thank you, Senator Bolz, and I guess the last point that I want to bring up and this is one that I think you and I will disagree on, is the use of victim versus survivor in the-- in the terminology in this instance. For me, I think survivor has a much more highly-charged connotation than victim, and I just wanted to get your thoughts of why you chose to go with survivor rather than the victim.

**BOLZ:** I appreciate the opportunity to address the question.

**SCHEER:** One minute.

**BOLZ:** The term is the preference of individuals who have experienced such crimes, that that is a semantic preference. I would say that there has to be a term used in some way, shape or form, it may either be victim or survivor. The preference of survive-- of the individuals who are impacted is survivor. I would say if there's a circumstance in which that word is in some way, shape or form somehow prejudicial, you can ask one of the attorneys on the floor, but it's my understanding that an attorney could bring a request to the court that that word or term not be used in that set of circumstances. So I think that it's largely a semantic debate. And what all other things being equal, I prefer to use the preference of individuals who have survived a crime.

**HUGHES:** All right, thank you very much, Senator Bolz.

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

**SCHEER:** Thank you, Senator Hughes and Senator Bolz. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** Mr. President, Senator Albrecht would move to amend the committee amendments.

**SCHEER:** Senator Albrecht, you're welcome to open on your amendment.

**ALBRECHT:** Actually-- thank you, Speaker Scheer. I just rise after looking at the amendment, AM2037. I'll take you to page 4, line 2. It starts out to say the survivor has the right to be interviewed by a peace officer of the gender of the survivor's choosing. I'd like to change the word gender to sex. And again, I absolutely do rise in support of LB43 and would like to just change that word in LB2037. I think this is a good bill. I think that they need some guidance. But I also have some other questions besides just going to that particular line and word. I'm concerned again when I have a bill like this and I want to find out from my law enforcement or peace officers in District 17 what their concerns are. And if Senator Bolz would yield to a few questions.

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

**BOLZ:** Sure.

**ALBRECHT:** OK. The one thing that I also recognized on page 5, when you say that the depart-- I'm sorry, page 5, line 29, when you say that the Department of Health and Human Services shall provide the survivor with information that explains the rights of the survivor under the Sexual Assault Survivors Bill of Rights, so does that mean someone from the Department of Health and Human Services will be called in on every incident and provided this information to the survivor?

**BOLZ:** No, the Crime Commission has volunteered to put together comprehensive information that will-- will be cumulated and summarized by the experts in the field and that that information can be passed on to the medical providers and others who will make sure that the individuals who are survivors have the information that helps them navigate the system.

**ALBRECHT:** OK, so that would just be law enforcement or the peace officer providing that to the person at the time of the-- of the incident, correct?

**BOLZ:** Correct. And there are multiple ways that might be distributed. Maybe we'll-- we'll share a link or maybe there will be hard copies available, but the information will be comprehensively put together

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

and shared with the provider that-- that individual is not expected to be an expert on all things. Rather, they're-- they're--

**ALBRECHT:** Correct. Right.

**BOLZ:** --make sure that they have that responsibility to transfer the information.

**ALBRECHT:** OK. Thank you. And then let's move on to the word advocate. So give me a scenario in a small town who the advocate would be. Who would-- who would the peace officer call on to be an advocate for this person?

**BOLZ:** If-- if you are able to see it, and it's-- it's coming around, if-- if you don't have it at your fingertips, there are seven advocacy centers throughout the state of Nebraska. The seven child advocacy centers are all part of the Nebraska alliance and they're accredited by the National Children's Alliance. And then on the other side is Nebraska's network of domestic violence and sexual assault programs, Haven House in Wayne, Hope Crisis Center in Fairbury. There's also a statewide hotline, a hotline available in Spanish. I don't mean to take up your time, but this information should be on your desk or should be coming your way.

**ALBRECHT:** And that's what was important for me to understand so that I would know how to answer those questions in my district to be able to let them know that they would have services available. When I called back, they always have an interpreter or someone who can help, but-- and who would pay for the-- for the advocates? Would they be provided from these organizations that you've provided?

**BOLZ:** Yes. We already fund these organizations through the appropriations process. Sometimes they do talk to us about increased demand and we have to respond to that, but the organizations are funded through our appropriations process and through their own fundraising. I would also, if I may quickly say that the bill provides that a survivor has a right to an advocate unless one cannot be accessed in a timely manner. So there is a contingency.

**ALBRECHT:** OK, because again, that advocate would be with that person at all times, whenever they would have to go before the judge, or have any kind of interaction with attorneys or whatever, that advocate would have to be with them, correct?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**BOLZ:** It is of the survivor's choosing, and the language provided does say that if there-- if someone is doing something that is not substantive, say, confirming the time and place for a meeting, that an advocate may not be necessary in those circumstances.

**ALBRECHT:** OK. And just real quick, to go back to the LB107 that I've asked to just change the word, do you have any problem with changing gender to sex on that line?

**BOLZ:** This is the first that I'm hearing of it.

**ALBRECHT:** I just read it. I just read the new amendment, so.

**BOLZ:** On its surface, I guess I would have to to ask the question for what purpose or-- and is there any conflicting language that-- that defines gender or sex in certain ways under this legislation or other legislation that would create an inconsistency?

**ALBRECHT:** Well, I don't know that it is consistent with others, because I don't believe we have this type of-- of bill out there right now. And maybe you took this information from a different bill from another state, I don't know. So again, I would just like it to be simplified as sex, either the male or the female. So that's all I have. Thank you.

**SCHEER:** Thank you, Senator Albrecht and Senator Bolz. Returning to the floor discussion. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. Speaker. Good afternoon. Senator Bolz, listening to the discussion with Senator Albrecht in trying to figure out who's going to pay for this, and I think you answered that. But the map you handed out, I wonder if you would answer some questions about that.

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

**BOLZ:** Sure.

**ERDMAN:** Senator Bolz, the one on the side that says the Nebraska alliance of CAC-- CACs.

**BOLZ:** Yep.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**ERDMAN:** It-- it-- I'm not clear on where the seven centers are. They barely show up on my map. Is there one in Scottsbluff?

**BOLZ:** So-- so you'll see it's-- it's Gering. You'll see a little-- a little icon there.

**ERDMAN:** OK. What-- what are the other things that look like dishes?

**BOLZ:** I-- I'm not sure precisely what the-- what the copy is-- is not great, but the map does show that there is coverage area. You'll-- you'll note that we-- there are-- there are some-- some central offices and some satellite offices and that might be the difference between the two icons. You'll recall that we've funded the child advocacy centers and then perhaps two years ago expanded those child advocacy centers, and hopefully the budget that we'll bring to the floor again adds resources to those child advocacy centers to make sure that people in crisis have what they need.

**ERDMAN:** OK. All right. So if I look at-- looking at Senator Brewer's district, it looks like he has two satellite offices, one in Chadron and one in Alliance and all the other twelve counties that he has have-- have no satellite offices or any connection with an advocate. Would that be the same assumption you have?

**BOLZ:** There is a current statutory requirement that it should be a statewide system, so there should always be someone to call.

**ERDMAN:** OK, so if you're in Valentine, and the nearest person is in-- in Dawes County, which is Chadron, that's a 3-hour drive. So what do you do there?

**BOLZ:** Again, the bill provides that a survivor has the right to an advocate unless one cannot be accessed in a timely manner, so there is that provision. I also would add that-- the-- this-- the multiple times that Senator Watermeier, Senator Stinner and now Senator Stinner again have advocated for the expansion of child advocacy centers. I've supported that every time in committee and I think you have as well, actually. So I think we're doing our due diligence in terms of access to support.

**ERDMAN:** OK. So in your answer to Senator Albrecht, you said that these are paid. We appropriate money for these centers. And so my question is, would any of this ever fall on the property taxpayer?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**BOLZ:** I don't-- I don't-- I cannot speak for every circumstance in every county, but I think the majority of these organizations do-- they do fundraising and they are paid for through state appropriations.

**ERDMAN:** OK.

**BOLZ:** Again, we are not requiring additional advocates. We are-- we are articulating the right of a survivor to access an advocate if one is timely available.

**ERDMAN:** OK. Do you have a copy of the amendment there in front of you?

**BOLZ:** I do.

**ERDMAN:** AM2037?

**BOLZ:** Yep, let me--

**ERDMAN:** If you go to page 6, I have a question on line 21.

**BOLZ:** Sure. I would also note for you, while I'm finding it, that there is-- there is no fiscal impact. So we are building on the existing network of advocates.

**ERDMAN:** OK. And so here's my question on line 21. And it says that the state, federal--

**BOLZ:** I'm sorry, sir. Which page?

**ERDMAN:** Page 6, line 21.

**BOLZ:** Page 6, line 21. OK.

**ERDMAN:** State and federal compensation funds for medical and other costs associated with the sexual assault and information on any municipal, state or federal right to restitution for the survivor--

**SCHEER:** One minute.

**ERDMAN:** --in the event of a-- did you say time, sir?

**SCHEER:** No, one minute, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**ERDMAN:** OK. Thank you. Anyway, tell me about this state and federal compensation fund. I've never heard of that.

**BOLZ:** So the information shall include the availability of such funds. Those funds are currently available and some of-- some of those compensation funds are federally funded. We've also in the past transferred funds from the ignition interlock system to add resources to those funds. So it's not an assurance of those funds coming to you. It is information being provided to you that you may apply for such funds, and if some-- such funds are available and you qualify for them, you may get such resources to you. So it's information provided, not an assurance that you will be given such funds.

**ERDMAN:** So there's no-- there's not a guarantee they're going to get any compensation at all?

**BOLZ:** That's correct.

**ERDMAN:** OK. All right. Thank you.

**BOLZ:** Thank you.

**SCHEER:** Thank you, Senator Erdman and Senator Bolz. Senator Albrecht, you're recognized.

**ALBRECHT:** Was my light on? Sorry.

**SCHEER:** She waives. Senator Groene, you're recognized.

**GROENE:** Thank you, Mr. President. I have some questions, reading this-- well, legalese in here. Senator Bolz.

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

**BOLZ:** Sure.

**GROENE:** Is-- reading this, I think I'm reading it right. It's all voluntary, right? The victim can ask for an advocate if they wish.

**BOLZ:** Absolutely. Part of the goal here is to empower the survivor to make choices and-- and access and advocate only if he or she chooses to do so.

**GROENE:** Is it common in law to call a victim, a survivor?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**BOLZ:** There are several other states that have similar bills of rights, and most of them use the term survivor.

**GROENE:** Thank you. Another question. So the individual, the victim might divulge to this advocate some related crime that was going on and then they were assaulted. Is-- are they protected like a-- like a religious person is that if the defense attorney calls the advocate to the-- to the-- stand as a-- as a witness, what happens?

**BOLZ:** For private agencies, yes, the-- the individual, they are protected just like you have confidentiality with your attorney-- with your attorney.

**LATHROP:** It's called a privilege.

**BOLZ:** It's called a privilege, says Senator Lathrop.

**GROENE:** And that's when-- I see the language, privilege in there that sort of relates to.

**BOLZ:** That's right.

**GROENE:** All right. And there is no charge to the county from the advocacy groups?

**BOLZ:** No, sir.

**GROENE:** So even a hospital, who's a-- is this for profit. You mentioned hospitals has, in your language, they wouldn't be able to charge the victim or the county for the fees?

**BOLZ:** The-- the individual who has experienced a crime, who comes for medical care, would access medical care through their insurance or through Medicaid or through the means that anyone would otherwise go to a healthcare provider for an emergency room visit or otherwise. If you--

**GROENE:** Excuse me.

**BOLZ:** --got into a car accident. The same would apply.

**GROENE:** What if the victim would-- is young or at any age would prefer to have their spouses in the room as their advocate or the-- one of their parents, is that allowed?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**BOLZ:** There's no-- there's no prohibition on having a significant other, a friend, a family member. There's no-- there's no prohibition in any of this language that says you couldn't have that person there with you.

**GROENE:** You can do that?

**BOLZ:** Yes, sir.

**GROENE:** It's standing law now. Thank you. I just have a lot of questions on it. And I understand the situation these victims are in at that moment in time. It's a lot different in robbery or burglary and other crimes, this is personal. But just want to make sure they have the right to say yes or no to an advocate, have their family members in the room when all of these procedures are taking place.

**BOLZ:** So-- so may I offer--

**GROENE:** No.

**BOLZ:** OK.

**SCHEER:** Thank you, Senator Groene and Senator Bolz. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I also have had some communications from especially public defenders and with concerns about this. Would Senator Bolz yield to a question?

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

**BOLZ:** I will yield.

**CLEMENTS:** Thank you. One of these people said this bill is unnecessary, unworkable and potentially unconstitutional. Was-- were there things in the amendment that would have softened their criticism?

**BOLZ:** Certainly. So I, again, would reiterate that we've worked with the Attorney General's Office. We've worked with the advocacy groups. We've worked with law enforcement. We've worked with attorneys. And we've done our best to make sure that we're addressing all the questions, comments and concerns, which is-- that work is reflected in the amendment that's in front of you. In terms of the workability, I do think that the amendment clarifies a number of those things. For

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

example, clarifying that an advocate may not provide legal advice. Regarding the constitutionality, I think that there's a-- there's a different perspective about the use of the term survivor. Some people say that they have a concern that that's prejudicial. I would say that any term, either term could be prejudicial, so we would use the preferred term, survivor.

**CLEMENTS:** And I think I've heard you say that a defense attorney could object in court to using the term survivor, is that correct?

**BOLZ:** I-- I-- it is my understanding that that is the action that an attorney could take. You know, I'm not-- I don't-- don't stand up here with a law degree. It is my understanding that that is something they could request, and then the court, just like any other item of prejudice, would be able to address whether that's a valid concern or not a valid concern.

**CLEMENTS:** And the other thing I thought I heard you say that this is pulling together things that are already existing in current statute is that-- what is it? Is there anything being added or are we just accumulating other statutes?

**BOLZ:** Thank you so much for that question. That's some of what-- what I was-- was trying to express previously, so thank you very much for asking that question. The majority of this bill is clarifying and reiterating existing rights of survivors. The things that our new or different are, first, the requirement that survivors be given the information in a comprehensive way about their rights so that they can navigate the system. So that's first. The normal person doesn't even know where to begin in terms of those-- those rights. The second is that there are some small clarifications that we think strengthen those existing rights. One is that you, a survivor, cannot be prosecuted for a misdemeanor if he or she discloses something that-- that happened during the-- the assaults that helps the-- the law enforcement to find the person who committed the crime. He or she is protected only from those misdemeanors. Another piece is clarifying that they have a right to an advocate in a deposition, which is current practice, but making sure that people have a proactive statement that those rights are available to them is very important. So most of the changes are quite small. I also think the use of the term survivor is a small change that is at the request of people who've experienced these crimes that helps them navigate the system and feel-- and, you know, experience the legal system less as if-- at

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

less as a victim and more as someone who can control his or her fate. I'm taking up a lot of your time. I'm sorry, sir.

**CLEMENTS:** Back-- back to the deposition there an advocate already is allowed in a deposition, is that correct?

**HUGHES:** One minute.

**BOLZ:** It is not prohibited.

**CLEMENTS:** It's not permitted. So this is--

**BOLZ:** Prohibited. It is currently not prohibited to have an advocate present in a deposition.

**CLEMENTS:** Oh, not prohibited, so it is already possible.

**BOLZ:** Yes.

**CLEMENTS:** All right. Thank you, Senator Bolz.

**BOLZ:** Thank you, Senator Clements.

**CLEMENTS:** I am glad to hear that there's not a mandate, that it is optional and especially the phrase about if a person is not readily available, that we can-- it's not mandated, so I'm glad to hear that. And I believe this is workable in some form. I hope we can continue the discussion. Thank you.

**HUGHES:** Thank you, Senators Clements and Senator Bolz. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. President. And Senator Bolz and I-- and we've been talking off line on this on the side and we're working on this issue. I do believe we've got the concern. She's willing to address a concern, but we'll speak to it on mike here for just a minute. And we're looking on-- on the amendment on page 1, line 15, I think, really answers the question. But on page 1 of the amendment, on line 10, what's concerning to local law enforcement is that is not affiliated with a law enforcement or prosecutor's office. And the comment has been made from one of my sheriff's departments is that this would-- if that language remains in there, that would eliminate what they're already doing, which provides for assistance in a fast and efficient manner. And I think as we-- as we're talking with the county attorney and also out in the lobby, I think what we're looking

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

at is on line 15, on page 1, the words, a witness assistance center may actually-- if we look in statute, that's might be the definition or the define what that is will actually satisfy their concern. However, if not, my understanding is here-- were still willing to work with us on this, is that correct, Senator Bolz?

**BOLZ:** Yes. And if-- if I may repeat what I-- what I think the conversation we're having here is, a question arose today that an individual who works in some way, shape or form with a specific county attorney's office wants to be able to continue doing that advocacy work. Absolutely no question about it. Any advocate that is trained and working on behalf of survivors is on my team and I want to support them, and I'll work with Senator Bostelman to make sure that that can continue. What we're referencing in the bill is that the advocate has-- has a definition in a couple of different ways. An advocate is a employee or supervisor, volunteer of a domestic violence or sexual assault program, a representative of a victim or witness assistance center, etcetera. If the individual in your specific county, Senator Bostelman, is not covered by this existing definition, I'd be happy to expand it. I would also say that this definition is reflecting current law. So we are not adding or subtracting anything to this existing definition. And so if that-- if that needs to be cleaned up as a part of this bill, I'd be happy to do that. My hope, my expectation is that your county is-- is currently operating under existing law and we should not have any troubles reconciling anything that comes to our further attention.

**BOSTELMAN:** I would agree. Thank you.

**BOLZ:** Thank you.

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

**HUGHES:** Thank you, Senators Bostelman and Bolz. Senator Albrecht, you're recognized.

**ALBRECHT:** Thank you, Speaker Hughes. Again, my apologies for not running back and talking to Senator Bolz about this-- this word change from gender to sex. Again, in speaking to law enforcement in my district, you know, they-- they need to know. You know, do we have-- if we recognize them as being, you know, a certain sex, but they choose to have someone of the opposite sex work with them, they need to know because they aren't able to do it themselves. They need to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

know and be able to reasonably accommodate, as it does say in the next paragraph after-- after the first paragraph in the-- on page four. Again, I'd like to work-- I'd like to get this passed and get it worked out between now and Select that the language is what it needs to be, but mostly again for law enforcement so that they have clarity and that they're able to work with the folks that they need to get in there to help this survivor. Thank you. I'll yield my time back to the Speaker.

**SCHEER:** Thank you, Senator Albrecht and Senator Bolz. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. I am supporting LB43. There was just some questions about what a judge would do and what a judge wouldn't do, and being the only defense attorney in here, I feel I need to speak up on this issue and I'll tell you the complications with this bill. And the problem of it-- the reason why I'm not advocating against the bill is I'm not sure how to fix it. That's the problem. I really don't know how to fix it. So I really feel like, if you don't know how to fix it, you probably shouldn't talk, but I'm talking anyway. So long and the short of it is, is no judge is going to strike the word survivor in a jury instructions or to be said in a-- in a courtroom if it's in statute. In the history of doing this, only one judge out of Sarpy County struck a word recently for his courtroom. But if it's in statute, and recall and survivor, no judge is going to say no, because the Legislature deemed that word important and kept it in. There is a definition and there's a reason why this bill wants survivors. There's a reason why defense counsels like myself and other people don't want survivor. Survivor include-- implies that you're already-- it has already happened. That is what it is. I do think it's important, and what my concern is, is actually from a prosecution standpoint. From a defense standpoint, I actually kind of like where we're at because I get to ask, if I'm doing a trial in front of a jury, and I think it's very important for people to listen to this point, most of these cases are shut and dry. They're just-- it's just simple. It's cut and dry, cut and dry. You do a deposition. You go back to your client and you say, you're gonna plead. That's just why we do depositions or we do what's called an informal deposition where we just have a conversation to see what the victim is going to say. It's the close cases that go to a jury trial. Now, imagine what's going to happen as a defense counsel. First question I get to ask is, after this happened, who did you talk to? Who did you call? If an advocate there is there during the police investigation, I'm--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

obviously I get to imply to the jury that the advocate was called prior otherwise-- or right after before the police showed up. So I get to imply that you talked to an advocate. And because advocate is privileged, I don't get to go into what those questions were. So now I get to leave it up to a jury to figure that out. And typically when there's an unanswered question, it goes in the favor of defense counsel. So I'm more concerned from a prosecution standpoint that if an advocate is there and I don't get to talk about advocate, what time that advocate showed up is critical. And it can't just be-- and the problem I have with the advocate definition has nothing to do with this bill, it was the bill that was passed prior to this bill is that it's any employee of one of these nonprofits, typically, or a program associated with domestic violence. The problem with that is the training within those programs. Some of them are very good. Some of them we need to work on. And if they don't properly train and explain to the victim that privilege, if that victim gets on the stand and says anything about that conversation with the advocate, that privilege is waived. Now I get to call the advocate to the stand. I get to question the advocate's credibility. That opens a whole other door. The problem is, I don't know how to fix it. We have a problem. We have some defense counsels who are way too aggressive in depositions, I get that. But that's the role of a prosecutor to step up and say, this deposition is over, call--

**SCHEER:** One minute.

**WAYNE:** --call the judge if you want to keep going. That doesn't happen. It doesn't happen, I guess, in small communities, but it sure happens in Douglas County. That's not going to happen. And the problem is, I don't know how to fix it. So I'm willing to support the bill through round one to try to figure out, but I've talked to Senator Bolz. If you'll know what happened in Exec, I wasn't there and then I came back and reopened it to put my vote to get it to the floor because the issue is important. I am just not comfortable how the bill is going and how it's written. Not anybody's fault, it's just that we're limited by the language we use and I don't know the words to use. So I'm going to support this and I would encourage people to support it in the spirit of the bill, but we have to figure out from General File to Select what words to use and the timing of when the advocate gets there, because that timing will make or break prosecution cases. If they're there before the police and there's an interview, there is a reasonable doubt on those questionable ones. And that is a huge concern to me from a prosecution standpoint that every

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

time you're meeting with the prosecutor, there's an advocate there. And I get to keep hitting that as a-- as a defense attorney every single time. And the word advocate as a juror implies something just like survivor--

**SCHEER:** Time, Senator.

**WAYNE:** --and that's why these words are so important. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. Speaker. OK, colleagues, somebody needs to speak to this floor amendment. If you read the floor amendment, what it does is it changes the one instance of the word gender in the bill on page 4 to the word sex. This is not out of character for Senator Albrecht, nobody should be surprised that she brought a floor amendment like this. And a lot of legal language in Nebraska uses the pronouns he and she, he or she, he or she, but best practices in bill drafting in statute all over the country, all over the world is using terms like they, using more gender-inclusive, gender-neutral terms, looking forward to the future. Our own bill drafters and revisors are tending to draft new bills with they language instead of he or she. Having the word gender in this bill, using the word they in any bill instead of he or she, does nothing to hurt any of you or affect your life or affect this bill. There is no legal reason to refer to gender as sex here, and I know that the general view of this body is hostile to people who are not heterosexual, to people who experience gender in a way that you reject or that is confusing to you. But I want to reiterate to all of my colleagues that like none of that affects you. None of that makes it harder for you to sleep at night. None of that is coming into your bedroom. And so this to me is a little bit silly. It's changing one word that is not consequential, and it's really making a political point that is divisive. I don't agree that this clarifies anything for law enforcement. I think that it's just a little silly thing to do. On the conversation that we're having about survivors, about if we want to use the word survivor versus victim. Is this confusing for law enforcement, all of this? What if? What if. Worry. Worry. It might seem weird to focus on linguistics, but the way we describe sexual assault has an effect on the way that we think about it. It has an effect on the way we perceive the experience of sexual assault in our society. And we internalize the messages that we get from the media, that we get from our lawmakers, that we get from

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

statutes like this. And it subconsciously influences, of course, the way we communicate about the experience of sexual assault and harassment and rape and all of these things. The word survivor and victim have very different connotations. And some people who experience sexual assault identify as a victim and some identify as a survivor. Sometimes that depends on where you are in the process of healing from that experience. Many people think that being called a victim implies helplessness and pity, which might not accurately describe the experience that they've had of sexual assault. But what's so different about the term survivor is that it implies that people are able to take control of their own lives. It implies that people who are survivors are able to fight back and heal from this, whether that's through the judicial system in order to get justice to the perpetrator, whether that's fighting to gain awareness for the cause, or to just go on living their life as normal after experiencing the assault, for people who experience sexual assault, the people who this bill seeks to help. I think that survivor is good language to use there, and so if you are someone in this body who's confused, maybe you haven't heard the term survivor before used as applied here. Go to Google.com. I would suggest you search something like sexual assault survivor versus victim and maybe read a few of the articles that come up about that. While you're on Google, maybe look at a little bit about best practices in writing statute and legal writing today. Why we're using more gender-neutral pronouns. That's not to say that there are more transgender people or gender nonbinary people, none of that matters. We're all--

**SCHEER:** One minute.

**HUNT:** --we're all he or she, we're all they. You know, none of this is going to impact the impact of the bill at all. So I encourage you to vote no on this floor amendment. I think it's a big waste of time and the rest of it looks good to me. So I'll yield back to the Chair. Thank you.

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

**ERDMAN:** Thank you, Mr. Speaker. I just had an email-- just received an email from an attorney, and he shared with me some of the things that he's concerned about and I think this plays along with some of the same vein that Senator Wayne was talking about. And he commented that LB43 goes beyond what is currently mandated in doing so, the potential effect of placing greater obstacles before law enforcement and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

prosecutors in their effort to conduct thorough and timely investigation. Prosecutors under LB43 also has the potential of interference with the defense counsel representing people charged with sexual assaults, which unnecessarily cre-- creates legal issues that could impact investigations and prosecutions resulting in denial of justice for the victims. So, specifically mandating the right to have a civil attorney present at all stages of the criminal prosecution presents the issue, and so the defense attorney will have the ability to argue that the only reason the victim is pursuing a criminal prosecution is to give her, her civil attorney leverage against the defendant in a civil case. And so he goes on to say that the way to handle that is if you go to page 4, subsection 5, starting at line 11, if you strike, present during all stages of the interview, deposition or the interaction with the representatives from the legal or criminal justice system within the state, strike those words, and it makes a big difference on how this is handled. So I think Senator Wayne is on the right track. I think this is an issue that needs to be dealt with before we move this bill on because we could be creating something that we're trying to help somebody and we could create a roadblock that prevents them from getting justice for what happened to them. So I'm very concerned about moving this bill without understanding thoroughly what the ramifications are going to be. Thank you.

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

**CHAMBERS:** Thank you, Mr. President. Members of the Legislature, I'm trained in the law, but I don't practice the law. I read cases, but I'm not one of those lawyers who helps get a particular decision in a case. But from my dealing with the law, my concept of the law, my philosophy of the law is that it should not be subject to political whims, to societal winds and breezes that change. The law is not for the purpose of having its terms express a particular philosophical, political or societal/social concept. The language should be as neutral as possible. It should not be subject to the whims of the day. And I'm thinking particularly of the terms victim versus survivor. There are too many things in the law, too many things in legal practices that allow the intervention in determining the outcome of people who should not be a part of that. These victims' statements, in my view, should not be allowed during the proceedings where you're determining guilt or innocence. The only thing that ought to be allowed is evidence. Lawyers of any caliber know the meaning of evidence. Although they might try to slip something in, they know

that's what they're doing. But it should be evidence that is admissible. Anything presented can go under the label evidence. I've won speeding tickets on appeal by showing that evidence presented by the prosecutor had been objected to by me. The trial judge allowed it in, relied on it to reach a decision, and the Supreme Court would say that the evidence was objected to, it was allowed in over the objection of the defendant, the evidence ought not to have been allowed. Now if you don't object to it, you cannot raise certain issues for the first time on appeal. All that the appellate court is supposed to do is look at the record that was compiled during the trial. It's why one of the most important parts of the whole system of justice is the trial level. That's where the most competent lawyers ought to be. That's where you need people who understand what it means to build a record. It would be better to have more than you need than not enough. It is not for the appeals court to judge the credibility of witnesses. All they are to look at is what's in that record, and the record comprises written or typed material. There is no frown. There is no grimace. There is no giggling if it's not noted in the record. So the courts start up and they are going to take an appeal to mention the types of things the court on appeal will do, the types of things it won't do. If it's a matter that deals strictly with law, the interpretation of a law, the appellate court will say on questions of law. The appellate court will make its independent decision regardless of how the lower court ruled.

**SCHEER:** One minute.

**CHAMBERS:** But when it comes to certain types of evidence, they will say the trial judge had a chance to observe the testifier and these other things which might have a bearing on a decision that had been made. I'm getting to what I think ought to be done as far as terminology. So I'm going to turn on my light again, and I'm not arguing for or against the bill itself. Thank you, Mr. President.

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

**CHAMBERS:** Today, people say survivor. Survivor, even not in this context, has so many different meanings, elicit so many responses. If a person is facing a catastrophe and succeeds in eluding it, that person is a survivor. If a person is attacked by a wild animal and does not die, that person is a survivor. If a person is attacked by a tame animal and is not killed, that person is a survivor. If a person

is run over by a vehicle and is not-- not killed, that person is a survivor. Survivor is a term that is like a large dress. It covers everything and fits nothing. This word, in my opinion, should not be introduced into the law because at this particular time, not in history, but in social evolution in America, the term survivor is utilized. In whatever context people want to use it, let them use it, but that does not mean it ought to be introduced into the law. I did not want to say anything at this point. I was going to try to talk to Senator Bolz between now and when the bill gets to Select File, but there has been some discussion and I don't want her to be caught by surprise by my not having said anything on the record. Had there just been the early type, what I would call nonquint-- nonconsequential questions about why survivor instead of victim. Victim is understood, in any law, anywhere, in any language. I'm going to talk to Senator Bolz and if there's an insistence that certain things be introduced into the law that I think should not be there, I will not fight the bill itself. There are important aspects of it. But I could not vote for a law, for a bill and put into law language that I myself would attack later. Victim is what we're talking about under the law. We're not talking about psychology. We're not talking about sociology. We're not talking about politics. The whole mood about sexual assault could change. There was a time when rape was the only word, then sexual assault. Some things might justifiably be changed because if there are various grades or gradations, a word has to be used that can allow that difference in degree to be shown. So you would have difficulty saying rape in the first class, rape in the second class, because rape according to what most people understand is when a male forcibly or against the woman's will inserts his penis into her vagina.

**SCHEER:** One minute.

**CHAMBERS:** When you talk about sexual assault, that is a word which can be defined and you can apply it to different elements of misconduct of a sexual nature, even if it does not involve intercourse in the ordinary understanding of that term. So sexual assault could be considered an improvement in the law by allowing the recognition of different stages or types of sexual misconduct that's committed against a person, against his or her will. When it comes to the description of the one who is the recipient of this kind of inappropriate conduct, I don't think you'd say this is a survivor of second degree assault. This is a victim of second degree assault. The word victim means that somebody did something against that person--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**SCHEER:** Time, Senator.

**CHAMBERS:** --which the law prohibited. You said one minute or time?

**SCHEER:** That was time, Senator.

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

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

**MOSER:** Thank you, Mr. President. I was wondering if I could ask Senator Wayne a couple of questions.

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

**MOSER:** Since I'm not an attorney and I-- I question how the process works, and I was talking to Senator Wayne a little bit between part of the discussion, I was wondering if I might ask whether my interpretations of this are correct. But having an advocate there to talk to-- well, let's back up a little bit. So something happened. This-- this person might be a victim of a sexual assault or-- or whatever that they are claiming, but before the police even interviewed them, the advocate would be there to counsel the victim?

**WAYNE:** Possibly it-- yes, it could be that way based on the reading of the bill.

**MOSER:** Yes. So typically from my history, which isn't all-inclusive by any means, but being involved in some legal things as I was mayor of Columbus, the police like to be kind of the first one to talk to the witnesses before anybody else coaches them and tells them what to say. Is that a reasonable statement?

**WAYNE:** That's a reasonable statement.

**MOSER:** So are you concerned that the advocate might paraphrase what happened or put it in a certain light which makes it look more or less like a crime committed-- was committed?

**WAYNE:** Yes. I mean, typically, when the victim is on the stand or in a deposition, a attorney will ask them who all they spoke to, when they spoke to them. And the nature of those conversations, if they're not privileged, so, yes, we would ask that question. And the inference,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

again, could be implied that they talked to the advocate before law enforcement talked to them.

**MOSEER:** They-- they may, in their counseling, they may form what happened into a form that may or may not be more-- looks more guilty or less guilty.

**WAYNE:** Yes. I mean, if you look at the training we provide for child advocacies for, I mean, these are trained professionals who make sure they ask questions a certain way not to influence. And I don't necessarily know if that same training applies in this matter. And the way the bill reads the definition is kind of broad. So theoretically, yes. And that's my issue with the prosecution side of this. It's kind of weird that I'm arguing for prosecution when I'm a defense attorney, but I think it would make it more difficult to prosecute.

**MOSEER:** Well, in other crimes, the attorney is only present if the accused wants an attorney, correct?

**WAYNE:** Correct. They'd have to ask for that affirmative right.

**MOSEER:** OK, thank you. That kind of confirms my question. Appreciate that.

**SCHEER:** Thank you, Senator Moser and Senator Wayne. Seeing no one in the queue, Senator Albrecht, you're welcome to close on FA107.

**ALBRECHT:** Thank you, Speaker Scheer. And colleagues, this change that I'm asking for is certainly not politically motivated in any way, shape or form. When I have a bill that I need some clarification on in my district, I do call back. They do read it over. They do share with me some information. It's very evident that, you know, Senator Bolz in this piece of paper that she handed out on LB43, sexual assault survivors bill of rights. She talks right in here about individuals in the United States who experience sexual assault, two in three transgender or nonbinary individuals which, yes, I suppose, Senator Hunt, you could probably enlighten me on some of these things, but-- but it's evident that her information came off of some of this information, because if you flip it over to the backside, a survivor has the right to be interviewed by a peace officer of the gender of the survivor's choosing. It says it right there. All I'm asking is for it to be-- to say sex. So I have-- I just had someone back home text me and say, OK, so I have one lady who's elderly. I'm going to get her up in the middle of the night, if they ask for a woman versus a man, I

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

might have more people to call on, if it's one gender or the other. And maybe this hotline will offer up more people. But you have to understand, in the area in which I live, there is very limited availability of-- of attorneys. There's very limited availability of a lot of volunteers to do these kind of things. So when I ask for something as simple as a word change, it is certainly not politically motivated, so sorry to disappoint you. The evidence in the language is obviously taken out of-- of the information that Senator Bolz has-- has reviewed. And again, I support LB43. I am-- I support AM2037. I now have even more people from the district contacting me about other areas of the bill. I absolutely will be supporting this bill, but I would like to see some of the things changed and worked with between now and Select to make it a better bill, a stronger bill. If you're sexually assaulted and you need to have evidence taken care of immediately, you certainly don't want to drag your feet and not get the necessary people in. And it's a very critical time period. So I would like to make this the strongest bill possible with as many people involved as we can to make it a bill that everybody can get on board and support. Again, this is just a simple change from what sex are you? Are you-- are you male or are you female? And am I going to upset someone? If I asked them the wrong question, just tell me. You know what-- what do you need? Are you a male, or do you identify as a male or a female? That's it. So, thank you.

**SCHEER:** Thank you, Senator Albrecht. The question before us is the adoption of FA107. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? There's been a request-- request for a call of the house. All those in favor please vote aye; all those opposed vote nay. Please record.

**CLERK:** 27 ayes, 1 nay, Mr. President, to place the house under call.

**SCHEER:** The house is under call. All unauthorized personnel please leave the floor. The house is under call. All those senators away from the floor, please return. The house is under call. Senator Bolz, would you please get your light? Thank you. Senators Wishart, Cavanagh, Senator Matt Hansen, Senator Friesen, Senator Pansing Brooks and Senator Stinner, would you please check in. Senator Lindstrom, would you please check in. Senator Albrecht, we're still short Senator Cavanagh and Senator Matt Hansen. Oh, there they both are. Are you wanting call-ins or do you want a roll call? Roll call in regular order. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** Senator Albrecht.

**ALBRECHT:** Yes.

**CLERK:** Voting yes. Senator Arch.

**ARCH:** Yes.

**CLERK:** Voting yes. Senator Blood.

**BLOOD:** No.

**CLERK:** Voting no. Senator Bolz.

**BOLZ:** No.

**CLERK:** Excuse me, just a sec. Senator Arch, you voted yes, right, Senator? Thank you. Senator Blood was a no. Thank you. Senator Bolz.

**BOLZ:** No.

**CLERK:** Voting no. Senator Bostelman.

**BOSTELMAN:** Yes.

**CLERK:** Voting yes. Senator Brandt.

**BRANDT:** Not voting.

**CLERK:** Not voting. Senator Brewer.

**BREWER:** Yes.

**CLERK:** Voting Yes. Senator Briese.

**BRIESE:** Yes.

**CLERK:** Voting yes. Senator Cavanaugh.

**CAVANAUGH:** No.

**CLERK:** Voting no. Senator Chambers.

**CHAMBERS:** No.

**CLERK:** Voting no. Senator Clements.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLEMENTS:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** No.

**CLERK:** Voting no. Senator DeBoer.

**DeBOER:** No.

**CLERK:** Voting no. Senator Dorn.

**DORN:** Not voting.

**CLERK:** Not voting. Senator Erdman.

**ERDMAN:** Yes.

**CLERK:** Voting yes. Senator Friesen.

**FRIESEN:** Not voting.

**CLERK:** Not voting. Senator Geist.

**GEIST:** Not voting.

**CLERK:** Not voting. Senator Gragert.

**GRAGERT:** Yes.

**CLERK:** Voting yes. Senator Groene.

**GROENE:** Yes.

**CLERK:** Voting yes. Senator Halloran.

**HALLORAN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen.

**B. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Matt Hansen.

**M. HANSEN:** No.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** Voting no. Senator Hilgers.

**HILGERS:** Yes.

**CLERK:** Voting yes. Senator Hilkemann.

**HILKEMANN:** Not voting.

**CLERK:** Not voting. Senator Howard.

**HOWARD:** No.

**CLERK:** Voting no. Senator Hughes.

**HUGHES:** Yes.

**CLERK:** Voting yes. Senator Hunt.

**HUNT:** No.

**CLERK:** Voting no. Senator Kolowski.

**KOLOWSKI:** No.

**CLERK:** Voting no. Senator Kolterman.

**KOLTERMAN:** Not voting.

**CLERK:** Not voting. Senator La Grone.

**La GRONE:** Not voting.

**CLERK:** Not voting. Senator Lathrop.

**LATHROP:** No.

**CLERK:** Voting no. Senator Lindstrom.

**LINDSTROM:** Not voting.

**CLERK:** Not voting. Senator Linehan. Senator Lowe.

**LOWE:** Yes.

**CLERK:** Voting yes. Senator McCollister.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**McCOLLISTER:** No.

**CLERK:** Voting no. Senator McDonnell.

**McDONNELL:** Yes.

**CLERK:** Voting yes. Senator Morfeld.

**MORFELD:** No.

**CLERK:** Voting no. Senator Moser.

**MOSER:** Yes

**CLERK:** Voting yes. Senator Murman.

**MURMAN:** Yes.

**CLERK:** Voting yes. Senator Pansing Brooks.

**PANSING BROOKS:** No.

**CLERK:** Voting no. Senator Quick.

**QUICK:** No.

**CLERK:** Voting no. Senator Scheer.

**SCHEER:** No.

**CLERK:** Voting no. Senator Slama.

**SLAMA:** Not voting.

**CLERK:** Not voting. Senator Stinner.

**STINNER:** No.

**CLERK:** Voting no. Senator Vargas.

**VARGAS:** No.

**CLERK:** Voting no. Senator Walz.

**WALZ:** No.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** Voting no. Senator Wayne.

**WAYNE:** No.

**CLERK:** Voting no. Senator Williams

**WILLIAMS:** No.

**CLERK:** Voting no. Senator Wishart.

**WISHART:** No.

**CLERK:** Voting no. 17 ayes, 22 nays, Mr. President, on the amendment.

**SCHEER:** The amendment is not adopted. Senator Bolz, you're recognized.

**BOLZ:** Thank you, Mr. President. And thank you, colleagues, for that vote. I--

**SCHEER:** Raise the call.

**BOLZ:** I was hoping to get-- get a word in about that. But just-- just for your information, the use of the term gender is actually more in line with existing federal statute. For example, in the Prison Rape Elimination Act, they use the term gender when referencing similar choices. And so I appreciate your-- your vote to maintain the language as presented by the bill and the Judiciary Committee. I want to answer a few questions that have come up in the course of debate. One is, yes, the individuals who are defined in the statute, in the bill as introduced, are a part of organizations that are accredited and they do have sufficient training. So I do think that the advocates that are referenced are professionals and they can be trusted. And while I appreciate Senator Wayne and his experience and expertise, I would also say that we should appreciate and respect the expertise of the folks who are working in this field to do their very best to provide appropriate support to survivors in this set of circumstances. I would also say in response to some of Senator Moser's question that an advocate is there to help guide an individual who has experienced a very traumatic and physical event. And so whether that's giving the individual support about what might to-- they might expect in a medical examination or helping them understand their emotional response to what's-- what's come about, that is the role of the advocate. And I appreciate that when we're talking about legal circumstances, we need to be careful. But I also think that the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

advocates are trained, they are accredited. They are part of organizations that we support. And they can be trusted to work within the law, to work for the best interests of the individuals who are survivors and not to unfairly or inappropriately manipulate a process. Further, I would say that if those advocates did that and were found to be doing that, that would endanger the case, which is against the interests of the survivors. So I really don't believe that that is an issue that we should make a priority concern in terms of moving this bill forward. I think the presence of the advocate helps the individual navigate the legal system and the medical system and their emotional and traumatic response to a circumstance of which they are a survivor. I do want to share that the term survivor, and I hope folks who've debated this issue are listening, the term survivor is actually in federal legislation related to the federal Sexual Assault Survivors Bill of Rights Act. And so those of you who have concerns about creating new language in state law, I would say that this is reflective of federal law. And so it's not something that-- that is unique to Nebraska. It is actually federal legislation, and the term survivor is used in other states. The last thing I would say, and I don't know if there are any further questions or anyone else in the queue, but-- but colleagues, I-- I try very hard to stay focused on helping-- helping navigate the budget and-- and providing factual information and keeping my cool. Colleagues, this bill is about people who have been traumatized through sexual violence. This is a bill about people who have been hurt and victimized in the most egregious and personal way possible. This is about making sure that people who have been hurt understand what they can do about it and how they can help themselves. And so I will simmer down now, but I do--

**SCHEER:** One minute.

**BOLZ:** --feel passionately and strongly about giving survivors of sexual assault every tool possible and available to them to manage their trauma, their medical needs and their legal rights. I urge your support for AM2037 and LB43. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Bolz. Seeing no one in the queue, Senator Lathrop, you're welcome to close. He waives closing on AM2037. The question before you is adopting AM2037 to LB43. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CLERK:** 41 ayes, 1 nay, Mr. President, on the adoption of committee amendments.

**SCHEER:** AM2037 is adopted. Returning to floor discussion, Senator Wayne, you're recognized.

**WAYNE:** Thank you, colleagues. And while more people are here, I want to make this point again. I know Senator Erdman made a comment that we shouldn't move this bill forward. I think the spirit behind the bill is-- is very good and noble. I know this is an emotional issue for a lot of people. I also want to just remind that there are some checks and balances that are in place within the judicial system that needs to be addressed for the record. And I think all those who are concerned about prison reform and those kind of things need to understand these checks and balances. While it is true that a victim will have to tell the story multiple times, I wish we could figure out a different way to do that. I, 100 percent wish we could. The reality is that is part of the inherent checks and balances from a prosecution and a defense standpoint. And this is why I say we have to move this bill forward and I'm going to try to work on it. I know Senator Bolz has talked to me many of times, but during hearings, obviously, I have a lot of hearings. I did vote this out of committee and I do want to vote this moving forward. But understand the dynamics of a judicial system. There is law enforcement that the law enforcement agency takes into the credibility of the victim. They sit there, they weigh those options. They put things down, they file a police report. That same story is told again, and this is the traumatizing part that we have to figure out how to fix. To the prosecutor, that prosecutor also weighs that credibility of that victim and witnesses. Then the third check is typically a deposition. What we do in Douglas County is we do informal depositions because we just want to see the credibility, the story. Make sure it's consistent with the first two times. Then we go to trial. And the reality is, because of those two previous stories, most attorneys that I know will never put that person through the third or fourth if the credibility in the story is consistent. The issue we are trying to address here is the advocate in the room. If the advocate in the room is the same person, the same time and their story changes, common sense tells us there'll be a conversation about the change in the story before the third time. Then they go back to a story that's original or a story that they may have, because it's trauma, may have found out later, but those inconsistencies are very important to your right to counsel and a right to a trial. So what we're talking about is two different rights. One is ground in our constitution and one is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

grounded in the statute, both very important, but that is the balance we are trying to make. When I say we, that is the balance, I'm trying to make. So I don't want my statements earlier to be taken as I oppose the bill and I'm going to take three hours and destroy the bill, that's not it. The spirit of a bill is good, but there are technical things for those who practice in the system that might make part of this unworkable. But that doesn't mean you throw out the bill. That means you trick-- try to figure out how to make it better and that's why I voted it out of committee. We've made a huge step from the committee amendment. I think we'll make another step to Select File. But I do not want my words to be taken that we have to hold this bill up, because I think that goes against what I'm trying to say. I'm saying that there are inherent checks and balances we are trying to protect within the system while at the same time advocate for victims. It's the advocacy side, that's the issue. It's the advocacy side. And probably the simple solution is remove the term advocacy.

**SCHEER:** One minute.

**WAYNE:** Because for a juror, advocate means something. Advocate means you're put-- you are moving something forward. You are advocating-- "advocacying" for something, and in this case, it's domestic violence situations or one of these institute-- seven institutions across the state. That is what we're trying to figure out. How do you put that in front of a jury where the jury is not biased based off of words, but based off of facts that are presented before them? So I would encourage you to vote green on LB43. We'll figure out if we can work it out. But the reality is, is I don't know, but I don't think this body wants to send the message that LB43 is a bad bill because it's not. It's just that when you're dealing with this large of an issue like we talked about earlier with race, it's gonna take a little bit of time to get it right. And there will probably be corrections over the next 10 years to make sure it's right. That's part of the legislative process and I look forward to working with Senator Bolz on this. Thank you.

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

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, in Nebraska the only conduct that is criminal is that which is explicitly or specifically made criminal by a statute. No common law crimes, it has to be statutory. If there is any doubt, any doubt anywhere along the way, the doubt goes to the benefit of the accused. That's why

there has to be guilt beyond a reasonable doubt. Everybody accused is entitled to representation. Not everybody can easily obtain competent representation. The more heinous an act is deemed to be, regardless how innocent the one accused may be, the greater reluctance there might be among attorneys to even take the case. Even if the attorney is convinced from reviewing it that this person is innocent, not on a technicality, but innocent, he or she may say that would ruin my business if I took the case, I can't. There are lawyers who know what the purpose of an advocate under the law is. That is based, simply speaking, on the idea that this whole thing should be looked at like a game, not like something funny, but in order to explain it. There are rules. One of the rules is that the only way the state can punish a person is if the state crosses every T, dots every I, when it itself determine that this conduct is criminal. So the purpose of the lawyer is to make sure that in every instance where that person is being dealt with, every T is crossed, every I is dotted, the state laid out the rules and the state must scrupulously comply with every one of the rules that the state itself laid out. And the lawyer who is a good lawyer, meaning competent, and the lawyer who is a courageous lawyer and competent, will take that case even if somebody like Starkweather, even for somebody like Adolf Eichmann. And it's not to say that taking the case means that lawyer approves of the conduct. That lawyer is saying, I believe in this criminal law. I believe in this process. I believe that justice can be obtained only if there is evidence that convinces a rational person beyond a reasonable doubt that this person did the crime as charged and ought to be punished pursuant to what the law said the punishment should be, and I'm here to make sure that the state itself follows the rule. So all of us in here are lawyers, I say there is a charge against Mother Teresa who will defend her, every hand goes up. Who will defend Mahatma Gandhi? Every hand goes up. Who will defend Martin Luther King? Every hand goes up. Who will defend Jack the Ripper? I would put my hand up to make sure that this man, this person accused of these horrendous crimes is given the benefit of law, and because I don't have time now--

**SCHEER:** One minute.

**CHAMBERS:** --I'm gonna turn on my light and give a little-- well, summary of a scene from a play by Robert Bolt called A Man for All Seasons about Sir Thomas More. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Chambers, but you're next in the queue.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CHAMBERS:** Sir Thomas More was the Lord Chancellor of England, the highest legal position, and he had all the paraphernalia, this gold braid that you drape over him when the king says you're the chancellor. So Thomas More had a daughter named Margaret. He called her Meg. There was a young guy who wanted to marry her and they were all assembled in Thomas More's dining room and Cromwell, who didn't like Thomas More, had a spy named Richard Rich. So Richard Rich had come to Thomas More's house, and he was there to see what evidence he could gather against Thomas More of any kind. So Thomas More made him welcome like he did many people who came to his residence because he's the Lord Chancellor. So finally, Rich had done all he could, gotten all he could, so he left. And somebody, it may have been More's daughter said, you let him go. Oh, that man is bad, you let him go. And Thomas More said, and go he should until and unless he violates the law. And this young man said, well, he violated God's law. And Thomas More said, then let God arrest him. The devil should be given bit-- benefit of the law until he violates it. So then the exchange took place, and to put it in a nutshell, the young man said that the devil should not be given benefit of law, and Thomas More said, this country is planted thick with laws everywhere from coast to coast, what would you do? Would you-- he said, I wouldn't give the devil benefit of law. So More said, would you cut down all of the laws in England that are there to protect people? He said I would do that, I'd cut down every law in England to get after the devil, and Thomas More said, and if the devil should certainly-- suddenly turn on you all the laws being flat, could you or anything else withstand the winds that would blow? Yes. I would give the devil benefit of law for my own safety's sake. And the one who would defend Jack the Ripper would say, yes, I will make sure that the law is applied fairly and justly against this accused for my own safety's sake. We don't know when, how, or if we'll be dragged before the bar of justice and accused of one of these heinous crimes. We would then want not only the best lawyer available, we would want as objective an environment as possible when we stand for trial. So these extraneous individuals cannot be introduced into the process to create the appearance of impropriety. There is a statement that said Caesar's wife must be above suspicion, and that has been rendered in the judicial code as a judge must avoid even the appearance of impropriety. So all of these activities, from the time a person is arrested to the time the person stands trial, they should be regular, they should be transparent and they should be above suspicion. A good, competent defense lawyer is going to analyze every step along the way and make sure that the chain

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

from the time the arrest occurred, every link is appropriate in that change which brings that person into a trial. Now, I'm pleased that Senator Wayne, who practices law, raised some of these issues, and I'm going to discuss it further--

**SCHEER:** One minute.

**CHAMBERS:** --with him and Senator Bolz and see what kind of accord we can reach. We in the Legislature are not to be at a time like this in the frame of mind we might be in if somebody accused of one of these heinous crimes is standing before us and we're making a judgment. And as hard as we try, we cannot help having a predetermination that he probably did it or even she. When we're drafting legislation as we are now, we have no excuse for rushing to judgment in the sense of being-- putting in language that is not the best for the circumstance. The more serious the offense, the more meticulous has to be the language and the more care must be expended and exercised in crafting that kind of a criminal law. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Chambers. Seeing no one in the queue, Senator Bolz, you're welcome to close.

**BOLZ:** Thank you, Mr. President. I just want to reiterate a few closing points. The first is, I want to be clear, we already have a statewide network of both domestic violence and child sexual assault advocates through the Domestic Violence and Sexual Assault Coalition and through the child advocacy centers. So we are not creating new advocates, rather, we are using the advocates that are available to us. Next, I want to be clear that there is currently no prohibition on having an advocate in a deposition. And so this offers the right to an advocate in certain circumstances, but there are certainly cer-- current circumstances in which advocates are present and not prohibited by law. I want to reiterate that the statute enumerates the rights currently provided to survivors and-- and individuals who have experienced these circumstances, including right to information about their DNA evidence processing, right to protections within the criminal justice system, right to a shower after a medical examination. All of these rights exist and need to be communicated and described to survivors in a better way so that they can utilize them to-- to manage what is a very difficult and traumatic circumstance. I also want to reiterate that the small changes that we are putting into statute are our best practices, are-- are related to federal legislation that passed on a bipartisan manner and help sexual

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

assaults to feel safe-- sexual assault survivors to feel safe and supported and know what to do in a traumatic circumstance. I want to reiterate that the word survivor is used in the federal legislation that this bill is built on and so that use of that term is not new. In fact, it has been moved forward already on the federal level. I want to again reiterate that we have worked with advocates throughout this process and I do appreciate those with legal experience bringing that technical expertise to the conversation. We worked on this bill two years ago. We held it over in committee over the interim to work with as many stakeholders as possible. We've sat down with the defense attorneys. We've sat down with law enforcement. We've sat down with sexual assault survivors advocates with representatives from the Attorney General's Office. We have done our very best to work through any and every issue, technicality and contingency, and have come to a bill on-- and amendment that I believe strongly in for the best interests of survivors of some-- of sexual assault and individuals who've experienced traumatic circumstances. That said, I want to reiterate again that my previous willingness to work through those technicalities, to sit down with stakeholders, it stands today. So anyone and everyone who has a question, a comment, a concern, an issue, a question about a provision, I-- my door is open, I'm happy to work with you. I would ask you, in the best interests of individuals who are survivors of sexual assault, which includes children, it includes individuals who are the survivors of domestic violence and sexual assault. We're talking about rape survivors. We're talking about people who are survivors of incest. We are talking about victims of crime in many circumstances. So I'd ask you to advance LB43 and to bring me any concerns that you would like addressed between General and Select so that we can do our very best to support survivors of sexual assault. Thank you, Mr. President.

**SCHEER:** Thank you. Senator Bolz. Colleagues, the question before us is the advancement of LB43 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 41 ayes, 0 nays on the advancement of LB--

**SCHEER:** LB--

**CLERK:** --43, excuse me, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**SCHEER:** LB43 is advanced to E&R Initial. Going back to General File, next item, LB755. Mr. Clerk.

**CLERK:** LB755 by Senator Blood is a bill for an act relating to public health and welfare. It changes provisions relating to home services permit for certain cosmetology services and nail technology home services permit. The bill was introduced on January 8 of this year, referred to the Health and Human Services Committee, advanced to General File. There are committee amendments pending.

**SCHEER:** Thank you, Mr. Clerk. Senator Blood, you're welcome to open on LB755.

**BLOOD:** Thank you, Mr. Speaker. Good afternoon, fellow senators, friends all. Thank you for the opportunity to bring forward my bill, LB755, which creates the Nebraska Barber Act. Approximately one in four Nebraskans is over the age of 60. Baby boomers have been turning 60 and will continue to do so for the next 10 years. Additionally, just over 22 percent of adults in Nebraska have some type of disability. As part of both demographics, you have individuals who primarily reside inside the home. Certain physical or mental disabilities may prevent them from leaving the home for basic services such as grocery shopping, visiting friends or relatives, social events, attending church or self-care errands such as getting a haircut. When we speak of those who are immobilized at home, we must remember that many have family members or other caretakers who also cannot easily leave the home due to the needs of their loved ones with disabilities. This is where the Nebraska Barber Act comes in. A barber shop may allow their licensed barbers to perform home-- to perform home barber services if they obtain a home barber services permit. To obtain a home barber services license from the Nebraska Barbers Board, the barber shop must have a current barber shop license and apply at least 10 days before home barber services are expected to begin. If the barber shop meets these criteria, the board will issue a permit. The owner of said barber shop holding a home barber surfaces permit shall have full responsibility for ensuring that the home barber services are provided in compliance with all applicable laws and are liable for any violation that may occur under their license. A home barber permit applies to customers who are immobilized and cannot leave their home. This can include infirmities associated with aging, conditions that leave them temporarily incapacitated, people with mental health challenges such as agoraphobia or anxiety, and sole caregivers who do not have the option to leave for basic self-care

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

tasks like a haircut. It's important to embrace our caretakers here in Nebraska because they are usually-- they usually have very few resources that help to fill up their vessels, and self-care issues seem small but can mean a lot. The barber shop will determine the client meets the criteria based on the description given in the statute and submitted information form to the barbers board. The barber shop must also post a list of barbers who are taking part in home services and the clients they serve so it can easily be reviewed by the board. Lastly, the home services permit will be renewed when the barber shop's license is renewed. As we look to remove hurdles for licensure, we need to also look for ways that we can expand services to address Nebraskans as our demographics change. You will also note that nail technology home services are described in this part of state statute. We felt it was important that we brought consistency in language throughout this part of the statute and expanded-- and expanded the definition to include persistent circumstances to better explain these immobilize-- those immobilized within the home, as well as including mental disability as part of that description. We honed those definitions by working with members of the Nebraska Psychological Association. I want to make it clear that we are not granting nail techs any duties they were not already given in an existing statute with this bill. That's been a bit of a point of confusion since I brought this bill forward. This is a simple bill that will help a lot of Nebraskans, who for one reason or another, cannot leave their homes to receive these types of services. You will note that both our disabled community and our senior citizen-- citizen advocates support this bill because they know as the world and our needs change, our statutes need to change as well. This bill came out of committee with a 7-0 vote and had no opposition at the hearing. I'll also note that we have the seal of approval from the Nebraska Board of Barbers Examiners-- the Nebraska Board of Barber Examiners on this bill. Finally, I will point out that this bill has been advanced from the Health and Human Services Committee with an amendment which makes this a kind of omnibus bill. And I will say that I offered this option to the committee as a sign of my bipartisan support in moving good bills through the process in a timely manner. I support the legislation within the amendment, and I'm happy and proud to be the vehicle that moves them forward. With that, I thank you. Please vote green on that amendment as well as LB755.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**SCHEER:** Thank you, Senator Blood. As the Clerk noted, there is a committee amendment from the Health and Human Services. As Chair, Senator Howard, you're welcome to open on AM2480.

**HOWARD:** Thank you, Mr. President. Good afternoon, colleagues. Committee Amendment, AM2480, amends Senator Blood's LB755, which allows home-based services for barbers, as you've heard. And it incorporates five other bills that were all unanimous votes out of the Health and Human Services Committee. I want to personally thank Senator Blood for allowing us to use LB755 to advance these five sort of consent-worthy, easy scope bills today. The five bills included in-- inside of LB75 and the committee amendment are Senator Williams, LB772, as amended, which relates to the scope of practice of physician assistants and their collaborative agreements with physicians. Senator Hilkemann's LB37, as amended, which relates to a podiatrist's ability to supervise and enter into collaborative agreements with physician assistants. Also, Senator Hilkemann's LB825, which adds spinal muscular atrophy as a disease for which in-- infants will be screened. And Senator McCollister's LB811, which updates the Parkinson's Disease Registry Act. And finally, Senator Arch's LB834, which relates primarily to new testing provisions for engineers and architects. I'll go through each one of the bills and give you sort of the broad strokes and the pages that you need to look at for the committee amendment, and then I've invited the other individuals who have bills inside of AM2480 to speak to their specific provisions. So LB772, Senator Williams' bill, the provisions of which may be found in Sections 3 through 14 on pages 4 through 9, and Section 16 through 19 on pages 10 through 12. LB772 amends the Medicine and Surgery Practice Act to change the scope of physician assistants or PAs. They did go through a 407 process in 2019 where the Nebraska Association of PAs and Nebraska Medical Association reached a compromise. The amended proposal was approved by the Technical Review Committee, the Board of Health and the Chief Medical Officer of the Division of Public Health. Throughout the bill, LB772 removes many references to the supervising-- supervising physician controlling the PA, and instead adds the language collaboratively-- collaborating or collaborative. Section 13 on page 7 of AM2480 removes some of the restrictions that were in place for a PA, such as the restriction on the abilities of PAs to practice in a hospital or remove-- and it removes restrictions on PAs with less than two years of experience. It still does require them to have a collaborative agreement with their supervising physician, however. And Section 13 on page 6 also states the PAs can

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

still only perform services with the supervision of and collaboration with a physician or a podiatrist, and those services must still be something in which the PA is trained, educated and experienced to do. LB37, which is Senator Hilkemann's bill from last year, amends the Podiatry Practice Act to define a supervising podiatrist with regard to physician assistants. So in essence, it allows a podiatrist to supervise a PA. It also outlines the conditions that must be met for a podiatrist to be a supervising-- to be a supervising podiatrist. These provisions can be found in Sections 3 through 24 on pages 4 through 12 of the committee amendment. LB825, the infant screening is Senator Hilkemann's infant screening bill. The provisions there can be found in Section 33 on pages 17 through 20, and it updates Nebraska's infant disease screening statute by adding spinal muscular atrophy as a disease newborn babies are screened for. The fourth bill is Senator McCollister's LB811 for the Parkinson's Registry. These provisions are in Section 34, on page 20 of the committee amendment. Currently, pharmacists need to report the patient's Social Security number in their semiannual report to DHHS. However, patients are required-- aren't required to give pharmacists their Social Security number, and so the bill substitutes the patient's date of birth which pharmacists do collect. Finally, AM2480 includes Senator Arch's LB834, the provisions of which can be found in Section 35-- Sections 35 through 46 on pages 20 through 33 of the committee amendment. This bill amends the Nebraska Engineers and Architects Reg-- Regulation Act by what is known as decoupling the examination and education requirements. This just means that architecture students and engineering students can take certain exams while they're still completing their education and experience requirements. Finally, each of these bills was voted to include in the committee amendment, and each one was a unanimous vote. I look forward to the comments of the other introducers of the bills that are contained within AM2480. Again, I'm very grateful to Senator Blood for allowing LB755 to be a vehicle for these important bills. And with that, I would yield the balance of my time to Senator Williams. Thank you, Mr. President.

**SCHEER:** Senator Williams, 5:25.

**WILLIAMS:** Thank you, Mr. President, and thank you, Senator Howard. I'm going to speak specifically about LB772, which is included in this amendment. Broadening the scope is always serious business. LB722 slightly changes the scope for physic-- physicians assistants, or PAs. I carried this bill for two reasons. First, I feel strongly that this bill will impact positively access to healthcare all across our state

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

and two, it fully passed the rigors of the 407 process, which we have talked about at some length in this body. The bill also provides a grand compromise between the PAs, the Hospital Association, the Medical Association and the Department of Health and Human Services that they all came together and all supported this legislation. As Senator Howard mentioned, the bill was voted out of committee on a 7-0 vote and there was no opposition testimony. The bill does remove restrictions on the collaborative agreement between supervising physician-- or physicians and the PAs. It also removes restrictions on PAs conducting their business in hospitals. The bill allows PAs under a collaborative agreement to prescribe drugs and devices, including those that are on a controlled substance list. And three, the bill-- under the bill, the PAs would need to have a collaborative agreement for each specialty in a multi-specialty practice. But remember, a PA can never, and I say never, practice outside their training, experience or education. In closing, I would just remind you that access to healthcare is important, and that's what this bill is about. And the bill again was fully supported by the PAs, the Hospital Association, the Medical Association and DHHS. I would again like to thank Senator Blood for allowing us to couple onto her bill and the work of Sara Howard, Chairman of the HHS Committee and all of the committee members. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Williams, you are next in the queue. Are you wishing to waive that opportunity? Going next in the queue, Senator Chambers, Hilkemann, and Arch. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you, Mr. President. I support this bill. The amendments that have been proposed, I will speak to the barbering part. I know something about barbering. I cannot say once a barber, always a barber, but I was a barber longer than I was anything else until I became a member of the Legislature. I would like to ask Senator Clements a question or two, and it relates to my profession as a barber and his purported knowledge of the "Bibble".

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

**CLEMENTS:** Yes.

**CHAMBERS:** Senator, are you familiar with a beautiful lady? She was described that way in the Old Testament named Delilah.

**CLEMENTS:** Yes.

**CHAMBERS:** Are you familiar with a big, strong man who is known by the name of Samson?

**CHAMBERS:** Yes.

**CLEMENTS:** And you probably are aware, as most people are, who are familiar with that story, that Samson's parents had taken the oath of a Nazarite for their son, which meant a razor would never touch his hair. Have I stated that more or less correctly?

**CLEMENTS:** Yes.

**CHAMBERS:** Now, some people wanted to find out the secret to Samson's strength because not everybody appreciated the way he comported himself. Was Delilah given that assignment?

**CLEMENTS:** Yes, she was.

**CHAMBERS:** And did she use all of her womanly wiles that the "Bibble" would mention, not specifically, to try to get that secret from him?

**CLEMENTS:** Yeah, she tried several times to get the secret from him.

**CHAMBERS:** And she was not successful initially. Then there was a riddle that Sampson gave, or somebody gave, out of the strong came sweetness, out of a eater came meat. Do you remember that riddle having been posed?

**CLEMENTS:** Yes.

**CHAMBERS:** And the answer was the carcass of a lion. Bees had built a hive where they produced honey inside that carcass, and the lion was the eater. But that was not the secret to Samson's strength. When Delilah continued to ply him, was a point reached where he did tell her that secret?

**CLEMENTS:** Would you repeat that, please?

**CHAMBERS:** Where Samson did tell Delilah the secret to his strength.

**CLEMENTS:** Right. That was back in their residence.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**CHAMBERS:** And he told her about this oath, that no razor had ever touched his hair. Then did Delilah cut Samson's hair?

**CLEMENTS:** Yes, while he was sleeping, I believe.

**CHAMBERS:** [INAUDIBLE] Thank you, Senator Clements. Delilah summoned the barbers and the barbers cut his hair. And then to finish the story because the "Bibble" always has-- make it end the way they wanted to. Samson lost his strength. The people came in, they took him prisoner. They tormented him. They abused him. They humiliated him. They may have even blinded him. So Samson said when they brought him in this huge temple, let me just rest against the pillars one time, for I'm weary. And right there, they dropped their money purse. They took Samson, and they took him to the pillar--

**SCHEER:** One minute.

**CHAMBERS:** --on which the house rested. And Samson said words to the effect, my God strengthen me this once. And he felt something going through his members. It started in his toes, then his ankles, then his calves, then his thighs, then his sides, then throughout his body and he knew that he was his old self, and that's when shake, rattle and roll was invented. Samson took hold of that pillar and he shook it. The ceiling began to rattle, and when he pulled that pillar down and everything fell, it rolled. And that was the beginning, an origin of shake, rattle and roll, and without barbers, it would never have been possible. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Clements and Senator Chambers. Senator Hilkemann, you're recognized.

**HILKEMANN:** Thank you, Mr. Speaker. It's going to be tough to top that one. But I-- I want to thank first of all, Senator Blood for prioritizing her bill and also for Senator Howard and her committee for working and incorporating two very important bills that we had this year. The first one is LB825. LB825 will add the spinal muscular atrophy to the newborn screening panel. SMA is the number one genetic cause of death for infants. And I want to thank the people from Children's Hospital and Medical Center for working with me on this. This bill passed out of committee unanimously, and it's been signed by all members of the Health and Human Services Committee. The newborn screening in Nebraska-- might find this interesting. With 30-- we now test for 32 diseases. And in order to be part of the newborn

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

screening, not only do we have to be able to detect the disease, we also have to be able to treat the disease. So the important thing is that now by detecting these diseases early, these young people will live normal lives and their family will not be-- for example, in the SMA, many children-- we have one of the testifiers --died by the time they were 2 years of age. So it's a very important thing. You might find it interesting that one out of every four-- or five to six hundred babies born in Nebraska is identified with one of the 32 diseases that we were here that we're talking about. In 2015 that constituted 58 babies. In 2016, it was 57. In 2017, it was 39. And in 2018 it included 50, including three children which were identified with X-ALD. And many of you voted for that a couple of years ago when we added it to the newborn screening. So I-- this is an important legislation to continue to move forward. And I thank, again, the committee for bringing it. The other bill that's part of this is LB37. And this is necessary to allow podiatrists to supervise physician's assistants in their office in there and-- and contains the guidelines for this. I introduced this bill as LB37 last year. It was held as we would advance the physician's assistant through the 407 process, as you just had learned. As a practicing podiatrist for 37 years, I'm very proud to have brought this issue forward. This will hopefully enhance the practice of my colleagues today and into the future, as well as enrich the future of aspiring physician assistants and increase the access of care for many patients. Thank you again, Senator Howard and Senator Blood.

**SCHEER:** Thank you, Senator Hilkemann. Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. Speaker. I want to thank Senator Blood as well for allowing me to amend her bill with the provisions of my bill, LB834. This is Sections 34 through 46 of the committee amendment, AM2480, comprise the language of LB834, which amends the Nebraska Engineers and Architects Regulation Act. The bill was brought to me by the Board of Engineers and Architects, was heard by the Health and Human Services Committee on January 24. I want to commend the board for the work and consideration that was put into this legislation. Apparently they've been working on this since early 2016. In addition to some cleanup in technical changes, the bill proposes to do four things. First, this legislation would decouple examination and experience requirements for professional engineer candidates and allow for the taking of the principles and practice of engineering exam prior to gaining four years of experience. Currently, a candidate must have four years of experience before even being allowed to take the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

test. Under this bill, a person will still have four years of experience before being licensed, but may take the qualifying test at any time. Second, the bill would remove provisions that architects licensed candidates must take the professional architectural exams after graduation from an architectural program accredited by National Architectural Accreditation Board. This is to accommodate an alternative program adopted by some architectural schools in the U.S., the IPAL program, which allows students to complete the experience and examination requirements while earning their degree. As written, our current law would prevent these graduates from being licensed in Nebraska, and I understand that the first graduates of IPAL programs, the first graduation class occurred in 2018. So it's time to amend us-- amend this. Third, the bill would allow architect candidates to take the required exams without board approval, so one less step. They still must meet all qualifications, but don't need to apply to the board to take the exam. Finally, the legislation allows for the recognition of a degree from a program accredited by the Canadian Engineering and Architecture Accreditation Board. It satisfies the education requirements for licensure in Nebraska. The proposed changes reduce barriers to licensure for architects and engineers and I encourage you to adopt AM2480. Thank you.

**SCHEER:** Thank you, Senator Arch. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, members. My bill, LB811 was amended into LB755. I want to thank Chairwoman Howard and the Health and Suba-- Human Services Committee for their unanimous vote to include LB755 in their committee bill. I'm also grateful to Senator Blood for designating LB755 as her personal priority bill this year. I introduced LB811 to make needed changes in the Parkinson's Disease Registry Act. These changes are now in Section 34 of LB755. Under current statute, pharmacists are required to report, among other data, the Social Security numbers of people whom the pharmacist has dispensed drugs used for the treatment of Parkinson's disease. However, Social Security numbers are not collected by pharmacists, so LB811 simply eliminates the data point and replaces it with date of birth. It's important that the Department of Health and Human Services has the necessary data identifiers to track diagnoses of Parkinson's disease. Nebraska is one of the first states to create a Parkinson's registry, but updates are needed to make the registry as effective as it can be. The goal of the registry is to collect data for research so we can find trends and correlations that help us learn more about

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

Parkinson's disease in Nebraska. This can include dates of diagnosis, longevity after diagnosis, clusters of diagnoses and so on. I urge the body to support LB755. Thank you, Mr. President.

**SCHEER:** Thank you, Senator McCollister. Senator DeBoer, you're recognized.

**DeBOER:** Thank you, Mr. President. I just wanted to rise in strong support of this bill. And I wanted to mention, because it's not every day that we get to see how our actions in this body have such a positive effect. One of my good friends in seminary lives in Minnesota, and her son was one of the first children that they found SMA after beginning their screening process after passing a bill like this one. And I'm happy to report that I've seen on Facebook that he is now walking and he is not expected because he-- he got treatment after they passed this bill and they found it and he's not expected to have further complications the rest of his life, so this is a great opportunity for us and I really strongly support this bill. I thank Senator Hilkemann for bringing it and Senator Blood for prioritizing it. Thank you, Mr. President.

**SCHEER:** Thank you, Senator DeBoer. Seeing no one left in the queue, Senator Howard, you're welcome to close on AM2480.

**HOWARD:** Thank you, Mr. President. Again, I just want to express my gratitude to Senator Blood for allowing us to attach these five wonderful bills on to LB755. Again, every single bill was vote-- had a-- had a vote in committee to include in AM2480 and that vote was unanimous. And so I would urge the adoption of AM2480 today on the floor. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Howard. The question before us is the adoption of AM2480 to LB755. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 39 ayes, 0 nays on adoption of committee amendments.

**SCHEER:** AM2480 is adopted. Seeing no one left in the queue, Senator Blood, you're welcome to close on LB755.

**BLOOD:** Thank you, Mr. Speaker. Onward and upward, let's move some bills through. Please vote green on LB755. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**SCHEER:** Thank you, Senator Blood. Question before us is adoption LB755-- advancement of LB755 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 40 ayes, 0 nays on the advancement of the bill, Mr. President.

**SCHEER:** LB755 is advanced to E&R Initial. Mr. Clerk.

**CLERK:** Mr. President, an announcement. The Revenue Committee will meet at 4:15 underneath the south balcony; Revenue at 4:15. That's all that I have.

**SCHEER:** Thank you, Mr. Clerk. Returning to General File, next item, LB899. Mr. Clerk.

**CLERK:** LB899 by Senator Hughes relates to Public Power District. Provides certain powers relating to biofuels and biofuel byproducts. Introduced on January 9 of this year. At that time referred to Natural Resources. The bill was advanced to General File. There are committee amendments pending.

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

**HUGHES:** Thank you, Mr. President. Good afternoon again, colleagues. LB899 was brought to me by one of our public power companies. This bill will allow any public power district to develop, manufacture, use, purchase or sell biofuel or biofuel byproducts. Biofuel is defined as any fuel that is derived from biomass, plant or algae material or animal waste. Since such feedstock material can be replenished readily, biofuel is considered to be a source of renewable energy, unlike fossil fuels such as petroleum, coal or natural gas. Therefore, it has the potential to reduce greenhouse gas emissions. The public power industry has already entered the biofuel market and by being allowed to sell ethanol, so it seems appropriate that they be allowed to explore new technologies and products that could be financially benefit-- beneficial to public power. That completes my opening and I will open on the committee amendment, Mr. Chairman, or Mr. President, if that's all right.

**SCHEER:** As the Clerk noted, there is a committee amendment from Natural Resources. You are the Chairman, you may open.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**HUGHES:** Thank you, Mr. President. After the bill was introduced, a few groups got together and wanted a few minor changes to the bill. The committee amendment changes "biofuels" to "advanced biofuels" and adds on page 23 the language: and their byproducts so long as the development, manufacturing, use, purchase or sale of such biofuels is done to help offset. I'd appreciate a green vote on the bill and the committee amendment. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Hughes. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. Speaker, fellow senators, friends all. At this time I'm not sure I support the amendment nor the bill until I get some clarification from Senator Hughes and we did discuss this before, so I'm hoping he'll yield to some questions.

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

**HUGHES:** Of course.

**BLOOD:** How are you today, Senator Hughes?

**HUGHES:** I'm great.

**BLOOD:** I got some questions for you. So I was trying to do some-- some research real quickly before your bill, because we're actually moving through things pretty quick this afternoon. And I saw that public power is statutorily created. And it was my understanding from what I read that they're supposed to have limited grants of power and not compete with Nebraska businesses. So reading this bill, the question I have is, does this bill allow public power to compete with the private entities on things like renewable natural gas projects?

**HUGHES:** Yes and no, Senator.

**BLOOD:** OK.

**HUGHES:** The-- the way that public power has-- was created in Nebraska, it is a government entity that does compete in the private sector. If you remember, we've had bills in the past where we've had this discussion before. But public power in Nebraska is a-- call it a quasi-government agency, but they do have to compete in the private sector. They have to buy power. They've got to be in the distribution process for electricity. What this bill does is it gives public power the ability to do some research into biofuels. The boards of all the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

three, the big three, OPPD, NPPD and LES have given instructions to their staff that they want to look at becoming more carbon neutral in their power generation. And that is why this bill has come forward.

**BLOOD:** So in addition to the research, doesn't it also give them the ability to use it, purchase it, or sell bio-- biofuels and biofuel byproducts?

**HUGHES:** Only in the wholesale.

**BLOOD:** Only in the wholesale?

**HUGHES:** They cannot-- they cannot do in retail. So only in wholesale. It's-- it's a lot like the city of Lincoln here. They are collecting biogas from their sewage treatment plant and using that in the power generation. It's the same thing that the city of Lincoln is doing. They just want to allow public power entities in the state of Nebraska to have the ability to do some research looking at ways to generate additional carbon-free power.

**BLOOD:** But in addition to research, also selling at wholesale sale, you said, right?

**HUGHES:** Only-- only wholesale, not retail.

**BLOOD:** OK. And so the question that keeps coming up in my head is that we give public power entities substantial tax and finance advantages, yes, financing advantages?

**HUGHES:** Public power pays a tremendous amount of taxes. They pay in lieu of taxes on a lot of their personal property. They don't pay income tax per se because they are a government entity. They are us, if you will. So the benefit of not paying taxes is keeping our electric rates low.

**BLOOD:** And I do appreciate that. So the last question I have then stating that, is how do we expect our private entities to compete with that?

**HUGHES:** The private entities have the ability to do research in biofuels now. You know, if they decide that this is an area that they would like to do some exploration in, to look at livestock waste, methane recovery or things like that, they have that opportunity. The

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

way the statute is currently written our public power entities do not have that and that's part of what this bill does.

**BLOOD:** So-- so my concern is I read it a little differently and we can talk about this hopefully off the mike, is that I don't see what prevents the public power entities from really doing anything in this energy space based on how this bill is written and I find that concerning. I just want to make sure that we truly have a fair playing field for both--

**SCHEER:** 30 seconds.

**BLOOD:** --our private and public partners. And that's my concern with this bill. And you've answered quite a few questions and I appreciate that. Thank you, Senator Hughes.

**HUGHES:** Absolutely.

**BLOOD:** And with that, if I do have any time left, I would give it to back to Senator Hughes-- yield to Senator Hughes.

**SCHEER:** Senator, 10 seconds.

**HUGHES:** Thank you very much.

**SCHEER:** Thank you, Senator Blood and Senator Hughes. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr President. Once again, good afternoon, colleagues. Wondering if Senator Hughes would yield to a few questions.

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

**HUGHES:** Absolutely.

**McCOLLISTER:** Senator Hughes, what utility asked you to bring this legislation?

**HUGHES:** NPPD.

**McCOLLISTER:** NPPD, OK.

**HUGHES:** Correct.

**McCOLLISTER:** Isn't a product like this biofuels a little outside their core of competency to sell electricity?

**HUGHES:** It is. And that's why they want this bill to give the opportunity to do some research. I mean, we're not giving them the authority tomorrow to start generating electricity with a biofuel. They want the ability to do some research to see if there's somewhere some process that they can develop commercially that will keep our electric rates low and be carbon-neutral.

**McCOLLISTER:** Is hydrogen one of those fuel, those biofuels they're looking to-- to produce and-- and utilize in their plant south of Beatrice?

**HUGHES:** Yes, hydrogen is one of the byproducts of the monolith.

**McCOLLISTER:** How about let's include a few others. How about soy diesel or used cooking oil? Would those be products that you think NPPD would want to market?

**HUGHES:** I think they're looking at everything as an opportunity to try and develop carbon-neutral fuel sources to keep our energy rates low.

**McCOLLISTER:** How about propane, Senator Hughes, would that be a fuel that they'll utilize as well?

**HUGHES:** I-- I've not had that discussion with them, so I do not know.

**McCOLLISTER:** The reason I ask about propane is I know that's a fuel that MUD uses when times are-- when they have difficulty finding enough gas that they'll mix propane, propane in with their natural gas. I know that's something that should be reserve, I would guess for them. Who would be a customer that NPPD would sell these products to, do you have any idea?

**HUGHES:** If-- if for instance, and we don't know what the products are, but one of the biofuels that's being talked about would be a-- a methane gas or something like that, similar to what I talked about with Senator Blood of the-- what the city of Lincoln is doing with their bio, their digesters that they have with their-- their sewage treatment plant of siphoning the gas off the top of that, it's methane. And that would just be gone into the natural gas system, but only-- only for wholesale. It would not include retail at all.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

**McCOLLISTER:** But the bill clearly states that there is no intention to sell natural gas through that-- through NPPD, is that correct?

**HUGHES:** That is absolutely correct.

**McCOLLISTER:** Thank you, Senator Hughes. Thank you, Mr. President.

**SCHEER:** Thank you, Senator McCollister and Senator Hughes. Senator Wayne, you're recognized.

**WAYNE:** Thank you, colleagues. We can-- I can file some motions and we can go until 5 or we can adjourn early. Either way, we're going to be here. Senator Hughes, I want to ask you some questions about-- if you will yield to some time for some questions on this bill.

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

**HUGHES:** Of course.

**WAYNE:** Can you explain the amendment again? I'm sorry, I missed that portion.

**HUGHES:** Of course. The amendment just changes the word biofuels to advanced biofuels. And then on page 23, it adds the language: and their byproducts so long as development, manufacturing, use, purchase or sale of such biofuels is done to help offset.

**WAYNE:** So is the language of other fuels which help reduce greenhouse gas still in the bill?

**HUGHES:** Yes, I believe so.

**WAYNE:** So is it fair to say that they would be competing with natural gas? Or they could?

**HUGHES:** There is--

**WAYNE:** Underneath-- I'm going to clarify. Underneath that definition of other fuels to help reduce greenhouse gas emissions, I believe natural gas is one of those fuels that we believe publicly helps reduce greenhouse gases. So knowing that, would you think they could now compete in the natural gas sector?

**HUGHES:** That is a possibility, but the-- the compete is not correct because it is only in the wholesale market. There is a lot of things

that are considered natural gas, as I mentioned. The methane they've got a-- if you have a large hog-- hog confinement operation and you put a dome on the waste lagoon, it generates methane that can be burnt as a natural gas. Or as I mentioned, the city of Lincoln has-- is capturing the methane off of their digesters. So it is-- it is included in that, but it is not-- this is not designed to only be that portion. They want to look at all things. They have the ability currently to use to look at ethanol, biodiesel. There may be something out there that we-- we don't know yet. And that's what this bill does, is it gives them the ability to do some research in those areas to see how we can come up with additional carbon-free energy.

**WAYNE:** I do want to apologize. I did not talk to you about this ahead of time, because I assumed we weren't going to get even close to this bill today. I was looking at a Senator Vargas's bill that came out of my committee next in the back and then I heard this bill was up, so I ran out here. But I think you should know and you probably already know in my four years being down here, if it's anything dealing with public power, it's kind of like mountain lions, it's gonna just get talked about for a while. So I do apologize for not bringing that to you ahead of time. Colleagues, here's my concern. Public power has pushed back on any bill that allows the private sector to get into this market, at least for the four years that I've been here. I mean, whether it's solar, whether it's natural gas, there are communities that are literally leaving NPPD and OPPD-- or not OPPD, but NPPD wholesale buying on the market, and public power will go to the power review board and try to tell them that they can't. And here we are going to allow public power to get into natural gas when MUD is already in natural gas, but the rest of the state gets from a private company. We are literally going to allow a government entity--

**SCHEER:** One minute.

**WAYNE:** --to compete with a private sector. So I hope Senator Hilgers-- Hilgers and Mr. Erdman, Senator Erdman, all these people who are so concerned about the landbank competing with the private sector are going to stand up on this bill and say there's no way we should allow a government entity to compete with the private sector because that's what we are going to allow to happen. We are going to allow natural gas and other fuels to start being bought, sold, maybe created, enter into contracts against the private market. So we'll have a lot of conversation. I am probably if this goes till tomorrow, hopefully I'll get an amendment back to you that will open up the private market to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

allow to compete with OPPD regarding solar. I think, you know, I'm not going to get into the wind debate with my friend Senator Brewer, but I would love to get into a solar debate. Why can't--

**SCHEER:** Time, Senator.

**WAYNE:** Thank you.

**SCHEER:** Thank you, Senator Wayne and Senator Hughes. Senator Moser, you're recognized.

**MOSER:** Thank you, Mr. President. This bill is my priority bill. We were approached by NPPD because they had some theories that they might be able to leverage their energy efforts-- energy generation efforts to create some other fuels, and they're currently not allowed to do that, and so they wanted to be able to look into this business. There is a change in the climate for power, both electric, gas, energy and all levels to-- to try to burn or to release less CO2. And when Senator Wayne was talking about natural gas being-- I think what I interpret what he said it to be, is that it's a clean burning fuel, which it is. It's carbon and hydrogen and it combines with oxygen in the air. And then it-- it does emit CO2, but it-- it doesn't have other contaminants in there besides carbon and hydrogen. So in that respect, it's a clean fuel. But NPPD has some opportunities. For example, with the monolith project at their coal plant, the monolith company is taking natural gas and separating carbon from it and then marketing the carbon black that's used for various industrial purposes. I think it's used to make tires black and it's used in paint and a number of other things. The byproduct that is given off after or-- or is available after the process of removing some of that carbon is a real hydrogen-rich fuel. And it-- if it's given in enough volume, NPPD intends to use it to run some of their generators in lieu of burning coal. They would burn this hydrogen-rich project-- product and it would have less emissions than coal would norm-- naturally have. Another possible use for this carbon or this hydrogen-rich product would be to combine it with CO2 and make a fuel like methanol, and that would take CO2 from off the market, so to speak, and put it into a fuel that could be used possibly more-- with more energy available than just burning it to replace their coal at their coal plant. So there are opportunities with their energy business to experiment and possibly use some of these fuels. But these opportunities can't be taken advantage of because-- in some ways because of the way the law is written. NPPD doesn't want to get into the natural gas business,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

they're prohibited from delivering natural gas at a retail level. And as far as controlling natural gas on a wholesale level, I think that the current law allows any big user of natural gas to buy their gas on the open market and then they have to negotiate with somebody to deliver it, which would probably be the local gas company because nobody else would have the pipeline and-- and the lines to deliver it. So it's not a matter of getting NPPD in the natural gas business. They're prohibited from being in the retail natural gas business. They're looking for synergies within the businesses they're in. Ultimately, NPPD, OPPD, all the public power companies are responsible to their board of governors and they give them instructions how to operate, what to do. They're responsible to their ratepayers and they want to do the thing that's going to make energy the most cost-efficient and the most--

**SCHEER:** One minute.

**MOSER:** --environmentally friendly. Thank you.

**SCHEER:** Thank you, Senator Moser. Senator Wayne, you're recognized.

**WAYNE:** Thank you. Thank you. Thank you, Mr. President. And Senator Moser, I agree with you on many of the things you said. I just find it ironic that if a private company wanted to do the same thing, they wouldn't be allowed to. And which is-- which is weird that I am the one arguing against big government. I mean, just think about that. It's like the-- it's like a day-- it's like some weird time warps where all that-- not big government are saying public power should get into anything they want to get into. As long as it is a fuel that reduces greenhouse gas and I'm the one saying, wait a minute, that's too big of government. And what world are we in right now? Ah, it's public power. I get it. It's a different world when it comes to public power. Now, Senator Moser, I agree right now they may not want to get into natural gas. But the fact of the matter is this bill allows them to do that. And so a year from now, six months from now, 30 days from now, if this bill passes, they may say our business model has changed. Like you said, they report to a board and that board may say the market is dictating that we can do more with natural gas, we are now in the market. So tell me how Black Hill energy is going to compete with NPPD. Black Hill energy does not have the same tax breaks that a government agency has. In fact, when it comes to water, we all know we tax water so we're not going to have that conversation again, but I just thought I would throw that jab out there again. But I'm pretty

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

sure Black-- Black Hills Energy pays taxes. I'm pretty sure they have to pay labor rates in which-- when they buy material, it's taxed in the private market. Whereas, that same person who is buying a natural gas pipe to build out a pipe-- pipeline for natural gas for NPPD would not. My point is, is, these words mean something. Words mean something. You know, it's like-- it's like when you're traveling in our city and your daughter says, hey, I want a-- I want one of them smoothies, and so you get on Google on your phone, and you type in juice bar, Juice Stop. You get two places. You get one where you can go get a Tropicana smoothie, you get another one where you go meet somebody named Tropicana. They're both juice bars. Words mean something. They mean something and once you open that door and say, and the point is a juice bar is no different than allowing people to say other fuels. Now they can go into natural gas. Now they can go into anything else. Where all-- all the condition is that it requires them to reduce emissions, greenhouse emissions. This is government overreach. And I know one day one of my conservative colleagues is gonna throw this back at me and I'm hoping they do because then I hope they vote against this bill. This is government overreach. Allowing them to compete with natural gas when you have a private company that has built infrastructure throughout this entire state, particularly the west-- this isn't even an Omaha thing. This is truly west of Omaha because MUD has our gas line. I don't have anybody against me, so I'm not campaigning in the third district. I'm just literally thinking this is a bad bill. This is government overreach again. The introducer, the priority says-- the priority sponsor says they're not currently into natural gas or looking at it, agreed, maybe, but we don't know because most of their documents are not allowed to be FOIA'd. So they could have had a meeting about it, but we won't know if it's critical infrastructure. We passed that bill, so the second house won't even know that until it's passed that we're gonna get into natural gas.

**SCHEER:** One minute.

**WAYNE:** Colleagues, if we don't see a fundamental problem with this bill of going to other fuels, then let's not argue about landbank. Let's not argue about all these other things where you think government overreach when this is setting the stage to directly compete with a company that has built infrastructure throughout this state. See I'm not going to push my button again, no, it's already on. Already did. So I guess we'll just keep having a dialogue about public power and I'll start-- go back to why the motto of public power needs

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

to be changed. And that's what this is about. The motto for public power has to be changed. The business model doesn't make sense anymore. And when are we as a body going to have that conversation? Well, we might have it today.

**SCHEER:** Time, Senator. Thank you, Senator Wayne. Senator Moser, you're recognized.

**MOSER:** Just a couple of comments.

**SCHEER:** Excuse me, excuse me, just a minute, Senator Moser.

**MOSER:** Oh, I'm sorry.

**SCHEER:** Senator Wayne, you were next in the queue, I apologize. They had dropped you too quickly, so, and this will be your third time at the mike.

**WAYNE:** In honor of Senator Chambers, a black man can't get no respect, no, I'm joking. I just remember my first year the mike got cut off, that was pretty intense moment. I don't know if many of you guys remember that. He about charged the [INAUDIBLE]. It was a great moment. See, I'm trying to lighten the mood a little bit. Trying to lighten the mood. It was-- it was kind of funny. No, I don't hold it against you guys. So let's talk a little bit about public power and how the model has changed. I want to remind everybody that when we first came with public power, it was about a couple of things. Reliability, and that reliability was for the person, the farmer, all the way down the line. That person all the way down the line was not being serviced by the private sector, so we thought as a state that public power was important because power was a necessity we needed to have, that power was important. So we started this thing called public power. But that fundamentally changed when we decided to enter into an agreement without this body's knowledge. The parties were-- the public power decided we were going to enter into the Southwest Power Pool. And when we went into the Southwest Power Pool, the lights that are shining before us right now, we don't control that. We turn it on and off. It's no longer Lincoln LES necessarily putting the power there. When I'm in Omaha, turning on my light, it's no longer Omaha Public Power putting the light there. Yes, it's being transmitted across their line, but we are now on the open market where today you can log on to the SPP website and see what the price of energy is going to be tomorrow. And oftentimes it's wind because wind at this point is not

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

feasible to say generation in a battery. So what we do is wind goes first in and first out and there's a couple other factors like nuclear power, because you can't reb up and reb down, so you got to keep that kind of level. And literally what happens is-- literally what happens is SPP in Arkansas, a place down in Arkansas can call one of our plants and tell them to turn down the knob. Can call our plant and say we don't need as much coal, turn it down. Tomorrow's prediction for coal, we don't need you to even run. And we have bonds. We have debt of a tune of about \$1.6 billion across the state of Nebraska, just in a couple coal plants in the state. And the biggest threat to public power is not Senator Wayne or solar, it's a battery. When a battery is developed, which will be in the next five to 10 years and we can start harnessing solar and wind and keeping that power within the building in a battery, that fundamentally changes our dynamic. And those coal plants that are in western Nebraska and one in my district-- this is not, I'm not talking foreign, there is a coal plant in my district. They will be obsolete. And guess what, they're going to turn to natural gas and they're already doing that because natural gas is more affordable. So don't tell me public power is not interested in natural gas. They are, because they're already converting things and we are opening a door to a bigger problem, complete government overreach. So I'm going to print off the scorecard. We're going to look at who are all the people who call themselves conservatives and don't believe the government should compete with things, and every time that there is a government idea and you're saying government shouldn't be involved, I'm going to call on the mike, will you yield to a question? Did you not vote for this? Is this not government overreach? Yes. OK. Thank you. That's all we're gonna keep doing. That's how strongly I feel about opening up the door to other fuels. Either MUD shouldn't be there, we should all be private, we should all be public, I don't know, but we've never had a debate in this body, and as the business model is changing, we are gonna be hamstrung with debt.

**SCHEER:** One minute.

**WAYNE:** And nobody is addressing this debt issue. But there is a reason that there is other fuels in this-- in this section of law. I bet you if I bring amendment to strike it, there'll be some issues. It's important that we have a conversation about the infrastructures we have, not just education, but our public power. Maybe we should have one big board across the state like we do Department of Education. Just one, instead of all these different small ones and everywhere. We just have one. And let's get a whole new outlook on what we're going

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

to do with public power. Because what we're doing right now, 20 years from now is going to look completely different and we're not having that conversation. And so today, at least for the next 30 minutes, we're gonna have that conversation, even if it's by myself. And I'll just read off facts and figures of why this is important. I have a motion to recommit. I'll let the underlining amendment go and we're going to spend some time on it. And I know Senator Hughes, my-- you know, this is my whatever Department of Forestry, no, Department of Game and Parks where we're just going to spend time to spend time.

**SCHEER:** Time, Senator.

**WAYNE:** Thank you.

**SCHEER:** Thank you. Senator Wayne. Senator Groene, you're recognized.

**GROENE:** Sorry, I was out talking to the NPPD folks trying to clarify this. Sat up straight in my chair when I read the original language. It said-- I don't know why you guys are talking about natural gas. What scared me was specifying in the petition creation and amended a public power district may develop manufacture, use, purchase or sell at wholesale biofuels. Well, that's what my ethanol plants do. They manufacture and they sell it at wholesale, so selling it wholesale isn't a big-- they all do that. But the way the original language, they could have built an ethanol plant, gone into competition with all the farmer-owned ethanol plants, but now I was told out there that the amendment fixes that because they can build a plant, they can manufacture, but it has to be at wholesale advanced biofuels, Senator Hughes, could you, do you know what the definition of advanced biofuels is?

**SCHEER:** Senator Hughes, would you yield?

**HUGHES:** Of course. I don't have that right in front of me, Senator Groene, but I will get that shortly.

**GROENE:** All right. Thank you, Dan, Senator Hughes. I can see another market for corn from other products, some grasses maybe. But I'd like to know exactly what advanced means. Does that mean you got the purity of the ethanol higher than what the market is? Is that advanced, and now you're out there competing with the private wholesalers, the manufacturers of ethanol? I don't see anything in here about manure or hay, or using some grasses to produce it. I think this is-- and excuse me, I'll probably go ahead and vote for it. Good for my district

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

because this is a-- we've got the Gerald Gentleman power plant there. And if they're telling me that if-- if-- stupid regulations, that if the NPPD owns the manufacturing and produces a low-carbon fuel, they can offset the carbon from the coal burning power plant that they own and then that helps them with their carbon problem, which I don't think there is one. We burn very clean coal there. But I think this has less to do with development than with-- trying to get around the federal EPA rules on-- on carbon. But heck, if it keeps my jobs out in Sutherland, I'm going to play politics, too, and probably-- we got very high-paying jobs at the Sutherland Power Plant. But let's be honest about it. That's the reason for doing this, then let's do it. But not because they're going to develop something that free enterprise won't. I'm a big fan of free enterprise. If there's gonna be some new technology come on-- on renewable fuels, it's not coming from NPPD. So they're going to hire scientists, they're going to put more people on the payroll. They're going to hire researchers, and then my power rates go up. I don't know. The things we do here. Thank you.

**SCHEER:** Thank you, Senator Groene. Seeing no one in the queue, Senator Hughes, would you like to close on AM2487.

**HUGHES:** Absolutely. Thank you, Mr. President. I do want to respond quickly to Senator Groene's question about what advanced biofuels are. They are feedstocks that are not food products, so they would be grass, manure, those types of things. But anything that is produced with a nonfood product is considered advanced biofuel. Thank you very much. I appreciate the conversation today. I certainly would appreciate a green vote on AM2487. It does make some good changes to the bill and it did help us clarify the language of what we're trying to do. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Hughes. The question before us is adoption of AM2487 to LB899. All those in favor please vote aye; all those opposed vote nay. Has everyone voted that wish? Please record.

**CLERK:** 40 ayes, 0 nays on adoption committee amendments.

**SCHEER:** AM2487 is adopted. Seeing no one in the queue, Senator Hughes would you-- oh, excuse me. Excuse me. Mr. Clerk.

**CLERK:** Mr. President, just a couple of quick items before we proceed. An amendment to be printed to LB424, Senator Quick, and LB1155,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

Senator Lindstrom. And new resolutions, Senator Brewer, LR331. That will be laid over. Mr. President, with respect to LB899, Senator Wayne would move to recommit the bill to the Natural Resources Committee.

**SCHEER:** Thank you, Mr. Clerk. Senator Wayne, you're welcome to open on your amendment.

**WAYNE:** Thank you. So we'll start the recommitment motion. I-- I was gonna recommit it to Urban Affairs, but I believe one time Senator Larson tried that and-- and Clerk Patrick almost lost it, so I decided not to put him through that today. But I do believe Urban Affairs is where this bill probably should have went if it's going to deal with natural gas, because that's my committee jurisdiction. So we'll just have fun talking about public power. Breaking news according to Lincoln Journal Star, LES has lowered their price on their headquarters so even they can't sell it at a-- at the market rate right now. It's tight-- it's tough times for public power and so goes to my point. It's tough times for public power. The recommitment motion is simply we're going to take this out till 5 o'clock and if Speaker Scheer wants to go till 7, I'll have a couple more amendments. It's-- it's Super Tuesday, so I got to be up anyway, so we'll be here. Again, the point of this is, and it's almost hard to keep beating a dead horse but we're going to try here. Other fuels, I mean I could read the-- the dictionary of what that means. It means anything pretty much as a fuel. And at the end of the day, we really have to talk about public power. So back to the structure of public power. So that fundamentally changed in 2000, I believe it was 2014 when we decided to enter into the Southwest Power Pool. And again, let me repeat what that means. Southwest Power Pool now controls our energy output. So one day I was touring a wind farm. Sorry about that, Senator Brewer, but as I was touring the wind farm, the wind was still blowing, but literally the windmill stopped moving. I thought that was very odd. So I asked them why-- what happened? So we go into the little room. They call up, and I won't tell you which pub it was-- which public power district it was but they called them up and they said Arkansas told us to turn down our wind. We had too much wind in the market, so they just turned us down. And when you look at it, they didn't turn down Kansas. They didn't turn down Oklahoma, but they turned down Nebraska. And I thought that was kind of rude being that I'm a Husker and I think we should, you know, we should always be leading the way even if it's in wind against Senator-- OK, scratch that from the record. Senator Brewer gave me a look. But the point of it is, is we don't control our public power anymore. And we have to talk about that. We

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

have a board that I think are multiple public powers in the ERAs who are-- do REAs that are doing their best to manage their areas. I get that. But as a state, let me repeat, as a state, we do not control our public power. It is controlled by a group of individuals who are both in the private and public market, but mainly in the private market in Arkansas. And what's interesting about when this decision was made in 2009 or '14 to enter into the SPP market, think maybe 2009, this body wasn't consulted. There was no up or down vote of whether we wanted to go into MISO or whether we wanted to go over to Iowa and go that way, which actually makes sense when you start thinking about why-- why are we in a market that goes south when we could-- when the-- one of the largest cities in the country is in Chicago and we could have went east. We could have built the transmission line and sold power all day east, but we never had that conversation. It was just voted upon by the entities and all of a sudden now the state is committed and contractually obligated to be a part of the Southwest Power Pool. So now why does that matter? Let's say we wanted to build a power line. Let's say that Senator Erdman's district, Senator Albrecht's district and Senator Hughes' district had some bad transmission lines and we wanted to build a new secondary source, kind of like the R-line, but we wanted to do it in a different direction. We felt it would be better if we do it after our study in a different direction. We can't do that. Public power gets to say no and the SPP has to sign off on it. So let's just say MPPD decided we wanted to build something outside of the Sandhills because we don't want the political or the pushback we're receiving, and we want to build it along the I-80 corridor, we don't control that anymore. We, the owners of public power, don't control that. I think that's an issue. I think that's a problem. We always talk about local control, local control, but our public power has gave up the entire local control to SPP and this body has said nothing. But when we get to property taxes today or tomorrow, I'm hoping one day, I'm just hoping, that's not going to be today or tomorrow, we're gonna hear about local control. Schools need to make decisions. We need do this, we do that. But what if all the schools got together and said, we're going to do X, we're gonna go with Iowa and we're just gonna do everything that Iowa does and we don't care what the Legislature says. We would be OK with that. I don't think so. But that's exactly what we did with public power. In what other entity do we allow a political subdivision to hamstring the entire state when we were elected to represent the state? Colleagues, I'm just kind of dumbfounded why more people aren't getting in the queue. I mean, we could talk about property taxes. It's going to go for three hours, so

we might as well talk about something maybe you want to talk about, but I have plenty of literature on public power. And the reality is, this is the single most important question that I have yet to get an answer. With all the wind being built, all the solar being built, natural gas dropping to historic lows over the last five to six years, why are my rates going up? I have yet to get that answer, or they'll increase fees. This is a legitimate question that we have not gotten an answer to. Why are my rates going up? Solar has been subsidized. We hear about wind being subsidized. It's being sold back to the entities for pennies on the dollar, so why are my rates going up? Because the business model is flawed. The energy that's being transmitted across the line is coming from a free market network that is being bought and sold, well, I guess it ain't totally free because we got, wind has to go first. So there is some kind of regulation around it, but it's being bought and sold. The local power plant in my district is being converted to natural gas, parts of it, because coal is inefficient. We all know it. You can't turn it on, turn it off that quick. That is why peo-- why people are going to natural gas. And what's interesting is, South Sioux City opted out to not renew their contract with MPPD, and they are buying from a company in Ohio. LES broke their contract. Rumor has it and according to papers was around 20 million, it probably isn't true, for a penalty. I don't know. One of things about being on the floor you get-- you're immune to things you might say wrong. It's one thing in the Constitution, so I appreciate that, whoever wrote that in 1875. But the reality is, they got out of their contract. Beatrice got out. There is a market shift and NPPD's response is to lock them into 20-year contracts. And what business sense would you hardly ever be locked into a 20-year con--

**SCHEER:** One minute.

**WAYNE:** I don't like being locked into a 30-year mortgage and I'm buying my house. The point is, is the business model doesn't work. And at what point are we going to say something different? At what point are we going to recommit this bill and say this is government overreach? That's what this bill is about and that's what it's about as far as the votes you cast. We are going to allow them to directly compete with a private company that spent billions building out a infrastructure. We're going to let them compete directly. I see Senator Bostelman on his computer. I hope he jumps in with this so we can have a nuclear engineer conversation that I don't know anything about, but I can answer like half of the questions. Just with a yes or no, and it's probably wrong. I'm trying to bait somebody else in, but

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

it may not work. Speaker Scheer, you can-- I'll yield you the rest of my time.

**SCHEER:** That's very nice of you, Senator Wayne. Thank you so much, but you are next in the queue.

**WAYNE:** All right. Man. I don't know how Senator Chambers does it. It's just like-- I know he tells stories. OK, let me tell a story. No, I'm not going to tell a story because I think we should stay on the topic at hand. Senator Friesen, I'd like to ask you a question.

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

**FRIESEN:** Yes, I would.

**WAYNE:** And how are you doing today?

**FRIESEN:** I'm just having a lot of fun right now.

**WAYNE:** Thank you. Senator Clements, I'd like to yield you a question.

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

**CLEMENTS:** Yes, Mr. President.

**WAYNE:** And how are you doing today?

**CLEMENTS:** I'm feeling well.

**WAYNE:** Do you have any experience with power plants or anything like that?

**CLEMENTS:** No, I really don't, but I do use electricity.

**WAYNE:** Well, OK, so you use electricity. Have your rates gone up in the last five years?

**CLEMENTS:** I know the fees have gone up, not sure about the rates, but I noticed a big increase in it. Just a basic fee was about five dollars, now it's thirty dollars. And I was-- I did say something to one of the OPPD people, that's who I get my power from.

**WAYNE:** OK, thank you. Thank you, Senator Clements. Senator Brewer, will you yield to a question?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

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

**BREWER:** I will.

**WAYNE:** Senator Brewer, how are you doing today?

**BREWER:** I'm glad it's the end of the day.

**WAYNE:** Me, too. I'm just getting started. I'm getting my second wind, literally wind, wind energy, you get to see the play there? OK. What are your thoughts on public power?

**BREWER:** What do I think about public power?

**WAYNE:** Yes. I just-- so opening the question, how do you feel about public power? Tell me your concerns if you have some and I-- I just want to listen.

**BREWER:** Well, many of my concerns track fairly close to yours, that I think when the concept of public power was started in Nebraska, it was a great concept. We generated power. We distributed the power. It came down to the local power units that then distributed it to the homes and it was a nice system for a lot of years. I think that all changed when the decision was made to become part of the Southwest Power Pool. I think we lost a lot of our ability to control everything with public power.

**WAYNE:** And so do you feel it's time for this body to probably have a conversation about public power and at least get the-- a business model answer out of public power?

**BREWER:** I think that there were some decisions made when we allowed information to be restricted. And when that happened, we lost our ability to understand what was going on. And I don't know whether that was to protect the Southwest Power Pool or our public power headquarters, but the-- the bottom line is, it's hard to get answers on issues. It's hard to understand the different layers and why decisions are made. So to answer your question, yes, I think it is time we take a look at it.

**WAYNE:** Thank you, Senator Brewer. So I know, colleagues, were having fun. It's 4:56 and we're-- and we're just talking but I can't stress the importance of our public power. I think they play a role. I think they serve their role very well for nongeneration. I think public

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 3, 2020

powers, particularly OPPD, does a great job of service to the homes and fixing those services, although they have a weird contract with the city for the streetlights. I think public power serves their purpose. But we as a body have a duty to understand--

**SCHEER:** One minute.

**WAYNE:** --public-- public power's role, what they're doing, and where we're going in the future when they literally have bonds. They have debt that ultimately we're going to have to pay for. And if you don't think it's a property tax issue, guess who's going to pay for it if those coal plants don't run? They are stranded assets. And it's gonna-- it's not-- it's not a matter of if, it's a matter of when. Technology is driving batteries. Technology is driving storage. And when that occurs, those assets become stranded. And if they are stranded, who pays for it? Who pays for the \$1.6 billion which is honestly outside of Omaha? It's-- it's a western rural Nebraska issue where your property taxes are gonna go up because somebody is going to have to cover it because we're not generating electricity and money.

**SCHEER:** Time, Senator. Thank you, Senator Wayne. Mr. Clerk.

**CLERK:** Mr. President, I have nothing to read in, but I do-- I'm sorry, I do. Excuse me. I have Senator Wishart would like to add her name to LB1155, and McDonnell to LB1155. And Mr. President, a priority motion. Senator Murman would move to adjourn the body until Wednesday morning at 9:00 a.m.

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