LINDSTROM: Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. President. Good morning, colleagues. It is my honor to introduce The Very Reverend Craig Loya, the dean of Trinity Cathedral in Omaha, to our-- be our chaplain this morning. Craig has been my pastor for the past two years and he is-- his church is in Senator Vargas' district. Reverend Loya was recently elected to be the bishop of the Episcopal Church in Minnesota. He is only the third native-born Nebraskan to be elected as a bishop to the Episcopal Church. Senator Groene, who represents your home town of North Platte, Craig, has for you LR335, signed by every member of this Legislature. It says: Be it resolved that the members of the One Hundred Sixth Legislature congratulate The Very Reverend Craig Loya on his election as the tenth bishop of the Episcopal Church in Minnesota and thank you for your ministry in the state of Nebraska. And you may begin the morning with prayer.

CRAIG LOYA: Let us pray. God of justice and peace, who has molded the rivers and prairies, the Sandhills and bluffs, the farm fields and the open skies of our Nebraska home, we thank you for the gift of this new day and for the privilege of serving the people of this land. Give us wisdom in our deliberations. Make us zealous in the pursuit of justice for all people. Help us to use our liberty in accordance with your loving will and to be generous stewards of all you have entrusted to us so that all Nebraskans from our diverse places, from our different backgrounds, and from our varied perspectives might live the good and abundant life which you desire for all people in this place where you have planted our hearts together. Amen.

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

CLERK: Mr. President, I have a quorum present this morning.

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

CLERK: I have no corrections.

LINDSTROM: Thank you. Are there messages, reports, or announcements?

CLERK: Mr. President, the agency reports received this past week are on file on the legislative website and available for member review.

Lobby report, as required by statute, to be inserted in the Journal. An announcement: Appropriations will have an Executive Session at 9:30 in Room 2022. Appropriations, 9:30, room 2022. That's all that I have, Mr. President.

LINDSTROM: Thank you. Senator Megan Hunt would like to recognize the doctor the day, Erika Rothgeb of Omaha. Please stand to be recognized by your Nebraska Legislature. Mr. Clerk, we will now proceed to the first item on the agenda.

CLERK: Mr. President, LB944, Select File. I have E&R amendments, first of all, Senator.

LINDSTROM: Senator Slama.

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

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed-- the motion is adopted.

CLERK: Mr. President, when the Legislature last considered the bill, Senator Bostelman, I believe you had a pending? I have AM2444, Senator.

BOSTELMAN: I think that was for the E clause. No-- yes, it was for E clause on my portion of the bill that we passed last-- on General File, correct?

CLERK: So you want to withdraw this, what I have in front of me then? Is that-- so, Mr. President, I now have-- Senator Friesen, I have AM2396 with a note you wish to withdraw.

FRIESEN: Yes, that's correct.

CLERK: Thank you, Senator. Mr. President-- Senator Friesen, AM2612.

LINDSTROM: Senator Friesen, you're welcome to open on AM2612.

FRIESEN: Thank you, Mr. President and members of the body. I ask your support of AM2612, an amendment that incorporates the provisions of LB1088 as amended. This amendment relates to license plates. It contains the provisions of LB1088 and other measures relating to specialty plates. First, LB1088 as introduced allowed holders of organization specialty plates to receive personalized message plates

upon application to the DMV. The bill would allow the message plates to be issued only after the year in which the organization plates were originally issued by the DMV. As amended by the committee, the additional fee of $20 was eliminated. These plates already cost $70 per year. Second, the committee incorporated the provisions of LB843, LB903, LB921, LB942, and LB1139, which were specialty plates heard by the committee this year. These plates will be issued after January 1, 2021. LB843 would allow the issuance of Donate Life license plates. LB903 would provide for Down syndrome awareness plates. LB921 provides "The Good Life Is Outdoors" plates. LB942 creates the "Support the Arts" plates and LB1139 provides for issuance of "Pets for Vets" plates. All of these plates require an additional fee of $5 for alphanumeric plates, $40 for message plates. The fee of $5 for alphanumeric plates and $30 of the $40 for message plates will go to the public agency or organization that provides support for the cause indicated by the plate message. In addition to the-- the amendment provides consistency with current license plate provisions. We give DMV the authority not to reissue plates after the next six-year reissues period, which begins on January 1, 2023, if there are not 500 combined new applications and renewals for a particular plate during any consecutive two-year period. This provision applies to all specialty plates except for organization plates like the Gold Star plates, Purple Heart plates, ex-POW plates, Pearl Harbor survivor plates, and the Disabled American Veteran plates. A good explanation of this amendment is in the committee statement to LB1088 as amended and I urge you to adopt this amendment. LB1088 was advanced by the committee 7-0 with one abstention. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. Seeing no one in the queue, Senator Friesen, you're welcome to close on AM2612. Senator Friesen waives closing. The question before us is the adoption of AM2612 to LB944. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on adoption of Senator Friesen's amendment.

LINDSTROM: The amendment is adopted.

CLERK: Senator Bolz would move to amend, AM2761.

LINDSTROM: Senator Bolz, you're welcome to open on AM2761.

BOLZ: Thank you, Mr. President. This amendment reflects the substance of LB976. This bill is a one-word change to the provisions relating to

our handicapped parking passes. It adds the word "neurological" to the list of impairments for which a doctor could certify that an individual has mobility impairments that qualify them to receive a handicapped parking pass. It was passed out of the Urban Affairs Committee unanimously. It had no opposition in committee. The two questions that have come up related to this change are first, are there enough handicapped parking spots in the state to allow for a change or an adjustment to our handicapped parking spot statute? And the answer is certainly, yes. My thanks to Logan Seacrest in Legislative Research who helped us identify that we have about 47,000 handicapped parking spots-- parking passes and over 144,000 spots. The second question that was come-- has come up is the purpose or the reason behind this bill. In December, I had a mother come to my office and explain that she had difficulty accessing a handicapped parking pass for her son who has autism. Autism is a neurological diagnosis. For her son, navigating a parking lot can be overwhelming, can be dangerous because he can respond to the sensory input of traffic and cars and people moving. And so a doctor can certify that it is difficult for his mobility, it is difficult for him to move 200 feet in a safe manner. But they had challenges in accessing this parking spot because he has a neurological disorder, not a visual or physical impairment, as is reflected in the statute. Colleagues, if we had a consent calendar, I think this bill would be a consent calendar bill. Because we're not moving it that way this year, I do thank Senator Geist and Senator Friesen for allowing me to bring this bill up on LB944 and I urge your support of AM2761 as well as passage of LB944. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Bolz. Seeing no one in the queue, Senator Bolz, you're welcome to close on the amendment. Senator Bolz waives closing. The question before us is the adoption of AM2761. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Bolz's.

LINDSTROM: The amendment is adopted. Senator Slama.

SLAMA: Mr. President, I move that LB944 be advanced to E&R for engrossing.

LINDSTROM: You've heard the motion. All those in favor say aye; all those opposed say nay. LB944 is advanced. Mr. Clerk, LB909. Senator-- Senator Slama.

SLAMA: Oh, sorry.

CLERK: Just a minute, Senator. Excuse me. Senator, yeah, there are E&R amendments, forgive me. Yes, please.

SLAMA: Mr. President, I move that the E&R amendments to LB909 be adopted.

LINDSTROM: You've heard the motion. All-- all those in favor say aye. All those opposed say nay. E&R is adopted.

CLERK: Senator Williams would move to amend, AM2544.

LINDSTROM: Senator Williams, welcome to open on AM2544.

WILLIAMS: Thank you, Mr. President, and good morning, colleagues. AM2544 is a one-sentence clarifying amendment to LB909, which is our Banking and Finance Committee package of bills for 2020. Among the bills that make up LB909 is LB908, which would move the licensure of delayed-deposit insurance licenses to the Nat-- Nationwide Mortgage Licensing System. This change will modernize regulation of DDS licenses in our-- for our Department of Banking. As we make the transition to NMLS, the Banking Committee, as well as the Department of Banking, want to be sure that we preserve the rule in statute that DDS transactions must be at a brick-and-mortar office. The amendment is to make sure that we stay firmly with the current law. I would urge your adoption of AM2544 and then the advancement of LB909 to Final Reading. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Williams. Seeing no one in the queue, Senator Williams, you're welcome to close. Senator Williams waives closing. The question before us is adoption of AM2544. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Williams' amendment.

LINDSTROM: The amendment is adopted.

CLERK: I have nothing further on the bill.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB909 be advanced to E&R for engrossing.

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay. LB909 is advanced. LB1016.

CLERK: LB1016 does have E&R amendments, Senator.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB1016 be adopted.

LINDSTROM: The motion is to advance E&R AM174. All those in favor say aye. All those opposed say nay. They are adopted.

CLERK: I have nothing further on the bill.

LINDSTROM: Senator Slama.

SLAMA: Mr. President, I move that LB1016 be advanced to E&R for engrossing.

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay. LB1016 is advanced. LB858.

CLERK: LB858, Senator. I do have E&Rs, first of all.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB858 be adopted.

LINDSTROM: All those in favor on adoption of the E&R amendments say aye. All those opposed say nay. They are adopted.

CLERK: Senator Hughes would move to amend, AM2633.

LINDSTROM: Senator Hughes, you're welcome to open on AM2633.

HUGHES: Thank you, Mr. President. Good morning, colleagues. This amendment was recommended by Bill Drafters and it, and it fixes a technical issue that could not be fixed in the E&R. It is not

substantive and simply clears up the bill's language. I would appreciate a green vote on AM2633. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hughes. Senator Hughes, you're welcome to close. Senator Hughes waives closing. The question before us is the adoption of AM2633. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of Senator Hughes's amendment.

LINDSTROM: The amendment is adopted.

CLERK: I have nothing further on the bill.

LINDSTROM: Senator Slama.

SLAMA: Mr. President, I move that LB858 be advanced to E&R for engrossing.

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay. LB858 does advance. Mr. Clerk, LB790.

CLERK: LB790 has Enrollment and Review Amendments, first of all.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB790 be adopted.

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay. The motion is adopted.

CLERK: Mr. President, the first amendment to the bill; Senator Blood, AM2768.

LINDSTROM: Senator Blood, you're welcome to open on AM2768.

BLOOD: Thank you, Mr. Chair. Good morning, fellow senators, friends all. I'm rising today after speaking with both Chairman Brewer and Senator Slama about adding my LB752 as AM2768 to Senator-- excuse me, Senator Slama's LB790. Some of you know LB752 started off as a veterans bill of rights, but it became more complex and had many moving parts than AM2768. And after we worked with various entities and agencies and ran many roadblocks, we decided to strip it down to its foundation so we might tackle the other issues in the future. The foundation is to ask the question. This is a measure that the

Department of Defense, Military Community and Family Policy has asked us for from-- and from all 50 states. The amendment would have DHHS and the Department of Veteran-- Veterans Affairs work jointly to encourage service providers and their respective departments and in other state and local agencies to ask the question, have you or a family member ever served in the military? While the specifics will be left up to the departments on how to implement this, the question will be included in intake forms and interviews and asked at a wide range of state agencies and facilities such as employment offices, courts, by law enforcement and senior centers. Like the other asks that I brought forward from the DOD over the last three years that have now been implemented, it impacts the quality of service members and their families while they are here in Nebraska-- excuse me, affects the quality of service for these members. By asking these questions, it allows the veteran, active-duty service member and their families to find out that they have access to services they never would have been told about if they didn't self-identify. This will also help raise, raise awareness for those providing services who may not have known the different options that are available for Nebraska's military families and veterans. I'll also point out that by asking this question, the state can connect this demographic to federal services, which in turn may reduce the cost to our state. This is a win-win kind of initiative because there's no reason it should cost the state anything and it might result in saving funds. It can certainly change the quality of someone's life when they are in a desperate time of need. I ask for your green vote on AM2768 and Senator Slama's LB790.

LINDSTROM: Thank you, Senator Blood. Turning to debate, Senator Slama, you are recognized.

SLAMA: Yes. Thank you, Mr. President. I just wanted to very briefly thank Senator Blood for her efforts in bringing this bill to LB790 and thank her for her work to help Nebraska's veterans. I think this is definitely a win-win for veterans in the state of Nebraska so I'd encourage a green-light vote on AM2768.

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

BREWER: Mr. President, i, too, would like to-- to weigh in and thank Senator Blood for bringing this. It was in the Government Committee. It is a good bill. Unfortunately, with our election package, we weren't able to put it where it needed to be. So Senator Slama, thank you for allowing the AM2768 to be attached to your LB790. Again, it

just simply asks a question. It will help our veterans. And with that, I'd ask for your green vote on both the AM and the primary bill, LB790.

LINDSTROM: Thank you, Senator Brewer. Seeing no one in the queue, Senator Blood, you're welcome to close on AM-- Senator Blood waives closing. The question before us is the adoption of AM2768. All those in favor of vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of Senator Blood's amendment.

LINDSTROM: The amendment is adopted.

CLERK: Senator Hilgers would move to amend, AM2758.

LINDSTROM: Senator Hilgers, you're, you're welcome to open on AM2758.

HILGERS: Thank you, Mr. President. Good morning, colleagues. AM2758 is an amendment that was promised on General File. If you recall from our debate before, there were some issues raised outside the glass about the potential scope of what, what had been a compromise amendment to the underlying bill. If you remember, LB790 included my bill that was-- went through Government Affairs on, on design/build. The compromise that we had reached in, in that-- with that bill was to provide a resolution for these water projects and the where-- the original language of the compromise was that those projects were-- had been put-- the resolution language had actually been-- it had been-- had a broader effect so it actually didn't just apply to water projects. It applied to every design build/project, or at least arguably could have, and so that wasn't the intent of the compromise and the language that we intended to put in there. So AM2758 would, would, would stay true to our original intent, which would be to require these resolutions just for sewer projects. And so it, it resolves that objection. In addition, this slightly expands it to make sure that we're including NRDs. So AM2758 resolves any objections that we've had to this underlying bill. I'd encourage and ask for your green light on this amendment. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hilgers. Turning to debate, Senator Slama, you are recognized.

SLAMA: Thank you, Mr. President. I'd like to briefly thank Senator Hilgers for his work to bring a cleanup amendment to his original

bill, LB890, which is part of LB790, and encourage a green-light vote on AM2758. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Slama. Senator Cavanaugh, you are recognized.

CAVANAUGH: Thank you, Mr. President. Senator Hilgers, would you yield to a question?

LINDSTROM: Senator Hilgers, would you yield, please?

HILGERS: I would.

CAVANAUGH: Thank you, Senator Hilgers. I'm just looking over your amendment and I apologize that I'm not from-- more familiar with it. On the last page, there's an insert for project authorization and I was trying to look up the code, but since you're here, maybe you can just explain. Sorry. It's authorizing under subsection (3) of Section 13-2914. I just wanted to-- some clarification on what that actually does. It's on the last page.

HILGERS: OK, I've got the language. One second, Senator Cavanaugh.

CAVANAUGH: OK.

HILGERS: Section-- my under-- my understanding is that subsection-- so that Section 13-2914 is the list of designed/built projects and subsection (3) is the one that we're-- we're referring to. I think-- so the intent of this, and I can double check off mike and make sure you're comfortable with the language, is to narrow it just to the, the sewer projects.

CAVANAUGH: OK. OK. So the-- your amendment is specific to the sewer projects. It wouldn't do anything as far as construction with perhaps our privatizing prisons or anything like that?

HILGERS: Absolutely. It does not-- has nothing to do with LB790, really, under the underlying LB790 bill.

CAVANAUGH: OK. Thank you. I just-- just trying to catch up. So--

HILGERS: Thank you, Senator Cavanaugh.

CAVANAUGH: --thank you. I appreciate it. And so it's natural resources district on page 2 and then that subsection is added. Thank you very

much, Senator Hilgers. I will yield the remainder of my time to the Chair.

LINDSTROM: Thank you, Senators Cavanaugh and Hilgers. Seeing no one else in the queue, Senator Hilgers, you're welcome to close on AM2758. Senator Hilgers waives closing. The question before us is the adoption of AM2758. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays on adoption of Senator Hilgers' amendment.

LINDSTROM: The amendment is adopted.

CLERK: Mr. President, quickly, announcement, again, a reminder; Appropriations at 9:30 in Room 2022. The next amendment, Senator Pansing Brooks, AM2797.

LINDSTROM: Senator Pansing Brooks, you're welcome to open on AM2797.

PANSING BROOKS: Thank you, Mr. President. Good morning, Nebraskans. Our state's unique motto is "Equality before the law." So know that whoever you are and wherever you are on life's journey and whomever you love, we want you here. You are loved. So today I'm rising with similar questions to what I had on Gen-- General File about the definition of services on page 5, line 19 of the E&R amendment. I've just gotten into higher alert because Senator Hilgers just answered a question and said, oh, no, it isn't about privatization, that's LB790. So that, of course, then raises my concerns even more that he just said that. So what I am-- what I'm concerned about is, and what I had talked with Senator Slama about when we voted on General File, is that I wanted a definition of what services included and I want to make sure that services does not include the privatizing of our prisons or of DHS-- DHHS, especially, because DHHS incl-- covers the YRTCs. Now I'm hearing that Corrections is not covered under DAS. But still, I want to make sure that it is clear that we are not allowing the privatization of administration of facilities that are operated by the Department of Health and Human Services as well as Corrections. So that's why I'm bringing this. I was told by Senator Slama and by PRO and the Department of Administrative Services that they would be happy to create language with me to clarify the definition of services and to make sure to clarify in statute and in this-- in this language that they've opened that there would be no privatization of facilities included within this amendment. And so I met with them three different times. I gave-- I first gave an option of language to use and they

said, no, we can't possibly do that. So then we said, well, then give us your language. No, we really can't think of any language that would work. So I drafted this language, which is pretty darn clear. It says: Nothing in this section shall be interpreted to allow for the privatization of the administration of facilities operated by the Department of Health and Human Services under 83-101.06 or the privatization of the administration of facilities operated by the Department of Correctional Services under 83-171. When-- in the hearing, all that people talked about were-- were toilet paper roll contracts and contracts for paper towels and I get that. I have no problem with that part of the bill. I have no problem with Senator Blood's bill. I think it's a wonderful addition. And I do not have any concern about what Senator Hilgers has just amended into this bill. But I do have a concern about the fact that I was told on the mike last time on General that they would help me get language to define services not to include operations of facilities. And the answer yesterday was sorry, we just can't think of anything; we just won't do that. So to me, with an inability and unwillingness to come up with any other language that would help us define what was intended in this bill that says goods or services-- if you look on page 6 of the bill, if you look on-- oh, sorry, it isn't 6. If you look on 5-- page 5 of the bill, it says the State Purchasing Bureau may lead the negotiation of a contract competitively for goods or services in which the state is interested. So I'm willing to move forward on this bill if we can define-- if we can divine what services-- that services does not include administration of facilities. And they gave me a whole list, and you're going to hear, I'm sure, that there's a whole list of things like pest control, labor and parts, and wireless broadband and cloud services. Those are all the services that they currently do, but that doesn't mean that they couldn't expand it. And so I am concerned. I was promised that there would be language that we could agree to. And so now I am forced to bring this amendment. And until we get some sort of agreement about what, what could, what could be done, I'm not trying to clear the-- kill the bill. I'm trying to get clarity. We don't want unintended consequences and inadvertently allow DAS to do something regarding privatization of facilities that they are not authorized to do. We already have seen the YRTCs have just moved to Lincoln without any kind of legislative-- legislative authority. So if you think that this couldn't happen or that this won't, then we need to think again because we are now calling something in Lincoln, or some people are calling something in Lincoln, YRTC-Lincoln. I refuse to call it that because that has not been supported by judges or by the Legislature. So again, either we have powers in this body to

control how things are going to go forward or we live in an autocratic state where we do not get to decide how our dollars are going to be spent because with privatization, you know, we would not have any powers to determine what is going on within the, within the facility. We would not have any power to say no, you're spending too much on this or that. We wouldn't have the power to go in and say no, don't put our children into solitary confinement. So I want to clarify and have been unable, to this point, to get anybody to agree to any kind of wording that would clarify that this does not include the privatization of facilities and the administration of those facilities. So I, I have concerns about that. I'm going to continue asking about it. I'm going to continue to make sure. I can't understand why we cannot get some kind of, of language where we could have an agreement. How hard is it? They, they continue to say, oh, no, services doesn't include administration or privatization of a facility. Well, then let's put that in there. What-- how hard is that? You see a very simple amendment before you. If that is truly the intent of what's going on here, then how hard is it? Let's just vote this and vote Senator Slama's bill and Senator Blood and Senator Hilgers' bill, straightforward. So again, I feel we have to be very careful, particularly with our overcrowding crisis, with our plans to build a new prison and then all of the issues that are incumbent and happening at the YRTCs. To act like this is unreasonable? I'm happy to have somebody come to me and say, here, here's what we can do or here's why you don't have to worry. I have had no one come to me. Two departments of-- of the state were not able to convince me that we don't have to worry about this. So at that point, why not clarify with language? This is a very simple bill and I trust-- I, I believe Senator Slama. She'll say everything's aboveboard. We already get to have some contracts, private contracts. I'm talking about the entire administration, the service of hiring a company. So Texas and Nebraska and Iowa go into business together and have a contract and hire a private entity to run our YRTCs or to run-- pro-- to run the entire administration of the facilities. And everybody keeps saying, no, no, that couldn't happen. But then they won't point to why that's so. Well, we've never done it. Well, that doesn't mean you won't do it. So I, I presume that everything is aboveboard. But as President Reagan said, he used to always say: Trust but verify. So this amendment that I seek is verification.

LINDSTROM: One minute.

PANSING BROOKS: Thank you, Mr. President. So-- and, and the second portion of this amendment says the same thing: nothing in this section shall be interpreted to allow for the privatization of the administration of facilities operated by the Department of Health and Human Services under Section 83-101 or privatization of, of the administration of facilities operated by the Department of Correctional Services under 83-171. Again, all you have to do is think about what's happening at the border. No one has the power to go in and control what is happening at the border because it's privatized. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Pansing Brooks. Senator La Grone, you are recognized.

La GRONE: Thank you, Mr. President. I rise in opposition to AM2797 because it isn't an unconstitutional impairment of contract. So our co-- our constitution requires that we cannot pass any laws that invalidate or change the terms of an existing contract. And if-- as I look at the text of the amendment, it would apply to, the way I read it, the privatization of adminis-- administration of facilities, I'd have-- that would encompass the entire-- so any administrative services, I-- as I read it, would fall under that. There are a number of administrative services that are currently handled by private companies, such as pest control, technology, and just a number of contracts that Senator Slama's handout details, where this would invalidate those contracts and therefore, it would be unconstitutional. And so I cannot support AM2797. Thank you, Mr. President.

LINDSTROM: Thank you, Senator La Grone. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. And I rise also in opposition to AM297. But in doing so, I want to thank Senator Pansing Brooks for being so willing to work with the DAS. They did meet three times for extended periods to try to find a middle ground, but we ran into the exact same issue that Senator La Grone outlined as to the constitutionality of any potential changes and that the impact it could have on existing contracts. There are several concerns that are raised by AM2797. But right off the bat, I want to clarify, this is not intended in any way for the priority-- priority-- privatization, inadvertent or purposeful, of any of the facilities that were outlined by Senator Pansing Brooks. LB790 does two very simple things at the core of the original bill. First off, it allows the Department of

Administrative Services to contract with political subdivisions of other states for goods and services and it also allows us to be a lead ne-- lead state negotiator in NASBO. And just to clarify, I think the point of contention here is that somehow we could get into a contract with a political subdivision of another state for something that's outside of what DAS is statutorily authorized to do, which is, again, why we ran into issues defining what service means because it's so far reaching and impacts existing contracts. At the end of the day, never in the history of NASBO has one of these contracts been used to privatize any facility like a prison or a youth center or even a school, which was another concern raised by Senator Pansing Brooks. I've handed out a description of the contracts that the Materiel Division has entered into as of right now. And as you can see, these are things like pest control, technology, advertising. This is not running prisons. This is on an entirely different level, an entirely different set of things that we would define as services. But when we bring in the limitation of delineating services from administration, we run into issues, such as does legal assistance in the Department of Corrections. Does that indicate administration that would be forbidden under AM2797? Does contracting out for security cameras go into the administration of a Dep-- DHHS or Department of Corrections facility? AM27, while I appreciate Senator Pansing Brooks's work trying to find a middle ground, just isn't it. And we can clarify for the record all day the limitations of DAS. This is not a bill that has any potential to go anywhere close to the scope that Senator Pansing Brooks outlined and I hope that we can clarify that on the mike in our conversations today. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Slama. Senator Hilgers, you are recognized.

HILGERS: Thank you, Mr. President. Good morning again, colleagues. I just wanted to clarify a couple things since we are making a record here this morning. The earlier question I received from Senator Cavanaugh related to my-- the portion of this bill which was my bill, which was LB890, which related to design/build, which is-- even though it has been amended into LB790, related to different subject matter. So when Senator Cavanaugh asked me about privatization, I was-- my response was not to say that that's what LB790 does. I know that was a discussion that Senator Pansing Brooks had regarding LB790 so I was simply making the point that those are two different issues that really are not connected at all but for the fact that they're on the same bill. So with that, I'd certainly want to make sure the record is

clear that I was not suggesting LB790 does any of the privatization that Senator Slama has said it doesn't do. So thank you, Mr. President.

LINDSTROM: Thank you, Senator Hilgers, Senator Cavanaugh, you are recognized.

CAVANAUGH: Sorry. I was over to the side. Is it my time now?

LINDSTROM: Yes.

CAVANAUGH: OK. I apologize. And Senator Hilgers, I apologize. I didn't mean to put you on the spot with that earlier. I really was just curious about your amendment and I appreciate the clarification that you provided. I rise in support of Senator Pansing Brooks's AM2797. I very much appreciate taking the time to look at what services we allow DAS to, to be in charge of. I know we've talked a lot about the YRTCs, the youth rehabilitation and treatment centers, over the course of this session and I have significant concerns when it comes to the management of the facilities. Those facilities were transferred to the authority of DAS last year and under their supervision, we saw a significant diminish in the quality of, of care of the facilities and it has ultimately cost this state millions of dollars. So I appreciate Senator Pansing Brooks's willingness to put in clarifying language as to what authority we are willing to give DAS when they are entering into these contracts. And I'm just looking over this language and I wonder if, if Senator Pansing Brooks would yield to a question.

LINDSTROM: Senator Pansing Brooks, would you yield to a question, please?

PANSING BROOKS: Yes, I will.

CAVANAUGH: Thank you, Senator Pansing Brooks.

PANSING BROOKS: Sure.

CAVANAUGH: So on your amendment, on line 10, it says that it shall be interpreted-- it-- nothing in this section shall be interpreted to allow for the privatization of administrative fac-- facilities operated by DHHS. So this is language that they don't feel comfortable including?

PANSING BROOKS: That's correct.

CAVANAUGH: Did they give you a reason as to why they would not include that?

PANSING BROOKS: They did not. They just said, we don't-- we can't accept this language. And I said, well, I'm going to have to drop it. And they said, we understand.

CAVANAUGH: So did they express that they have an intention of moving forward with privatization of services?

PANSING BROOKS: I didn't directly ask them that. They said, they said, when I first talked to them, absolutely, no problem, we can definitely put that and define what services are. And then it ended up being they just decided for whatever reason that nothing works and none-- I offered another amendment that was a little bit more precise-- or it was probably more complicated. So I just brought this cl-- clarifying amendment to talk about privatization. And, you know, they had said absolutely, we, we are going to help you change that definition. And so that's the problem when we bring something and say between General and Select that we're going to work with somebody. Well, saying that nothing works and offering nothing else is not working with somebody. That's me talking to people and them not, not coming and, and, and offering any other suggestions or support.

CAVANAUGH: Well, thank you. I mean, from my perspective, this doesn't mean that we as a Legislature can't approve something in the future. It just says that we are not carte blanche approving it right now without any sort of request.

LINDSTROM: One minute.

CAVANAUGH: Is that accurate interpretation?

PANSING BROOKS: That-- that is accurate.

CAVANAUGH: So we currently are not-- we don't privatize our services, our administrative facilities for DHHS or Corrections and this amendment clarifies that this bill is not giving a proactive exemption for privatization. And I appreciate that very much. I think that's important due diligence on our part as a body and oversight that it is our role to approve any privatization if there is to be privatization. And so clarifying that that's not what we're doing right now makes me much more comfortable with the language of the bill. And I appreciate Senator Pansing Brooks for bringing this amendment. I will certainly

be supporting it. I encourage everyone in this body-- I know there's a lot of conversation happening right now, but I encourage everyone in this body to--

LINDSTROM: Time, Senator.

CAVANAUGH: Thank you.

LINDSTROM: Thank you, Senator Cavanaugh and Senator Pansing Brooks. Senator Pansing Brooks, you are recognized.

PANSING BROOKS: Thank you. So I guess I'm-- one of the things I'm interested in is the discussion about whether it's constitutional or not. It-- the amendment says nothing about contracting. It says that shall not be interpreted to allow the Department of Services to, to privatize administration facilities. So the fact that both Senator La Grone and Senator Slama are now standing up to talk about the fact that, oh, well, this is hurting their ability to do whatever they want and we, we have, we have parameters set all the time. That's what we do. We set parameters on what the departments can do, on what the state can do. So this is setting parameters on the scope of their abilities. So that is not an unconstitutional act on behalf of the Legislature to define the extent of their bill-- their abilities to contract for the services of a private-- the administration of facilities. That is not beyond our powers. We can, we can acquiesce. We can give up these powers if we choose to, which I believe without this language we are, in fact, doing. But we, we do have the authority to say here are the limits of your pow-- of your abilities, DAS, you also-- you also can't contract to do executions. That's, that's at the far extreme, but that's not their prerogative. We set, we set all sorts of parameters to be able to tell the different departments what their role is, what they can do, what they're able to do. So all I want is a clarification that the word "services"-- and the fact that I'm now getting pushback makes me feel even more certain that that's what is happening. The fact that they are pushing back on this bill about the administration of facilities makes me feel like this is precisely what's going on, taking something else away from our ability to have say over where our money goes, how it's being spent. We had a similar-- Senator Stinner has something similar in Appropriations where the department isn't responding and he's going to put something within Appropriations' budget language to say we do have the power to say how the money is spent, where it's going to go. So I, I think that it's pretty clear now with these-- with the comments on General, oh, yes, no problem, we will help you define what services means. And then

all of a sudden I come up with something very basic and all of a sudden, no, we're not going to define what, what services means. And I'm passing out something that shows when we have done privatization before and it failed. I want the Legislature involved and that has to do with child welfare. Many of you will know that. Some of you were here. Senator Chambers was here. But that, that was a whole mess. And so I'm, I'm passing this out because we need to have the ability to set parameters to say what an agency can or can't do, what are the extent of its abilities. It's something very easy. I'm just saying that-- and they said, yes, you can set parameters. If you have a different idea, Senator La Grone, please bring it to me to define what services means. But no one could give me any, any example of what-- the extent of the word "services" and the extent to which DAS may contract and--

LINDSTROM: One minute.

PANSING BROOKS: --and grow. So I think that on my next time on the mike, I'm going to be asking people their intentions with this bill. So thank you very much.

LINDSTROM: Thank you, Senator Pansing Brooks. Senator Slama and Center Clements would like to welcome 35 eighth-grade students and two teachers from Nebraska City Middle School, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. And Senator Howard would like to welcome 20 members and five students from the Occupational Therapy Students Association throughout the state of Nebraska, also seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk for items.

CLERK: Mr. President, thank you. Couple of announcements: Revenue Committee is meeting in Room 2022 at 10:00. Revenue, 10:00, 2022. The Executive Board is meeting, I believe, underneath the south balcony soon. Then, Mr. President, with respect to LB790, Senators Chambers would move to bracket the bill until April 22.

LINDSTROM: Senator Chambers, you're welcome to open on your bracket motion.

CHAMBERS: Thank you. Mr. President, members of the Legislature, before anybody panics, I discussed this with Senator Slama. It gives me a chance to get to the head of the line, but that's not the real reason I'm doing it. I'm a member of the Exec Board and I would like to be at our Exec Session, but there are a few points that I want to make with

reference to the discussion that has occurred. I've said several times that I'm trained in the law and I'm going to say learned in the law, but I don't practice law, except when I've defended myself in court and have won on more occasions than I've lost. And even had a speed limit bill that the Nebraska Legislature had enacted that would incorporate the national speed limit at 55 miles an hour. I got a ticket for going in excess of that. I pointed out that by the way that Nebraska had written its speed limit law, it was delegating, unconstitutionally, its authority to the federal government. It was a state's-right judge who agreed with me and struck down Nebraska's law. I read the kind of decisions that are handed down by the court which relate to the kinds of issues we're discussing today. What does the Legislature have the power to do? First of all, people are talking about constitutionality. And Senator La Grone didn't go into any detail. He just expressed his opinion. The Supreme Court, the national Supreme Court and the Supreme Court in any state, presumes that legislation is constitutional. Whoever challenges it has to overcome that presumption. The Supreme Court, wherever you have one, does everything it can to interpret, construe, or apply a piece of legislation in such a way that it will be constitutional. If the Legislature wonders, there is a way to protect itself. It can include the severability clause. And here's where the severability clause will not work. If that language that is unconstitutional is essential to the passage of the bill and the bill would not have been passed without that language, then the whole bill is struck down, despite the severability clause. But if the language can stand on its own, if the legislative history makes it clear that that specific bit of language is not the basis for the Legislature enacting the law, the court will sever that language and let the rest of it be constitutional. I'm telling you what the law is. I've read it. I respect the law. I told you I have a love-- whatever-- affair, I'll use, with the law. Now with the discussion that has gone on this morning, it's clear that this bill would have moved on a voice vote. There is no opposition to the bill as it stands right now. This bill would be enacted without the language that Senator Pansing Brooks is offering. There is a plausible argument for the constitutionality of what she is doing. The language as read does not abrogate or do away with any existing cons-- contract, and the discussion by the introducer of the language makes it clear that there is no intent to abrogate or do away with or interfere with an existing contract. This is a stratagem hatched by the Governor, in concert with the Department of Corrections and others, who have some, what I call, sinister ideas in mind. The legislators are not careful. If Senator La Grone had researched the

matter for himself, he would know what I'm saying he would know that it's true, and he would not have made the blanket statement that he made. Now you can take what I'm saying to any lawyer who knows what the constitution means, knows how the Nebraska Supreme Court has ruled on cases where there is a charge of unconstitutionality of a statute. They will tell you about the presumption of constitutionality. They will tell you how, if the language that is challenged can be removed from that bill, even without the severability clause, then the bill will be allowed to stand. But the court will say, if the Legislature wanted to be cautious, it would have added the severability clause to make it clear that, without this language, the bill would be passed into law anyway. If you don't include the severability clause, there is no way for the court on its own to say that this language is not essential to the passage of the law-- the bill. The bill would have been enacted anyway. Nobody, nobody has said that the only thing that will cause them to vote for this bill is the adoption of Senator Pansing Brooks's language. I believe everybody would say, if that language would be deemed constitutional, they would have no objection to its being added. So if they are being honest and the only question they have is whether this language is constitutional, the explanation I've given you is all that you need, not because I'm giving it, but I'm giving it because it's what the law in Nebraska is. I read cases. I read the Opinions. I study them. I've won cases against radar, VASCAR, and aircraft clocks because I read the law and I apply it. And whether the court likes me or not, they have ruled in my favor; not every time, but more times than not. I even had a complete grand jury report expunged from the court record because the grand jury went beyond its constitutional authority. If they attack anybody without that person being indicted, then that is unconstitutional because the charge stands there and the person accused has no opportunity to combat it. The only way it can be combated is for an indictment to be brought. The person must be charged with a violation of the law and at that time, the person can clear his or her name. That was not done when a grand jury attacked me and others so the entire report was expunged, not sealed. It was taken out of the record. It does not exist. Now I know you all don't like me. I know that you wish I were not here. But I'm telling you what the law is. And the book says-- well, the book doesn't say it. But the truth is, the devil has quoted scripture, but the fact that the devil quotes it doesn't make it untrue. Maybe the use that the devil is putting to-- putting it to is inappropriate. What I'm telling you is the law. And if you truly do not object to what Senator Pansing Brooks states as her reason, there

is no basis for objecting to or rejecting that language. Thank you, Mr. President, and I withdraw that motion.

LINDSTROM: The motion is withdrawn. Senator Stinner would like to welcome 37 students and 3 teachers from Scottsbluff High School seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Returning to debate, Senator Chambers-- he waives closing-- or wai-- waives speaking. Senator Arch, you're recognized.

ARCH: Thank you, Mr. President. I have, I have some questions for Senator Pansing Brooks if she would yield.

LINDSTROM: Senator Pansing Brooks, would you yield?

PANSING BROOKS: I will.

ARCH: My, my issue has to do with the language here regarding-- one of my issues has to do with the language regarding privatization of the administration of facilities. In your opening remarks, you mentioned the leasing of the Lincoln/Lancaster juvenile detention facility for a piece of the YRTC program. Would you consider that a violation of this language?

PANSING BROOKS: I, I do not think that's a violation because it's within, within our, our state, although I do think it's a violation that they're doing it without any of our, our input.

ARCH: OK, so I-- my, my question was does it, does it fit within this language of privatization of the administration of facilities? You would say no to that. I, I, I guess plain reading of the language "administration of facilities," would this prevent them from a private entity taking over the management of the brick and mortars of a facility that is being run, but not the program? Would this, would this language prevent that?

PANSING BROOKS: Well, I think that that's a good question. The, the-- I think some of the management of the facilities is already sort of handled, print services and things like that. But if the, if the administrators are in control of administrating the building, then I guess, I guess that's part of it. I'm happy to-- if you have a suggestion, I would love to get it because I'm really not trying to kill this. I'm just trying to clarify that this is not for privatization by a, by a big group coming in from outside the state, which I already have concerns about the contracting outside the state.

There should be a priority for Nebraska businesses, in my opinion. So that's--

ARCH: OK.

PANSING BROOKS: Anyway--

ARCH: All right. Thank you. And, yeah, as I read privatization of the administration of facilities, my mind goes to brick and mortar, not program, but I think your intention may be both. But I, I-- so I, I stumble on, on that language. The other, the other underlying issue that I have, and it's-- I'm sure that every committee here feels this tension in their committee, and that is the role of the Legislature, the role of administration, the tension between what is oversight, what is too far, what is getting into administration, what is becoming the administration's side of our government versus setting a policy versus oversight and, and fulfilling our duties in that respect. And I think that this particular amendment crosses that line, in my opinion, where, where we become, where we become very prescriptive in our administration. But of course, that's the opinion of each individual here in this body as to where is that line where we move from oversight to being prescriptive to the point of becoming the administration side of it. So thank you very much.

LINDSTROM: Thank you, Senators Arch and Pansing Brooks. Senator Slama, you are recognized.

SLAMA: Thank you, Mr. President. I just wanted to very briefly touch on a couple of things that were brought up. Senator Arch made some great points there about this amendment potentially leaching into management of the brick-and-mortar facilities, and again would like to reiterate, this has nothing to do with the privatization described by Senator Pansing Brooks. In all honesty, we'd have to make other statutory changes to even have DAS have that ability. This amendment, to me, feels like it should be part of a separate bill. If Senator Pansing Brooks would like to bring that next session, I'd be willing to work with her on that. But it just goes beyond the scope of what LB790 is all about. It's literally just saying that we can be-- saying that DAS can be a lead state negotiator in NASBO and also can enter into contracts with political subdivisions of other states, which, as I described in-- on General File, that that could have been very helpful to us during the floods in terms of mobile hand-washing units and a couple other contracts. And I would just like to say that agreeing to work with someone between General and Select File doesn't

always end up with an outcome. Like, we can't guarantee an outcome that everyone can get behind. I am sorry that we weren't able to get compromise language done, but the further we looked into this, the further we saw constitutional repercussions, repercussions with contracts that are already in existence and repercussions, especially outlined in this bill, in terms of leaching into the brick-and-mortar management, cell phone, security camera contracts, a lot of existing contracts that we already have in place. So again, I would just like to rise in opposition to AM2797. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Slama. Senator Cavanaugh, you are recognized.

CAVANAUGH: I'm really slow to the mike today, sorry. Thank you, Mr. President. I, I just want to express my concern over-- Senator Pansing Brooks had passed out this article about when we privatized child welfare and we continue to see issues and fallout from that. And I think privatization is a really important issue and it is something that is the responsibility of this Legislature to determine whether or not we should be privatizing any state services. It's not a matter of being prescribed in how the administration functions. It's a matter of our role as the Legislature. That's why we have to authorize such things. So I appreciate, again, that Senator Pansing Brooks is including this language in the amendment and I encourage everyone in the body to take some time to read over this amendment. It does not say that we can't authorize any privatization. It simply says that this bill, LB790, is not us proactively authorizing DAS to privatize services, facilities operated by DHHS or by the Department of Corrections. Again, DAS did not do their job last year when it came to the management of the YRTC, especially in Geneva. We are continuing to deal with the fallout and repercussions of them falling asleep at the wheel on that. And so anything that would allow them more authority to make independent decisions, at this point, I am very uncomfortable with. DAS has not shown to be a trustworthy partner in managing and caring for our facilities where we have people in 24-hour residential. And so I appreciate that Senator Pansing Brooks is willing to put forth language that does not broaden their authority in that particular regard. And this is, again, only for facilities related to the Department of Health and Human Services and the Department of Correctional Services, both of which are facilities that have 24-hour people living in them. And so those are, those are people that are in the care of this state for a multitude of reasons, whether they're at the regional center or the behavioral center or the YRTC or in

Corrections. But every single one of those souls is in the care of this state and this amendment ensures that if changes are to be made to the facilities in which people who we are entrusted to take care of reside, that they can't just do things without consult. So I appreciate the due diligence of Senator Pansing Brooks. And if Senator Pansing Brooks or Senator Chambers would like time-- but they seem to be en-- engrossed in conversation so I will yield the remainder of my time to the Chair. Thank you.

LINDSTROM: Thank you, Senator Cavanaugh. Senator Crawford would like to welcome 30 students, seventh- and eighth-grade students, from Logan Middle School in Bellevue, Nebraska, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Returning to debate, Senator Pansing Brooks, you are recognized.

PANSING BROOKS: Thank you, Mr. President. Well, number one, I find it highly dis-- discouraging that one of our colleagues just said that they will work between General and Select to find an answer and then says, oh, sorry, I didn't find an answer and nothing was offered back and so that's the way it goes in this body. That's not the way it goes. The way it goes is I had-- voiced concerns. I continued talking. She stood up and said, we'll find a compromise, go work with PRO and with DAS. So I did. They said, yes, we can absolutely find wording. And then the next thing that happens is, sorry, nothing's going to work. So if that's the kind of work that we're going to do between readings of a bill, this place is going to fall apart. If we can't trust people to go forward and work on something-- I've worked with Senator Brewer on something. I, I, I made an amendment to a bill that I did not feel comfortable doing. And he wasn't thrilled with it, either, on the other side. That's what this is about. Perfection is the enemy of good. So the fact that I now have a colleague that will say to me, yeah, we'll work on it between now and Select and then have their fingers crossed behind their back, meaning, huh, but we're not going to accept anything that you come up with, wow-- wow. That, that is very discouraging. That's the first time I've heard this on the floor or from any other senator that just because-- please stand down, quit talking on General, because we'll come up with a deal and some kind of language that makes everybody happy, but I'm not going to offer you any language and I'm not going to help solve the issue and we're going to say no to everything that you say and then, then it's back up on Select again. Is that what we are going to do in this body? I'm telling you now, if you ask me to work with you between one of the readings, General and Select, Select and Final, because you have a

concern, I will work with you. That doesn't mean that we'll get to the exact agreement that everybody wants, but I will work with you and try to find some compromise language if I say I'm going to do that. So we now have heard that there is somebody in this body that says, too bad, it didn't work with no offering of any single other language. Senator Halloran was making fun of me because I use the word "disingenuous" a lot. This activity was disingenuous and it makes me, makes me really concerned. I, I guess I have some questions of some people. Senator Slama, would you answer a question?

LINDSTROM: Senator Slama, would you yield?

SLAMA: Yes.

PANSING BROOKS: So the people in DAS and, and, and in PRO said there is no way that there could be privatization of any facilities, the administration of any facilities, pursuant to any of this language. Do you agree with that?

SLAMA: No, that's-- the-- that's actually the opposite concern in that this would interfere with privatization that's already in place in contracts.

PANSING BROOKS: No, excuse me. I'm talking about your underlying bill. Sorry. I'm talking about your underlying bill. They said there would be no way that DHHS or Department of Corrections could privatize and contract for an ability to get somebody to come in and run the administration of their facilities.

SLAMA: Yes, it does not change that authority.

PANSING BROOKS: OK. So it is your intention not to allow any of this portion to allow privatization of facilities or the--

LINDSTROM: One minute.

PANSING BROOKS: --administration of facilities?

SLAMA: As in oppose this amendment?

PANSING BROOKS: I'm talking about your underlying bill.

SLAMA: So my goal with this underlying bill is not to expand that authority or restrict it. It's neutral in that sense.

PANSING BROOKS: OK. Now I'm going to have to keep talking because you're saying "my goal." Is-- do you believe that, that you can privatize facilities, the administration of facilities, pursuant to your bill? Does that-- does services include administration of facilities?

SLAMA: Yes, services include that. Yes.

PANSING BROOKS: OK. We just heard it does include privatization. They can contract for-- thank you for that very forthright answer, which is why no one wanted to help and work with me in between General and Select because they do believe that they can privatize through this language and that is the intent. So, my friends, that is highly concerning to me. It's just moved from asking questions and trying to get some clarifying language--

LINDSTROM: Time, Senator.

PANSING BROOKS: --to now going to take the time. Thank you.

LINDSTROM: Thank you, Senator Pansing Brooks. That, that was your third time on the amendment. Senator Walz, you are recognized.

WALZ: Thank you, Mr. President. I stand in-- very concerned about this bill and would like to ask Senator Pansing Brooks a couple questions if she'd yield.

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

PANSING BROOKS: Yes, I will.

WALZ: Thank you, Senator. Last summer, we had a crisis situation in Geneva and I know that you were one of the senators that went to visit right away. Could you just kind of tell us what you saw when you went to Geneva, when you visited?

PANSING BROOKS: Yes, yes. That would, that would be affected by this. Well, what, what I'm concerned about that would be affect-- thank you for that question, Senator. Am I supposed to answer? Did you recognize me?

LINDSTROM: Would you yield, please?

PANSING BROOKS: Yes. [LAUGH] So yes, the things that we saw at Geneva, YRTC-Geneva, were highly concerning and disconcerting. We were-- we

saw kids, as you know, in solitary confinement. Through this bill, if there were privatization of the YRTCs, we would not be able to come, come walk into a YRTC because it's no longer going to be run by the state. It's a private company and we would not have the ability to walk in. And I immediately asked to see the kids in solitary. We would not be allowed to see those kids unless they wanted to show us. But at that point, of course, knowing what the laws were, I presume they would have them in rooms with working lights, at least. So we, we would not be able to have control of our kids that are in detention. We would not be able to come in and see, are they being treated appropriately, are they being-- are they safe? So that's one thing. We wouldn't be allowed to come in and see the disaster that happened with where the kids destroyed a whole unit. We would not have any authority as the State Legislature to come in and try to look at those things. So the fact that now Senator Slama has just admitted that this could include privatization, you know, it was couched in the terms of toilet paper and paper towels and nobody-- and they talked about the goods. I have no problem with the state contracting for goods, none at all. But when we're talking about services and we realize that it can extend, as Senator Slama says, to the extent of privatization of the administration of facilities, then that's where I have a real problem. And those kids are directly in our control right now. We can make sure that there is not overcrowding. They were being forced to sleep in quarters that had moisture and mold growing. We would be able to come in and see what is happening. And you can see under the-- anyway, sorry. Do you have any other questions, Senator?

WALZ: No, I don't. I just really wanted you to explain to the body what you saw and what would happen if we didn't have the ability to go in and ask questions and investigate those situations. So I would yield the rest of my time to Senator Brooks if she would like it.

LINDSTROM: Senator Pansing Brooks, 1:30.

PANSING BROOKS: Thank you. I guess I will-- is, is Senator La Grone here?

LINDSTROM: I don't see Senator La Grone, Senator.

PANSING BROOKS: OK. Let's see, how about-- I'm trying to look around. Oh, here's Senator La Grone. Thank you.

LINDSTROM: Senator La Grone, would you yield to a question, please?

La GRONE: Yes.

PANSING BROOKS: Thank you. Thank you, Senator La Grone. So I was wondering, you, you-- did you hear that Senator Slama said that, that this, that this language in her bill that-- that includes services? It says the state-- let's see, the State Purchasing Bureau may lead the negotiation for goods or services, that-- that she said this does-- could extend to privatization contracts with out-of-state entities that want to come in and take over the, the YRTCs or other entities like that?

La GRONE: I did not hear that.

PANSING BROOKS: OK. What's your opinion on that?

La GRONE: I would need to look at the language and analyze it for that question. I--

PANSING BROOKS: OK. And, and if it is true, if she is correct that that's possible, do you feel comfortable having that privatization?

La GRONE: I, I would need to look at the language in that context before I could answer that question.

PANSING BROOKS: But, but are you in favor of allowing the state to have DAS--

LINDSTROM: Time, Senators.

PANSING BROOKS: OK, thank you. I'll [INAUDIBLE]

LINDSTROM: Thank you, Senators Pansing Brooks, Slama, and La Grone. Senator Dorn would like to welcome Amber Bogle and Annabelle Bogle from Bennett Elementary, seated under the north balcony. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk.

CLERK: Senator Chambers would move to amend Senator Pansing Brooks's amendment.

LINDSTROM: Senator Chambers, you're welcome on floor amend-- welcome to open on FA108.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I've been in this place more than four decades, more than some of the people in this place have been in the world. I might use different

words. My voice might be modulated differently. But as far as my basic compass, there has been no change in me from the first day I came here until today. I have always talked about the Legislature as an institution. I got you all expenses during the session because I pointed out that no other branch of government is saddled with a constitutional requirement, as misinterpreted by the Attorney General, where they would have to come, out of their own pocket, to pay expenses that were directly connected to the office and the responsibilities they had to undertake. Nobody did that. There was an Opinion by an Attorney General in the year of my birth, 1937, and it took years for that baby born in 1937 to reach adulthood and come to this Legislature and do what no white person or combination had ever been able to do. And that is to see the injustice of requiring people, under the constitution as interpreted and construed, to do and discharge all of the onerous duties of this office. They are the most important, in my view, of anything done by the government. The people who discharge these duties get a salary, as it's called, which is insulting, cannot have the legitimate expenses attached to doing this work paid. No other branch was faced with that. One reason that the one who wanted a unicameral legislature, instead of a bicameral, dealt with expense of having two houses. If you have one house, it would be easier to get a decent salary for that one house of politicians than two. I don't know if you all were aware of that. You talk about the one who brought this Unicameral into being, but you don't talk about what his motivation was, or part of it. Having adopted that stance of talking about the Legislature as an institution and our responsibility to uphold it as an institution, there are things that I've done that others have not done. Let me tell you something else. Now I bet Senator Murman, who goes into his office and sits behind a desk, doesn't know what I had to do with getting you all some decent furniture. Senator Murman, I'd like to ask you a question or two.

LINDSTROM: Senator Murman, would you yield, please/

MURMAN: Yes.

CHAMBERS: When you were in elementary school, did the teacher have a desk, it was usually kind of very light tan in color, that was in the front of the room?

MURMAN: No, her desk was probably more the color of the front of this Chamber.

CHAMBERS: But was it as modern as the desks that you have in your office now?

MURMAN: I think it was very similar, actually.

CHAMBERS: Thank you. That's all I'll ask you. You're of no help whatsoever. No, in reality-- that's all I'll ask you-- the Legislature had what looked like surplus elementary school desks. If somebody stood next to that desk and put their hand on the right-hand side of that desk and leaned to the right, the desk would lean too. Then, if you went on the other side and pushed, you could make it stand, stand straight. These young women today probably don't know what knits skirts are, but if a woman had gone into your office with a knit skirt, there were pieces of wood projecting from those desks. They were not sanded down, and if she inadvertently hooked that piece of wood into her knit, knit skirt, by the time she got to the door, she would have done a virtual striptease. Her skirt would have been unraveled. You know what kind of chairs you had in your-- in the offices? You had some of these old metal folding chairs, some of the old wooden folding chairs, some that did not fold and they did not stand level. If you could get some cardboard or a piece of wood the right height or thickness, you could put it under one of those legs and it would stand, more or less, on an even keel. I got on the Executive Board. I had been on it most of the time I was here. I was made Chairman of a subcommittee that would look to the renovation and upgrade of this building and the senators' offices. And I didn't just take a magazine or a catalog and look at what was pretty and say we're going to order these. You know what we did? I started to say "Senator" Ripley. But building and grounds chief architect, protector of this building, Ripley, and I and a couple of other members of the Executive Board-- I was not the Chairperson of that board, I think maybe former Senator Labedz was-- we got on an airplane. We flew to Chicago, where this furniture was going to be made. We looked at how that furniture was being constructed. We looked at the actual finishing methodology or process and in that fashion, by those means, we selected the kind of furnishings that you have in your office now. If you have a sense of humor, your funny bone would have been tickled because they had in hearing rooms chairs, the backs of which had-- were of different heights. Some were about as high as this chair you're sitting in now, others went all the way up so if a senator leaned back, his or her head would reach almost to the top of that chair. But you know what also could happen? If a senator leaned back too far and you heard some noise and you looked over there, you wouldn't see the senator. All you

would see was the soles of the senator's shoes, because he or she would have fallen over backward because that's how unbalanced the chair was. That was the way this place was being operated. If you looked up before I became a complainer and a whiner, you would not have seen those windows. You would have seen thick, old, mildew drapes that were hanging to cover those windows and the walls because rainwater came in and ran down those walls. They became molded. They didn't have that bright color that they have now and the windows you never saw. But if you were quiet and it was raining, you would hear the pitter-patter of the rain that came in this building. And it was so bad that when you did have rain, it leaked outside and rained in here. So I talked about it, talked about it, condemned and ridiculed the senators, and finally something was done about that. They used to smoke in this Chamber. I objected to that. The smoke stained all of these blocks that you see here now. They were a dull gray from the smoke, the dirt, and the years of neglect. When these modifications were going on, all of these walls were scrubbed. You newbies came here and saw it like this and you think it's always been like this. No, it took somebody who saw that this building was a part of the heritage of this state. It was very carefully--

LINDSTROM: One minute.

CHAMBERS: --constructed. It was well designed. It's mentioned in books of architecture. And those who had come before us at least kept it standing, but those in between had not maintained it. When I came, a change came with me. And here's what I say, and I first sprung it on the pages this morning. What's my last name? I'd like to ask Senator-- I was wondering which one I was going to take-- Senator Walz, or [SINGING] Sherry, but I'll take Senator Walz since she spoke. Senator Walz, what is my last name? Would, would Senator Walz yield to a question?

LINDSTROM: Would Senator Walz yield to a question, please?

CHAMBERS: Senator Walz, what's my last name?

WALZ: Chambers.

CHAMBERS: Senator Walz, how do-- what word do we use to refer to this room?

WALZ: "Chambers."

CHAMBERS: Thank you. And I want you all to know, and you cannot disagree with it, without Chambers, the Chambers would not--

LINDSTROM: Time, Senator.

CHAMBERS: --be Chambers. Thank you, Mr. President.

LINDSTROM: But you're next in the queue.

CHAMBERS: Thank you, Mr. President. You all shouldn't have drawn me into a discussion of this bill. I do not see integrity afoot this morning. Nothing that Senator Pansing Brooks is offering will bring down this bill, even without the severability clause. But because I don't believe in suggesting a remedy without doing something about it, what I'm speaking to now is my motion to add the severability clause to Senator Pansing Brooks's amendment. That would then be attached to the bill and any of you have-- who have any legitimate concerns, those concerns will have been addressed. If, as I believe, we're not dealing with legitimate objections but, rather, allowing the executive branch to reach into this Chamber and minimize what we can do as the third branch of government, and, therefore, in trying to protect and maintain the integrity of the Legislature as an institution, I'm trying to give my colleagues a way to maintain the integrity of our legislating process. This bill did not suddenly become bad. As Senator Pansing Brooks pointed out, and her words account for why sometimes I will not agree to let a bill go and we'll work it-- work on it on Select, that's just a stratagem to get it to the next stage of debate and there was never any intent to work in honesty. And what you do when you agree to do that is to negotiate with your enemy. And all of the military generals have accepted the principle that the fort that agrees to parlay, or talk, is already half taken. When your enemy agrees to sit down and talk with you and you are besieging that enemy, that enemy is already half taken. Now this bill, by itself and its original terms, is not a game changer for the welfare of the state. Senator Pansing Brooks's amendment is not a game changer as well, as far as the bill itself is concerned. She worked with you all. She trusted you, maybe hoping against hope that there would be honest brokers. That has been shown not to be the case. You know what drew me into this? I listened. I stayed out of it. And when I saw what looked to me like subterfuge, I had an obligation as a member of this body to stand and speak and do the things that I believe will uphold its integrity as an institution. I have given my explanation and I believe-- not believe-- I know it is correct. And with the way the Governor watches things and the Attorney General, if he's in on it,

they will have gotten new cases to show you that what I'm saying is not right. But if they got the cases, the cases would say what I'm saying. One thing I've never done to you all is lie to you. I've never misled you. I will not say that I've never made a mistake. But if I've made an error and I become aware of it, I'm the one who will stand up and tell you what I said was not correct, what I offered is not what I thought it was at the time; we need to straighten that out and I have an amendment to do that. I'm not going to sit by, stand by, because I don't sit in here and allow what I see happening to happen--

LINDSTROM: One minute.

CHAMBERS: --without it being resisted. One reason I won't sit in this chair is because I want to show up everybody else. Old as I am, I never sit down. But there's a verse in the Bible that the people in the church I used to go to as a child would use to say why we as kids couldn't go to the show, we couldn't do anything; one of those silly churches. They'd say, well, the Bible says don't sit in the seat of the scornful and that's what you have at the show. And I-- naive, innocent, simple-minded me said, but you know what? The same people who go to the show ride the streetcar so if you can't sit with them in the show, you all shouldn't sit with them on the streetcar. What did I say that for? The wrath of what they would call God descended on me. I thought it was the work of the devil because I was going by what these grown people said. Well, if I sit in this chair, I'll be sitting in the seat of the scornful, as those old people interpreted it.

LINDSTROM: Time, Senator.

CHAMBERS: Thank you, Mr. President.

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

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I support the AM2797 by Pansing Brooks. I think it improves the bill remarkably. I recall in 2012, about that time period, perhaps it was 2010, that the state privatized the foster care system and that was an abysmal mess. They really messed that up. In fact, at that time, Nebraska had the worst foster care system in the entire country, based on, on statistics that I saw at that time. And this particular bill would be much improved with Senator Pansing, Pansing-- Patty Pansing Brooks's amendment. And I think we need to enact this amendment and move the bill forward. But without this amendment, I don't believe I

can support the bill. With that, Mr. President, I relinquish the balance of my time to Senator Chambers.

LINDSTROM: Senator Chambers, 3:58.

CHAMBERS: Thank you, Mr. President. Thank you, Senator McCollister, and I agree with everything you said. Members of the Legislature, this is one of those bills that I'm willing to go to the mat on, mat, m-a-t, like wrestling mat. We're not going to stand up and just kind of a shadow dance. We're going to get on the mat and scuffle and tussle until one of us is pinned. And in wrestling, if you get the shoulder blades or these bones in your back on the mat at the same time, then you are pinned. Now in fake wrestling, "wrassling," they hit the mat three times, then you're pinned. But because it's just a show, the person-- the referee gets to hit one, two, and then the guy raises one side or the other of his back. And the crowd gets into it and they all scream and cheer, just like when you see a movie and the monster's coming. People scream to warn the person that the monster is coming. It doesn't matter what I talk about this morning because I don't want this bill to go. Except, in the present state, there is some place I want it to go and I'm going to try to help send it there. But here's something that bothered me as a child. I don't know if you all ever saw the monster movie about the mummy. His name was Kharis. He was not a mummy that any real mummy would be proud to recognize. His wrappings were soiled, some of them were hanging loose, and he had his right arm still attached to his chest. And when he walked, he'd lead off with his left foot and then dragged the right one up to it-- left foot, drag the right one. Then he would see a woman that he loved, or whatever mummies feel, and he'd go after her. She could run with the speed of a 100-yard dash champion in the Olympics. And when they showed her by herself, she's just running so fast, as fast as her little legs will carry her. It looks like they're little propellers on a motorboat just spinning. And here comes Kharis, one foot forward, drag the back-- back foot. I ought to patent that. That, that might become a dance: left foot forward, drag the right foot, left foot forward, drag the right foot, turn half left with the left foot, push it to the left, drag the right foot. And you know what would happen? No matter how far or fast that woman ran, before--

LINDSTROM: One minute.

CHAMBERS: --this chase was over, there was Kharis right behind her and he'd reach out with that hand attached to the arm that was not attached to his body by the wrappings and he'd catch her. And as a

child, I never could understand how a mummy moving that slowly could catch a woman moving that rapidly. I knew what a girl was. I went to school and there were girls and a lot of them could outrun the boys and the boys would be running as fast as they could. And all of them run faster than Kharis walked. And you couldn't catch the girl, but he somehow did. Well, this is one of those bills. I don't care how fast those who support it move and how slowly I, as Kharis, move. I'm going to stay on this bill until the cows come home. Thank you, Mr. President.

LINDSTROM: Thank you. Senators Chambers and McCollister. Senator Slama, you are recognized.

SLAMA: Thank you, Mr. President. I'd just like to summarize because I do think this bill is going to be cut off for time here in a few minutes; just a quick summary, get us back to square one as to what LB790 does, along with two really great bills, LB [RECORDER MALFUNCTION] amended on, which I think is a fantastic bill for veterans. So at its base, LB790 achieves two goals. It allows the Department of Administrative Services for the State of Nebraska to become a lead state negotiator through NASBO. This was-- this would save our taxpayers thousands of dollars every year, upwards of half a million dollars. Secondly, it would allow us to enter into contracts with political subdivisions of other states. Thirty-eight other states already allow both of these things. This has absolutely nothing to do with the privatization of anything. It's entirely separate. There were examples brought up of the privatization of the foster care system. That was handled through DHHS, not DAS. I think right now we have a bit of confusion as to the definition of what the privatization of the administration of facilities means. I think Senator Pansing Brooks has taken that to mean privatization as in private company is coming in to run entities that are now publicly run, when in reality, especially in the case of DAS, the privatization of the administration of facilities can mean anything from entering into cell phone contracts, entering into a private com-- company for background checks. There is a real disconnect as to what this bill does with the painting that's being-- the picture that's being painted on the floor today. So I wanted to just refocus that LB790 achieves two things: lead state negotiation and entering into contracts with political subdivisions of other states. Yes, that's, that's about all I have to say about LB790. It's a very simple bill. We've got two great bills. LB890, which is, is a design/build bill attached to it, and Senator Blood's bill as well, to help our veterans. So we need to keep in mind that putting LB790 in

peril, if you've got problems with DHHS or the potential-- any potential privatization outside of what this bill does, that's not applicable here. It's not germane. DAS's powers are incredibly limited and any discussion outside of that is really not germane to the point of this bill. So I just wanted to clarify for the record, as we wrap things up here-- I think we're a couple minutes away from cut off time-- that this bill doesn't have the ghosts and ghouls in it that are being painted on the floor today. It's a very, very simple bill that would save our taxpayers money so I would encourage a red vote on FA108. It's an attempt to save AM2797, which I stand in opposition to and am, again, more than open to working with Senator Pansing Brooks on getting legislative record-- getting the legislative record clear with what the powers of DAS are. I'm guessing this will come up at some point next week or the week after. I'm more than happy to clarify the record and would, again, just like to clarify that LB790 is a simple bill, had no opponents. Literally, the only question that was asked in the committee hearing was why aren't we doing the things outlined in this bill already? So on that, I will close. Thank you, Mr. President, and I would appreciate a green-light vote, once we get to it, on LB790. Thank you.

LINDSTROM: Thank you, Senator Slama. Senator Pansing Brooks, you are recognized.

PANSING BROOKS: Thank you, Mr. President. So I, you know, I just went up and tried to talk to Senator Slama again to try to get some sort of, of place where we can work together and find some language. I understand that she's sort of tied by what the departments who brought this bill to her are saying. But I still have real concerns. I just had four people come up and say, how does this save money? So I guess that's what we'll talk about the next time. Article-- again, just to, to reiterate some of what Senator Chambers said, Article IV, Section 19, of our constitution provides that the Legislature has the power to control the management of prisons. So the Legislature is within the authority to set-- its authority to set boundaries on exceptions to bidding process for contracts. So we've heard time and again, oh, this isn't about privatization. Then let's add the language and we can move forward. I'm happy to move forward at that point. The, the article that I, I sent out to you, Senator McCollister talked about the fact that the Nebraska experiment on privatization serves as a cautionary tale for any public system considering outsourcing, especially those dealing with the welfare of vulnerable people. And who are children than our most vulnerable people as well as-- as well as anybody else

in the healthcare system and Corrections? Across the board, lawmakers, foster parents, and child advocates now say Nebraska's privatization effort failed because it was ill conceived, rushed, and inadequately funded. So if we're giving the authority to the Department of Administrative Services to just go ahead and privatize on things, I don't, I don't appreciate that. I don't think it's a good idea. We know that they just had a really bad audit by the state. So it's-- in 2009, the state officials hoped the plan would enhance the efficiency and accountability of child welfare services while controlling costs, but it didn't. In fact, the whole thing was such a dismal failure that state lawmakers passed a sweeping package of bills earlier this year-- and that year was 2012-- this year to omit-- aimed at fixing the whole system. So the fact that I'm standing up here concerned about all of this and mentioning the fact that privatization is a concern for our state and that we should not give up our rights to be involved in the whole process of what's going on in these institutions, which-- where we already have overcrowding, we know that. So we're just going to build prisons, ask people to come on the- don't tell me that this whole amendment and that the reason they're pushing so hard is about toilet paper. I'm sorry, but it-- this is there is more to this than the fact that Nebraska can contract with somebody that they want for toilet paper. That's what keeps-- that's what people keep talking to me about-- oh, it's just goods and services. You know, we heard about being able to get a better deal on toilet paper. Are you kidding me? And, and yet, now that I've come up with this theory about privatization and a worry about privatization, oh, no, we don't want to talk about that, we're not going to work with you on that. We were going to work with you, but now that we look at it, we're definitely not going to work with you on this. So again, I understand that Senator Slama has some marching orders and, and, and I don't fully blame her for the fact that there was no attempt, no actual attempt--

LINDSTROM: One minute.

PANSING BROOKS: --to come up with language with which we could all agree. My language is very simple. Then somebody just-- Senator Slama just talked about, well, administration-- I don't care. Let-- then let's use management. Let's use a word that means running the prisons and the YRTCs and all of those entities. Let's, let's find a word that we can all agree to and move forward because we do have the authority to set the parameters on what is going to happen. And I, I, for one, and I know many of you here, do not want to see private companies coming in and controlling our facilities and not allowing us to enter

and be in control. Senator Lowe, how would you like to not be able to go into YRTC-Kearney? I don't think you'd like it at all-- be able to make sure that what's going on within your community, with your staffers. The staffers wouldn't like it.

LINDSTROM: Time, Senator.

PANSING BROOKS: Thank you.

LINDSTROM: Thank you, Senator Pansing Brooks. Speaker Scheer.

SCHEER: Thank you, Mr. President. We've exhausted the hour-and-a-half limit on this bill on Select so let's move to the next item, please.

LINDSTROM: Thank you, Mr. Speaker. Senator La Grone would like to welcome 84 fourth-grade students from Whitetail Creek Elementary in Omaha, Nebraska, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk.

CLERK: Mr. President, LB996, no E&Rs. Senator Hilgers, AM2783, I have a note you wish to withdraw that one, Senator. Mr. President, Senator Hilgers would move to amend with AM2792.

LINDSTROM: Senator Hilgers, you're recognized to open on AM2792.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I'll be very brief. I want to thank Senator Brandt for allowing me to offer this amendment on his bill, which I wholeheartedly support. If you recall, a month or so ago, we had discussions about the Wi-Fi in the building. Senator Vargas, Senator Bostelman, and I have all been working. We, we will have some items to roll out in the coming weeks. We had one enabling piece of legislation that we needed to get across the finish line and so that is in what is AM2792. We wanted to get the process started and in a couple of weeks, we'll be able to notify the body as to what we have done. So I'd appreciate your green light on the amendment and, and the underlying bill. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hilgers. Seeing no one in the queue, Senator Hilgers waives closing. The question before us is the adoption of AM2792 to LB996. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on adoption of the amendment.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB996 be advanced to E&R for engrossing.

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay. LB996 does advance. Mr. Clerk, LB997.

CLERK: LB997, I do have E&R amendments, Senator.

LINDSTROM: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB997 be adopted.

LINDSTROM: The question is the adoption of E&R amendments to LB997. All those in favor say aye. All those opposed say. The amendments are adopted.

CLERK: I have nothing further on that bill.

LINDSTROM: Senator Slama.

SLAMA: Mr. President, I move that LB997 be advanced to E&R for engrossing.

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay. LB997 does advance. Mr. Clerk, LB1061.

CLERK: LB1061 does have Enrollment and Review amendments.

LINDSTROM: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB1061 be adopted.

LINDSTROM: The question is the adoption of E&R amendments to LB1061. All those in favor say aye. Those opposed say nay. The amendments are adopted.

CLERK: Senator Crawford would move to amend, AM2744.

LINDSTROM: Senator Crawford, you're welcome to open on AM2744.

CRAWFORD: Thank you, Mr. President. Good morning, colleagues. I rise to present AM2744. This is a compromise amendment to LB1061. During

our floor discussion on LB1061 on General File, some concerns were raised on behalf of the county attorneys. Senator Howard and I committed to sitting down with the county attorneys, the department, and advocates to determine a way forward. We have since held a series of meetings and I'm pleased to report that we have agreed on LB2744 [SIC] as a compromise coming out of those discussions. I'd like to thank Senator Howard for-- and-- for her contributions to this effort as well as the department, our child welfare advocates, and the county attorneys for working diligently with us to come up with a resolution. AM2744 makes the following additions to the exclusionary criteria in the bill. Those categories of cases which are-- that are automatically excluded from receiving alternative response to reports of child abuse or neglect. We added cases where a caretaker is absent and has not made arrangements for the care of the child with another person, domestic violence involving a caretaker and the alleged perpetrator has access to the child or a caretaker, a household member illegally manufacturers methamphetamine or op-- opioids or, last, a child tests positive for contact with meth or nonprescribed opioids. And for-- and actually in the fifth one that we added as well is for re-- reports involving an infant; a household member tests positive for meth or nonprescribed opioids at the time of the birth of the infant. Collectively, these changes account for all of the concerns that were raised by the county attorneys. And again, LB2744 is a product of extensive discussion and was developed with a consensus from the county attorneys, the Department of Health and Human Services, child welfare advocates, including Nebraska Appleseed, Voices for Children, and the Child Advocacy Centers. Please vote green on LB-- on AM2744 and LB1061. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Crawford. Turning to debate, Senator Friesen, you are recognized

FRIESEN: Thank you, Mr. President, and thank you, Senator Crawford, for your willingness to meet with the different parties involved and, and the awareness that we raised on the floor. So I appreciate what you did. And I do think it's a good amendment and I support AM2744. Thank you, Mr. President.

HUGHES: Thank you, Senator Friesen. Seeing no one else in the queue, Senator Crawford, you're recognized to close on AM2744. Senator Crawford waives closing. The question before us is the advancement of AM2744 to LB1061. All those in favor vote aye; all opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays on adoption of Senator Crawford's amendment.

HUGHES: The amendment passes.

CLERK: I have nothing further on the bill, Mr. President.

HUGHES: Thank you, Mr. Clerk. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB1061 be advanced to E&R for engrossing.

HUGHES: Colleagues, you've heard the motion. All those in favor say aye. All opposed say nay. The motion carries. LB1061 advances. Mr. Clerk, next item.

CLERK: LB1014, Senator. I have no amendments to the bill.

HUGHES: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB1014 be advanced to E&R for engrossing.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. All opposed say nay. Motion carries. Next item, Mr. Clerk.

CLERK: LB962, Senator. I have E&R amendments.

HUGHES: Senator Slama.

SLAMA: Mr. President, I move that LB-- I move that the E&R amendments to LB962 be adopted.

HUGHES: Colleagues, you've heard the motion. All those in favor say aye. All opposed say nay. The motion carries.

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

HUGHES: Thank you, Mr. Clerk. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB962 be advanced to E&R for engrossing.

HUGHES: Colleagues, you've heard the motion. All those in favor say aye. All opposed say nay. The motion carried. Mr. Clerk, next item.

CLERK: LB344, Senator. I have E&R amendments, first of all.

HUGHES: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB344 be adopted.

HUGHES: Colleagues, you've heard the motion. All those in favor say aye. All opposed, nay. The motion carries.

CLERK: Senator Halloran would move to amend with AM2705.

HUGHES: Senator Halloran, you're recognized to open on AM2705.

HALLORAN: Thank you, Mr. President. Good morning, colleagues. AM2705 makes a series of cleanup revisions to LB344, as amended, that were brought to my attention by the Revisor's Office that go beyond changes that could be made through the E&R amendments. The changes on page 9 are made to certain circumstances under which a herd management plan can be required on, consistent with the defined terms for affected animals and flocks and affected premises. The amendment avoids unintentionally confining the ability to order herd management plans to only after an infectious disease is confirmed, but could be required for some diseases when a disease exposure occurs. The changes in pages 10 and 11 made in this amendment adopt consistent terminology across subdivisions of Section 45 that is certain to notification requirements for owners or managers having trichomoniasis-infected animals. Also, the amendment revises the carcass disposal provisions in Section 46 of the bill. The amendment removes an unnecessary qualification of labs where dead animals may be transported for purposes of post-mortem analysis. The amendment further expressly states certain carcass disposal options that are available to animal owners under current practices to avoid unnecessarily narrowing carcass disposal options for animal owners. Finally, the amendment corrects an incorrect substitution of the term "infected" for "affected" in provisions providing the vaccination of anthrax-affected animals. The amendment avoids conflict that anthrax vaccination is a management practice for anthrax control for either exposed or actually infected animals. I ask for the adoption of AM2705.

HUGHES: Thank you, Senator Halloran. Debate is now open on AM2705. Seeing no one in the queue, Senator Halloran, you are recognized to close. Senator Halloran waives closing. The question before the body is the advancement of AM2705 to LB344. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays on adoption of the amendment.

HUGHES: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB344 be advanced to E&R for engrossing.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. All those opposed say nay. Motion is adopted. Mr. Clerk.

CLERK: Mr. President, LB870. Senator Clements would move to amend, AM2613.

HUGHES: Senator Clements, you're recognized open on AM2613.

CLEMENTS: Thank you, Mr. President. AM2613 just adds the emergency clause to LB870. LB870, if I could remind you, allows banks to directly lend to municipalities in the case of a disaster calamity, such as we had last year with the flooding and which could happen again this year. So I had just thought that we probably should have the emergency clause because flooding's likely to come this spring and that wouldn't be effective until summertime if we don't pass this. So I'd like your green vote to add the emergency clause so that lending could be done to cities that have a disaster. Thank you.

HUGHES: Thank you, Senator Clements. Debate, debate is now open on AM2613. Seeing no one in the queue, Senator Clements, you're welcome to close. Senator Clements waives closing. The question before the body is the advancement of AM2613 to LB870. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 26 days, 0 nays on adoption of Senator Clements' amendment.

HUGHES: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB870 be advanced to E&R for engrossing.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. All opposed say nay. Motion is adopted. The bill advances. Next item, Mr. Clerk.

CLERK: Mr. President, with respect to LB963, the first item I have is Enrollment and Review amendments.

HUGHES: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB963 be adopted.

HUGHES: Colleagues, you've all heard the motion. All those in favor say aye. All opposed say nay. Motion is adopted. Senator Brewer, you're recognized.

BREWER: Thank you, Mr. President. Sorry about that delay. Just a quick refresher on what we're doing here with this bill. This bill is all about resiliency training for our first responders and making this training available will help address the severe problems that we have with PTSD. I've been working on this bill with Senator Matt Hansen and Senator McDonnell and former Senator Burke Harr. And we've got-- we've had a lot of conversation with stakeholders and we've been trying to make sure that this bill has worked out all of the challenges and issues that have been brought up. We're confident that that has happened. At lunch yesterday, we finished the last of those discussions. Senator McDonnell has drafted two amendments that will make the bill workable. With that, I would ask for your green vote on both the bill and the amendments. Thank you, Mr. President.

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

CLERK: Mr. President, Senator McDonnell, the first amendment I have, Senator, AM2776.

HUGHES: Senator McDonnell, you're recognized to open on AM2776.

McDONNELL: Thank you, Mr. President and colleagues. A reminder of what this bill does; the purpose of LB963 is to reduce the incidence of PTSD through resiliency training. First, I would like to point out that this bill does not affect the current mental/mental law, which was passed and went into effect in 2010. So if a first responder chooses not to take the resiliency training, they can rely on the law that currently exists. However, if a first responder voluntarily chooses to get a mental health examination and take the eight hours of training the first year and four hours each additional year every year, they receive certain benefits, a prima facie presumption that allows for cumulative PTSD injuries. The amendment helps clarify the

bill and was drafted with the League of Municipalities. The amendment does four things. In negotiations with the league, we have agreed to a sunset. The purpose of the sunset is to evaluate the resiliency training and to ensure it helps reduce instances of PTSD. This provides a cost savings for first responders' employers, first responders themselves. The next change is to clarify the language. As stated above, a first responder must have a medical examination at the beginning. This ensures the medical examination is done by a medical professional. The bill defines a medical professional as a physician, psychologist, or a licensed independent medical health practitioner. Three, the amendment tightens who can give a medical diagnosis of PTSD. The amendment requires the mental health professional to be independent, to be an independent medical health prac-- practitioner. The state of Nebraska requires more than just a mental health practitioner. The independent must have a master's in mental health and at least 3,000 hours of study under a licensed psychologist. In addition, the current statutes allow an independent to, to diagnose. The final clarification is to state, similar that-- to the current mental/mental bill, all other provisions not mentioned in this bill to which the worker's compensation law applies. Thank you, Mr. President.

HUGHES: Thank you, Senator McDonnell. Debate is now open on AM2776. Senator Chambers, you are recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I don't know that I've ever been able to have a conversation with Senator McDonnell on a bill. Maybe I did, but it hasn't happened often. I'd like to ask him a question or two.

HUGHES: Senator McDonnell, will you yield?

McDONNELL: Yes, I will.

CHAMBERS: Senator McDonnell, first of all, I agree with the, the amendments in the bill. But is it true that you were the youngest fire captain, fire chief in Omaha?

McDONNELL: Yes.

CHAMBERS: Had you been trained or did you have the training of a first responder before you became fire chief?

McDONNELL: Through my 24 years of service, prior to becoming the fire chief the last 6 years, I was-- had training based on serving in other capacities in the fire department.

CHAMBERS: Now if some conditions that might relate to the heart were present, was a device that some people-- it might be just figuratively or however-- called "paddles" be used to assist that person?

McDONNELL: Yes.

CHAMBERS: And when Senator Brewer was heading to his seat, he was puffing and panting in such a way that I thought he might need some help from a first responder. And I wanted to cooperate and I was going to volunteer my paddles in case they were needed. That's all I have. Thank you, Senator McDonnell.

McDONNELL: Thank you, Senator Chambers, and I would like to use those paddles on him myself. So thank you.

CHAMBERS: [LAUGH] OK. That's all.

HUGHES: Thank you, Senator Chambers, Senator McDonald. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, Mr. President. Would Senator McDonnell yield to a question or two?

HUGHES: Senator McDonnell, will you yield?

McDONNELL: Yes.

ALBRECHT: Thank you. And stand by Senator Chambers. I might need some paddles. You know, when we talked about the bill, and again, I'm all about the firefighters, but we talked about whether or not they would actually want to take a test to say that they're struggling with mental health issues because of an incident that they might have witnessed or whatever. But this fiscal note, when you said that you actually went out and spoke to the municipalities, are they responsible to pay for that or is the state on for this fiscal note?

McDONNELL: The $400,000 would come out of the General Fund.

ALBRECHT: OK, up to--

McDONNELL: The state is responsible.

ALBRECHT: Out of the General Fund just for the first year?

McDONNELL: We've agreed to a sunset, but ongoing until we possibly find another cash source.

ALBRECHT: OK. So it says up to $1.7 million. So--

McDONNELL: That is the-- I'm sorry. That's the old fiscal note. It's $400,000 if you look at the A bill.

ALBRECHT: OK, because the A-- the fiscal note that I just pulled up-- maybe I'm wrong. So you're saying that the first year will only cost $442,500?

McDONNELL: That is correct.

ALBRECHT: And then we will-- is it sunset for a year so we could take a look at it and see how many people have participated? Is that the idea?

McDONNELL: The sunset is in seven years.

ALBRECHT: Seven years from now. So seven, for-- for the next seven years, we'll be spending a minimum of $442,000 each year?

McDONNELL: Yes.

ALBRECHT: OK. Would you entertain a lesser number of years to see how it's working? I just-- knowing of the firefighters that I'm associated with, and, and I just can't imagine that all, all forces would say yes to this, number one, want to be recognized as having an issue with something and it being on their record. And this is not something that I was made aware of until just today. To give me-- you know, pause for the amount of money that is going to be put into this leads me to, to pause a bit. So thank you for your time and I'll listen to the conversation if there is any.

LINDSTROM: Thank you, Senator Albrecht and Senator McDonnell. Seeing no one else in the queue, Senator McDonnell, you're welcome to close on AM2776. Senator McDonnell waives closing. The question before us is the adoption of AM2776. All those in favor vote aye; all those opposed vote nay.

McDONNELL: Call of the house.

LINDSTROM: There has been a request, request to place the house under call. The question is shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 22 ayes, 3 nays to place the house under call.

LINDSTROM: 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 La Grone, please check in. Senators Bolz, Scheer, Hilgers, Brewer, Clements, Vargas, Morfeld, Lathrop, Wayne, Cavanaugh, the house is under call. Senator Vargas, please check in. Senator McDonnell, would you be, would you be OK with call-ins?

CLERK: Senator Hansen, Matt Hansen voting yes. Senator Morfeld voting yes. Senator Scheer voting yes. Senator Linehan--

LINEHAN: Yes.

CLERK: Yes.

LINDSTROM: Record, Mr. Clerk.

CLERK: I couldn't find you for a second. OK. 27 ayes, 0 nays on adoption of Senator McDonnell's amendment.

LINDSTROM: The amendment is adopted. Raise the call.

CLERK: Mr. President, Senator McDonnell would move to amend with AM2734.

LINDSTROM: Senator McDonnell, you're welcome to open on AM2734.

McDONNELL: Thank you. Earlier this session, on February 12, I presented LB448 on General File. LB448 proposes to amend the Workers' Compensation Act by increasing the death benefit for burial expenses when injury results in death. As previously mentioned in my opening, this benefit has not been adjusted since July of 2012, despite the fact that the incremental cost of living, which includes the expenses of burial, continued to rise each year; as originally introduced by LB448, was linked to the state average weekly wage as determined by Workers' Compensation Court. In an effort to align the costs of living with the detrimental cost of dying, the discussions on General File were relatively brief and the bill, as amended, was advanced by

members of the Legislature to Select File with overwhelming support and no opposition. It was noted prior to the bill's advancement that I was working on a compromise amendment with Bob Hallstrom, who appeared as the only opposition at the bill hearing while representing the National Federation of Independent Businesses. AM2734 to LB963 represents the agreed-upon compromise relating to LB448. The amendment fits within the same chapter and article of the statute related to labor and workers' compensation and both bills were advanced unanimously to General File by the Business and Labor Committee. With Senator Brewer's, Brewer's approval, I am offering this amendment to LB963, my personal priority bill, due to the importance and relevance of this legislation, coupled with the obvious obstacles we are all facing with a short session. I appreciate your, your previous support on LB448 and LB963 and I would appreciate your continued support on these important issues moving forward. Thank you.

LINDSTROM: Thank you, Senator McDonnell. Seeing no one in the queue, Senator McDonnell, you're welcome to close. Senator McDonnell waives closing. The question is the adoption of AM2734. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 38 days, 0 nays on adoption of Senator McDonnell's amendment.

LINDSTROM: The amendment is adopted.

CLERK: I have nothing further on the bill.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB963 be advancing to E&R for engrossing.

LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay, LB963 does advance. Mr. Clerk.

CLERK: LB963A, Senator. I have no amendments.

LINDSTROM: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB963A be adopted.

LINDSTROM: The question is the adoption of the E&R amendments to LB963 [SIC]. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: That was the motion to advance the bill. I'm sorry. LB963A.

LINDSTROM: LB963A does advance. Mr. Clerk.

CLERK: Mr. President, that concludes Select File. General File, LB1056, a bill by Senator Lowe. It's a bill for an act relating to Nebraska Liquor Control Act. It changes provisions relating to fine-- farm wineries. It provides for a temporary exemption of licensed premises; provides powers and duties. Introduced on January 21 of this year, referred to the General Affairs Committee for public hearing, advanced to General File. There are committee amendments pending, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. Before we go to LB1056, Mr. Speaker for an announcement.

SCHEER: Thank you, Mr. President. Colleagues, I'm a little later in the day than normal but just wanted to give you an idea of what we're looking at for next week. We still have a large number of bills that are still in committee and it's somewhat difficult for me to make a projection on where some of these bills will be at when they'll finally be available to me so I apologize. Previously, I've always been able to tell you on Friday where we're at the coming week. I still don't have that down and that's my fault, but-- and-- but that doesn't solve the problem. I don't have anything other to tell you. I have been trying very diligently to make the agenda, at least what I perceive to be a two-day agenda, so that you will have at least a full-day warning on bills that are coming up. I will continue to do that for the four days next week and hopefully, I'll have something and a better progression that I'll be able to share next week. Just wanted to remind everyone that we will start late-night discussions as of March 18. We will pass out the list again of the dates, but essentially, once March 18 hits, we will be on late nights every night that we are in session, other than the last day of the week. I will still try to get us out promptly sometime midday on those so that people can at least get home and have a weekend in front of them. And lastly, I did want to address, there has-- I-- I've noticed-- and I've not been in the Chair a lot, but I have noticed when I'm out there, when we get into discussion, there is a tendency for some of us that will punch in and then as we get close to the top, we just punch out

and then punch back in. I realize all we're doing is trying to put somebody at the rear of the bus so we can say, well, we have somebody that hasn't been heard, so we can't have-- call the question. I, I try very diligently to make sure that everyone is heard that wants to. But bear in mind, if I notice that, I will assume that you really don't want to talk. If I see it more than once, I get that you may be in there and something happened and you may have to leave. But if I see you continually doing that, I'm assuming that you really don't have a conversation or doing it for an alternative purpose. So if you're punching in and out, you might want to go up and, and make sure that if you've done it more than once, what that reason might be. I'm not trying to be a mother here, but I'm also not trying to stop the progression of bills as well. So I want-- and that goes for everybody. This is not a one-sided attempt. It's happening on various bills all over. So I was trying to be as, as thoughtful as possible. It's being abused so now I have to clamp down a little tighter to make sure that it is actually being used appropriately. So having said that, if you're doing it, go ahead and try to do it. But there-- yeah, I'm watching, so please make sure that if you're doing that for a purpose or there's a reason you have to leave the floor, fine. But to simply just pop in and out to make sure that you're at the end of the line, that's not going to work. So having said that, have a good weekend. Next week is a four-day-- four-day week, as really all the rest of the weeks are. I'm trying to give people some time to refresh. So have a good 48 hours off, come back, and next week will be the last of the better weeks because we will not be going long any day next week. But bear in mind, starting the 18th, we will be. So having said that, again, any questions, please come back and talk to me or my staff and we'll try to accommodate anybody that we can in relationship to that. So thank you very much, Mr. President.

LINDSTROM: Thank you. Speaker Scheer. Returning to LB1056, Senator Lowe, you're welcome to open on LB1056.

LOWE: Thank you, Mr. President. And thank you, Senator Briese and members of the General Affairs Committee for making LB1056 a committee priority bill. LB1056 allows for the temporary expansion of a liquor license from far-- for farm wineries, breweries, micro distilleries, bottle clubs, and other entities that have a liquor license. The temporary expansion can only occur if it is approved by the local governing body. The expansion would only be allowed for 15 days in a calendar year. LB1056 will benefit small businesses in Nebraska who have liquor licenses. Currently, a company with a liquor license that

wants to have an event in their parking lot or a piece of land next to their business has to apply to get an SDL. To get an SDL, an entity has to file two sets of paperwork, attend two public hearings, and pay fees to a local governing body and to the Liquor Control Commission. This process costs the company time and money. It makes sense to go through this process when a company with a liquor license wants to go to a new, a new location to serve their products. I believe that this is burden-- burdensome for companies who want to do a one-day event in their parking lot or a lot adjacent. Why would a company want to have an event in an adjacent parking lot, alley, or street? Examples where we currently see this is for Husker football games, the College World Series, St. Patrick's Day, to celebrate an anniversary of when the company is opened, and local festivals. LB1056 streamlines the process already in, in place by removing the Liquor Control Commission step. It does require applicants to get permission from their local governing body. Language dealing with that application process in LB1056 is taken from the approach we use at the SDLs at the local level. This was done to make this process easy for political subdivisions to implement such that they are already doing it when they go through the SDL process. This is also a benefit to the Liquor Control Commission, who will get less SDL applications. Many of the companies that are going through this process are using the catering SDL, which means the state is filing the paperwork and holding hearings, but are not having a fee paid in order to accomplish this. This means the commission is forced to use general fund dollars to offset the lack of fees. It is important to note the commission will still receive notification of any expansion at least five days before the event occurs, which will allow the commission to keep police departments notified. LB1056 made it out of the General Affairs Committee 8-0. The bill was supported by the Craft Brewers Guild, the Nebraska Grocery Association, the Liquor Control Commission, and the League of Municipalities. There was no opposition or neutral testimony on the bill. I want to highlight that I met with the distributors and the wholesalers about this bill before I introduced it. Neither of these entities had any problems with the bill. LB1056 does have a $3,000 one-time General Fund impact, according to the executive director of the Liquor Control Commission. This is due to the change that is required for their internal record keeping. Whenever they change a process in their database, it requires this kind of fiscal income-- impact. At the end of the day, LB1056 is a benefit to small businesses, the Liquor Control Commission, and our three-tier system.

LB1056 also maintains local control, government oversight, and public safety. I would appreciate it if you vote yes on LB1056.

LINDSTROM: Thank you, Senator Lowe. As the Clerk stated, there are committee amendments. Senator Briese, as Chair of the committee, you're welcome to open on AM2595.

BRIESE: OK. Thank, thank you, Mr. President. Good morning, colleagues. Today I present for your consideration AM2595. AM2595 is the committee amendment to LB1056 and would replace the bill. The committee amendment includes the entirety of LB1056, along with two other General Affair-- Affairs bills, LB980 as introduced, and amended provisions of LB943. Senator Lowe did a nice job of discussing LB1056 so I don't need to go into much detail there. But a hearing was held on LB1056 on February 3. Representative-- representatives of the Craft Brewers Guild, Nebraska Grocers Association, Nebraska Retail Federation, League of Nebraska Municipalities, and the Nebraska Liquor Control Commission testified in support of the bill. There was no opposition testimony. It was clear from the testimony at the hearing that LB1056 is a fairly simple and noncontroversial way to support local businesses, local control, and help limit the need for increased SDLs. There's a small fiscal note for LB1056, indicating a one-time fee associated with technological updates necessary at the Liquor Control Commission for implementation of this bill. I believe Senator Lowe will address that on the A bill. LB1056 was advanced unanimously from the committee. AM2595 also incorporates LB980, which was introduced by Senator Brandt. The provisions of LB980 can be found in the first three sections of the committee amendment. LB980 was heard before the General Affairs Committee on January 27. It updates the Nebraska Lottery and Raffle Act found in Nebraska Revised Statutes Section 9-426 and deals with special permits for Nebraska Lotter-- Lottery or raffle. LB980 updates the act for administrative purposes to allow special permits to conduct a lottery or raffle for these licensed organizations to be good for one year instead of three months, allow payment of an organization's gross proceeds, tax, and paperwork to be filed annually instead of quarterly and authorizes a licensed organization to sell tickets on its website and allows lottery or raffle tickets to be purchased using a credit or debit card. During the hearing for LB980, there was proponent testimony from representatives from Ducks Unlimited, Pheasants Forever, and the Sportsmen's Foundation. These individuals provided compelling testimony on the benefits and need for this bill in helping to support these nonprofit organizations and their volunteer members. LB980 has

no fiscal note and was amended into the committee priority bill on a 7-0 vote, with one member present and not voting, and I believe Senator Brandt will be speaking towards LB980 here shortly. AM2595 also incorporates provisions of LB943 into LB1056. LB943 was introduced by Senator Hunt and was heard before the General Affairs Committee on January 27. The bill would allow the Nebraska Arts Council to authorize creative districts. Creative district certification would be based on a geographically-contiguous area, artistic or cultural activities or facilities, the promotion and preservation of artistic or cultural sites or events, and educational use of artistic or cultural activities and sites. The bill permits the Arts Council to prepare a plan and establish a competitive grant program for creative districts if funds are available. The provisions of LB943 can be found in Sections 8 and 9 of the committee amendment. The committee amendment removes the original Sections 3 and 4 of LB943 and further clarified-- clarifies that funding for the competitive grant program would only be authorized if funds are made available. The provisions of LB943 retained in the committee amendment include authorizing the Arts Council to certify creative districts in the state and provide a plan for establishment of that grant program. Nebraska is one of a-- only a few states that do not authorize or have any creative districts within the state. LB943 remedies this and provides a way for us as a state to recognize and support these unique areas across our state. There was compelling testimony at the hearing that recognizing creative districts, such as with LB943, has a positive impact on economic development by attracting businesses, tourists, and encouraging local res-- residents to become more involved and invested in a community, which helps attract and retain people to that community. Several individuals and organizations came to the hearing to support LB943, including representatives of the Nebraska Arts Council, Nebraskans for the Arts, Grand Island Convention and Visitors Bureau, and Best Friends of the Omaha and Benson Theatre. There was no opponent testimony. Provisions of LB943 were unanimously added to the committee package. In closing, I would like to thank Senator Lowe for allowing the committee to prioritize LB1056 and use it as a vehicle for our package of General Affairs priorities, including LB980 and LB943. None of the bills contained in the committee amendment had physical opposition testimony at their public hearing, and LB1056, as amended, was advanced unanimously by the committee. And I think we put together a nice package of bills here that will be good for our businesses, good for our communities, and help us in our efforts to grow the state. And so I would,

therefore, encourage the body to support AM2595. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Briese. Senator Albrecht would like to welcome her family, Scott and Lisa Albrecht, with children Isaac, Ben, and Evelyn, from Thurston, Nebraska; Laura Albright Fisher. with children Keegan, Kylie, and Kessler, from Scribner, Nebraska; and Andrea Albrecht Diehm, from Presho, South Dakota, all seated under the north balcony. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk.

CLERK: Mr. President, Senator Lowe would move to amend the committee amendments with AM2795.

LINDSTROM: Senator Lowe, you're welcome to open on AM2795.

LOWE: Thank you, Mr. President. AM2795 looks at Senator Brandt's LB980 and was brought to our attention that there were two letters given at committee, because they were not able to attend, that opposed LB980. And for that reason, we-- I brought AM2795. AM2795 takes on page 2 of the amendment, of the committee amendment, AM2595. And on page 2, beginning with the word "sold" in line 27, and you strike all through "events" in line 28 and instead, you insert the words "purchased using a debit card." It was brought up in committee hearing that the main focus of LB980 was to streamline the process for those that are working with these raffles so that they don't have to report four times a year because they may only have one raffle. That's the important part of this bill because those who do the reporting, those who are members of the Ducks Unlimited, the firemen, and other such organizations, they're volunteers. They're people of the community. They're doing these raffles out of the goodness of their heart. And if you only have one raffle a year, you really don't need to make a report four times a year. Other parts of, of LB980-- I'm, I'm sure Senator Brandt will explain this better than I am at this point in time, but other parts of, of this was people don't carry cash with them anymore. Checks are a bygone thing. And so what Senator Brandt's LB980 does-- did was to make it so that you could pay by a debit card or a credit card to make it easier for people because during the committee hearing, it was brought up by the three testifiers that almost everybody-- thank you, Senator Halloran, I'll use that later-- that almost everybody now carries a debit card with them. When you open a bank account, a checking account, you're given a debit card. Scott Smathers reported that he has children and his children always came to him for cash, so they now have a debit card that he can

monitor their spending with. That's a good idea. It always pays to, to monitor their spending and it's hard to do that with just cash. So what we would like to do is strike the original language on 20-- on lines 27 through 28, beginning with "sold" and ending with "events" and insert "purchased with a debit card." This takes out the online sales, which could become a problem, and it also takes out credit card, which could also become a problem because people may not spend money wisely that they do not have. With a debit card, it's money that is in your bank account. A credit card gives you credit and not all people use that credit wisely. So we would like to make this a simple bill, to simplify it to just using a debit card with AM2795, and I would ask your support for AM2795, AM2595, and LB1056. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Lowe. Turning to debate, Senator Brandt, you are recognized.

BRANDT: Thank you, Mr. President. I would urge this body to vote against AM2795. I'd like to thank Senator Briese and the General Affairs Committee and Senator Lowe for bringing LB1056. I brought LB980, which was heard by the General Affairs Committee without any opposition and was amended into LB1056 by committee amendment. This is a bill to streamline the Nebraska Lottery and Raffle Act, which governs lotteries and raffles conducted by nonprofit organizations such as volunteer fire companies or volunteer first aid, rescue, ambulance or emergency squads, community improvement organizations, wildlife organizations, arts organizations, and virtually any nonprofit 501(c)(3) in the state. The bill changes the act to reflect practices of nonprofit fundraising events. First, the bill extends the validity of a special permit to conduct a raffle or lottery from three months to one year. Second, the bill allows for tickets or stubs to be sold online by the licensed organization on its website and allows for the purchase of the same tickets or stubs by a credit card or debit card online or at events. Finally, the bill lessens the paperwork and filings required by a licensed organization. Instead of requiring quarterly filings to remit the taxes paid on proceeds, the bill requires these taxes to be filed once per year. This will not change the amount of taxes that are remitted but will lessen the paperwork and time required. I would guess that every senator has been involved as a volunteer with a nonprofit organization. I will tell you from experience that one of the toughest and least sought-after jobs is that of treasurer for an organization. This bill will make that job easier by streamlining the reporting requirements from four times a

year to once a year. Quite often, these groups will only hold one fundraising event per year. This bill will update the Nebraska Raffle Act to the twenty-first century by allowing the use of debit and credit cards and the ability to purchase online. Today, the nonprofits can only sell raffle tickets in person for cash or check. This limits fundraising opportunities after all the hard work by the organization to set up the event. For example, the Czechs of Wilber raffle off a car every year to raise money for Czech Days. My town of Plymouth, for its 125th celebration, raffled off a custom-engraved .22 rifle to raise money to build a splash pad for kids. Our American Legion annually sells tickets to win small cash prizes to raise money to send boys to Boys' State. A lot of fundraising items are donated by local businessmen or individuals to benefit these organizations. This could be an art gallery, wildlife organization, a homeless shelter, a church, or a myriad of others. Would it not make sense to try and maximize the bang for the buck? I would like to hear of your fundraising story and would urge you to vote green on LB1056 and against AM2795. Thank you.

LINDSTROM: Thank you, Senator Brandt. Senator Blood, you are recognized.

BLOOD: Thank you, Mr. Chair. Fellow senators, friends all, I also sit on this committee and, and I, I'm a little puzzled by what's going on right now. I do stand in support of the underlying bill, LB1056, as well as AM2595, but I am concerned about AM2795 because I feel it's more of a sleight of hand and I want to explain why. So they want to change it from credit versus debit. So I don't know how many people in here have used their credit card before, but we're all aware that you can use your credit card as a debit card anytime you choose to do that. All you need is a four-number pin. So to say that you can only use this for debit and the reason they want to do this is so people don't get in over their heads and use money they don't have, by allowing them to use a debit card, it's basically just telling them to be sneaky with their credit card. There is no way you, as a volunteer accepting funds for a raffle for something like this, you can't look at a credit card and tell whether it's their official debit card or it's a credit card that they use for a debit card. If they get their credit card from U.S. Bank, for example, if they give it to you and you say we only accept debit, they're going to run that credit card as a debit card. So with all due respect, I understand that you're trying to protect consumers, that you don't want people getting in over their head when they try and help Ducks Unlimited or they try and help the

community foundation that supports Czech Days and Wilber, but the bottom line is these are adults. They're adults who are responsible for their own fiscal, their own fiscal wants and needs, their own responsibilities. I understand that there may be outside voices saying that this is the only way the bill can pass, but this, again, is just a sleight of hand. It doesn't change anything. And so if we pass this bill saying, you know what, we don't want anybody to spend money they don't have so we're going to make them use a debit card, all you guys are doing are forcing people that may indeed have problems to lie. And I don't think that's going to help anybody. But with all due respect, it's a great bill. Senator Brandt worked really hard on it. I don't remember any opposition in the committee. He's done an excellent job working on it. Everything within these bills are good things. With that, I'd ask that perhaps Senator Lowe would yield to a question.

LINDSTROM: Senator Lowe, would you yield to a question, please?

LOWE: Yes.

BLOOD: Senator Lowe, on AM2795, why, why are we being forced to change it from credit to debit?

LOWE: We're not being forced. I'm asking to do it.

BLOOD: And why is that?

LOWE: Why? Because I believe it's a good idea.

BLOOD: Because?

LOWE: I did not vote on this bill. I was, I, I was present and not voting on LB980. And when Senator Brandt and the committee asked if they could attach it on, I allowed it. But I am not truly in favor of purchasing raffle tickets with a credit card--

BLOOD: Be--

LOWE: --or even online.

BLOOD: But, but-- so when they use their credit card as a debit card, then you're OK with that?

LOWE: If they have to enter a four-digit pin number, yes.

BLOOD: But you understand that it still doesn't come out of their bank account. It comes-- it, it becomes part of their credit debt.

LOWE: It acts as a debit card.

BLOOD: All right, Senator Lowe.

LINDSTROM: One minute.

BLOOD: Thank you for that answer. I'm-- now I'm really puzzled. With that, I would give any-- yield any time I have left to Senator Brandt.

LINDSTROM: Senator Brandt, 50 seconds.

BRANDT: Thank you, Senator Blood. And I know there's been an effort to tie this to gambling. I do not see people trolling the Internet looking for a Ducks Unlimited chapter in Jefferson County so that they can gamble away their money on raffle tickets. You know, if, if you're going to gamble, you're going to go over to Harrah's or Horseshoe or you're going to go to our neighboring state in Iowa. You can gamble online. I mean, I recognize that's a legitimate concern. And I'll-- I serve on General Affairs and, and we hear a lot of call for gambling assistance in the state of Nebraska and people with gambling problems. But I just, I just don't feel this is the way to address it.

LINDSTROM: Time, Senator.

BRANDT: Thank you.

LINDSTROM: Thank you, Senators Blood and Brandt. Senator Wayne, you are recognized.

WAYNE: Thank you, Mr. President. Colleagues, this bill had no opposition. There's no need for AM2795. But here is my promise to this body. If AM2795 is adopted, I have an amendment ready to go for fantasy sports, game of skills, for sports betting, and poker. And I'm going to drop it and we'll have a straight-up, up-and-down vote, because to me, this bill is about rural community having a fundraiser. Unlike Omaha, Lincoln, Grand Island, towns where you can actually drive over maybe in 20 minutes to that local fundraiser, whether it's a church, whether it's Ducks Unlimited, whether it's whatever, I can go there, run my credit card or debit card to buy X number of raffle tickets, but I just really heard about a cool raffle in Senator Hughes's district where they put a fire hydrant thing on a lake. I'm not driving that far, but I would love to buy some raffle tickets to

support that. It just sounds cool. Under this amendment, I would literally have to drive there and do it, rather than just go online to that fundraiser, that fire department's page, and just buy some raffle tickets online. To me, this is going too far. Using a credit card online or even a debit card online to support a raffle ticket, a raffle ticket for a local nonprofit, if we are going to put that in the same category as gaming and gambling, then let's just have a straight up-or-down vote on gaming. To me, that's a simple logic. And my amendment actually ties directly into property tax relief. We have a 20 percent property tax-- or, or sales tax on each transaction that goes directly to property tax relief outside of the TEEOSA formula. So this will be a great education booster-- or inside the TEEOSA formula-- be a great education new revenue stream because I don't understand the logic here. I've, I've tried to understand it. I've talked about it in committee. I told everybody in the committee somewhere, somehow, on the day of, this amendment will come and somebody is going to stand up and say this is gambling. And I even tried to move this exact same amendment onto this bill, but I respected Senator Brandt's position that there is a small delineation between a raffle ticket and what we're doing with poker and those kind of things. And I thought, you know, these nonprofits, especially in rural communities, could hugely benefit. They could put a Facebook ad into Omaha and say, watch the fire, fire-- what am I trying to say-- fire-- somebody give me the idea later-- fire hydrant fall through the lake. And I would buy, like, $10 or $20. That just sounds like a pretty cool thing. And then when it falls, I can maybe win a free rubber duck. I don't know. I mean, what's wrong with that? But to put this in the same category as sports betting, then let's have a straight up-and-down vote, if this amendment passes, on sports betting. And what I will tell you is sports gaming, poker, and fantasy sports will produce about $30-40 million a year in property tax relief, so we're talking real relief. It's a new revenue stream. But if we're going to lump charitable games like this, your local church saying, hey, we have a bad snow storm, but we're going to go ahead and continue the raffle, go online and buy some tickets, if we're going to put that in the same category as sports gaming, then--

LINDSTROM: One minute.

WAYNE: --I will drop this amendment after this amendment passes and we'll have a straight up-or-down vote on sports gaming for property tax relief. And then we'll see who's serious about property tax relief because the bill specifically says it goes to property tax relief. And

it's going to put everybody in a, I think, a great conversation about property tax relief because we are linking literally buying raffle tickets for a nonprofit, the same as Harrah's Casino, according to this amendment. So let's have a straight up-or-down vote. I would urge you to vote red on this amendment. And then if you don't vote red, I would urge you to vote green on my amendment. Thank you.

LINDSTROM: Thank you, Senator Wayne. Senator Briese, you are recognized.

BRIESE: Thank you, Mr. President. We sent out AM2595. You know, like Senator Lowe said, he, he was not voting on that. He saw an issue there he didn't like, didn't vote it out. And I think some of the rest of us perhaps underestimated the opposition to this particular provision. I do support Senator Lowe's amendment, but I do also appreciate Senator Brandt's concerns and some of the arguments being made here are excellent arguments. But, but this is Senator Lowe's bill we're tacking this onto and I think I'm going to defer to his judgment on this. And Senator Brandt has a great bill there, too, LB980, and they-- he's going to get 80 to 90 percent of what he's trying to accomplish with that. And there were considerable negotiations on this particular issue yesterday. And it's my understanding that AM2795 represents essentially an agreement between both sides on that. And so I think we're at a, we're at a reasonable place to be with that. And again, I'm going to support it. And as far as Senator Wayne and-- you know, it would be interesting to have a gambling discussion on this floor. You know, there is a reason LB990 didn't get out of committee and it's the same reason that I, I don't think it would fare well on this floor either, but, yes, it would be an interesting conversation at some point. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Briese. Senator Wishart would like to welcome 55 fourth-grade students from Lakeview Elementary in Lincoln, Nebraska, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk for items.

CLERK: Mr. President, thank you. Your committee on Natural Resources, chaired by Senator Hughes, reports LB632 to General File with amendments and the following bills indefinitely postponed: LB53, LB368, LB606, LB859, and LB1071. Urban Affairs, chaired by Senator Wayne, reports LB1003 to General File with amendments attached. New A bill, LB848A by Senator Pansing Brooks. It appropriates funds to implement the provisions of LB848. Senator would like to put an amendment to LB1055. And Mr. President-- and Mr. President, a priority

motion. Senator Crawford would move to adjourn the body until Monday, March 9, at 9:00 a.m.

LINDSTROM: The motion before us is to adjourn. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.

[RECESS]