

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 5, 2020

FOLEY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the thirty-fifth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Joseph Gastinueau of the Revival Tabernacle Church in Bellevue, Nebraska; both Senator Blood's district and Senator Crawford's district. Please rise.

PASTOR GASTINUEAU: Thank you for the honor of being here today. We give honor to our Governor, Lieutenant Governor, whom we are privileged just to meet, and to all of you who are serving the great state of Nebraska. I am thankful to be a part and a citizen of this great state. Psalm 34:1; I will bless the Lord at all times. His praise shall continually be on my mouth. My soul shall make her boast in the Lord. The Ambuhl shall hear thereof and be glad. O magnify the Lord with me, and let us exalt his name together. Let us pray. Lord, we thank you-- we can stand at this precious place today. We are honored, Lord, today to be among great people, people who make great decisions. And we pray today that all the decisions that are made here will be with you in mind. Thank you for righteousness, goodness, and all that you've done for us. Thank you for calvary. Thank you, Lord, for all spiritual blessings today. I pray for everyone in this chamber, everyone serving. I pray for them, their health. I pray for their families. I pray for peace in their lives and their homes. I pray that you'll continue to bless this state, give us good leaders, and help us today and bless this meeting and our business. We pray in Jesus' name. And I would also like to honor my district senator, Carol Blood, and wish her a very happy birthday today. Thank you.

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

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

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

ASSISTANT CLERK: No corrections this morning.

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

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ASSISTANT CLERK: Mr. President, your committee on Enrollment and Review reports LB461, LB1042, LB1042A, LB803, LB803A, and LB43 all to Select File, some with E&R amendments. In addition to that, an amendment to LB43 from Senator Chambers to be printed. That's all I have at this time.

FOLEY: Thank you, Mr. Clerk. Senator Hunt would like to recognize Dr. Erica Rothgeb of Omaha, Nebraska, serving as today's family physician of the day. Dr. Rothgeb is with us under the north balcony. Doctor, if you could please rise, we'd like to welcome you and thank you for being here today. We'll now proceed to the agenda. Members, we have 10 confirmation reports this morning. Mr. Clerk, first report.

ASSISTANT CLERK: Mr. President, the first report this morning is from the Education Committee for Chad Buckendahl to the Technical Advisory Committee for Statewide Assessment.

FOLEY: Senator Groene, you are recognized to open on the first of four confirmation reports from the Education Committee.

GROENE: Thank you, Mr. President. There are two appointments on the Technical Advisory Committee for Statewide Assessment. The Technical Advisory Committee for Statewide Assessment was created by LB1157 in 2008 and it is responsible for reviewing the statewide assessment plan, state assessment instruments, and the accountability system developed under the Quality Education Accountability Act. The committee is apprised of three nationally-recognized experts in educational assessment and measurement, one administrator from a school in Nebraska, and one teacher from a school in Nebraska. Members serve a three-year term and do not receive compensation. When I say assessment, that's the testing that the Department of Ed does of all the students across the state. The first appointment to the Technical Advisory Committee is Dr. Chad Buckendahl. Mr. Buckendahl is a reappointment. The Education Committee voted to bring a report of approval for Dr. Buckendahl with 7 votes in favor, 1 not voting; 1 not present, really. Mr. Buckendahl is a partner with ACS Ventures, LLC. His research interests include legal issues, standard setting, test evaluation, and validity. Dr. Buckendahl has designed and led validation studies for credentialing programs in architecture, dentistry, dental hygiene, medicine, education, finance and law, general education, and of course, alternate English language literacy assessments in education and language assessments for admission, citizenship, and certification. Dr. Buckendahl also serves on

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technical advisory committees for education credentialing programs, editorial boards for peer-reviewed journals, and on volunteer committees for the Association of Test Publishers, institution for Credentialing Excellence, and the National Council on Measurement in Education. Thank you. I ask you to approve the confirmation of Dr. Buckendahl. Thank you, Mr. President.

FOLEY: Thank you, Senator Groene. Senator Groene, I'm informed by the Clerk's Office that this was filed actually as two separate items--

GROENE: Yes, but--

FOLEY: -- so we'd have to take two votes, so which--

GROENE: I understand.

FOLEY: --which one--

GROENE: I understand, but I just wanted to introduce the-- once-- make the introduction.

FOLEY: So Mr. Buckendahl is first?

GROENE: Yes.

FOLEY: Very good. Is there any discussion on that report? I see none, Senator Groene, you are recognized to close. Senator Groene-- he waives close and the, the question for the body is the adoption of the first confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of the report, Mr. President.

FOLEY: The first report is adopted.

ASSISTANT CLERK: Mr. President, the second report from the Education Committee is for Cindy Gray to the Technical Advisory Committee for Statewide Assessment.

FOLEY: Senator Groene.

GROENE: Thank you. I already told you what the Technical Advisory Committee is. Cindy Gray is a reappointment appointed as an

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administrator position on the board. Cindy grew up on a farm near Stromsburg, Nebraska, and completed her undergraduate work with a double major in speech, drama, and English at Nebraska Wesleyan University. She began her career as a middle school English teacher in Springfield, Nebraska, before moving on to become a high school counselor and gifted facilitator. In 1999-2000, she completed an American Psychological Association internship as a school psychologist for Omaha Public Schools. Following completion of her Ph.D. from the University of Nebraska, she accepted a position as the director of curriculum and assessment for Elkhorn Public Schools. She currently serves as the associate superintendent for Elkhorn Public Schools and supervises curriculum, instruction, assessment, technology, and school improvements. In addition to her role as the associate superintendent of Elkhorn Public Schools, Dr. Gray served for several years as a visiting lecturer for the University Nebraska-Lincoln and currently serves as an adjunct professor for Doane University. She is a member of multiple state committees and has presented at numerous state and national conferences on topics of curriculum and assessment. Thank you. I ask you to approve the confirmation of Dr. Gray.

FOLEY: Thank you, Senator Groene. Is there any discussion on the second report from the Education Committee? I see none, Senator Groene-- he waives close and the question for the body is the adoption of the second confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of the report, Mr. President.

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

ASSISTANT CLERK: The next report from the Education Committee is for Timothy Daniels to the Coordinating Commission for Postsecondary Education.

FOLEY: Senator Groene, you are recognized to open on the report.

GROENE: The introduction of what the committee is applies to both appointments so I don't have to read it twice to make it clear. There are two appointments for the Coordinating Commission for Postsecondary Education, also known by the acronym, CCPE. CCPE was created in 1976 by the Legislature. In 1990, the commission was added to the state

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constitution with the addition of Article XIV of Chapter 7 updating the commission's role and responsibility to include a variety of strategic goals to enhance and improve Nebraska's higher education system. The commission consists of 11 members appointed by the Governor, six of whom are chosen from six districts of approximately equal population, while the remaining five members are chosen on a statewide basis. Members serve a term of six years and do not receive compensation. The first appointment that we will be voting on is Timothy Daniels. Mr. Daniels is a Panhandle native who received a B.A. in business from Chadron State College and spent most of his career in the Scottsbluff/Gering area, where he was an active community leader in the Scottsbluff/Gering Chamber of Commerce, rotary club, United Way, Panhandle Community Services Foundation, and the Western Nebraska Community College Foundation Board of Directors, among others. He also served for 13 years on the Western Nebraska Community College Board of Governors, including two years as chairman. Thank you and I ask for you to approve the confirmation of Mr. Daniels.

FOLEY: Thank you, Senator Groene. Is there any discussion? I see none, Senator Groene, you are recognized to close. He waives close and the question for the body is the adoption of the first of two appointments to the coordinating commission. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the report, Mr. President.

FOLEY: The report is adopted. And the final report from the Education Committee, Mr. Clerk.

ASSISTANT CLERK: Mr. President, this report is for Charles Garman to the Coordinating Commission for Postsecondary Education.

FOLEY: Senator Groene.

GROENE: Thank you, President. The second appointment to the CCPE is Mr. Charles Garman. Mr. Garman is a new appointment from the fall of 2018. He is presently on the board waiting for confirmation. The Education Committee voted to bring a report of approval for Mr. Garman with 7 votes in favor, 1 not voting. Mr. Garman is an attorney with Legacy Design Strategies in Omaha, who, along with nearly a decade of legal experience in the private sector, previously served as the Education Committee legal counsel for the Nebraska Legislature. Garman

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is also a 13-year veteran of the U.S. Army and the South Dakota and Nebraska National Guards. He received his B.A. in political science and philosophy from Augustana University in South Dakota and his J.D. degree from Creighton University School of Law. Thank you and I ask you to approve the confirmation of Mr. Garman.

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

ASSISTANT CLERK: 39 ayes, 0 nays on adoption of the report.

FOLEY: The report is adopted. Before proceeding, Senator Geist has some guests today under both balconies. I'll read all of these and acknowledge them all as a group. It's part of the Lincoln Council for International Visitors working with Open World Leadership Center in the U.S. Congress. Under the south balcony, we've got parliamentary staffers from Moldova. Under the north balcony, we have guests from Chile, Kosovo, Libya, Moldova, Nepal, Taiwan, and Turkey. And under the north balcony, we have Teta Moehs, who is the deputy director of the Office of International Visitors for the U.S. Department of State. Could all those guests please rise so we can welcome you all to the Nebraska Legislature? Next confirmation report, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the Judiciary Committee would report on Mark Langan to the Board of Parole.

FOLEY: Senator Lathrop, you are recognized to open on the first confirmation report.

LATHROP: Good afternoon-- I guess it's good morning, Mr. President and colleagues. The Judiciary Committee held a confirmation hearing on February 19, 2020 to consider the gubernatorial appointment of Mark Langan. Mr. Langan is a new appointment to the Nebraska Board of Parole to serve a term from September 10, 2019 to September 9, 2025. Mr. Langan appeared in person at the confirmation hearing. He is from Omaha and is currently employed as vice president of field operations with the Nebraska Humane Society. He is a former sergeant with the Nebraska-- pardon me, the Omaha Police Department. The committee voted 7-0 to advance his confirmation with one person present and not voting. I know Mr. Langan personally. He is a fine individual and I

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would encourage your support of his nomination and appointment. Thank you.

FOLEY: Thank you, Senator Lathrop. Is there any discussion? I see none, Senator Lathrop closes-- he waives closing. The question before the body is the adoption of the first confirmation report from the Judiciary Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 40 ayes, 0 nays on the adoption of the report, Mr. President.

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

ASSISTANT CLERK: The Judiciary Committee would report favorably on Anne Boatright to the Crime Victim's Reparations Committee.

FOLEY: Senator Lathrop, you are recognized to open on the report.

LATHROP: Thank you, Mr. President. The Judiciary Committee held a confirmation hearing on February 19, 2020 to consider the gubernatorial appointment of Anne Boatright. Ms. Boatright is a new appointment to the Crime Victim's Reparations Committee to serve a term from September 25, 2019 to July 16, 2023. She will serve as a public representative on the committee. Ms. Boatright is from Omaha. She is currently employed as the state forensic nursing coordinator with the Nebraska Attorney General's Office. She appeared in person at the hearing and the committee voted 8-0 to advance her confirmation. We would encourage your support of this nominee. Thank you.

FOLEY: Thank you, Senator Lathrop. Is there any discussion? I see none, Senator Lathrop waives closing. The question for the body is the adoption of the confirmation report from the Judiciary Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the report.

FOLEY: That report is adopted. We'll now proceed to the floor reports from the Health and Human Services Committee. First report, Mr. Clerk.

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ASSISTANT CLERK: Mr. President, the Health and Human Services Committee would report on three appointments to the Commission for the Deaf and Hard of Hearing.

FOLEY: Senator Howard, you are recognized to open on your first confirmation report.

HOWARD: Thank you, Mr. President. Good morning, colleagues. This morning I bring you three gubernatorial appointments to the Commission for the Deaf and Hard of Hearing. Each appointee was voted unanimously out of committee. The first appointee to the Commission for the Deaf and Hard of Hearing is Robert Feit. Mr. Feit is a first-time appointment to the commission from Lincoln, Nebraska. He worked for the City of Beatrice as the director of administrative services for 22 years and retired in 2008. Previous service experience includes the Nebraska Community College Board, Beatrice School Board, Association of Community College Trustees Board, and the Nebraska State Employers Council to name a few. The second appointee to the Commission for the Deaf and Hard of Hearing is Candice Arteaga. Ms. Arteaga is a reappointment to the commission from Greenwood, Nebraska. She is also currently president of the Omaha Association for the Deaf. She is proud of the strides the Nebraska Commission for the Deaf and Hard of Hearing has made in the past two years, including helping children under 18 receive hearing aids through insurance coverage and increasing American Sign Language awareness. The third appointee to the Commission for the Deaf and Hard of Hearing is Jonathan Scherling. Mr. Scherling is a first-time appointment to the commission from Omaha. He originally grew up in De Witt, Nebraska and has previously served as president, vice president, and member at large for the Nebraska Association of the Deaf. He is currently an American Sign Language instructor at the University of Nebraska at Omaha and hopes to inspire more young people to learn ASL and become interpreters in the classroom for those who need it. All three of these appointees will make excellent additions to their respective boards. Again, they were all voted out of committee unanimously and I urge you to vote green to confirm them. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Is there any discussion of the first report from the Health Committee? I see none, Senator Howard, do you care to close? She waives close and the question for the body is the adoption of the confirmation report from the Health and Human Services

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

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of the report.

FOLEY: The report is adopted. Second confirmation report from the Health and Human Services Committee, Mr. Clerk.

ASSISTANT CLERK: Mr. President, this report is for Michael Allen Christopher Greene to the Rural Health Advisory Commission.

FOLEY: Senator Howard.

HOWARD: Thank you, Mr. President. Good morning, colleagues, again. This morning, I am bringing you one gubernatorial appointment to the Rural Health Advisory Commission, Dr. Michael Allen Christopher Greene. Dr. Greene is a first-time appointee from Omaha and he is the program director for the Department of Family Medicine Residency Program at Creighton University School of Medicine. He's also an associate professor at Creighton's Medical School who has received the Department of Family Medicine's Excellence in Community Service Award once and the department's Excellence in Teaching award twice. He is excited to serve on the commission and help reduce health disparities between urban and rural areas. Dr. Greene will make an excellent addition to the Rural Health Advisory Commission and his appointment to the commission was voted unanimously out of committee and I would urge the green vote today to confirm him. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Is there any discussion? I see none, Senator Howard waives close and the question for the body is the adoption of the second confirmation report from the Health and Human Services committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the report.

FOLEY: The confirmation report is adopted. Next confirmation report from the Health Committee, Mr. Clerk.

ASSISTANT CLERK: Mr. President, this involves four appointments to the Emergency Medical Services Board.

FOLEY: Senator Howard.

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HOWARD: Thank you, Mr. President. Again, good morning, colleagues. This morning, I bring you four gubernatorial appointments to the Board of Emergency Medical Services. Each appointee was voted unanimously out of the committee. The first appointee to the Board of EMS is Michael Bailey. Mr. Bailey is a reappointment who has served on the board for the past three years. He's originally from Ansley, Nebraska, and now lives in Westerville, Nebraska. He has also served on the state Trauma System Advisory Board, teaches emergency medical services classes, and is currently employed as a paramedic in Kearney. The second appointee to the Board of EMS is Michael Sheridan. Mr. Sheridan is a first-time appointee from Omaha, Nebraska. He served in the U.S. Navy for six years and worked for an intelligence unit in Eastern Europe during the Cold War. He has worked for the Council Bluffs Police Department, the City of Omaha's Public Works Department, and has 13 years of experience in security account management. The third appointee to the Board of Emergency Medical Services is Dion Neumiller. Mr. Neumiller is a first-time appointee from Broken Bow. He has been involved in EMS since 1992, when he also became involved with law enforcement. He worked for the Ogallala Police Department, the Keith County Sheriff's Office, and was the assistant fire chief at the Ogallala Volunteer Fire Department. He lived in Arizona for a time, but moved back to Nebraska to work as a state trooper in Broken Bow and as a paramedic in Holdrege. The fourth appointee to the Board of Emergency Medical Services is Todd Hovey. Mr. Hovey is a first-time appointee from McCook, Nebraska. He is a registered nurse, emergency medical technician, and an EMS instructor. He's been working at the community hospital in McCook as a registered nurse since 2008. He is also part of the Trenton and McCook ambulance program. He is passionate about education for EMS and nursing and is excited to be nominated to the board. All four of these appointees will make excellent additions to the Board of EMS. Again, they were all voted out of committee unanimously and I would urge your green vote to confirm them. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Is there any discussion of the report? I see none, Senator Howard waives close and the question for the body is the adoption of the third report from the Health and Human Services Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who cared to? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of the report, Mr. President.

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FOLEY: The confirmation report is adopted. The fourth and final confirmation from the Health and Human Services Committee.

ASSISTANT CLERK: Mr President, this report from the Health and Human Services Committee is for John Kuehn for the State Board of Health.

FOLEY: Senator Howard.

HOWARD: Good morning, colleagues. This morning I'm bringing you one gubernatorial appointment to the State Board of Health, former state Senator John Kuehn. Senator Kuehn is a first-time appointee from Heartwell, Nebraska. He's a veterinarian who has been practicing in Heartwell since 2002. And he has taught biology at Hastings College in Hastings, Nebraska, since 2004. Currently, he teaches six courses at Hastings College, including human anatomy, medical anatomy, nutrition, health systems senior seminar, medical terminology, and biology senior seminar. Previously, he has taught courses including parasitology, cell biology, immunology and genetics. He has written or co-written five scholarly articles that have been published from 2001 to 2015. He has been awarded numerous grants for various projects relating to health and veterinary science. Senator Kuehn also enjoys civic service, such as serving on the board of directors for the Southern Public Power District from 2009 to 2014, serving on the Adams County Agricultural Society Strategic Planning Committee from 2006 to 2008, and acting as president for the Minden Rotary Club in 2004 and 2005. From 2014 to '19, he represented District 38 in the Nebraska Legislature, and is excited to continue serving Nebraskans as a member of the Board of Health. As a state senator, he learned the importance of the 407 credentialing process and became familiar with how it works. He looks forward to bringing that experience to the Board of Health. Senator Kuehn's appointment to the Board of Health was voted unanimously out of committee and I would urge your green vote to confirm him today. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Discussion on the report. Senator Chambers.

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

FOLEY: Senator Howard, would you yield, please?

HOWARD: Yes, I will.

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CHAMBERS: Now, Senator Howard, I don't mean this to be demeaning in any way. Was Senator Kuehn, was he a veterinarian?

HOWARD: Yes.

CHAMBERS: So when he's teaching these other subjects, are they in connection with the treatment of animal ailments?

HOWARD: I believe so, yes.

CHAMBERS: OK.

HOWARD: Nutrition, medical anatomy. It looks like he also does teach a human anatomy course as well at Hastings College.

CHAMBERS: And with a little drawing that I do, I could probably teach a human anatomy course as well as he could, because when you teach anatomy, you don't have to deal with the anatomy. But I want to ask you a serious question. Was he questioned about his attitude toward medical marijuana?

HOWARD: He was not questioned. That was not brought up in the hearing.

CHAMBERS: Did he volunteer any statement about it?

HOWARD: No, sir.

CHAMBERS: OK. That's all I will ask you. Members of the Legislature, I got along fairly well with Senator Kuehn. We had some differences on some issues, such as the death penalty. Minor things, if you know what I mean. But he was very close to the Governor and people who had been working for the Governor in various capacities. And I believe he is probably opposed to medical marijuana. He can have any opinion that he chooses. But I want the record to indicate that I raised the issue, because if he's going to be on the Board of Health and he is going to actively undermine the possibility of medical marijuana ever being allowed in this state, I think it would be a mistake to make that decision. I was not aware of the fact that his confirmation would be up this morning. I don't read these reports in advance. Just leveling with you and, as we say, in the interest of full disclosure. But when a name pops out then I'm obliged to make a comment or two. When that former head of the State Patrol was up for confirmation, I was very vociferous in opposing his confirmation because I had information that was unimpeachable. But what I'm looking at here is a situation

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confronting this state, other states, and people who have children with ailments, and even some adults who can benefit from the use of medical marijuana. And I think it would skew the Board of Health to have somebody on that in that position with a rock-hard opposition to medical marijuana. If there's anybody on the floor who knows something to counteract what I'm surmising, I wish that person would stand. Now, many people know, but more people don't, that I perform wedding ceremonies. I've performed over a dozen, even one international wedding ceremony. And people come to me because they know there would be nothing in the nature of religion--

FOLEY: One minute.

CHAMBERS: --as a part of the ceremony. And I never utter those words: If there's anybody who knows why these people shouldn't marry. But if I did and I made it clear that I don't ask that question-- but if I did, I would say: If there's anybody in this assemblage who feels that these two should not marry, keep a smile on your face and keep your big mouth shut as far as this particular ceremony goes. And when I found out that a couple liked Star Wars, instead of saying: Do you take this person for your lawful whatever that is, do you take this person to be your spouse? I didn't use those other words. And I whispered in his ear and I said, now, here's the way you answer this question.

FOLEY: That's time.

CHAMBERS: If you do, then I want you to say: I have you now. That's a quote from--

FOLEY: Senator Chambers, that's time.

CHAMBERS: Darth Vader. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to this confirmation for a few different reasons. One, I got along with Senator Kuehn just fine in a personal capacity. I don't have a personal issue. I do have concerns with his ability to be unbiased on some of these things. The comments that he has made, particularly leading the opposition against medical marijuana, are not just scientific in nature in terms of them, their basis. They're wrong in many cases. He often conflates issues with other issues that are

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irrelevant to the issue and I think he's disingenuous about it from time to time. And that concerns me in terms of how he's going to deal with other issues before the Board of Health. Senator Wishart can talk about it a little bit more. But I'll tell you that it is very likely that medical marijuana will be a constitutional right by this year in November. And I'm sure that the Board of Health will be dealing with issues concerning that, being as though it will be a constitutional right, but there will be regulatory issues as well. And I'm concerned about his ability to not be biased in that regard, because that's going to be a huge issue that will need to be addressed in the state in 2021 and, quite frankly, 2020. Because the minute that those results are certified in November by the Secretary of State, it becomes a constitutional right. And so there's going to be serious issues that have to come before the Board of Health and other folks. And I just want to make sure that somebody who's not leading the opposition campaign is in that position, so we'll have a little discussion on this this morning. Thank you, Mr. President.

FOLEY: Thank you Senator Morfeld. Senator Wishart.

WISHART: Thank you, Mr. President. I will also be not supporting this confirmation. Again, I was a staffer in the Capitol and I do have respect for Senator John Kuehn. But I do think that in light of his role leading the opposition against medical marijuana legalization, I have concerns that he would have a conflict of interest in this position. I do think this, now is a good time for us to give you an update on how the ballot initiative is going. I am very excited to announce that this week we will be partnering with former Senator Tommy Garrett, building out our coalition and our team, and we'll be moving towards a paid signature drive. We feel confident that we will get the signatures needed in July to get this initiative on the ballot. And we have done polling that shows across the state over 70 percent of Nebraskans, actually over 80 percent of Nebraskans support this issue across demographics, across age ranges, across rural and urban constituencies. So we are really excited. Once this passes in November, our state will have one of the strongest patient protections for people to have access to medical cannabis for serious medical conditions as long as they go through a healthcare professional. So, again, we're very excited about this. And in light of all the people that I have known and met across the state who need access to this form of healthcare, I cannot in good conscience vote in favor of John Kuehn for this position. Thank you.

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FOLEY: Thank you, Senator Wishart. Senator Cavanaugh.

CAVANAUGH: Good morning, colleagues. I am on the Health and Human Services Committee and I did vote for former Senator Kuehn for this confirmation report to come to the floor. I will say, however, that it was not disclosed at that time the role that he was playing in the campaign for medicinal marijuana. So I do have some concerns about that. I think that there could potentially be a conflict in that area. I, I wish that I had had that information at the time, and I'm grateful to Senator Chambers for bringing that to light. So as we have this conversation this morning, I am unsure as to whether or not, and I'm just trying to read up on things a little bit more, as to what authority he would have in this role. Because I do appreciate his willingness to serve on the board and to continue his public service, as he did here in the Legislature. But I am, I do have concerns about having a public stance on a, on a healthcare issue that he has now taken when we have a ballot initiative coming forward and what are the implications for that? So as we continue this conversation this morning, if he would like, I'll yield my time to Senator Chambers.

FOLEY: Thank you, Senator Cavanaugh. Senator Chambers, 3:44.

CHAMBERS: Thank you, Mr. President. Thank you, Senator Cavanaugh. Members of the Legislature, this is my last go-around as a member of this body. As I said, my rural friends have an expression: My last rodeo. From the beginning, I tried to emphasize to the senators that the Legislature must be protected as an institution. It is not to be a rubber stamp for the Governor, it is not to be a rubber stamp for the courts. It is to be a separate, distinct entity that exercises oversight, that check and balance. And the Legislature does it literally. It issues the check for every agency and it balances the budget. But in a broader sense, the different divisions of this government are to serve as a check on the others to make sure that boundaries set by the constitution are not overstepped, that there is not a corrupting influence in the very structure of the government or any part of its operations. If there is corruption in that entity, it's like poisoning the well. There should not even be the appearance of impropriety. I am surprised, or I would be surprised that former Senator Kuehn would take this position. The reason I'm not surprised, there were issues related to the death penalty where he was less than objective in the way things ought to have been done in setting bills, sending them to committees. And there are other discussions he and I had. The Legislature does not have to rubber stamp this presentation

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to us by the Governor. The public has voted to extend the reach of Medicaid, that is the law of this state. The Governor, trying to be a junior Donald Trump, is ignoring that law, doing everything he can and putting people in a position who will assist him to defeat the express will of the people.

FOLEY: One minute.

CHAMBERS: But because he loves killing, when he and his daddy put up almost a half-million dollars to overturn the Legislature's abolition of the death penalty, he did everything he could, along with the Attorney General and the majority of the members of the Nebraska Supreme Court, whom he appointed and made sure they were death-oriented, executed a person in a way that was unseemly in its haste. And I have my light on, so I will stop.

FOLEY: Senator Chambers, you're next in the queue. You may continue for 5:00, 5:00.

CHAMBERS: Thank you, Mr. President. Carey Dean Moore had been under a death sentence before. Probably a decade or so ago. I literally rescued him from that death sentence by making legal arguments to the Nebraska Supreme Court that no lawyer could because Carey Dean Moore did not want anything filed in his behalf. But before the current Chief Justice changed the rules of the Supreme Court, I wrote a letter to the Supreme Court and made those arguments. There was at least one true judge on the Supreme Court at that time, and he signed the majority Opinion that said the court indeed had acted in undue haste in issuing that death warrant. And they voted to rescind it, they took back the death warrant. The Governor and his daddy overturned what the Legislature did in abolishing the death penalty. Carey Dean Moore once again had said he wanted no papers filed in his behalf. But I wrote another letter anyway, and it was in a message from the Clerk of the Nebraska Supreme Court. It was told to me that no judge would see that letter because of a court rule disallowing, they called it ex parte communication, or the type of letter that I had written before. I raised similar arguments about the legal and constitutional invalidity of the requests made by the attorney general to have a death warrant issued. But because the death drug was going to expire in a very short period of time, everything was put on the fast track and Carey Dean Moore was executed. And I believe it was a botched execution because the drugs were not effective. They were too close to being expired. But to conceal this, instead of having the curtain open to allow the

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witnesses to see all of the execution, that curtain was closed for 14 minutes. And I have reason to state that Carey Dean Moore died not from those drugs, but possible asphyxiation. And nobody who participated in that execution or was in the chamber can gainsay or deny what I have been saying. So for the Governor to have done that with the death penalty, for him right now to refuse to extend the reach of Medicaid, although the public in a valid petition drive got that on the ballot, the public voted for it, and the Governor is not doing it. He is pointing-- appointing somebody to the Department of Health who I'm sure was recommended to carry out the Governor's wishes as far as medical cannabis is concerned. I will not only refrain from voting for former Senator Kuehn, I will vote no. We have an obligation. When are we going to get some steel in our spine? There are plenty of people without the appearance of impropriety or conflict available--

FOLEY: One minute.

CHAMBERS: --for appointment to that board. If the Governor does not know such people, I'm sure there are those in the medical community who can make recommendations. Former Senator Kuehn is stained. He did not volunteer to the committee. His attitude toward medical cannabis, which is a very important issue before the public in Nebraska right now, if he had integrity in view of this discussion, he would withdraw his name. But he has another connection to somebody who worked with the Governor and those connections will keep him in that position. And it's up to us as the Legislature to make sure that this inappropriate appointment does not go through. And I will never bite my tongue, I will never mince my words when I feel there is something that should be said to take care of the integrity of the Legislature. Mr. President, was that my third time?

FOLEY: That was your second time. And your time is up. You get one more later.

CHAMBERS: I'm going to put on my light for that last time.

FOLEY: Very nice, thank you. Senator Linehan.

LINEHAN: Good morning, Mr. President. Good morning, colleagues. I raise in support of John Kuehn. And in full disclosure, I do consider him a friend, I consider him a colleague. My first two years here, I worked very hard on a reading bill. And every time it came to the

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floor, Senator Kuehn stood up and defended it and fought hard for it. I'm wondering if Senator Howard would yield for a question.

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

HOWARD: Yes, I will.

LINEHAN: Senator Howard, you have done a lot of great work in your years here. And I think we all know you have worked particularly hard on a certain issue, is that not right?

HOWARD: Yes, it is. If you're talking about opioids, then yes.

LINEHAN: I am. And you worked with Senator Kuehn to do what? Could you just explain a little bit with your work? I know you and John worked very closely.

HOWARD: Sure. So when we were first revising our Prescription Drug Monitoring Program, which is our main sort of statutory method of fighting opioid abuse in the state of Nebraska, the Attorney General, Doug Peterson, sort of tasked me with making sure that every provider who can dispense an opioid or a narcotic be included in the Prescription Drug Monitoring Program. And the real challenge I had originally thought would be dentists, but the actual challenge was veterinarians. And so they did not want to include what was being dispensed over the counter out of their veterinary clinics that was a narcotic in the Prescription Drug Monitoring Program. And so Senator Kuehn really went to the mattresses to help make sure that every narcotic that's dispensed, including those from veterinarians, and they were a very vocal opponent of being included in this legislation, and he really was a great help and made a big difference there.

LINEHAN: So he was willing to take on his own industry?

HOWARD: Yes.

LINEHAN: Which he was a part of, to do what was right?

HOWARD: Absolutely.

LINEHAN: Do we see a lot of that, people willing to take on their own industry to do the greater good?

HOWARD: No, not often.

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LINEHAN: Thank you, Senator Howard. I have Senator Kuehn's resumé here. I could use the next three times or two times I'm up, if anybody wants to yield me time, to defend him. This is ridiculous that we're saying we're not going to confirm him because he disagrees with some of us on an issue. That would be like saying if Tom Osborne was up this morning and we were confirming him, you'd all be fighting him because he has exactly the same position on medical marijuana, if not more so than John Kuehn. We have a difficult time finding people to serve on these committees, especially qualified people. And we're going to make this about something that's not even relative-- relevant. That's just-- academic and professional honors: 2016 Council of State Governments Henry Toll Leadership Fellow; 2015 State Legislative Leadership Foundation Emerging legis-- Legislative Leader Fellow. I don't like reading, but I will suffer through this. 2015 CSG-Midwest Institute for Legislative Leadership Development Scholar; 20-- 20-- excuse me, 2009, 2009 Hastings College Nominee, CASE Professor of the Year. I actually know something about John in this position too. He's a professor at Hastings College, where my daughter-in-law attended, and she has always said he was a great professor. And he actually thought she was a great student. She was a great student, she's great. She is now an occupational therapist.

FOLEY: One minute.

LINEHAN: And much of her success is to Hastings College, where he has been and hopefully continues to be a professor. Artist Lecture Series Invited factually-- factual-- Faculty Lecturer; Student Alumni Ambassadors Polished Apple Award; Rotary International Group Study Exchange; American College of Veterinary Surgeons Student Large Animal Surgery Award; Dr. Jerry R. Rains Beef Cattle Production Medicine Award. Dr. Wayne and Druecilla Burch Food Animal mass-- Medicine/Surgery Award; 1998 NVMA Centennial Scholarship Foundation Junior Award; 1990-- '98 Novartis Award for Best Paper in Para-- I can't even say the word. I think it goes without saying he's qualified and he's, he's extremely--

FOLEY: That's time.

LINEHAN: --capable. Thank you.

FOLEY: Thank you, Senator Lindstrom-- excuse me, Senator Linehan. Senator Geist.

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GEIST: Thank you, Mr. President. I, too, stand in favor of this confirmation. And I do so also as a colleague. And, and I've worked very closely with Senator Kuehn on several issues. Over the last two years, we both served on the Performance Audit Committee together. He was the chair, I was the vice chair. And he mentored me along in that committee quite well. I think it's wrong for us to stand here and say that, because we disagree on an issue, this individual cannot be trusted on a committee to follow what may at some point be the law. I don't think we can look at any place in former Senator Kuehn's background that would show that he does not conform with the law. If we as citizens decide to put marijuana on the, on the ballot and that becomes the law of the land, what, in any way, would make us doubt that Senator Kuehn in this appointment would not conform with the law of the state? That's absurd. It's insulting. This man deserves more respect than that. He comported himself in the Legislature in a way that was outstanding. And I think it's inappropriate for us to assume that, because he has a stand on an issue, that he would not comport himself with the law of the land. So I stand in great approval of this. I think that the assumptions that are being made are incorrect. And I think we need to think about what we're saying, that because we have a disagreement on an issue that someone wouldn't abide by the law. Thank you, Mr. President.

FOLEY: Thank you, Senator Geist. Speaker Scheer announces some guests with us today. We have with us 18 students from Madison High School of Madison, Nebraska, with us in the north balcony. If those students could please rise, I'd like to welcome you to the Nebraska Legislature. Continuing debate, Senator Morfeld.

MORFELD: Thank you, Mr President. Colleagues, I want to make a few things clear. Is Senator Kuehn qualified? Absolutely, he's very qualified. He's also pretty smart. I'll give him that. This is nothing personal against John Kuehn. It's about making sure that we have somebody on the Board of health who's not going to be biased, who's going to be sure to execute the law and not put roadblocks that are unnecessary to certain things that are likely going to be in the constitution. Senator Geist, you know what? I would like to believe that this administration and their appointments would comport with the law. But we passed a Medicaid expansion bill that's currently being held up by the administration. And it's the same thing. They are using it-- they are holding it up by administrative fiat in violation of the law. And anybody who wants to come and tell me otherwise is wrong, because I'm one of pe-- people that led that campaign. I understand

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the intent of the voters better than anybody else in this body. And I've seen what the administration can do, either themselves directly or through their appointees like Senator Kuehn, to violate the law and unlawfully hold things up. And I want to make sure that the people that are being appointed are not just smart and qualified, which I will agree John Kuehn is, but I also want to make sure that they're going to be fair and unbiased. And I had some really good experiences with John Kuehn. I worked with him on some bills in the Legislature. But I also had some experiences that showed me that he was not going to be unbiased when it's particularly issues that he disagrees with. And particularly he's not always going to be 100 percent forthright about his arguments against those issues in terms of their relevance and in terms of being fair. And I agree there's probably other people that had other experiences with Senator Kuehn, and I respect that. But I'm telling you that I'm standing up on behalf of my constituency, on behalf of my experiences, and saying that this is not an appointment that I feel I am comfortable with. Particularly given my experience with him and particularly with what he has done across the state in terms of spreading mistruths that are objectively untrue about medical marijuana. And I don't feel comfortable with him being in a position on the Board of Health that is going to be in charge of certification and qualifications for medical professionals when we will very likely have medical marijuana in our constitution. And I've seen what this administration can do through administrative fiat to lawfully pass things on the ballot. And if people can't understand my position on that or where I'm coming from after the last four years that I've worked on Medicaid expansion, failing in this body, then going to the people, voting it on the ballot with the will of the people, and then having it deliberately thwarted, then you're living in la-la land, if you don't understand my concerns with this. I understand that Senator John Kuehn is very qualified. I understand that he has an impressive resume. I get that. That's not what this is about. This is about having people on our Board of Health who are going to be fair and even-handed, may have differences in opinions. But I am uncomfortable with this appointment based on my previous experiences with him, based on what I have seen across the state in terms of misstatements and mistruths being spread about a medical issue. And I have concerns with him being on the Board of Health. And I'm sure a bunch of people will get up here and talk about the great experience that they've had with him, and I'm sure that they'll get up and talk about his resume and how he's qualified. But I think I have--

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FOLEY: One minute.

MORFELD: --legitimate concerns based on my experience with the administration, based on how close I know that Senator John Kuehn is with the administration. And I feel a need to raise these concerns, to represent my constituency based on my experiences. Based on my experiences with this administration unlawfully holding up things that were voter-approved on the ballot. And I think that that should concern several people in this body that maybe I don't always agree with, because they have things that will likely be before the voters as well. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Halloran.

HALLORAN: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. So someone has got an opinion that we don't agree with. And so, OK, that's it. No confirmation. I contend that if we had someone before us today that was being put before us, and by the way, I'm a strong supporter of John Kuehn for this board, but if we had someone before us today who was clearly, clearly biased towards medical cannabis then I can assure you there would be strong silence from Senator Cavanaugh, Senator Wishart, Senator Morfeld because guess what? It's in their favor. It's a little bit disingenuous. I don't use that word very often. I usually let Senator Pansing Brooks use that commonly, but it's disingenuous. So we need to be even-handed here. He's very qualified, very competent. And my brief experience with him in this Chamber, he was very even-handed. I'm not going to use all the time. But I'm just saying that we can have our own opinions, and we should not subject someone to-- discounting them to a confirmation because they have an opinion. Thank you, Mr. President.

FOLEY: Thank you, Senator Halloran. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. Good morning. Good morning to John Kuehn, if he happens to be watching. I'm sorry, John. Everyone here that has spoken talked about the qualifications he has. He's a well-qualified, intelligent guy. Great resume, but he has one flaw: He doesn't agree with medical marijuana. So we can't have an opinion that's different than what we want one to have to be appointed to this position. And Senator Halloran used the word disingenuous. So you're saying that because he is against medical marijuana that he will not abide by the law and he will do what he can to stop whatever implementation that that means? Because John Kuehn knows the Governor,

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that disqualifies him. I think Senator Linehan said it well, she said: Here we are talking about this that we shouldn't be talking about. But we're going to talk about how wonderful John Kuehn was and how he served here and how he helped Senator Howard, but he doesn't agree with marijuana, so he's not qualified. Senator Halloran so rightfully said that if this person was in favor of marijuana, would any of those of you that oppose John Kuehn be standing up? I don't believe so. So we happen to be in this body single-issue voters. You don't agree with every issue I have, so guess what? We're not voting for you. I'm going to vote for John Kuehn because it's the right vote. I'm going to vote for John Kuehn because he knows to do the right thing, to abide by the law, and accomplish why we sent him there. And I would encourage you to do the same thing. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Slama.

SLAMA: Thank you, Mr. President. And good morning, colleagues. I rise in support of former Senator Kuehn's confirmation. He's got a very proven track record and is overwhelmingly qualified to serve on the board of health. I was wondering, though, if Senator Morfeld would yield to a quick question.

FOLEY: Senator Morfeld, would you yield, please?

SLAMA: So Senator Morfeld, there are 17 people currently serving on the Board of Health. Well, 16. Senator Kuehn would be the 17th. Do you know the current positions of all the members when it comes to medical marijuana?

MORFELD: I do not, but I do know that Senator Kuehn is the only one leading the opposition against medical marijuana across the state.

SLAMA: Thank you, Senator Morfeld. And it's also worth noting that there are people on this floor who are leading the proponents for medical marijuana in this state. So there may be a conflict of interest in terms of speaking out so ardently against someone who is leading the opposition of a cause that you are being paid to promote. I would like to also note that the Board of Health really wouldn't do much in terms of the implementation of medical marijuana. The Board of Health has a wide-ranging scope of responsibilities, and implementation of this hypothetical policy should it be voted on by the voters and approved would be just a tiny portion of this volunteer board that Senator Kuehn, in his busy schedule, has so graciously

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stepped up and volunteered to do. These boards struggle to find qualified people to serve on them. They are not paid. It is volunteer. They work on behalf of Nebraska for no pay out of the desire to serve. And here we have someone who is incredibly qualified. This is someone who has been a practicing veterinarian, he is a professor. He is qualified under any sense, any scope. But he disagrees with a member of this body or a few members of this body on a single issue. So as such is disqualified. With that same level of thinking, every appointee that comes before here that has a single disagreement with me, maybe they're a Democrat, maybe they think the Second Amendment should have more restrictions. By that mode of thinking, I should oppose that person. I've not gone into the personal lives of every single person that has been confirmed in this body to go through every single political position they've ever taken to see if I disagree with them because they're stepping up to serve this state in a volunteer capacity. Senator Kuehn is very qualified for this position. And even though it's been brought up that it's not personal, it absolutely is personal. He's volunteering for this position. I stand in support of his appointment. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Hilgers.

HILGERS: Thank you. Thank you, Mr. President. Good morning, colleagues. I rise in very strong support of the confirmation of Senator Kuehn. Senator Kuehn has worn many, he's had many hats. He's worn many hats, had many titles over the years. He's been a professor, a doctor, a senator. Certainly for me, he's also been a colleague and he's been a friend. I'm glad to hear that from Senator Morfeld's comments the qualifications of Senator-- or Senator Kuehn are not on the table today. I think they're beyond reproach, and I think many of my colleagues this morning have gone, gone through those in great detail. And I think there should be no question about the qualifications of Senator Kuehn. He was an outstanding senator, an outstanding colleague, incredibly bright, incredibly intelligent, incredibly conscientious, and did the best that he could while he was here. And although I love having Senator Murman here from District 38, we certainly miss-- I know I speak for me and many of our colleagues that we miss Senator Kuehn's voice here in the body. I want to talk about the charges that have been made. As I understand it, the arguments-- let's clear some brush here. The arguments are not that he's not qualified, as I understand it. I haven't heard anyone yet this morning, and if I missed it, I apologize, suggesting that Senator Kuehn is not qualified for this position. The arguments that I've

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heard are a couple. One, and I think this is a very serious charge. One is that he would not follow the law as a member of the board. Now, think about that charge. He would not follow the law. Now, what is the evidence that I've heard for that charge? The primary evidence I've heard is that, well, the administration, not Senator Kuehn, not Dr. Kuehn, the administration has done something that we don't like as regards to Medicaid expansion. Whether that's true or not, that has nothing to do with Senator Kuehn. Nothing at all to do with Senator Kuehn. If we're going to make the charge that someone is not going to follow the law, we ought to have some direct evidence as that. That's a very serious charge. I take that very seriously, and a serious charge ought to require serious evidence. And the evidence I've heard so far is, first, well, the Governor has done something that's delayed things that we don't like. Has nothing to do with Senator Kuehn. The second charge that I heard is, well, he did some things that were biased within the Legislature. Well, I'll submit, colleagues, every one of us are biased here. We're advocating for our constituents, we're advocating for our, for our co-- for our principles. We're advocates here. Nothing that has been said on the floor this morning, nothing in my experience serving with Senator Kuehn for two years suggests, remotely suggests that Senator Kuehn, when and when he was here in this body, did not follow the law, did not follow the rules. He fought within the law. He fought within the rules, just like we all do, just like Senator Morfeld does, just like Senator Friesen does. We fight for our principles, we fight for our constituents. We fight for what's right. Nothing he did here suggests that he wouldn't follow the law. Senator Kuehn was an outstanding public servant. I miss his service here in this body. I am grateful that he has decided to step up in a voluntary capacity on this board. In my experience with him, he has followed the law, he has done what's right. He will be an outstanding advocate. Whatever opinions he might hold, and Senator Halloran is dead-on right, people hold opinions. Sometimes they hold them contrary to our views. But the question is, are will they do, will they discharge the duties that they are required to discharge? Will they follow the rules? There is no doubt that he will. He will be an outstanding member of the board. I'm grateful for his service, and I will enthusiastically vote green on this confirmation. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Groene.

GROENE: Thank you, Mr. President. I also served with John Kuehn in the Legislature. He came in with our class. No, he didn't-- yes, he did.

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He came in, I believe, with our class. He-- very few individuals had the integrity that man has. He stood for what was right and he based it on knowledge, a very learned individual. Some would call him, in the old days, a Renaissance man because his interests and his education varied. And he used that intellect the good Lord gave him for the good. Him and I went toe-to-toe on the meningitis B when I filibustered that and beat it. By the way, it was the right thing. Board of pereditions-- the medical community has affirmed that that vaccination for the meningitis B was not something that should be recommended, it wasn't effective. And then he was on the same side and he helped me get the equine law passed. Horse massages goes by that and dog and cat, we worked with Senator Chambers, the three of us put together a bill that has now helped small businesses across the state be created. He was a true statesman. Not was, he's still around. He is a statesman. He calls it right. He worked with you. This ideal that scares me-- a lot of things scare me what's going on in this country, that we can't have different views and sit on a board. That's how good government is created. That's how good regulations are created, give and take between different viewpoints. Senator Morfeld apparently thinks everybody should think the same on this board. I don't think Senator Morefield believes that. But that's the way it sounded. You got him individual of integrity who has stepped forward, one of the brightest minds in the state, and he has volunteered to represent as the veterinarian on the Board of Health, and we're gonna throw him out because he will bring honesty and truth to when if-- I don't think medical marijuana will pass in his state if the truth gets out there. It still needs to come through the FDA, but that's my viewpoint. And I guess I will be shunned and tried to keep me off, my votes killed because I have a viewpoint. Sadly, that's what's happening in this state and in his body. I miss John Kuehn. Dave-- Mr. Senator Murman is a great senator. A little quieter, but he gets as much done as John did. But anyway, this is foolishness. I mean, put him on the board. I feel great that we'll have different viewpoints if, by chance, medical [INAUDIBLE] and if the FDA someday approves some, some-- that he will be the person who gives the other side of the issue. There might be more. We don't know that, as Senator Slama said. We don't know the opinions of the rest of the 16. He might be in minority. He might be on a majority of the people on that board what they believe about mari-- medical marijuana and how to put it, to use it. So what his opinion is on one issue? The opiate thing like you, like Senator

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Linehan brought up, he stepped forward, went against his own profession--

FOLEY: One minute.

GROENE: --and did the right thing. He will do the right thing, that's who he is. I'm going to yield some time to Senator Slama because she wants to correct something she said earlier. So if she'll take the time.

FOLEY: Thank you, Senator Groene. Senator Slama, 40 seconds.

SLAMA: Thank you, Senator Groene. And I just wanted to quickly clarify for the record, Senator Morfeld is the co-chair for Nebraskans for Medical Marijuana. Apparently that is a volunteer position. I misspoke when he said that he was paid. But he is the co-chair, it is a volunteer position. Kuehn is on the opposite side of the issue. I still think that represents a conflict on the issue. And I wholeheartedly support Kuehn's appointment to the Board of Health. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Clements.

CLEMENTS: Thank you, Mr. President. I stand in support of this nomination of John Kuehn. I want to thank, thank you, John, for your willingness to serve on another committee, another board that you've served many other ones, especially at the Legislature. I served with Senator Kuehn for two years on the Appropriations Committee. We, we look at all the different state agencies with lots of different issues to analyze. I found Senator Kuehn very intelligent and able to grasp new concepts which he may have to do on this, this board. He analyzed issues very thoroughly. And at the same time, I believe he was always interested in what is best for the state of Nebraska and that all people in Nebraska need to be represented. There are different people with different views in the state. And we'd like to have a board with a variety of views. I think a lot of constituents think some of these boards are just rubber stamps for one person's opinion. And I don't think that's going to be the case. I believe that Mr. Kuehn will analyze issues thoroughly and do that fairly for the state of Nebraska in his position. I support his, his appointment. And thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Senator Bostelman.

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BOSTELMAN: Thank you, Mr. President. Good morning, Nebraska. Morning, colleagues. Morning, Senator Kuehn. I'm sure you're watching as well. I stand wholeheartedly in support of, of the confirmation of Senator Kuehn. Had the opportunity to serve with him in the body here for a couple of years. And what I found when he was here serving as a senator was it was the issue that was at hand that he, he addressed, that he-- sometimes I agreed with him, sometimes I did not. But it was the issue at hand and how that applied to law, specifically. I think he's very uniquely qualified. Professor Kuehn instructs a lot of young students, a lot of young minds, has a lot of different ideas and things that come across in front of him with what he teaches. I think that's uniquely qualified in a different area, that maybe others do not have that's serving on the, on this board now. Dr. Kuehn, doctor of veterinary medicine. He obviously understands medications, how those affect different people or different things, uniquely qualified once again to serve on this. And as Senator Groene said, he's one of several on the board. Senator Kuehn, as I mentioned. Senator Kuehn, as he was on, on the floor here and as we worked through the legislation, there was several issues, several areas that he worked on that were very forward-thinking, if you will. And as was said before, areas that I thought he did a very good job on and was not always-- I did not always agree with him. I think the thing we need to remember, again, is he's one of a number of individuals. He's a num-- he's an individual through his profession as a doctor of veterinary medicine, through his profession as an instructor, as a professor at the university. And through his opportunity of service here on this floor with us and the work that he did, he was very well received. He was very well thought through. I think he would do a very good job on the board as the confirmation moves forward. That this is an individual that is, is exemplary in that opportunity to serve. Whether or not he agrees with you or not, I think is, is, is one thing we're discussing here. And quite frankly, what I see in confirmations that come across in my committees is there's Republicans, there's Democrats, there's Independents, Libertarians. It's across the board. So there are certain positions on these that need-- commissions and boards that need to be filled that do go through the Governor, but they usually go through an advisory board or the committee itself before it comes here. So I think it's a very fair process that applies with this. I think it's a very fair process that we have here on the-- in the Legislature on the confirmation. I think that he will do a very good job. And I don't think it's biased in one way or another. He is a doctor within the field of veterinary medicine practice. And he will,

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I know he will stand up for what's right within the medical field, but also what's right within the law. And he'll be one that will serve this state as he has already and as he continues to do in various fashions at home and at the college, at the university. And I would encourage you to vote green on Senator Kuehn's confirmation. Thank you, Mr. President.

FOLEY: Thank you, Senator Bostelman. Senator Hughes.

HUGHES: Thank you, Mr. President. Good morning, colleagues. Senator Kuehn and I came in in the same class. We were in one of the shared offices for a couple of years. So I got to know John very well. To hear his integrity impugned, that he cannot follow the letter of the law and do his job is a little disheartening to me. Having a shared office, Senator Kuehn and I would spend some time at the end of the day discussing the events, and I have always found him to be very well-read, certainly understands the issues, and to have an opinion. You know, we all have an opinion. And just because we don't agree 100 percent of the time is not a good enough basis, I think, to deny someone a voluntary service to the state of Nebraska. During our drives farther west on our last day of the week, we would pass each other or see each other and we would have chats while we were on the road. And I always found John to be well-versed in all of the issues that we would discuss and have a lot of additional information that I did not have. He was teaching me the whole time. It's just very hard for me to stand here and listen to the attacks on him because he has a position that may be different than yours. We all have different opinions, very rarely do we have everybody vote the same way on a bill. That's a very rare instance. So with that, I would certainly support the appointment of Dr. John Kuehn to the Board of Health. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Senator Friesen.

FRIESEN: Thank you, Mr. President. I strongly support Dr. Kuehn for this position. When he was here, and I served with him here for four years, he raised the bar on what a state senator should be. He did his research, he had the knowledge, and he brought a level of conversation to the body that most of us didn't comprehend because it was a little bit on the high end of what we usually carry on with here. I didn't always agree with him. And if he's supposed to agree with each one of us, that's an impossible bar to set. Just because he has an opinion isn't a reason to vote against someone. I have never sat in a

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confirmation hearing and asked questions on whether or not somebody agreed with my opinion on this or that. I want to know if they're qualified. And if they're qualified, I've always voted for them. I have not voted against anyone for confirmation that I can remember. If a committee has done its work and asked questions and vetted that candidate, I'm going to support that committee. But to get up and say that you're going to oppose the nomination like this because he doesn't agree with your position. I think that's changing now the aspects of how we should look at candidates. I'm sure there's been candidates have come before my committee that I don't agree with politically or philosophically or whatever. That's not a reason to oppose their nomination to a position. I do believe he'll follow the law. I've never questioned that. I thought he always brought some character to this body that sometimes isn't here. I always knew where he stood. He had strong beliefs and he wasn't afraid to stand up and say them. So with that, I strongly support this nomination and I hope everyone else looks at that a little bit differently when we start to question somebody's qualifications versus how we believe. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Senator Chambers, your third opportunity.

CHAMBERS: Thank you, Mr. President, members of the Legislature. The former colonel of the State Patrol I was mentioning, referring to was Colonel Rice. I spoke very strongly against his being confirmed. Very strongly. I don't bite my tongue. He was known to attend a church. Somebody told the Governor he goes to church, and the Governor, for nonappropriate reasons, appointed him. Some things developed that called his competency, his objectivity into question. And I mentioned it. And then it reached a point where I said the Governor, and I said it publicly, the Governor needs to fire Brad Rice as the colonel of the State Patrol. And, you know, the first words out of the Governor's Office, and it was printed in the paper, when my demand was made? Senator Chambers is ridiculous, what he said is ridiculous. You know what happened three days later? The Governor fired Brad Rice. Everybody else kept their head down because they were afraid. I know what my responsibility is based on a self-imposed standard. I don't care that all these people that are popping up now got the word from the Governor's Office or that POL office, whatever it is, to say some things, say some things. If the position is incorrect and you have 10 people stand up here and say it's correct, you just multiplied the number of people who are incorrect by 10. We are not talking about

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political decisions being made by the Board of Health as they are made on this floor. I'm shocked that people like Senator Slama and Senator Halloran and the rest of these-- I'm not shocked at all-- cannot distinguish between the kind of work we do as elected politicians and the work that somebody on a board such as the Board of Health, those kind of decisions. Those would be properly characterized as quasi-judicial decisions. They are supposed to be objective based on the evidence presented. A person could be the top lawyer in any given field of law or every given field of law and that person's name is submitted for a judgeship. And they look at all this, they say: he's qualified, she's qualified. They do this and that. But here's the issue. As a judge, the most important aspect of that, because there are many people who know the law and are expert in it. Does this person have a judicial temperament? Will this person be impartial? Will this person make a decision based on the evidence? And that's where I think Senator Kuehn will fall down. Because I watch certain things. You all praise everything he did in the Legislature. I don't. And there were decisions he took because it was in favor of what the Governor wanted and not based on the facts or the evidence that went into the discussion we had on the floor. Are you all are blinder than I thought or you're dumber than I thought? You don't listen. The reason Senator Halloran didn't say more, he didn't have more that he could say because he doesn't really know anything about the issue. We're not talking about whether John Kuehn is a good veterinarian, a good professor. We're talking about whether or not he would have the kind of disposition that would let him go against the Governor's position. This Governor is like Donald Trump. You think he'd appoint somebody who is going to differ with--

FOLEY: One minute.

CHAMBERS: --from him on a very important issue that he has already politicized? John Kuehn is the fix that has been put on the board as far as medical cannabis. So you all can talk this stuff and you're deliberately ignoring the likelihood that he will do what the Governor tells him to do. The Governor's thumb is on John Kuehn's scale when it comes to medical cannabis. You all are afraid to say it, all you popping up around here. I'm not. And we'll see who is correct. We'll see what is revealed when the wash shakes out. And I don't have confidence that John Kuehn will take a position that the Governor does not want him to take. And nobody the Governor has appointed will do

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that because the Governor will not appoint anybody other than those kind of people. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Lowe.

LOWE: Thank you, Lieutenant Governor. I stand in favor of the confirmation of John Kuehn to the Board of Health. John is a man of integrity. He was a leader and still is a leader. And Senator, Professor Kuehn, I hope you're teaching class today, because at least you will be accomplishing something today, unlike many of us this morning who are just standing here twiddling our thumbs, waiting for an answer to this. John was a power on this floor. He was somebody that we could go to to find the answers because he had studied them. As a freshman, I depended upon John to teach me how to speak, how to not be afraid of the people on the floor. They were just like the rest of us. And I have seen John and the Governor argue over a situation that was coming to the floor and John not go with the Governor. So he doesn't do what the Governor says, John does what he believes is right. And every year we bring confirmation reports to the floor and we confirm people. Because we knew John very well, because we know what John stands for, we have a problem with him? When there are many other people that we confirm every year, what we know is what is said on the floor about these people. John Kuehn is a very good man, he's a very accomplished man. And he will do great things for this state. I stand in favor of this confirmation and I stand in favor of John Kuehn. Thank you.

FOLEY: Thank you, Senator Lowe. Senator Linehan.

LINEHAN: Call the question.

FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate 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. Record, please.

ASSISTANT CLERK: 25 ayes, 2 nays to go under call.

FOLEY: The house is under call. All members, please return to the floor and check in. The house is under call. Senator Bolz, Senator Wayne, Senator Wishart, Senator Brandt, Senator Hilgers, please return to the floor and check in. The house is under call. Senator Linehan, we're lacking Senator Wayne, we could proceed or wait. We will

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proceed. The immediate question before the body is whether or not to call the question and cease debate. Roll call vote, please, Mr. Clerk.

ASSISTANT CLERK: Senator Albrecht?

ALBRECHT: Yes.

ASSISTANT CLERK: Voting yes. Senator Arch?

ARCH: Yes.

ASSISTANT CLERK: Voting yes. Senator Blood?

BLOOD: Not voting.

ASSISTANT CLERK: Not voting. Senator Bolz?

BOLZ: Not voting.

ASSISTANT CLERK: Not voting. Senator Bostelman?

BOSTELMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Brandt?

BRANDT: Yes.

ASSISTANT CLERK: Voting yes. Senator Brewer?

BREWER: Yes.

ASSISTANT CLERK: Voting yes. Senator Briese?

BRIESE: Yes.

ASSISTANT CLERK: Voting yes. Senator Cavanaugh?

CAVANAUGH: Not voting.

ASSISTANT CLERK: Not voting. Senator Chambers?

CHAMBERS: No.

ASSISTANT CLERK: Voting no. Senator Clements?

CLEMENTS: Yes.

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ASSISTANT CLERK: Voting yes. Senator Crawford?

CRAWFORD: Not voting.

ASSISTANT CLERK: Not voting. Senator DeBoer?

DeBOER: Not voting.

ASSISTANT CLERK: Not voting. Senator Dorn?

DORN: Yes.

ASSISTANT CLERK: Voting yes. Senator Erdman?

ERDMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Friesen?

FRIESEN: Yes.

ASSISTANT CLERK: Voting yes. Senator Geist?

GEIST: Yes.

ASSISTANT CLERK: Voting yes. Senator Gragert?

GRAGERT: Yes.

ASSISTANT CLERK: Voting yes. Senator Groene?

GROENE: Yes.

ASSISTANT CLERK: Voting yes. Senator-- Senator Groene? Voting yes.
Senator Halloran?

HALLORAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Ben Hansen?

B. HANSEN: Yes.

ASSISTANT CLERK: Voting yes. Senator Matt Hansen?

M. HANSEN: No.

ASSISTANT CLERK: Voting no. Senator Hilgers?

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HILGERS: Yes.

ASSISTANT CLERK: Voting yes. Senator Hilkemann?

HILKEMANN: Yes.

ASSISTANT CLERK: Voting yes. Senator Howard?

HOWARD: Yes.

ASSISTANT CLERK: Voting yes. Senator Hughes?

HUGHES: Yes.

ASSISTANT CLERK: Voting yes. Senator Hunt?

HUNT: No.

ASSISTANT CLERK: Voting no. Senator Kolowski?

KOLOWSKI: No.

ASSISTANT CLERK: Voting no. Senator Kolterman? Senator La Grone?

LA GRONE: Yes.

ASSISTANT CLERK: Voting yes. Senator Lathrop?

LATHROP: Not voting.

ASSISTANT CLERK: Not voting. Senator Lindstrom?

LINDSTROM: Yes.

ASSISTANT CLERK: Voting yes. Senator Linehan?

LINEHAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Lowe?

LOWE: Yes.

ASSISTANT CLERK: Voting yes. Senator McCollister?

MCCOLLISTER: Not voting.

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ASSISTANT CLERK: Not voting. Senator McDonnell?

MCDONNELL: Yes.

ASSISTANT CLERK: Voting yes. Senator Morfeld?

MORFELD: No.

ASSISTANT CLERK: Voting no. Senator Moser?

MOSER: Yes.

ASSISTANT CLERK: Voting yes. Senator Murman?

MURMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Pansing Brooks?

PANSING BROOKS: Not voting.

ASSISTANT CLERK: Not voting. Senator Quick?

QUICK: Yes.

ASSISTANT CLERK: Voting yes. Senator Scheer?

SCHEER: Yes.

ASSISTANT CLERK: Voting yes. Senator Slama?

SLAMA: Yes.

ASSISTANT CLERK: Voting yes. Senator Stinner? Senator Vargas? Senator Walz? Senator Wayne?

WAYNE: Not voting.

ASSISTANT CLERK: Not voting. Senator Williams? Senator Wishart?

WISHART: Not voting.

ASSISTANT CLERK: Not voting. Vote is 29 ayes, 5 nays to cease debate--

FOLEY: Mr. Clerk, Senator Cavanaugh has her hand up. Senator Cavanaugh wish--

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ASSISTANT CLERK: Senator Cavanaugh? Voting no. Vote is 29 ayes, 6 nays to cease debate, Mr. President.

FOLEY: Debate does cease. We're still under call. Senator Howard, you're recognized to close on the confirmation report.

HOWARD: Thank you, Mr. President. As a reminder, as if we could forget, this is for the gubernatorial appointment to the State Board of Health for former state Senator John Kuehn in the role of veterinarian. Senator Kuehn's appointment to the State Board of Health was voted unanimously out of the Health and Human Services Committee. And I would urge your green vote to confirm him today. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. The question is, shall the confirmation report be adopted? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 32 ayes, 3 nays on the adoption of the report, Mr. President.

FOLEY: The confirmation report is adopted. I raise the call. Some items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. I have a notice of committee hearings from the Transportation Committee. A new resolution, LR344, from Senator Brewer, expressing condolences to the family and friends of Charles Trimble. An amendment to be printed from Senator Halloran to LB334. That's all I have at this time.

FOLEY: Thank you, Mr. Clerk. Proceeding now on the agenda to General File 2020 committee priority bills, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB1055 by Senator Brewer. It's a bill for an act relating to the Election Act; to change provisions relating to voting by mail in certain counties; repeal original sections. The bill was introduced on January 21st of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Brewer, you are recognized to open on LB1055.

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BREWER: Thank you, Mr. President. Good morning, colleagues. I brought LB1055 this year to do two things in every county that has moved to an all vote by mail for one or more of the precincts. First, it is to provide a secure ballot drop box location and to provide at least one in-person polling place. LB1055 only affects counties with populations of below 10,000. Those smaller counties can file a plan with the Secretary of State's Office for his approval to go to an all vote-by-mail option. This could be a single precinct or it can be the entire county. I think this is an important-- this is important to people who have-- that they had the option to be able to go to the county clerk's office to drop off their mail-in ballot or they can cast an in-person ballot. Most of these counties are already maintaining secure drop boxes for the voters who arrive at the county clerk's office after hours. Authority in the statute to do this is unclear. They're already, they're already allowed in-person voting at the clerk's office, but their authority in statute to do this is not clear. The bill would clarify that counties have both the authority and the duty to do these things. At the hearing, LB1055 was supported by the League of Women Voters, Civic Nebraska, NACO, and the Arc of Nebraska. The Government Committee advanced the bill and it is a Government Committee priority bill. There is a committee amendment pending and I will address that amendment my next time on the mike. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. There is a committee amendment. You are recognized to open on the committee amendment.

BREWER: Thank you, Mr. President. AM2573 is the Government Committee amendment to LB1055, which is the committee-prioritized bill. It adds several other bills related to elections and elected officials. First, it is my elections cleanup bill, LB820. It was brought to me by the Secretary of State, updates language with phone numbers in the voter registration form, and it clarifies the time line for recall of local elected officials and clears up some of the confusion left behind by a bill we actually did last year. Next is Senator Matt Hansen's poll watcher bill, LB1086. This bill will provide uniform rules and procedures for poll watchers. And next is Senator Williams' LB1136. This bill would change how we handle conflicts of interest related to local public power board members. Right now, the law blocks a large group of people from running for a local board. Irrigation customers and folks leasing lakefront cabins from the Central Nebraska Public Power and Irrigation District cannot run. The bill would allow these folks to run for their boards and be a representative. Anyone with a

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conflict of interest would still have to abide by the Political Accountability and Disclosure Act. And finally, the last bill would be Senator La Grone's LB1119 and LB1120. These two bills are almost identical. Both-- together, they would bar special elections being held during March and September of even-numbered years. One of the challenges here with my job in the Government Committee is to make sure that elections work better each year. In March and September of even-numbered years, election officials are staging in preparation for both the primary and the general elections. And these, of course, are statewide elections. We should not be asking our county officials to be administering a special election right as they are gearing up to conduct a primary and general elections. There was strong support from the election commissioners, NACO, and the Secretary of State. There was some opposition from school boards. I would encourage your green vote on AM2573 and on LB1055. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator La Grone would move to amend the committee amendments with AM2703.

FOLEY: Senator La Grone, you are recognized to open on your amendment.

LA GRONE: Thank you, Mr. President. This amendment addresses the opposition that Senator Brewer spoke about to my two bills in there. It's a compromise amendment. I really want to thank the school boards for working with me on this amendment. This-- it also contains some cleanup. I'll address the compromise provision first then I'll quickly go through the cleanup. So the-- as Senator Brewer said, the problem we were trying to fix is that if you hold a special election the month before either a statewide primary or a statewide general, since the state starts early voting 35 days before those elections, you're really asking the election commissioners or the--whoever the election administrator is in any particular circumstance to administer two elections at once. Now that, that-- so that was the problem we were trying to solve. We solved it by eliminating those two months from when you can have a special election. Now the school boards obviously had an issue because it eliminated when they could do special elections. So the compromise we came to is since March is one where it's more difficult for election commissioners to do it, but not absolutely impossible, that's taken out of the bill. So we're giving everyone back March. You can do whatever you want in March, again, in terms of special elections. And then in September, what we've done is

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there are two-- one election that can only be held between August 15th and September 15th. And that's an emergency levy override because that's when these political subdivisions budget. So what the amendment also does is it says in September, you can hold that kind of election. September is really the month before, before a statewide general starts getting administered, where they're preparing for that, where it is nearly impossible for an election administrator to be able to do these two elections at once. So I really thank the school boards for being willing to work with us on that to ensure that our election commissioners have the ability to focus on that general election that's upcoming so they can administer that to the best of their abilities. So that's the compromise provision and that's the main part of what this does. Real quickly, it also adds a couple of cleanup provisions. It eliminates an incorrect reference to an election date for filing a school bond election. The correct date is found in 32-559 and so the incorrect date reference is eliminated. It eliminates obsolete provisions relating solely to the 2013 Omaha municipal election. Obviously, since we're way past 2013, we don't need that in statute anymore. It also eliminates the blackout period for appointments. So currently, if you are appointed to any office between the incumbent filing deadline and the nonincumbent filing deadline, you can't file for office because you had to have filed by the incumbent filing deadline, which you missed, obviously, because you weren't appointed yet at that point. So it eliminates that blackout period and says you can file by the nonincumbent filing deadline. Then finally, this gets back to the election administration issue. This bill would allow for three more days for election commissioners to open ballots and set them up to be counted. The purpose for that is as mail in ballots have increased, they need those three more days to be able to be prepared to feed those ballots into the machines. So if you remember the new election equipment we bought last year, those can count ballots at a rate of 300 ballots per minute, but they can only hit that rate if those ballots are ready to be fed in. So those three additional days allows the ballots to be prepared to be fed in. It does not allow counting any earlier than originally allowed under statute. It's simply an administration provision. So I really want to thank the school board for working with me on this to find a way to better administer our elections. And with that, I'd urge your green vote on AM2703 and the committee amendments and then advancement of the bill. Thank you, Mr. President.

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FOLEY: Thank you, Senator La Grone. The debate is now open on LB1055 and the pending amendments. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. I support Senator Brewer's bill and the two amendments and I appreciate everything we can do to make our elections more accessible to the citizens of Nebraska. I did want to take just one moment, and I promised Senator Brewer I won't take five minutes, to comment on the call of the question that we just went through. I don't know how many people in this body called the President's chair. I called the President's chair and there were five people still in the queue. And I know for a fact that not all of them spoke on the, the issue at hand. And I think it is concerning when we end debate when not everyone has an opportunity to speak, especially when we're not even close to three hours to end the debate like that is disappointing. I, I feel that we did have a robust, robust conversation. But I know that some of our colleagues still had things that they wanted to share and I'm disappointed that we, as a body, didn't give them that opportunity before we ended our debate, whereas several other people spoke multiple times. So I just would caution us from doing things like that in the future. It seems that this week we're slipping a little bit away from procedure and etiquette. So with that, I will be giving Senator Brewer and Senator La Grone my green light on all three of these. And I thank you and I yield my time to the chair.

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

M. HANSEN: Thank you, Mr. President, and I rise in support of LB1055 and both amendments. As Senator Brewer said in his opening, my-- one of my bills is included in the committee amendment and I just wanted to briefly rise to thank Chairman Brewer for his courtesy and including it and thank the committee and all stakeholders for working with me on it. That was my LB1086 and that creates a statewide definition of poll watcher. This is kind of a newer trend in elections for lots of groups to, to encourage to people be engaged as poll watchers. But there-- it wasn't a consistent definition or really any definition in our state statutes. And this is a bill we worked as-- originally, kind of, inspired and led by my election commissioner in Lancaster County, Dave Shively, and he really worked with NACO and the Secretary of State as well as my office and some stakeholders like Civic Nebraska to agree to a definition and framework that everybody supports. So with that, I'll be voting for everything on the board and

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thank Senator Brewer and the committee and committee council for their work on this package. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Senator Friesen.

FRIESSEN: Thank you, Mr. President. In Hamilton County, we've had mail-out ballots to the rural area. I think the only exception is the city of Aurora. It still has polling places. Me, for one, I was not in favor of the mail-out ballot because I always looked at it as my duty to make an effort to go to the polls and vote. It has increased voter participation by probably 5 percent. I'm still very disappointed in how, how lazy some people are in even filling out a ballot and putting in a prepaid stamped envelope and mailing it in. People just don't want to participate in the process. One of the issues I have with a mail-out ballot is now it is not a secret ballot. When you place that ballot in that envelope and then sign that outside envelope, the person pulling that ballot out of the envelope now can see the name and your ballot at the same time. There was a bill-- Senator Schumacher, I believe, had it when he was here that would require them to put it inside another sealed envelope so that the person opening the envelope would not be able to read the ballot and who it came from. So this doesn't contain that yet. I'm not saying that I'm opposed to the bill and what it does, but it's something everybody needs to consider-- is that these mail-out ballots are not a secret ballot anymore. The opportunity to look at that vote is there. I know most people won't do it, you're opening a lot of ballots, but that opportunity is present if you don't put it in a sealed envelope. So with that, I will continue to read through the amendments and listen to the discussion, but I'm not necessarily opposed to the idea because it does get a few more people involved in the voting process. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Senator Chambers.

CHAMBERS: Thank you. Mr. President, Senator Friesen stole thunder. I had made up my mind that I'm not going to really say too much on the bill until the amendments are resolved, but I am going to use the time that is before us to make some points about things that happened in this Legislature. On the last issue when the question was called and a vote was taken, all that did was say that there would be no more discussion at this point prior to the taking of a vote. But the taking of that vote does not say that discussion of the subject will cease. And I'll find a way to talk whenever I want to talk and as long as I

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choose to talk about anything I choose to talk about. And if somebody tried to raise a rule objection, they're playing right into my hands because my intent is to take time and be the focal point and I will challenge and go on and on and on. But here's what I want to say about what was just done with Dr. Kuehn; that's what they call him now. Senator Lowe talked about how Dr. Kuehn raised the level of whatever he was talking about on the floor. I'd like to ask Senator Lowe a question if he would yield.

FOLEY: Senator Lowe, would you yield, please?

LOWE: Yes.

CHAMBERS: Senator Lowe, rather than paraphrase when the one who made the comment is here, I'd like to ask you. You said Senator Kuehn, when he was here, raised the level of what?

LOWE: He raised the bar.

CHAMBERS: OK, what bar is that? Oh, you mean over there, Jerry's and Johnny's or Billy's? What bar are you talking about?

LOWE: I never saw him over there.

CHAMBERS: So when you said bar, what are you referring to?

LOWE: I meant that he was a man of, of good, good standards, that we could look up to him.

CHAMBERS: But what bar-- what did he raise? What did he do that-- what was raised by his being here?

LOWE: Raising the bar is a figure of speech, it is not an actual bar.

CHAMBERS: Well, when you use that figure of speech, what were you referring to; the level of debate, the kind of bills offered?

LOWE: The way he did research, the way that he looked into things, the way that he presented the bills that came before him, the way he argued.

CHAMBERS: OK, so you're talking more about his style and methodology of proceeding.

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LOWE: Yes.

CHAMBERS: OK. Thank you, that's all I want to ask Senator Lowe. But I'm not through speaking yet and I'll have other things to say. I thought, based on my reading of the "Bibble," that we were seeing something this morning. But since everybody stayed here, nobody benefited from it. Now I listen to a radio station; it's 1490 on the dial, the AM side. It's called Boomer and there's one disc jockey on there and he says, I'll be here this time tomorrow unless Jesus comes first and if he does, I'm going with him. Well, this morning I thought Jesus was-- had risen and I was waiting to see how many of you all left with Jesus. And lo and behold, I didn't expect to go with him. But all of-- you all are still here, so you missed it. Jesus has come and gone and all of-- you all are still here. There's a verse in the Old Testament: the harvest has passed, the summer is ended, and we are not saved. None of you is saved and I said none is--

SCHEER: One minute.

CHAMBERS: "None" is a singular word. It can be singular or plural, but the preferred usage of that word is singular; none is. So if you say there are 30 people in this room and none is saved, you don't have to say none are. And to help you remember it, "none" could be a contraction without the apostrophe of no one. "None" is a word that collapses the two words, no one, into one word. And you would not say no one are. You would say no one is. So even though it's a contraction without the apostrophe identifying it as a contraction, you still say none is. I just thought I'd throw that out for the body and the edification of those who are watching.

SCHEER: Time, Senator. Thank you, Senator Chambers. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. Speaker. Good morning. Senator Chambers, just you are clear on this, Jesus is going to come and some of us are going to go with him. And it would be my wish that you can go as well, and you can. Well, let's talk about the bill a moment. Senator Brewer and those of you listening, the county in which I live is one of the first counties to have all mail-in ballots. Two years ago in the primary, Garden County, which is adjacent to Morrill County next to us, had all mail-in ballots. And the Secretary of State then said that if it went well in Garden County, he would allow other counties to do the same. And so I had requested, from the Secretary of State, that he allow our

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county to do that and we did. It increased voter turnout. It changed the way we voted. There are issues that people had or a couple questions they had about keeping the ballots secret and who is actually voting. And I understand all that, but let me share a story about what happened in the little village of Angora. In Angora, they had a community center-- they still do and when they would vote-- the day they would vote, the ladies of the community would bake pies and they would put the coffee on and people would go there to vote. And then they would sit around and visit with their friends that they hadn't seen for some time. I would go there to enjoy the pie. I didn't vote there. I didn't vote twice, but I always enjoyed going there and visiting with the neighbors. They were the first precinct that we-- went to mail in and it didn't change the percentage of turnout very much because those people all turned out to vote. So it has worked well in our county. One of the issues we did have is the county clerk was having a difficult time finding poll workers, someone that wanted to spend 12, 14, 15 hours the day of the vote to count the ballots, to greet people, to sign them in, to watch their voting. And it was difficult to get people to sign up to do that. And so it, it helped us immensely to go to mail-in ballots in that regard. So what Senator Brewer is trying to do here is streamline that process and make sure that it's done correctly and I appreciate that. So moving forward, we'll be able to understand that these are a safe election and we're guarding the results so that they are correct. So I am in support of these amendments and as well as LB1055. Thank you.

SCHEER: Thank you, Senator Erdman. Senator Erdman would like to welcome the following guests: the Cheyenne County Chamber from Sidney, Nebraska. There's approximately ten individuals in the north balcony. Would you please stand and be recognized by the Nebraska Legislature? Thanks for coming down and viewing us. Those waiting in the queue: Senators Williams, McCollister, Vargas, Groene, and others. Senator Williams, you are recognized.

WILLIAMS: Thank you, Mr. President. Good morning, colleagues. And like Senator Matt Hansen and Senator La Grone, I would also like to thank Senator Brewer and the Government Committee for tucking LB1136 onto this tree. This bill was brought, brought to me by Central Nebraska Public Power and Irrigation because of a situation that has occurred with board members on their governing board. LB1136 pertains to public power board members' compliance with the Nebraska Accountability and Disclosure Act. It was prepared in consultation and support with the Accountability and Disclosure Commission and Frank Daley. The bill

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amends Section 49-103.01 [SIC] of the Accountability and Disclosure Act, which relates to an interest in a contract and lists the political subdivisions governing boards subject to the requirements set out in statute. LB1136 simply plugs public power governing boards into the same section of law, putting them on par with other political subdivision governing bodies such as county boards, city councils, and natural resource districts. Board members of political subdivisions with an interest in a contract may participate in board discussions only if they notify the Accountability and Disclosure Commission of their potential interest in a contract and also if they abstain from voting on the contract. LB1136 also repeals Section 70-642.01 [SIC] that is applicable solely to public power boards and subjects members with an interest in a contract to removal and can void the contract. As Frank Daley testified in the hearing, the statute is unusual, rooted in events that took place decades ago, and not in keeping with the standards now set forth by the Accountability and Disclosure Act. I would urge your support of not only this portion of the bill, but the La Grone amendment, the Government Committee amendment, and also the underlying bill. Thank you, Mr. President.

SCHEER: Thank you, Senator Williams. Senator McCollister, you are recognized.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I also support LB1055 and the AM2703 and AM2573. I wonder if Senator Brewer would yield to a few questions?

SCHEER: Senator Brewer, would you please yield?

BREWER: Yes.

McCOLLISTER: Senator Brewer, we talked about how [INAUDIBLE] our voting by mail affects turnout. Can you, can you enlighten us a little bit about what, what happens when you initiate by a vote by mail?

BREWER: The bottom line is that it increases-- it has been very effective with, with seniors who are limited in their mobility to be able to get out of the house or out of the facilities they're in and it actually decreases the cost per voter to vote.

McCOLLISTER: So did you say it decreases the cost per vote?

BREWER: Yes.

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MCCOLLISTER: And that's remarkable, particularly for some of the counties where the population is so sparse. How about the issue with voter rolls? If, if somebody is sent a ballot and for whatever reason, it's returned to the election commissioner, is that a benefit to the voter rolls?

BREWER: Well, I think it helps to make sure that they're updated on individuals that may have either left the county or have, have since been deceased. And that way, they have a, a current roster of, of those that are available to vote.

MCCOLLISTER: And as I understand it, it's only-- this, this option is only available to counties with population in 10,000, is that correct?

BREWER: That is correct. Although I-- obviously, if-- you know, that's a, a number that we need to look at moving up. We always can, but that was the way the bill was designed this year.

MCCOLLISTER: Well, I, I think that's a good idea and perhaps in years following, we can, we can look at that. Thank you, Senator Brewer.

SCHEER: Thank you, Senator McCollister and Senator Brewer. Senator Vargas, you are recognized.

VARGAS: Thank you, colleagues. I rise in support of LB1055, Senator Brewer's bill. Particularly, I want to say I've had my own concerns with vote by mail. But I am encouraged to see that this specific language in here would ensure that there'd be a place in the counties that are continually using vote by mail where they could still vote in person. And my concerns are largely on where we go here. I think Senator McCollister did mention this is-- and, and Senator Brewer-- data suggests that this is going to increase voter turnout. We have seen that in certain places that have done all vote-by-mail counties. I think there's still some level of investigation and data to see how the other states that are doing this across the state would do this. My only, my only call to action here is whatever we do moving forward in this arena, that we ensure that we have the adequate education and training of both the staff that are at the election commissions, that are reviewing the voting ballots. And then also, the education and training to the community to ensure they know this option exists and they understand what they are choosing to do in this. That's the only thing I hope that we do in the future because I think the language in that-- in the future matters. So I do want to commend the committee

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for going down this route and ensuring that there is an available option for individuals in these counties. And if we should move forward, that we do everything we can to ensure there is adequate education and training so that we don't create any unintended consequences for individuals that go down this route. Thank you.

SCHEER: Thank you, Senator Vargas. Colleagues, I'd like to welcome some guests of mine from St. John Lutheran School in Battle Creek, Nebraska. There is 12 fourth-graders in the north balcony. Would you please stand and be recognized by the Nebraska Legislature? And Senator Hughes would like to welcome 15 members of the Southwest High School in Bartley, Nebraska. They are, as well, seated in the north balcony. Would you please stand and be welcomed? Thank you all for coming down this morning. Returning to the queue; Senators Groene, Linehan, Chambers, and Brewer. Senator Groene, you are recognized.

GROENE: Thank you, Mr. President. I have said on the floor before-- I'm not a real big fan of mail-in elections. I have a problem with ballots laying on a kitchen table and it's a strong individual in the family filling them all out or you start going to urban areas and then groups like ACORN comes to knock on doors of the elderly and people and said, do you need any help filling your ballot out? The privacy of that booth-- voting booth protects everybody from peer pressure, from family members, from anybody else who might try to influence and watch you vote. But I am in full support of LB1055 because there is a big improvement in it; that if you're like me and you take pride on Election Day, that's one of my biggest holidays; that I actually go to the voting booth, pull that little canvas behind me, and fill out that ballot. There's something-- just isn't the same about filling out a form or, like, a survey and sticking it in an envelope and mailing it in. This bill allows those people who feel like I do to go to the county courthouse, close that little canvas booth, and vote. That's America. You took the time out of your day to participate as an American to vote instead of filling it out one evening and dropping it in a mailbox. I do not want to ever see it go over 10,000, a county of 10,000. Once it gets into the urban areas, you are going to have people canvassing neighborhoods and helping them fill out their ballots. You will; you've seen it in elections already. So this is a good bill because it returns a little bit back to that individual who wants the privacy of that voting booth to vote. In other parts of it, we need to eliminate this-- special elections have gone out of control and I appreciate Senator La Grone's effort to try to close that window. People need to vote in the primary or general election. They

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need to do that. They need to take the time. You need bigger voter turnout-- special election-- the reality is special elections-- voter turnout is a lot less than on a primary or a general election day. Those need to go away, but anyway, we're chipping away at it. But otherwise, it's a good bill. I mean, it's a good bill. And I appreciate the Government Committee putting things together and chipping away at some of these things. And also, the other thing about the, the recall elections; yes, some officials need to be recalled. I'm a big, firm believer in recall elections, but they shouldn't have to wait-- these are people on a village board. It happens a lot on village boards. Volunteering their time, they shouldn't have to worry for 80 days or more to wait to see what happens. That's the-- shortening that period up to 50 days is a good thing because you might disagree with their politics, but there are still good people who stepped forward and volunteered the time. And they shouldn't be hung out to dry for 80 days before they find out what the result is. So I am in support of AM2703, AM2573, and LB1055. Thank you.

SCHEER: Thank you, Senator Groene. Senator Linehan, you are recognized.

LINEHAN: Thank you, Mr. Speaker. I just rise in support of AM2703, AM2579, [SIC] and the bill. My eyes are going bad, LB1056, [SIC] is that right, Senator Brewer? What's your number? LB1055. So I appreciate all the work the Government Committee has done on this. I, too, have some concerns about mail-in ballots, somewhat, so I think there's still some things that need to be addressed, but this is great progress and I appreciate all the work the committee and the people who have been involved in this-- and I would ask for everybody's green vote on all three. Thank you.

SCHEER: Thank you, Senator Linehan. Senator Chambers, you are recognized.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, as I stated before, I will have comments about the bill and some questions after the amendments have been dealt with. But I want to go back and beat a dead horse, rechew the cud, resurrect the dead and departed. When Senator Kuehn was here, he and I were at cross-purposes. I'm not like all the rest of you all who agreed with everything he did, agreed with everything he said, who were elevated by his presence. And we had some very strong disagreements when both of us served on the Executive Board. The staff who lays out the recommended reference to bills had

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referred a bill dealing with the death penalty to the Judiciary Committee where it belonged-- Senator Kuehn and others in the Governor's-- under his control, under his control-- and there's more than the Governor who helped control Senator Kuehn when he was there. And if you think I'm not telling the truth, ask him what I'm referring to. And did I suggest, on occasion, that I would make a public issue of it, but I didn't? Ask him. All you people who popped up here talking about what a great guy he is, go ask him about that and you won't do it because you're not acting on the basis of what you believe and a conviction. You were given your marching orders this morning and you marched and you didn't look very impressive. You did not sound informed and you sound, peculiarly or coincidentally, alike in everything you said, as if you were reading from the same script. But where Senator Kuehn wanted that bill to go was to the Government Committee because there were people on the Government Committee who would do what the Governor wanted with reference to that issue pertaining to the death penalty. I argued against misreferring that bill. The Reference Committee, the Executive Board, by a majority vote, can refer a bill any place that board chooses. A motion can be made on the floor to rerefer it, but with so many people on this floor under the Governor's control, subject to his whim, there was no chance of having a bill dealing with the death penalty, which should have been in the Judiciary Committee, rereferred from the Government Committee, where it had no place, to the Judiciary Committee. So when I heard some people stand up here, like the other day, talking on the germaness bill and they, themselves, had violated the things that they were saying on the floor. They forget, but they have no guiding principle. They have no centralized compass that determines their conduct. So today they say yay; tomorrow they say nay on the same subject. Their position switches without any change in the subject itself. Senator Kuehn was not infallible. His word did not comprise the imprimatur on this--

LINDSTROM: One minute.

CHAMBERS: --floor. Some of you who were not here may have thought that he came in here and before he came down the aisle, they had fire hoses that would put enough water on that aisle to raise the level six inches and Senator Kuehn came on this floor and walked on water. That was not what he did when he was here. And simply leaving this place, getting a job with a university, and having the Governor appoint him to do the Governor's work while he's on the committee, not the committee, but the board to which he was appointed does not make him

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better than what he was when he was here. I'm not saying he was a bad fellow. I'm not saying he wasn't a good veterinarian. But he does not possess the temperament to be where the Governor put him, but the Governor did not put him there because--

LINDSTROM: Time, Senator.

CHAMBERS: Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Senator Brewer, you are recognized.

BREWER: Thank you, Mr. President. Just a couple of quick things since they have been brought up since: first off, Senator La Grone and I had a chance to speak ahead of time. It's a, a friendly amendment that was needed. What it did is basically address the issue that I had mentioned earlier in the speech about-- the only opposition came from the school boards. Colby Coash came back out with us and that was the compromise that we worked out there. On the issue of the population by county, the thought process was we have so many counties in Nebraska that are so remote and when the weather is bad, it's very difficult for them to get in. It also addresses the issue of the elderly. It was pointed out to me that some of the counties that are on the edge of that number of 10,000, but are over, would be Custer, Box Butte, Red Willow, Holt. So maybe that number needs to be tweaked a little bit, but I understand the intent was to make sure that those who want to vote would have an opportunity through the mail-in ballot. With that said, thank you, Mr. President.

LINDSTROM: Thank you, Senator Brewer. Senator Chambers, you are recognized and this is your third time.

CHAMBERS: Thank you, Mr. President. We meet again. Members of the Legislature, why didn't any of those whom the Governor instructed to get on their feet and stand up here like the puppets that they are-- they're like a ventriloquist dummy. The dummy's mouth moves, but the voice is that of Edgar Bergen. I watch it all the time. And you think I don't see it? You think I'm as oblivious of what goes on here as the rest of you all are? By the way, oblivious-- people say a person is oblivious to something. This person is oblivious to that; that's incorrect. You all need some grammar. You need some syntax. It's oblivious of, oblivious of; remember that. I'm giving you all these lessons in English and I'm only paid the meager salary of a state

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senator. I should be the subject of a resolution or something, which would allow my salary to be the same as that of an eighth-grade English teacher. By the time you're in the eighth grade, you should have a pretty good grasp of grammar. And grammar is important. Not in the Legislature, even good English is not proper in the Legislature. There are no standards that have to be met except be a certain age, having lived in the district which you want to represent for a certain period of time, and be outside the penitentiary. Then you can be in the Legislature. And if you listen to the debate, you'll see that that is, is a correct characterization. You'd think, if not Jesus coming back from the dead, that Senator Kuehn had died. When people croak, lies are told and the devil goes to funerals because he's called the father of lies, and more lies are told at funerals than in court and at church. That's where he relishes being. All of a sudden, this individual takes on an entirely different persona than that which he or she manifested while walking, talking, breathing, and so forth. So when you hear people say things on the floor of the Legislature, especially in a coordinated way, as happened this morning, you can know that villainy is afoot and somebody gave them their marching orders. It would be like this Chamber we're in and all of us are supposedly unaware of the fact that a chamber like this was to be built, yet we all come together. We haven't gotten our heads together-- Senator Stinner-- and yet, Senator Stinner, Senator Lathrop, Senator McCollister, Senator Vargas, and the number of people necessary to bring those posts-- those pillars here are here with the pillars and nowhere to place them. Then all of the pieces that comprise the balcony--

LINDSTROM: One minute.

CHAMBERS: --just by coincidence, different individuals have all those pieces. And by the time you get through every piece of wood, every piece of marble-- every piece of whatever comprises this Chamber fits perfectly. And yet they say there was no prior coming together and operating according to a common plan. If you believe that, then you believe God didn't make little green apples. It don't rain in Indianapolis in the summertime. There's no such thing as Mother Goose, Philadelphia, and Dr. Seuss and no nursery rhymes. So when I see you all pop up and you all speak from the same script-- tell others that you're doing it spontaneously, but don't tell me that. Thank you, Mr. President.

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LINDSTROM: Thank you, Senator Chambers. Senator Albrecht, you are recognized.

ALBRECHT: Thank you, Mr. President. Colleagues, I rise in support of LB1055, AM2573, AM2703. I think the one thing that we've talked a little bit about is the weather and why the weather would impact whether somebody could get in to vote. But as a farmer, I'm here to tell you that it is difficult to get our farmers to go to the polls because the primary is during planting and the general election is during harvest. So next to weather, those two other things are a little tough to get the, the folks out of the combines or the planters to get that done. Another thing we haven't really talked about, again, in some of the 90 counties or these counties you're talking about that are going to have mail-in ballots, it's very difficult to get polling workers. I know up in my district, they are actually, possibly, going to go the same way they do a juror. It is based on your license. You'll be called in. Whether you want to volunteer or not, if your, if your name comes up, then you get to spend the day at the polls. So there are things that need to be changed as we go along. I'm confident that Bob Evnen spoke to a group of us yesterday and the Secretary of State and he also let us know about the polling and all the different machines that are now at most of the counties and things are being worked out. But we do have to change with the times and listen to what the folks have to say. So thanks for your time and I'll yield it back to you, President. Thank you.

LINDSTROM: Thank you, Senator Albrecht. Seeing no one else in the queue, Senator La Grone, you are welcome to close on AM2703.

LA GRONE: Thank you, Mr. President. Again, this just-- this is the compromise amendment with the school boards and then adds some additional cleanup language. So I would urge your adoption of AM2703. Thank you, Mr. President.

LINDSTROM: Thank you, Senator La Grone. The question is shall AM2703 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

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

LINDSTROM: The amendment is adopted. Returning to AM2573, seeing no one else in the queue, Senator Brewer, you are welcome to close on

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AM2573. Senator Brewer waives closing. The question is the adoption of AM2573 to LB1055. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

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

LINDSTROM: The amendment is adopted. Returning to LB1055, Senator Chambers, you are recognized.

CHAMBERS: Thank you. Mr. President, before I get into the gristle of this, I'm going to deal with the skin and the meat just a little bit more, meaning I'm going back to this subject I was talking about with reference to Senator Kuehn. It didn't occur to the Governor to have one of his puppets jump up and say, well, if there is the appearance of a conflict of interest on a specific subject, rather than hinder the consideration of it, Senator Kuehn will recuse himself. He will not participate in dealing with that issue. And that's just for public consumption, when nobody is around. And these dishonest people, which they are and it's known, they'll get together and he will relay to them what the Governor wants them to do and they will do it. You all needn't act surprised at anything I say, you've been politicians. You come down here as politicians. Why, Senator Briese, who just walked across the aisle bothering nobody; he's a politician. I, who am standing on this floor talking and bothering everybody, am a politician. We are in politics. If you put on football gear and get on a football field and when the gun sounds, the whistle blows, and there are certain things that happen when those things occur and you do it, you're a football player. You can say, no, I'm an athlete. OK, you're an athlete, but you're a football player. You can say, well, I'm, I'm a skilled runner, but you're a football player. I don't say I'm not a politician. If you practice the art of politics, you are a politician. You are not a statesman. You're not a stateswoman. You are a politician. And there is nothing inherently evil about or wrong with being a practitioner of politics. And when you always get that disclaimer, you who are a politician will give the impression that, indeed, there is something wrong with it because you will deny wearing the label, which everybody sees on you every time they see you. Everybody on this floor is a politician. Not, not everybody is as competent in the practice of the art of politics, so they become, those who wear labels in addition to that, a politician. They are like adjectival additions; the bootlickers, spineless, gutless, without principle, puppets, ventriloquist dummy. And everybody who wears one

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of those labels knows it because the Governor makes it clear to you what your role and function is. Some of us, let me not put anybody else in it-- at least one person watches you all and studies you, watches when you jump up and run out of here into the rotunda, watches you when you trot or prance up there to look at who might be in the line to speak. I don't use the word "queue" for that. Now I might use the word "cue," spelled c-u-e, because I have shot a game of pool in my day--

LINDSTROM: One minute.

CHAMBERS: --not billiards, pool. And cue could also mean a hint or a clue or signal, but you all spell it inappropriately and improperly. I think you start it with a "Q" and then you put other letters in it, jumble it around, and pronounce it "queue." And I understand that's French and I don't speak French, I speak American. I'm going to put my light back on. I'll stop.

LINDSTROM: Thank you, Senator Chambers. Senator Chambers, you are recognized.

CHAMBERS: Thank you. Now that we're on the bill, I would like to ask a question of Senator La Grone if he is willing to yield.

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

LA GRONE: Yes.

CHAMBERS: Senator La Grone, I'm glad that you're willing to yield. Did you ever hear a song called "The Day The Music Died?" Bye bye, Miss American Pie / drove my Chevy to the levee and the levee was dry / and them good ole boys were drinking whiskey and rye / singin' this will be the day that I die? Did you ever hear that song?

LA GRONE: Yes.

CHAMBERS: And did you hear some words in it when the marching band-- the players tried to take the field, but the marching band refused to yield?

LA GRONE: I don't remember that part.

CHAMBERS: OK, how old are you?

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LA GRONE: I'm 29.

CHAMBERS: Oh, you, you wouldn't remember that. I'm 82 and my memory is probably better because I've exercised it more. Well, when you've exercised your memory as long as I have, you will remember more things. But here's what I want to ask you: have you heard various speakers talk about how the turnout is increased when you allow mail-- I mean, voting by mail?

LA GRONE: Yes.

CHAMBERS: And is that a desirable thing to have, an increase in the participation and turnout when vote time comes?

LA GRONE: Yes.

CHAMBERS: Then why would you be the introducer and carrier of a bill that the "Repelicans" and the Secretary of State, who is "Repelican," wants that will suppress the vote, as far as certain groups are concerned? That seems to be a dichotomy to me.

LA GRONE: I don't believe it would suppress the vote.

CHAMBERS: You think that requiring somebody to have an identification card is going to increase the voter turnout?

LA GRONE: I don't-- I think that if it's done properly, it won't decrease voter turnout.

CHAMBERS: No, I'm asking you-- not decrease-- I'm asking you, do you think it will increase voter turnout?

LA GRONE: So I haven't looked into that question, to be completely honest with you, so I don't feel confident giving a yes or no as to that.

CHAMBERS: But you've looked into the issue of whether or not voting by mail would indeed increase the turnout, maybe not in every instance, but generally speaking?

LA GRONE: In a general sense, the studies are showing, yes, it does cause a slight increase in voter turnout.

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CHAMBERS: In any election, as they're conducted in Nebraska, is it necessary to win by a certain percentage of the vote or would one vote more than your opponent be sufficient to have you declared the winner?

LA GRONE: One vote would be sufficient.

CHAMBERS: Then why do we try to get any more than three people to vote in any election?

LA GRONE: Because I think it's an indication of, of civic awareness and the health of the community if people are participating in the process.

CHAMBERS: If there are people who are learned in the subject of voting, knowledgeable about the types of things that encourage turnout and the types that deter turnout, should their opinions carry weight?

LA GRONE: Yes.

CHAMBERS: But it doesn't carry weight with you when it comes to those who say that requiring this identification would suppress the votes of certain subsets of people; you don't believe that, do you?

LA GRONE: So there are two questions there. So I think you're asking--

CHAMBERS: Let me ask them one at a time.

LA GRONE: OK.

CHAMBERS: Do you believe that requiring identification in order to vote would suppress or reduce the participation in the election of certain groups?

LA GRONE: If done correctly, no.

CHAMBERS: You don't?

LA GRONE: No.

CHAMBERS: How would you do it correctly?

LA GRONE: I think you need to work with-- as I said, consistently said, I think you need to work with groups who are involved in those communities who can tell us-- reflect how those committees vote so we can ensure that that is done in an allowable way, to allow those

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communities to vote. So that depends on the types of IDs you would provide--

LINDSTROM: One minute.

LA GRONE: --the awareness to make folks aware of here's how the process is changing and here's how you can-- we can make sure that, you know, we address your concerns with that.

CHAMBERS: Do you believe there have actually been instances where the voter turnout was lowered, when, in certain locations, voter identification was required or you think that has never happened in America?

LA GRONE: Off of the top my head, I don't have the necessary information to answer that question.

CHAMBERS: Do you think it's possible that that happened?

LA GRONE: It would be possible, yes.

CHAMBERS: Now how do you ensure that the one who sends back an envelope is the one whose name is connected to it with this process you have?

LA GRONE: So with-- to be clear, my bill isn't the vote by mail, but-- so how Nebraska does is there is a verifiable component when you register to vote and then vote-by-mail addresses-- when you request--

LINDSTROM: Time, Senators. Thank you, Senators La Grone and Chambers. Senator Chambers, you are recognized and this is your third time.

CHAMBERS: Now Senator La Grone-- thank you, Mr. President-- Senator La Grone, you say that you want voter identification to avoid fraud, is that correct?

LA GRONE: I have said that I primarily think it's a good idea to increase voter confidence.

CHAMBERS: For what?

LA GRONE: Increase voter confidence in the election.

CHAMBERS: What voter's confidence [SIC] would be increased?

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LA GRONE: Those that I hear about in my district when I go door to door.

CHAMBERS: Well, you don't talk to many people, and your district certainly is not representative of all districts in Nebraska, are they-- is it?

LA GRONE: I represent the concerns of my constituents. So that's what I-- those are the concerns I bring forth.

CHAMBERS: And the concerns of your constituents should be imposed on everybody in the state if you can do that, correct?

LA GRONE: No, I think that it's important to have a discussion, to come forward with a solution that addresses everyone's concerns.

CHAMBERS: Do you believe that there can be corruption in elections as they're conducted right now?

LA GRONE: I-- my question would be on the-- I guess you-- so I'd ask you to define corruption. So what specifically--

CHAMBERS: Well, let me-- where people vote who shouldn't or people might claim that they're registered to vote when they're not?

LA GRONE: Under our current setup, it would be a-- could be a possibility.

CHAMBERS: Do you think it's possible for the person who is supposed to send off these envelopes; instead of sending them out, could vote a certain way and pretend that they had actually been sent out, could that be done?

LA GRONE: On that, I think there would be a check in terms of the actual ballot process--

CHAMBERS: Here's what I'm-- let's take it a step at a time like you wanted to do--

LA GRONE: Um-hum.

CHAMBERS: --can that be done? Does the person who sends out the envelope have the ability to manipulate a pencil and mark the ballot, which is to be returned in that envelope?

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LA GRONE: I-- so I think there are two questions there so that's why I'm getting confused; the physical ability, yes, the ability to do so undetected, I think the answer is no.

CHAMBERS: No, I didn't say undetected. You could have people in cahoots. See, you want to talk about all this stuff that's going on that makes it necessary to have voter identification. But when I'm talking about your plan that you like where it would be easy to falsify who is voting, you say well, that-- no, that's not going to happen. You don't know it's not going to happen. How do you know it's not going to happen?

LA GRONE: To be clear, Senator Chambers, I did not introduce any vote-by-mail legislation.

CHAMBERS: You support this bill and you had an amendment on it.

LA GRONE: Yes.

CHAMBERS: Well, do you think what I'm discussing could happen if this bill is passed into law?

LA GRONE: No.

CHAMBERS: Why?

LA GRONE: Because this does not expand any vote-by-mail participation. It simply requires vote-by-mail counties to have a physical location.

CHAMBERS: They-- all right. Now but when we talk about voting by mail-- we're off this bill entirely now.

LA GRONE: OK.

CHAMBERS: Is it possible, under a voting-by-mail process, to do what I described?

LA GRONE: Technically, yes; undetected, no.

CHAMBERS: Well, you-- technically has got nothing to do with it. If it can be done, it can be done. Either it can or it cannot. You say that there's no way to-- for a fraudulent vote to be cast under our by-mail system. I want you on the record. Are you saying, positively and

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absolutely, that it is impossible to have a fraudulent ballot cast in an all-mail-voting system?

LA GRONE: No.

CHAMBERS: When you say no, do you mean it can be falsified or it cannot be?

LA GRONE: It could be, yes.

CHAMBERS: OK. Well, why don't we do something to make sure that doesn't happen?

LA GRONE: I would support that. I've been consistent that I would support looking at all election confidence administration.

CHAMBERS: What would it take to do that?

HILGERS: One minute.

CHAMBERS: You'd have to watch everybody at every stage who handles this material, wouldn't you? Then if the watcher was corrupt also, then these bad things can happen. But that's all I'll ask you. Here's where I go-- take him through this. He and the Republican Party talk this nonsense without qualification that you need voter identification. But when you take them down into the weeds, they play like they don't know what you're talking about. He's a "Repelican." He was, he was appointed by the Governor. He's running for office on his own now so he's going to do what the party tells him to do and he's going to mouth the party line; admit it. But you all cannot do that. Everything that you do identifies you as a certain thing. And you say, but I'm not that. He wants to-- Senator La Grone wants to say--

HILGERS: That's time, Senator.

CHAMBERS: You said what?

HILGERS: Time, Senator.

CHAMBERS: Time?

HILGERS: Yes.

CHAMBERS: That was my third time, right?

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HILGERS: That was your third time. Thank you. Thank you, Senator Chambers and Senator La Grone. Seeing no one else in the queue, Senator Brewer, you are welcome to close. Senator Brewer waives closing. The question before the body is the advancement of LB1055 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voters who wish to? Record, Mr. Clerk.

ASSISTANT CLERK: 45 ayes, 0 nays on the motion to advance the bill.

HILGERS: The bill advances. Turning to the next bill, Mr. Clerk. Mr. Clerk, for items.

ASSISTANT CLERK: Thank you, Mr. President. Health and Human Services Committee reports LB052, L1140, 11:50 and LB1188 all to General File with committee amendments. A priority motion; Senator McDonnell would move to recess until 1:30 p.m.

HILGERS: Colleagues, you have heard the motion. All those in favor say aye. Opposed say nay. The motion is adopted. We are in recess.

RECESS

FOLEY: Good afternoon, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

ASSISTANT CLERK: I do. Just one, Mr. President. Senator Quick-- amendments to be printed: Senator Quick to LB840. And then a notice from the Urban Affairs Committee. They will hold an Executive Session in Room 2022 at 2:00. Urban Affairs, Executive Session in 2022, 2:00.

FOLEY: Thank you, Mr. Clerk. Members, there are some delicious cookies being distributed on the floor of the Legislature in honor of Senator Blood's birthday. Happy Birthday, Senator Blood. And Senator McCollister and Senator Wishart have some guests today. We have with us Nicki and Ian Behmer of Lincoln, Nebraska, with us under the north balcony. If those two guests could please rise, like to welcome you

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both to Nebraska Legislature. We'll now proceed to the first item on the afternoon agenda. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB808, introduced by Senator La Grone, is a bill for an act relating to the Nebraska Model Business Corporation Act; provides for the ratification of defective corporate actions; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 8 of this year, referred to the Banking, Commerce and Insurance Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator La Grone, you're recognized to open on LB808.

La GRONE: Thank you, Mr. President. This is an update to the Model Business Corporation Act and I'd like to thank Senator Williams for making it his personal priority. And he has a committee amendment, which will include a number of other wonderful bills that I also supported. But I'll quickly-- well, not really quickly, it's kind of a long bill. I will explain LB808. So, again, it's an update to the Model Business Corporation Act. The Model Business Corporation Act is a model act prepared and adapted by the American Bar Association that has been in existence for over 60 years. Over the last six decades, revisions, both substantial and minor, have been implemented at various times by various states. The most comprehensive amendment to the act came in revisions made by the ABA in 2016. Nebraska adopted the Model Business Corporation Act in 2014 with the passage of LB749. Subsequent updates to the Nebraska act were adopted with the passage of LB794 in 2016. LB808 seeks to adopt one more provision of the model act that was not made final by the, by the ABA until after Nebraska adopted its act. LB808 seeks to adopt subchapter (e) of Chapter 1 of the model act to provide a process for the ratification of defective corporate actions. A defective corporate action is an action that is within the power of the corporation, but is void or voidable because the action was taken without proper procedural steps. Members of a corporation, in whatever capacity, take all corporate actions that must comply with the process and procedures outlined in various governing documents. Failure to strictly observe these corporate formalities can sometimes result in problems that are difficult to fix at a later time. The process outlined in LB808 would provide a statutory mechanism, whereby a corporation can remedy any such action or deficiency to avoid issues arising in the future. Simply put, LB808 provides a calculated and measured way of fixing technical or

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procedural errors a corporation might make. I introduced LB808 at the request of Nebraska State Bar Association's business law section. And I would just simply note that there is a small cash fund fiscal note from the Secretary of State's Office, but they are confident that that can be taken care of with existing cash funds and they're-- so there's no additional appropriation needed. I'd also note the bill had no opposition in committee and advanced 8-0. I would also note that there is an error on the committee statement. It was not introduced by Senator Brewer, although I do appreciate his support on this bill. It was in fact introduced by me. And with that, I thank the body and urge your advancement of LB808 and Senator Williams' amendments that he'll introduce later.

FOLEY: Thank you, Senator La Grone. As the Clerk indicated, there are amendments from the Banking Committee. Senator Williams, you're recognized.

WILLIAMS: Thank you, Mr. President, and good afternoon, colleagues. And I was just reminded by Senator Lathrop that this bill is, what, 93, 97 pages long? So if you read really fast, Senator Lathrop, you'll get through it before I get through with the introduction here. The committee amendments to LB808 appear as a white copy, AM2559, with the underlying provisions of LB808 as introduced along with the provisions of five other bills related to the subject of commerce. Those five bills are LB775, which I introduced, LB782, introduced by Senator Stinner, LB902, introduced by Senator Pansing Brooks, and LB929 and LB1123, introduced by Senator Lindstrom. Those five bills were each advanced by the committee on an 8-0 vote with no opposition testimony and then the bill was amended on also an 8-0 vote. The first bill made part of the committee amendments is LB775, which I introduced on behalf of the Nebraska Real Property Appraiser Board. That bill was put together over the summer and fall by staff of that committee and also of the Banking, Commerce and Insurance Committee pursuant to an interim study resolution, LR57. It would update the Real Property Appraiser Act for compliance with three things: first, Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989; second, the Uniform Standards of Professional Appraisal Practice; and third, the Policy Statements of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. If the state of Nebraska is found to be out of compliance with Title XI of the Financial Appraisal Subcommittee, the Appraisal Subcommittee may remove all Nebraska credential appraisers from the Federal Registry, resulting in there being no appraisers qualified to

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do appraisals on federal-related transactions, which is approximately 80 percent of the transactions in the state. The provisions of LB775 would update its incorporation by reference of the Uniform Standards of Professional Appraisal Practice to mean the standards adopted and promulgated by The Appraisal Foundation as those standards existed on January 1, 2020, instead of January 1, 2018. At the public hearing on LB775, there was no opposition testimony and the bill was advanced, as I said, 8-0 with no committee amendments. The second bill made part of the committee amendment is LB782, introduced by Senator Stinner. This bill would update provisions of the Public Accounting Act [SIC], governing when students may begin taking the CPA examination. The Public Accounting Act [SIC] currently provides that a student who expects to complete the postsecondary academic credit and degree requirements within 60 days following when the CPA examination is, is held, is eligible to take the examination. The provisions of LB782 and these amendments would change this to provide that a student may take the test sections of the examination within 120 days prior to completing the academic credit and earning the degree. But the student shall not receive any credit for the test sections unless the board receives evidence that the student has completed the academic credit and earned a degree within 150 days following when the first test section of the examination is taken. At the committee hearing on LB782, there was no opposition testimony. There were two proponent witnesses, one from the Nebraska Society of CPAs and one from the Board of Accountancy. LB782 was advanced on an 8-0 vote with no committee amendments. The third bill made part of the committee amendment is LB902, introduced by Senator Pansing Brooks. These provisions would enact a Nebraska version of the Uniform Trust Decanting Act, which was promulgated by the National Conference of Commissioners on Uniform State Laws in 2015. This new act provides a method for reforming or modernizing the terms of an irrevocable trust. Decanting can be a tool for adapting to unforeseen circumstances. The act allows a trustee to reform an irrevocable trust document within reasonable limits that ensure the trust will achieve the settler's original intent. At the committee hearing on LB902, there was no opposition testimony. There were two proponent witnesses, one from the Uniform Law Commission and one from the State Bar Association. LB902 was advanced on an 8-0 vote with no committee amendments. The fourth bill made part of the committee amendment is LB929, introduced by Senator Lindstrom. The bill would amend the Nebraska Real Estate License Act to provide that it does not apply to any unlicensed person who only provides a list or lists of potential purchasers to a broker

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or salesperson, or who calls on facilities and initiates contact between the potential client or customer and a broker or salesperson. The unlicensed person would not be permitted to discuss with a potential client or customer the services to be offered by the broker or salesperson. The unlicensed person would not have the authority to obligate a potential client or customer to the work of a particular broker or a salesperson and a particular broker or salesperson's place of business. The unlicensed person would not perform any activity of a broker or salesperson. At the committee hearing on LB929, there was no opposition testimony. There were two proponent witnesses, one from Nebraska Realtors Association and one from the Nebraska Real Estate Commission. LB929 was advanced on an 8-0 vote with no committee amendments. The fifth bill and the last one made part of the committee amendment is LB1123, introduced also by Senator Lindstrom. This bill would amend sections of 77-2387 of the Public Funds Deposit Security to expand the definition of securities for purposes of the act. The provisions of LB1123 would provide that for purposes of securities, it will include student loans backed or partially guaranteed by the United States Department of Education. At the committee hearing on LB1123, there, again, was no opposition testimony. There were two proponent witnesses for-- from-- both from the Nebraska Bankers Association. The director of Banking and Finance, Director Quandahl, testified in a neutral capacity. LB1123 was advanced on an 8-0 vote with no committee amendments. Those are the committee amendments that are being amended to LB808. They were all adopted by the committee on an 8-0 vote with no testimony-- no opposition testimony and I would encourage everyone to vote green on the Banking Committee amendment, along with the underlying bill introduced by Senator La Grone. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Lindstrom would move to amend these committee amendments with AM2675.

FOLEY: Mr. Clerk.

ASSISTANT CLERK: Senator Lindstrom would offer AM2675. Senator Lindstrom, I have a note you wish to withdraw.

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FOLEY: The amendment is withdrawn. We're back on the committee amendments. The debate is now open on LB808 and the pending committee amendments. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. 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 Senator Williams did a great job summarizing all of the various amendments, but I understand we're also-- oh no, somebody is back. We were worrying about trying to-- going too fast. But I couldn't avoid standing up because I'm bringing one of my favorite bills ever, the Uniform Trust Decanting Act. Come on, I need a little love on that. And I'm-- it's not just talking about the distribution of your favorite beverage from one vessel to another. So I had to at least bring up the fact that, yes, we have before us the Uniform Trust Decanting Act. And actually, I will quickly summarize that decanting is used-- is a process that's used to describe how a trustee may distribute assets from one trust and place them into a second trust. And it's, it's a process that's beneficial in instances where an otherwise irrevocable trust no longer adequately addresses the intent of the settler or the needs of the beneficiaries due to a change of its circumstances. We've actually had this issue in our law firm because we had somebody-- we had a trust and it covered the children, but it, but it did not cover the children who later became incapacitated. It wasn't foreseen. So the, the trust was irrevocable and the trustor was dead and so there was no way to create-- later create a special needs trust to maintain the safety and health of the children, so-- of the incapacitated child. So anyway, I just had to mention that I am bringing the Uniform Decanting Trust Act and I hope you'll pass all of these amendments and thank Senator La Grone for his work and adding these bills, these important bills to his, his own. Thank you.

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

KOLOWSKI: Thank you, Mr. Chairman. AM2750 to LB808 makes an exemption in the statute of limitations for recovery of a construction defect on any real property. The exemption for it is for condominiums only. For all other real property, the statute of limitation remains at four years or two years after discovery, with the possibility of up to 10 years after construction. A survey by the Community Associations Institute found that 57 percent of all construction defects were in

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condominiums. Why would you, why would you cut the time frame in half for this type of construction that has the highest rate of defects? The rationale is that this so-called risk for developers is keeping them from building condos. I don't buy it. According to the U.S. Census Bureau, the 20 fastest-growing cities are in the following states and yet the statute of limitations in those states are longer than the current four years in Nebraska: Arizona, eight years; California, ten years; Colorado, six years; District of Columbia, ten years; Florida, ten years; Georgia, eight years; Washington, six years. These longer statute of limitations are not keeping the development of condos from happening in these states. Where's the concern for the individual condominium owner? Many structural or construction defects are not detectable in the first two years after construction. How does an individual property owner have the funds to go up against a development corporation? Where is the concern for the condo owner or even the condo association? Research shows that what happens is the cost of correcting a construction defect takes years when it happens. And the individual owners or collectively, all owners in the association ends up footing the bill. I do not understand why we would lessen the time, time frame for recovery on the construction defect on condominiums when they have the highest rate of defects. Single-family homes have a far lower rate of defects and better accountability. Why would we do this for condominiums? Well, I think I know why; to help fund the developers of these projects. Is this another form of a corporate tax break of some kind? Does the Condominium Association Act need to be updated? Probably. I don't think this, however, is the way to do it. The other portions of the amendment to the Condominium Association Act are not a problem for me. Shortening the statute of limitation on recovery of a construction defect for condos is a big problem. If we shorten this time frame to two years, we would be the only state in the United States to have such a short limitation. I am opposed to AM2750 as it now stands, but I am happy to work with Senator Lindstrom and Senator Williams between now and Select File. Thank you very much.

FOLEY: Thank you, Senator Kolowski. Senator Albrecht.

ALBRECHT: Thank you, President and colleagues. I'd like to ask a few questions of Patty Pansing Brooks, Senator Brooks, please?

FOLEY: Senator Pansing Brooks, would you yield, please?

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PANSING BROOKS: Yes, I'm happy to.

ALBRECHT: Well, I'm glad. I'm gonna give you that little bit of love that you need on your bill since you have more pages in here than the rest of them.

PANSING BROOKS: OK.

ALBRECHT: And I'm, and I'm interested in it and I'm glad that you brought it. So help me understand, are we just talking about a disabled child or an adult child who has been collecting government subsidies, if you will, for their condition? Does that make them different in a trust than one that does not?

PANSING BROOKS: It's, it's to be able to change an irrevocable trust. So by the time somebody becomes an, an adult who's still under a trust, I don't know. It depends on the length of the trust. So if there's an-- I'm trying to figure out if there would be a situation where there would be a trust of an adult who then becomes incapacitated. The goal is to make it so that the banks can, can work and help fulfill the interests of the trustor, which were to take care of their children. So, so that's what the intention is.

ALBRECHT: OK, so in your example, before you had said something like the-- no one's there to take care of that beneficiary, is that what you're saying--

PANSING BROOKS: No.

ALBRECHT: --if someone dies and somebody is needing to take care of their finances? Or are you saying that they weren't in the trust in the beginning and somebody now needs to take care of them? Can you help me understand that?

PANSING BROOKS: Oh, yeah. Well, I'm-- sure, I'm happy, too. So if, if a-- if somebody comes in and creates a trust for their children, to take care of their children for in case they die, and then that trustor dies, the people-- and then, and then subsequently, a child becomes incapacitated for whatever reason, maybe they're in a car accident or they've had a terrible fall or something like that, then they would need a special needs trust. But, but they are unable to change over the type of trust needed as it is now. So it's called decanting. It's opening one kind of trust, which is an irrevocable trust to be able to make it become a special needs trust, which is

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also valid under the law, but the trustors often don't foresee that form.

ALBRECHT: OK, and the reason I'm asking some questions, there just seems to be a lot of information in here and this is all new. So does it all just pertain to these trusts?

PANSING BROOKS: Um, it's-- yes, this is-- this information is about the ability to create these trusts. It gives powers to the, the trustees, the people that take care of the, of the trust. And so that is what's, that is what is necessary under the Uniform Trust Act that is happening-- let's see, I'm trying to figure out how many states have adopted this. So this was brought to me by the Bar Association and, and the bankers were also supportive of it.

ALBRECHT: OK, so, so the parents die. They've already got the irrevocable trust in place and they have one of their children that becomes incapacitated, not able to take care of their affairs, maybe does not have a loved one to help them with that. What would happen? Would a-- would the attorney that represented the trust-- what happens if he's gone? Obviously, somebody takes over his business, right?

PANSING BROOKS: Well, I think that the--

ALBRECHT: How does that happen?

PANSING BROOKS: I think that the bankers would have some concern because they can't continue to help. It depends on who the trust-- who's running the trust. And so if there's a change of circumstances, which we had in, in our law firm, where somebody was unable to--

FOLEY: One minute.

PANSING BROOKS: --they could not just distribute the funds to the child because the child is-- it's because there was a change in these circumstances. They can change the trust and they work with the bankers and the lawyers on that.

ALBRECHT: And I guess I have a question just for you because you're probably well versed in this, but, but can you, can you give a child, who is getting services from the government, money in the trust? And if you do and it's a substantial amount of money, do they lose their, their funding from the government to take care of them being disabled?

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PANSING BROOKS: So, so this will allow flexibility for the trustees of the trustor to direct proceeds to a special needs trust without disqualifying them for public benefits.

ALBRECHT: Thank you very much.

PANSING BROOKS: Thank you.

FOLEY: Thank you, Senators Albrecht and Pansing Brooks. Any further discussion on the bill or the committee amendment? I see none. Senator Williams, you're recognized to close on the committee amendment. He waives close. The question for body is the adoption of AM2559, Banking Committee amendment. Those in favor vote aye; those opposed vote nay. Record, please.

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

FOLEY: The committee amendments are adopted. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Lindstrom would move to amend the bill with AM2750.

FOLEY: Senator Lindstrom, you're recognized to open on AM2750.

LINDSTROM: Thank you, Mr. President, and good afternoon, colleagues. AM2750 is my underlying bill of LB767, which amends the Nebraska Condominium Act. We heard this bill yesterday and I appreciate, Senator La Grone, Senator La Grone's willingness to allow me to attach AM2750 to LB808. I'll just go over the six provisions of the bill that I spoke about yesterday. But just to refresh everybody, I'll go through those and so there's an understanding of what we're doing here. Number one, it requires written notice and an opportunity to cure for three months to the declarant before commencing construction defect litigation. Originally, LB767 included a mandatory mediation provision, which AM2750 strikes at the request of the Nebraska State Bar Association, tolls the statute of limitations during the cure period, so a declarant cannot run out of the litigation clock on unit owners while claiming to make repairs. Number two, it changes the minimum threshold for requiring a maintenance plan from 4 units to 15 units. Number three, requires an 80 percent vote of the association to commence construction defect litigation to ensure unwilling owners are not dragged into litigation by an overzealous association, board or directors-- board of directors that might represent a fraction of the

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owners that might not represent their true interests, but could bring them into costly litigation. Number four, allows the declarant to maintain control of the condominium association for longer, to allow any defects more time to appear while the declarant can still fix them, rather than the association having to do so or suing the declarant to force repairs, avoiding litigation if possible. Number five, allows the declarant to control the association board longer so any defects that are more likely to appear while he can repair them, rather than a new association board requiring that through litigation. And number six, reduces the time to challenge failure to repair with regards to improvements to the real property subject to the Nebraska Condominium Act. I, I do want to just make note to this bill, LB767, which is AM2750, came out of the Banking, Commerce and Insurance, 8-0. And I would appreciate a green vote on AM2750. Thank you, Mr. President.

FOLEY: Thank you, Senator Lindstrom. The debate is now open on the amendment. Senator Williams.

WILLIAMS: Thank you, Mr. President. And I stand in full support of AM2750 to Senator La Grone's bill and also the banking package. As Senator Lindstrom said, this was heard in front of the Banking Committee on February 11 and was voted out of committee, 8-0 with no opposition testimony. It's clear that our current outdated condo laws have slowed down and even stopped this type of development. And that's what we certainly heard from those that came to the hearing and testified. From the-- Robert Reynoldson from the General Contractors Association talked about the outdated laws and how they are building these types of units in other states, but they shy away from Nebraska. Josh Moenning, mayor of Norfolk, talked about how he is trying to grow his community and this is one of the things that they would like to see so he was strongly in support. Again, this is a way to move our state forward. It addresses some of the issues that are-- that we continue to have with workforce housing. I'd remind you that all-- this bill, along with all of the bills that we've included in Senator La Grone's bill were voted out of the Banking, Commerce and Insurance Committee, 8-0 with no opposition testimony. Thank you, Mr. President.

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

La GRONE: Thank you, Mr. President. I just want to reiterate this is a friendly amendment. I think this is a great bill and I thank Senator

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Lindstrom for bringing the amendment. That's all I have. I'd urge your advancement of AM2750 and the bill. Thank you, Mr. President.

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

KOLTERMAN: Good afternoon, colleagues. Thank you, Mr. President. I also rise in support of AM2750 as well as LB808. All of these bills were heard in the committee, the Banking, Commerce and Insurance Committee. As you've already heard, there's really no opposition. In regards to AM2750, it's time that we update our language and our, our ability to utilize the condominium program more in Nebraska. This will allow that, and would encourage everybody to give green votes across the board. Thank you.

FOLEY: Thank you, Senator Kolterman. Senator Clements.

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

FOLEY: Senator Lindstrom, would you yield, please?

LINDSTROM: Yes. Yes, I will yield.

CLEMENTS: Thank you, Senator Lindstrom. One part of this amendment or bill I was concerned about was the, the four years going to two years for finding defects and having the contractor correct them. Is it-- is that just a solid two years and then there's no action that can be taken?

LINDSTROM: No, actually, it's from the completion date up to five years. And even after the two years, there is a one-year report that, that someone can put in, submit a letter and it extends that period. So it, it really comes down to between zero and five years with the discovery, the discovery of the problem. So it doesn't just end with two years, it-- the clock actually stops with regards to the time frame in which something needs to be updated or fixed once the developer receives a letter and then someone has a discovery in that time frame. So it's not just two years.

CLEMENTS: So there is a five-year period where discovery can be made?

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LINDSTROM: Yeah. And actually, if there was one day before the five years and you discovered it and submitted a letter, you'd actually have another year on top of that.

CLEMENTS: All right. I know that I had a constituent email about that concern and that the two years seemed very short. And I'll just take your word for it, that it's actually a five-year period. And that's all the questions I had. Thank you.

LINDSTROM: Thank you.

FOLEY: Thank you, Senator Clements. I see no other members in the speaking queue, Senator Lindstrom, you're recognized to close. He waives close and the question for the body is the adoption of AM2750. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of the amendment.

FOLEY: AM2750 is adopted. Further discussion on the bill. Senator Groene.

GROENE: I appreciate Senator La Grone and Senator Lindstrom and Senator Williams for doing a bill the way I would think it should be done. Every one of those amendments were heard in the Banking and Commerce Committee. There's no shenanigans in taking a bill out of another committee and blending it into a, a bill that wasn't heard in the same committee. This is the way I think it should be done. That's just me, one of 49 senators. But I was able to talk to one committee, their members, to see what they had thought about each one of those bills. And I could discuss each one with that single member instead of talking to somebody in the Education Committee, somebody in Judiciary. Senator La Grone, I appreciate you doing it right and keeping it to Banking. So I'm in full favor of LB808.

FOLEY: Thank you, Senator Groene. I see no other members in the speaking queue, Senator La Grone-- he waives closing and the question for the body is the advance of LB808 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who cared to? Record, please.

ASSISTANT CLERK: 35 ayes, 0 nays on the advancement of the bill.

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FOLEY: LB808 advances. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed: Senator Hilgers to LB996 and Senator Blood to LB790. Additionally, LR335, introduced by Senator Hilkemann and others. That will be laid over. That's all I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Next bill, please.

ASSISTANT CLERK: LB1186, introduced by Senator Hilgers, is a bill for an act relating to school districts; requires that the usual salary be paid to injured school district employees as prescribed; and repeals the original section. The bill was read for the first time on January 23 of this year and referred to the Education Committee. That committee reports the bill to General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Hilgers, you're recognized to open on LB1186.

HILGERS: Thank you, Mr. President. Good afternoon, colleagues. I want to first thank Senator Albrecht for making this her priority-- personal priority bill this year. I also want to thank the work of the Education Committee. This bill passed out 8-0 from that committee. I appreciate their work in making the bill a little bit better. I don't think I'll take my full ten minutes on the opening because this is a, this is a bill that solves a very discreet, I think, simply-stated problem, which is currently teachers in Nebraska, if they are assaulted on the job, are able to get workers' compensation. And I want to be very clear: assaulted on the job; not a slip and fall, not some other issue. They are physically attacked and harmed while on duty at their school. Currently, if they are out of, out of work for seven days or longer, workers' comp will kick in and cover that time. But the first seven days or if they are out of work for three days or six days or some days that are fewer than seven, they have to come out of their own pocket for-- from their own personal leave or sick leave. So we're not talking about the purposes for which personal or sick leave would normally be-- would accrue or be used. In other words, they get sick, something happens outside of school, they have to stay home for a family member. They use their personal accrued sick leave for that. They are using their own-- their, their own asset, their, their sick leave to solve a problem, to stay home when they are assaulted on the job. Now there are some school districts, LPS is one, and some others informally, that do provide some sort of assault leave

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for their teachers. But this is not a policy around the state. And so what LB1186 would do, it would be very simple. It just says if you are assaulted-- again, assaulted, we tied the definition to the definition of assault. This isn't something that's negligent. It's not something that's a slip and fall. You're assaulted on the job. It just says as a policy matter, you don't have to go out of your own pocket for those first seven days. That's all it does. That's all it says. It received wide support at the hearing. We had the teachers, the Nebraska State Education Association, the teachers union came in strong support. It passed out of committee 8-0. There was some objection from the school boards. I'll briefly address that. The objection was essentially, look, this is a mandate, which I don't generally like, and it's something that could cost us something. And when we put forward to the school boards and we thought it through, the question is, well, what would it cost? I mean, because we don't want school boards, schools to just go out of pocket based on a mandate that we have without thinking it through very carefully. The reality is, colleagues, that what we're talking about is the, the, the inability under the status quo of a teacher, maybe 10 years, maybe 20 years, maybe never if they run out of sick leave, eventually being able to-- when they retire, to cash in that sick leave. And under the status quo, they eventually, at some point in the future, may or may not have sick leave that they might be able to cash in; maybe, maybe not, don't know. That's not a direct and immediate cost to the schools. So on the matter of just the cost, it's very diffuse. It's very-- it's over the course of maybe years or decades if it ever really occurs at all; very negligible, in my opinion. But secondly, as a matter of policy, I think the, the body ought to ask the question, is this something that we think is right, right? Is it, is it right for a teacher to have to use their own personal or sick leave for an assault that happened on premises, at their school within the course of employment? I think the answer to that is no. We had a number of letters that came to my office, some of which we-- not all, but some of which we, we offered at the hearing from teachers who had this story. This happened to them. They were assaulted by maybe a coworker, maybe a student. They had significant injuries that happened. They, they hurt their ribs. They broke their arm or their leg or they were laid up for a long period of time. These were, these were stories of teachers who were just doing what they needed to do at school and they were attacked and assaulted and hurt. And they had to go out and use some of their sick leave that they didn't then have to use for when they might have a child or when they had-- they were actually, you know, sick. So this is a real issue that

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impacts teachers here in Nebraska. The data that was presented at the hearing was that it may be at least 100-- that 100 teachers around the state in the last year had-- actually had seven days. They actually had workers' comp for an assault. That actually, I think, undercounts the number. Based on some of the raw data the Education Committee looked at, we think that number could be as high as 300 teachers around the state. So it's a real issue impacting real teachers and I think it's small, but important. And as a policy matter, I think we ought to say if you, if you're assaulted on the job, not injured, but assaulted on the job, that you should not have to come out of your own pocket for your own sick leave or personal leave to take care of that. So there is an Education Committee amendment that will follow, that will take care of the fiscal note. So I'd urge you to vote green on the committee amendment. I would urge you to vote green on the underlying bill. Again, I thank the Education Committee, Senator Albrecht in particular, and I would, I would urge your support of this bill. And I, of course, am happy to answer any questions that there might be. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. 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. AM2554 makes only one brief change to LB1186. The amendment strikes the language on page 2, line 23-26, that would require both the school to report their assault-based workers' compensation claims to NDE in addition to their insurance provider. And B), NDE to create a capacity within their reporting system to receive those reports, since by definition, the school employee will have filed a workmen's comp claim. This data will already be-- is already available through the Nebraska Workmen's Compensation Court [SIC] data system. It was redundancy and by removing that, it takes away the A bill. So I'd appreciate a green vote on AM2554. And we are-- as you heard, the committee was in full support of LB1186.

FOLEY: Thank you, Senator Groene. Debate is now open on the bill and the committee amendments. Senator Albrecht.

ALBRECHT: Thank you, President Foley, and good afternoon, colleagues. I am honored to offer LB1186 as my priority bill. And thank Senator Hilgers for allowing me to do so because I really do care about the teachers and I believe that this is the right thing to do to protect

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our children, our teachers, and our state. This body has been learning the frequency and severity of attacks on teachers. It is time for the body to act. We need to make sure that the teachers injured by intentional attacks while they are doing their job are protect-- are going to be protected financially as well as physically. Our teachers deserve our protection. We need to protect our teachers, their families, and our children. Bills like LB1186, LB147, and Senator Murman's amendment to the LB147 move in that direction. If injured on the job by an intentional assault, the school should have the responsibility to make sure that that teacher is then taken care of financially, but they're not at this time. It appears it's up to this body to make sure that happens. Again, Senator Hilgers elaborated on-- there are, in the last year, at 300 assaults. And I do understand that Omaha and Lincoln must self-insure. So I don't know that those reports-- I would think that they're inside of that number, just because these are work comp claims. An injury-- if they are injured, we need to bridge that gap and we should be able to do that with the responsibility of LB1186 making that happen. These teachers are teaching and protecting our children. They take their jobs very seriously. They put their heart and soul into the students. And if they're injured while doing their job to the degree that they're unable to work, we must stand in and take, take this very seriously with LB1186. They should not have to spend their own money or sacrifice their own resources to support themselves and their families. If a school district doesn't have insurance to take care of them for the first week before other benefits kick in, the school district needs to bridge the gap. Nebraska is losing teachers and we need to show them that we care. We can't complain if we're not attracting and retaining enough teachers, if we're not doing our part to protect them and show them how important they are to us. LB1186 is important to our teachers. It's important to our children and it's important to our state. I urge you to stand up for the teachers and vote green on LB1186. And thank you, President Foley.

FOLEY: Thank you, Senator Albrecht. Senator Albrecht has some guests visiting today. We have the executive leadership at the Nebraska State Home Builders Association here today: Jerry Konter, from the beautiful city of Savannah, Georgia; Barbara Byrd; Bob Kelberlau; and Michael Gray. Those guests are with us under the north balcony. If those guests could please rise, we'd like to welcome you to the Nebraska Legislature. And Senator Albrecht also has some guests from the State Home Builders Association up in, up in the north balcony. If those

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guests could please rise, like to welcome you all to the Nebraska Legislature. And Senator Erdman has some guests as well. We have Butch, Robert, Amy, and Larry Stanley of Big Springs, Nebraska. Those guests are with us under the south balcony. Could those guests please rise so we can welcome you to the Nebraska Legislature. Continuing discussion on the bill and the pending committee amendments. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President and good afternoon, colleagues. Colleagues, I do rise in full support of Senator Hilgers' bill and I appreciate Senator Hilgers bringing it and Senator Albrecht prioritizing it. I do want to talk about kind of broadly, since this is talking about the impact of workers' comp on teachers. This gap where if you're assaulted at work and therefore have to use your own personal paid time off because work comp doesn't cover you, is something that applies to all employees, unless they, say, have a collective bargaining agreement providing something off-- different. So I am in total support of making sure that teachers have some support and opportunities this week, this very first week before workers' comp benefits can kick in. And if the body chooses to go forward with this, you know, I know we have other employee groups that might work in high-risk and high-danger jobs, so that might be something, in a future year and a future bill, the body might want to consider. So, again, I'm very happy and glad we're gonna help fix this problem for teachers. And we might want to just kind of think about what other maybe high-risk or injured professions might need to be addressed in future bills because as I said, you-- currently, anybody under workers' comp doesn't get compensation the first seven days, unless they're out for at least six weeks. So there's a lot of people who fall into this loophole. With that, I will be voting green on the bill. Thank you, Mr. President.

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

GROENE: Thank you, Mr. President. I want to make sure everybody understands. My staff did a FOIA on the workmen's comp, which they would have gave it anyway, but there was over 300 cases last year that could have been considered assault. For example, I'll give you some as they-- when they summarized it: student was in crisis, he bit right hand; student bit right bicep; student bit thigh and scratched hand; student bit left index finger; student bit right breast. The one thing I wanted to make sure everybody understood-- there's a lot more than 300 assaults happen in the school. These are only the ones that they

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had to take seven days off and then they took workmen's comp. They could not go back to work because of their injuries. So just consider how many actual assaults happen. The teacher who gets hit, beat, and shows up to work for the next day doesn't show in these statistics. The teacher who takes four, five, six days off or even seven days off and then goes back to work and didn't apply for workmen's comp does not show up in these statistics. We have an epidemic. We have a problem in our schools. This is just one thing we can do to help those teachers who are so severely assaulted that they have to take time off of work from the injuries. And I'm gonna throw an add in here, LB147 addresses a lot of that-- rest of that, addresses the training and everything, which that bill will come back. So that teacher knows how to handle that individual who bit their hand, bit their breast, bit their arm. Also, it gives the training on how to de-escalate to make sure that it doesn't reach that level. This plays right into LB147. And hopefully in a year or two after we pass LB147, there isn't 300 cases, there's not 200 cases, there isn't 100 cases because our teachers are safe again because of the training and the, and they forced the schools to have a policy on how to handle this ahead of time. So I encourage the vote on LB1186 and it's the first step in, in showing support for our school employees. And we can go a lot further with LB147. Thank you.

FOLEY: Thank you, Senator Groene. Senator Murman.

MURMAN: Thank you, Mr. President. I also want to emphasize the needs for-- need for this bill. We had an interim study this summer that got a lot of testimony from teachers that had been injured on the job. They were, I think, all or almost all from assaults. I was shocked by the-- how, how serious some of the injuries were and how often they seemed to have occurred and how many there were. As Senator Groene mentioned, also in the testimony about this bill, there were, I believe, 300 assaults in the last year and these were all assaults. And the-- I think it was an insurer that was giving this testimony and that doesn't include LPS or OPS. So it was schools all over the state, excluding the two biggest schools or two of the biggest schools, that you would assume that maybe a lot of these assaults might have occurred in. So it's very common and there is a need for this. And I just wanted to add that I have prioritized LB147. And with the training bill that I've included with that, I, I think this-- that'll go a long way to address the, the real problem that we do have in our

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schools in this state. So thank you very much, Mr. President, for the time.

FOLEY: Thank you, Senator Murman. Senator Groene, you're recognized to close on the committee amendment. He waives close and the question for the body is the adoption of AM2554 Education Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 41 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: The committee amendment is adopted. Is there any further discussion on the bill as amended? I see none. Senator Hilgers, you're recognized to close.

HILGERS: Thank you, Mr. President. Thank you, Senator Albrecht, again, for your priority designation, the words of Senator Murman, Senator Groene, those others who are supporting this bill. I appreciate the Nebraska State Education Association as well along with all the other teachers who have come out in support with this. I did neglect to mention in my opening-- I also appreciate the work that the State Board Association [SIC] has done. They, they had some concerns. They were-- they opposed it at the hearing. They still have a few remaining concerns that we intend-- I commit to working with them to see if we can have any kind of amendment on Select File that might make this bill even better. But again, I would encourage your vote for LB1186. I think this a good bill that will help teachers here in Nebraska and I appreciate your support. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Members, you heard the debate on LB1186. The question for the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 45 ayes, 0 nays on the advancement of the bill.

FOLEY: LB1136 advances. Proceeding to the next bill, LB881. Mr. Clerk.

ASSISTANT CLERK: LB881, introduced by Senator Matt Hansen, is a bill for an act relating to criminal procedure; changes provisions relating to collection of fines and costs; and repeals the original section. The bill was read for the first time on January 9 of this year and

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referred to the Judiciary Committee. That committee reported the bill to General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Matt Hansen, you're recognized to open on LB881.

M. HANSEN: Thank you, Mr. President, and good afternoon, colleagues. LB881 is my personal priority bill and with the committee amendment, it is a package of Judiciary Committee bills that aim to improve criminal procedure, including two other bills of mine that I introduced, LB282 and LB1007. The vote to adopt the package through the committee amendment was unanimous, with one senator absent and I'll let Senator Lathrop explain the rest of the package in his introduction to the committee amendment. The vehicle here is LB881, which would prohibit courts from automatically using an offender's bond money to pay the fine without the offender's consent. This issue first came to my attention when an attorney in my district came to me because he had a client whose fine was paid out of her bond money without her knowledge or consent. A person pays bond with the understanding that if they make the required court appearances, that that money will be returned to them. This understanding is set in statute by Nebraska Revised Statute 29-901, which says, "The cash deposit shall be returned to the defendant upon the performance of all appearances." It only makes sense that once a person makes the required appearances, they fulfill the condition of their bond and the balance should be returned to them if they would like it. In 2012, this body passed a bill, LB722, a bill that made changes to allow court costs and fines to be automatically deducted from an offender's bond money. However, after looking at the legislative history, it is clear the discussion of the bill focused mainly on the benefits of the court being able to automatically deduct court costs and not the fines. This makes sense since counties in the state have an interest in collecting court costs in an efficient way in order to operate, but the fines go to the school fund and not the counties or the courts. Following that bill, in 2017, we passed LB259 that requires courts to consider an offender's ability to pay an offer to the defendant's different opportunities depending on the situation, including payment plans or community service, in lieu of a fine. Thus, I think there is a conflict between these two statutes that I'm trying to resolve in LB881. Just because you were able to scrape together the money to a bond, doesn't mean you can actually truly afford it. For example, if money-- it may be money posted by a family member who is under the assumption that it will be returned to them at the end of the case. I

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believe that if you make the required court appearances, the bond money should be returned to you if you'd like and the court can then assess the ability and way of paying. LB881 had its hearing on January 23, where it had no opposition testimony. I would really like to thank the Judiciary Committee and their staff and Bill Drafters for their work in putting the committee amendment together. And I'm entirely supportive of the committee amendment and Senator Lathrop's amendment. I would encourage your green vote on all three. With that, I will close and thank you, Mr. President.

FOLEY: Thank you, Senator Matt Hansen. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Lathrop, as Chair of the committee, you're recognized open on the committee amendment.

LATHROP: Thank you, Mr. President. Good afternoon, colleagues. The Judiciary Committee voted to amend LB881 with AM2628 and advanced the bill to General File on votes of 7-0, with one member absent. AM2628 replaces the original bill. The provisions of the original bill are included in Section 13. The amendment also includes provisions from several other bills that have no fiscal impact and either did not have opposition at their hearings or have no opposition as amended. This might be generally regarded as a criminal procedure Christmas tree bill. Section 1 contains parts of LB945, which would require the cities of Omaha and Lincoln to prepare an annual report listing the number of untested sex assault evidence collection kits. Section 2 and 3 are an amended version of LB776, which would allow expert testimony regarding eyewitness identification and memory to be admitted under the Nebraska rules of evidence. Section 4 is an amended version of LB282. This bill would create a presumption that defendants charged with most city ordinances and classed IIIA, Class IV, and Class V misdemeanors, those are the more or less serious-- pardon me, the less serious offenses, would be released on their own recognizance. The court would still set a bond to protect the public safety or assure appearances of the defendant. This section would also require courts to appoint counsel when the court sets a bond for an indigent defendant that that person cannot afford. Sections 5 and 6 are the amended version of LB1041. These sections would clarify the process for making transcripts publicly available for grand juries that are convened to investigate the death of a person in custody or detention. Sections 7, 8, and 9 contain an amended version of LB1007. These sections would reduce the time spent-- pardon me, the time between court reviews of a person found incompetent to stand trial to every 60 days. These sections would also create a process for a defendant to

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move to dismiss the charges if they have not been restored to competency and if they would not be restored to competency in the reasonably foreseeable future. Sections 10 and 11 contain portions of LB1180, which would increase the number of alternate jurors a court can impanel to six. Section 12 contains Section 4 of LB1181, which would prohibit a person from being held in custody while awaiting trial for a period of time longer than the maximum sentence for that offense. Sections 14 and 15 include portions of LB213 and LB777, which relate to applying to set aside of conviction. LB777 would replace references to infractions, misdemeanors, and felonies and simply use the term "offense." LB213 would allow a person sentenced to community service to apply for a set aside, along with certain people sentenced to a period of less than a year of incarceration. That is the amendment. I have an amendment to the amendment that I'll open on when I'm next recognized. Thank you, Mr. President.

FOLEY: Thank you, Senator Lathrop. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Lathrop would move to amend the committee amendments with AM2763.

FOLEY: Senator Lathrop, you're recognized to open on AM2763.

LATHROP: Thank you, Mr. President. Colleagues, in my introduction, I indicated that these are bills that had no opposition or that we have cleared up the opposition primarily. Well, some opposition came along or some concerns were expressed after the amendment was filed. And my amendment, AM26-- pardon me, AM2763, is intended to address concerns that were provided to me yesterday or the day before. After AM2628 and LB881 were advanced to General File, a handful of issues were brought to my attention for the first time. AM2763 would address these issues. There are three. First, the amendment clarifies Section 12 and adds a provision that a judge can hold a hearing and impose conditions of release when a defendant is released. Second, the amendment clarifies Section 13 to clarify that a defendant can choose to deduct a fine from his or her bond. Third, the amendment amends Section 14 to maintain the status quo related to previous criminal convictions and possession of a deadly weapon by a prohibited person under Section 28-1206. I would encourage your support of the two amendments as well as the underlying bill and I'm happy to answer questions you may have regarding these comparatively or completely noncontroversial criminal procedure matters. Thank you.

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FOLEY: Thank you, Senator Lathrop. The debate is now open on LB881 and the pending amendments. Senator Slama.

SLAMA: Thank you, Mr. President, and good afternoon, colleagues. As Senator Lathrop and Senator Hansen have described, LB881 is a combination of several different bills we heard in committee. And I just had a couple of questions for a few of the original bills as introducers to clarify for the record as to what these bills do and the need for them. I think it's important we get that clarified. So, Senator Hansen, would you yield for a question?

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

M. HANSEN: I'd be happy to.

SLAMA: Thank you. So Senator Hansen, LB881, are there other states that have similar provisions when it comes to this subject matter?

M. HANSEN: I couldn't answer that. I don't know.

SLAMA: OK. Sorry, I was just trying to check for my reference if this was something that other states were doing in terms of the prohibition of deducting fines and costs from the bond. But in any case, is Senator Cavanaugh on the floor by chance?

FOLEY: Senator Cavanaugh, would you yield a question, please?

CAVANAUGH: Yes.

SLAMA: Thank you, Senator Cavanaugh. So your bill, LB945, which requires the cities of Omaha and Lincoln to create an annual report listing their number of untested sexual assault kits, what was your reasoning in just having Omaha and Lincoln be included in LB945?

CAVANAUGH: For just having Omaha and Lincoln?

SLAMA: Yeah.

CAVANAUGH: Well, Omaha, specifically, does utilize other entities outside of the State Patrol for their testing so-- and they're also the two largest districts that do kit testing. So to get a snapshot of where we're at as a state, that was-- seemed like a good place to start.

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SLAMA: OK. And is that information that is handled through the State Patrol, is that already publicly available or is--

CAVANAUGH: They already issue reports to the federal government. This would be a report that would be publicly available so that advocacy groups could help pursue dollars to increase investment in getting zero count on our outstanding kits.

SLAMA: OK. So those reports are available on the federal level, but not on the state level, nor are they available on the public level, right?

CAVANAUGH: Yes.

SLAMA: OK, great. Thank you, Senator Cavanaugh.

CAVANAUGH: Um-hum.

SLAMA: Is Senator DeBoer-- yes, she is.

FOLEY: Senator DeBoer, would you yield, please?

SLAMA: Would Senator DeBoer yield?

DeBOER: Yes, I would.

SLAMA: Fantastic. So I just had a quick question about your LB776. So that allows evidence from an expert witness regarding eyewitness identification and memory to be admitted under the Nebraska evidence rules. Right now, we're one of the few states that doesn't permit this, correct?

DeBOER: We are the only one.

SLAMA: We're the only one out of 50 that doesn't allow experts to testify regarding eyewitness testimony?

DeBOER: That's correct.

SLAMA: Wow. Thank you. That's actually a factoid I didn't realize, thank you. And then Senator Wayne, is he available for a question?

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes.

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SLAMA: All right. Senator Wayne-- and I'll yield you the rest of my time after I get done asking this. On LB1181, you provide there that a person can't be held in custody while awaiting trial for an offense for a period of time longer than the maximum sentence for that offense. I just wanted to yield you the remainder of my time to discuss that that happens in our state because that was something that stuck out in my mind throughout committee hearings this year is that this is something that actually occurs in our state.

FOLEY: Senator Wayne, you've been yielded 1:15.

WAYNE: Thank you. And I'll use a little bit less than that, but even our prosecutors and Attorney General, during the testimony, admitted that many times a person is charged with particularly a misdemeanor or a Class IV felony, but typically a misdemeanor. By the time they get done actually getting to trial, they may have made a plea and the trial has been dropped. They still may have to wait 30 days, 60 days to get to actual court. So they might only be sentenced to 90 days, but they actually don't get out or get to court to get out until 97 or 110 days. So they're actually in jail longer than their actual sentence. And so unfortunately, it does occur. It's a timing thing. And I fundamentally believe that's wrong, that you should not be in jail or prison longer than your sentence. And it's a, a shame that we have to bring a bill to do that, but that's what our bill does. Thank you.

FOLEY: Thank you, Senator Wayne. Senator Linehan.

LINEHAN: Thank you, Mr. President. I don't know. I've talked to Chairman Lathrop about this, but I usually-- I do trust the committees, but last week, I got a phone call about an article that was in the Omaha World-Herald about two very young-- they're still children, actually; 12 and 14 years old. And the question was, why did you change it so we cannot arrest or hold overnight, children? Which-- I can imagine if I was sitting on the floor and that came up, I would say, no, we shouldn't arrest or hold overnight, children. That makes sense, right? But this 12- and 14-year-old became car thieves at the ages of 12 and 4 [SIC]. They lacked in-- what they lacked in driving sophistication, they made up for in adolescent callousness. They didn't just joy ride, they joy wrecked. Time after time, they smashed windows at Omaha used-car dealerships, smashed cars into each other, even turned off the airbags so they wouldn't get skin burns upon impact. They drove erratically, sporadically, and supersonically. Not

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only did they drive fast, they got out fast. The 12-year-old wasn't eligible for detention because of state law. The 14-year-old never spent a night in Douglas County Youth Center, courtesy of a juvenile probation officer's decision. So I'm gonna ask some questions about this today where I would usually not involve myself because I am not-- I know about a lot of things, but this is not something I know about. But this-- and I don't want children in jail, but we got to have to have a better system than you take them home. I think these children repeated this three or four times. They went home and within a month they did this, like, three or four times. So that's not a very good answer, especially when they're driving cars they're clearly not licensed to drive. And I don't know, you're supposed to be able to do something if they're a danger to the public. I don't know how driving cars down the highway isn't a danger to the public. So I'm gonna ask some questions today that I probably wouldn't usually get up, so on-- because this bill has a lot of things in it-- I'm trying to see who-- I think this is Senator Matt Hansen on LB282 so Senator Hansen, would you yield for questions?

FOLEY: Senator Hansen, would you yield, please?

M. HANSEN: Yes.

LINEHAN: The bill-- I'm reading from the committee statement, the bill would require the court to appoint counsel when setting a bond and the defendant is indigent, indigent-- excuse me, and cannot afford the amount. The bill would also create a presumption that defendants charged with city ordinances Class IIIA, Class IV and V misdemeanors not involving driving under the influence or a crime against the intimate partner would be released on their own recognizance. So can you explain why you think this change is necessary?

M. HANSEN: Sure. So the premise here is that-- so Class IIIA, IV, and V misdemeanors in our, in our state's statutes are seven days in jail and less. And currently, we're having people who get a bond assessed to them and they cannot pay it and so they wait in jail for three, four, five, six weeks for trial. And then they get sentenced to, like, a \$500 fine and if they're not at risk of jail time at the end, we wanted to create a presumption that they wouldn't be sitting in jail waiting for their trial. We still do have provisions that if they have warrants out for their arrest, that they have, kind of, you know, not complied with prior court or if they're a danger, the judge can still order it. But we wanted to kind of set the presumption that, you know,

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if all you're getting is a fine or all you're getting is seven days in jail, you shouldn't necessarily sit several weeks in jail waiting for trial.

FOLEY: One minute.

LINEHAN: OK. So this says the court could still set a bond to protect the public safety or assure the appearance of the defendant. What does "could" mean? Does, does this defendant ever go in front of a court or is this something that happens when they book them? Where does the court come into this?

M. HANSEN: Yeah, so there would be-- so if somebody is arrested on this-- so at the beginning, the officer always has-- a lot of instances, the officer has a discretion as to whether or not he wants to just cite and release like a traffic ticket, and that sometimes happens with these low-level misdemeanors, or other times, they take him to the jail, especially if, say, they take him to the jail. And then that's an instance where the-- typically the next day, you end up in front of a, a, a judge and they read you your charges and set the bond. And at that time, you know, if it's a low-level charge, you know, the judge can say, you know-- it's supposed to-- we would encourage them to let them out--

FOLEY: That's time, Senators.

M. HANSEN: --on their own recognizance [INAUDIBLE].

LINEHAN: Thank you, Mr. President.

FOLEY: Thank you, Senator Linehan and Senator Matt Hansen. Senator Pansing Brooks would like us to announce a guest today. We have with us the senator's cousin, Steve Guenzel, of Lincoln, Nebraska, with us under the north balcony. Mr. Guenzel, if you could please rise, we'd like to welcome you to the Nebraska Legislature. Continuing discussion, Senator Groene.

GROENE: Thank you, Mr. President. I've-- looking at this bill and I see 10 different bills, 11, actually. How am I supposed to be, as a senator, make a decision on this when normally we would have had discussion on 11 bills? I do have a question for Senator Lathrop.

FOLEY: Senator Lathrop, would you yield, please?

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LATHROP: Yes, I will.

GROENE: I see here that the amendment came out 7-0, one absent, but the amendment included all 10 of those bills. In Exec, did you vote on each bill? Is there a recorded vote on each bill as you amended it into the, into the amendment?

LATHROP: I think we went through each one, yes.

GROENE: Is there a record so I could look at if that was all an 8-0 vote on all of those 10?

LATHROP: It was actually 7-0. I think Senator Wayne was in Urban Affairs at the time, if I'm remembering right.

GROENE: All right, thank you. So the vote was mirrored all the way through, 7-0?

LATHROP: Right. Many of these things would have been consent calendar, but we had no reason to believe one was going to be available.

GROENE: That's fine, I just wanted to see the record, if there was one. On LB213 and LB777, it's combined here in Section 14, 15. I'm confused, what's-- I'm just looking at the synopsis here. It says here we're going to replace references to infractions and misdemeanors, felonies, and use, and use the term "offense" instead. Senator Lathrop, could you explain-- where are we gonna replace that and use the word "offense" instead of a felony or a misdemeanor?

LATHROP: Let me get to the section.

GROENE: Anyway, I'll--

LATHROP: We have a process right now where you can petition the court and ask to have a conviction set aside. That process that-- the people that are eligible for that process, we include felons right now, the people that are eligible, there are, there are two holes in them. One has to do with people that get community service. What's the other one?

_____ : [INAUDIBLE]

LATHROP: People that are incarcerated and people that are given community service.

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GROENE: All right. And now-- but I still don't understand. Where are we changing, where are we changing the word "felony" to "offense?" I mean, all of a sudden, I'm-- somebody is gonna tell me they're not a felon, they're an offender? Are we eliminating that word in the records, the word misdemeanor, infractions, felonies?

LATHROP: What we're doing-- on page 17 of the amendment, we are replacing the term "infraction, misdemeanor, or felony" with the word "offense."

GROENE: Where? Everywhere, everywhere in the records?

LATHROP: It's just in the statute.

GROENE: Right.

LATHROP: We're not replacing anybody's record. If you get convicted of a felony, you're convicted of a felony.

GROENE: Thank you. It wasn't clear-- I was just looking at the synopsis. I haven't had a chance to read-- I have a hard time reading one bill at a time, let, let alone 11 of them that are all in the same bill. I-- why am I doing this? Because I don't like voting on something I didn't have-- see full debate on because there's, there's so much information here. I-- you know, the, the fines-- the original bill has to do with bonding and, and it seems to me we're, we're allowing more offenders to go free without having to provide a bond if the court says. And then we don't-- it looks to me like they can be released without paying their fine. Senator Lathrop, would you ask-- answer another question?

FOLEY: Senator Lathrop--

GROENE: Senator Lathrop, would you answer another question?

FOLEY: Senator Lathrop, would you yield to further questions?

LATHROP: Yes.

GROENE: Wouldn't the-- if a person is fined and he-- he's released from court that day, I'm assuming--

LATHROP: Yes.

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GROENE: How are we assured that he pays his fine?

LATHROP: So you're asking about the bond?

GROENE: Yeah, or the bond--

LATHROP: So the bond, the bond now--

GROENE: --now we-- now they can take it out of the bond.

LATHROP: So the first thing that can happen-- let's say that you're in there for disorderly conduct. You, you have a trial and you lose and you had posted a \$200 bond and the judge fines you \$100 plus court costs. Under the bill, the court costs will automatically come out and the judge will ask you, do you want to pay your fine from your bond? If you need that to pay your rent or to take the bus back to your house, you can say no.

GROENE: Well, how does the-- how did the court get paid their fine? Guaranteed they will be paid?

FOLEY: That's time, Senators.

GROENE: Thank you.

FOLEY: Thank you, Senator Groene and Senator Lathrop. Senator Albrecht.

ALBRECHT: Thank you, President Foley, and I would like to ask Senator Lathrop if he'd yield to a couple of questions?

FOLEY: Senator Lathrop, would you yield to further questions, please? Senator Lathrop, further questions?

LATHROP: Yes.

ALBRECHT: Thank you, Senator Lathrop. My questions deal with-- Senator McCollister, I just visited with him off the mike, and he said that you might be able to help him with this.

LATHROP: OK, I'll try.

ALBRECHT: So would you-- I believe I'm on page 18 of the amendment of AM2628.

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LATHROP: OK.

ALBRECHT: And I recall in the past couple of years, this has been brought before this body and failed. So I would like for you to help me understand where in, in this particular bill-- some of the things that-- I think Senator McCollister handed us a sheet that talks about what his LB213 did before. So I guess my questions are gonna be related to-- is everything that he had asked about a few years ago now in this particular bill? And if, if this bill-- I'm sure it was heard in your committee, if there were any proponents or opponents at the time that we did listen to this particular bill? So it says that on, on Senator McCollister's sheet of paper that they would allow an individual convicted of a misdemeanor or a felony and sentenced to jail or prison for their offense to petition the court to set aside their conviction after their sentence is completed. So where in here would it say that they can do that, is it--

LATHROP: Well, let me start by-- first of all, I'm happy to answer questions for you. What I can't do is tell you how this compares to something that happened before I ever got here because that was not even a consideration for me. What I can tell you is I've worked through this with the county attorneys, all right?

ALBRECHT: OK.

LATHROP: The things that were problematic in a previous iteration of this two years ago--

ALBRECHT: OK, so let's just walk--

LATHROP: --I don't believe are in there.

ALBRECHT: --let's just walk through then. I won't even talk about that, but let's just walk through, on page 18. So, so they petition the courts after the fact no matter what they've done, whether it's a misdemeanor or a felony and they've served their time, they're gonna go back and get-- is it considered a set aside, where they, they're relieved of all of their issues, no matter what they've done? If you're a sex offender, a drug addict, a felon, felony conviction, do they just-- they can petition the courts, is that what this says?

LATHROP: They can petition the court. The court is not obliged to set it aside, but you can petition the court.

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ALBRECHT: OK. Well, you know-- and thank you, Senator Lathrop. I'm sure that you could certainly answer me this, though. Were there any proponents or opponents on this bill? Because we're not able to look to see what the committee report was.

LATHROP: Just a second. It's not exactly the case--

ALBRECHT: I can't--

LATHROP: The committee statement reflects the votes on each one of the bills that have been amended into, into this bill.

ALBRECHT: OK.

LATHROP: We had proponents and opponents on McCollister's bill, proponents included Ryan Sullivan, Clair Monroe, Sami Schmit, Timothy Noerrlinger; no opponents. On Wendy DeBoer's bill, Senator DeBoer's bill, Ryan Sullivan, Erin Olsen, Spike Eickholt, and no opponents. There were some concerns expressed by the county attorneys, which were accommodated in the Lathrop amendment.

ALBRECHT: OK. Again, this is difficult to--

FOLEY: One minute.

ALBRECHT: --to see all these different bills within this and, and have questions about it. I'd like to support it. I know how important a short session is to try to put as much in there as you can, but it's just not some-- this particular part of it is not something I'm comfortable with. So I'll continue to listen to the debate. And thank you, Senator Lathrop, for your time.

FOLEY: Thank you, Senator Albrecht and Senator Lathrop. Senator Linehan.

LINEHAN: Thank you, Mr. President. And I'm sorry I did not give him a heads up, but, Senator Hansen, could you yield for a question, please?

FOLEY: Senator Matt Hansen, could you yield, please?

M. HANSEN: Yes.

LINEHAN: So under 881-- LB881--

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M. HANSEN: Um-hum.

LINEHAN: --it says-- it's back to the bond. They can't deduct the fines from the bond. So is that-- that's common practice now, if they have a fine to deduct it from the bond?

M. HANSEN: It's allowed now and it kind of-- we have some inconsistencies across courts on how common that is. Some judges kind of take the time to ask and some-- we've heard reports-- kind of do it more automatically. And so that's what we're trying to do, is make sure the defender has the-- always the option to say yes or no.

LINEHAN: But they don't have the option whether they pay the fine or not, right?

M. HANSEN: No, they don't.

LINEHAN: So wouldn't good business practice-- I mean, I think most people who have payment in hand don't hand it back because--

M. HANSEN: Sure. Well, and, and the, and the fine is-- so the fine doesn't get necessarily-- that's why we kept the, the court costs in there but took out the fines. So for us running the state, us running the courts, the counties running the courts, you still can take the court costs automatically and ensure you're paid. The fine is then kind of the punishment and that's something where-- since we've given them the opportunity to ask for a payment plan, community service in lieu of a fine, which is why we're looking at it with LB881.

LINEHAN: So where would the fines go if-- that we're not collecting?

M. HANSEN: The school fund.

LINEHAN: Excuse me?

M. HANSEN: The common school fund.

LINEHAN: So we're not collecting money. If we, if we don't collect these fines, then there's money not going to the schools?

M. HANSEN: Yes, if the fines go uncollected, it will go to the schools. It would not go to the funds, yes.

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LINEHAN: Do you have any idea how many uncollected fines we have that aren't going to the schools?

M. HANSEN: No, I don't. And I, and I should say my intent is, if I can, my intent is not to make these fines uncollected. It's just to, say, give the offender the opportunity to say which source of funds they want to use.

LINEHAN: So what happens when somebody doesn't pay their fines? Do we have a collection agency at the county court or do we usually hand that over to a firm that collects--

M. HANSEN: If you go unpay [SIC] your fines, you have to sit out your fines in jail. So eventually, you'll get a warrant for failure to comply and you'll have to go sit in jail instead of paying your fine.

LINEHAN: So wouldn't it be better if we just kept the fine money and didn't have them come back to jail?

M. HANSEN: Well, that's presuming that they won't pay the fine money.

LINEHAN: Well, I don't know. I've dealt with a lot of people and money and when people get behind on their bills, it's very, very hard to catch up. And when you can't pay your rent or buy groceries, it can be very hard to find money. And I-- I'm not trying to be mean here--

M. HANSEN: Sure.

LINEHAN: --but I'm just trying to be realistic that your, your options that you're setting these people up are for failure. They've got the money. It's in hand. They can pay their fine. They don't have to worry about going to jail. We don't short the schools the money. We don't end up-- I don't-- this is a problem for me that you wouldn't-- we wouldn't keep the fines. It, it doesn't-- and I especially am concerned since we don't have an amount of money we're talking about. I mean, maybe if it's only, you know, a few thousand dollars, it's not a big deal. But we should have some idea of how much money we're talking about here, don't you think?

M. HANSEN: Sure. I would, I would speculate it's minimal. We do have a fiscal note who did look at this. And I don't think they--

LINEHAN: They didn't mention anything about--

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M. HANSEN: Right.

LINEHAN: Because it's not our money. As you've said, this isn't money that we would get. We would have a fiscal note. I'm sure there would be a fiscal note if it was state money we were not getting.

M. HANSEN: Well, as I understand, the common school fund is state money.

LINEHAN: Well, it goes to the schools so it doesn't come into the General Fund.

M. HANSEN: OK.

LINEHAN: So-- OK. Thank you very much.

M. HANSEN: You're welcome.

LINEHAN: How much time do I have left?

FOLEY: One minute.

LINEHAN: Senator Pansing Brooks, would you yield for a question, please?

FOLEY: Senator Pansing Brooks, would you yield, please?

PANSING BROOKS: Happy to.

LINEHAN: Thank you. On your section here, LB1041, this bill clarifies the process for making publicly available so the-- on a transcript for a grand jury. And I just-- again, I'm not an expert on these issues. I always thought the purpose of a grand jury was to be secret so they could get information they were fearful they wouldn't be able to get in an open court. Isn't that-- why do we have grand juries?

PANSING BROOKS: Thank you for that question. So I brought this at the request of, of the Nebraska Association of County Officials and also the clerks of the district court. And the reason they brought it to me is that recent Nebraska Supreme Court orders allow for the review of transcripts in grand jury proceedings. So LB1041, my portion of this bill, provides guidance and uniformity as to whether transcripts of grand jury proceedings are treated like public records and whether copies can be made. So--

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LINEHAN: But-- but--

FOLEY: That's time, that's time, Senators.

LINEHAN: OK. Thank you, Mr. President. Thank you, Senator.

FOLEY: Thank you, Senator Linehan and Senator Pansing Brooks. Senator Arch.

ARCH: Thank you, Mr. President. I guess I'm kind of like everybody else, there's a lot of bills here and, and trying to-- just trying to understand it. And, and if, and if I could ask Senator McCollister a couple of questions?

FOLEY: Senator McCollister, would you yield, please?

MCCOLLISTER: Certainly.

ARCH: You had, you had talked to me off-- before this bill was introduced and told me a little bit about LB213, which is included here. Could you tell me the difference between a set aside and a pardon?

MCCOLLISTER: A set aside is, is pretty well set in law currently. And if you go to the amendment, you can see that the discussion about a set aside is there already. It's in current law. But what it does, it's not a pardon. A pardon-- your complete record is expunged and all of your rights are restored. And a set aside only, only gives you a few new rights or rights that you had taken away from you at the time of your conviction.

ARCH: OK. And so, and so for a set aside then to occur, this would be a petition to the court?

MCCOLLISTER: Yes, indeed.

ARCH: And, and so the judge then determines whether-- I guess, how does a judge make a decision, determination? How much latitude does a judge have to determine whether or not to approve the set aside request?

MCCOLLISTER: Well, certain offenses are excluded; murder, rape, you know, those-- certain felonies are not included. You would need to know that in the first place. But secondly, this only occurs after the person-- if, if he or she has served a sentence in jail and has

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completed probation. And then an attorney will make a petition to a court and the judge that heard the-- who tried the case or in that same court will make that judgment. But it generally occurs three, four, or five years after, after probation occurs.

ARCH: OK. So the, the intention of this is to, I'd say, help the individual get employment, is that, is that kind of what the intention of it is?

McCOLLISTER: I'd say it is. It's almost a workforce development kind of issue because it enables that person to perhaps get a better job and move along the employment trail. So I-- it's an important factor. And I think those people that can receive a set aside, their lives are improved.

ARCH: I, I just don't-- I don't personally recall ever seeing that on a, on an application for employment. Generally, the question is, have you ever been convicted? Check here. But not have you ever, you know-- is that, is that something that the individual is required to, to tell the employer or is, is that-- if they've received that, they don't need to check that box? Do you know how that works?

McCOLLISTER: No, that doesn't occur at all. But what it does do is they can give that person, that employer, potential employer, a copy of the set aside and perhaps that will make that employer more likely to hire that person.

ARCH: OK. So if they have been convicted, that box is still checked?

McCOLLISTER: Yes.

ARCH: But then they are provided-- the individual would have, hopefully, that document from the court that, that, that-- OK. All right, I think I understand better. Thank you. Thank you, Senator McCollister.

McCOLLISTER: Thank you.

ARCH: I yield-- how much time do I have?

FOLEY: 1:20.

ARCH: I yield the balance of my time-- I think Senator Linehan sounds like she has some more questions.

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FOLEY: Very good. Senator Arch, thank you. Senator Linehan, 1:20, if you care to use it.

LINEHAN: Yes. All right. Well, yeah. Thank you, Mr. President. Thank you, Senator Arch. Senator Hansen, could you yield to a question, please?

FOLEY: Senator Matt Hansen, would you yield?

M. HANSEN: Yes.

LINEHAN: So on your LB1007--

M. HANSEN: Yes.

LINEHAN: So just-- can you just tell me what your-- because this sounds a little scary, but maybe it's not. The bill reduces the time between court reviews of a person's competency--

FOLEY: One minute.

LINEHAN: --to stand trial. And then if, if they don't meet the timeline, the charges are dismissed. Isn't that a bit dangerous?

M. HANSEN: It's not automatic, it's something that they can request. Again, this is just an optional thing. So what we're having right now is reducing the timeline--

LINEHAN: Um-hum.

M. HANSEN: --which was something that both sides, county attorneys and prosecutors like, because we're, frankly, having such long wait times to the regional center. People, kind of, are getting lost in the system with the six months. And then the, kind of, acknowledgement is that if, say, somebody is there for a small crime and has been waiting--

LINEHAN: OK, we're gonna run out of time.

M. HANSEN: Sure.

LINEHAN: So maybe I-- I will come back to it next time.

M. HANSEN: Of course.

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LINEHAN: OK, thank you.

FOLEY: Thank you, Senator Linehan and Senator Matt Hansen. Senator Briese would like to announce some guests today. We have with us 31 fourth graders from Centura Elementary School in Cairo, Nebraska. Those students are with us up in the north balcony. Students, please rise, like to welcome you to the Nebraska Legislature. Continuing debate, Senator Slama.

SLAMA: All right. Thank you, Mr. President. I think today's debate about LB881 is a bit of a word of caution when it comes to Christmas trees. I know that Christmas trees are typically four to five bills and are introduced for the sake of us not having a consent calendar in the short session. But wow, having 10 bills come at us all at once has led to a lot of questions. And I almost wish that the introducers of these bills would get up and do an open, like a consent calendar open, just so that we can get the essence of these bills correct, instead of having to go and ask the introducers themselves as to what these bills do, why they were introduced, what the ins and outs of these bills were. I mean, that five minutes apiece, I think, would make a huge difference. But we are where we are and I was wondering if Senator McCollister would yield to a question?

FOLEY: Senator McCollister, would you yield, please?

MCCOLLISTER: Yes, I will.

SLAMA: So, Senator McCollister, Senator Albrecht raised an interesting question with Senator Lathrop that I think that you may have some ideas about or some clue to in terms of set asides, the history of set asides in the last few years. I know that this has been an issue that you've worked with extensively. So I was wondering if you could provide some background as to the set asides and what your bill, LB213, specifically does when it comes to changing the current set aside statutes, which are already in place?

MCCOLLISTER: With pleasure. Thank you, Senator Slama. I introduced a bill, LB350, in 2016, which dealt with set asides. The bill passed the Legislature, but was vetoed by the Governor. Why? Because we didn't specifically list out the offenses that wouldn't be eligible for a set aside. And as you look at the amendment this year, we've, we've pretty well determined or listed out those offenses that would not be eligible for a set aside. So that's, that's the history of that bill.

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This bill, LB213, was introduced last year and, and came to the Legislature-- it came to the Judiciary Committee and, and sat there until this year and now it's part of the Christmas tree. So that is the legislative history of set asides. I should also mention that a number of set aside amendments have already been heard and passed in this body. Senator Hansen had one last year that was passed and I think other senators have had that as well. And that's why, as you look at the current statute, the set aside provisions are included in, in those statutes.

SLAMA: Thank you, Senator McCollister. Could you just provide some clarification as well as to how LB213 has those tighter definitions for what a low-level offense is just to kind of--

McCOLLISTER: Sure.

SLAMA: --contrast it to the 2016 bill?

MCCOLLISTER: Yes, I sure can. If you'll look in Section 7-- Section 14, I'm sorry, and on page 18, it lists out the, the offenses that would not be eligible for a set aside. So I think we've, we've dealt with that problem that we faced in 2016.

SLAMA: Thank you, Senator McCollister, appreciate it. Senator Hansen, I think, is off the floor. Oh, he is here. Would Senator Matt Hansen yield to a question?

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

M. HANSEN: Of course.

SLAMA: Thank you, Senator Hansen. I just wanted to quickly give you time to clarify Senator Linehan's questions just because I'm unsure as to where she's at in the queue while it's still fresh in our minds, her question about LB1007.

M. HANSEN: Right. So thank you and thank you for giving me the opportunity. So the process we've outlined in LB1007 is kind of the de facto process as it is now. The timelines are gonna be shorter and both prosecutors and defense like the shorter timelines because of an opportunity to, kind of, revive and discuss the case as it's going forward. Right now, we see, occasionally, where somebody is in, say, waiting for competency and our wait times or sometimes 90 days. So we see a case for somebody who is, like, hey, I've been waiting for the

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regional center for six months. I'm still not done and it was, you know, shoplifting. Can we just dismiss the case and call it good? And that's the option we're giving for LB1007. And we worked with the county attorneys and defense attorneys.

SLAMA: OK. So just to clarify, it's not just an automatic once the 60 days expired, they're home free and they're set.

M. HANSEN: Absolutely not.

SLAMA: OK, perfect. Well, that is all the questions I have for right now. I will be turning my light back on because we do have ten bills to get through in this single bill. So thank you, Mr. President.

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

B. HANSEN: Thank you, Mr. President. When it comes to scope of practice issues, this is my-- that's in my wheelhouse. When it comes to legalese, that is not in my wheelhouse. So I do have just a couple of questions that I hope can get cleared up. One I did have for Senator Pansing Brooks, but I don't think she's around. It was just a quick question that I can always ask her off the mike. It's not a big deal. One question I did have for Senator Lathrop, if he would yield, please?

FOLEY: Senator Lathrop, would you yield, please?

LATHROP: Yes.

B. HANSEN: I know this is kind of a rounded question, but because of the, the scope and the breadth of this bill, I'm just trying to, trying to look out for my counties a little bit. Do you-- just in your personal opinion, do you see that there would be any kind of-- because of-- some of these bills might require maybe a courthouse to hire somebody new or not impose a fine or-- do you see any kind of unfunded mandates on counties that might, might be incurred because of some of these bills, just in your personal opinion?

LATHROP: No, actually, actually, the counties are gonna save money. Good question, Senator Hansen. Some of these bills are intended to get people out of county jail longer than they need to be there. For example, the bill that, that's a piece of Senator Wayne's. If someone is facing up to a year in county jail because they've committed a Class I misdemeanor and they're in there a year and a day, then they

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should be released. That's longer than they can get if they were convicted. But if they're in Douglas County and somebody has lost track of them and they can't post a bond, then they ought to be out and we're done spending money on them. That's one example. Senator Matt Hansen's bill, dealing with letting these folks out presumptively on their own recognizance for small offenses, things that-- sort of a sight and release. Quit putting these people in the county jail where they are taking up resources and creating an overcrowding situation, particularly in our three largest counties.

B. HANSEN: Good. I, I appreciate it and that actually helps out quite a bit. I just had one more question for Senator Matt Hansen, if he would yield, please?

FOLEY: Senator Matt Hansen, please?

M. HANSEN: I'd be happy to.

B. HANSEN: Good. I think you were kind of touching on this a little bit with Senator Linehan.

M. HANSEN: Um-hum.

B. HANSEN: Again, just because I'm a little ignorant to some of the legal aspects of your bill--

M. HANSEN: Sure.

B. HANSEN: --your portion of it. With LB1007, you decreased the time to 60 days, if I-- you were talking about. And what was it before and then why did we drop it down? I think you were just trying to clarify a little bit.

M. HANSEN: Sure. So we dropped the, the period for review hearings in front of the court, which isn't a deadline, it's just the court has to check in every so often, from 6 months to 60 days. Kind of both sides acknowledge that six months is a long time and basically lets somebody get lost in the system. If there's not a court date coming up, neither the prosecutor nor defense attorneys checks in with the defendant. By increasing to 60 days, they at least have another opportunity and they can look at the case and get the case in front of a judge again. And that was something that actually, I believe the county attorneys suggested as something that they could-- would be helpful to them.

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B. HANSEN: OK. Thanks for answering.

M. HANSEN: Yeah.

B. HANSEN: I appreciate that. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Senator Lathrop, you're recognized to close on the amendment, AM2763.

LATHROP: Thank you, Mr. President, and colleagues. AM2763 is a cleanup amendment to address and accommodate concerns expressed by prosecutors. I would appreciate your support. Thank you very much.

FOLEY: Thank you, Senator Lathrop. The question for the body is adoption of AM2763. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Have you voted who care to? Record, please.

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

FOLEY: AM2763 is adopted. We're back on the committee amendments. Senator Groene.

GROENE: Thank you, Mr. President. I really, truly do have concerns about the bill. I'm not filibustering it. It's gonna go through, I'm sure, and we can do it later. But I've been here going on six years and I have yet to see a bill come out of Judiciary where we've increased a criminal's crime with what we give them for a punishment or a lesson. Everything I've seen in six years is criminal rights, criminal rights, criminal rights, criminal rights. I'll give you an example in this bill that bothers me, this one sentence. The judge determines in, in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of the evidence of the safety of the defendant; number one. Number two is the victims. Number three is the witnesses or other persons. Wouldn't it be a lot better to put the victim first, the witness second, and the criminal last? I mean, it's just the perception and it, and it, and it gives way-- it's almost like a Freudian slip to reality of what's going on here. We just keep giving more and more rights to criminals. I do have a question, Senator Hansen.

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

GROENE: To finish up this deal about the bond and not taking the fines out of it--

M. HANSEN: Yeah.

GROENE: So is there bonds on traffic tickets like drunk driving and or-- I mean, just reckless driving and things like that, are there bonds put on those? You're an attorney.

M. HANSEN: There can be a bond if it is charged as a misdemeanor. If it's charged as a criminal, like, you had-- like, neglected driving, yeah.

GROENE: All right. But you don't automatically lose your license on negligent driving, do you? I mean, drunk driving, I believe they take your license until the case is, is heard, right?

M. HANSEN: I, I actually can't speak to license revocation.

GROENE: All right.

M. HANSEN: I'm sorry.

GROENE: All right. Well, that's what I was wondering. If, if the person doesn't pay the fine, do they get to keep their license and go on with life or is the license held until the fine is paid? If it's a vehicular offense-- I, I'm gonna want to read this-- but, more-- I just, I'm getting a little tired about these poor, innocent criminals. Life was bad. We're gonna release them. They did a crime and we release them without bond. Why would you change your behavior? I-- there's nothing here about a cause and effect that-- don't do this behavior because it might ruin your day, at least. We seem to just say, all right. Yeah, you had a bad night. We're gonna let you out, just get rid of the charge if it's minor enough. Go on with, go on with your criminal life because we understand. Oh, what about the victim? Oh, victim? Who's that? That's what I read in all of these bills that have came around out of Judiciary as far as the criminal courts and the criminal, criminal cases. Some-- one of these days, the, the tide has to shift back to the victim and to society-- the safety of society. Thank you, Mr. President.

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FOLEY: Thank you, Senator Groene. Senator Chambers.

CHAMBERS: Mr. President, members of the Legislature, sometimes out of the clear blue sky, an inspiration comes. I would like Senator Howard, if she would, to yield to a question or two?

FOLEY: Senator Howard, would you yield, please?

HOWARD: Yes, I will.

CHAMBERS: Senator Howard, have you ever heard of a guy named Sigmund Freud?

HOWARD: Yes, I have.

CHAMBERS: And he did some things with reference to psychoanalysis and other mental activities. Are you aware of that?

HOWARD: Yes, I am.

CHAMBERS: Did you know that he tried another line of work that-- and then it didn't work so he had to go into what he wanted, becoming famous for?

HOWARD: I didn't know that.

CHAMBERS: Well, he used to have a lingerie shop and he couldn't, he couldn't fit the garment to the person who wanted to buy it. So then what he did was made a lot of slips in every size. He made a lot of slips. And the title of his store was Freudian Slips. But that brings me to something that I want to bring up that is very serious. Senator Groene does not understand criminal law. He doesn't read any law. He talks about being concerned for the criminal and so forth. He ought to be concerned about these criminal prosecutors. What Senator Groene doesn't realize is that if a person commits a murder, like out in Grand Island, a guy had committed two of them. He shot the lawyer-- first, he murdered his wife and they let him cop a plea, the prosecutor did, a prosecutor who comes down here and speaks in favor of the death penalty because it's necessary to deter criminals, so he let him cop a plea. Then the guy went and waylaid the lawyer who handled the divorce from the woman that he shot. And when this lawyer came out, this guy with the same high-powered rifle shot the lawyer and killed him, which qualified him to be a mass murderer. Now that made him eligible for the death penalty and do you know why they

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didn't seek the death penalty? They told him if he would plead guilty, they would give him life imprisonment. Well, now here's the question that Senator Groene would never think to ask because the question-- the word is "think." People say that these murderers are so dangerous that they have to be put out of commission through execution. Well, if this mass murderer cops a plea, does that make him less dangerous? If he had not copped a plea, they would say, well, we're gonna give the death penalty to you because you'd be dangerous if you were even in prison because you might kill somebody. Well, if he cops a plea, he's still dangerous. And now he's in the general population. These prosecutors run rings around people like Senator Groene. And he says victim, victim, victim. But there are people that I hear Senator Groene speak very harshly of that makes me think he would have been happy and have what Chief William O. Douglas called an orgasm of delight that people who want executions would have--

SCHEER: One minute.

CHAMBERS: --when he watched people writhing, burning at the stake. And he said they did the crime, let them do it. Then he gets upset when he can't speak proper English and somebody calls attention to it. And he's mad about that. He doesn't want that done to him, but he says punish, punish, punish these other people. He needs to realize that when he's pointing that finger at everybody else, three of them are pointing back at him. And I've got my light on. He caused this and I'm gonna finish it. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. You are next in the queue, so you're, you're recognized.

CHAMBERS: What Senator Groene doesn't know is that somebody accused of a crime, of a crime is not a criminal. He doesn't realize that some people charged with crimes are found innocent. But Senator Groene said well, the prosecutor wouldn't have prosecuted him if he hadn't done something. He's a criminal. They let these criminals go. Well, how about the jurors who found him not guilty? Well these-- they're, they're probably liberal Democrats and that's creeping socialism that you see. If we had good Republicans on these jurors [SIC], they'd convict all of them. First of all, the cop wouldn't have arrested him if he wasn't doing something. And if he wasn't doing something wrong, the prosecutor would not have filed a charge against him. And if that wasn't enough, the judge would not have allowed it to go to trial. So the officer arrested him. The prosecutor charged him. The judge let it

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go to trial. When you have three of the people whose job it is to uphold the law say this is a criminal, you're gonna take the word of 12 liberal Democrats who believe in creeping socialism, who say this criminal that the cop said was a criminal, the prosecutor said was a criminal, the judge said was a criminal, and that is the embarrassing kind of thing that goes on on this floor daily now. He talks about the emails he gets. I want him to present those emails because I don't believe he gets them. I want to see these emails that calls me the bully that they're glad he stands up to. Now here's where I'd be embarrassed. I'm an elephant. And when I walk. And over there, over there sits a lemur. And here's the sound a lemur makes when it is motivating. Now the elephant calls the lemur a bully. A house calls a pup tent a bully. The Empire State Building calls a one-story corner grocery a bully. What kind of people who see Senator Groene and see little me will say he bullies you? We're glad to see you stand up to him because he bullies you all the time by calling you out. If somebody sent me something and told me that some little slip of a person is bullying me, they're saying more about me then that little slip of a person. And you know why I'm bringing this up? Senator Groene makes it a point several times a day. He doesn't think what he says is provocative. You think what I say is provocative? I think what he says is. I have told people numerous times that I will not debate the race question with white people because they are too ignorant about the issue. They don't know enough to be engaged in a debate with me. And for me to debate an ignoramus about something, which he knows nothing, would be like Einstein debating differential equations with somebody who doesn't know how to do short division. The difference is that we have somebody on the floor of the Legislature saying it. If he was a drunk out on the street corner, under a street light babbling, nobody would have to take notice of that. But when it's on the floor of the Legislature--

SCHEER: One minute.

CHAMBERS: --it puts it in a different context. And some of these things that are said need to be countered. Otherwise, people will wonder what's the matter with all of us. And the Legislature, as an institution, has to show that at least some people have some knowledge and awareness. I'm gonna put my light on one more time.

SCHEER: Thank you, Senator Chambers. You're next in the queue and this is your third time at the mike.

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CHAMBERS: Thank you. Senator Groene was lecturing us about all slavery being the same. He couldn't show me any place where the Britishers, where Britain had enslaved Irish people. He can't show me where Irish women were raped by the King of England as black women were raped by several presidents in this country. And he didn't know that slavery is a term that has a peculiar meaning of its own when they talk about what happened in America. In other places, the slave was not viewed as a piece of property. A person called a slave was often taken as a prisoner and that so-called slave would be allowed to rise in the society which he had been enslaved and become a leader, to get an education, but was always recognized as a human being. They were not "thingified." And it shows that he doesn't know what he's talking about. He ought to go out on the street corner and say it. Then I wouldn't have to take notice of it. But I don't want people who sent me down here to think I'm as ignorant as he is by letting that stuff stand. There are lawyers who, in my opinion, have an obligation to explain the nature of the law. The principle of every person is presumed innocent until proved guilty. That's why they say the "alleged" person allegedly did this. When you use that word "alleged," it means you're saying something that has not been proved. It's an accusation. It's an allegation. There has been no proof of it so it is "alleged;" the alleged killer, the alleged victim. People who have studied the law know these things and they have an obligation to serve an educational function. I don't even practice law, although I've won cases in court because I represent myself. And it bothers me because as strange as it might seem, I have a love affair with the law. I care about the law. And I'm not talking about the misuses of it, the abuses of it. And I agree with Blackstone that it were better that 100 guilty people escape than that one innocent person be punished. Others, like Senator Groene, would say if one innocent person is there, he shouldn't have been there in the first place. So if they didn't catch him doing something, he was planning to do it or he had done it and gotten away with it. That's craziness. But people can be crazy outside the body. That's a privilege of being an American. And that's why, thank God and Greyhound, that I'm not an American. And I gonna say it again. Were I an American, I'd have every right and privilege that redounds to the benefit of an American citizen. I don't have those rights. Therefore, I'm not an American. And you all know it. And if you don't, I'm going to bring it up. And when Senator Groene brings these things up that he talks about, I'm going to address them; not

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all of them, I don't have the time, but enough of them to let people see what it is that is being dealt with here. All of these issues--

SCHEER: One minute.

CHAMBERS: --all these bills; he's upset with them, but he doesn't know why because he doesn't understand what's in the bill and he says it's hard when you got all these bills. Then change the rules so you cannot Christmas tree. Anyway, that's my contribution for today unless I am provoked. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Lathrop, you're welcome to close in AM2628.

LATHROP: I will, and I'll be brief, Mr. President, and thank you. Colleagues, I want to begin by thanking Senator Hansen for prioritizing LB881. This, as I said, is a bill that deals with criminal procedure. These aren't big changes. They're, they're-- in some cases, they are common sense, right? Somebody shouldn't be incarcerated longer than they could possibly be punished without being released and tried later. Somebody who is found to have their competency restored shouldn't have to wait a year to get to the courthouse and have his case tried. Those are the commonsense measures found in this. I would encourage you to look at the committee statement, which reduces these various amendments or these various sections to simple terms that nonlawyers can understand. I remain willing to answer questions off the mike. Hopefully, we don't take up any more of the, the body's time today. I'm happy to talk to you about any of those concerns. The county attorneys have looked at this very carefully. We've accommodated their concerns in most cases, I think, in all cases. And I would encourage your support of AM2628. Thank you.

SCHEER: Thank you, Senator Lathrop. Colleagues, the question before us is the adoption of AM2628 to LB881. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

SCHEER: AM2628 is adopted to LB881. Seeing no one in the queue, Senator Matt Hansen, you're welcome to close on LB881.

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M. HANSEN: Thank you, Mr. Speaker, and thank you, colleagues. I will close just briefly. I'll add to the comments of Senator Lathrop. This is a package that I know myself, him, members of the committee have worked on pretty lengthily with all interested parties. Even this afternoon, I was checking out the county attorneys, defense attorneys, NACO, the city of Omaha, and others just to make sure that we had gotten to a point where everybody understood and was looking forward. My intent, originally, with LB881 and some of the bills of mine that were included in this package are genuinely not necessarily wholesale changes, but places where we have simply inefficiencies in our court system. You know, hearings are taking much longer than they should so, therefore, people kind of get caught in a limbo and dumped on our counties as a burden to our counties and our counties' jails. So that's a lot of my intent is to speed up hearings, have people have more opportunities when in front of the judge, give the judges more discretion to do what they think is right. With that, I will close. I appreciate the discussion this morning. I will be more than happy to address questions as they come up if anybody else has any questions. And I'd ask for your green vote on LB881.

SCHEER: Thank you, Senator Hansen. The question before us is the adoption of LB881 to E&R Initial. All those in favor, please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 31 ayes, 0 nays on the advancement of the bill.

SCHEER: LB881 is advanced to E&R Initial. Items.

ASSISTANT CLERK: Thank you, Mr. President. Quickly, amendments to be printed: Senator McDonnell to LB963. That's all I have at this time.

SCHEER: Thank you, Mr. Clerk. Next item, LB850.

ASSISTANT CLERK: LB850, introduced by Senator Pansing Brooks, is a bill for an act relating to government; authorizes placement of a monument to the First Regiment Nebraska Volunteer Infantry at the Fort Donelson National Battlefield; provides a duty for the Secretary of State; creates a committee; provides for termination; and declares an emergency. The bill was read for the first time on January 8 of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments.

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SCHEER: Thank you, Mr. Clerk. Senator Pansing Brooks, you're welcome to open on LB850.

PANSING BROOKS: Thank you, Mr. President and members of the body. LB850 authorizes the placement of a monument at Fort Donelson National Battlefield celebrating the heroic success of the First Regiment Nebraska Volunteer Infantry during the Civil War. I want to give you a little background on how this idea came to my attention. And this is, this is a really interesting bill, in my opinion. At Thanksgiving, I learned from my cousin of an effort he and other members of the Civil War Round Table of Nebraska had initiated in order to place a monument to the First Nebraska Volunteer Infantry at the Fort Donelson National Battlefield. Fort Donelson is located in far western Tennessee. As I heard the story, I was struck by similarities to our recent successful placement of the inspiring Standing Bear statue in the United States Capitol Building in Washington, D.C. Standing Bear represents a significant contribution to diversity and a very positive advancement of law, which happened in our great state. The Standing Bear statues in the U.S. Capitol as well as here on Centennial Mall tell a remarkable historic Nebraska story to all visitors to our capital buildings, both in D.C. and in Lincoln. Similarly, this bill, LB850, will allow another remarkable historic Nebraska story to be told in perpetuity. In February of 1862, the Civil War had been going quite badly for the North. And Ulysses S. Grant's victory at Fort Donelson was the first major victory of Union forces in that epic war that defined this nation. Nebraska, of course, was just a territory during the Civil War, but it contributed two regiments to the war effort. A little under 4,000 soldiers, approximately one-third of the, of the Nebraska territory's middle-aged men and one-ninth of its entire population served in the Union armies during the war. The numbers may seem small, but percentage wise, it is very impressive. The First Nebraska Volunteer Infantry was mustered into service in the summer of 1861 and served until it was mustered out in 1866, making it one of the longest-serving units in the Civil War. At Fort Donelson, the First Nebraska played a very important role in Grant's victory, which then helped propel him to national prominence, eventually leading to the Union to victory in the Civil War. This is truly an amazing and little-known piece of Nebraska history. If you have ever visited a Civil War battlefield, you most-- have most likely noticed that many monuments that have been placed to honor the units that in, in Abraham Lincoln's words "hallowed" those battlefields. At present, there are two metal signs that mention the First Nebraska, one at Fort Donelson

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and the other at the Shiloh battlefield. Both of these signs mention numerous units from other states and are not likely to bring much attention to Nebraska. The fine service of the soldiers Nebraska contributed to the war effort, particularly at Fort Donelson, deserve something more. There are groups such as the Civil War Round Table of Nebraska and the Sons of Union Veterans that have offered to spearhead efforts to raise the funds needed for this effort. So this is not something that will require any tax dollars. The Civil War Round Table had-- has had contact with the superintendent at Fort Donelson and he advised that only a state may make such a request for the monument. So that is why this bill is key to these efforts. LB850 advanced from committee, 8-0, and had no opposition in the hearing. In closing, I believe a modest monument to the First Nebraska Regiment at the Fort Donelson National Battlefield will call attention to the significant contribution Nebraska made to the Union's success in the Civil War, which brought an end to the scourge of slavery in this country. Thank you, Mr. President.

SCHEER: Thank you. Senator Pansing Brooks. As the Clerk noted, there is a committee amendment from Government. Senator Brewer, as Chairman, you're welcome to open.

BREWER: Thank you, Mr. President. Well, I enjoy many of Senator Pansing Brooks's bills, but this may be one of my favorites. The Government Committee held a hearing on LB850 on 30 January. We heard from a number of supporters at the hearing. There was no opposition at the hearing. The committee voted unanimously to advance the bill and we did advance the bill with this cleanup amendment. The original bill would have given the Chair of the Government Committee the power to appoint people to the monument committee. Even though the Chair of the Government Committee is a great guy, it raised a separation of powers issue. So AM2226 eliminates this issue. Instead of the Government Committee Chair making that appointment, the Secretary of State would do so. There were also a slight revisory change in the committee amendment, simply some capitalizations of words. This bill will help tell the story of some of Nebraska's earliest veterans' history. It relies on private contributions. There are no tax dollars involved. As a former infantryman and historian, I ask that you support both AM2226 and LB850. Thank you, Mr. President.

SCHEER: Thank you, Senator Brewer. Seeing no one wishing to speak, Senator Brewer, you're welcome to close on AM2226. He waives closing. The question before us is the adoption of AM2226. All those in favor,

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please vote aye; all those opposed vote nay. Has everyone voted that wish to? Please record.

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

SCHEER: AM2226 is adopted to LB850. Seeing no one wishing to speak, Senator Pansing Brooks, you may close on LB850.

PANSING BROOKS: Thank you. Colleagues, I want to just quickly read a part of the story of this history because I think you'll be more excited about it. So just an overview of the battle. In fall of 1861, Kentucky ended its neutral stance as a border slave state and officially entered the Civil War under Union control. The war had been going badly for the North with early losses at Bull Run, Carthage, and Wilson's Creek. Ulysses S. Grant, at that time, was the garrison commander at Paducah, Kentucky, in the Western Theater. He saw an opportunity to enter the northern part of Tennessee, a Confederate stronghold, and take control of both forts Henry and Donelson. Note that Henry W. Halleck, commander of the Western Theater Department of Missouri, disliked Grant. However, despite Halleck's misgivings, he finally permits Grant to conduct his operation. On February 6, Fort Henry fell to the Union forces. His forces proceeded to march 12 miles to capture Fort Donelson and arrived there on February 12. Fort Donelson proved to be difficult to besiege since it was very well fortified with a number of rifle pits, cannons, two water batteries, and three miles of trenches surrounding it. Northern forces were impeded by a number of issues, including inclement weather, lack of supplies, and during the last few days of the battle, the Union gunboat fleet proved ineffective. However, Confederate leaders knew that it was only a matter of time before Union reinforcements would arrive. They had already opened up escape routes along the main roads and planned to move forces out to Nashville. At this critical juncture, Confederate Brigadier John B. Floyd made a huge blunder. Floyd ordered his men back into their enhancements to resupply before escaping. Grant was absent from the field on the morning of February 15 and disre-- so there was another flag officer, Andrew Foote, who was wounded during the initial phase of the conflict. Disregarding Grant's orders to stay put, Union Brigadier General Lew Wallace, in command of the Third Division, took the initiative and immediately plans a counter action to move reserve troops into position after hearing enemy gunfire. The First Nebraska was placed at the first line of defense with support columns directly behind them in case they

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faltered. The First Nebraska proudly proved themselves by repulsing three charges by four Confederate regiments. They held the, the line. This was an impressive feat, given the fact that the First Nebraska had only been mustered into service in July 1861 and had never endured heavy combat. Their action earned the praise of their Division Commander Wallace who wrote in the official record, quote, they met the storm, no man flinching, and their fire was terrible. To say that they did well is not enough. Their contact was splendid. They alone repelled the charge. And it was from that battle that Grant was given the name "Unconditional Surrender Grant." So I think it's a wonderful story, part of our history, and now we will be able to tell it in perpetuity as the roundtable goes forward and raises the funds and places the statue in Kentucky. Thank you, today, for listening and I appreciate your support of LB850.

SCHEER: Thank you, Senator Pansing Brooks. The question before the body is the adoption of LB850 to E&R Initial. All those in favor, please vote aye; all those opposed vote nay. Has everyone voted that wish to? Please record.

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

SCHEER: Thank you, Mr. Clerk. LB850 is advanced to E&R Initial. Next item, LB751. Mr. Clerk.

ASSISTANT CLERK: LB751, introduced by Senator Blood is bill for an act relating to schools; changes provisions relating to compulsory attendance; and repeals the original section. The bill was read for the first time on January 8 of this year and referred to the Judiciary Committee. There are no committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Blood, you're welcome to open on LB751.

BLOOD: Thank you, Mr. Speaker. Fellow senators, friends all, thank you for the opportunity today to present LB751. And first, let me thank the Speaker for making this one of his priority bills. As you can see, LB751 is a very simple bill. I gleaned the idea from speaking with many school-aged children who wanted to know what we were doing in the Nebraska Legislature about suicide in youth. We discussed a lot of ideas, but the resounding theme that I heard among the many suggestions given was that mental health was an issue that needs to be destigmatized. We need to give our children opportunities to speak

with their parents or guardians and others and help them normalize these types of conversations so they can seek help. Mental illness and suicide are difficult topics and ones that many avoid talking about because of lack of knowledge, stigma, or embarrassment. Now I'm not a professional, but professionals do encourage those who suffer with mental health challenges to talk about their thoughts and feelings with people they trust. Our children deserve to know that they are not alone in their thinking and feelings. I want them to realize that there are people in their lives that love them unconditionally. This realization may very well be the one thing that helps young people understand that suicide is not an option for escaping the pain that they are feeling. U.S. suicide rates for youth are increasing. Research shows, research shows that the rate of minors admitted to children's hospitals for thoughts of suicide or self-harm has more than doubled over the last decade. The number of people dying by suicide in the United States has been rising and the newest data available shows that the suicide rate among girls ages 10 to 14 has been increasing faster than it has for boys of the same age. It is notable that the suicide rate among adolescent girls ages 15 to 19 years hit a 40-year high in 2015. In fact, suicide is the leading cause of death for people ages 10 to 19 in the United States. Not childhood cancer, not opioids, not car accidents; suicide. When I hear these statistics, I ask myself the same question, why are so many young people killing themselves? We know that the risk of suicide is affected by a list of known factors. When you are subjected to violence, it raises your risk of suicide. The CDC says that violence includes child abuse, bullying, cyber bullying, and dating violence, which are all linked with increased risk of depression, post-traumatic stress disorder, anxiety, suicide, and suicidal thoughts. Teens are also using more lethal methods, such as firearms, suffocation, hanging, strangulation, and poisoning. The CDC notes that more information about how to bring your life to an end is available via the Internet than ever before. And it is sad, but it is a statistical fact. All this bill does is add mental health to the list of illnesses recognized when a collaborative plan is created to help a child improve their school absences. This helps Nebraska move forward with national efforts to treat an individual's mental well-being the same as their physical health; nothing more and nothing less. But I believe there is power in adding that one phrase to state statute. It's a small, but much needed step in helping to destigmatize mental health problems that many students face and a step to addressing the alarming increase in the rate of suicide of Nebraska's children. This one-word

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change will allow mental health to be treated the same as physical health under state law. State law currently prohibits schools from using illness that makes attendance impossible or impractical as a basis for referring students to the county attorney for possible truancy violations. Supporters of this bill feels that this is treating mental health like physical and behavioral health and removing the stigma that helps people from getting the help-- that keeps people from getting the help that they need. In fact, one of our very enthusiastic supporters was the Ralston School District Superintendent, Dr. Mark Adler, whose own 15-year-old son, Reid Adler, committed suicide. This bill opens the door for a potential dialog with parents and our highly-qualified school support staff to discuss what the child may be coping with, be it anxiety, depression, suicidal thoughts, or other challenges. We want to normalize this type of dialog and hopefully find for these-- find help for these children, perhaps even save their lives. As the Lincoln Journal Star so clearly expressed in a September editorial that I handed out to you yesterday, "the best indicator of a student's success is being in school." That's why this stretches beyond our schools. We know that our overcrowded prison system is partially due to the high level of known mental health challenges amongst the prison population. Our facilities were not built to provide these services and our state and others cannot keep up with the needs of those suffering with mental health behind the walls and in our county jails. If we can help our young people now with their mental health issues and keep them out of the system because we are able to offer help sooner, we may very well be able to change their lives for the better. We are all very much aware of the lack of mental health services in our rural schools. This one effort may help those students as we are not offering any help at this time; 88 out of 93 counties have reported a lack of mental health providers. I want to give our children in our rural schools and all Nebraska children hope, an opportunity to find help. I approached it in the simplest way possible because often the best policy is that which is most easily understood. I would note that the bill came out of the Judiciary Committee without any opposition. There was also no opposition to the bill during the hearing. There were testifiers and letters of support from psychologists, parents who lost their children to suicide, the education community, children's hospital, and student suicide prevention advocates who all believe in this important legislation. Before I close, I've had several questions about the difference between behavioral health and mental health. And I want to read you the federal government's definition, which was part of what

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this is based on. Behavioral health is usually associated with some type of unhealthy habit, but those habits may not be the start of a mental health disorder. However, behavioral health disorders may be brought on by nontreated mental health disorders. Mental health is about your emotional, psychological, and social well-being; how you think, what you feel, and how you act, also, how you cope with life changes and stress. Behavioral health, behavioral health focuses on your habits. Behavioral health looks at how behaviors impact someone's health, both physical and mental. A behavioral health professional might look at behaviors that have caused a person's bulimia, alcoholism, or drug addiction. People who have mental health issues can benefit from behavioral health principles, but mental health is not behavioral health. With that, I ask that you give me an early birthday present and please vote green on LB751.

SCHEER: Thank you, Senator Flood [SIC]. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I, I don't-- I'm not against the bill, I just had a real concern and I, I just wanted to-- something that concerns me. One of the experts that sent emails, I'm sure you all had it too, in favor of LB751 was a very highly-qualified individual. I won't-- I didn't get permission to, to mention who they are, but if, if you've seen it, you would understand. So I asked a serious question. I said a serious question, is suicide more likely to happen when a child is isolated, alone in their room at home or at a school where others are present? Here's what the answer was: for most of the reported suicides I have researched, youth suicide occurs at home alone in their room. Most times, it is due to school bullying or at-home issues, though, again, that is the majority I am aware of. There is a child, who I do know personally, that attempted suicide and I won't go on because it might identify that student. However, there are always small signs that people can take action to help prevent suicide. People should learn and know the signs and the preventative methods. Not many take mental health as a serious issue since it is considered an indivisible condition-- invisible condition, just as diabetes is; invisible still affects the personals physically. Thank you for your question. Again, thank you for hearing me out. A serious exchange, my concern is this: if the child isn't in school, mom and dad are working, and they're a young teenager and they're in their room alone, who is the person that is looking for the small signs that people can take action to help prevent suicide? Truancy? They are home alone. Are they better off in school where a mentor, a teacher, a

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counselor can take note of the situation? I mean, there's, there's always unintended consequences to actions we take when we think we're doing it in a good heart. I, I mean, has anybody ever felt better when they're down, when they're alone? Does your mental stress increase when you let it roll around in your mind all by yourself in your room? I think we need to think hard about-- we feel for the child and they shouldn't be in school, but how do you make sure mom's home when the child's home? How do you make sure somebody is in that house with them? That is my big concern on this. Maybe I think too deep, maybe I think too much, but I do care about kids. I-- well-meaning, it's gonna pass, I understand that, but there better be some, some input from the school counselors and the teachers about how serious this depression or just mental health is before you isolate that child in their room. Thank you, Mr. President.

SCHEER: Thank you, Senator Groene. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, children are not born with the problems that they develop. Adults, in my opinion, are responsible for the problems that our children are confronting and developing. If we were better adults, our children would be more secure. They would not feel such depression. They would not feel such aloneness. They would not feel that they're in the way. People many times-- adults, I'm talking about-- notice children when the children are getting on the adult's nerves. Children are always available to be the ones on whom all types of mistreatment can be inflicted. If a man is mad at his wife, he might take it out on the child. Sometimes if he knows the wife loves the child, he will do bad things to the child to get at the wife and the child then becomes a chip, like a bargaining chip. And every one of these bad things that the child is subjected to is gonna leave its mark. Senator Groene talks about leaving a child at home alone. There can be the worst type of aloneness when you are in a crowd, but you have been atomized. You've been isolated. You've made-- been made to feel that you have no worth and no value. That is not the way it has to be, but this is a society that hates its children. And I don't say necessarily that that hatred is something that the adult thinks consciously about and wants to manifest it against a child, but our thoughtlessness, the hurt that we cause without thinking about it, without intending it shows how insensitive we are. We would not want to be treated the way we treat our children. You come home from work. The boss has chewed you out so you take it out on the child. Stop that noise and the child is just

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being the child. And when the child did this yesterday, he or she was not hollered at, not told stop that noise so there is not consistency in the way we deal with our children, no matter what our mood happens to be at the moment. When we're with a child, we have to keep in mind the way we have treated that child and don't do things that the child has no reason to expect us to do. And it's generally something hateful, something harmful. If your boss has messed over you, when you come home and you have a child, that's when you ought to embrace that child. That's when you ought to show affection for that child and you ought to do it because you, yourself, are vulnerable at that time. You've been mistreated. Well, don't take it out on the child. But instead, the child is handy for everything. They're sexually assaulted. Senator Groene is correct in one sense, not saying put the child in school. But children should not be punished by being told go to your room and stay there. One of the worst things for somebody without a background of experiences that will help him or her judge and evaluate a situation--

SCHEER: One minute.

CHAMBERS: --is to be left alone as a punishment. So before we start saying do this to this child-- somebody on this floor referred to children in these YRTCs as monsters, as monsters. And who created that YRTC? Who let them-- let it fall into disrepair? Who put unqualified people there as custodians? Who did not provide enough staff? And then when the children behave as we can predict in advance, the way they'll behave because we know it, then the child is the monster. The child is innocent. And I hear all this talk about pro-life, but I don't hear those same people-- my time is up--

SCHEER: Time, Senator.

CHAMBERS: I'm gonna turn my light on.

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

ERDMAN: Thank you, Mr. Speaker, I appreciate that. So as I was listening to Senator Blood's opening there and then I read the rest of the bill-- I read it earlier and I went back and reviewed it and I have a couple of questions if she would yield to those?

SCHEER: Senator Blood, would you please yield?

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BLOOD: Yes, sir. I'm happy to yield.

ERDMAN: OK. By the way, happy birthday.

BLOOD: Thank you.

ERDMAN: But after that, on the bottom of page two in your bill, you're just striking "illness related to" and you add the words "the" and "mental," those are the additions.

BLOOD: Which is what I said in my opening, yes, sir.

ERDMAN: OK. So my question is, why didn't you just add the word "mental" instead of strike-- why did you strike "illness" and "related to?"

BLOOD: That was a compromise with the county attorneys because it was mentioned earlier in the bill. If you look, I believe in a paragraph above or two paragraphs above, it specifically talks about that it is illness related and they just preferred that that sentence had that word taken out.

ERDMAN: OK. Well, I, I didn't understand that. So do we, in statutes somewhere, have a definition for mental illness?

BLOOD: We-- I'm not sure if we do in, in state statute, but when we refer to state stat-- when we refer to mental illness, we usually use the guidelines that are provided by the government-- the federal government or the guidelines that are provided in medical guides. And I think Senator Arch could probably speak on that.

ERDMAN: OK.

BLOOD: So it's already, it's already defined. We're not looking to put a new definition in statute. It's an existing definition.

ERDMAN: OK, because it says-- the way it, the way it will read if we adopt this is the physical, mental, physical, mental or behavioral health of a child--

BLOOD: Right.

ERDMAN: --of the child. So I just wondered if there was a definition of what mental health meant? And it was kind of strange to me to see

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that they struck those two-- those other three words. They could have just added "mental" and it would have been sufficient, I would think.

BLOOD: Yeah, I concur, but it was an easy, an easy way to compromise.

ERDMAN: Yeah. Thank you.

SCHHEEL: Thank you, Senator Erdman and Senator Blood. Senator Blood, you're next in the queue.

BLOOD: Thank you, Mr. Speaker. Fellow senators, friends all, I'm, I'm actually glad that Senator Groene stepped to the mike and, and expressed his concerns because that does give me an opportunity to talk on his concerns. So, yes, absolutely, a child alone in their room, depressed is a sad scenario. And that is why this bill is here because we're adding something that we're gonna destigmatize; the word "mental health;" where previously they might say, mom, I've got cramps and I want to stay home today. Mom, my head hurts, I want to stay home today instead of saying, mom, I'm being bullied at school, I feel like killing myself. Mom, dad, I don't feel like I belong. We want, we want to open one more door to give them permission to talk about what's wrong with them. And when you keep your child home and you are a responsible parent, if you have the ability to stay home with your child, you stay home with your child to help them get help. When their throat hurts, you take them to the doctor's to get a strep test. When their mental health hurts, you try and get them help through a counselor or you make a meeting with the school counselor and the three of you meet. All we're doing is opening a door to provide help for those children so they aren't alone in their rooms, so they can go and seek help with a professional. That's all we want to do with this bill. And so I, I, I understand your concerns. I don't think we're creating unintended consequences, I think we're doing the opposite. We're making it so this child can say, please, something's wrong and I need help. And we're doing it with the change of one word and no fiscal note. And so with that, I would hope that people realize this is a very simple bill. Is it gonna change the world? No, but it might very well save some lives. With that, I will yield any time back to the Speaker.

SCHHEEL: Thank you, Senator Blood. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, what I'm trying to say may have been better said in a song by a guy who

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wound up being killed, who ran under a truck. He may have been drinking, but it was-- the refrain was-- let me think what it is. But anyway, this guy had this little boy and he never had time for him. Every time the little boy wanted to do something, the father would say that he was busy; like, the little boy wanted to play ball, play catch, but the father was busy and he couldn't play with him. And he explained that he had a lot to do and the kid said, that's OK. So the father went and did what he had to do. Then he said after the boy had grown up some, my son arrived-- he had gone to college and he arrived at home the other day so much like a man, I just had to say, can we sit a while, son, and talk for a while? He said, I'd like to dad and then mentioned the things that he had to do; the boss was mean, the child was sick, and so forth. Then he remembered that when the little boy was small, he told his father, I want to be like you, dad. I want to be like you. And then when the father finally had time for that son who is now grown, the son gave the same thing back to him; that he'd like to, dad, but he had a lot to do. But there was a time that would come and then they would sit down and talk and they would have a good time. And then the father said, he grew up just like me, my boy is just like me. Children replicate what they see, what they are exposed to. And if you plant a seed that is supposed to grow corn, you don't expect it to grow wheat. It's going to grow that which it is equipped to grow. So we need to treat our children in such a way that they will be the people we want them to be; understanding, compassionate, kind, all of those things that we list as virtues. But we should have those virtues at least around our children. That's the time I wouldn't blame somebody for being a hypocrite. If a man is a liar, a thief, a whoremonger, a burglar, when he's at home with his children, let them think he is such a saint that he could go to heaven without dying. And when they finally find out what he was, they'll say, I can't believe it, not my father. Let me tell you what my father was to me but unfortunately, it's the other way. He's an angel when he's out where everybody sees him, but he's a raging demon at home; not just toward the children, but his wife or his significant other. And when we can start to do for the children what needs to be done, it will make us better people. And that's how we make the world better. We don't keep messing it up and then telling the children, you're our hope; we want you to do better than what we did. Well, let's not tell them that. Let's show them an example and let them build on what we had laid out as a foundation. And I was gonna say about the pro-life people, not to

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condemn them, but I saw a picture in the newspaper some months ago when--

HUGHES: One minute.

CHAMBERS: --it was very cold and there were thousands of them marching against abortion. But I've never seen anywhere near that number marching for the homeless children, the hungry children, the sick children. I don't see it. So I think there's a disconnect here. As long as there is no financial responsibility, no obligation as there--is the case with the fetus being carried by a woman, then it's out there saying, make her have the baby. But then when the child comes in the world and that same woman needs postnatal care, you have a Governor who will veto a bill that is providing that care to poor women; the very ones who, when they were pregnant, said don't let them have an abortion. So children see these disconnects and we need to stop. Thank you, Mr. President.

HUGHES: Thank you, Senator Chambers. Senator Arch, you're recognized.

ARCH: Thank you. Senator Blood mentioned my name and so I thought I would stand up and maybe provide a little bit of my understanding of, of the language between behavioral and mental health. And, and the, the terminology is sometimes interchangeable within the, within those who care for children. Sometimes they will use "behavioral," sometimes they will use "mental." There is a, there is a manual called the Diagnostic Statistical Manual, or DSM. It's on its fifth version now and within that DSM-5, there are, there is, there are various, various mental illness disorders, whatever you would call them, that are identified by code. And so when somebody comes in, it-- they are diagnosed according to one of these disorders and the code is used. And that's used for billing and for identifying exactly what, what the, what the disorder is. And oftentimes with children, you will find behavioral disorders that may have an underlying cause, such as anxiety or depression, something, something like that that may be causing the behavior that you're seeing. And if you treat the underlying anxiety and depression, you may alleviate some of the symptoms of the behavior. Other times-- and what can be confusing is there are, there are categories called oppositional defiant disorder or conduct disorder within DSM-5 and those are also considered behavioral disorders. And so the terms are sometimes loosely used, interchangeably between behavioral or mental. But I do support this, I do support adding "mental" into the language; if nothing else, than to

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just make sure that when it comes to the plan that is being developed by the schools for that individual child, that they are considering and we're making sure that they're considering-- if they call it behavioral, if they call it mental, they're including both of those as it comes to making sure that we do the best for our children. Thank you.

HUGHES: Thank you, Senator Arch. Seeing no one else in the queue, Senator Blood, you're recognized to close on the advancement of-- excuse me, Senator Chambers, you're, you're in the queue. You're recognized.

CHAMBERS: Thank you. Mr. President, I was trying to make my light engage, but it couldn't. That's why I didn't get it on right away. Senator Arch made me think of something, not that I'm going to tailgate on that. Most people in Nebraska know who Nikko Jenkins is. Nikko Jenkins was having mental difficulties as young as six years old. He never was given the, the treatment, the diagnosis that he needed. When he got older, he wound up going to prison. When he was in prison, they kept him in solitary confinement, literally for years. He mutilated himself. He wasn't the kind of person who would make a little scratch on his wrists, like, a little blood, like, he's trying to do something. He would gouge and it would take stitches. He would split his penis. Now, men know that that's not something you do to get sympathy. Not too long before he had to go to trial-- he was now in prison because he had killed those people-- he cut his throat from ear to ear. And had they not gotten him to the hospital in time, he would have died. And it took 26 stitches to close that wound. And do you know what the state's psychiatrist said? He's acting, this is all an act. And here's something else. The condition that he had when he was small did not have a name. They knew something was wrong, but then the psychiatrist gave it a name because they recognized it. So what these prison doctors had to say is that this person was so wicked, so wickedly genius, that as a child, he anticipated the symptoms that some day would be given a name. And then when the name was to be applied to him, it didn't apply because the doctor said he faked that when he was young. Obviously, and you would know it, he's black. If any person is mentally irresponsible for what he did as Nikko Jenkins-- they kept him in solitary confinement for years. I contacted the director of Corrections and said, don't let that man out of solitary confinement into our community, the director of Corrections, but that's what they did. But before they did it, Nikko Jenkins would have periods of lucidity and he told them, if you let me out of

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there-- out of here, this Egyptian God is talking to me and he's telling me to kill people and that's what I will do. Let me be locked up. He said, I'm not trying to trick you because everybody else is trying to get out of prison, trying to get out from being locked up. I'm asking you and this is documented 32 different times. He asked them to commit him and they refused. And when the county attorney in the county where Tecumseh prison is located would not have a mental hearing for a commitment, Nikko Jenkins filed an ethics complaint against the county attorney for not doing that because he wanted this treatment and they refused to give it to him. And they let him out, so to speak, cold turkey. He had told them, begged them over and over--

HUGHES: One minute.

CHAMBERS: --and when he killed, he certainly was not responsible. But do you know he was sentenced to die by these judges in Nebraska? And my view is that somewhere in the federal system, they're going to look at what happened with him when he was a child all the way up to when he was a man, most of his time was spent in his life in solitary confinement. And he will not be executed, but these are the things that are done to children. And people who are aware of it don't care because they're not from the right side of the tracks. Thank you, Mr. President.

HUGHES: Thank you, Senator Chambers. Senator Blood, you are recognized to close on the advancement of LB751.

BLOOD: Thank you. Senators, I just want to remind you that compassion is like a muscle in that it can be strengthened with practice. When we strive to understand the emotional state of our children, it helps us to better serve their needs and potentially help to ease their suffering. Let's be compassionate, effective policymakers and show our young Nebraskans that we truly do hear them and that we value their lives. And that we want to help them be productive members of our state and help them overcome or manage their hurdles and to be their best selves. With that, I would ask for a call of the house. Roll call vote, please.

HUGHES: There's been a replace-- a request to place the house under call. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 16 ayes, 0 nays to place the house under call.

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HUGHES: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Ben Hansen, would you check in, please? Senator Moser, Senator Arch, would you check in, please? Senator Vargas, would you check in, please? Senator Wayne, Senator Linehan, Senator Hilgers, the house is under call. Senator Blood, we are missing Senator Wayne and Senator Hilgers. Would you like to proceed or do you want to wait? We can proceed. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Albrecht.

ALBRECHT: Yes.

ASSISTANT CLERK: Voting yes. Senator Arch.

ARCH: Yes.

ASSISTANT CLERK: Voting yes. Senator Blood.

BLOOD: Yes.

ASSISTANT CLERK: Voting yes. Senator Bolz.

BOLZ: Yes.

ASSISTANT CLERK: Voting yes. Senator Bostelman.

BOSTELMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Brandt.

BRANDT: Yes.

ASSISTANT CLERK: Voting yes. Senator Brewer.

BREWER: Yes.

ASSISTANT CLERK: Voting yes. Senator Briese.

BRIESE: Yes.

ASSISTANT CLERK: Voting yes. Senator Cavanaugh.

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CAVANAUGH: Yes.

ASSISTANT CLERK: Voting yes. Senator Chambers.

CHAMBERS: Yes.

ASSISTANT CLERK: Voting yes. Senator Clements.

CLEMENTS: Yes.

ASSISTANT CLERK: Voting yes. Senator Crawford.

CRAWFORD: Yes.

ASSISTANT CLERK: Voting yes. Senator DeBoer.

DeBOER: Yes.

ASSISTANT CLERK: Voting yes. Senator Dorn.

DORN: Yes.

ASSISTANT CLERK: Voting yes. Senator Erdman.

ERDMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Friesen. Senator Geist.

GEIST: Yes.

ASSISTANT CLERK: Voting yes. Senator Gragert.

GRAGERT: Yes.

ASSISTANT CLERK: Voting yes. Senator Groene.

GROENE: Yes.

ASSISTANT CLERK: Voting yes. Senator Halloran.

HALLORAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Ben Hansen.

B. HANSEN: Yes.

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

HILGERS: Yes.

ASSISTANT CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: Yes.

ASSISTANT CLERK: Voting yes. Senator Howard.

HOWARD: Yes.

ASSISTANT CLERK: Voting yes. Senator Hughes.

HUGHES: Yes.

ASSISTANT CLERK: Voting yes. Senator Hunt.

HUNT: Yes.

ASSISTANT CLERK: Voting yes. Senator Kolowski.

KOLOWSKI: Yes.

ASSISTANT CLERK: Voting yes. Senator Kolterman.

KOLTERMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator La Grone. Senator Lathrop.

LATHROP: Yes.

ASSISTANT CLERK: Voting yes. Senator Lindstrom.

LINDSTROM: Yes.

ASSISTANT CLERK: Voting yes. Senator Linehan.

LINEHAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Lowe.

LOWE: Yes.

ASSISTANT CLERK: Voting yes. Senator McCollister.

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MCCOLLISTER: Yes.

ASSISTANT CLERK: Voting yes. Senator McDonnell.

MCDONNELL: Yes.

ASSISTANT CLERK: Voting yes. Senator Morfeld.

MORFELD: Yes.

ASSISTANT CLERK: Voting yes. Senator Moser.

MOSER: Yes.

ASSISTANT CLERK: Voting yes. Senator Murman.

MURMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Pansing Brooks.

PANSING BROOKS: Yes.

ASSISTANT CLERK: Voting yes. Senator Quick.

QUICK: Yes.

ASSISTANT CLERK: Voting yes. Senator Scheer.

SCHEER: Yes.

ASSISTANT CLERK: Voting yes. Senator Slama.

SLAMA: Yes.

ASSISTANT CLERK: Voting yes. Senator Stinner.

STINNER: Yes.

ASSISTANT CLERK: Voting yes. Senator Vargas.

VARGAS: Yes.

ASSISTANT CLERK: Voting yes. Senator Walz.

WALZ: Yes.

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ASSISTANT CLERK: Voting yes. Senator Wayne. Senator Williams.

WILLIAMS: Yes.

ASSISTANT CLERK: Voting yes. Senator Wishart.

WISHART: Yes.

ASSISTANT CLERK: Voting yes. Senator Matt Hansen, voting yes. The vote is 46 ayes, 0 nays on the advancement of the bill.

HUGHES: The bill advances. Mr. Clerk, we'll proceed to General File, LB7-- or excuse me, announcements-- items. I raise the call.

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed: Senator Quick to LB911; Senator Hilgers to LB889, LB790, and LB996. Additionally, Senator Brewer to LB848. LR336, introduced by Senator Stinner. That will be read and laid over. That's all I have at this time, Mr. President.

HUGHES: Thank you, Mr. Clerk. We'll proceed to General File, LB760.

ASSISTANT CLERK: LB760, introduced by Senator Kolterman, is a bill for an act relating to insurance; requires certain insurers to provide coverage for certain services delivered through telehealth; and repeals the original section. The bill was read for the first time on January 8 of this year, referred to the Banking, Commerce and Insurance Committee. There are committee amendments, Mr. President.

HUGHES: Thank you, Mr. Clerk. Senator Kolterman, you're recognized to open on LB760.

KOLTERMAN: Thank you. Good afternoon, colleagues. First of all, I'd like to thank Speaker Scheer for making this a Speaker priority. I'm here today to ask for your support of LB760. LB760 is a real simple bill. It ensures that Nebraskans, no matter where they choose to reside, have the ability to access quality healthcare via telemedicine, specifically in regards to asynchronous review, otherwise known as store-and-forward by a dermatologist. To break that down a little bit, say you're an individual in Alliance, Nebraska, and you visit your family physician for an annual checkup. During the checkup, your doctor notices a suspicious area of skin on your forehead. The physician can take a photo and submit it to a dermatologist whose specialized knowledge allows him to assess,

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diagnose, and treat the suspicious area. What practitioners found, however, is that if the photo is sent to a dermatologist who is not participating in the live conversation-- in other words, the dermatologist is asynchronously reviewing it at a later time and replying, then that service is not being covered by insurers. It is with that issue in mind, that LB760 was developed. During the hearing on LB760, we heard from representatives from Nebraska Medicine, CHI Health in support. We received letters from the Nebraska Medical Association, AARP of Nebraska, the Nebraska Hospital Association, and Children's Hospital & Medical Center. Based upon the concerns we heard after the bill was introduced, we, we had an amendment that Chairman Williams will explain momentarily. I will tell you that there was some opposition to the bill by the insurance companies. Many of them that testified indicated that they think they are already doing some of this already. But they, they testified, I believe, in opposition because they felt it was somewhat of a mandate. But it's the only way that I see that we can help people in rural Nebraska, where we have a huge skin cancer problem, getting them the cures, the, the treatments that they need at the most least-affordable cost. And with that, I would like to ask you to support LB760 and the amendment that will follow.

HUGHES: Thank you, Senator Kolterman. As the Clerk stated, there are amendments from the Banking, Commerce and Insurance Committee. Senator Williams, as Chair of that committee, you are recognized to open on the amendments.

WILLIAMS: Thank you, Mr. President, and good afternoon, colleagues. The Banking, Commerce and Insurance Committee heard LB760 on February 3 of this year. And the committee amendments were offered to the committee by Senator Kolterman at the hearing on the bill. The amendments are the result of his work with the interested parties. First, the committee amendments would provide that a health insurer not, "not exclude from coverage telehealth services provided by a dermatologist solely because the service is delivered asynchronously." This would replace provisions, which provide that a health insurer shall include coverage for telehealth benefits in the same manner as any other covered benefits and that an insurer shall not exclude asynchronous review by a dermatologist from coverage solely because the service is delivered through telehealth care provided and a-- at a patient. Secondly, and perhaps more importantly, the committee amendments would provide that a health insurer shall reimburse a healthcare provider for asynchronous review by a dermatologist

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delivered through telehealth at a rate negotiated between the provider and the insurer. This would replace provisions, which provide that a health insurer shall reimburse a healthcare provider for asynchronous review by a dermatologist delivered through telehealth on the same basis and at the same rate as the insurer would apply to those services if the service had been delivered in person. I would urge the adoption of these amendments and then the advancement of LB760. This was advanced from committee on a 7-1 vote. I would ask for your green vote. Thank you, Mr. President.

HUGHES: Thank you, Senator Williams. Seeing no one in the queue, Senator Williams, you're recognized to close on the committee amendments. Senator Williams close-- Senator Williams waives closing. The question is shall the committee amendments to LB760 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the committee amendments.

HUGHES: The amendment is adopted. Discussion on the advancement of LB760 to E&R Initial. Seeing no one in the queue, Senator Kolterman, you're recognized to close on the advancement of LB760. Senator Kolterman waives closing. The question is the advancement of LB760 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 0 nays on the advancement of the bill.

HUGHES: The bill advances. Proceeding to General File. Mr. Clerk, LB965.

ASSISTANT CLERK: LB965, introduced by Senator McDonnell, is a bill for an act relating to education; establishes a language assessment program for children who are deaf or hard of hearing as prescribed; defines terms; provides duties to the Commission for the Deaf and Hard of Hearing; provides for an advisory committee as prescribed; provides duties for and requires submission of reports by the Commission for the Deaf and Hard of Hearing. The bill was read for the first time on January 13 of this year and referred to the Education Committee. That committee placed the bill on General File with committee amendments.

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HUGHES: Thank you, Mr. Clerk. Senator McDonnell, you're recognized to open on LB965.

MCDONNELL: Thank you, Mr. President, and good afternoon, colleagues. I'd also like to thank Speaker Scheer for making this one of his priority bills. LB965 proposes to enhance kindergarten readiness for deaf children and better prepare these individuals for overall success as adults by focusing on the importance of language and increasing language proficiency in the early years of life. Research has shown that the first three years of life are crucial for language development and the basis of kindergarten readiness. Research has also shown that language deprivation or delays between the ages of zero to five is the main cause of many deaf children's eventual reading, academic, and social struggles. LB965 was brought to me by the Nebraska Commission for the Deaf and Hard of Hearing. The legislation would establish and coordinate a language assessment program to assess, monitor, and track language development milestones for children, birth through age five, who are deaf or hard of hearing. The scope of the program shall include children who use one or more communication modes in the American Sign Language, ASL, English literacy, and if applicable, spoken English and visual supplements. On and after July 31, 2021, LB965 requires language assessments to be given as needed to each child who is deaf or hard of hearing and is less than six years of age. The ultimate goal and intent of LB965 is to raise awareness and understanding of any deaf child's experience in language learning and how that impacts their educational success and to work with other partners to provide best practices and information sharing related to the education of the deaf children who use ASL and English or both towards kindergarten readiness. Committee amendment, AM2234 strengthens the original provisions of LB965 and incorporates language from LB839, introduced by Senator Wishart, which declares the American Sign Language, ASL, is recognized by the state of Nebraska as a distinct and separate language. It allows for the Department of Education to provide for the teaching of ASL in public, private, denominational, and parochial schools. It further requires that if school offers a course in ASL that it be offered to all students, regardless of whether the student is hearing, hard of hearing, or deaf and also to be used for world language credits. LB965 and LB839, as provided in committee amendment, AM2234, complement each other in creating a stronger and more supportive path throughout the educational journey of individuals who are deaf or hard of hearing. LB965 and AM2234 were advanced unanimously by General-- to General

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File by members of the Education Committee. I'd like to thank the members of the Education Committee, also Senator Groene, for working with Senator Wishart and I on this important legislation for the children of Nebraska. Thank you.

HUGHES: Thank you, Senator McDonnell. As the Clerk stated, there are amendments from the Education Committee. Senator Groene, as Chair of the committee, you are recognized to open on the amendments.

GROENE: Thank you, Mr. President. Senator McDonnell did a good job describing the amendment, but I'll do it again. My staff put a lot of work into this and being redundant on important issues like this is not a bad thing. AM2234 made changes from the original model bill that was introduced to harmonize it with current state statute, integrate it into existing processes and procedures, and to ensure compliance with the federal Individuals with Disabilities Education Act. All of these changes were approved by Nebraska Department of Education, the Commission for the Deaf and Hard of Hearing, and Senator McDonnell. AM2234 also incorporates the amended language from LB839, which was introduced by Senator Wishart. It declares that American Sign Language, commonly known as ASL, is recognized by the state of Nebraska as a distinct and separate language. It allows the Nebraska Department of Education to provide for the teaching of ASL in public, private, denominational, and parochial schools. It requires that if a school offers a course in ASL that it be provided to all students, regardless of whether the student is hearing, hard of hearing, or deaf and allows it to be used for world language credits, which commonly for us older folks used to be called foreign language credits, by the school. Finally, it allows any postsecondary institution to offer an elective course in ASL and specifies that any credits earned in such a course may be treated as world language credits. LB839 was included in the amendment. The amendment was adopted and the bill advanced to General File, all with unanimous support, an 8-0 vote, from the Education Committee. I appreciate and thank Senator McDonnell and Wishart and all involved for working on this legislation to combine, combine the two bills and create better opportunity for those who are gifted and be able to survive in society with deafness. Thank you for your time and I ask for a green light on the adoption of AM2234. Thank you, Mr. President.

HUGHES: Thank you, Senator Groene. Debate is now open on LB965 and AM2234. Senator Wishart, you're recognized.

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WISHART: Well, good afternoon, colleagues. I am here today in support of LB965 and AM2234. AM2234 contains LB839, a bill that I introduced to recognize American Sign Language as an official language in Nebraska. I want to thank Chairman Groene and the members of the Education Committee as well as Senator McDonnell for working with me to pair these two bills together. I'd also like to thank the Speaker for making these two bills a Speaker priority. This bill would allow schools in Nebraska to offer American Sign Language as an official world language course, which many schools and districts already voluntarily do. LB839 was brought to me by the Nebraska Commission for the Deaf and Hard of Hearing to encourage our state to join a majority of states in recognizing American Sign Language as an official language in our state. We are currently one of five who do not and we owe it to our deaf and hard of hearing constituents to change that statistic. Again, LB839 is amended into LB965 with AM2234. I also want to give a shout out to young Ian today. He is sitting under the balcony and has been here since this morning waiting to see this bill because he is somebody, a student who is practicing and learning sign language himself in grade school. And this bill is very important to him. So with that, thinking of young Ian, I took some time to learn some sign language myself. So thank you. I urge everyone to support this bill. [ASL]

HUGHES: Thank you, Senator Wishart. Seeing no one else in the queue, Senator Groene, you're recognized to close on the committee amendments. Senator Groene waives closing. The question is shall the committee amendments to LB965 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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

HUGHES: The amendment is adopted. Discussion on the advancement of LB965 to E&R Initial. Seeing no one in the queue, Senator McDonnell, you're recognized to close on the advancement of LB965. Senator McDonnell waives closing. The question is the advancement of LB965 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 45 ayes, 0 nays on the advancement of the bill.

HUGHES: LB965 advances. Items, Mr. Clerk.

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ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed:
Senator Lowe to LB1056. Finally, a priority motion. Senator Howard
would move to adjourn the body until Friday, March 6, at 9:00 a.m.

HUGHES: Colleagues, you've all heard the motion. The question is shall
the Legislature adjourn? All those in favor say aye. All those, all
those opposed say nay. We are adjourned.