

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2020

WILLIAMS: Good morning, ladies and gentlemen. Welcome to the George Norris Legislative Chamber for the thirty-eighth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Michael Warrick from the Enduring Faith Christian Center in Omaha, Nebraska, Senator DeBoer's District. Please rise.

PASTOR WARRICK: Let us pray. Heavenly Father, we just come before your throne, just humbly and boldly. We thank you for this day, the day that you have made, and you said in it we shall rejoice and we should be glad in it. This, oh Lord, we thank you for this opportunity. We thank you for the, the senators that are here, oh God. We ask that you be with them to give them Godly guidance, oh God, as they make decisions on behalf of our state and on behalf of our country. We ask that you bless them, oh God. Bless their families, oh God. Be with them in everything that they do. We ask this in your Son's precious and holy name. In Jesus' name, amen.

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

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

WILLIAMS: Thank you. Are there any announcements?

CLERK: Mr. President, your Committee on Appropriations, chaired by Senator Stinner, reports LB1008 and LB1009 to General File, with committee amendments attached. Also, I have an appointment letter from the Governor with respect to an appointment to the State Racing Commission. And that's all that I have.

WILLIAMS: Thank you, Mr. Clerk. When we left the agenda yesterday, we were discussing LB912. Senator Brandt, would you like to give us a short recap of what's going on with LB912?

BRANDT: I sure would. Thank you, Mr. President. LB912 is a fairly simple bill. The bill will allow for remote testifying in civil cases in Nebraska, and it will allow witnesses by telephonic video conferencing and similar methods for an expert witness to come in and testify in a court. LB912 is a carrier for some other bills, and I would defer the rest of my time to Senator Lathrop to describe those bills.

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WILLIAMS: Senator Lathrop, you are recognized to give us an update on AM2831 to LB912.

LATHROP: Thank you, Mr. President. Good morning, colleagues. You'll remember from last night, this amendment is Section 14 of the underlying bill. Essentially, what we're doing here is debating whether or not we should keep Section 14 in the bill. This amendment would take that out. This is a provision that addresses the Tadros decision that we talked about at some length yesterday. And I, I think, since we left off at 5:00 on this subject matter, everybody's familiar with the debate. Thank you.

WILLIAMS: Thank you, Senator Lathrop. Returning to the queue, Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. I was wondering if Senators Hilgers and Lathrop would respond to a couple of questions. Let's start with Senator Lathrop.

WILLIAMS: Senator Lathrop, would you yield?

LATHROP: Yes, I will.

MOSER: I was wondering if you would kind of help a layman understand the options we have here. When we listen to the legal terms, since legal definitions are different than the lay definitions of the same words, it's a little tough sometimes for us to get the importance of what you're saying. So I wanted to see if I could put it in an example form and see if I'm understanding it correctly. So in the one case, if somebody settles and drops out, then the other defendant can be made to pay more than the percentage of their contribution to the loss. Is that correct? I guess it's--

LATHROP: Currently, currently, if one defendant settles, the remaining defendant only has to pay, on economic damages, his percentage of fault.

MOSER: Right, currently. And you, and you would like it so that the second defendant could make a plaintiff whole, so to speak, and pay more than his percentage of what the damage was.

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LATHROP: That's right. It's called joint and several liability. We want to preserve joint and several liability in the event one of the parties settles out.

MOSER: So-- OK. Thank you, Senator Lathrop. Would Senator Hilgers respond to a question, please?

WILLIAMS: Senator Hilgers, would you yield?

HILGERS: Absolutely.

MOSER: So on the other side of the coin, you're saying that, if two defendants are 50 percent responsible for damage, that no one defendant should pay more than 50 percent of the loss.

HILGERS: In the instance where, in the instance where you have a settling defendant, that's right. I don't think that one defendant should pay more than their allocated fault.

MOSER: And that's kind of the way it is now, but this amendment would make it so that the defendant with deeper pockets could be responsible for a larger percentage of the loss than what they were responsible for?

HILGERS: Correct.

MOSER: OK. So that's what I thought. Following this, on the one hand, you're making the plaintiff whole so he can collect all his damages, even if it wasn't from the person who was-- it's not equally proportioned, based on their loss, but just because they have better insurance or more money, they could pay a larger percentage of the loss. So there's kind of the split. The other one says that the person who is a defendant and found guilty-- or responsible for damages, is only responsible for the damage percentage that he was liable for, and only to the extent of that percentage times the loss. So it limits the loss. So on the one hand, you've got the defendants paying more or less than what they're responsible for and, on the other hand, you have the plaintiffs being able to collect their whole damages, so. Thank you.

WILLIAMS: Thank you, Senator Moser, Senator Lathrop, and Senator Hilgers. Senator La Grone, you're recognized.

La GRONE: Thank you, Mr. President. And I don't want to belabor this point, so I think this will be the last time I speak on this. I want to make two more points and then really just zoom out to the 10,000 foot level, to try to describe what I really think the biggest notion here is. So first on the notion that this court case that we're, that this amendment would seek to overturn, was a close call. So as Senator Lathrop laid out the history yesterday, the rule that this amendment would seek to put back in place was the common law rule. And when you look at statutory interpretation, when you want to change a rule from the common law, if the Legislature wants to do that, it has to be very specific in doing that. And colleagues, that's what they did in the 1980s. If you look at the statute, it is very clear that we abrogate these claims, that that is the current law. And so the notion that this was changed by this decision just simply isn't accurate. The law states clearly that we abrogate these claims. The second one is, doing that, abrogating these claims is in line with both the Uniform Act of the Compare--the Uniform Comparative Fault Act and the Restatement Third of Torts. So this is generally how these are handled. It's how we currently handle them now. That's the general way of handling them. I think that speaks to the wisdom of doing so. And second, I think we've talked a lot, and this-- excuse me, not second-- but just the general concept, that I think is important when we're considering this issue, is fairness. Someone who is left in a lawsuit and the other defendant has settled should not be required to pay more than their fair share, pay more than what they are responsible for. And so if you think that people should have to pay more, then vote for AM2831. If you agree with me that that isn't, that isn't in line with our notions of fairness, that these folks shouldn't have to pay more than what they're responsible for, then I ask for your red vote on AM2831. Thank you, Mr. President.

WILLIAMS: Thank you, Senator La Grone. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I only intend to maybe speak once or twice on this again this morning. I appreciate the conversation we had last night. I appreciate the conversation with Senator Lathrop, Senator DeBoer, appreciate the experience, in particular, that Senator Lathrop brings to this particular debate. I know last night, Senator DeBoer and I, after the-- afterwards, off the mike, talked about, you know, even though we're in the weeds, that this is a valuable conversation as we think through policy and sort of dissect these complex hypotheticals. I

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think that it's exactly the kind of conversation we have, we should have on the, on the floor this morning, on this issue as well as others. And so I appreciate the varying perspectives. And hopefully, at the end of this-- I do oppose AM2930--AM2831, but I certainly very much value the conversation we've had, and I could certainly see differing opinions. So I just sort of recast my opposition. And then I-- what, what I would like to do after I do that is just walk through some of the, the arguments from the proponents and why I don't, at least, think those are sufficient to justify the change in the law. So if you take a step back, recall that this change was really made by statute by the Legislature after a deliberative process with multiple stake-- stakeholders, as the state revamped its comparative negligence scheme back in the '80s. Now, there was a later Supreme Court decision that interpreted some of those statutes. But I think, from my perspective, the policy decision was not made through that Supreme Court decision, but it was really made by those stakeholders through the Legislature back in the '80s. And so I, when I view this, I start from that premise, which is: If we're going to upset that carefully calibrated balance on our comparative negligence scheme, we ought to have a really good reason. So it-- rather than, in contrast to maybe a Supreme Court decision that was sort of common law policy based, that was a close call that they got wrong, where I think it's maybe a little easier to over-- or overturn or contradict from the legis-- from-- through legislative action, my view is this was sort of a-- this was a product of a carefully calibrated discussion amongst various stakeholders through the Legislature. We ought to be careful if we're going to upset that regime as it was created. Now, my principal argument against this-- and I really have two arguments, I think, one that I didn't discuss yesterday and I intend to at least discuss once on the floor this morning. My principal argument is the argument that Senator Moser just touched on, which is, if-- in the event you have a settling defendant and you're left with one remaining defendant who may really be at fault for 10 or 20 or 30 percent, the current system ensures that that defendant does not pay more than they otherwise-- the allocated fault that they were, are responsible for. So if they're responsible for 30 percent, then the ultimate economic damages-- they wouldn't pay more than the 30 percent; if they're responsible for 70 percent, no more than the 70 percent, and so on. The change under AM2831 would at least create the possibility that that that defendant could be responsible for more than the percentage of allocated fault because what is being deducted off the, off the 100 percent of economic damages is not the percentage share of the, of the

settling defendant, but just the amount by which they settled. So if that amount is smaller than the percentage, then, then they would-- then that defendant would have-- be responsible for more than their allocated fault. So I think, because of that reason and because of the careful calibration of the Legislature almost 40 years ago, I don't, I don't see the reason to change. Now, I have another argument that, again, I'll address at the end, because I haven't laid the predicate for it; and I want to talk about that in a second. But I do want to walk through, I think, briefly, some of the counterarguments that I heard yesterday and, at least for me, why I don't think those are sufficient to change this current system. And I may not be able to get through all of those arguments in this amount of time. And if I don't, then I'll come back on the mike probably one last time. So the first argument I think is, is, is-- I think is a sort of a stage-setting argument, which is the one I just touched on, which is to say what the Legislature is really doing is sort of looking back, not to the statute in the '80s, but really this decision in 2007, the Tadros decision, in which Justice McCormack did this, did talk about, certainly did talk about the importance of encouraging settlements. And if you read the case to say that really this--

WILLIAMS: One minute.

HILGERS: --this decision-- thank you, Mr. President-- should be based on whether or not we think we are encouraging settlements or not. If that's, if that's the policy justification for having our current system, then I would agree that's probably insufficient for keeping it. Because, in hindsight, given what Senator Lathrop has discussed on the floor, we may-- we may have fewer settlements, in light of the statutory system that we have in play, than we otherwise would have. Now, when I come back on the mike, since I'm about out of time, I don't think that's the policy justification. I don't think that's the policy rationale, certainly not the only one, because I read the Tadros decision as being a clear interpretation of our statute. There is some discussion of fairness, and there is some discussion of the, of the likelihood of settlement. But I don't think that is the policy rationale on which this should hinge, and I don't think that's the policy rationale on which the statute is originally based. So I'll hit my light again and come on, back on a second time to talk through some of the other counterarguments. And then, hopefully, we'll get to a vote here pretty soon this morning. Thank you, Mr. President.

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WILLIAMS: Thank you, Senator Hilgers. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. I would like to echo Senator Hilgers' comments that this is the kind of floor debate that we hope that we can have. I think there are a variety of different ways of looking at this problem, and I think it's important that we do have these kinds of conversations. One thing I want to highlight for everyone in this room who is not involved in these complex litigation matters, as I often-- you know, I'm not either-- is that, whether you vote for the amendment or don't vote for the amendment today, we will still have joint and several liability in Nebraska if you go to trial. If you go to trial and you are 1 percent at fault, you will still be joint and severally liable to pay for 100 percent of the, the damages, if that's the way it works out. That's who the plaintiff ends up collecting from. You can be responsible for 100 percent of the damages right now, even if you're 1 percent at fault. If the other defendant is 99 percent at fault and you're 1 percent at fault, and you go to trial, you can still be responsible for 100 percent. So the deep pockets can, under our current law or under this amendment, still be responsible for 100 percent of the fault. That isn't what's changing. What's changing is in the circumstances where you have a settlement. That is treated differently, under this system that we currently have in place, than a trial is treated. This amendment would treat them the same, whether you go to trial or whether you settle. So the differences are-- both situations, whether you go to trial or whether you settle-- intended to be treated the same with respect to joint and several liability. And there are arguments that you've heard today that people are making for both sides of the situation. They say, yes, they should be treated the same because you don't want to disincentivize settling. There are arguments that I think Senator Hilgers and, possibly, La Grone are making that says, well, it's not so much about disincentivizing settling, it's about some other thing. And so, in that case, you might not want to change the system. For me, I think that we ought to treat everybody the same, whether they're settling or whether we're going to trial, because then we have the same opportunities, the same law in both situations. I don't think whether or not someone settles is going to materially alter how the trial should go. So there are a variety of reasons-- just to remember, if you find it unfair that somebody should be 100 percent responsible for when they're-- for the bill-- when they're 1 percent at fault, that's still going to exist, no matter what you do here today. As long

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as you go to trial, that's still going to exist. That's joint and several liability. That has been the way it is in our law since before we had law, as a state, in Nebraska-- I mean, before Nebraska was formed. That has been the case that we inherited from the English common law. So if that's the part that's tripping you up, just know that what we're doing here is changing it from only in cases where you go to trial to in cases where you go to trial or are settling. Thank you, Mr. President.

WILLIAMS: Thank you, Senator DeBoer. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. So I've been listening to the debate and, not being an attorney, I've tried to compartmentalize this a little bit and put it in a format that I can understand. So the way I look at it, and from listening to the arguments, you can say that I could be one way or the other side of this argument, depending on whether I was the defendant or the plaintiff. If I happen to be the defendant, I might want to be one way; and if I'm the plaintiff in one of these actions, I might like the other way. So when I weigh that out, I'm thinking, well, why would we want to change anything then, because I don't know which one I'll be in someday and I get into that predicament. I, I see the benefit of, when something happens, everyone that's responsible or a part of that act stays together, and you go through the process together until it's decided. For one side to be able to plea out and leave, don't know if it's quite fair either. I'm still kind of listening, but right now, I, I, I balance this and say, I don't know why we would change it yet, because I-- again, I, I don't know which side I'll be on in that time that it happens. It's never happened to me so far, so it's hard to say that one way or the other way is going to be better. It all looks to me like, when all parties involved are still in that lawsuit and either defending it or prosecuting it, seems to be, in the end would be the fair method. With that, I'll yield the rest of my time to Senator Hilgers.

WILLIAMS: Thank you, Senator Friesen. Senator Hilgers, you're yielded 3:02.

HILGERS: Thank you, Mr. President. Thank you, Senator Friesen, for the time. So just walking through the counterarguments, the first one, I think, was a stage-setting argument. And I just described that on my last time on the mike, which is, I think really the justification here, the burden here on proponents of the amendment, in my view,

should be really making an argument to upset the carefully calibrated balance that was struck in the '80s and not what I think is a very narrow construction of the later Opinion, interpreting that statute from 2007. I don't think, I don't think the tail that should wag this particular dog is a question of whether or not there should be, we want to have more settlements or fewer settlements. I think that's a relevant consideration but, ultimately, I think this goes to a fairness amongst all the defendants and the risk that is, to one particular set of cohort of defendants, of actually having to pay more than their allocated fault. So I don't think-- I think the standard is higher, maybe, than some of the proponents, because we're changing the statute. So moving forward-- so let's just take-- but let's accept that premise for a second and say, OK, what we're trying to do is try to incentivize fewer, fewer-- or we want to have more settlements, not fewer settlements, and that this current rule might disincentivize in settlements-- settlements, excuse me. I don't-- that, that very well might be true. I take Senator Lathrop and his anecdotal experience; that, that resonates with me to a degree. I will say, though, that what, one thing-- I don't think-- what I think this might do is incentivize the wrong kinds of settlements, which are, we're going to settle with one particular class of defendant, those who might be underinsured or you don't have assets, and we're not going to settle with another type of defendant which, who might have plenty of insurance, have lots of assets, irrespective of their, their relative allocation of fault. So I do think this might incentivize more settlements, which would be to the good. But my problem is that it would maybe incentivize the wrong kinds of settlements, which are, we're going to settle with this one type of defendant, maybe not this other type of defendant to that other type of defendant's detriment. You could imagine, for instance, a drunk driver who is driving and runs into a truck. It may be a big commercial truck that's transporting goods. Well, the driver may have no insurance, or very little insurance. The truck really isn't at fault or may be very little at fault, 5 percent--

WILLIAMS: One minute.

HILGERS: Thank you, Mr. President. It might-- it might be brought into the case because of that. We-- do we want to incentivize early settlements with just the driver, so then we can go after the truck? Now, there are going to be counterexamples that work the other way. But I think when we're talking about making these sort of holistic, class-based changes, I think that's a consideration for us. So I don't

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want to incentivize the wrong kinds of settlements just, just for the purpose of having more settlements. I also don't think, as I discussed yesterday, while, while settlements can be good, right, those are contracts, and so I don't think that anyone has a right to be able to enter into a contract. If a plaintiff doesn't want to enter into a contract, a settlement with the defendant, I don't think that that necessarily is, on its face, a bad thing. Right? You have to be able to-- it has to work out for both, both parties. And so, while I think there are cases where settlements are good, we want that to happen, I don't think that should be the policy justification that justifies this particular change. So when I come back on my time, I'll walk through the rest, the rest of the proponents' arguments and, at least, my disagreements with them. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen and Senator Hilgers. Senator Howard would like to recognize Kate Kelley, who is shadowing Senator Howard today. She is from Omaha, and she is seated under the north balcony. Kate, would you please rise and be recognized by your Nebraska Legislature? And Senator Hilkemann would like to recognize 52 fourth-grade students from Cottonwood Elementary in Omaha, Nebraska. They are seated in the north balcony. Would you please stand and be recognized by your Nebraska Legislature? Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President and colleagues. I want to respond to the arguments against. And by the way, we should be clear. I favor adopting this amendment that will put Section 14 back into LB912. I want to talk about the arguments in opposition to this amendment, because what I hear is, if you have somebody that settles, then we end up with a fairer system under the current law because we allocated according to fault. And what that is, is an argument against joint and several liability. Legal scholars, for centuries, recognized the reason we have joint and several liability. You're 100 percent responsible for the economic damages, medical bills, lost income, those type of things if you are at fault in any degree. Right? So the idea that we would say, well, when, when there's a settlement, that's a more equitable process, that misses the mark. It misses it, it misses the mark because we do have joint and several liability. And someone who represents people who have been injured can always preserve their right to secure joint and several liability for multiple defendants by taking them all to trial. OK? That isn't going away. We're not affecting that. What happens? Is there a good reason to make everybody go to trial just to preserve joint and several

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liability? Now, there's been some suggestion that this was a-- not a jump ball, that it was an easy question. The court had, in Tadros, had to deal with a person's share of the obligation. What does that mean? Does it mean a percentage of fault or what they paid? That was-- that's not a black and white thing. They had-- by the way, these are good lawyers arguing a close call, and this is how it came out. And the court said, I think this is a good way to do it because it'll promote settlement. It hasn't. What it does, what it has done is institutionalized the absence of settlement when you have two or more defendants. All we're doing here is preserving what would happen if you took everybody to trial, allowing that to continue, even if somebody else settled. The idea that we stand up and then start talking about, I don't think it's fair for somebody who's 1 percent at fault to have to pay 99 percent of the, the economic damages, that's our law, and for a good reason. Even at 1 percent of fault, they had to be the reason for the accident or the reason for an injury to somebody. And by the way, take-- stop for a second and think about this. We've been talking about the truckers, and we've been talking about the railroad. How about it's you that gets caught on a railroad crossing? Do you want a fair system when you get run over by a train or when you get rear-ended by a semi or when one comes through the median and hits your wife? That's what we're talking about. Think about that, because this isn't just about the Chamber of Commerce types and the trucking industry. It's about people that you represent. It could be your family. We want a fair system. We want a fair system, one that's fair to defendants and one that's fair to plaintiffs. And when we went through tort reform, we said, here's how we're going to do it. If there are medical bills and lost income, everybody's on the line for it, as has been the case for hundreds of years, joint and several liability. But for pain and suffering, for loss of consortium, for--

WILLIAMS: One minute.

LATHROP: --the grieving that people do, and to the extent one can place a value on that, that will be divided and apportioned according to your percentage of fault. And here we are. No one will settle the case. No one will let somebody out who has no reason to be in the case, and they're spending attorney fees, getting drug to the courthouse to preserve joint and several liability. And this is an opportunity to rectify that inequity. Justice McCormack, I told you he's not only a friend, somebody I respect, he's a constituent. And if he's watching on TV, which I don't know if he is, I respect him a

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great deal, but he was wrong about this. It is discouraging settlements by anyone when there's multiple defendants. And that's something that, that as a policymaker, we can affect what-- whether we're packing our courts with cases that won't settle for policy reasons.

WILLIAMS: Time, Senator.

LATHROP: Thank you.

WILLIAMS: Thank you, Senator Lathrop. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning again, colleagues, colleagues. This probably is my last time I'm going to speak on this. I do want to briefly respond to one point from Senator Lathrop, which I-- and I appreciate this. And I have a different read of the, of the Tadros decision, because there is absolutely-- Senator Lathrop is absolutely right. There is a discussion in there about encouraging settlements. But the way that the Opinion flows-- for the record for anyone at home, this 735 Northwest Reporter, Second Edition 377, the court starts with the statute. And what the court says is, as-- and this is a quote: As reflected above-- and then a reference to the statute-- the statute plainly states that after the claimant settles with a joint tort-feasor, the claimant's claim against the other persons shall be reduced by the amount of the released person's share of the obligation as determined by the trier of fact. So what the court says is, the way the argument goes in this Opinion, and the court says, look, the statute is clear. Now, the court then goes on to address some counterarguments from the other side. And in disposing of those counterarguments, the court does talk about these policy rationales and justifications. But what I don't-- I-- when I read the decision, what I don't see, at all, is any ambiguity in the statute itself and how the court reads the statute. And I think the court, at least my read of it, does acknowledge that. So a couple of the other arguments in favor of this, and I think one primary one-- and Senator DeBoer raised this-- is this argument of, well, you can still hold that, that person who might be 5 percent. That 5 percent, the person who has 5 percent or 10 percent fault or 50 percent fault, some, some portion less than 100 percent, if you go to trial for both, under joint and several liability, you can actually go collect against the person who's 10 percent at fault for the whole 100 percent. Now, I've had-- I've discussed this with Senator Lathrop. I did some research

last night. I did some research this morning. What I'm going to say is, I think this is true, but I will, I do want to be explicit that I'm still looking; and if someone wants to correct me, then please do so. But I do not think that under Nebraska law, you, you don't have a, you do not have a right to contribution from a nonsettling to-- or from a settling defendant. So basically, what joint and several liability does is, it says if you two defendants are liable, I-- you're jointly liable, I can go, I can get, I can get all of my recovery from one defendant, but-- and this is a really important caveat-- that defendant has a right to contribution from the other defendant. So if you collect \$1 million, if the whole judgment's \$1 million, and you're 20 percent at fault, and you, you owe me \$200,000, but you're joint and several, so I can get the whole \$1 million from you, you can go and get the \$800,000 from the other defendant. Now, that's a powerful counterbalance that, at least in some cases, gives that-- one of the defendants the right to really be able to adjust what they're out of pocket to what they actually-- the allocation of fault, because they can go collect the \$800,000 from the other, from the other defendant that's in the case. Now, my view so far, and I, again, I want to be very explicit-- I haven't been able to confirm this with a case yet, but I believe it to be the case that a defendant who settles, you cannot get contribution from that settle, from that defendant. And if that's true, then it means there's a really big difference between the scenario that Senator DeBoer lays out, where I can go to, I can go to trial and get the exact same result, joint and several, as I can if I settle, because you don't have a right to contribution from the nonset-- from the settling defendant. And that's so in the, when you go to trial, if you have a right to contribution, you can try to recover the money for that, that you, the 80 percent from the other defendant, but if that defendant settles out before and you can't. So I'm looking to confirm that to be true. But if it is true, colleagues, I think that's a very powerful counterargument that's to the one that's have been, that has been put forward today. The other, there-- this came up very briefly yesterday, and I just wanted to address it-- the empty chair argument. And I think this is really an argument that's sort of a mitigation of harm to the, the sole, the remaining defendant. The argument that I might make is, well, it's not fair to sort of put this one defendant settle out with everyone and then try to go beyond the 20 percent or 40 percent of liability--

WILLIAMS: One minute.

HILGERS: --for the one defendant left. And one of the counters to that is that, well, the, that's an empty chair. And everyone wants an empty chair, because then you could point to the person who can't defend themselves and say it was their fault, their fault, their fault. That is true to a point. I think, as a matter of trial strategy, sometimes that is valuable. But I will tell you that a lot of juries make very binary decisions. They will say, was the plaintiff harmed or not? Should I hold the person in front of me responsible or not? Now, in some cases, it might help to point to an empty chair, but in some cases it is, it is vastly preferable to have multiple other defendants, because then the, the jury can look at each one who's there and say, you owe 10 percent, you owe 20 percent, you owe 30 percent, etcetera. So as a mitigation to the potential harm to the remaining defendant, I don't think the empty chair argument-- I think it is true so far as it goes, but I don't think it is, on its own, sufficient to really remedy the harm that I see. The last point I'll make-- and I don't know if I have enough time to do this-- is on this insurance argument. To the extent that you're settling with someone early, you're doing it under their policy limits.

WILLIAMS: Time, Senator.

HILGERS: Thank you, Mr. President.

WILLIAMS: Senator Hilgers, you're recognized.

HILGERS: I'll just finish this, and then I'll, and then I'll, I'll be done. If you are-- so there's a sort of equivalency between this joint and several, let's take them to trial and let's settle with them. And the argument is sort of, well, it's the same either way. And I think, and one other important aspect, besides the potential contribution point that I made, it is different. And that is, when you settle with somebody, usually, if it's, if they're insured, it's under-- it's the policy limits are under. What you do in that circumstance, or what you're not doing in that circumstance, is you're not putting their person, that person's personal assets at risk in a way that you do if they go to trial. So if we, if I settle, if I'm the plaintiff and I settle with the defendant under their policy limits, whatever assets they have beyond that are not at risk, especially if there's no contribution action. Now, if I go to trial and I get a joint and several judgment against both defendants, and there's a contribution right from one defendant to the other, they could sue them and put their personal assets at risk. Now, what I think that means is, when

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your assets are at risk and you know that, ultimately, you might be held to account over and above your insurance limits, that at least provides an incentive to make sure you're adequately insured. Now, maybe for the drunk driver example that I gave before, that, that may not matter on the margins so much. But if you're talking about maybe commercial liability, so for instance, maybe trucking companies who might have \$1 million of insurance, but maybe not the \$20 million that they should have, and you're trying to create incentives for them to adequately insure, a system by which they can settle out early and not put their own corporate assets at risk is one that I don't know if we want to encourage, because that's, that encourages, at least on the margins if not more than the margins, or incentivizes or disincentivizes adequate insurance for those particular entities. So that was the last argument I would make. I do oppose AM2831. I'd encourage you all to vote red on that particular amendment. I do appreciate the dialog, the conversation we've had on the floor, the record we've made. I appreciate the perspectives of my colleagues, Senator DeBoer and Senator Lathrop, in particular. I would encourage you to vote red on the underlying amendment. And the bill, without the amendment, I'm, I'm certainly going to vote green on. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers. Seeing no one wanting to speak, Senator Lathrop, you're recognized to close on AM2831.

LATHROP: Thank you, Mr. President. Colleagues, I want to, I want to say this sincerely. I appreciate that Senator La Grone divided the question. This was a thoughtful approach to isolate a problem that many, apparently, or some, by the way, latecomers to the discussion, have with Section 14. I, I appreciate that courtesy and the fact that we didn't turn this into a vote on the entire bill, which has many important components. That said, I was listening to this debate this morning and thinking, you guys probably thought I had an easy job in my professional life. This stuff's complicated and I've lived it for 40 years. I've lived it for 40 years. Lawyers go to seminars on what to do with Tadros. And, and those seminars are, basically, don't settle. If you got multiple defendants, don't settle because you'll, you'll destroy the joint and several liability. It's going to happen. Everything that you heard that is a problem with joint and several liability, which, by the way, there's good policy for, is going to happen going forward. If this amendment gets defeated, we'll continue to drag people to the courthouse who want to pay their policy limits and get out of a case. And the only person that wins in this situation

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is defense counsel, who's getting paid by the hour. We're going to be at the courthouse in either event, whether there's one defendant or two. So at the end of the day, at the end of the day, this isn't about trying to help the plaintiff's bar. It more benefits insurance companies that want to buy-- pay their policy limits, buy their piece, and get out of a case. It's not going to be the end of the world if this doesn't pass. But I think there are important policy reasons for why it should. It will encourage settlements. It will preserve a long-established principle of joint and several liability, which is important to ensure that you, your family, the ones you love, are fully compensated, at least on their economic damages, going forward. I appreciate the respectful debate that we've had on this topic, and I would encourage your support of AM2831. Thank you. I, I would [RECORDER MALFUNCTION] call of the house, Mr. President.

WILLIAMS: Thank you, Senator Lathrop. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 24 ayes, 3 nays to place the house under call.

WILLIAMS: 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 Lathrop? Senator Clements, would you please check in? Senator Hilkemann, would you please report to the Chamber? The house is under call. Senator Hilkemann, would you please return to the Chamber? The house is under call. All senators are present and accounted for. There is a request for a roll call vote in regular order, Mr. Clerk.

CLERK: Senator Albrecht.

ALBRECHT: No.

CLERK: Voting no. Senator Arch.

ARCH: No.

CLERK: Voting no. Senator Blood. Senator Bolz.

BOLZ: Yes.

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CLERK: Voting yes. Senator Bostelman.

BOSTELMAN: No.

CLERK: Voting no. Senator Brandt.

BRANDT: Yes.

CLERK: Voting yes. Senator Brewer. Senator Briese.

BRIESE: No.

CLERK: Voting no. Senator Cavanaugh.

CAVANAUGH: Yes.

CLERK: Voting yes. Senator Chambers.

CHAMBERS: Yes.

CLERK: Voting yes. Senator Clements.

CLEMENTS: No.

CLERK: Voting no. Senator Crawford.

CRAWFORD: Yes.

CLERK: Voting yes. Senator DeBoer.

DeBOER: Yes.

CLERK: Voting yes. Senator Dorn.

DORN: No.

CLERK: Voting no. Senator Erdman.

ERDMAN: No.

CLERK: Voting no. Senator Friesen.

FRIESEN: [INAUDIBLE]

CLERK: Senator Friesen, I'm sorry.

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FRIESEN: No.

CLERK: Voting no. Thank you. Senator Geist.

GEIST: No.

CLERK: Voting no. Senator Gragert.

GRAGERT: No.

CLERK: Voting no. Senator Groene.

GROENE: No.

CLERK: Voting no. Senator Halloran.

HALLORAN: No.

CLERK: Voting no. Senator Ben Hansen.

B. HANSEN: No.

CLERK: Voting no. Senator Matt Hansen.

M. HANSEN: Yes.

CLERK: Voting yes. Senator Hilgers.

HILGERS: No.

CLERK: Voting no. Senator Hilkemann.

HILKEMANN: No.

CLERK: Voting no. Senator Howard.

HOWARD: Yes.

CLERK: Voting yes. Senator Hughes. Senator Hunt.

HUNT: Yes.

CLERK: Voting yes. Senator Kolowski.

KOLOWSKI: Yes.

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CLERK: Voting yes. Senator Kolterman.

KOLTERMAN: Yes.

CLERK: Voting yes. Senator La Grone.

La GRONE: No.

CLERK: Voting no. Senator Lathrop.

LATHROP: Yes.

CLERK: Voting yes. Senator Lindstrom.

LINDSTROM: No.

CLERK: Voting no. Senator Linehan.

LINEHAN: No.

CLERK: Voting no. Senator Lowe.

LOWE: No.

CLERK: Voting no. Senator McCollister.

McCOLLISTER: Yes.

CLERK: Voting yes. Senator McDonnell.

McDONNELL: Yes.

CLERK: Voting yes. Senator Morfeld.

MORFELD: Yes.

CLERK: Voting yes. Senator Moser.

MOSER: No.

CLERK: Voting no. Senator Murman.

MURMAN: No.

CLERK: Voting no. Senator Pansing Brooks.

PANSING BROOKS: Yes.

CLERK: Voting yes. Senator Quick.

QUICK: Yes.

CLERK: Senator Quick voting yes. Senator Scheer.

SCHEER: No.

CLERK: Voting no. Senator Slama. Senator Stinner.

STINNER: No.

CLERK: Voting no. Senator Vargas.

VARGAS: Yes.

CLERK: Voting yes. Senator Walz.

WALZ: Yes.

CLERK: Voting yes. Senator Wayne.

WAYNE: Yes.

CLERK: Voting yes. Senator Williams.

WILLIAMS: No.

CLERK: Voting no. Senator Wishart.

WISHART: Yes.

CLERK: Voting yes. 21 ayes, 24 nays on the adoption of the second component of the committee amendments.

WILLIAMS: The amendment is not adopted. Returning to discussion on LB912. Raise the call. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, yesterday a bill was discussed, which I felt was very important. Others did not. However, a majority of the members voted to send it on to Select File. That vote is going to mitigate some of what I would ordinarily do. But I must do some of it. While that bill was being discussed, Senator Erdman talked about Game and Parks. Senator Hughes

talked about Game and Parks, which people are entitled to do. There are other senators who, no matter what the subject matter may be, they are inclined to throw in a plug for property tax relief. But since these are subjects that are of interest to white people, nobody turns a hair when that occurs. When I bring up subjects of concern to black people, then there is a different reaction, because white people are trained, they are conditioned, they are educated, they are socialized to look down their nose at black people, to feel, whether they're conscious of it or not, that black people have a place in which they are to remain. And if we don't remain in that place, then we are uppity, we are obstructionists and all the things that you all have in your minds that you apply to us. So regardless of what your reaction may be to me, I want you to know that I'm going to continue to speak on those matters that are of importance to me. You can look around this Chamber. You see two persons who acknowledge being black. I say acknowledge because there are people as pale as you all, who know that, in their families, somebody jumped over a fence. But because it doesn't show, they can pretend that they are "pure" white. I'm going to have a chance before I get through-- and I don't know if I'll do it all today-- to talk about what was said by a person who wrote a history of Britain and talked about Europe, there being no pure races, but they are active or energetic mongrels, no pure races, and another person who talked about America being a melting pot for God to let all the races of Europe come here and do whatever it is they're going to do, which has always been bad. Now, if you are a bacteriologist or-- I don't know if they have an, an l-o-g-y for those who look at all types of microbes and cure, including viruses-- then you begin to recognize that there are some that cause diseases. And when I read history, every place where Europeans who call themselves white have gone, and there would be indigenous peoples, they would try to destroy those people. They would coin derogatory terms for those people. They would act as though the land that they invaded is theirs and God gave it, that God gave it to them, a white racist god who told slaves, obey your masters, for this is right and pleasing in the sight of this white racist god. Well, there are some of us of my complexion who don't buy that.

WILLIAMS: One minute.

CHAMBERS: So we're going to continue to be that thorn in your side, knowing that you will ignore what we say; but we must say it. There was a black lady poet, and she wrote a poem, titled "Why the Caged Bird Sings" [SIC]. If you just looked at that title without reading

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the poem, you might say a caged bird sings because that's what birds do, wherever they are; they sing-- or here is a bird that recognizes that it has been prohibited from flying, prohibited from being free but, despite all these burdens, all of these disadvantages, it sings, nevertheless, as a matter of choice, not because this is what birds do, but it's what certain conscious birds will do in spite of what is the condition under which they live. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. You are next in the queue. You may continue.

CHAMBERS: Thank you, Mr. President. When that bill was being discussed yesterday, black people said something. People read the newspaper. Somebody was curious why I, as the longest serving black senator, did not say anything on the bill. Well, you know what my response was. I know I said something. Well, they didn't read it in the paper. I said, here's what you have to understand. This media is of, by, and for white people. They write their stories to appeal to white people. If nobody who wrote something about what happened yesterday was white-- and it was either in the World-Herald or the Journal, whichever one you read, or if you read both of them-- they write about subjects that pertain to black people, even, to appeal to white people. And if they didn't write anything, they feel that the only ones who had anything worthwhile to say on a subject that dealt with black people and discrimination based on certain characteristics of ours, they wrote what white people say because only what white people say counts. And that's why I say the white media are of, by, and for white people. I cannot control what they say, and they can write about what I say or choose not to, but I can control to whom I will give interviews. And why should I waste my time giving an interview to a member of the white media when they think, I suppose, that that will be a novelty and their white readers, for a change of pace, might like to read something like that? And why am I saying this? Because the media often whine about being referred to as the enemy of the people. I don't consider the media to be the enemy of the people, but I consider them to be disparagers and dismissers of some people. And unless a black person says something that members of the media think that white people will read, they're not going to deal with it. Now, any black person who is not aware of that will constantly have heartburn. But I tell people, don't let that stop you from reading what these white people write because they tell on each other. They tell you how they lie, cheat, and steal, how this one over here is a rat, and that one says, well, the one over there is a polecat. But these are white

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people talking about white people. And since they know each other, we have to accept what both of them say: white people comprise polecats and rats. They said it, but yet, when we accept what white people say about each other, we're bad people because we have not reached that status or stature of humanity to be allowed to even quote what white people say about white people that may be critical. They are insane. And when I say insane, I don't mean certifiably so, or that they should be in one of those asylums. I mean that they lack logical mental processes flowing through their brain or their mind, or brain/mind, and all rationality and logic will leave them when black people are involved.

WILLIAMS: One minute.

CHAMBERS: And because they're not being logical, they're not being rational, they're not being or fitting or fulfilling the definition of "sane." If they were sane and say that their job, their craft is to tell the truth, speak truth to power, as they say, they would have to put a footnote or an asterisk-- and there is an "s-k" at the end, it's not "asterick" as white people say-- and that's what you'll hear on this floor, an "asterick." It's not an "asterick," it's an asterisk-- asterisk. I cringe when I hear white people mispronounce words such as "nucular;" it's nuclear. It's "clear." Put "clear" on the end of it. And the "n-u" is a new understanding that you have. It is "nu-cle-ar."

WILLIAMS: Time, Senator. Senator Chambers, you're recognized. And this is your third time.

CHAMBERS: Thank you, Mr. President. Now that I've taught you-- or tried to, but you'll reject it-- how to pronounce "nuclear" so that you don't say "nu, nucular." It's hard sometimes for me to deliberately mispronounce words because I love language, I love words. And I talk to words and words talk to me, and we have an understanding. Sometimes I have to dumb down my use of these words because of the people to whom I'm addressing them. And no matter how wise and intelligent and mentally swift I wish they were, if they're not and I want to communicate with them, I have to use the language that they will understand. That's what I have to do. So I might look at words the way I was taught to look at words when I was in a white school, being taught by a white teacher. All the teachers I had were white. Take "com-for-ta-ble," for example-- "com-for-ta-ble," not "come for table." But you could come for table if you're hungry, and you're in the restaurant, and they ring the bell. That means come for

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table, come and get it. And how do they say it on the farm, sooeey? There are different ways to communicate. If you use smoke signals, if you use drums, if you use written words, if you use typed words, if you use Morse code-- which is a rearrangement of the letters of Senator Moser's name-- if whatever method you use transmits from your mind what you want to get to somebody else's mind, that method fulfills the purpose and role of communication. So I say comfortable. Then why do white people say "comf-ter-ble?" "Comf-ter-ble," that's not the way comfortable is supposed to be pronounced, but you can eliminate letters, you can transpose letters, you can leave out entire syllables. But you're white, and it's right because somebody white said it. White makes right. And as for one of my colleagues who don't-- doesn't like me to use the term "white" and says it's racist, he'd better not read the census form because the census form put out by white people has the designation "white" on it. They don't even think. Can you imagine how hard that is for me to be around for 46 years of my life? Well, some vessels are made to honor, some are made to dishonor. Some stones are made to be recognized and made the headstone of the corner; others are not. And as the "Bibble" says: How dare the pot say to the potter, why hast thou made me thus? Because the potter can do this to that pot, and the pot ceases to be. Could a typewriter tell IBM, you should have constructed me as an adding machine? That's crazy. So when white people look like-- look at me, they say, where did we go wrong? We built the monster but we failed to build in a mechanism of control. Now I'm going to speak on bills, but I will not offer motions, perhaps, and maybe I will. There was a guy on a program where they degraded him by calling him "Lightning" because he spoke very slowly.

WILLIAMS: One minute.

CHAMBERS: But another way to look at it is the unpredictability of lightning. You don't know when it will strike, you don't know where it will strike. But if it strikes, you know, unless it's fatal, that you've been struck by something. Lightning can occur when the sky is clear. You all hadn't heard of anything like that? Then consider what the definition of lightning may be. And I think Senator Brandt, being an upstanding gentleman, has allowed me to make use of his bill. And I'm saying he allowed me because it's his, and I don't want to be a trespasser or an interloper. I am through with his bill and will not offer any motions, but on others, it may be a different matter. Thank

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you, Mr. President. Thank you, Senator Brandt. Smooth sailing, may the wind always be at your back.

WILLIAMS: Thank you, Senator Chambers. See no one willing-- wanting to speak, Senator Brandt, you're recognized to close on LB912.

BRANDT: Thank you, Mr. President. Thank you, Senator Chambers. I'd like to reiterate a few things. LB912 originally had my bill, which was LB912, which allows for videoconferencing testimony in civil actions. It had LB1022, which was a clean-up bill for civil actions in county court. It had LB869, which was about subpoenas at the-- excuse me-- subpoenas for out-of-state civil actions, and this lines us up with the UCC. It had LB868, which would require a child screening for child abuse by a licensed attorney serving as a parenting plan mediator. In addition to that, it had LB271. That is the bill that just failed as the amendment. That was the only bill, out of all of these bills, that had any opponent action to it. We had-- on LB912, the Bar Association had some concerns and we addressed those concerns. So the bill you have before you is a good bill. There should be no concerns about that. And I would encourage your green vote on LB912.

WILLIAMS: Thank you, Senator Brandt. Members, the question is the advancement of LB912 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on the advancement of the bill.

WILLIAMS: The bill advances. Senator Stinner, you're recognized.

STINNER: Thank you, Mr. President. Point of personal privilege, I believe everybody has a copy of the Appropriations Committee budget proposal. It's in lime green; I believe that's the color. Actually, the first-- it's 45 pages, so it's smaller. We do have a budget. This is a modification of the current budget. Some of the Governor's recommendations, some of the Appropriations' recommendations are in here. Actually, the most important part, probably the first 17 pages, if we want to concentrate on that. Detail is in behind that. It, it adds to about 45 pages. We will have a briefing at 8:15 tomorrow morning, Room 1524. Thank you, Mr. President.

WILLIAMS: Thank you. Senator Stinner. Mr. Clerk.

CLERK: Mr. President, before we proceed, a few items, if I might: an amendment to be printed, Senator Bolz, LB219. Enrollment and Review

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reports LB760, LB965 to Select File; and the Business and Labor Committee reports LB927 to General File with amendments.

WILLIAMS: Mr. Clerk.

CLERK: [INAUDIBLE], thank you.

WILLIAMS: We'll return to General File, LB1140.

CLERK: Thank you, Mr. President. LB1140, introduced by the Health and Human Services Committee, relates to youth rehabilitation and treatment centers, provides requirements for youth rehabilitation and treatment centers, provides a duty for the Revisor. The bill was introduced on January 22, referred to Health and Human Services, advanced to General File. There are committee amendments pending, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Senator Howard, you are recognized to open on LB1140.

HOWARD: Thank you, Mr. President. Good morning, colleagues. Today I'm presenting LB1140, a Health and Human Services Committee priority bill, which is the first of several packages of bills that will begin to address the crisis at our youth rehabilitation and treatment centers. You're being handed out a chart by the pages today that will walk you through each of the bills, in the order in which you'll hear them today. LB1140 and the committee amendment, AM2663, contain five bills brought by the Health and Human Services Committee to provide a foundation and a robust planning for this troubled part of our juvenile justice system. Before getting into the details of LB1140, I'd like to provide the body with some background on the YRTCs and what led us to this point. The state has a legal obligation to serve the youth in Nebraska's juvenile justice system. When youth enter the juvenile justice system, the goal is to provide them with treatment and rehabilitation to address the issues that have led to their behavior and set them on the right course for the future. The youth rehabilitation centers in Geneva and Kearney have traditionally played a crucial role in this system. Nebraska's YRTC center, YRTCs serve youth ages 14 to 19 in the state's juvenile justice system. The YRTCs are under the jurisdiction of the Department of Health and Human Services through the Office of Juvenile Services. The YRTC in Geneva has served girls since 1891, and the YRTC in Kearney has served boys since 1881. Currently, there are 3 girls in Geneva, 84 boys in

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Kearney, 21 girls in Kearney, and 6 boys in Lincoln. On Monday, August 12, 2019, the Department of Health and Human Services CEO Dannette Smith alerted me to a crisis at the YRTC in Geneva. CEO Smith felt that YRTC-Geneva had become unsafe to damage, due to damage to the property, a lack of programming, and staffing issues. CEO Smith sought to reduce the census on campus immediately. That day, four of the higher-needs girls were moved to the Lancaster County Youth Services Center, a juvenile detention center in Lincoln. However, three days later, that Thursday, August 15, the juvenile court ordered the girls back to YRTC-Geneva because there was no court order in, in place for that placement change. Those four girls were then subsequently transported back to YRTC-Geneva and then immediately moved to YRTC-Kearney. The next day, on Friday, August 16, I, along with Senators Lathrop, Brandt, Pansing Brooks-- and Pansing Brooks visited YRTC-Geneva. We went to each living cottage, the school, and the cafeteria, and saw firsthand the disrepair of the facilities that CEO Smith noted. Some of the higher-needs girls had been breaking sprinkler heads and causing water damage in multi, in two of the cottages, and what we found were major unfinished repairs, significant water damage with a resulting musty smell, holes in the walls between rooms large enough for girls to fit through, broken walls with the sharp mesh from the plaster inlaid exposed, and a broken fire safety system. When I say a broken fire safety system, what I mean is there used to be a way to unlock all the doors if there was a fire, and that was broken. And so if there had been a fire, the girls would've been trapped inside of their rooms while staff had to go through and unlock each one individually. We spoke with several girls and were told there was no programming. Additionally, we observed that the staff did not interact at all with the girls. And that following Monday, August 19, the department moved all of the girls to YRTC-Kearney, and most are still there today. The move to YRTC-Kearney stabilized the situation for the girls in the short term, but it has created its own challenges. At YRTC-Kearney, to accommodate the girls, the boys were moved out of the Morton building, which is the only building on campus with single rooms aside from Dickson, which is their safe and secure unit. As a result, some of the more vulnerable boys have been moved into the general population, where the boys sleep in barracks-style dorms, with 16 to 20 beds in the room. And I know we've heard about the dorms because, a couple of weeks ago, some of the boys took apart their metal beds and beat several of the guards. Many of the girls have a history of sexual trauma and now have to bathe in communal showers, unlike the private showers that had recently been remodeled

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by the taxpayers in Geneva. The girls and boys must remain segregated at all times at YRTC-Kearney and, as a result, their eating must be staggered and their time outside must be staggered and shared. The education space for the girls is inadequate, and initially, the girls could not receive the number of education hours necessary to maintain accreditation because staff had to be driven from Geneva. The department has been working closely with the Nebraska Department of Education, and they do have a plan in place to address this issue. In December, the department issued a reduction in force for many of the YRTC workers, but continue to be understaffed at this time. Most important to note, the number of escapes from Kearney has increased dramatically. In 2019, the number of escapes was 39, up from 4 the prior year. In 2020 alone this year, there have been 8 episodes of elopements, involving numerous youth, both boys and girls. Several of the escapes involved assaults of staff and, in one instance, the assault of a private contractor transporting some youth. Currently, the YRTCs are operating under a business plan released by the department in October. You can find this business plan in the report that was released by the DHS-- the HHS committee under Exhibit PP. Under this plan, the department created what is, what it called, what it calls the YRTC-Lincoln, a space leased at the Lancaster County Youth Services Center, a detention center. The lease costs more than a half a million dollars a year, and the department signed a five-year lease. Under the business plan, when youth are placed at a YRTC, girls and boys, they will first be sent to YRTC-Kearney for evaluation. If a youth is assessed and found to have higher needs, that youth would be moved to YRTC-Lincoln for more intensive treatment. Those youth might then transition back to YRTC-Kearney once they are stabilized. However, our understanding is that this decision will be made on a case-by-case basis, as a return to Kearney may not be in the youth's best interests. For girls, when they are ready to plan for, for a transition home, they would be moved to YRTC-Geneva. The current census for the YRTC-Kearney, again, is 85 boys, 21 girls. The current census at YRTC-Geneva is 3 girls, and, in those buildings, there are 20 rooms, and only 6 beds have been put into any of the rooms. The rest are being used for storage. The current census of the facility in Lincoln is 6 boys. Our first visit to YRTC-Geneva on August 16 was the beginning of the Health and Human Services Committee's six-month fact-finding process. Over the interim, the committee held public hearings in Geneva, Kearney, and in Lincoln. The Lincoln one was a joint hearing with our colleagues on the Judiciary Committee. Committee members took multiple tours of both YRTCs in Geneva and

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Kearney. We toured other facilities treating juveniles, like a, we toured a, a PRTF, or a psychiatric residential treatment facility. And we've also recently visited the Lincoln YRTC. Several senators had, and continue to have numerous conversations, not only with the girls affected, but with parents, current and former staff, and community members. And the committee collaborated regularly with the Office of the Inspector General for Child Welfare and the Ombudsman's Office. Members of the committee, particularly my office, communicated weekly, at times daily, with the Department of Health and Human Services, specifically CEO Dannette Smith. I'd like to acknowledge again and thank the Judiciary members, particularly Senators Lathrop, Brandt, and Pansing Brooks, as well as Senator Lowe and Senator Quick, for their engagement and help on this issue. All the work the HHS committee did over the interim was part of an effort to understand how we got to this crisis point and, most importantly, how we move forward from here. On January 22, the HHS committee released its report to the Legislature on the YRTCs. That report contained 14 recommendations, and some of those recommendations have been crafted into the legislation, brought by this committee and other senators, that you'll hear today. All of those bills have been advanced unanimously from the three committees, from Health and Human Services, Judiciary, and Exec Board. And five of those bills are contained in LB1140, which we'll discuss today. These bills were heard on 11, on February 5. Senator-- I introduced LB1140 on behalf of the committee. Senator Arch introduced LB1141 on behalf of the committee, Senator Murman introduced LB1142 on behalf of the committee, Senator Walz introduced LB1143 on behalf of the committee, and Senator Cavanaugh introduced LB1145 on behalf of the committee. I'd like to move to the committee amendment now, if I may.

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

HOWARD: Thank you, Mr. President. I'll start with LB1140. The provisions of LB1140 are found in Section 1 of AM2663, on pages 1 and 2. LB1140 creates and defines the YRTCs in statute. Through the committee's fact-finding process, we discovered that because these entities, these facilities, are so old, there's no enabling language in statute for the YRTCs. They honestly, simply appear in Sections 83-107.01 on a list of facilities under the jurisdiction of the department. These facilities were created so long ago, there's

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literally nothing in statute that defines them, creates them, or states what services they should provide to youth. Under LB1140, youth rehabilitation and treatment centers are defined as facilities "operated to provide programming and services to rehabilitate and treat juveniles." Each YRTC is considered a separate placement. LB1140 also sets a baseline for what each YRTC should provide, for example: safe and sanitary space for sleeping, hygiene, education, programming, treatment, recreation, and visitation; healthcare and medical services; research-based or evidence-based programming that includes living skills, vocational training, behavior management and modification; substance abuse awareness; job training, and job placement assistance; and a facility administrator for each YRTC who has the sole responsibility for administration of a single YRTC. LB1140 also requires YRTC to file an annual report with the Clerk of the Legislature on or before July 15 of each year. The report should include data on the population served, an overview of programming and services, and an overview of any facility issues or facility improvements. Many of the requirements listed in LB1140 already exist in law in some form, often as a statement of the responsibilities of the Office of Juvenile Services. Some provisions are the result of the lessons learned by the committee from a testimony, from testimony and input of those involved with the YRTCs. The requirement of a facility administrator, for example, came from the fact that we were having multiple staff who had to work at both facilities and provide essential services. But physically you can't actually be in Kearney and Geneva at the same time. AM2663 also incorporates LB1141, with the provisions of which can be found in Section 2 of AM2663, on pages 2-4. LB1141 requires the Department of Health and Human Services to develop a five-year operations plan for the YRTCs by November 15, 2020, and submit the plan electronically to the Health and Human Services Committee of the Legislature. The committee's work over the interim demonstrated the need for more long-range planning for the YRTCs. As noted, the department is currently operating the YRTCs according to the draft business plan released in October, but CEO Smith has testified numerous times that this is merely an interim plan. In addition, CEO Smith has already convened a variety of stakeholders to engage in visioning for the YRTCs' future. And LB1141 complements that group's visioning efforts. It gives the department some clear guidance regarding the Legislature's expectations of what issues should be included in planning, without limiting the department's ability to work with experts to overhaul the juvenile justice system so that it works for the youth it serves. Section 2 of AM2663 includes a list of

key areas for planning, including a staffing plan, an education plan, a mental health treatment plan, and a facilities plan. LB1142-- those provisions can be found in Sections 3-8 of AM2663, on pages 4-9. LB1142 requires the department to develop an emergency plan for the Y RTCs. And when the crisis arose at Y RTC-Geneva in August, we realized there was no existing emergency plan in place that CEO Smith could follow to provide guidance on what alternative placement might be used to house the girls and what notice needed to be given to the court, these girls' families, or the juveniles themselves. And this made a difficult situation even more challenging. LB1142 defines an emergency, requires notice to various parties in the event an emergency plan is implemented, and provides a narrow exception to existing law so that a detention facility may be used, for not more than seven days, as a temporary placement for juveniles in the event of an emergency. Section 6(2)(a) and Section 7 require that the administrator of any facility being designated as a temporary placement in the emergency plan must consent to that designation and to the placement of juveniles. I want to personally thank the Buffalo County Sheriff, the Buffalo County Attorney, and Senator Lowe for working with the Health and Human Services Committee to make sure the language works for, for them, in particular. LB1143, the provisions of which are found in Section 9 of AM2663 on page 9, requires the department to contract for the completion of, of a needs assessment and cost analysis for the establishment of an inpatient adolescent psychiatric unit at Lincoln Regional Center. The contract must be with an outside consultant with expertise in costs and needs analysis of healthcare facilities. The contract should begin within 60 days after the effective date of this act. The committee heard a common theme through testimony at the hearings on the Y RTCs, in conversation with staff and in conversations with the department. Some of the youth being served at the Y RTCs have serious mental health issues, and the Y RTCs are not equipped to handle a youth's severe mental illness. Indeed, last year, several juvenile court judges committed a few youth to the Lincoln Regional Center, despite the lack of an adolescent psychiatric unit, because there was no other appropriate placement, including the Y RTCs. The committee's fact-finding process has highlighted the significant gaps in the continuum of care for the youth in Nebraska. The provisions of LB1145 appear in Section 10 of AM2663 on page 10. That section inserts new language, which requires the department's policies and procedures regarding the transportation of juveniles placed at the Y RTCs, shall apply to any private contractor utilized by OJS to transport juveniles placed at the Y RTCs.

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What we learned through our hearings is that the department's policy is to have two staff members, when transporting the youth from YRTC, which is a sensible and safe-- and safe practice. However, that policy does not apply to the private contractors that the department regularly uses to transport youth at the YRTCs. And recently, an employee of Midwest Transport, the private contractor, transported two youth from Seward. They had, they had been able to get out through a window in the school, they stole a car, they got to Seward, and in Seward, they spent the night. And Midwest passenger-- Midwest Transport picked them up, they stopped in York, and the, the contractor was assaulted in York and had his keys taken and the youth left with the car. The committee believes the safety provisions the department follows should apply to private contractors doing the same work. LB1140, as amended by AM2663, advanced unanimously from committee. And I want to really sincerely thank the members of the HHS Committee for all their time, dedication, and thoughtful work on this issue. The committee has done a tremendous amount of work. We have been thoughtful and deliberate in crafting solutions we are bringing to the body. These are important steps that address issues needing immediate attention, while giving the department the flexibility to continue their work with experts on how to restructure the system. I understand from, just from my colleagues, that the department has some technical changes that they would like to work on with us. And I'm eager to hear what they are. I have very deliberately engaged the department, as much as they would allow. I've persistently said, you need to tell me what needs to be changed in these bills. And so I'm excited to learn what technical changes they would like us to consider between now and Select. I understand that there's been some confusion about a \$12 million fiscal note, which is great to know. The \$12 million fiscal note is from the department. They believe that, when we say that you have to ensure the safe separation of boys and girls, that they would need to open Geneva. That's inaccurate. Right now they are ensuring the safe separation of boys and girls, the way they're currently doing business, so this is a restatement of their current practice. There is nothing in these bills-- also, I understand there's some confusion about how these bills impact the Lincoln facility. There is nothing in these bills that would require the closure of the Lincoln facility. I think it is a policy issue that this, this Legislature will need to tackle, but there's nothing that requires it. What we're saying is that, if you decide to have a YRTC, you need to make sure that you're providing kids with a safe place to sleep, you're educating them appropriately, you're providing them with

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programming. And so we give you the parameters of what a YRTC is, but we're not going to tell you where it's going to be. But we do require you to make sure that boys and girls are kept separate in a safe and appropriate way. With that, Mr. President, I would urge the adoption of AM2663, as well as the movement of LB1140. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Howard. Senator Briese would like to introduce 20 seniors from Central Valley High School in Greeley, Nebraska. They are seated in the north balcony. Would you please rise and be recognized by your Nebraska Legislature? We will now return to debate. Senator Arch, you're recognized.

ARCH: Thank you, Mr. President. I want to express my support for this package of bills that you'll be hearing on the YRTC. I want to talk a little bit about the youth that we're caring for in the YRTC and, and, and why this is such a challenge. The youth, the youth that are in the YRTC are-- I would describe as the most challenging youth that we, that we have in the state that we're, that we have a responsibility to care for. These are youth that generally have not been accepted by other private placements within this state because of the difficulty of aggressiveness at times. What, what, whatever the condition might be that that youth is experiencing, the private placement is not able to care for that youth. So the state is responsible. And so we're dealing with the most difficult and high-risk, high-risk-behavior youth that we have in our state. And so we have, we have issues with our YRTCs that became very apparent this last year and have had multiple hearings on the issues, have had multiple conversations. And I want to pause and I want to personally thank CEO Smith. I want to thank the department, because it was very clear, as part of the hearings, as part of our conversations throughout last summer, as fall, and now, is that-- I believe that the committee and the department are on exactly the same page when it comes to our desire. Our desire is to provide the best care we can for these youth. What is state of the art? What is the best that we can provide? And in saying that, we then have our discussions. We have our discussions about, what is changing in this youth population? What is, what, what now are we seeing? What are the challenges that we're seeing in the youth that we didn't see 10 years ago, 20 years ago? And have we changed our program, and have we adapted our facilities? And what is, what is the latest state of the art care for these youth? And those discussions are ongoing. Our desire never was to tie the hands of the department, never was to, to, to be so prescriptive that we assumed the role of

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administration in caring for these youth, but rather to place some guardrails where we said, for good care, for good, for good care, for good systems, this is what we need. And I believe that's what you're going to see in these bills-- a plan, a five-year plan, something very reasonable. Those of us that have been involved in, in operating businesses-- standard protocol, you have a plan, you know where you're going. The plan may change, but, but you have a plan. It provides flexibility, but it provides some of those musts: we must have this, we must do this, all of those things. We'll be working on that this summer. We'll be working together with the department to develop that plan. And then, and then there'll be-- there may be a request from the department where, where it needs to be resourced. And that would come to the Legislature. The \$12 million fiscal note was, again, from the department, and, and it is, it is not the intention to rebuild Geneva. It was not that. That was not the direction from, from that bill or from, or from the committee. So multiple, multiple conversations, issues that we have been dealing with for a long time, we debated at length, within the committee, as to how prescriptive, how far do you go, what is policy, what is administration. Those were, those were healthy debates within the committee that we engaged in. And what you see today on the floor are the results of that debate and the results of those discussions within the committee.

WILLIAMS: One minute.

ARCH: We know that we're not done. We know that we're not done. There are still outstanding issues. When you, if you, if you pick up the report that the committee issued, that, that was that was issued this year, you will see that there are, are even things within that, that we heard in hearings that still need to be addressed. And so there will be more conversations, particularly in Judiciary and in some of the other areas that are impacted, and impact the care for the, for the youth there. So with that, I would stand in strong support of AM2663 and, and LB1140. Thank you.

WILLIAMS: Thank you, Senator Arch. Senator Lowe, you're recognized.

LOWE: Thank you, Ms.-- thank you, Mr. President. Welcome to my district and Senator Brandt's district. That's what we're discussing here today, the two facilities, and now in Lincoln. These young men and women that have come to our communities-- well, if, if you're a teacher or if you're a school administrator, imagine your most problem child that you have to deal with on a daily basis, and then multiply

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that by 100, or by 21, if you're talking about the ladies. And that's what we have in our facilities. And right now they're all in Kearney, in Lincoln, and three in Geneva. These young men and women need our help; they need it drastically. We need to turn them around so they can become productive citizens. I'd like to thank Senator Howard and the Health and Human Services Committee and their staff, because they have done a yeoman's job getting the information to us. I'd also like to thank Director Smith, CEO Smith and her staff, the Buffalo County Attorney, the Buffalo County Sheriff, Kearney Police-- Kearney Police patrol, the City Council of Kearney, and the members of Geneva that have helped with the YRTCs. These young men and women need our help. As you notice, I don't say youth. Some of these young men and women never had youth. They were brought up way too quick. They were not able to be a child. But that doesn't mean what they are right now is what we don't need to be talking about, because they are young men and women, no matter what age they are. I, I have an amendment that I'm going to be bringing, not on General File, but on Select, and probably several amendments, because we need to protect the youth, the staff, and the communities that these facilities are in. We need to move forward and get progress done. An, an amazing amount of progress has happened in the last three years at the facilities. Some, some we haven't liked. Senator Brandt, you haven't liked what's happened. You would like the female youth, all of them back on the campus, and I understand that. A lot of the citizens of Kearney don't want the females there either, but we need to look at what's best for the youth, to get them where they need to be so that we can be proud of them. We can be proud of their accomplishments that they will eventually achieve. It was stated that the escapes have gone up in the last year and a half. This is true, because now in Kearney, we have a fence that surrounds the facility. So whenever they go over that fence or go out through those doors and they're not supposed to,--

WILLIAMS: One minute.

LOWE: --thank you, Mr. President-- they are now an escape. Before, before the fence, if they would leave the facility and if they were in eyesight of the staff member, and the staff member thought, thought he could eventually get them under control, they were not escaped. They may be in our backyards, they may be in our garages, they may be halfway across town, I don't know. But they were not an escape. So that is why the numbers are up because of the fence, because now there's a determined line that, when they cross, they have escaped. We are at a crisis point, and we have been at a, a crisis point for

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years. It is just now, because of what has been happening on this floor, that we are aware of it. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Lowe, Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, it seldom occurs now, and has seldom occurred in the past, when I would see what we call a Christmas tree bill that I had confidence in and could support entirely. That doesn't mean that it's hung with baubles, bangles, and beads. But a lot of very serious hard work and effort has gone into contriving what we have on that board, and I'm hoping that we will vote unanimously for it. And since it's referred to as a Christmas tree, I'm going to show you what a mellow mood I'm in this morning, Senator Lowe. Christmas is a time when people feel differently or act differently-- until it became so commercialized, but forget that. There was a warmth. Even Scrooge changed. So there are three groups that recognize, to some extent, that time of the year: Hanukkah, Kwanzaa, and Christmas. So to give them all a play, I would say to those who did all this work, Happy "Hanu-Kwans-mas." You all have done all that you can do as legislators. The rest of us are going to help provide oversight to make sure that we don't have just fine plans, but that the department, HHS, any other entity, whether it's in a prosecutor's office, any of those that have anything to do with our children are going to be held accountable. Children watch adults, children imitate adults, and most importantly, children reflect adults. If you would convert all of those children at these various facilities in a looking glass and be honest, every adult would see some aspect of himself or herself looking back out of that looking glass. But we can pretend that we haven't done anything wrong because we haven't been caught. Or if we were caught, we know somebody or have some money and can get off. These are not the most dangerous children in this society because there are children in Omaha who have fired weapons at the police and they get probation, but they're never my complexion. But you'll see plenty of children of my complexion locked up in the state facilities and the Douglas County facility and when we get older, in the penal facilities. I handed out what I called an "Erniegram" today, and I don't trust you all to read it, so I'm going to, but not on a bill like this. This bill should not be diluted with anything at all. It should go forth in the way that it is presented to us this morning. And for that reason, I am not going to say things that might be deemed off the subject. Even Senator Lowe, who stands there looking back at me-- and I can tell sometimes when he's got

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something on his mind, because, you know, when you draw pictures, if you want to get--

WILLIAMS: One minute.

CHAMBERS: --a sorrowful or soulful look, you start with the eyebrows above the bridge of the nose, and you slant them downward as they come toward the side of the head. Then you get that very sad look, that very soulful look. Then all you have to do is draw a dot under each eye, and it looks like a person is crying. But you have to be sure that they are genuine tears and not crocodile tears. I think Senator Lowe acquitted himself, based on the past, as well as I could be expected and better than I thought. So I'm supporting the bill, and I hope everybody else will. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. President. And thank you, Senator Chambers, for that picture in my mind now. LB, LB1140 and AM2663, like I said, I'm going to vote for it this time around because Senator Howard and her committee have done a great job. Parts of it we need to look at. But, you know, we, we stand here and we make-- we write the bills and we make laws. And I don't want to do anything, anything that will inhibit the staff, inhibit what needs to be done so that these young men and women can become better citizens. And I think that's the sentiment of each and every one of us in here. And I worry sometimes about wording, wording that is put in here unintended, that may cause problems later. And so we'll discuss that on Select File, too. You know, we need to leave our options open. Sometimes we write legislation, we close options. And I would hate to see the Lincoln facility not be utilized by the YRTC's. And so that's a concern because I believe the Lincoln facility is working very well. I know on the Kearney campus things have calmed down immensely with the young men. We had an escape last week by-- originally, it was pointed out it was four young ladies that had escaped, because I got it on my Buffalo watch. And when it rings through, I'm in Lincoln, and I first get a text and then a phone call, a robocall that explains the situation and what's happening. And that's scary when that phone call goes off, because you know these young men and women are now in our community. They're not where they're supposed to be. They're not getting the assistance that they need. That text and the phone call was amended to just three of them left the facility. One of them tried to get the boys to run with her

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to create confusion so the girls could go away, tried to get the young men to run with them. The boys handed the keys back to the staff members, and they all went back to their beds. Every single young man did. There's a change happening and it's for the good. It's because we have left our options open. It's because of the work that is being done. CEO Smith was in Kearney looking for the girls that night. Name me one director of DHHS that has ever done that.

WILLIAMS: One minute.

LOWE: Thank you, Mr. President. You know, words mean a lot. And when we take, or we intentionally put things in our legislation that look normal, that may have a different meaning on the street, I worry about that-- may have a different meaning in time, in the future, I worry about that. So I urge you to vote for AM2663 and LB1140 on General File, and let's move this along. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Lowe. Seeing no one wanting to speak, Senator Howard, you're recognized to close on the committee amendments.

HOWARD: Thank you, Mr. President. I appreciate Senator Lowe and Senator Arch and Senator Chambers' comments today. I just-- as a reminder, there's nothing in AM2663 or LB1140 that would require us to close the Lincoln facility, because I do believe that it is working, maybe not the way that we were told it would work in terms of the business plan originally, but it is working for the kids who have been placed there so far. What it really does is defines the YRTC's in statute, puts up healthy guardrails from the Legislature, and then requires some planfulness from the department in terms of the future for the YRTC. And I will say, actually-- Senator Lowe brought up the recent escape-- because I think that's a really great example of why LB1140 is important and calls for planning around, how do you safely segregate boys and girls. My understanding is that the girls had seen signs that were placed in the administration building that said no more than seven. And because a lot of these kids are ungovernable, they see no more than seven and they say, well, seven, I can get seven. And they got seven girls together, they stole the keys. Four left. They went over to the boys. They let 18 boys out. And the boys decided, you know what, I don't want to escape. I don't want to make a mistake. Two of the boys were actually some of the ones who had beaten up the guard the week previously. They made a good choice, right? And so the next day, they were, they were given sort of a treat for that.

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But what that worries me, what, what it highlights and what worries me is that the girl-- it was so easy for the girls to get those keys and go over to the boys. And so we want the department to start planning for safe and appropriate segregation and separation of boys and girls if they're going to continue having them on the same campus. I welcome the conversation with Senator Lowe and I certainly welcome the department's technical changes, as well. I'm eager to learn what they are. And with that, I would urge the adoption of AM2663 on the floor today. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Howard. The question is, shall the committee amendments to LB1140 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays on adoption of committee amendments.

WILLIAMS: The amendment is adopted. Returning to discussion on LB1140, Senator Clements, you're recognized.

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

WILLIAMS: Senator Howard, would you yield?

HOWARD: Yes. Yes, I will.

CLEMENTS: I have more of a general question about the YRTC staff. How is the staffing level? Are we-- are they fully staffed right now?

HOWARD: No, they are not, not at Kearney. So in Lincoln and Geneva, they are fully staffed, although in Geneva they need a recreation director to meet their accreditation standards. In Kearney, we have maybe around 30 open positions. And just bear in mind then, in December, the department did do a reduction in force and released a lot of the Geneva workers at that time.

CLEMENTS: And have you heard of an indication what the staff morale is?

HOWARD: So I get indications of staff morale almost every day from staff. So they're very open and honest with me in our conversations. It's not good, Senator Clements. I think they're very worried about

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how things are going and, confidentially, many of them are very excited for the work that we're doing today.

CLEMENTS: Yeah, that was my next question, whether you think this will help the staffing and staff morale?

HOWARD: I believe so. Our attention has been met with a lot of gratitude. I think we heard that in every single one of our hearings. The communities came and said, we're glad you're here. We're glad you're paying attention to this issue. And so I do believe the staff will be pleased with the work that we are doing.

CLEMENTS: Thank you. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Clements and Senator Howard. No one wanting to speak, Senator Howard, you're recognized to close on LB1140.

HOWARD: Again, I appreciate the body's consideration of LB1140 and the work that the committee, the HHS Committee, has been doing on the YRTC issue. We say it a lot in committee in hearings, but the Health and Human Services Committee is the best committee in the Legislature. And so I do very much appreciate your green vote on LB1140. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Howard. The question for the body is the advancement of LB1140 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The bill advances. Senator Lindstrom would like to introduce a special guest, Ella Levy, who is seated under the south balcony. Would you please stand to be recognized by your Nebraska Legislature? Mr. Clerk, returning to General File.

CLERK: LB1144, a bill introduced by the Health and Human Services Committee. It's a bill for an act relating to the Office of Public Counsel. It provides for notice and reporting to the Office of Inspector General of Nebraska Child Welfare, requires an annual review and physical inspection of and a staffing report. Introduced on January 22, at that time referred to the Executive Board. The bill was

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advanced to General File. There are Executive Board committee amendments pending.

WILLIAMS: Thank you, Mr. Clerk. Senator Howard, you're recognized to open on LB1144.

HOWARD: Thank you, Mr. President. Good morning, colleagues. LB1144 is the second package of YRTC-related bills and my personal priority. LB1144 and the provisions of LR298 contained-- and LB1085-- contained in the committee amendment, create critical legislative oversight of the YRTCs. LB1144 is one of the unanimous recommendations that were put forth in the HHS Committee's report on the YRTCs and the events that we discussed in the previous bill. It was advanced from the Exec, from the Executive Board unanimously and also includes LR298 and LB1085. As noted in our earlier discussion on LB1140, the disrepair of the facilities and the lack of programming and staffing challenges at YRTC-Geneva was shocking. The Health and Human Services Committee introduced LB1144 to create mechanisms of necessary oversight for the Legislature. That includes an annual physical review to ensure that any building under the supervision of DHHS, which houses juveniles, could not be allowed to fall into such disrepair again, and two reporting requirements from the YRTCs to the Office of Inspector General of Child Welfare regarding critical incidents and grievances at the YRTCs. Specifically, the bill has three main component components. The first component may be found in Section 1(3) on pages 2-3 of AM2785. The Office of Juvenile Services will report to the Inspector General of Child Welfare as soon as possible after any of the following instances at a YRTC. These include: an assault; escape or elopement; attempted suicide; self-harm by a juvenile; property damage that is not normal wear and tear; the use of mechanical restraints on a juvenile; for a significant medical event of a juvenile; and an internally-substantiated violation of the Prison Rape Elimination Act, or PREA. This would be if, if there was an incident that was reported of a, of a sexual nature, then this would also need to be reported to the Office of the Inspector General of Child Welfare. The Office of Juvenile Services and the Office of the Inspector General of Child Welfare may work collaboratively to clarify the specific parameters of those instances if either believes that's necessary; and that's an addition at the request of the department. The department shall also notify the Inspector General of any leadership changes within the Office of the Juvenile Services and the YRTCs. This is really because there were, there was a lot of turnover. It was unclear who was in charge of the YRTCs during the crisis. And

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so any sort of staffing changes, in terms of leadership, will need to be reported to the Inspector General. The second component can be found in AM2785, Section 2, on pages 4 and 5. Beginning October 1, 2020, OJS and the department shall submit to the Office of the Inspector General a quarterly report regarding grievances filed at the YRTC's, including the number of grievances, the types of grievances by category, the process to address such grievance, and any action taken or changes made as a result. Grievances just for, for you all who, who maybe don't spend a lot of time in this area, it's when a youth has an issue with how they're being treated inside of the walls of the facility. This may be, I don't like the food or I have an allergy and I need that to be addressed. It may be, I need a different kind of shampoo, but it could go all the way up to some, to maybe a systemic problem. I'm not getting enough sleep at night. I don't feel safe. And so by allowing the Inspector General to have sort of an aggregate of those grievances on a quarterly basis, we believe that that will help that Inspector General recognize some trends and help to address and improve, improve the life of the kids who are at the YRTC's. The third component may be found on Section, in Section 15, on pages 11-12 of AM2785. This provision requires an annual physical review of the facility, supervised by DHHS, including YRTC-Geneva, YRTC-Kearney, any other facility being operated or utilized as a YRTC under state law. That's the broad language. And throughout the bills, that includes the Lincoln facility, Hastings Regional Center, Lincoln Regional Center, Norfolk Regional Center, and the Beatrice State Developmental Center. This physical review includes the conditions of the buildings and the grounds, and the physical wear and tear of the buildings and their contents: furniture, security systems, etcetera. The provision also requires the Ombudsman to report to the Legislature by December 15 of each year on the condition of these state institutions. The report shall include: the findings from the physical review; a recent, recent inspection reports regarding the facility; staffing information for each facility, including the number of assaults on staff, staffing levels, staff retention rates, staff turnover rates; and the number of reports received by the Ombudsman for each institution and any system issues they've identified as a result of these reports and the annual review. We have some very helpful existing structures in place already, like the Office of Inspector General of Child Welfare and the Ombudsman Office, which can really help us monitor changes, not just at the YRTC's, but also at all of the facilities where we house vulnerable children and adults. The-- LB1144 was advanced out of the Exec Board unanimously. I'll take just a very brief moment to talk

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about the provisions in the, the committee amend-- amendment. Not to steal Senator Hilgers' thunder, but LR298 was a resolution that was offered by the HHS Committee or by the members of the HHS Committee because, honestly-- and I'll quote Hamilton here-- as a committee, we were outgunned and outmanned when we were looking at the YRTC issue. We-- half of the statutes sit in the judicial branch. We didn't know where the money was, so we didn't have any friends from Appropriations to help us. We had a couple of members from Education, but there were a lot of issues with the education, as well. And so just recognizing our own limitations, our own expertise, we've done what we could on the HHS side, but we really do need some help from some of our colleagues with other areas of expertise. And so the committee amendment that Senator Hilgers will open on now calls for an oversight committee that consists of no more than 11 members, and it includes HHS members, Judiciary members, Education members, and Appropriation members, as well as a member from each legislative district that includes a YRTC. So that would be Senator Lowe, Senator Brandt, and now Senator Wishart. I-- with that, I would urge the body's adoption of LB1144. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Howard. Senator La Grone would like to recognize Dr. Bret Elliott of Omaha. Dr. Elliott is serving as the family physician of the day, on behalf of the Nebraska Academy of Family Physicians. Dr. Elliott, would you please stand to be recognized by your Nebraska Legislature? As the Clerk stated, there are amendments from the Executive Board. Senator Hilgers, as Chair of the Executive Board, you're recognized to open on the amendments.

HILGERS: Thank you, Mr. President. Good morning, colleagues. The Executive Board amended LB1144 with AM2785. There were three primary changes. The first one dealt with the underlying bill, LB1144, and the other two incorporated two other bills. One was LR298, and the other, as Senator Howard mentioned, was LB1085. I'll just briefly provide an overview of those changes. The changes to LB1144 were, were primarily two. The first was to require the facility review versus a, a-- in contrast to an inspection. After discussing the issue with the Public Counsel's Office, in terms of their bandwidth and capacity to do inspections versus facility reviews, they thought this would be more appropriate, given their current resources. In addition, there was a requirement or an authorization for the Office of Juvenile Services and the Inspector General to work in collaboration on various reporting statistics. The other two bills-- LR298 was a, was an LR. It would have created the-- an oversight committee, the Youth

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Rehabilitation and Treatment Special Oversight Committee [SIC] in the Legislature. We incorporated it in this bill. Senator Howard did discuss the different members of that committee. I won't repeat all of those, but it is 11 members and does-- it is a cross-committee, special committee that has a number of different stakeholders across the body, as well as, I should emphasize, one member from each legislative district in which such a facility exists, is located. This, this oversight committee will sunset at the end of the year. I believe the report is due by mid-December. The last change is LB1085, which is really a technical change, and it changes references, the position of Public Counsel and several sections of the statute so that they are gender neutral. As you know, earlier this year, the body made Julie Rogers the first Public Counsel. And so we, we are updating the statutes to reflect that change. So with that, I would encourage a green vote on AM2785 and the underlying bill. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. As a person on the outside, busy with other matters in Education and Revenue, I have a few simple questions that I think the public would like answers to. I'm in support because Senator Lowe and Senator Arch, my-- which I really respect, and Senator Howard told me this has been well thought out. And I appreciate Senator Howard meeting with me as the Education Chair and bringing Senator Arch and a few others, because, in the future, we're going to have to look at the educational part of this situation, that it probably should be under the Department of Ed. HHS are not educators, and they shouldn't be burdened with that. But anyway, that's into the future. I know Judiciary is going to look at some issues, too. But Senator Howard, would you clarify some things to me?

WILLIAMS: Senator Howard, would you yield?

HOWARD: Yes, I will.

GROENE: I understand that these youth have gone through the criminal courts-- norm-- and have been assigned or sentenced or whatever to the YRTC. But exactly what is the YRTC? What type of facility is it?

HOWARD: Sure. And just, just a little clarification. They've not gone through the criminal system. They've gone through the juvenile justice

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system, which is just a little bit different. YRTC-- and we discussed it quite a bit on LB1140, because we are moving towards defining what a YRTC is. It's for youth rehabilitation and treatment. So it's for kids who are considered ungovernable. They haven't, maybe they haven't committed a crime that merits--

GROENE: But they were, but they were put there through the court system.

HOWARD: Yes.

GROENE: And you told me earlier it's an accredited facility, nationally-- a corrections-accredited facility.

HOWARD: Yeah. So that's what's really confusing about these, is that they're meant for rehabilitation and treatment, but they're accredited under the ACA.

GROENE: All right. Thank you. You know, some folks out there are concerned. We have heard about these poor, misfortunate youth that took a bed apart and assaulted two staff members who have families at home, probably children. Could you give me and the public an update on these two staff, how they're doing healthwise?

HOWARD: You know, I, I wouldn't break HIPAA, in terms of speaking to their health status, but so I, I can't speak to that.

GROENE: Wouldn't that be a criminal? I mean, it's a, if it's a criminal assault, it's not HIPAA. It's-- isn't it in the court system? Is there charges against these youth?

HOWARD: So both staff members-- I have an understanding of what happened with both staff members, that, in terms of their medical status, they're both back to work now.

GROENE: All right. Thank you. Thank you. I-- you know, the public ought to know. And I can understand, when I'm hearing background noise, why it's hard to staff these facilities. They're not really guards. It's a, it's classified. We have some problems and I appreciate the HHS Committee addressing this, but I think the executive branch and the judiciary needs to look at some issues, too, here, because we're crossing some lines here where you have facilitators and people who intent is to-- hired there to change their behavior, to coach them. But we also have a violent situation here

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where they have no protection, the staff does, when, when somebody does decide to take a bed apart and beat an employee. I just still-- I mean, I'm going to vote for all this. It, it's, it's quick. It's moving, it's moving, it's moving parts. But we have to-- and I'm a little old-fashioned-- but we still need to imply to these young-- embed in them that you are responsible for your actions. In a free society, you are responsible for your actions; there's no excuse. There's no excuse for harming somebody, to take a bed apart and hit somebody, or whatever the reason you are in there.

WILLIAMS: One minute.

GROENE: We, we always got to keep that in the back of the mind. Of course, we want them to improve their lives. We want everybody to improve their lives. But we need to make sure that the public is safe, as Senator Lowe said, his community. We need to, we need to decide if this is a corrections facility where it, where we-- our goal is rehabilitation, it's an educational facility where our goal is graduation rates. Or is it a reform school, the old term that we used to use when we grew up, when Mom and Dad said if you don't straighten up, you're going to end up at the reform school? Remember that one, guys my age?

WILLIAMS: Time, Senator.

GROENE: Thank you.

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

CHAMBERS: Thank you. Mr. President, members of the Legis-- excuse me-- Legislature. I have a question for Senator Howard.

WILLIAMS: Senator Howard, would you yield?

HOWARD: Yes, I will.

CHAMBERS: Senator Howard, maybe I should know the answer to this, though when I don't know the answer to a question, I generally know the person to come to who can answer it or will direct me. Who currently is the Inspector General of Nebraska Child Welfare?

HOWARD: The position is open.

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CHAMBERS: Could you say it a little louder?

HOWARD: Oh, I'm sorry. The position is currently open.

CHAMBERS: So when-- thank you. Members of the Legislature, I stated opposition to the way you all selected a person to fill the position of Ombudsman. You took the person who, at that time, was the Inspector General of, or for, Child Welfare. You took the person out of that job and gave them the Ombudsman's job and left this Inspector General position open. If one should have been left open, it should have been the Ombudsman's position because there was a deputy director who had been connected with that office for decades. But because there were politics at play-- and I'm the one who will bring these things up because I was highly offended at the way you all handled that Ombudsman's position. Why has nobody asked about the Inspector General position? All of you who voted, I think I'm probably the only one who voted no. I'm not going to do like some of my colleagues do, and go around the body and poll individual members, because I have a general attitude toward all of you based on that particular issue. It doesn't extend to everything you do, but on that one, it does. And that position, that opinion is mighty low. And I'm not using a play on Senator Lowe's name at all. And I'm as serious as a heart attack. I guess the position of Inspector General for Child Welfare is not important. How are you going to fill it? Isn't there somebody who could have been under the one you snatched out and kicked out, the Deputy Ombudsman, so that that person could move into this other position? You all did that in your arrogance, in your politically motivated actions or just downright ignorance. You all pretend to be concerned about these issues and these children. You know why I say it like that? Because I don't think that lack of concern extends across the board. But since you don't have an Inspector General of Nebraska Child Welfare, abolish the position. You don't need it. Nobody's handling it now. I'd like to ask Senator Stinner a question, if he would yield.

WILLIAMS: Senator Stinner, would you yield?

STINNER: Yes, I will.

CHAMBERS: Senator Stinner, you know everything about Appropriations. Has money been appropriated for the Office of Inspector General of Nebraska Child Welfare, to your knowledge?

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STINNER: Yes, it has.

CHAMBERS: Now, if nobody holds that position, what becomes of that money?

STINNER: Well, it can be lapsed or else just held in place if there is a need for it.

CHAMBERS: If I can think of a better use for money that is not being used for the designated purpose, it couldn't be turned over to me to give to a charity of my choice, could it, one that's doing what it purports to be about? That couldn't be done, could it?

STINNER: No, it cannot.

CHAMBERS: Thank you. And I knew that. But I wanted to--

WILLIAMS: One minute.

CHAMBERS: --be sure that that money wouldn't just forever be out there. It could lapse. But I want to call you all's attention to it. I care about children. I don't just say it; I mean it. And I wonder about you all. I think you care about your own children. And I would tailgate on that and say, because you know how you care about your own children, spare some of that on all children. I said, when you were dealing with that Ombudsman's position, that politics was in play.

WILLIAMS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers, Senator Howard, and Senator Stinner. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. President. You know, as, as I was, I started to think and as I was thanking everybody for all their work on these bills and the work at Geneva and Kearney and Lincoln, I forgot to thank the staff of those facilities. They're the ones that have had to put up with what we do. Everything we do falls on their shoulders, whether they're allowed to do it or not allowed to do it, and sometimes it threatens their lives. So I think we have to be mindful about everything we do and think about the people that it affects, because those staff members come from our communities. They come from Brandt-- Senator Brandt's community, Senator Wishart's community and

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the other senators from here in Lincoln, Senator Williams' communities-- they travel in to Kearney, Senator Murman, and mine. And they take care of these young men and women for the rest of us. And they're doing what they're told to do. So I'd really like to thank the staff members at this time. Senator Howard, will you yield to a question?

WILLIAMS: Senator Howard, would you yield?

HOWARD: Yes, I will.

LOWE: Number one, thank you, Senator Howard, for everything. On page 11, Section 15, you went over this a little bit ago where it lists the facilities.

HOWARD: Of the amendment?

LOWE: Of the amendment, yes.

HOWARD: OK. Of the facilities, for the facilities review?

LOWE: Yes.

HOWARD: Oh, yes. Absolutely.

LOWE: It lists the youth rehabilitation and treatment centers in Geneva and the youth rehabilitation centers in Kearney. And then it says "any other facility operated" by, or, "and utilized by the youth rehabilitation and treatment center under state law." Why does it not list Lincoln or why does it just not say facilities?

HOWARD: So that's a good question. We actually presented the bill before the Lincoln facility opened.

LOWE: But was that-- fine point (iii)-- "any other facility operated" in the original bill?

HOWARD: Well, so we added it in the amendment because we wanted to make sure that Lincoln would be included.

LOWE: OK. So in the amendment, why didn't you list Lincoln?

HOWARD: So what we're trying to move away from is tying their hands, in terms of say, stating Lincoln here, Omaha here. We felt this, this would be an appropriate catchall for Lincoln, especially since there's

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already a statute in place that you can't place a youth in a juvenile detention center. And so if there was a court case around the Lincoln facility, we didn't want to have it in statute in that way.

LOWE: All right. Thank you. I, I just question because-- why doesn't it just encompass all facilities? It lists two and leaves a little ambiguity for the third, or it could have left ambiguity. And it just listed the youth rehabilitation treatment centers for, for youth. I, I worry about that because I don't want to see the Lincoln facility go away. It is being utilized, and it is doing what it is supposed to be doing. The youth are responding.

WILLIAMS: One minute.

LOWE: Thank you, Mr. President. And, Senator Howard, I'd also like to thank you for, for including the three senators in the special committee. That means a lot to us, that we have a voice in what happens in our districts. At this time, I'd like to encourage your green vote on AM2785 and LB1144. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Lowe. Senator Clements, you're recognized.

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

WILLIAMS: Senator Howard, would you yield?

HOWARD: Yes, I will.

CLEMENTS: Thank you, Senator Howard. I'm looking at the amendment, on page 2, about the report to the OIG, as soon as possible, the different events. The item (v), property damage not caused by normal wear and tear, use of mechanical restraints, and then on the next page, significant medical events-- don't seem to be real well defined, and I'm not sure staff is going to have time and whether they're necessary.

HOWARD: Yes.

CLEMENTS: And does the next section about collaboration address-- will it, will it take care of that?

HOWARD: Absolutely. I believe that, by adding the, that sort of requirement that the Inspector General speak with OJS and really clarify what they're looking for, all of these are in response to issues that occurred during the move. So for instance, one girl had a seizure when she was being moved, and that significant medical event wasn't shared with the Inspector General. All of the girls were restrained, ankles and, ankles and wrists, when they were moved. And that wasn't shared with the Inspector General. And so these are just opportunities for more conversation and collaboration between the Office of Juvenile Services and the Inspector General.

CLEMENTS: Well, it-- not, not wanting to overburden the staff with small items of property damage, and-- not sure, but, you know, just a headache is not a significant mentally, medical event. I'm glad to see that section inserted. And it is your intent that they can work between the, these two offices and find out what's significant?

HOWARD: Absolutely. That's the intention.

CLEMENTS: All right. Thank you. I just wanted to make that clear on the record. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Clements and Senator Howard. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. First, a comment with reference to what Senator Lowe said about three senators. Immediately my mind jumped. What would they be called? A triad? The trinity? A troika? The big three? Three blind mice? Three bears? Three little oinkers? 'Cause I like piglets, and they get blamed for everything and wind up in the skillet too often. I think what is being attempted with this bill is to come to grips with problems that all of us recognize, if we've read the newspaper or kept any of our attention focused in that direction. So I support the bill, but I'm going to go back to what I touched on before. You all may not know that, at my age, I can remember things. When I'm trifling, I will say that my brain cells are like Teflon. See, I had a lapse right then; nothing sticks. But what needs to stick does, tighter than two pieces of Velcro facing each other. Had you not acted politically or from political motivation in dumping the then-current deputy director, or Deputy Ombudsman, who had been in that position for a number of months as the acting Ombudsman, but still the deputy, and had been doing that work for over two decades, this morning you would have a full-fledged Ombudsman. And you would

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have somebody serving as the Inspector General of Nebraska Child Welfare, who had experience and time remaining on her term, and she could have re-upped if she chose to. But you didn't mind leaving a gap because some of you had your marching orders. So you put who you wanted into the Ombudsman's office. The deputy, being a person with some modicum of pride, is not going to stay there under those circumstances, to be unceremoniously rejected and kicked aside. And you leave open a position that you had made me think you thought was important, or maybe the person who was serving as Ombudsman or Inspector General of Nebraska Child Welfare was not doing anything. So since nothing was being done, by giving her a different job, it didn't make any difference because everything is going on right now as it always had been. And on the other hand, if she had been doing the job, what becomes of that work? You all don't put things together. You can focus on one thing at a time. But since you get your marching orders from somebody, all you have to do is wait until they order and then you do it. I see my duty differently, far differently. I don't have anybody dictating to me what I must do. I'll accept conversation from anybody-- suggestions. And the ones that I think have validity, I will accept--

WILLIAMS: One minute.

CHAMBERS: --and act on. But I think you all played this Legislature false, and every time I get a chance, I'm going to rub it in your face. I think you wronged a man who had given all those years of his life, and you kicked him out. You're not going to do it with the Clerk's office; somebody is being trained now. You didn't do it for the Fiscal office. But, for some reason, you didn't like the Deputy Ombudsman. So you emptied an office that you made people think had some value. Maybe when the Appropriations Committee comes up before us, I'll offer an amendment and, to the extent I can, just abolish the office by taking away any money, 'cause there's nobody to give it to, nobody. And the children that we thought were going to be looked after are not being looked after. And maybe when there was somebody in that position, they were not being looked after,--

WILLIAMS: Time, Senator.

CHAMBERS: --but reports were written and so forth. Thank you, Mr. President.

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WILLIAMS: Thank you, Senator Chambers. Seeing no one wanting to speak, Senator Hilgers, you're recognized to close on the Executive Board amendments. Senator Hilgers waives closing. Members, the question is, shall the committee amendment to LB1144 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays on adoption of committee amendments.

WILLIAMS: The amendment is adopted. Seeing no one wanting to speak, Senator Howard, you're recognized to close on LB1144.

HOWARD: Thank you, Mr. President. Just as a reminder, LB1144 was advanced unanimously from the Exec Board and provides critical legislative oversight to the YRTC's. I would urge its adoption on the floor today. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Howard. The question is the advancement of LB1144 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays, Mr. President, on the motion to advance LB1144.

WILLIAMS: The bill advances. Mr. Clerk.

CLERK: Mr. President, just a priority motion. Senator Wishart would move to recess the body until 1:30 p.m.

WILLIAMS: Members, you've heard the announcement to recess until 11:30 [SIC]. All those in favor say aye. Opposed, same sign. We are in recess.

RECESS

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

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

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

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CLERK: I have nothing at this time.

LINDSTROM: Thank you, Mr. Clerk. We will now proceed with the first item on this afternoon's agenda, Mr. Clerk.

CLERK: LB1188, by Senator Howard, it's a bill for an act relating to juveniles. It provides duties for the Office of Juvenile Services relating to education; changes definition of interim-program schools; and harmonizes provisions. Bill was introduced on January 23, referred to the Health Committee, advanced to General File. There are committee amendments pending by the Health and Human Services Committee.

LINDSTROM: Thank you, Mr. Clerk. Senator Howard, you're welcome to open on LB1188.

HOWARD: All right. Good afternoon, colleagues. LB1188 is the third in our package of YRTC-related bills that you'll hear today. LB1188 addresses the education programming at the YRTCs and other DHHS facilities that house juveniles. As I will discuss later, the committee-- in the committee amendment, it also includes provisions clarifying who has responsibility for the daily maintenance at the YRTCs and has provisions requiring evidence-based assessments and programming at the YRTCs. As previously noted, when the girls were moved to YRTC-Kearney last August, many challenges arose with their education. Staff was being driven in daily from Geneva to Kearney, which resulted in a reduction in school hours. In addition, the space provided for the girls' education was not sufficient. Having to share the space also impacted the functioning of the boys' school. Right now, the YRTC schools are accredited through the Nebraska Department of Education under Rule 10 as a special-purpose school, but NDE has no real jurisdiction over or involvement with the schools except as the accrediting body. Under the YRTC business plan, which I discussed earlier, there are now four different schools in the YRTC system. These schools are: West Kearney High School, located at YRTC-Kearney, serving boys; Geneva North High School, relocated to YRTC-Kearney in August 2019, serving girls; YRTC-Lincoln school, opened in February 2020, at Lancaster County Youth Detention Center, serving boys and girls; and YRTC-Geneva school for the girls preparing to transition back to their homes and communities from Geneva. The Department of Health and Human Services and the Nebraska Department of Education, particularly Commissioner Matt Blomstedt, have been working closely together on plans for the immediate future of the schools and future planning. It is our understanding that an agreement has been reached

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between the two departments that would give the-- the NDE more oversight and supervision of the schools. I would like to thank Commissioner Blomstedt and his staff and CEO Smith and her staff for all their work on this issue. LB1188 is the result of many conversations with Commissioner Blomstedt. The provisions of LB1188 can be found in the committee amendment in Section 15 and 16 on pages 8-- the-- 18 through 20. It does the following. Most importantly, LB1188 requires DHHS to hire a superintendent of institutional schools to administer the education programs at the-- at the DHHS facilities that house juveniles. The superintendent must meet the qualifications of Section 79-801, meaning such person must have a certificate to administer schools in Nebraska. Second, it requires the superintendent of institutional schools to report directly to the CEO of DHHS. And finally, it also requires the superintendent to report annually to the State Board of Education as part of the accreditation process under 79-703. LB1188 is another one of the recommendations put forth by the HHS Committee in the YRTC report. And what you'll notice is that in the recommendation it said the schools should go under the Department of Education, but in a short session that is a big statutory lift. And so what we worked with on the-- with the Commissioner of Education and the department was, what can we do in the short term as we move towards moving the schools under the Department of Education? And having a superintendent was their recommendation. The committee's conversations with the Commissioner of Education and CEO Dannette Smith have highlighted the ongoing challenge of requiring DHHS to oversee educational programming when education is not that department's area of expertise. This legislation will allow an individual with an-- with education expertise and a certificate to administer schools in Nebraska to oversee the educational programming at the YRTCs and to provide support to the principals of these schools and to the teachers and staff. With that, Mr. President, may I move to the committee amendment?

LINDSTROM: You may.

HOWARD: So the committee amendment LB-- to LB1188 includes two other YRTC-related bills brought by Senator Vargas, LB1147 and LB1149. LB1147, the provisions of which may be found in Sections 13 and 14 of AM2736 on page 18, comes from another one of the HHS Committee's recommendation. It makes DHHS responsible once again for daily maintenance, minor repairs, custodial duties, and operations of the YRTCs. When responsibility for the maintenance personnel and duties of the YRTCs were shifted to the Department of Administrative Services,

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there was a fair amount of confusion about what could and could not be fixed by YRTC maintenance staff and which department was responsible for the repairs. For example, the committee heard that there was confusion about whether damage caused by the girls could be repaired or even whether staff at the YRTCs could turn the water off when a sprinkler head was broken without going through DAS. The committee heard testimony that previously Geneva was well maintained and that the maintenance staff could make minor repairs without needing authorization. The confusion regarding daily maintenance seems to have exacerbated the decline in the facilities at YRTC-Geneva. LB1147 returns those daily responsibilities to the maintenance staff working at the YRTCs. It also clarifies that DAS maintains responsibility for the structural integrity of the buildings, major repairs, capital improvements, and any necessary procurement of contractors and materials to carry out such responsibilities at the YRTCs. DAS is also responsible for any other facility maintenance functions that are not the responsibility of DHHS. I'd like to thank Senator Vargas for bringing this bill to carry out one of the committee's recommendations. Finally, the bill includes LB1149, and they're found in the committee amendment in Sections 1 through 12 on pages 1 through 18 and in Sections 17 through 19 on pages 20 through 22. LB1149 does three main things. First, it requires the department to use evidence-based and validated tools for assessing the youth at the YRTCs. The assessment is key to creating the most effective individual-- individualized treatment plan for each youth. It also requires that the programs and treatment services at the YRTCs are evidence based and amends Section 43-407 to include an update on evidence-based services, policies, practices, and procedures in the Office of Juvenile Services annual report, Sections 5 and 6, pages 4 through 9. Second, LB1149 adds new language which states that a juvenile's in-person visitation, phone calls, and electronic communication with relatives cannot be limited or prohibited as a consequence or sanction. And finally, LB1149-- LB1149 removes many obsolete provisions from the juvenile co-- code. LB1188, as amended by AM2736, was advanced from the HHS Committee unanimously. I would like to personally thank Senator Kolowski for prioritizing this very important bill, and I would urge your green vote on AM2736 and LB1188. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Senator Hilgers for an announcement.

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HILGERS: Thank you, Mr. President. Good afternoon, colleagues. I wanted to give you announcement on behalf of the Speaker and myself regarding our Coronavirus response. I appreciate everyone's attendance at the briefing this morning. I hope you found, like I did, that it was very valuable and informative and gave you a little bit of a sense of the types of issues that we're dealing with and also the speed at which the environment on the ground is changing. So I just wanted to give a couple updates. The first is that the Speaker's Office and my office are in daily contact with a number of different health authorities, including the Department of Health and Human Services, as well as the Lancaster County Health Department. We will be receiving those updates daily, we'll be receiving a briefing daily, and we will be-- we will ensure that you are receiving the information as we receive it. And so you will be getting over the next several days what I anticipate will be daily updates as we receive that information. So that's the first point. The second point is that we are working-- we are working extensively on continuing-- continuity of operations plans, both-- as I mentioned yesterday, I hope you are thinking about it with your staff. We will be sending along some instructions and guidance as you think about your own offices. But more important, or as importantly for this body, in case the Capitol has to close or we have to go into recess, we're thinking about-- we're working with each of the division directors on making sure that we-- we can continue the operations that we need in this body. As part of-- this is a very fast-moving, as I mentioned, environment. We'd-- we anticipate things are going to change over the coming days. We are planning for different precautionary measures that might have to take place, some of which may never have to take place, but we want to be prepared, two-- two things that I will announce now. First, the Speaker and I have requested that, going effective immediately, all visitors in the visitors' chairs on the floor, we-- will be prohibited from the floor for the-- for the foreseeable future. And secondly, we did ask-- I understand that next week there's going to be a St. Patrick's Day event for senators, lobbyists, staff and others. We have-- at our request, that event has also been canceled. As you go into this weekend, we're not quite there yet. As you go back to your communities, please be aware of some of the-- the hygiene tips and advice that have been given, but especially be aware of when you're around individuals, elderly individuals, people who you saw on the-- the chart, the slides this morning, the people who are most susceptible to mortality with this type-- with this disease. So be very sensitive to that. I also-- and also going to large gatherings.

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I've also received from-- several requests or questions from several members about whether or not they should be going door to door. Ultimately, you have to make your own decision. I will tell you that the-- the best advice that-- guidance that we have gotten from our-- from health, the local health department, is to not do that. So please, first and foremost, be-- at the front of your mind, be aware of your own communities, making sure that we all are safe and healthy and doing what we individually can do to make sure that we have these mitigation for the Coronavirus. So if you have any questions, of course, please find the Speaker, myself or our respective offices. As we have updates, we will let the body know and we appreciate everyone's engagement on this particular issue. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hilgers. Mr. Clerk, there's an amendment to the committee amendment.

CLERK: Yes, there is, Mr. President. Senator Brandt would move to amend committee amendments with AM2769.

LINDSTROM: Senator Brandt, you're recognized to open on AM2769.

BRANDT: Thank you, Mr. President. I'm introducing AM2769. I want to extend my gratitude to Senator Howard for bringing LB1188, the Health and Human Services Committee for their work protecting our children and our Youth Rehabilitation Training [SIC] Centers in Geneva, Kearney, and now Lincoln. I'd like to thank Senator Kolowski for his prioritization of LB1188 and his support of AM2769. Thank you to Senator Lowe and DHHS CEO Smith for all your support and hard work to find solutions to help our youth. To summarize AM2769, as long as DHHS operates the YRTC-Kearney, such an institution shall be used for the treatment of boys only; as long as DHHS operates the YRTC-Geneva, such an institution shall be used for the treatment of girls only; for any other facility operated and utilized as a youth rehabilitation and treatment center under state law, the-- the department shall ensure safe and appropriate gender separation; in the case of an emergency, the department may use either facility to house all juveniles for up to seven days while maintaining gender separation. This would not take effect until July 1, 2021, so DHHS has plenty of time to comply. This amendment ensures that our children going through the YRTCs are safe and are in an environment that aids in their treatment. Housing girls on the same campus as boys has been a struggle for everyone involved, from the YRTC staff, teachers, parents and the very children we are

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charged with helping. Right now, all girls are sent to Kearney first for evaluation. If they exhibit behavioral issues, they may be sent to the Lincoln YRTC. Once behavioral issues have been resolved in Lincoln, the girls will be returned to regular programing at Kearney. They will then go to Geneva to finish out the rehabilitation once they are in their last 60 days of programing. Moving these kids around, with little consistency in teachers and medical personnel, is a continuation of the very problem that generally lands them in our YRTCs: a lack of consistency and a lack of trust in adults. I have yet to hear from DHHS on how this new Kearney-Lincoln-Kearney-Geneva plan is a good thing for our girls. It is this lack of consistency that is detrimental to the very mission we are setting out to accomplish. I would now like to give a brief history of how we arrived here so that we may better understand where it is we need to go. Started on March 14, 1892, the Geneva YRTC has been successfully serving girls and the state of Nebraska for 128 years. Two years ago, the facility received a 100 percent accreditation, one of the very best in the nation. In August of 2019, the facility had become so dysfunctional that an emergency was declared by HHS and the girls were temporarily transferred to the Kearney YRTC for safety reasons. What happened to cause this emergency? Staffing problems because of poor working conditions and mandatory overtime made it difficult to recruit new team members to fill open jobs; a lack of programing for the girls created confusion among the girls and staff; a change in facility maintenance from local control to DAS control in Lincoln left areas of the campus unmaintained; and poor overall supervision and training from Lincoln DHHS all contributed to the problems at Geneva. On March 1 of this year, the first three girls were returned to YRTC-Geneva. From August 2019 until today, the girls have been housed and educated at the Kearney YRTC, which was originally designed and historically used as a boys-only facility. This has led to many problems in the behavior of both boys and girls. A letter dated February 5, 2020, from NSEA organizational specialist Rich Wergin is particularly sobering as it outlines the current deteriorating situation in education for youth at Kearney because both sexes are on the same campus and this creates challenges for teachers, staff and students. The report outlines three basic problems: (1) the separation of boys and girls using the same facilities; (2) communication between management and staff since the girls came to Kearney has deteriorated; and (3) the facility is short of adequate numbers of trained staff. The recommendation of the letter from the teachers is that the girls be moved back to Geneva as soon as possible to enable both campuses to focus on more effective learning

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and treatment programs designed for single-sex campuses. Housing problems at Kearney were aggravated when the girls were moved to a housing unit previously used for at-risk boys. Additional problems have occurred from having both males and females housed in the Dickson security unit. Finally, the simple logistics of running a facility for things like dining and recreation are complicated by the fact that the girls and boys cannot be in contact with each other. I'd like to thank you for your time and consideration. I look forward to discussing how we can do a better job of helping our at-risk youth. This amendment started out as LB1150 with 24 cosponsors and had no opponents testify at the February 6 hearing, with one letter of opposition; it emerged from the committee as AM2769 on a 7-0 vote. I ask for your green vote on AM2769 and LB1188. Thank you.

LINDSTROM: Thank you, Senator Brandt. Before turning to debate, Senator Wishart would like to welcome Amelia Stoner, who is Senator Wishart's intern from Lincoln, Nebraska, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Howard, you are recognized.

HOWARD: Thank you, Mr. President. I rise in support of AM2769, and I'd like to explain the language and some of the reasoning behind it. So we were presented with a unique challenge with LB1150, understanding that Senator Brandt's main motivation is to restore Geneva to its previous sort of glory. Right? It used to be a functioning facility at the YRTC there. When a committee can't agree, instead of saying, OK, we'll just kick something out that we can't agree on and fight it on the floor, I thought it was better to find what's that language that we can agree on, what's the-- sort of the core issue that we can agree on. And what the committee could agree on was that we are uncomfortable with the idea of girls and boys on the same campus. We know, from the most recent escape where the girls took the keys and they ran right over to the boys' building, that having the boys and girls in such close proximity with such low staff ratios is really distracting both of these groups of kids from their own journey of rehabilitation and treatment. And so in essence, what AM2769 reads as is, should the department decide to continue having a YRTC in Geneva, it shall only be for girls; so long as the department decides to have a YRTC in Kearney, it shall only be for boys; and all other YRTCs will need to maintain that safe and appropriate segregation of boys and girls. This provision goes into effect July 1, 2021, so that means if there are changes that the department needs to have made, those can be made in the next legislative session. And then it also has an-- sort

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of an exception for an emergency, which came about from conversations in the committee. So this is honestly the best language that the committee could come up with in terms of how do we ensure that boys and girls are separate, how are-- how do we ensure that they're safe, and how do we also ensure that these facilities know what our expectations are of them. And so I truly support AM2769, and I would urge its adoption on the floor today. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Senator Vargas, you are recognized.

VARGAS: Thank you very much, President. And good morning-- or, sorry, good afternoon, colleagues. I'd like to thank Senator Howard, Vice Chair Arch, and the rest of the HHS Committee for including my bills, LB1147 and LB1149, in the committee amendment on LB1188. And I also want to thank Senator Kolowski for prioritizing LB11-- LB1188 so we can address these urgent matters in this short legislative session. I'm going to take a few minutes to talk about LB1147 and LB1149. As the committee, and presumably everybody in the room and watching this are aware, our YRTC centers are in need of support and are in crisis. The HHS Committee, with the excellent leadership of Senator Howard, have been involved in the ongoing conversations about how to address the numerous issues that were discovered and were experienced by youth in the facilities, their parents and loved ones, and the facilities' staff over the summer. I introduced LB1147, which is Sections 13 and 14 of AM2736, to address one of these issues, which is the deterioration of the buildings and grounds of the YRTC in Geneva. LB1147 comes straight from one of the recommendations listed in the HHS Committee's report to the Legislature on YRTCs, which is to move the administration, maintenance, and operations of the YRTCs, as well as any other facility where a juvenile committed to the Office of Juvenile Services is residing, away from the Department of-- Department of Administrative Services and back to the Department of Health and Human Services. Following the testimony at the hearing and other discussion, we decided it would be best to split these responsibilities between DAS and DHHS, which is what you'll see in the committee amendment. Section 13 of the amendment clarifies that moving forward, DHHS will be responsible for the daily maintenance, minor repairs, custodial duties and operations of the YRTCs, and Section 14 further clarifies that DAS will be responsible for the structural integrity of the buildings, major repairs, capital improvements and other large-scale maintenance concerns. These clarifications are critical to the future and function of our YRTCs. And as you saw on

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the HHS Committee report on Y RTCs, and as we heard in the hearing on this bill, when DAS took over responsibility for the Y RTCs, on-site maintenance staff at Y RTC-Geneva felt-- felt that they were unable to make even the most minor repairs. The grass wasn't mowed, the fire sprinklers weren't repaired, and when they went off, they couldn't even determine who had the authority to shut the water off to stop further damage to the buildings. Moving on to LB1149, this bill is amended into AM2736 in Sections 1, 12, and 17 to 19. Now what we're trying to do with LB1149 is to improve the programming and quality of care for youth committed to the Office of Juvenile Services. This is accomplished in a couple of ways: (1) is requiring the provision of evidence-based treatment and the operation of two-- for the operation of the rehabilitation and treatment facilities in accordance with evidence-based policies, practices, and procedures; and (2) prohibiting the restriction of communication with family from being used as a consequence or sanction for youth placed at a Y RTC. These issues of how we treat children who are entrusted to the state are critical matters that need to be addressed. When we entrust our youth to the care of the state, we do so with the belief it will improve their lives and those in their communities and that they will be healed when they return. We have heard of too many instances of that trust being broken and that has to change. There is decades of research showing what works in responding to juvenile offenders. We know that correctional settings are not appropriate ways to respond to adolescent mental, behavioral, and physical health needs. These correctional approaches backfire and they should be eliminated. As we react to the crisis of Y RTCs hit this year, it's crucial that we do so with what we know works: treatment and practices and protocols that are evidence based and designed specifically for youth. Y RTCs are treatment facilities. They are not "corrections light." We have heard from families and youth that contact has sometimes been limited as a penalty or sanction for the child's behavior while on campus. This is an unacceptable and harmful correctional approach that can only backfire. Youth struggling on campus who have been away from their families for an extended period of time--

LINDSTROM: One minute.

VARGAS: --may need the support of a loving voice on the other end of the phone in order to do better. Youth are only at the facility for a period of months and will eventually be coming home to family and their community, and they need every opportunity to strengthen that connection and not lose track and not lose hope. I'll end there and

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again ask for your green vote on the committee amendment and the underlying bills. And a thank-you again to Senator Howard, Senator Arch and the members of the HHS Committee, and Senator Kolowski for prioritizing this bill. Thank you.

LINDSTROM: Thank you, Senator Vargas. Senator Hilkemann would like to welcome 55 fourth-grade students from Harvey Oaks Elementary in Omaha, Nebraska, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Returning to debate, Senator Murman, you're recognized.

MURMAN: Thank you, Mr. President. As a member of the Health and Human Services Committee and also the Education Committee, I feel compelled to make some comments. I do support LB1188 and the amendments. I do have some strong feelings about what's been-- transpired in the last year or so involving the YRTC at Geneva and at Kearney. I'd like to thank Senator Howard and the whole committee, all their hard work on the bill, and also the Health Human Services Committee and CEO Smith have been working very hard also. But especially I'd like to thank the staff that as-- is at both-- or all three YRTC facilities for all of their hard work during very challenging times, as been-- been mentioned by Senator Lowe and Senator Groene. A lot of the problems that have occurred at these facilities is because of lack of staffing and-- and the challenges that that puts on the staff that are there. I'd also like to thank the city of Geneva. I-- ideally I would like to see the date in the amendment moved up to this summer. I think we have the facilities at Geneva to house the number of girls that we have in the YRTCs right now. Between Geneva and Lincoln, the girls could be adequately-- have-- have adequate programming between those two facilities. I don't-- I'm not excited about spending a lot of extra money on facilities in the-- in the future. We have the facilities there and I think if they were properly shorn [SIC] up a little bit and maintained, that we have the facilities to handle the number of youth that we have there now. I-- I would like to mention in-- during the hearings this summer, we did hear a lot about the community support from the city of Geneva. They are very strong through the years in-- in their support of the YRTCs. I had a very similar situation in-- in a nursing home in Blue Hill this summer that was threatening with clothing-- closing. Because of the community support that was shown, the community managed to keep the-- the Blue Hill facility open. And I think a very similar display of support was shown for the Geneva facility by the residents and the-- the community surrounding Geneva. Just some examples of some of the things they did,

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during school events, the girls that were housed at Geneva would help out with the snack bar. I think they also helped out with being student managers-- managers on the athletic teams. There was a horse therapy program that a neighbor provided for the girls that were housed there. Also, there was a regular scheduled lunch with the community. I think it was held on Sunday-- Sundays, and several community members would come out and have lunch with the girls and-- and some of the staff there. And I think, you know, it's very important to have that community support wherever the facility is located. And by the way--

LINDSTROM: One minute.

MURMAN: --thank you-- District 38 is kind of between Geneva and Kearney. So I-- I get kind of a perspective from both communities as to how things are going at the-- the facilities and the support that they have there. I do have strong concerns about what's going on at Kearney now, especially with the little bit of a question about how well separated the girls and the boys are there. And for that reason, for that-- mainly for that reason, I think it would be a good thing to get the girls back to-- away, out of Kearney, and it would be better for the boys, give them more room there in the-- in the school and all the facilities, and the facilities at Geneva could be more adequately-- more used to their fullest. Also, I know that staffing is a challenge, but I think that could be overcome--

LINDSTROM: Time, Senator.

MURMAN: --at there also. Thank you.

LINDSTROM: Thank you. Senator Murman. Senator Howard, you're recognized.

HOWARD: Thank you, Mr. President. I apologize. I realized that I should have-- a colleague just came over and said, well, if you make Kearney just for boys and you make Geneva just for girls, where do the girls go? And that's a really excellent question and part of the reason why we had an internal debate in the committee: Do we say July 1, 2020, do we say July 1, 2021, or do we say 2022? And we went with 2021 because we wanted to make sure if there was a problem, that there was another legislative session for the department to work with legislators to modify the language if they didn't feel as though they had a safe place to take the girls before July 1, 2021. Obviously,

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there are disagreements within the committee, but this is honestly the best that we could come up with. That's a good question, though, because it relates to what is the status of the Geneva facility. And so on March 1, myself, Senator Murman, Senator Lowe, Senator Quick, and Senator Arch were invited, and Senator Brandt but he didn't come on-- with us on our tour, did visit Geneva. And so right now, the building that was most concerning when I was there, which was LaFlesche, where the floor was all torn up and there was a lot of graffiti, that is actually beautiful. DAS has spent a considerable amount of money and put a considerable amount of thought into this building, in particular. It has ten rooms. Unfortunately, they've only put six beds in the rooms, and then on the other side they're using the rooms for storage. But they're welled. They have sinks. They have toilets. All they need is a bed. And what I told the director of DAS and CEO Smith was, you really need to put beds in there, even if you're going to use it for storage. If something happens, if there's a pandemic and you need to get those girls off that Kearney campus, for example, at least you would have a bed for them and a space for them to stay. So there are 20 rooms in LaFlesche where the girls could go. There's also an additional staff-secure unit that could be used in Lincoln that could be updated and upgraded if they decide to-- to sort of modify their lease and use that space as well. Also, originally, we were told that girls would be going to Lincoln, but there aren't any girls there yet. So we also had the opportunity to go through the "Sac" building, which was one of the first buildings that I ever saw on campus. That was the one where there had been a lot of sprinklers pulled and it was very musty. Very little has been done to the other three sort of residential buildings, "Sac," Burroughs, and Sandoz. "Sac" still looks exactly the same. I did not look at Burroughs, but I understand they were doing a lot of mold remediation there. And then Sandoz is actually-- you can't really get into Sandoz anymore because it is full to the ceiling with all of the items that are being surplussed by the Department of Health and Human Services out of Geneva. So essentially they've taken out the pianos, a lot of the books, the school desks, the medical table that was in the medical facility, and they're going to put those for surplus. First they'll sell them at auction. And then we went through the school. The school is actually really devastating to look at because you know that it's going to be incredibly hard to come back from that, and so they'll most likely continue using the school buildings in LaFlesche. There are-- there are no books in the library. The cosmetology room, which the girls were actually really, really into-- they would-- they could

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get like a nail tech certification when they were at Geneva and some of them did. The cosmetology room has been completely gutted. They still have the sinks and the fixtures, but otherwise there's nothing left in it. And the pool is actually there, and so DHHS and DAS are trying to work with the city of Geneva to see if there's a way for us-- or for-- for the city to use the pool, which is not being used by the kids right now. So when we think about where these girls can go, we know that there is a beautiful, ready building in Geneva. We know that you could take the time and fix up the other three buildings. You-- you might not, because they're all-- they're quite old. And there's a beautiful school there that will now be used by Medicaid and Long-Term Care. And they're trying to figure out where Medicaid and Long-Term Care goes so that the girls will still be able to go use the gym in their former school.

LINDSTROM: One minute.

HOWARD: So that's the status of Geneva as I see it, and Senator Lowe will most likely speak about his impressions as well. But I think there's room at Geneva for them to have more girls there. There's room in Lincoln. And honestly, the way the legislation is drafted, you could create a smaller YRTC system, or community based, closer to home for a lot of these kids, as long as you continue to provide them with a safe place to sleep, hygiene, education, all of those parameters and guardrails that are in LB1140. So again, I would urge the advancement of AM2769 on the floor today. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good afternoon, Nebraskans. You know, today is Geneva and HHS day. And as I read through some of these bills, I think we're trying to manage HHS by statute. But it is what it is. But I was wondering if Senator Brandt would yield to a question or two.

LINDSTROM: Senator Brandt, would you yield, please?

BRANDT: Yes, I would.

ERDMAN: Senator Brandt, this amendment that you have, AM2769, is your bill, LB1150. Am I correct on that?

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BRANDT: Not exactly. It's been modified. It's similar.

ERDMAN: OK. Can you briefly describe to me what you mean when you say modified?

BRANDT: LB1150 said that Kearney would be boys only and girls-- and Geneva would be girls only by date certain of July 1, 2021, and that DHHS would have been compelled to give a plan to the Legislature from July 1 to December 31 of this year to tell us how they were going to do that. The amendment softens that. It took out the-- the reporting requirement and it backed off, and it says that Kearney can be boys only and Geneva can be girls only without mandating that all the girls go to Geneva or all the boys go to Kearney. It just says that you can only have a single sex at either facility,

ERDMAN: OK. And-- and the bill doesn't say single sex. It says gender. Is that correct?

BRANDT: What you're referring to is on section (d); after the first two sections describe Kearney and Geneva, it says, for any other facility operated and utilized as a youth rehabilitation and treatment center under state law, the department shall ensure safe and appropriate gender separation.

ERDMAN: OK. So there's a fiscal note attached-- attached, or there was, to LB1150 of \$12 million. Has that changed? Twelve million, excuse me.

BRANDT: Yeah. It was a-- it was a \$12 million dollar fiscal note from the Department of Health and Human Services. They felt to bring all those girls back to Geneva under LB1150, they would need to build another new facility like LaFlesche. And the DHHS last year, in their appropriation before the Legislature, got monies to operate the Geneva facility in full as it sits there now, so I guess that was discounted as not being-- not being a factor if you read the fiscal note.

ERDMAN: I did read it and it said that they were going to build a new structure and it was \$12 million, so tell me how we've deviated from that. What's the number then?

BRANDT: The number would be zero because they have appropriated the funds to operate Geneva last year in Appropriations. Before Geneva

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went down, they fully appropriated Geneva and Kearney as it sits there with the buildings that are there.

ERDMAN: OK. All right. Thank you for your help. I was wondering if Senator Howard would yield to a question or two.

LINDSTROM: Senator Howard, will you yield, please?

HOWARD: Yes, I will.

ERDMAN: Senator Howard, I noticed that Senator Vargas' LB1147, LB1149 was not voted on specifically in your committee. Can you tell me how that happened and how these got on the committee bill without them being approved by the committee?

HOWARD: Oh, thank you, Senator Erdman. I appreciate the question. So what we've been advised to do by the Speaker, and what you've seen in every single Christmas tree so far, is that each committee will take a vote to include a bill into the committee amendment, and so what you see on the committee statement is a vote to include a specific bill into the committee amendment.

ERDMAN: So then you attached these bills individually and voted on them individually as being part of the-- of the committee bill?

HOWARD: Yes, we did.

ERDMAN: And there's a record of that?

HOWARD: Yes, it's in the committee statement and all the votes are unanimous.

LINDSTROM: One minute.

ERDMAN: So you don't-- you don't keep those secret like we do in Appropriations?

HOWARD: We don't keep secrets in HHS.

ERDMAN: OK. All right. Thank you so much.

LINDSTROM: Thank you, Senators Erdman, Brandt, and Howard. Senator Cavanaugh, you're recognized.

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CAVANAUGH: Thank you, Mr. President. I rise in support of LB1188, AM2736, and AM2769. I'd like to start by saying-- and I'm going to embarrass you now, Chairwoman Howard-- Senator Sara Howard is amazing. This process has been hard. It has been gut wrenching. It has been time consuming. And she and her team have done everything systematically, pragmatically, inclusive, collaborative, and she has taken so much time and shared her breadth of knowledge and historical context with our committee and with this body. It is beyond a gift to have you in this Legislature, Senator Howard, and I am so grateful to have had two years working with you on this committee and-- and doing something as important as this. I can't imagine anyone in the history of Nebraska doing a better job than you've done, so thank you, and thank you for protecting our children. I do support these amendments. I voted for them all out of committee. I-- I would like to speak to Senator Brandt's amendment. I do have concerns, not about specifically his amendment but perhaps about what more we could be doing as a body. I do think that we could begin this in July 1, 2020, not 2021. The buildings are there. The facilities are able to be utilized immediately. We have staff. We might not have capacity to fully operate Geneva, but Geneva is operational. And to Senator Erdman's question about the \$12 million fiscal note, that fiscal note was put on several bills that had Geneva reopening and the-- what we heard from the department was that they interpreted that to mean that they would bulldoze the existing buildings and build a new structure, which none of our bills directed them to do. So that \$12 million fiscal note has gone away because we're not asking them to bulldoze buildings and build new structures. What we are asking is that they fully utilize the resources available to them at Geneva. And I rise with concerns about the 2021 date because I am extraordinarily concerned about these children. We have boys and girls together in what, before the girls were there, was a tenuously volatile situation. And now we've added girls, teenage girls and teenage boys together that are dealing with a lot of trauma, a lot of unknowns in their lives, and it's being escalated by the environment that they're in. The lockdown of the facility is unhealthy. There's a lack of programming happening. And the girls, as Senator Howard previously stated, have dealt with a lot of trauma, a lot of sexual violence, as have the boys. And to have them in a situation as precarious and unregulated as this is dangerous and reckless, to say the least. This body has a responsibility, and I am going to say it on the record for everyone to hear. If we do not do

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something, we are going to be dealing with sexual assault of teenage girls. So we all know that.

LINDSTROM: One minute.

CAVANAUGH: Thank you. We all know that if we do not remove these girls from that premises, that we are going to be dealing with sexual assault of those girls at Kearney. We've heard from Senator Lowe this morning how easy it is for the girls and the boys to get into each other's dormitories. We are accountable. This is our watch. I don't want to have it happen on my watch. I hope you all will join me in not having it happen on our watch. We are going to be dealing with the sexual assault of teenagers that we are entrusted with the care of. So we should be making every effort to utilize the resources that we currently have to the maximum. I just want to again thank my committee. They've worked so hard on this. I do have an amendment drafted to Senator Brandt's bill that would move up the date. I'm not going to introduce it at this time because I respect Senator Brandt and the work that he did on this with Senator Howard and our committee.

LINDSTROM: Time, Senator.

CAVANAUGH: Thank you.

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

LOWE: Thank you, Mr. President. As I said before, I am not going to do anything that will endanger the staff members, our city, or the young men and women at the YRTC in Kearney, Geneva, or in Lincoln. So with that said, I'm not voting for and it will be a no vote on AM-- AM2769 because they're not ready. The facility is not ready. As you heard from Senator Howard, there are 20 rooms. Right now, there are 21 girls in Kearney. There's not enough room in LaFlesche, and that is just right now. If something would happen and the courts would send six more girls, eight more girls, ten more girls to a YRTC, there is not the facility. It cannot be done now. It cannot be done probably in a year because the problem with the facilities in Geneva is that they are old. They were not built for the type of young ladies that are going there-- excuse me, young women. A lady deserves respect. The ceilings are too low. The walls are not made for a facility to house violent individuals, and, yes, they are violent. They do, do tantrums.

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My house was not made for my young three boys when they were growing up. I had to replace doors and walls and things like that, and they were not trying to hurt anybody at the time. The problem with these facilities are, they have wood in them that can be peeled off and used as a weapon. You got up to-- you look at Boys Town and the ceilings are at least ten feet high so they cannot jump up and hit anything. They're built for young men and women who have problems. The facilities there at Geneva are not ready. LaFlesche is a good start, and they made it out of an old building, but they adapted. It's going to take years if we decide to put the women back at Geneva en masse, as a whole. It's not ready. It will not be ready in a year. If you're dealing with private contractors, private individuals in a private business, we may stand a chance. But we're dealing with government, and studies need to be done and things like that, things I really don't agree on most the time. But it's not ready, nor will it be in a year. And Senator Howard said you put the date in so-- or Senator Brandt said you put the date in so it can be adjusted by another session. But what good does that do? We need to allow them to build the facility, make it right, and then we move. We need to make sure that the staffing will be in place, good staffing, staffing that can handle all this, for these facilities were not made for the young men and women that were there-- that are there now.

LINDSTROM: One minute.

LOWE: Thank you, Mr. President. These facilities were made for less violent individuals. The only one that is made for a violent individual that I can see right now is the Lincoln facility. So let's step back. Let's think about this. We don't need to pass this today. We can take a look. We can let it come back next year. And by the way, Senator Howard, Senator Brandt was there March 1. He just left early. He had a prior commitment. I'd just like to acknowledge that you were there for that meeting. So I will not be voting for AM2769 at this time. Thank you.

LINDSTROM: Thank you, Senator Lowe. Senator Murman, you're recognized.

MURMAN: Thank you, Mr. Speaker. I don't have a lot to add. I ran a little short of time last time. I just would like to say I-- I definitely am going to vote for Senator Brandt's amendment. I think with the number of girls that are there now, and even if we had to add a few, LaFlesche, the main, most recent building at Geneva, could be made ready in just a few months, if necessary, or maybe even a few

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weeks, to-- but the problem at Geneva-- and by the way, that's also a problem at Kearney-- is staffing. I think staffing at Geneva would be and is a little more of a challenge than Kearney, but I don't think it's a challenge that can-- cannot be overcome. Just because of the population, you know, you'd have to do more advertising and promotion to get the staff back there that a lot of them have been let go, as-- as we mentioned, or transferred. But the facilities are there without a whole lot of extra work. But my main concern is right now at Kearney, things are far from ideal with the boys and girls both there. The sharing of the school, the sharing of the pool and the gym, the sharing of all the grounds, the community showers for the girls, is just not an ideal situation. I'm very nervous, as Senator Cavanaugh mentioned, about sexual assault with the-- the girls and the boys being that close proximity. I know in real life they will have to-- they will be together. But with the challenges that the population has there, both male and female, at-- at this time, I think it's just too much of a challenge to have them in that close of proximity. I'm not saying it isn't something that can be overcome, but I think in the short term it could be overcome most easily by moving the girls back to Geneva and Lincoln. And by the way, I did want to mention also that I think it is very important to keep the Lincoln facility open. If we had that option back in August of 2019 and the oversight would have been a little better, maybe, transferring the-- three or four of the most acute girls to Lincoln, a lot of these problems might have been prevented. So I think in the long run, it's very important to keep that Lincoln facility open as a YRTC. Another challenge that I should mention that's happening at Kearney right now, and this is with the boys but it is because the girls have been moved there, there's dorm-style housing there. And I think it's probably been mentioned before, but-- I think by Senator Howard, but 16 or 20 beds all in one room, trying to supervise that with the acuity of the boys there that are housed that way, I think we're asking for a lot of trouble there. And the incident of a couple weeks ago or so, with the bed being dismantled and used as a weapon, I think things like that are more likely to happen also. But that, that room with that many beds in it, wouldn't be necessary if we weren't housing both boys and girls right there at Kearney. So I-- I think things have to be changed. We don't, as Senator Arch mentioned earlier today, I don't think we want to be too prescriptive. But right now--

LINDSTROM: One minute.

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MURMAN: --things could be changed without a lot of expense or a lot of disruption by moving the girls back to Geneva. Thank you very much.

LINDSTROM: Thank you, Senator Murman. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. I rise to thank Senator Howard and the committee for all their work. They've-- I see that they've worked very hard and-- and diligently trying to solve the problems that we have. I'm-- I'm in support of LB1188 and AM2736, but I see some problems with AM2769 that at this time makes it so that I'm not going to be able to support it. The date of July 20-- July 1, 2021, is, I think, too soon. There's a long list, very long list of problems that Senator Howard mentioned about the Geneva facility. There is no way to get those repaired that soon, in my opinion, then putting in that Kearney is boys only, Geneva is girls only, is micromanaging the D-- DHHS responsibilities. And they know about the problems between the males and females, and I think they should be allowed to deal with it. Then, in section (e) it says is in an emergency they can be moved to be in different facilities up to 7 days, and the-- with the pandemic, with the virus, you might need 14 days, and it's just another limitation that should be more up to DHHS. I'd like to see that be more flexible, and so at this time I do not support AM2769. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Clements. Senator Scheer and Pansing Brooks would like to welcome students, faculty, alums, and supporters from the University of Nebraska from all across the state, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Turning back to debate, Senator Brandt--

BRANDT: Yes.

LINDSTROM: --you're recognized.

BRANDT: Thank you, Mr. President. I guess I'd like to clar-- clarify a few points that Senator Lowe made. Currently, today, we have 21 girls at Kearney and I believe 3 girls at Geneva for a total of 24. Senator Lowe stated the facility was not ready in Geneva. The facility is ready in Geneva. We all toured the facility on March 1. The LaFlesche facility is probably 10 to 15 years old. It's just been rehabbed. It's a very nice building. We have two pods of ten beds each. One pod is completely set up. It has all the beds in it. Guess what they did with

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the other pod? After they tore half the school out, they filled those ten bedrooms up with books and other stuff from the school. The building is ready to go. They chose to fill it up with-- with stuff from the-- from the school building, and that stuff could have been stored in one of the other living units that had this damage. So all they need to do is put beds in those ten units. We have 20 units at Geneva ready to go. We've got nine units at Lincoln YRTC designated for girls ready to go, 20, 9, 29 total. We've got a census of girls of 24, so it wouldn't take long today to find a bed for those girls. So I just wanted to clear up those numbers and I would encourage your vote on AM2769, AM2736, and LB1188. I yield my time back to the Chair. Thank you.

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

KOLOWSKI: If not now, then when? If not now, then when? I debated prioritizing a handful of bills this year. All of them, I felt, were very important legislation. I chose this one because our YRTCs have needed attention for quite some time. It is our duty as a state to provide an appropriate education and appropriate living conditions for these state wards. This squabble between two state agencies that contributed to the deterioration of the Geneva facility was unconscionable. This package of bills Senator Howard has introduced will be very instrumental in providing Health and Human Services with appropriate statutory guidance. Having a superintendent of schools for these facilities is extremely important. I appreciate the Department of Health and Human Services and the Department of Education working together on this. I want to express my wholehearted support of Senator Howard and the efforts of the HHS Committee in crafting LB1188 and the package of bills we've discussed today. I ask you to support them as well. Again, if not now, when? Thank you.

LINDSTROM: Thank you, Senator Kolowski. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President. I'd like to be included in the group that would welcome the UNK students and faculty here because it's a great university. Yes, there are 29 beds capability. It's working now in Geneva by having the three girls there ready-- ready to go back into life outside of detention and rehabilitation. They're working their way back into the community. Those that are not ready yet are still in Kearney. They are safe, they are watched over, and the only

reason why the girls got close to the guys was because they assaulted a staff member and they were able to get the keys. They are watched. The staff was watching when the girls got there. They are watched. There will not be a sexual assault. Don't let that make your decision over this bill. I am not in favor of AM2769 because it will not be ready in a year. The facilities there were not made for the type of women that we would be putting back there. The staffing will be an issue. And as we know, in most all of our businesses, staffing is the most expensive part of running a business. And to get that staff there, they will have to travel. Now it takes me about an hour and 40 minutes to get to Geneva, and it takes me about an hour and 45 minutes to get to Lincoln. It would seem a lot further to Lincoln, but because of the route you have to take, it takes a long time to get there. I said on these series of bills that we're discussing today that I'd do nothing to harm the staff, the people of our community, or the young men and women who are at the YRTC's, and this puts the staff at harm because Geneva is not ready yet. I do not believe they'll be able to staff it up in time to do that. Putting 20 girls back on that campus again in that one building, though it's built for it, it may not be ready yet. The staffing may not be ready yet for it. Right now, Kearney is a secure facility and it will be more secure by the end of June. Things are going well in Kearney. I've never seen the cooperation between state, county, and city for a facility like that we have in Kearney right now. I am not in favor of AM2769 at all because it puts a time line that may not be able to be made. I have serious doubts about that. Why were those facilities in such bad shape at Geneva? It's because the girls did the damage to them. They weren't falling down on-- just because. The young women that were there--

LINDSTROM: One minute.

LOWE: --did the damage to them. Thank you, Mr. President. And things will not change if we put them back there. Those buildings will be damaged again. You know, we have to think about the future. Right now there are three girls there that are getting the instructions that they need to come back into society, three girls. The teachers-- the staff members can-- can focus all their time on those three. They will be better women once they leave the facility. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Lowe. Senator Matt Hansen would like to welcome Phil Gebers, Jessica Gebers, and Josh Gebers from Lincoln,

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Nebraska, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Gragert, you're recognized.

GRAGERT: Thank you, Mr. President. I sat and listened to the debate and I was just wondering if Senator Brandt would yield to a couple questions.

LINDSTROM: Senator Brandt, will you yield, please?

BRANDT: Yes, I will.

GRAGERT: Thank you, Senator Brandt. Currently, I was briefed this morning up in my office that there's three girls at Geneva.

BRANDT: I believe that's right.

GRAGERT: OK. And you're saying the facility is there. The facility is capable of housing a total of 29 girls?

BRANDT: No. Geneva originally was four housing units, the newest of which is called LaFlesche. LaFlesche has just been redone and there are two pods inside of LaFlesche of ten. It's a flip of each side, so there's 20-- 20 beds in LaFlesche. And then at the new YRTC here in Lincoln, we have nine beds dedicated for girls. There's 11 for boys and 9 for girls, and we are not using any of those today. We don't have any girls in Lincoln.

GRAGERT: OK. And as far as the facility, it sounds like we have the facility. What about the staff that Senator Lowe brings up? How-- how long do we envision full staff to be able to watch over 19 girls or 20-girl pod?

BRANDT: I really can't answer that question. That would be a department question. But I can tell you this, is last October they RIFed-- reduction in forced-- 46 people at Geneva that had jobs there, so there probably is a pool of people that are willing to come back and work at the Geneva facility. It just probably depends on the job. And-- and it's sort of like what we see in Corrections. We may need to raise the salary or something. And I agree with Senator Lowe. There's a lot of violence with some of these jobs. We need to get some protections for some of these workers, so, and hopefully that will be coming in this next year.

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GRAGERT: With the three girls that are there right now, how-- how many staff members do we have at Geneva?

BRANDT: I-- I can't answer that for sure. You might want to ask Senator Howard that question. She could probably answer that.

GRAGERT: I'll ask her.

BRANDT: I'm guessing. I think they have like 12 on staff, but I don't know if that includes like the teachers, because what happens now is adjacent to the living unit is the classroom for the school.

GRAGERT: OK. Thank you. So just in summary then, with the facility and the capability to have-- to watch over the individuals in the facility, is there any kind of vision of when that would be capable of being done, finished, with the staff and the building ready to house all the females in the state?

BRANDT: I-- I would say that's a question for the department to give you a solid answer on that. After the tour of the facility, though, on March 1, it appeared that both pods were capable of supporting ten-- ten bedrooms each, but they don't have any beds in the north pod.

GRAGERT: OK. Thanks a lot. That's the questions I had. Thank you, Mr. President.

LINDSTROM: Thank you, Senators Gragert and Brandt. Senator Lowe, you're recognized. This is your third time.

LOWE: Thank you, Mr. President. A lot of the staff that were let go when Geneva closed and the young women came to Kearney, were then hired back through DHHS for the Medicaid-- Medicaid expansion facility that they now house on the Geneva campus. So a lot of those people that were let go have found new positions back on that campus, which means we will have to hire, or DHHS will have to hire new employees unless these people decide to leave a job that they're already being paid for, approximately the same pay scale-- scale, to go back to deal with these young women who are violent. Now, unless that's a love of your life to try to rehabilitate these people, you can work for one job behind a desk answering phones or you run the risk of having your head bashed in on another job. And that's kind of where it was at when Geneva left. The girls were out of control. The girls are getting back in control at the UNK-- or at the Kearney-- sorry-- at the Kearney YR-- YRTC facility. The-- by putting a date on this and forcefully

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moving them without thinking, is the wrong thing to do. It is so wrong. That's like telling UNMC to build a hospital today to protect us from the Coronavirus and have it done by the end of the week, and by the way, solve the problem. That doesn't make sense. I appreciate Senator Brandt fighting for his district, fighting for those jobs that each one of our districts need. I truly appreciate that, but this is not the right answer to this. Let's find those people proper jobs. Let's protect the young men and women. Let's protect our cities and those who help enforce the laws. I'm still a no vote on AM2769. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Lowe. Seeing no one else in the queue, Senator Brandt, you're welcome to close on AM2769.

BRANDT: Call of the house, reverse order.

LINDSTROM: There has been a 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, 4 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. Senators Kolterman, Wayne, and Chambers, please return to the floor. The house is under call. All senators are present. We will have a roll-call vote in reverse order, Mr. Clerk.

CLERK: Senator Wishart. Senator Williams.

WILLIAMS: Yes.

CLERK: Voting yes. Senator Wayne.

WAYNE: Yes.

CLERK: Voting yes. Senator Walz.

WALZ: Yes.

CLERK: Voting yes. Senator Vargas.

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VARGAS: Yes.

CLERK: Voting yes. Senator Stinner.

STINNER: Yes.

CLERK: Voting yes. Senator Slama.

SLAMA: No.

CLERK: Voting no. Senator Scheer.

SCHEER: Yes.

CLERK: Voting yes. Senator Quick.

QUICK: Yes.

CLERK: Voting yes. Senator Pansing Brooks.

PANSING BROOKS: Yes.

CLERK: Voting yes. Senator Murman.

MURMAN: Yes.

CLERK: Voting yes. Senator Moser.

MOSER: No.

CLERK: Voting no. Senator Morfeld.

MORFELD: Yes.

CLERK: Voting yes. Senator McDonnell.

McDONNELL: Yes.

CLERK: Voting yes. Senator McCollister.

McCOLLISTER: Yes.

CLERK: Voting yes. Senator Lowe.

LOWE: No.

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CLERK: Voting no. Senator Linehan.

LINEHAN: Not voting.

CLERK: Not voting. Senator Lindstrom.

LINDSTROM: Yes.

CLERK: Voting yes. Senator Lathrop.

LATHROP: Yes.

CLERK: Voting yes. Senator La Grone.

La GRONE: No.

CLERK: Voting no. Senator Kolterman.

KOLTERMAN: Yes.

CLERK: Voting yes. Senator Kolowski.

KOLOWSKI: Yes.

CLERK: Voting yes. Senator Hunt.

HUNT: Yes.

CLERK: Voting yes. Senator Hughes.

HUGHES: Not voting.

CLERK: Not voting. Senator Howard.

HOWARD: Yes.

CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: Yes.

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

M. HANSEN: Yes.

CLERK: Voting yes. Senator Ben Hansen.

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B. HANSEN: Yes.

CLERK: Voting yes. Senator Halloran.

HALLORAN: Not voting.

CLERK: Not voting. Senator Groene. Senator Gragert.

GRAGERT: Yes.

CLERK: Voting yes. Senator Geist.

GEIST: No.

CLERK: Voting no. Senator Friesen.

FRIESEN: Yes.

CLERK: Voting yes. Senator Erdman.

ERDMAN: No.

CLERK: Voting no. Senator Dorn.

DORN: Yes.

CLERK: Voting yes. Senator DeBoer.

DeBOER: Yes.

CLERK: Voting yes. Senator Crawford.

CRAWFORD: Yes.

CLERK: Voting yes. Senator Clements.

CLEMENTS: No.

CLERK: Voting no. Senator Chambers.

CHAMBERS: Yes.

CLERK: Voting yes. Senator Cavanaugh.

CAVANAUGH: Yes.

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CLERK: Voting yes. Senator Briese.

BRIESE: Yes.

CLERK: Voting yes. Senator Brewer. Senator Brandt.

BRANDT: Yes.

CLERK: Voting yes. Senator Bostelman.

BOSTELMAN: No.

CLERK: Voting no. Senator Bolz.

BOLZ: Yes.

CLERK: Voting yes. Senator Blood. Senator Arch.

ARCH: Yes.

CLERK: Voting yes. Senator Albrecht.

ALBRECHT: No.

CLERK: Voting no. 32 ayes, 9 nays, Mr. President, on the amendment.

LINDSTROM: The amendment is adopted. I raise the call. Returning to debate. Seeing no one in the queue, Senator Howard, you're welcome to close on AM2736.

HOWARD: Thank you, Mr. President. AM2036 [SIC] adds two bills from Senator Vargas, LB1147 and LB1149. LB1147, just as a reminder, clarifies who does maintenance at the YRTC's. DHHS does day-to-day maintenance, picking up garbage and mowing the lawn, and DAS does big repairs, the roof, walls, that sort of thing. And then LB1149 does three things. It requires DHHS to use evidence-based tools and assessments for programing as well as prohibiting the use of-- or prohibiting stopping somebody from being able to communicate with their family as a form of punishment, and then it cleans up our OJS code. So that's what's in AM2736 and I would urge its adoption on the floor today. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. The question is, shall the committee amendment to LB1188 be adopted? All those in favor vote aye;

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all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 32 ayes, 5 nays, Mr. President, on the adoption of committee amendments.

LINDSTROM: The amendment is adopted. Turning back to LB1188. Seeing no one in the queue, Senator Howard, you're welcome to close on LB11-- LB1188.

HOWARD: Thank you, Mr. President. LB1188 is the necessary educational components of statutory authority around the educational offerings at the YRTC. While there's already been a contract signed between the NDE and the Department of Health and Human Services, these are the necessary pieces of statutory authority to do-- to sort of perform that contract. It creates the superintendent position under OJS, allows it to report to the CEO of the Department of Health and Human Services, requires an annual report to the State Board of Education, and subsequently also includes all other facilities that house juveniles on a round-the-clock basis. I would urge the advancement of LB1188 on the floor today. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. The question is the advancement of LB1188 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 32 ayes, 4 nays on the advancement of the bill, Mr. President.

LINDSTROM: LB1188 is advanced. Mr. Clerk, we will turn to LB1148.

CLERK: Thank you, Mr. President. And if I may, just quickly, a couple of items. General Affairs Committee reports LB1064 to General File. And I have a hearing notice from Health and Human Services Committee. Mr. President, LB1148 was a bill introduced by Senator Vargas relating to juveniles. It changes provisions relating to the Office of Juvenile Services and the placement of juveniles at a youth rehabilitation and treatment center. Introduced on January 22 of this year, at that time referred to the Judiciary Committee, the bill was advanced to General File. I do have committee amendments pending, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. Senator Vargas, you are recognized to open on LB1148.

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VARGAS: Thank you very much, President. Good afternoon, colleagues. Now, before I open on LB1148, I want to make sure to recognize and thank Senator Howard and Senator Lathrop and the members of HHS and Judiciary Committees and their staff for their hard, diligent work over the past many months on this bill and many others we've heard and will continue regarding YRTCs. I would also like to sincerely thank Senator Hilkemann for prioritizing LB1148 to ensure that this bill and the others attached to it in the committee amendment could have the time in this short session. LB1148 establishes procedural protections that promote transparency, communication, and coordination between the juvenile courts, DHHS, and legal parties for youth committed to the Office of Juvenile Services for placement at a YRTC. These changes are intended to ensure that commitments to YRTC are productive and time limited and that, when youth are discharged, their reentry to home communities is smooth and safe. This is accomplished through a few changes. (1) The YRTC treatment plan is submitted to the court and a hearing can be brought to consider it by the court or any party to the case, including DHHS. (2) Commitment is made to our particular YRTC facility and placement changes between facilities are permitted but require notice and opportunity for hearing, like any other placement change in juvenile court. (3) Any party, including DHHS, can file a motion for reconsideration of commitment to engage a court in examining a youth's rehabilitation/treatment plan, progress in treatment, conditions of treatment and plan for discharge. And (4) an annual review is set as a backstop to reexamine the case should a youth remain at YRTC for a full year. Now, as you all know, the HHS Committee released their report on YRTCs to the Legislature in January, and the changes in LB1148 are part of the recommendations listed in the report. The bill had support at the public hearing from youth advocates, county attorneys, social workers, and the Nebraska Children's Commission. Colleagues, we know that there are issues on how we treat children who are entrusted to the state are critical matters that need to be addressed. While we entrust our youth to the care of the state, we do so with the belief it will ultimately improve their lives and those in their communities and that they will be healed when they return. Now we've heard of too many instances of this trust being broken, and that has to change. This requires not just investment, not just future planning, but ongoing oversight. That oversight should be at the 1,000-foot level with us in the Legislature, but it should also occur at the individual level, in every case, especially when it comes to youth. The juvenile court that has committed a youth to YRTC in the first place is the appropriate

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first checkpoint to ensure the youth's needs are being met and the goals of the commitment are on track. When youth are committed to OJS for placement at a YRTC, they are made wards of OJS and they should receive the same protections that other wards receive. Now there has been some discussion today about flexibility, about safety and ensuring that OJS has the opportunity to move swiftly to respond when youth are not responding to treatment, attempt to escape, or are assaultive. I want to be very clear that LB1148 does not prevent the department from either operating a system of YRTC facilities or moving a youth between those facilities. To the contrary, the changes the bill makes to our statute actually offer greater discretion to do both than currently exist in statute or juvenile court orders. What LB1148 does require is just what is required in every other placement in a juvenile case. When a child in the care of our state is ordered to a placement, if that placement needs to be changed for any reason, there is notice and opportunity for process. Notice and process, that's what we're talking about. That's all. The provisions of LB1148 are intended to promote better transparency, communication, and coordination in each youth's case from start to finish so the court, the Department of Probation, and the legal parties and the Department of HHS can work hand-in-hand to maximize each youth's chance for successful rehabilitation and reentry to their home community. That will make Nebraska's safer for everyone. We have to do better by our kids, and LB1148 works in conjunction with the other bills we've heard today about YRTCs and as a starting point in a longer-term planning process while providing for safety for youth and staff in the interim. You will hear some amendments, and so I want to thank Senator Lathrop and the members of the committee for AM2810 and the other two amendments, AM2667 and AM2637 that'll be coming, along with the other bills that were also passed unanimously out of Judiciary Committee that are part of this package. So, colleagues, I thank you and I ask for your green vote on LB1148 and the underlying amendments. Thank you.

SCHEER: Thank you, Senator Vargas. As the Clerk noted, there's a committee amendment from the Judiciary Committee. Senator Lathrop, as Chairman, you're welcome to open on AM2637.

LATHROP: Thank you, Mr. President. Colleagues, good afternoon. The Judiciary Committee voted to amend LB1148 with AM2637 and to advance the bill on 7-0 votes with one member absent. The amendment includes the original provisions of LB1148, along with portions of other bills. Sections 1 through 5 contain a monit-- a modified version of Senator Geist's LB975. We worked with Senator Geist's office and the

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Department of Health and Human Services to streamline the provisions from the original bill and avoid some of the concerns expressed in the public hearing related to anonymous reporting of child abuse. Section 5 also contains a modified version of one provision originally included in LB458. This provision would ensure the Child Advocacy Centers have access to DHHS records in connection with specific cases under review by child abuse and neglect investigation and treatment teams. Sections 6, 7, and 8 contain modified versions of Senator DeBoer's LB906 and Senator Wayne's LB969. The version in the amendment is the result of negotiations between Senator DeBoer, Senator Wayne, Child Advocacy Centers, the County Attorneys Association, and the Criminal Defense Attorneys Associations. These bills clarify the process for maintaining custody of video recordings of forensic interviews of child victims and witnesses. The bill also outlines the process for limiting unnecessary disclosure of the video recordings. Sections 9 through 14 contain a lightly amended version of the original bill. The changes clarify the process for providing notice of YRTC treatment plans and makes certain language consistent with the Health and Human Services Committee's LB1140. With that, I would encourage your support of AM2637. Thank you.

LINDSTROM: Thank you, Senator Lathrop. Mr. Clerk, there's an amendment to the committee amendment.

CLERK: There is, Mr. President. Senator Lathrop, AM2666, Senator.

LINDSTROM: Senator Lathrop, you're welcome to open on AM2666.

LATHROP: Thank you, Mr. President. Colleagues, these things sometimes take revisions and this is a perfect example of that. AM2666 has three parts. First, the amendment includes Senator Pansing Brooks's LB940. This is a clean-up bill related to the sealing of juvenile court records. All it does is delete a misplaced comma. Second, the amendment replaces a phrase in what was Senator Geist's LB975 to ensure that the Department of Health and Human Services can comply with all federal requirements. This new language was suggested by the department and is consistent with the intent of the original bill and the committee amendment. Third, the amendment harmonizes existing statutory references to YRTCs with the changes made in this bill and in LB1140. I would encourage your support of AM2666 as well as AM2637. Thank you.

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LINDSTROM: Thank you, Senator Lathrop. Turning to debate, Senator Howard, you're recognized.

HOWARD: Thank you, Mr. President. I rise in support of LB1148 and the underlying amendments. I would like to thank Senator Vargas for bringing this bill, as well as Senator Hilkemann for prioritizing it. It really highlights a challenge when we think about the kids in the YRC, because when they're placed at the YRTC, the juvenile courts have no oversight until the YRTC staff decide to discharge the youth, and this really creates a challenge because then there's no oversight of the treatment of the juveniles in this situation. And the court, who has ultimate jurisdiction over the child, has no way of knowing what programming is occurring, whether that's working for the child or not. And so LB1148 really does create some helpful reporting requirements so the courts at least have a sense of how that youth is doing. I-- I-- this is really important in the sense that what we have discovered in our fact finding is that there are kids who have been at YRTC for six months, nine months. There's one youth who's been there for two years and three months with no court review. And so we really feel as though LB1148-- or I really feel as though LB1148 will allow for that important court review prior to the release of that 60-day notice of discharge. So I would urge the adoption of LB1148 and the underlying amendments. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Senator Lathrop, you're recognized.

LATHROP: Just briefly, I did want to speak to Senator Vargas' bill and, of course, the revisions that are made in the amendments. When we had a hearing on LB1148, we actually had a county attorney come in, too, and you wouldn't expect that they would be out front on this. They came before the committee and told us that there isn't a process, once these kids are sent to YRTC-Kearney or -Geneva, to have the court review it. And this particular county attorney said everybody involved in this young person's case wants to have a review, but we have no mechanism for it. I think LB1148 is important in that it will allow a mechanism for review so that juvenile court judges can see what's happening. If the things that were expected to take place at YRTC are actually taking place, and if the young person is making progress, what that progress looks like, and that, frankly, it will also provide our judiciary with an opportunity to say, hang on a minute, I got this kid out there and they don't seem to be getting the services I expected them to get. And so it gives one more level of oversight as

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well, but more importantly, it allows the court to ensure that what they expected to happen at the YRTC placement is actually taking place. And with that, I would encourage your support. Thank you.

LINDSTROM: Thankyou, Senator Lathrop. Seeing no one in the queue, Senator Lathrop, you're welcome-- Senator Lathrop waives closing. The question is, shall the amendment to the committee amendment to LB1148 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted that care to?

VARGAS: Call of the house.

LINDSTROM: There's been a 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: 21 ayes, 3 nays to place the house under call, Mr. President.

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 Kolterman, could you please check in? Senator Hilkeemann, Quick, Pansing Brooks, McDonnell, Geist, Senator Erdman and Ben Hansen, the house is under call. Senator Hilkeemann, please return to the floor. The house is under call. Mr. Clerk, we will proceed with call-ins.

CLERK: Senator Kolterman voting yes. Senator Hughes voting yes. Senator Quick voting yes. Senator McDonnell voting yes.

LINDSTROM: Record, Mr. Clerk.

CLERK: Senator Pansing Brooks voting yes. 27 ayes, 0 nays on the adoption of the amendment to the committee amendment.

LINDSTROM: AM2666 is adopted. I raise the call.

CLERK: Mr. President, Senator Lathrop would move to amend with AM2810.

LINDSTROM: Senator Lathrop, you're welcome to open on AM2810.

LATHROP: Thank you, Mr. President. Colleagues, I want you to know that this is the result of a lot of attention to detail, and so we're going to make one more amendment. It should be pretty-- pretty simple. This amendment deletes a provision contained in the original or in

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introduced version of LB1148. This provision was intended to clarify existing law on the use of secure detention facilities as inpatient or treatment facilities. After discussion with various stakeholders about the various bills on YRTC's, it was apparent that this provision was making things less clear. As a result, I introduced AM2810 to delete this new language and provide appropriate clarity to the Judiciary Committee amendment, which will be adopted into AM1148 shortly. Thank you.

LINDSTROM: Thank you, Senator Lathrop. Seeing no one in the queue, Senator Lathrop waives closing. The question before us is the adoption of AM2810 to the committee amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

LINDSTROM: The amendment is adopted. Turning back to debate, seeing no one in the queue, Senator Lathrop, you're welcome the close on AM2637.

LATHROP: Just briefly, to thank those who were involved in crafting this as part of a package of bills dealing with the YRTC's, I appreciate all the work of those interested. That includes Senator Lowe, the Health Committee, DHHS, and the staff involved. And once again, I'd encourage your support of AM2637. Thank you.

LINDSTROM: Thank you, Senator Lathrop. The question is, shall the committee amendment to LB1148 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 33 ayes, 1 nay, on the adoption of committee amendments.

LINDSTROM: The amendment is adopted. Returning back to LB1148, seeing no one in the queue, Senator Vargas, you're recognized the close on LB1148.

VARGAS: Thank you, colleagues. I want to thank the committee Chairs. I want to thank Senator Howard and Senator Lathrop and both of their committees, along with Senator Hilkeemann for prioritizing this bill. The only thing I want to make sure to re-- reiterate here is I believe, and based on our testimony and-- and all the people that testified, that this is actually going to provide greater discretion than what currently exists in our juvenile court orders. We want to

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make sure that there is due process and transparency and the ability for the courts to weigh in, and this is going to ensure better transparency, communication, and coordination. And so I want to thank all of you, because this is a very important step for individualized accountability and balance. With this bill, this is a huge step for YRTC's, specifically, for the individual-- individual juvenile cases, so thank you. Please vote LB1148-- vote green. Thank you.

LINDSTROM: Thank you, Senator Vargas. The question is the advancement of LB1148 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 35 ayes, 1 nay on the advancement of the bill.

LINDSTROM: LB1148 advances. Mr. Clerk for items.

CLERK: I don't have any items right now. Mr. President. Thank you.

LINDSTROM: Thank you, Mr. Clerk. We will turn to General File 2020 Speaker priority bills, LB835.

CLERK: LB835 is by Senator Halloran, a bill for an act relating to the Nebraska Pure Food Act. It changes, eliminates definitions and provides a priority item designation, eliminates obsolete references and changes regulatory authority inspection reporting requirements. Introduced on January 8, referred to the Agriculture Committee, advanced to General File. There are committee amendments pending, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. Senator Halloran, you're recognized open on LB835.

HALLORAN: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. I wish to first thank Speaker Scheer for designating LB835 as a Speaker priority. LB835 updates provisions of the Nebraska Pure Food Act to incorporate provisions and concepts as contained in the 2017 Food Code. Our Pure-- our Pure Food Act was last updated in 2016 to incorporate the 2013 Food Code. The Nebraska Pure Food Act is the primary body of state law regulating food establishments. The Pure Food Act establishes standards for sanitation, preparation, storage, and accurate presentation of food items. Nebraska, like most other states, closely follows the model provisions of the Food Code, a publication of the U.S. Public Health Service, Food and Drug Administration, as regulatory standards. The

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Food Code is updated every four years to incorporate regulatory experience and advancements in understanding risk factors for foodborne illness. The Food Code provides a uniform and scientifically supported system of food safety standards. Its adoption by states and localities also helps assure consistency across state lines. Additionally, many state, federal, and local institution food and food service purchasers, interstate carriers, and private food purchasers typically specify food service vendors' compliance with Food Code standards. While most provisions of the Food Code are incorporated, some excluded provisions are adopted in modified form, as set forth in sections of the Nebraska Pure Food Act. These exclusions are listed in 81-2,244.01, modified by Section 1 of the bill. LB835 five will continue a trend of having fewer Nebraska Pure Food Act vari--variances from the Food Code. There are two significant changes in Food Code recommendations that have previously been excluded but will be incorporated in LB835. First, the bill incorporates 501.11, which requires food establishments to have a written plan to quickly respond to vomit or diarrhea contamination of surfaces. Certainly glad I did this before lunch. This was a new provision added to 2013 Food Code but not adopted previously. Secondly, LB835 incorporates Food Code section 6-301.14, which requires posting of signage at hand-washing stations notifying employees of the need to wash hands. It is my understanding that this requirement is already required by the Lincoln/Lancaster County and is already almost universally observed in the food industry. The remainder of LB835 makes some additional statutory maintenance changes to the Pure Food Act. Section 2 of the bill would expand food safety standards designated priority items to include the provisions of 81-2,272.01, which pertains to hot and cold holding temperatures for potentially hazardous foods. A priority item is def-- defined as a food safety practice or a standard that is directly critical to avoiding food safety risks and are required to be promptly corrected when observed. Next, Section 4 of the bill amends the information to be included on an inspection report, including designations of priority items. Priority items at one point were designated critical items. LB835 adopts the current terminology. Finally, LB835 repeals 80-- 81-2,243.01, which defines the term "egg handler." The bill also deletes an expired exemption to food establish-- establishment fees for egg handlers who had been previously licensed under the Graded Egg Act. LB835 was heard on January 21. There was no opposition testimony. The bill was supported in the hearing by the Nebraska Grocery Industry Association, the Nebraska Restaurant Association, and the Nebraska Retail Federation.

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These groups and others are represented on a pure food advisory committee to the Department of Agriculture, which reviews updates to the Food Code and recommends changes to be incorporated into our Pure Food Act. I will end here and open on the committee amendments.

LINDSTROM: Please proceed, Senator Halloran.

HALLORAN: Thank you, Mr. President. The committee amendment, AM2185, incorporates portions of LB321, brought by Senator Ben Hansen. Those provisions of LB321 added by the committee amendment are similar to the underlying bill statutory maintenance revisions to the Nebraska Weights and Measures Act. The Nebraska Weights and Measures Act authorizes and assigns duties to the Department of Agriculture to register and inspect weighing and measuring devices utilized for determining quant-- quantities of product sold by units of weight, measure, or volume, and to remove from service inaccurate and nonconforming devices. Essentially, the department provides third-party verification of the accuracy of weighing and measuring devices deployed in commerce. The act incorporates standards of equipment specifications for devices used for determining value in commercial transactions and protocols for testing accuracy of weighing and measuring devices that are utilized by the department in performing inspection functions. These standards are published by the National Conference on Weights and Measures and the National Institute of Standards and Technology, Handbooks 44 and 130, as referenced in the 89-186. These publications are updated periodically and from time to time the Legislature enacts legislation to adopt the most recent standards. Currently, the Weights and Measures Act incorporates the 2003 version of the Handbook 44 and 130. The amendment updates references to standards published by the National Conference on Weights and Measures, incorporated into the Nebraska Weights and Measures Act two most current editions. Currently, the Weights and Measure Act incorporates 2003 editions of the cited publications. Since confidence in the accuracy of commercial measuring devices is essential to the conduct of business and is in the commercial self-interest of commercial actors, the regulated industry is generally receptive to keeping pace with standards as they are updated and improved. The committee amendment to LB835 omits a provision of LB321 that would have removed the statutory prescription that the Department of Agriculture inspects each weighing and measuring device at least annually. That provision was controversial and accounts for the opposition testimony during the committee hearing. The committee amendment to LB835 does not change current law with respect to

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inspection frequency. The remainder of LB321 are minor statutory maintenance items that remove obsolete text. The committee voted 8-0 to advance LB835 as amended. I would request your adoption of the Committee Amendment and advancement of LB835.

LINDSTROM: Thank you, Senator Halloran. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I've been good. That makes me think of something that Mae West, a woman who I refer to as a Renaissance woman, a woman for all seasons, she had the kind of response to typical chauvinistic, narrow-minded comments and questions that were put to her. She said, when I'm good, I'm good; when I'm bad, I'm better. Let that soak in because I'm going to take some time on this bill, and in order to do that, I'm going to have to proceed slowly and deliberately. And I'm doing this because of a discussion yesterday of a bill that I took very seriously that others on this floor did not. And I believe the introducer this bill, Senator Halloran, asked how far-- no, that was Senator Hansen, B., who said, how far are we going to go? Or maybe it was Senator Halloran. It doesn't matter. They both were-- voted wrong on the bill. But I look at some of the language in this bill, and I wonder just how far in the world we're going to go. This is governmental intrusion. And how are the people who are affected by this bill going to know from one day to the next how to conduct their affairs when the Legislature will offer a bill like this? Now I have some amendments that I think might change the bill, some people might say improve the bill, others might say will do nothing. But what we want to have in the Legislature is good discussion. And I mentioned Mae West. There was a guy named Horace Greeley, I believe, and I thought of him because this morning we had some students from a place called Greeley, I think. Now don't know if it was named after Horace Greeley, who was a New York City publisher, I think. That was a long time ago, and when you get as old as I am and you have to think back that far, then things get a little hazy and it's difficult to determine where reality ends and fantasy or delusion may begin. But Greeley is a name that probably more people than Horace had. So Greeley, Nebraska, if there is such a place-- before I proceed, I'd like to ask Senator Lowe a question if he would respond.

LINDSTROM: Senator Lowe, will you yield, please?

LOWE: Yes, I will.

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CHAMBERS: Senator Lowe, were there some students here this morning from a place called Greeley, Nebraska? Do you recall?

LOWE: I believe they were from Gering.

CHAMBERS: Gering. Is there a Greeley, Nebraska, that you're aware of?

WILLIAMS: The answer is yes.

LOWE: Yes.

CHAMBERS: Thank you very much, with coach-- that's all-- with some coaching from Senator Williams--

LINDSTROM: One minute.

CHAMBERS: --that distinguished gentleman who knows that every move he makes, every breath he takes, every smile he fakes, every vow he breaks, every cake he bakes, every yard he rakes, and I think maybe his place he now takes. So if he would respond when I'm recognized, I have a question I'd like to put to him. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers and Senator Lowe. Senator Cavanaugh, you are recognized.

CAVANAUGH: Thank you, Mr. President. I'm just reading over the committee statement, and I wonder if Senator Halloran would yield to a question.

LINDSTROM: Senator Halloran, will you yield, please?

HALLORAN: Certainly.

CAVANAUGH: Thank you, Senator Halloran. I'm looking through the statement about the amendment and it says that it strikes obsolete text in Section 7. Could you walk me through what that means or what that does?

HALLORAN: Section 7?

CAVANAUGH: Yes.

HALLORAN: You're talking on the bill, LB835? The amend-- the amendment, excuse me.

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CAVANAUGH: The amendment.

HALLORAN: I beg your pardon. Well, there are certain provisions the act gets-- is renewed on a periodic basis, and some of those-- some of those are revised. What page are we looking at? Would you help me with that?

CAVANAUGH: I was looking at the committee statement and it just says Section 7 strikes--

HALLORAN: OK.

CAVANAUGH: --obsolete text, and I was trying to figure out what that-- what that actually does in the--

HALLORAN: Well, the text-- the text that's being stricken is, "on and after August 1, 1992," in Section 7.

CAVANAUGH: OK, so that's the obsolete text. Thank you. I just couldn't-- I couldn't figure that out.

HALLORAN: Certainly.

CAVANAUGH: Thank you, appreciate that. Senator Chambers, would you yield to a question?

LINDSTROM: Senator Chambers--

CHAMBERS: Yes, I will.

LINDSTROM: --will you yield, please? Thank you.

CAVANAUGH: I didn't get a chance to tell you yesterday. You always are wondering out loud if people are listening to you. You know, you keep doing it. Edgar Allan Poe is one of my favorites, and you were reciting "The Raven" yesterday. I learned "The Raven" from my father. Did you two recite it together on the floor back then?

CHAMBERS: What's the name of it?

CAVANAUGH: "The Raven," by Edgar Allan Poe.

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CHAMBERS: I don't want to go into too much, so I'll just give the first stanza, which is-- I always give, that people are familiar with. Will that suffice?

CAVANAUGH: Sure.

CHAMBERS: Once upon a midnight dreary, while I / pondered, weak and weary / Over many quaint and curious volumes of / forgotten lore-- / While I nodded, nearly napping, suddenly / there came a tapping, / As of someone gently rapping, rapping at my / chamber door. If I may digress, I think Edgar Allan Poe was streaming me, but he left the "s" off. He should have said "Chambers" door, but that would have meant that he and I had joint ownership of his establishment, which we didn't, so I think he just dropped the "s" and made it his "chamber" door. "'Tis some visitor," I muttered, "tapping at my / chamber door-- / This it is, and nothing more." Then, to set the mood, he said: Ah, distinctly I remember it was in the bleak / December; / And each separate dying ember wrought its / ghost upon the floor. / Eagerly I wished the morrow;-- vainly I had / sought to borrow / From my books surcease of sorrow-- sorrow / for the lost Lenore-- / For the rare and radiant maiden whom the / angels name Lenore-- / Nameless here for evermore.

CAVANAUGH: That was perfect. Thank you, Senator Chambers. Anytime you want to recite Edgar Allan Poe on the floor, just let me know. I'll be here listening.

CHAMBERS: All right.

LINDSTROM: One minute.

CAVANAUGH: Thank-- thank you, Mr. Speaker. I will-- or President. I will yield my time to Senator Chambers.

CAVANAUGH: Senator Chambers, 53 seconds.

CHAMBERS: Thank you. Mr. President, members of the Legislature, Edgar Allan Poe, as quiet as it's kept and as few people are aware of, was known as the father of the detective mystery, Edgar Allan Poe was, and he wrote very detailed, meticulous stories. He wanted the person reading to visualize what it was he was saying. And if he described a structure, a room, a person, a building, or a mood, you would visualize it from the words that he used. This is a man who loved--

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LINDSTROM: Time, Senator, but you're next in the queue.

CHAMBERS: Thank you, Mr. President-- a man who loved language and he wanted other people to see what he had in his mind to the extent that the production of language could cause them to see it. Now he didn't write this, but I think if he had writer's block at any time, then he knew how to get rid of it, for, you see, Edgar Allan Poe had a book that had every great piece of English literature in it, every word of every book and every short story, every poem that was ever written. All that Edgar Allan Poe had to do was to open that book and select words and put them together. Somebody once speculated, based on probabilities, that if you put 100 monkeys into a room, and each had a typewriter, and let them type long enough, they would actually produce all the works of Shakespeare just at random. Oh, by the way, the name of the book that Edgar Allan Poe had was the dictionary. That book has every word. All you have to do is look at those words in the same way that a mason or a house builder would look at brick, stones, and even concrete blocks, however they would be fashioned, and then you would construct whatever it was you wanted, but you had to have a plan. There is a logic to language and it is similar to what is found in mathematics. Some people have persuaded or taught computers how to translate one language into another by using principles of mathematics. A computer cannot think on its own. I don't use the gadget. As people say, though, garbage in, garbage out. But I've said enough in response to what Senator Cavanaugh asked me. I have to wing it on my own now, and I like to tell people what it is that I intend to do. I intend to take some time, time, time. There goes Senator Cavanaugh streaming into my mind when I said time. Hear the sledges with the bells-- / Silver bells! / What a world of merriment their melody / foretells! / How they tinkle, tinkle, tinkle, / In the icy air of night! / While the stars that oversprinkle / All the heavens, seem a-twinkle / With a crystalline delight; / Keeping time, time, time, / In a sort of Runic rhyme, / To the tintinnabulation that so musically wells / From the bells, bells, bells, bells, / Bells, bells, bells-- / From the ringing and the jingling of the bells. There is a word that describes language which approximates the sound that the language is dealing with. I want to pause while my friends leave, but I wish they'd stay. I have some more pearls to cast.

LINDSTROM: One minute.

CHAMBERS: I said I have some more pearls to cast. I intend to take many minutes and teach my colleagues something about me. If I give my

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word, my word is my bond and it's better and more reliable than any bond ever produced by the United States, any political subdivision, any company, because what that bond promises is what is delivered. And I have promised to take time to teach my colleagues that they should not mess with Mother Nature or offend the sensibilities and ridicule the dignity of the people--

LINDSTROM: Time, Senator.

CHAMBERS: --that Senator Chambers represents. Thank you, Mr. President.

LINDSTROM: You're next in the queue-- excuse me. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. Senator Chambers, I've been looking up some more Edgar Allan Poe, and I am embarrassed to say that I am not as good at memorizing poetry as you are. I have to-- I have to read it when-- out loud if I'm going to orate on it, so-- but I do appreciate all of the poetry that you enlighten us with on a daily basis in your "ERNIE-GRAMS," so thank you for that. I did want to take a minute to talk about what we had this morning with the Coronavirus briefing. And since this is a bill about food, I wanted to take a moment to talk about my concerns about what direction or plan we have for children in schools if we have to close schools. And I know that I asked that question this morning and there wasn't a clear answer, so I want the people of Nebraska to know that that's something that we as a body are thinking about and look forward to hearing and being able to disseminate what plan we will have for children, when schools are closing, that get their meals generally at school. I do have a school in my district that's over 90 percent free and reduced lunch, and I am very concerned about the children that attend that school, that that's their primary source of nutrition during the day. And so I hope that when we have to cross that hurdle, that we are actively working and-- and prepared for such things. And I hope that everyone is taking the spread of this virus seriously and not-- not panicking but doing due diligence, just like you would if we had an outbreak of the flu, prepare to be home, prepare to, you know, have cleanly habits, use hand sanitizer, don't shake hands, things like that, avoid touching your face. Those are all really important things. And I know that this body is acutely aware of all of that, but I just want to make sure that we are continuing to keep that at the top of mind for everyone, because the health and safety of the citizens of Nebraska and the

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citizens of the world is-- is what we are-- are faced with right now with this pandemic. I also would like to talk about another bill that we have. I believe it's still sitting in committee. And I don't know the number, but it's Senator Kolterman's bill that creates biocontainment facilities here in Nebraska. It would be a federal project, and it seems very timely to be discussing such a thing. We've got the university out here advocating just having their university day with students from all campuses. And we have only a couple dozen, maybe, bio beds here in Nebraska, which is more than most places. But if we were to move forward with this project, it's my understanding we would have upwards of hundreds of beds. And so I hope that we as a body can work together to prioritize moving that forward at this critical time, because this is not going away. And if anything, this is just the first pandemic that we're going to see. And so focusing our resources on building facilities that can help alleviate our healthcare system with biocontainment is essential to the health and well-being of Nebraska and the U.S. and the world. We've already seen that Nebraska is at the epicenter of addressing this crisis, And I hope that we as a legislative body can work to prioritize that very important piece of legislation that continues to bring the resources to Nebraska to help the people in this pandemic.

LINDSTROM: One minute.

CAVANAUGH: I will yield the remainder of my minute to Senator Chambers.

LINDSTROM: Senator Chambers, 54 seconds.

CHAMBERS: Thank you, Mr. President. I have just enough time to thank Senator Cavanaugh. A little snippet from a Poe poem: It was many and many a year ago, / In a kingdom by the sea, / That there lived a maiden you may / know / By the name of Annabel Lee; / And this maiden she lived with no other / thought / Than to love and be loved by me. Obviously, she wasn't talking about me, the "me" addressing this to thee. But I just wanted to take that 54 minutes [SIC] to show Senator Cavanaugh how much appreciated her generosity in extending me some time, time--

LINDSTROM: That's time, Senator.

CHAMBERS: --time.

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LINDSTROM: And you're next in the queue, and this is your third time.

CHAMBERS: Thank you, Mr. President. See, if you're patient and you take long enough, you can draw assistance to your side. But in all seriousness now, Senator Cavanaugh brought up something, and it just happens that I have here in my hand Volume 1A of the Statutes of Nebraska, and they're in those blue books that you might see, not the ones produced by the Legislature. And I turn to page 24. It's a provision from the United States Constitution, Article II, Section 1, Clause 6, succession to office of President: In case of the removal of the President from office or of his death-- I emphasize his death-- resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officers shall act accordingly until the disability be removed, or a President shall be elected. The disability could be death. Now you have an idiot in the White House. I told you how-- that he's a whoremonger. Don't get shook up. "Whore" is in the dictionary, and "whoremonger" is in the Bible. And a whoremonger is among those with liars, cheats and wizards who are going to wind up in the lake of fire and brimstone, which is the second death. That's from the book of Revelation. Your President is a whoremonger and he's going straight to hell, according to the Bible, if the Bible is right, and you all believe that it is. But you worship him. Why do I bring this provision? Because he's also a fool. He's also a fool. He was on an airplane with some congressman who tested positive for the virus. You know what the virus is now, but in case people don't, the Coronavirus. [SINGING] My, my, my, my, my, my, my, my Corona-- virus. And you know what this idiot said? I'm not going to be tested. And if you look at him, he's starting to look peaked. He's starting to look drawn. That big gut is starting to shrink. His gestures are not quite as expressive as they usually are. And if he's got the virus, he's old enough to be in that category of persons whom the virus is taking off this earth. You all remember the commercial, some of you: It's not nice to fool Mother Nature. It's not nice to fool with Mother Nature. You cannot, by thinking, cause a virus to cease its operation and function. I think this is a virus which Mother Nature decided to use to purge this earth of all old people, and I go when the wagon comes, too, because of the way the earth has been messed up. It's been contaminated. It's been fouled. It's been polluted. There are wars, rumors of wars--

LINDSTROM: One--

CHAMBERS: --racial hatred.

LINDSTROM: One minute.

CHAMBERS: And your President has something to do with all of it, so I'm looking forward to his not being tested and the expectation that he is contaminated. He's always been contaminated, but now I mean with the virus. I didn't give it to him. I don't shake hands and I haven't been shaking hands with people for years. Think of all the people he associates with. The Vice President, all those flunkies, bootlickers, running-dog lackeys that he surrounds himself with, all of them can go, one fell swoop. And some of you all might want to know why I use the term "International Harvester" for death. In the old days, Senator Hansen, people plowed by putting a mule in front of a plow--

LINDSTROM: Time, Senator.

CHAMBERS: Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Senator Cavanaugh, you're recognized and this is your third time.

CAVANAUGH: Thank you, Mr. President. And I would like to thank-- Speaker Scheer gave me some information about the USDA and meals. Secretary Perdue announces proactive flexibilities to feed children when schools close. And I would be happy to share that with the body as well. I think there's some useful information there. Still, further planning needs to happen to ensure that we're getting those kiddos fed during this time, but I appreciate that our federal government has made some proactive changes so that we can address that more easily. I would like to talk about LB306. Unfortunately, Senator Crawford is not in here right now, but since I'm talking about the Coronavirus, I think this is a really important opportunity to talk about another bill that is currently waiting for 33 votes so that it can come back to the floor for debate. This is Senator Crawford's bill that enacts five sick days for Nebraskans. If we were to bring it back, I would recommend that we as a body agree to amend it to 14 sick days so that our food service workers are able to take paid time off to stay home for the Coronavirus so that we aren't furthering-- further spreading this pandemic across our state to vulnerable populations, those that might be impacted by it the most. I-- I did buy lunch today and out even though the place that I went to for lunch was very clean and they

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had hand sanitizer and I know that people are taking it seriously, we also know that when people are sick and if they can't afford to, they're going to show up to work, and that's the last thing we want right now. So I would encourage everyone to proactively go talk to Senator Crawford and tell her you'll be on her vote card for LB306 so we can get some paid sick leaves in Nebraska so that we stop spreading this pandemic. It's-- I mean, this is-- we saw the data this morning. This is real. This is going to cost lives. And if people are sick and they show up to work, they're going to get more people sick. So I really hope that this body seriously considers LB306. And it's-- it's sitting out here just waiting for us to come back and debate it. And if people want to do that, we can make that happen. So I just-- I think that there's a lot of things that we have-- as a body haven't fully addressed when it comes to this pandemic and this pandemic, it's-- it's not coming. It's happening. It's here. It's on our doorstep. It's inside of our house. It's up in the attic. It's in the basement. It's in the pipes. We need to start acting like it. We need to take it seriously. We need to have plans in place for when this body gets sick, because we will. And we know that. We know that we're going to get sick, so we need to be addressing this head on. When our pages get sick, when the lobby gets sick, when the school groups that are coming here get sick, I mean, we-- we did stop having people here in the-- in the main floor, but they're still out there in the lobby and they're shaking hands and giving hugs. And so we need to be taking this seriously and trying to mitigate this as much as possible. Again, I just would like to reiterate LB306. Mr. President, how much time do I have left?

LINDSTROM: 1:38.

CAVANAUGH: Thirty-eight seconds.

LINDSTROM: 1:38.

CAVANAUGH: One minute, 38 seconds. One minute, 37 seconds, Senator Chambers. One minute, 36, 35, 34, 33, 32, 31-- [SINGING] time. it's on my side, yes, it is. Thank you, Mr. President. I will yield the remainder of my time, time, time, time, to Senator Chambers.

LINDSTROM: Senator Chambers, 1:05.

CHAMBERS: Thank you. Mr. President, members of the Legislature, not only am I a good instructor, but I have a very good student.

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LINDSTROM: One minute.

CHAMBERS: And I want to say something about what I was talking about. I think Trump is infected. I'm talking about with the virus. And he probably has infected the Vice President, so both of them are going to be gone. Now I don't know if Congress has enacted a law to say who would replace the Vice President when he croaks. Maybe they'd say the Secretary of State. Who? Speaker of the House? Speaker of the House-- I was given assistance-- that person will probably last because she is intelligent and she told Trump, "the rump" [SINGING] you don't own me, I'm not just one of your little toys, you don't own me--

LINDSTROM: Time, Senator. Mr. Clerk for a motion.

CLERK: Yes, Mr. President. Excuse me. Senator Chambers would move to amend the committee amendments with A-- with FA163, I guess.

LINDSTROM: Senator Chambers, you're welcome to open on your motion, FA163.

CHAMBERS: Thank you. And the committee amendment is AM2185, if I didn't write it correctly. But on page 1 of that committee amendment, I want to strike the word in line 24 "proper" and replace it with "appropriate." I think it is more appropriate to say "appropriate" in this set of circumstances than "proper." And while you all chew cud and meditate on that, I want to finish what I was saying about Speaker Nancy Pelosi. What these white men fear from-- about her is her "herness." See, he's got all these old white men with their nose-- well, if he made a certain-- sudden turn to the right or left, their nose would break. All these old white "Repelicans" in the Senate and the House are the poorest excuses for men I have ever seen, and you've got people in Nebraska trying to be just like them. That guy with no hair on his head in the Office of the Governor of Nebraska, he worships the NRA. He talks about creeping socialism. He supports that guy in Iowa who is a racist, who believes in, and said he does, racial profiling because that's a good tool for law enforcement because it puts you on the right track of people, that white people are superior, that European culture is superior, and other groups are trying to dilute it. And your Governor donates to his campaign, so birds of a feather flock together. If you walk with those who are lame, you yourself will learn to limp. And that guy, King, in Iowa and your Governor are limping in lockstep. But back to what I was going to say about these people croaking, Nancy Pelosi would make an excellent

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President. She comes from a political family, and she is intelligent. She doesn't deny the findings of science. She does not present as a policy this simple statement: Every day, in every way, things are getting better and better; since this is the best place in the world, everything in this place is the best in the world. Well, when Trump croaks, as he surely will, when Pence croaks, as he surely should, and Nancy takes over, her theme song will be what I touched on. And you know, Trump makes me sick. Just because he wears the title "President," you have to respect him when he laughs about grabbing women's genitals and says that's the thing to do, and when you're famous, you can grab their genitals whenever you want to and they'll let you do it and do anything you want to? And you all heard it and you all worship him still. Now you get mad at me for quoting what he said. You're not going to stop me from quoting what your President said when you worship him. You know why I called him a whoremonger? Because he paid off a woman he was buying sex from, paid her off. And you all know that, and you worship him. And he calls himself a Christian and you all say, amen, he's a Christian. That's what you do. The governor of Washington State is trying to do something effective because of the number of virus cases breaking out in Seattle. You know what your President called that pres-- that governor? A snake. That snake-in-the-grass in the White House called somebody a snake. But I wouldn't call Trump a snake. I actually like snakes. I respect snakes. They are some of the most beautiful animals on this planet, they are some of the most efficient animals on this planet, and they move faster without any legs than some animals do with legs. They can sometimes be a predator that moves after its prey and sometimes an ambush predator who waits for his prey, its prey. Nothing is more awesome. I don't say fearsome. If you respect that which is dangerous, you can be placed in awe of it. If you cross a certain line, you'd do right to fear it. But when that king cobra rises and spreads its hood, that is one of the most awe-inspiring sights you can see. And the cobra has a sound that is not just a "sss." That's for the run-of-the-mill snake. Why do you think they refer to it as the king cobra, not the king of cobras, the king, which means over all of the realm? Trump called that governor a snake, your President. Anybody he doesn't like, he name calls. Why don't you get upset with him? Because he owns you. White men need somebody like him because they're gutless themselves. Make America great again? It never was great, unless you call being the most cruel, bloodthirsty country on the face of the earth and terroristic country on the face of the earth great. Then America could be called that. There was never any nation as great as,

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when it came to raping black women, as white Christian Americans, your Presidents-- your Presidents, George Washington, Thomas Jefferson-- not just Presidents, but your great patriots like Patrick Henry. And I've told you Francis Scott Key was a slaveholder and a raper of black women and black girls. Look at Weinstein. Look at Prince-- what's his name, Andrew-- who is now stonewalling because he was running around with Weinstein, messing over these young 15-year-old girls and now he doesn't want to talk about it. And he's a member of the royal, they call it, royal family, a royal white family, the kind you white people worship. You're anglophiles. You worship anything from England or Britain, especially that accent. There are white people who cultivate what they imagine to be a British accent. Do you know that Wales-- is Wales a part of the UK? Who knows, is Wales a part of the UK, the United Kingdom? Is Scotland? Ireland? Northern Ireland? England? You know what your stupid President did? He put out a tweet talking about the Prince of Wales, but he spelled it w-h-a-l-e-s. All he had done was heard it. He had never seen it. So he put the Prince of "Whales" and talked about what a great guy the Prince of Wales is. I thought he may have been a literary person and was talking about Moby Dick and had christened him the "Prince of Whales." Then I found out he was talking about a person in Wales, W-a-l-e-s, your President, your white, superior President, ruling your country because a majority of you white Christians wanted a whoremonger and you got him, a name caller--

HUGHES: One minute.

CHAMBERS: --and you got him. And for people like Weinstein, Weinstein said, I don't brag-- grab-- brag about grabbing women's genitals. But your President did. And you think just because that slob has the title "President" hung on him, it cleanses him from all the wrong that he has done and continues to do? You must be out of your mind if you do that, but most Americans are. They are so lacking in self-confidence and self-respect that badges and titles mean everything to them. How much time do I have on this opening?

HUGHES: Sixteen seconds.

CHAMBERS: Then I'll turn on my light.

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

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CLERK: Can I make an announcement?

CAVANAUGH: Thank you, Mr.--

HUGHES: Oh, excuse me, Senator Cavanaugh. Announcements, Mr. Clerk.

CLERK: Sorry. Thank you. Excuse me, Senator, very quickly. Revenue Committee will meet in Executive Session at 4:00 in Room 2022; that's the Revenue Committee. And two items: Senator Geist, an amendment to LB814, Senator Williams to LB1055, to be printed. Thank you.

HUGHES: Thank you, Mr. Clerk. Thank you, Senator Cavanaugh. You are recognized.

CAVANAUGH: Thank you. Would Senator Chambers yield to a question? He looks like he's in the middle of something.

HUGHES: Senator Chambers, will you yield?

CAVANAUGH: Sorry, Senator Chambers.

CHAMBERS: Yes, I will.

CAVANAUGH: Oh, I-- it's a-- I was asking-- going to ask if you were familiar with the artist Lizzo.

CHAMBERS: Who?

CAVANAUGH: Lizzo.

CHAMBERS: No, I don't think so.

CAVANAUGH: Oh, well, you would love her. She's just a beautiful, talented woman.

CHAMBERS: Oh, you said Lizzo, L-i-z-z-o.

CAVANAUGH: Yes.

CHAMBERS: I thought you said "Litho." Yes.

CAVANAUGH: Yeah.

CHAMBERS: Yes, I'm familiar with her.

CAVANAUGH: Well, I just noticed that some of your songs, maybe you need to add some updates to your repertoire and I would highly recommend Lizzo. Again, I'm going to-- I'm going to just read some of it because I don't want to get her lyrics wrong, but I'm going to read this for you, sort of sing it: Woke up feeling like I might just run for President / Even if there ain't no precedent / Switching up the messaging / I'm about to add a little estrogen / Buy-- buy-- buy my whip by myself / Pay my rent by myself. I think that's one you-- you should-- you should take a good look at. Another one of my favorite Lizzo's is-- and this one would've been more import-- appropriate yesterday on LB1060. I do my hair toss / Check my nails / Baby, how you feeling? / Feeling good as-- h-e double hockey sticks-- Hair toss / Check my nails / Baby, how you feeling? / Feeling good as-- h-e double hockey sticks-- Woo child / Tired of the-- maybe I should stop there for these lyrics.

CHAMBERS: Probably.

CAVANAUGH: You should-- you-- but you should look them up. I think there's a radio version. I didn't get the unedited versions today. I did want to go back to talking about LB306 and the 14 days of sick leave. There are some companies that are starting to offer 14 days of sick leave for Coronavirus and I-- I encourage all Nebraskans to Google search what they are so you can figure out where you're safe to shop and eat. Again, Nebraska, we could be a leader in this. We could be a leader in biocontainment. We could be a leader in-- in making sure that the virus doesn't spread as quickly by having the 14-day paid leave. We could-- instead of cutting payroll taxes to do that, we could use payroll taxes to pay for this leave. There's a lot of opportunity here for us to be a forward thinker and a leader in the country in how to address a pandemic. And I hope that we as a body can work on that together, because these are some really important issues and we don't even have to suspend the rules to do it. We can just bring back a bill, put an amendment on there, and we can be one of the first states in the country that has biocontainment and statewide 14-day leave for the Coronavirus. This is something that really, if-- when we're talking about needing to recruit and retain a workforce, wow, I would want to move to that state. Whatever state does those things, that's where I want to be. And I-- I think-- I think we should look at it. I think we should consider it. I-- I appreciate Senator Chambers' floor motion here today. I probably-- I probably am done

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with what I have to say for the day. But, Senator Chambers, would you like some more time? I'll give Senator Chambers my time.

HUGHES: Senator Chambers, 1:26.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I think I'd referred to Senator Hansen, B., earlier when I was talking about death and the Grim Reaper and why I refer to him as the International Harvester. Everything is updated. When this was an agricultural economy, they would portray death, a skeleton, naturally--

HUGHES: One minute.

CHAMBERS: --with a cowled cloak, and he had a scythe. But as we are entering the land of the time of tractors, John Deere, Allis-Chalmers, and all this technology, even death updates and is no longer the Grim Reaper but, rather, the International Harvester, and we give a plug to that company. But Senator Hansen, B., pays attention. I'd been saying Weinstein. And the one that the prince was hooked up with was Epstein. He listened. Some of you probably said, he's wrong, he means Frankenstein, and you don't even know who Frankenstein is, do you? Well, we're going to go through some things and everybody will know more at the end of the day than they knew when we started. Thank you, Mr. President.

HUGHES: Thank you, Senator Chambers. You are next in the queue.

CHAMBERS: Thank you. Mr. President, I was talking about Mae West, among other things, and Mae West is why Horace Greeley-- I'd touched on him too. Nobody could tell me about Greeley. He had a slogan that he addressed to young men, and he probably knew Mae West. She would have been his kind of woman. She said, good girls go to heaven, bad girls go everywhere. You know what Horace Greeley told young men? Go west, young man, go west, and he probably was talking about way-- Mae West, who hadn't even been born yet, as far as we know, but there could be such a thing as reincarnation. You were not there. You don't know whether Mae West was there or not. But way-- Mae West is a person whom young women would do well to study. In fact, I once wrote a rhyme about her, and if I can find it, I'm going to make it one of my "ERNIE-GRAMS". She was a strong woman. She was an intelligent women-- woman. And you can make her plural because she could be a lot of things. She was not what one man, sugar daddy, might tell her, you're

to be this when I come see you. They didn't tell Mae West what they were going to do. They requested and they didn't get out of line. They did not demean or degrade her because she had a profound sense of self and self-respect; and she intimidated these cowardly white men who were basically cowards, but if they have something that will intimidate other white men, they will bully them and walk on them. That's where milquetoast comes from, the white man who's afraid of another white man because the one he's afraid of has something that milquetoast wants and he'll do anything to try to get it. If you want to see a different version of Mae West with whom you may have more familiarity, think of Dolly Parton. One time she broke a fingernail and somebody said, oh, Dolly, you broke a fingernail. She laughed. She said, I can get another one, all these are false. How many women are strong enough, self-confident enough to say, yeah, these are false fingernails, even if everybody knows? You all need to get away from this thing that a woman walking around in a cloak-- I'm talking about a nun-- and taking that as a model for you. There was an order of nuns and their function and role, you Catholics, was to pleasure these priests sexually. That's what that order of nuns was for, and it was exposed along with all this other trashy stuff that the whore of Babylon, the Catholic Church, has been involved in. Every place it has ever set-- set up, it has had child abuse, abusing little boys and little girls, and grown men and grown women also, and hiding behind God and the Bible and what Christ wants. Well, I say, for Christ's sake, Christ, strike one or two of them. But there's nobody to do the striking. Old King Cole was a merry old soul, and a merry old soul was he. He called for his pipe, he called for his bowl, and he called and he called and he called. How can you grown people be so foolish that you pray to plaster saints and you think they're dead people praying for you?

HUGHES: One minute.

CHAMBERS: And the ones who taught you that are child sexual assaulters and protected by the Pope. And one of them became a pope, Joseph Ratzinger, Ratzinger "the rat." He was the one who became Benedict XVI, and the Benedict you all know is Benedict Arnold. I watch you people and listen to you, and you want to act like you're the cream of the crop, you're the best country in the world, you're the best people in the world, and you worship a whoremonger and made him your President and you honor him every day. And you don't want me to call

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him what he is. Well, that's what he is. I'll turn on my light, Mr. President, and stop for now.

HUGHES: Thank you, Senator Chambers, and you are next in the queue.

CHAMBERS: Thank you, Mr. President. Let me settle down here. Let me become calm again. When was America ever great? When they had slavery, they feel, because they could go and have sex with those black women and girls whenever they wanted to and leave their white women frustrated. Here's Mrs. Jefferson trying to knit. She can't even knit. She's shaking because she's thinking of Tom down there shaking in another way. He's been messing where she thinks he shouldn't have been messing. He's been plowing fields that are dark earth, not that pale, alkaline-color thing that was waiting in that bed for him, knowing he was not coming. And when he did, he didn't come for her, Thomas Jefferson, your President. And then you've got people like Groene saying I shouldn't point the finger. Then he's going to say children should not have legal representation because they're little criminals. What was Thomas Jefferson? Can't you hear Patrick Henry talking: Is freedom so precious or lives so dear to be purchased at the price of chains and slavery? And he had slaves! Then when a black man, who also lived in Virginia and may have heard him talking, and he heard what Patrick Henry said, but then Patrick Henry caught his breath and said something else: I know not what course others may take, but as for me, Patrick Henry, give me liberty or give me death. And there was a man named Nathaniel Turner, and he was black. And he said, by God, old Pat makes a point; they have put chains on me and make me a slave; I don't know what course others may take, but as for me, give me liberty or I'll give you death. And he led what they call an insurrection. When white people did it, they called it a revolution. No white man on this side of the ocean was enslaved by Britain or anybody else, but these black men were, chained like beasts and treated like beasts, and the women and girls raped. And they loved, by the way, from some of the writings that people have uncovered, they loved anal sex. That's what they loved. Don't look embarrassed. Your Presidents did it. Don't criticize Epstein and Weinstein and Bill Cosby or any of the others. Don't talk about Prince Andrew. All he's doing is what your Presidents did, the founding fathers of your country. And then you don't want me to have an amendment adopted to a bill, which I shall try again, on sex trafficking that would set up a registry.

HUGHES: One minute.

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CHAMBERS: And the-- there are ten charter members: Presidents; the fifth Chief Justice of the United States; the greatest patriot you ever had, Patrick Henry; the one who wrote your national anthem, Francis Scott Key, all of them slaveholders, like you all would be, if you could, based on the way you react. You all probably wish you could have some slave. I know these men wish that they could do with black women what they want to do, and they wish they could tie me up and lash me like they did my ancestors and forebears. And I'm supposed to like that? All I'm doing is talking, and you don't like me talking. And they did horrible things to black people. You think I'm as crazy as you all are? I'm not mad in the sense of being insane, but I'm indignant. And there was a white guy who wrote a book.

HUGHES: Time, Senator.

CHAMBERS: Thank you, Mr. President.

HUGHES: You are next in the queue and this is your third opportunity.

CHAMBERS: Thank you, Mr. President. He said-- the book was 1984-- there was truth and there was untruth and if you clung to the truth, even against the whole world, you were not mad. You all don't believe that. You clump together like lemmings. You follow behind. That bald-headed man over there in the Governor's seat can snap his fingers and say jump and you all say, how far? Oh, that's what the typical flunky does. You all are syco-- sycophants. So when he says jump, you jump first and you say, is this far enough? I watch you. He appoints some of you. You're little Sir Echo and little Madam Echo. They give you these gadgets that I don't use. But a funny thing, with my pen and a piece of paper, I think I'm more prolific with the language than you all are with your gadgets. I like the heft and feel of books that are bound. I like to turn the pages and read. I like to savor what is on that page. And if I disagree with it and it's my book, then I write a response in the margin to the author and we carry on a conversation. And you think that's insane, but you talk to it and it will talk to you. You will learn how to lift yourself out of yourself in a narrow surrounding like this, in this Legislative Chamber, which makes some of you all think you're great stuff. You're a state senator in Nebraska, and you haven't done as much as I, the descendant of what you call slaves, an inferior one. If I was deeming myself superior, there's no way the descendant of an inferior could put me to shame in the use of my native language, and it was not his native language. He doesn't even know his native language. They wouldn't let him learn it

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because they sensed this. They didn't think it out. Each word is like a teabag, in a sense. It's a miniature container of history. Each word of your language has meanings like you find in the dictionary. Then there are connotations. Then there are other forces that come into play when you hear that word. You might hear bright, bright, sunshiny day, and somebody might think of the sun shining, no clouds, a blue sky, and birds twittering. Somebody else might think of it in terms of the life he or she is living, and all of a sudden things turn for the better, and now things are looking up. There are no things looking up. Things don't have eyes. Sentient beings have eyes. Words have a lot of different meanings. And you all spend so much time looking at that screen and having ideas fed to you, then you got a whoremonger President making fools out of you and you wonder why I have contempt when I come to this place. It's not for you all. I feel sorry for you all. You didn't have a chance. When you came into this world, they started that conditioning, trying to make you think you're better than everybody else, smarter than everybody else, then you go to school and you find out you don't know "a" from "bullfrog," and people laugh at the way you talk, laugh at the way you walk, laugh at the way you dress.

HUGHES: One minute.

CHAMBERS: Well, when I was back on the farm, people didn't laugh at me when I talked. Everybody said, oh, he sure is smart. And now I'm here and into college and they laughing at me every time I talk, so I ain't going to talk no more, because you lived on the edge of a meadow or on a farmstead and didn't know how to properly speak English as the people at the school you're going to attend visualize proper speaking of English. And when you're laughed at and mocked, you don't like it. Then you will mock somebody else you don't even know who's never done anything to you because your grandma, your grandpa, your mama and your daddy told you that these people are inferior, yet they're taking an engineering course and you're taking home ec, and you're not passing that. I went to school with all white people. No white person I ever met in my life did I deem smarter than me.

HUGHES: Time, Senator.

CHAMBERS: Thank you, Mr. President.

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HUGHES: Seeing no one else in the queue, Senator Will-- Senator Chambers, you're welcome to close on FA109.

CHAMBERS: Was that my third time?

HUGHES: That was your third time.

CHAMBERS: OK. I guess after I finish this, I'm going to have to put a reconsideration motion up there. The "Bible" said the way of the transgressor is hard. But what it-- it also suggests is that if you help yourself, you will grow-- grow stronger in those things that you're doing. So I just pay attention to your rules, and if this was a bill that I thought something of, there are some amendments that I would offer which people would take seriously because they would be serious. But this one that I'm offering, it doesn't matter whether you accept it or not because, instead of "proper," it says "appropriate." And if you read the language that comes before it and follows, you'll see that "appropriate" is more suitable than "proper." "Proper" is a word that carries emotional content; "appropriate" is one that does not. Appropriate means suitable for the purpose; proper means that the people who are hoity-toity will deem it to be good. But white people wrote the original language, and that's what you all want to keep, so you can keep it. But I'm going to do what I can under the rules of the Legislature. I'll follow the rules of whatever game I find myself in. Even if I stumbled into it and didn't know at first, but survival in the way I wanted to survive required me to master the rules, then I'd master the rules. You all don't hear me boasting about when I was in the Army, do you? Because I never went overseas. I never shot at anybody. Nobody ever shot at me. I didn't like being there. So why did I go? Because there was someplace I'd rather be. And that makes me think of something that Billy Joel sang in a song: John at the bar is a friend of mine / He gives me my drinks for free / He's quick with a joke and he'll light up your smoke / But there's someplace that he'd rather be. He should have said someplace else he'd rather be. Then: la-de-da / de-da-da. And the song was the "Piano Man." Play me a song, you're the piano man / Play me a song tonight / We're all in a mood for a melody / And you've got us feeling all right. Then the old guy came: Son, can you play me-- he didn't say melody-- can you play me a memory / I'm not really sure how it goes / But it's sad and it's sweet / And I knew it complete / When I wore a younger man's clothes / La-de-da / La-de-da / dum-dum-dum-dum-- He played the piano. That was Billy Joel, in case you didn't know. And for you Catholics, he sings a song about Virginia, and he says Catholic girls start too late. The

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name of the song is "Only the Good Die Young." I didn't write it. Billy Joel wrote it, and all Catholic girls who heard it, they say amen and they like it. He talks about how the girl's mother didn't like him. She said all he could give her was a reputation. And he also said, you didn't count on me when you were counting on your rosary. Those are songs-- Billy Joel was a Catholic and he's a Christian, just like Jesse James was a Christian, so was Frank James, and every time they pulled off a successful robbery or knocked off a train, you know the first words out their mind-- their mouth? Thank you, Jesus.

HUGHES: One minute.

CHAMBERS: You said time?

HUGHES: One minute, Senator.

CHAMBERS: Thank you, Mr. President. I'm compiling-- or composing, and I don't want to launch into another direction until I have enough time. And I will ask for a call of the-- I'll stop now and I'll ask for a call of the house and a roll-call vote.

HUGHES: Thank you, Senator Chambers. There's been a 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: 11 aye-- or, excuse me, 12 ayes, 3 nays to place the house under call, Mr. President.

HUGHES: The house is under call. Senators please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel leave the floor. The house is under call. Senators Kolterman, Lathrop, Gragert, Briese, Crawford, Bolz, Lindstrom, Linehan, Ben Hansen, Friesen, Erdman, and Groene, the house is under call. Senator Briese, would you please check in? Senator Linehan, would you please check in? Senator Groene, the house is under call. Senator Chambers, we are only missing Senator Groene. Do you wish to proceed or wait? There's been a request for a roll-call vote in regular order, Mr. Clerk.

CLERK: Senator Albrecht.

ALBRECHT: No.

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CLERK: Voting no. Senator Arch.

ARCH: No.

CLERK: Voting no. Senator Blood. Senator Bolz.

BOLZ: No.

CLERK: Voting no. Senator Bostelman.

BOSTELMAN: No.

CLERK: Voting no. Senator Brandt.

BRANDT: No.

CLERK: Voting no. Senator Brewer. Senator Briese.

BRIESE: No.

CLERK: Voting no. Senator Cavanaugh.

CAVANAUGH: Not voting.

CLERK: Not voting. Senator Chambers.

CHAMBERS: Not voting.

CLERK: Not voting. Senator Clements.

CLEMENTS: No.

CLERK: Voting no. Senator Crawford.

CRAWFORD: No.

CLERK: Voting no. Senator DeBoer.

DeBOER: No.

CLERK: Voting no. Senator Dorn.

DORN: No.

CLERK: Voting no. Senator Erdman.

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ERDMAN: Not voting.

CLERK: Not voting. Senator Friesen.

FRIESEN: No.

CLERK: Voting no. Senator Geist.

GEIST: No.

CLERK: Voting no. Senator Gragert.

GRAGERT: No.

CLERK: Voting no. Senator Groene.

GROENE: No.

CLERK: Voting no. Senator Halloran.

HALLORAN: No.

CLERK: Voting no. Senator Ben Hansen.

B. HANSEN: No.

CLERK: Voting no. Senator Matt Hansen.

M. HANSEN: No.

CLERK: Voting no. Senator Hilgers.

HILGERS: No.

CLERK: Voting no. Senator Hilkemann.

HILKEMANN: No.

CLERK: Voting no. Senator Howard.

HOWARD: No.

CLERK: Voting no. Senator Hughes.

HUGHES: No.

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CLERK: Voting no. Senator Hunt.

HUNT: No.

CLERK: Voting no. Senator Kolowski.

KOLOWSKI: No.

CLERK: Voting no. Senator Kolterman.

KOLTERMAN: No.

CLERK: Voting no. Senator La Grone.

La GRONE: No.

CLERK: Voting no. Senator Lathrop.

LATHROP: No.

CLERK: Voting no. Senator Lindstrom.

LINDSTROM: No.

CLERK: Voting no. Senator Linehan.

LINEHAN: No.

CLERK: Voting no. Senator Lowe.

LOWE: No.

CLERK: Voting no. Senator McCollister. Senator McDonnell.

McDONNELL: No.

CLERK: Voting no. Senator Morfeld.

MORFELD: No.

CLERK: Voting no. Senator Moser.

MOSER: No.

CLERK: Voting no. Senator Murman.

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MURMAN: No.

CLERK: No? Voting no. Senator Pansing Brooks.

PANSING BROOKS: Not voting.

CLERK: Not voting. Senator Quick.

QUICK: No.

CLERK: Voting no. Senator Scheer.

SCHEER: No.

CLERK: Voting no. Senator Slama.

SLAMA: No.

CLERK: Voting no. Senator Stinner.

STINNER: No.

CLERK: Voting no. Senator Vargas.

VARGAS: No.

CLERK: Voting no. Senator Walz. Senator Wayne.

WAYNE: No.

CLERK: Voting no. Senator Williams.

WILLIAMS: No.

CLERK: Voting no. Senator Wishart.

WISHART: No.

CLERK: Voting--

WISHART: No.

CLERK: --no. Thank you. 0 ayes, 41 nays, Mr. President, on the motion.

HUGHES: FA109 fails. Items, Mr. Clerk?

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CLERK: Thank you--

HUGHES: I raise the call.

CLERK: Thank you, Mr. President. An amendment: Senator Lathrop to LB1198. And a new A bill, LB918A, by Senator Wayne, it appropriates funds to implement LB918. Mr. President, Senator Chambers would move to reconsider the vote-- the vote just taken.

HUGHES: Senator Chambers, you're welcome to open on your reconsideration motion.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, while a lot of you are here, I'm going to tell you how I can take the whole day without even having to write an amendment. There are two motions. I can move to recess to a specific time, and there will be a vote taken without any comment, unless the Speaker wants to say something, and that'll be voted down. Then I'll make a motion to adjourn, and there won't be any comment; and the Speaker will be allowed to speak, and that'll be voted down. Then I'll allow somebody to say something, whatever they were doing or talking about when I made my motion. Then I will make a motion to recess again, and that'll be voted down. Then I'll move to adjourn, and that'll be voted down. Then I'll let a little more business transpire, and I won't participate in that and waste my time. Then I'll make a motion to recess. Check your rules and see if I can do what I'm talking about. I don't have to work as hard as I do writing these amendments and reconsideration motions. I play by your rules. You don't know what is available in your rules. You won't even read that thin, little booklet that comprises your rule book. And that's why I can beat you and I will always beat you. I'll beat you like a bass drum, but I'm not going to do that because you're not a bass drum. I will try to instruct you because this is my last rodeo, and there might be a thing or two some of you might need to use when your back is against the wall and everything and everybody happens to be against you. Then you can pull something out of the bag or out of the rule book. But they don't have to worry about you because you don't have the backbone to stand up. You'll swallow spit and be like the person who always thinks of the perfect response to something said to you three hours later, and it doesn't matter because you wouldn't have said it at the appropriate time anyway. And that brings me around to my amendment before you. Here's what the sentence says on page 1 of the committee amendment, the sentence of which my amendment is a part. Oh, I should read it aloud, starting on page-- on

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line 19 on page 1: The uniform regulation for the method of sale of commodities of the National Conference on Weights and Measures published in National Institute of Standards and Technology Handbook 130 and titled Uniform Laws and Regulations in the Areas of Legal Metrology-- it doesn't say meteorology, metrology. You all got to find out what metrology means. Do you know what metrology means? Is this a misspelled word or is there such a thing as metrology, or doesn't it really matter to you? It obviously doesn't matter to those who put this in here because it's the new language, but continuing-- in the Areas of Legal Metrology and Engine Fuel Quality as it existed on January 1, 2019. Such handbook shall be used to determine the proper units of measurement to be used in the keeping for sale or sale commodities. Instead of saying to determine the proper units, it would be the appropriate units. And "appropriate" is the more appropriate word in this context than "proper," but you're not going to accept it and you don't need to accept it. It won't make any difference which word you use. Nobody's going to read it. I bet not one person on this floor, including the Chairperson, has read every word in this amendment. I said on this floor, not in this Chamber, because there is-- I don't know if-- yes, he's here, who has read every word, digested it. But going back to what I was doing, I'm deliberately taking all of this time with nothings-- with nothings. I would waste my time if I talked about things of consequence, but not completely because there are people who watch us and they would suffer, even through this, because they would feel that there's something that's coming. They don't know what it is, but if it does come, they want to be there to see it. And there are some people who stay on the floor because they don't have anywhere else to go. There was a guy who sang a song, "No Particular Place to Go," but I'm not going to sing it, so you may as well stay here. There is an expression: Hell hath no fury like a woman scorned. Do you know that a woman did not write that? A woman did not write it to warn. Whenever men want to be especially insulting, they make it a woman, in some way, who is going to be the fall person. Something that might have preceded that was ang-- heaven hath no anger like love to hatred turned, nor hell of fury like a woman scorned. You don't know whether what I said is a part of a poem or not, if you're honest. You never heard of that. You didn't know there were words that preceded "Hell hath no fury like a woman scorned." With all this talk of Hell, nobody who talks about it has ever been there. So they describe it in different ways, and all of them are designed to put you in fear, not persuade you to do the right thing because it's right, that you will like it, it will make you a

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better person, and when you're a better person, the world itself has improved that much, the world is better as you become better. But that's not it. You all have been abused when you were children, so you abuse little children now. You think if you holler at them, if you shake them, if you knock them around because they don't do what you tell them to do, you think that's going to make them do what you want them to do? If you put enough fear in them when they're around you, they will do exactly what you want them to do so that they won't suffer those evil consequences at the hands of this Christian. But let them get out of your sight and out of your range and they become what some people would call a little hellions. You, in them-- you build up wrath in them against the day of wrath, as the "Bibble" says. And some of those children will go out and do things to others, and some of those children become patricides and matricides. You all think Lizzie Borden was a horrible woman, don't you? How many of you read anything about or cared anything about Lizzie Borden before she became famous? Lizzie Borden took an ax and gave her mama 20 whacks, and when she saw what she had done, she gave her daddy 21, most famous acts, murderous, in history--

HUGHES: One minute.

CHAMBERS: --or even literature, because they've made movies and written stories about her and not one of the writers ever talked to her, but she may have beat the rap. But I'm going to make you all read about Lizzie Borden before you know whether she beat the rap or not. You don't even know if there was a real Lizzie Borden, do you? You don't know, and that's how teachers from the kindergarten up through the post-doctoral programs-- post-doctoral programs will vice your mind, because they know that all along that path you took, through all of these different schools and levels of education, never did anybody encourage you to think or ask questions, so you are like a sponge and you absorb and you can give back only what they gave you. Thank you, Mr. President.

HUGHES: Thank you, Senator Chambers. And you are next in the queue. You may continue.

CHAMBERS: OK. Are we having fun yet? I am. Senator Briese looked at me. That's all it takes to provoke me. But I had enough in my tank anyway, so I'm not going to be provoked by him. But I'll tell you one thing where Senator Briese is smarter than a lot of people. He doesn't have to lose too many wagers before he decides that wagering with

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certain people is not a wise thing to do if you think you're going to win. I'd like to ask Senator Briese a question while he's sitting there minding his own business.

HUGHES: Senator Briese, will you yield?

BRIESE: Yes, I will.

CHAMBERS: First of all, Senator Briese, you're a lawyer. And a person should never be presumptuous. Maybe I was presumptuous. While you were sitting there, were you minding your own business?

BRIESE: Yeah, I was. I was thinking about the time in the Judiciary Committee here a couple weeks ago when you-- oops. Senator Chambers is not listening to me. I was thinking about the time in Judiciary Committee a couple weeks ago when you said, Senator Briese, I am forever indebted to you, so I'm still trying to decide what that means.

CHAMBERS: Do you remember the circumstances when I said that?

BRIESE: Yes.

CHAMBERS: What were the circumstances? Because others are very curious.

BRIESE: Because you-- you thanked me for provoking you, and you launched into a 43-minute oratory about some interesting matters.

CHAMBERS: Had I not said anything to you prior to that at the hearing?

BRIESE: Oh, maybe a question or two.

CHAMBERS: And something happened that at least I indicated provoked me to say those words, correct?

BRIESE: Yes.

CHAMBERS: I'll bet you don't remember those words.

BRIESE: No. It was simply my closing, I believe.

CHAMBERS: Are you sure?

BRIESE: Yeah.

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CHAMBERS: Thank you, Senator Briese. You had people sitting on the edge of their chairs. When you said that, I saw people lean forward. You ought to get up and do what I'm doing because people will listen to you. One of these days, I'm going to have some amendments and motions and I'm going to go around the room and ask everybody who is here a question that will be relevant to what the motion or the amendment is about. I'd like to ask Senator Briese another question if he would respond.

HUGHES: Senator Briese, will you yield?

BRIESE: Yes.

CHAMBERS: Senator Briese, in view of what I said and what you've said, would you like to make a little wager?

BRIESE: Absolutely not.

CHAMBERS: Oh, well, sit down. I thought he was getting enough courage, and it was a wager he couldn't lose. He could not lose it, no matter what he said or didn't say. Now he's wondering what it could be that we would wager on and if he said nothing, he'd win; if he said something, he won-- he'd win. No matter what he said, he'd win. It would be a win-win-win situation. But now you all will never know because Senator Briese deprived you all of that opportunity. And one of these days when just he and I are in a conversation, I'm going let him know what the wager would have been. I wonder if he'd like to make a little wager as to whether I'll do that, but he's too smart, because you never bet against the house. And, Mr. President, how much time do I have?

HUGHES: One minute.

CHAMBERS: That's just enough time to wrap this up and say that we're in the posterior portions of the day. Not much of anything can be done at this point. But if something can be done, I would not want to stand in the way of the Legislature fulfilling its responsibility as the third and most powerful branch of government. The Legislature, in my view, has paramountcy, so in order to allow that to be demonstrated, I withdraw-- I withdraw that motion, Mr. President.

HUGHES: So ordered. Senator Halloran, seeing no one in the queue, you're welcome to close on your committee amendment. Senator Halloran waives closing. The question before us is the adoption of AM2185. All

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those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on adoption of committee amendments, Mr. President.

HUGHES: Thank you, Mr. Clerk. Seeing no one else in the queue-- Senator Chambers, you're recognized.

CHAMBERS: Just one thing: There was not a call of the house that I heard. Maybe there was, but I looked up and here's what I thought of, a song called "Eleanor Rigby." And it said, look at all the ugly people / Where do they all come from? / Look at all the ugly people / Where do they all come from? That's what I thought of when I saw them flow in here, not the ugly, but all these people come in all of a sudden. But they know what they are and what they look like, so I'll leave that alone. Thank you, Mr. President.

HUGHES: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Halloran, you're welcome to close on LB835. Senator Halloran waives closing. The question before the body is the advancement of LB835 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Please record, Mr. Clerk.

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

HUGHES: The bill advances. Mr. Clerk for a motion.

CLERK: Mr. President, two things, if I may. First, Senator DeBoer would like to add her name to LB627 and LB755, and Senator Pansing Brooks would move to adjourn the body until Wednesday, March 11, at 9:00 a.m.

HUGHES: Thank you, Mr. Clerk. Colleagues, you've all heard the motion. All those in favor say aye.

WAYNE: Roll-call vote.

HUGHES: There's been a request for a roll-call vote--

CHAMBERS: Call of the house.

HUGHES: --and a request for a call of the house. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: 7 ayes, 27 nays to place the house under call.

HUGHES: We are not under call. We'll proceed now with a roll-call vote to adjourn.

CLERK: Senator Albrecht.

ALBRECHT: Yes.

CLERK: Voting yes. Senator Arch.

ARCH: Yes.

CLERK: Voting yes. Senator Blood. Senator Bolz. Senator Bostelman.

BOSTELMAN: Yes.

CLERK: Voting yes. Senator Brandt.

BRANDT: Yes.

CLERK: Voting yes. Senator Brewer. Senator Briese.

BRIESE: Yes.

CLERK: Voting yes. Senator Cavanaugh.

CAVANAUGH: Not voting.

CLERK: Not voting. Senator Chambers.

CHAMBERS: No.

CLERK: Voting no. Senator Clements.

CLEMENTS: Yes.

CLERK: Voting yes. Senator Crawford.

CRAWFORD: Yes.

CLERK: Voting yes. Senator DeBoer. Senator Dorn.

DORN: Yes.

CLERK: Voting yes. Senator Erdman.

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ERDMAN: Yes.

CLERK: Voting yes. Senator Friesen.

FRIESEN: Yes.

CLERK: Voting yes. Senator Geist.

GEIST: Yes.

CLERK: Voting yes. Senator Gragert.

GRAGERT: No.

CLERK: Voting no. Senator Groene. Senator Halloran.

HALLORAN: No.

CLERK: Voting no. Senator Ben Hansen.

B. HANSEN: Yes.

CLERK: Voting yes. Senator Matt Hansen.

M. HANSEN: Yes.

CLERK: Voting yes. Senator Hilgers.

HILGERS: Yes.

CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: Yes.

CLERK: Voting yes. Senator Howard.

HOWARD: No.

CLERK: Voting no. Senator Hughes.

HUGHES: Yes.

CLERK: Voting yes. Senator Hunt.

HUNT: Yes.

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CLERK: Voting yes. Senator Kolowski.

KOLOWSKI: Yes.

CLERK: Voting yes. Senator Kolterman. Senator La-- La Grone.

La GRONE: Yes.

CLERK: Voting yes. Senator Lathrop.

LATHROP: Yes.

CLERK: Voting yes. Senator Lindstrom.

LINDSTROM: Yes.

CLERK: Voting yes. Senator Linehan. Senator Lowe.

LOWE: Yes.

CLERK: Voting yes. Senator McCollister. McDonnell. Morfeld. Senator Moser.

MOSER: Yes.

CLERK: Voting yes. Senator Murman.

MURMAN: Yes.

CLERK: Voting yes. Senator Pansing Brooks.

PANSING BROOKS: Yes.

CLERK: Voting yes. Senator Quick.

QUICK: Yes.

CLERK: Voting yes. Senator Scheer.

SCHEER: Yes.

CLERK: Voting yes. Senator Slama.

SLAMA: No.

CLERK: Voting no. Senator Stinner.

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STINNER: No.

CLERK: Voting no. Senator Vargas.

VARGAS: No.

CLERK: Voting no. Senator Walz. Senator Wayne.

WAYNE: No.

CLERK: Voting no. Senator Williams.

WILLIAMS: Yes.

CLERK: Voting yes. Senator Wishart. 28 ayes, 8 nays to adjourn.

HUGHES: We-- motion carries. We are adjourned.