

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-ninth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Reverend Glen Emery, Grace Lutheran Church, Fairbury, Nebraska, Senator Brandt's district. Please rise.

REVEREND GLEN EMERY: Let us pray. In the name of the Father and of the Son and of the Holy Spirit, amen. I thank you, my Heavenly Father, through Jesus Christ, your dear son, that you have kept me this night from all harm and danger, and I pray that you would keep me this day also from sin and every evil, that all my doings in life may please you, for into your hands I commend myself, my body and soul, in all things. Let your holy angel be with me that the evil foe may have no power over me. Almighty God, the father, the fountain source of all goodness and mercy, we thank you for all you have created. Make us faithful stewards over the abundance and variety that you have given us to cultivate, care for, and enjoy. And, dear Jesus, our Savior, in your obedience, you have given us the greatest treasure ever known, eternal life through your death and resurrection. Your sacrifice on the cross for us shows your faithful, loving care and concern for us. Help us receive this gift by faith with thanksgiving. OH, Holy Spirit, our comforter and sanctifier, your tireless effort in our lives work faith in our hearts. You preserve-- your persevere in converting hearts of stone into hearts ready to love and forgive others. Make us eager recipients of your grace and enable us to love and forgive others as we are loved and forgiven by you. Oh, Triune God, Father, Son and Holy Spirit, we ask your mighty blessings to be upon everyone in authority over us, particularly these men and women serving us here in the Nebraska Unicameral. Make them faithful in their duties to watch over us Nebraskans that keep us from all wickedness. Grant them all the tools needed to keep the peace within our borders, communities and homes. Help them to see to the needs of all citizens, that we may be free from fear and chaos and that we may prosper. Give them wisdom to make decisions that are meaningful and appropriate. And above all, let them look to you for the greatest wisdom and so align their ways with yours. Let not the sense of power or authority go to their heads, but let them be humble servants looking to Jesus as their example. Holy Trinity, you give-- give all the citizens of our state the ability to see our leaders as gifts from you and treat them with the respect that is due them. They are your servants and you are the one who has given them their authority. When they err, make us ready and eager to forgive. When they are faithful to your wisdom and their service, make us ready to rejoice with them. And when they struggle, let us lift them in prayer, asking that you bless them with whatever

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it is they need. Therefore, as your obedient people, make us grateful for their life of service given to us for our good. And this day in particular, we pray for fellow Senator Ray Aguilar, who is having knee surgery. Oh, Great Physician, we pray that you would watch over Ray, that you would guide the doctors and nurses, all the medical technicians and medicines, that they would be effective in his healing and he would be able to return to the assembly soon. We pray this in the precious name of Jesus. Amen.

KELLY: I recognize Senator DeBoer for the Pledge of Allegiance.

DeBOER: Colleagues, please join me in the Pledge. I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KELLY: Thank you. I call to order the thirty-ninth day of the One Hundred Eighth Legislature, First session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning.

KELLY: Are there any messages, reports or announcements?

CLERK: There are, Mr. President. New A bill, LB647A, from Senator McDonnell, it's bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB647. Additionally, an approved Reference report concerning two gubernatorial appointments from March 3. Additionally, an announcement: The Health and Human Services Committee will hold an Executive Session under the-- under the balcony at 9:30 a.m.; this morning, Health and Human Services under the south balcony at 9:30 a.m. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Holdcroft would like to recognize our physician of the day, Dr. Amy Jespersen, of Papillion, who's seated under the south balcony. Please stand and be recognized by your Legislature. Senator Brandt has a guest under the south balcony. It's Vickie Emery, wife of Pastor Glen Emery, of Fairbairn, Nebraska. Please stand and be recognized by your Nebraska Legislature. While the Legislature is in sa-- session and capable of transacting business, I

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propose and sign and do hereby sign LR47 and LR48. Mr. Clerk, first item.

CLERK: Mr. President, the first bill, LB753, from Senator Linehan at the request of the Governor, its bill for an act relating to revenue and taxation; amends Sections 77-2715.07, 77-2717 and 77-2734.03; adopts the Opportunity Scholarships Act; provides for tax credits; harmonize provisions; provides an operative date; provides for severability; and repeals original section. Bill was read for the first time on January 18 of this year and referred to the Revenue Committee. That committee reported the bill to General File with committee amendments. I have additional amendments pending, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Linehan, you are recognized to open.

LINEHAN: Good morning-- excuse me. Good morning, Mr. President. Good morning, Nebraska. And good morning, colleagues. Across Nebraska, most families have high-quality education options; or, if they're unhappy with their current school, they can move to a different zip code for a different public school or pay for private tuition. However, for thousands of parents, this is not their reality. Many lack the parental choice to send their children to a school which better suits their educational needs. Instead, their choices are limited by their family income or their zip code. Every child in Nebraska deserves the best possible education, regardless if they were born into a family or certain school district that doesn't best suit their needs. My own family, we moved from one public school to another when my first grader was struggling with reading. We could do that, sold our home, bought another home. Before we bought the home, we actually literally went and interviewed schools and bought a home in Westside. For my daughters, who also attended public school, all of them went through grade school at Westside, but in high school they went to private schools. We had moved. Because of a-- my job, we moved to Washington, D.C., area. The schools there were huge. They had been in a smaller school, so we could afford to keep them in a small-- smaller-- wasn't tiny, but smaller private school. I could do that. We could do that because we had been very fortunate. I've always been lucky. And we had the financial means to prioritize our children's education. So I'm gonna say something this morning I don't usually say when I've talked about this before, but I was one of those kids, students, and from the time I was in the first grade until I was in high school was told I would never go to college, I wasn't smart enough. I was put in special ed because I was dyslexic. So this comes very much from my heart, and

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I see it still happening today and it's not OK. Not all families are blessed to have that opportunity. As elected officials, we can implement change. We are positioned to level the playing field for low-income families and their children. We can turn struggles and obstacles into dreams, hopes and realities for countless families by providing choice for parents and they're in the driver's seat to determine what's best for their children, just like I'm pretty sure everybody in this body can. In Nebraska, there are more lower-income families looking for educational opportunities than there are scholarships available. Take, for example, just one entity, the Children's Scholarship Fund, which has been around for 20 more-- 20, 30 years, I don't know which, a long time. They raise \$2.5 million a year. Children's Scholarship Fund, with that amount of money, serves around 1,600 low-income children per year with pa-- partial scholarships to K through 8 schools of their choice in Omaha and northeast Nebraska. But each year, the Children's Scholarship Fund conveys the sad news to hundreds of families they lack the financial resources to pi-- provide their child a scholarship. LB753 would remedy this problem by creating more revenue for increased scholarship opportunities. LB73 [SIC] does this by providing a tax credit to donors who direct a portion of their state income tax liability to state-approved scholarship-granting organization. In turn, these nonprofit scholarship-granting organizations, and we're going to call them SGOs, in turn, would provide scholarships to low-income students to attend a Nebraska Department of Education-accredited or approved nonpublic school. So any school that these scholarships could be used for are either approved or accredited by the Department of Ed. As we go through this debate, I will go into detail how much the Department of Ed has oversight over these schools. Opportunity tax credit legislation is not about some theoretical or philosophical policy discussion. Opportunity Scholarship Act is about real children, and it cements that we prot-- prioritize their education. And so I know that you're all getting hundreds of emails and phone calls of-- much of which is misinformation, if not out-and-out just distortions. First and foremost, LB753 does not take money away from public schools. It just doesn't. LB753 is a small part, small part of Governor Pillen's comprehensive education and tax package. Included in the package is an increase for all public schools' special education expenses. This is something that Senator Wishart and others have worked on since they've been here. We currently only pay public schools, reimburse public schools 42 to 45 percent of their special ed expenses and needs. So that means, whether we like it or not, we have kids in public schools who are not probably getting everything they need. Governor Pillen's plan is going to increase that to 80 percent, which is about \$150

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million a year new funding for public education in Nebraska. Under Senator Sanders-- that's under Sanders Sanders's bill. Also in her bill, which is LB583, part of the package, the Governor's package is going to send \$1,500 for every student in public education to their public schools. That means every school in Nebraska is going to get more state funding from the state, which many of us, if not all of us, have been working on since you've been here. And we're going to do all this and we're not taking away or touching in any way public option funding. Public option funding, which provides \$10,500 for each student to attend a public school different than their zone school, which we spend in education funding through TEEOSA over-- I think it's about \$120 million we spend on school choice already. And finally, the Governor's package: To ensure the sustainability of the new funding, the Governor and Legislature plan on placing \$1 billion in the Education Future Fund. They've also committed-- you can check this out with our Appropriations Chairman, Senator Clements. They've also committed \$250 million per year for the next three years to the Education Future Fund. So as you can see, this bill, the fiscal note, which I'm also going to talk about at a later time, is \$25 million. So we're well, well north of \$200 million for public schools. It's part of the package. Other claims regarding L-- LB753 that are repeated again and again in emails: private schools do not accept special needs children, do not support poor children, only benefit urban children, will not give-- gives public funding to private schools, private schools have no accountability. None of those claims are true, none of them. Private schools do accept children with special needs. Twelve percent of students in private schools in Nebraska have IEPs or special needs, 12 percent; public schools, 16 percent. Further, and you all know this, private institutions, Boys and Girls Town, Madonna, have long accepted children with considerable needs well before there was ever IDEA, which insists that we treat special needs children correctly.

KELLY: One minute.

LINEHAN: I could go on and explain all the other things that are said about this that are not true. I plan on going through the amendment, which was handed out to each of you, should have been on your desk this morning, line by line to show that none of these statements are true. And I hope that you all listen, because I believe in my heart, if you're opening to listening, there is no way you won't want to do this for Nebraska's kids, all of them. Thank you, Mr. President.

KELLY: Senator Linehan, for the committee amendment, you're-- you're recognized to open.

LINEHAN: Sooner than I thought. So data shows that discrimination occurs less in private schools. That shouldn't surprise any of us. They're smaller. There are reputable studies to show that private school choice increases racial segregation. Of the ten studies using valid methods to examine school choice, nine of them found that school choice actually results-- results in more racially integrated schools. Most importantly, LB753 gives the choice to parents and students to attend the school that serves their needs. One of the top priorities in this bill for students that should get the scholarships first are kids getting bullied. How would you like to be in Justin Wayne's district or Senator McKinney's district-- excuse me, Senator Wayne's district or Senator McKinney's district and you have a child, comes home every night crying because they're getting bullied at school and you can't do anything and every morning you have to get up and send them to school because it's the law? There are claims that LB753 does not support poor children. It puts them in a lower priority af-- after kids who are already receiving scholarships. I can actually understand how you could read the bill and get confused on this point. Here is what the bill does say if you read the whole bill. Any child that's in a program now in a private school with a scholarship does not qualify for this program. So people who say that this is only going to pay for the kids already there, that is not true. They do not qualify. The bill does say, and this is where the confusion comes, that first scholarships should go to children who received a scholarship last year. Of course that's true, because if they receive a scholarship the first year, you're not gonna-- in kindergarten, then you're gonna say you have to change schools when you get to first grade. And it goes on to say that that child sibling should get a scholarship if they're in the same household. So hopefully that clears that up. There's also claims that it only helps urban students-- not true. Only 8.8 percent-- that's 8.8, less than 10 percent-- of students in Nebraska live in a county without a private school. Of the 93 counties in Nebraska, 45 counties have an existing private school. Another 26 counties border on a county with a private school. And there is clearly a misunderstanding about how tax credits work. We already have dozens of tax credits on the books that Nebraskans use every year. Those tax credits touch hundreds-- excuse me, thousands of Nebraskans and amount to millions of dollars in tax credits. Credits-- tax credits have been used for decades to encourage projects or to go forward with good causes. I could read the list, but I'm going to ask Senator Clements to fill us in on that. Some believe and have said, and I believe it, that LB753 gives money to private schools. It does not. We are not giving money to private schools. We are giving money to children and their parents so they have options. And it was through

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an SGO which will have to be approved by the Department of Revenue. The SGO will in turn give scholarships to low-income students which best meet-- the school that best meets their needs. It is also-- the SGO is capped. They can't use more than 10 percent of their funding for overhead. That means salaries, office, computers. The money goes to the children. It is also not true that private schools have no accountability. In Nebraska, private schools must be approved, guided by Rule 14 or accredited under Rule 10 by the Nebraska Department of Education. Teachers in approved or accredited schools must hold valid Nebraska teaching certificates or permits from the Department of Education. Accredited schools must have the same teacher endorsements as public schools. Private school administrators must also have the same certificates as those found under Rule 14 for public school administrators. It is also not true that private schools have no academic or testing accountability. Approved private schools in Nebraska must administer [INAUDIBLE] norm-referenced test no later than grade 2 and at least once between grade 4 and 6, once between grade 7 and 9, and once between grades 10 and 12. Accredited grade 2 and at least once be-- excuse me. Accredited schools must also give a national assessment test, ACT, for example, at least once at the high school level. Accredited private schools must also have an assessment plan. These include schedule and assessment procedures for measuring academic success. In fact, all private schools must comply with the minimum standards outlined in Rule 14. Private schools must also administer reference tests beginning at least in grade five. Approved and accredited private schools must also have the same core curriculum as public schools. They must have reading and social studies, science, math, career and technical education, world language, visual and performing arts, health and edu-- physical education. These schools also meet the mandatory Americanism curriculum. Private schools must also have local content standards approved by a local governing body, and many of the same Rule 10 and 14 standards for graduation to be followed by private schools. So let's don't say they're not regulated, OK? Clearly, there are a lot of false claims and misinformation being spread about LB753. Again, please listen to the debate. And if you have questions, please ask me. This bill will not discriminate against special-needs children or other students. LB753 by design will support poor children. It does not only benefit urban students. No public funds are going to private schools through LB753, and the private schools are not free to do whatever they please without accountability. With Governor Pillen's education plan, we will not only provide school choice for students who need it most, but we are increasing funding for public schools, most importantly, special ed funding, which is long overdue. I believe this will lead Nebraska to

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be more competitive economically and academically. Every study, regardless of what we have heard, every study, real studies done by universities with standards, shows that when a state adopts school choice, everybody does better. That can't surprise any of you. Think if you get up in the morning and you only had one grocery store to go. How do you think-- how good do you think that grocery store would be? You only had one gas station to go to? We all know that competition is what makes us the beacon to the world of how people can improve their lives, because you get up every morning and you have to compete. It's all we're doing here is we're bringing some competition to a system that needs some competition. Thank you, Mr. President.

KELLY: Thank you, Senator. Mr. Clerk for an amendment.

CLERK: Mr. President, Senator John Cavanaugh would move to amend the bill with AM353.

KELLY: Senator John Cavanaugh, you're recognized to open.

J. CAVANAUGH: Thank you, Mr. President. Well, here we are again, debating tax credits for private schools. My amendment relates to the stated claim that the supporters of LB753 and how this version of the Opportunity Scholarship differ from past versions introduced in previous years. But before we get into that, I wanted to address something that's been looming over my participation in this debate for the last two years. Much has been made, particularly by supporters of this bill, of the fact that my children attend private Catholic grade school in Omaha. I want to take a moment to address why my family made that decision, why I nonetheless have opposed every version of this bill, and why I have decided to leave private school and enroll my children in public school next year. My wife and I are Catholic. We come from Catholic families. We were raised Catholic. We got married in a Catholic church. It was important to us that both of-- both of us that our children were raised Catholic as well. So we made the decision as a family that our children would attend Catholic school for the purpose of religious education. Religious education is a required curriculum at Catholic schools, and that is why I'm fundamentally opposed to using state funds or giving preferred tax treatment to private religious education. The people of Nebraska in our State Constitution agree. Article VII, Section 11, of our Nebraska Constitution prohibits sectarian instruction in public schools and the use of public funds for sectarian education. Parents are free to send their children to receive religious instruction, as my family did, but the state cannot and should not pay for that instruction, which brings me to why my children will be attending Omaha Public Schools next

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year. In August, the Archdiocese of Omaha circulated a wide-ranging policy regarding gay and transgender students specifically, and human sexuality more broadly, that made it explicit policy of the Archdiocese's schools to discriminate against and expel gay and transgender students. It mandated conversion therapy for those students. It barred participation in volunteer events for gay and transgender parents or anyone who expressed disagreement with Catholic teachings on sexuality. It even stated that children of those parents would be subject to disciplinary action for them-- themselves. I placed-- I was placed in a position where standing up for my beliefs and my values would mean that my children could be expelled from their school. But even though the Archdiocese, after substantial effort from parents, scaled back part of that policy, the revised policy still made it explicitly clear that gay and transgender students would not be welcome at Catholic schools. As a-- as a family, we decided that we could not send our children to a school with this policy. We made the decision to enroll in our neighborhood public school beginning next year instead. All of that being said, my personal experience and decisions my family make are not relevant to what policy the state should adopt. It's a cheap way to score some political points and beneath the dignity of this body and beneath the dignity of the people of the state of Nebraska. Senator Hunt has an amendment that'll address whether private schools can discriminate against families. I'm introducing AM353, which deals with who is eligible for the scholarships in this bill. Senator Linehan int-- introduced and prioritized this bill every year, including LB6-- LB364 last session. LB753 is much more expansive and more expensive than those bills. LB364 defined "eligible student" to include only those who fell below the income eligibility guidelines for reduced lunch, which is 185 percent of the federal poverty level. Those were the only students eligible for scholarship under the-- that version of the act other than those who were currently receiving a scholarship. The green copy of LB753 contains no upper income threshold. There is an order of priorities, but students are eligible for scholarships regardless of household income. The Revenue Committee amendment, AM333-- AM338, sorry, changes that slightly. There is now an upper income threshold, but the upper income threshold is 300 percent of the income eligibility threshold for reduced lunch, in other words, 300 percent of 185 percent of the federal poverty level or 555 percent of federal poverty. For a family of four, that would be \$154,000 a year; for a family of six, it is \$206,000 a year. Supporters of this bill have claimed that the intent is to provide opportunity to attend private school to students who otherwise couldn't afford to attend. But LB753 makes these scholarships available to people who can easily afford to

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send their children to a private school. AM353 removes language that allows students with a threshold income above \$185,000-- 185 percent of federal poverty level to be eligible for these scholarships. LB753 is truly about helping low-income students-- if LB753 is truly about helping low-income students attend these schools, then Senator Linehan should have no objection to the amendment. It is, after all, the same threshold that was in LB364 last year. How much time do I have, Mr. President?

KELLY: 4:48.

J. CAVANAUGH: Thank you, Mr. President. So those are my prepared remarks. I wanted to get through them, I guess, because this is a substantive conversation and it is important. I think all of the things that Senator Linehan said in her intro, if this is really about helping lower-income students, then let's limit it to lower income students, because if we're going to be giving out these scholarships for that purpose, that's where we should focus them. But again, my reason that I have opposed this bill for years and years is because it-- of the fact that these private schools can discriminate. And they do. They-- and the Catholic Church in Omaha, the Archdiocese clearly expressed that desire, willingness to do that going forward, They put out this rule, which I'm sure you'll have an opportunity to take a look at, but it not only discriminated against the children based off of who they were; it sought to discriminate against children based off of who their parents are and what their parents think and how their parents live their lives. So there is a reason that the State Constitution says that no state funds shall be used for religious institutions, and it's because state money should not be used for that form of indoctrination. State money should not be used to allow for discrimination based on religion, based on sexual orientation, based on gender identity. And that is exactly what these private religious institutions do, can do and will continue to do, even if they are taking these state funds. And so that's why I mentioned Senator Hunt's amendment. I think if we adopt that when we get to it, that would help alleviate some of those concerns. But I don't think those religious institutions want to be constrained in that way. They want to continue to discriminate, and that is why I have historically opposed this, despite the fact that my kids went to these schools. But that is the reason why, now that they have come out and explicitly stated their desire to discriminate in that way, that I no longer will be. But again, I don't think my experience and my personal choices are relevant. This is a question for the state of Nebraska, whether the state's money should be used for these institutions that discriminate.

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And so I'm sure we'll have an interesting conversation about this, Mr. President, but I will yield the remainder of my time. Thank you.

KELLY: Thank you, Senator. Senator Raybould has some guests in the north balcony, 18 students, third through sixth grade, Bluestem Montessori in Lincoln, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Briese, you're recognized to speak.

BRIESE: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB753, in support of AM338, and in opposition to AM353. And I really want to thank Senator Linehan for her work on opportunity scholarships. I respect and admire her persistence and her passion on this issue. She has worked very hard for this for many years, and she truly is a subject matter expert on the issue of opportunity scholarships. And in my view, it's a concept-- opportunity scholarships is a concept whose time has come for Nebraska. School choice can be defined in many ways. When I think of school choice, I think of vouchers, I think of charter, and I think of opportunity scholarships. And I'm not a fan of the first two, but I really have always been intrigued by the opportunity scholarship, scholarship tax credit, and I think that such a mechanism can be an effective use of state dollars to leverage private dollars into education funding. It can encourage our citizens to donate to these organizations, enabling more kids to attend schools that better fit their needs. And that can take some of the pressure off of our public school taxpayers. And to me, that's important. And I think it's a reasonable approach and it's good for kids. This is a program that truly can create opportunity for our young folks who might not thrive in the traditional public school setting. In fact, it targets some of those kids. Section 4 requires a scholarship-granting organization to prioritize the low-income, the bullied, the disaffected children who really need this help. It creates opportunity for those who need it most, but yet we hear concerns leveled at the idea. Some suggest we're using state dollars to support private schools. And if you're talking vouchers or charter schools, that might be an accurate description. But this is different. This is simply a tax credit for contributions made. With opportunity scholarships, we're leveraging state dollars to encourage contributions to the privates. But perhaps the-- perhaps the loudest claim by the opponents and of the education community is that this somehow takes dollars away from public education or that it's somehow going to hurt public education, and that just doesn't resonate with me and I want to address that. If the issue is taking dollars from public education, then the same thing can be said about every A bill we pass, every appropriation that comes through the Appropriation Committee, everything in the budget not directed at education. And you gotta

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remember, we're talking \$25 million here. This isn't going to harm public education one bit. We dedicate roughly \$1 billion per year to TEEOSA, and then you add in SPED and various other programs, and in total we inject nearly \$1.5 billion a year of state dollars into public schools directly, and indirectly we're putting over \$560 million per year into the K-12 LB1107 credit, which, again, indirectly supports K-12 education. And I would argue that about 60 percent of our Property Tax Credit Fund, or about \$200 million, also is in support of public K-12 education, so there's roughly \$2.25 billion right there we already put into public K-12 education, either directly or indirectly. And with the Governor's proposals, depending on how things land, we're talking another \$300 million, roughly, ballpark, directly or indirectly. So at the end of the day, I would submit to you that the state will soon be devoting roughly \$2.6-2.7 billion per year in state dollars into public education in Nebraska. And what are the opponents talking about here with LB753? They're complaining about \$25 million per year. You know, I-- I'm not a math major, but that works out to less than 1 percent of what we currently put into public education. So what Senator Linehan is proposing here--

KELLY: One minute.

BRIESE: --is putting into the opportunities-- thank you, Mr. President-- the Opportunity Scholarship program, an amount of state dollars that represents less than 1 percent of the state dollars that we're going to be putting into public education, but yet public education squawks about this. This, in my view, will not harm public education one bit. Colleagues, this is something that a large swath of Nebraskans, a large swath of your constituents really want, and it's time to respect their wishes on this. And we're not going to harm public education one bit in doing this. We're not taking dollars away from public education. I submit to you it's something we need to try. We owe it to Nebraskans. We owe it to our constituents to get this done. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Albrecht, you're recognized to speak.

ALBRECHT: Thank you, President Kelly. I rise in support of LB753 and AM338 and opposed to AM353. Colleagues, I think it's important for us to take a look at this amendment and know and understand what this bill says, because I have been working alongside of Senator Linehan, going through the different scenarios each and every year, and each and every year it's drawn me closer to the support that I have garnered for this bill. There are only two states in our nation that

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do not have any form of private choice or charter schools. We're not talking about charter schools here. We're talking about private schools in Nebraska and in North Dakota. The Opportunity Scholarship Act that we're looking at, on page 1 of the amendment, the Legislature finds that, number one, enabling the greatest number of parents and legal guardians to choose among quality education opportunities for children will improve the quality of education available to all children. Number two, privately operated elementary and secondary schools in Nebraska satisfy the state's requirement for legal operation and provide quality educational opportunities for children. Number three, parents and legal guardians of limited means are less able to choose among quality educational opportunities for their children. Number four, making it possible for more parents and legal guardians to be able to choose privately operated schools benefits Nebraska parents and taxpayers. And number five, it is in the best interests of the state of Nebraska and its citizens to encourage individuals and businesses to support organizations that financially assist parents and legal guardians who want to enroll their children in privately operated elementary and secondary schools, and such encouragement can be accomplished through the use of these credits. Colleagues, I have listened over the years to many of the students who have come forward to talk about the ability to have these scholarships where their parents could-- could not be able to afford the opportunity to give those students another choice. You know, whether it's-- whether it's bullying or whether it's a family of seven-- you know, we were a family of seven when we moved over to the Papillion area, and we had a Catholic school there after I went to Cathedral for three years, but it broke my mother's heart when they couldn't afford to let all seven of us kids go to the Catholic school in the new area that we moved to. And that was many moons ago, but today, this scholarship, it talks about families like ours. My dad was an electrician and he was feeding seven mouths, but he didn't make enough money to put his kids through school. These are the choices that we will be able to help families make. Whether you're a single mother raising your own children or-- or you're out there with a larger family and you want that religious-- whether it's religious or nonreligious. Some private schools aren't religious, right? But those parents know their kids. I've got grandchildren that some of them needed to be homeschooled in the beginning because of health issues. So if we don't open up all opportunities to all parents in the state of Nebraska, we're not serving all children. So I'm just here to stand in support of this with Senator Linehan. And I know that we all have stories from our childhood. We have stories right now that we deal

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with, with our own grandchildren or-- and our friends and family. This is something that will help to benefit all parties concerned. And if--

KELLY: One minute.

ALBRECHT: --there are people out there that would like to help the-- the parents and-- and the-- that can't afford this, that's what it's here for. Some big schools are not for everybody. Some small schools aren't for everybody. But a parent knows their child and they should have the right to do what they need to do for their child. So I yield my time back to the Speaker, to the President. Thank you.

KELLY: Thank you, Senator. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Lieutenant Governor. I yield my time to Senator Linehan.

KELLY: Senator Linehan, you have 4:55.

LINEHAN: Thank you, Senator Lowe. And, Senator Wayne, don't leave the floor, if you-- I might have a couple of questions for you. I-- I thought it would take longer to get to this argument, right? Right, Senator John Cavanaugh? Because it's so embarrassing to bring up our Constitution, and especially for somebody who I think has quite a bit of Irish heritage. So here's where the Blaine amendments came from. The Blaine amendments were pushed by a U.S. senator early in the 20th century because the Catholics were coming, the Irish, the Italians. And at that time frame, history in our country, almost all public schools were basically Protestant schools. They read from the King James Bible. They had Christmas programs. Heck, we did that until I was in-- when I was in grade school. But the Protestant class did not like the Catholics, and they did not want them to have their own schools. So he tried again and again to put it in the U.S. Constitution, which failed. But he did-- he did ame-- accomplish getting it into 37 state constitutions, 37. Because we know bigotry, it's like been with us since mankind. So if you want to use the Blaine amendment, go ahead. The U.S. Supreme Court has found it unconstitutional, so let's don't rest our hat on that. Senator Wayne, would you yield for a question?

KELLY: Senator Wayne, will you yield?

WAYNE: Yes.

LINEHAN: Do you think there's any discriminatar-- discriminatory practices happening now, today, in our public schools?

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WAYNE: Yes. You can look at the suspension rates. You can look at the achievement gap. You can look at every data point in which black and brown children are finishing last.

LINEHAN: So if I'm a mom in your district and I have a kid that's getting bullied, what are my options?

WAYNE: Either to figure out how to get into a school that is 30 to 40 minutes on a bus ride or maybe an hour away from your community, away from your family and friends, or hope you can get into a private school where you can hopefully get a scholarship to pay for it. Otherwise, you are stuck in your school.

LINEHAN: And you do have a couple of-- there's some options in north Omaha, right? I don't think it's in your district, but there's a Nelson Mandela school, is there not?

WAYNE: Absolutely. It is actually a half a mile between two elementary schools and 0.6 miles from another elementary school, and they have a waiting list. Now, they're not in favor of this bill, but understand that they have a waiting list and they are very successful and as policymakers we should be mimic-- or doubling, tripling down on the success that they're having.

LINEHAN: Thank you, Senator Wayne. So, again, back to the Blaine amendments, I will be handing out an editorial that I read years ago from George Will that explains just how atrocious those amendments were and what they really meant. And I don't think we want to be hanging our hat on them. And again, even if you want to hang your hat on them, the U.S. Supreme Court has found them, in more than one case--

KELLY: One minute.

LINEHAN: --to be unconstitutional. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. Good morning. I rise in support of LB753 and the amendment from Senator Linehan. Some of you may have seen the Legislative Research Office put out a document earlier in '22 that had all the information that they collected for every public school in the state of Nebraska, and that document was handed to you last year, I believe, before we left. I found it to be a great resource. It's an opportunity for us to evaluate and look at how our-- how our public schools are doing. And once you review that information

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and you see the inefficiencies and the poor performance of our public schools, then you will understand why we need to have other forms of education for young people, for students who aren't being properly educated in our current system. The State Constitution says it's the state's obligation to provide free instruction in the common schools K through 12. It doesn't say anything about education. Education is the responsibility of the student. Instruction is the responsibility of the school. And so when you look at the performance, you have to think about what does the instruction look like, and perhaps the instruction is where we have a problem. So I'm going to just leaf through a couple of these schools that were found in this-- in this booklet that Research did. And I've emailed that to several people when they write to me and ask me to be in opposition of LB753. I generally email these to them and have them review them and once they have, then I ask them if they're OK with a 20 percent proficiency rating in English or math in eighth grade or school-wide, and generally the answer is no. And so here's-- here's a couple of them. I want to start with Omaha Public Schools. Omaha Public Schools deals with-- there's three-- there's several legislative districts in Omaha Public Schools, 3 through 14, the-- 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, District 16, 18, 20 and 45. All right. Omaha Public Schools' graduation rate is 74 percent, 74 percent. Omaha Public Schools' average ACT score is 15.69. Their English language arts on the ACT score is 13.08; mathematics, 14.48; and science, 14.45; all grades, proficiency in English, 28 percent; English, 25 in fifth grade and 32 in eighth grade; all grades in math, 20 percent; 18 in fifth grade and 20 in eighth grade. That's Omaha. All right, let's switch over to Lincoln. Lincoln Public Schools has districts 2, 21, 25, 26, 27, 28, 29, 30, 32 and 46. Their graduation rate is significantly more than Omaha; it's way up to 30-- way up to 80. Their ACT score: 9-- 19.15; English is 16.22; math, 17.46; and science, 17.43. Their proficiency is a little better. It's 50 percent. So if these numbers are OK with you, if these numbers are OK, that this is the kind of education these young people are getting, then continue with what you have. If you think there needs to be improvement in these schools, then I challenge you to vote for LB753 and put some competition in place for these public schools--

KELLY: One minute.

ERDMAN: --because all those states that have charter schools or they have a way to fund other schools besides public schools, their grades go up. Their performance goes up in the public school because they have competition. So we can continue to do this and every year we expect different results. You know what the definition of that is? It doesn't work. And so all 245 schools are in this book. And if your

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school district hasn't been mentioned this morning, don't feel bad. I have plenty of time to talk about others. There's not one of these schools in here that's outstanding, but it's OK because it's a public school. That's not OK. That's not OK. And so we need to vote for LB753 and AM338 so we can get it on the-- on the ballot, so we can get it passed in statute, so we can get private education for those kids who need it. Thank you.

KELLY: Thank you, Senator. Senator Wayne, you're recognized to speak.

WAYNE: Thank you, Mr. President. Today, I did not want to come down here today. I truly, truly hate this argument. I truly, truly hate this discussion. I hate this discussion because we are implicitly saying our system is working. We will burn down the house for certain kids. But when it comes to kids in north Omaha, on every bill that affects them, we say let's protect the system and fix the system. But at what time do we recognize the kids who are in the system are being left behind? What about those individual rights? What about those kids' rights to an education? Nobody can answer on this floor. And if you can, look in the camera and tell my parents why you won't give them a choice. You can talk to them about policy. It-- it doesn't matter to this family. Two weeks ago, my daughter was playing a basketball game in Bellevue against another north Omaha team, and we were sitting next to two parents who have not sent her-- their daughter back for two years to Omaha Public Schools. During COVID, they figured out how they can hopefully teach their kid on their own because their daughter was bullied at school. They went to the school multiple times, multiple times. Nothing changed. And I asked them, well, why don't-- why don't you send your kid to a private school? I can't afford it, Justin. I can't afford it. I said, did you apply for scholarships and all? They were all full. So do you know how-- you know how you're-- what you're doing? I'm doing the best I can, but I know I can't send my kid back. Come have that conversation with my parents. Come have that conversation with my parents. We sit up here and we talk about policy and constitution and all this big stuff, but nobody can answer. What do I tell my parents and my community for the next 12 years? See, I looked the family in the eye in 2008, when their first kid entered OPS and I was elected to the Learning Community and I said we were going to do something different. Then I looked them in the eye when their second kid entered the school. I said, I know we-- it's a slow ship, we're-- we're-- we put a strategic plan together, we're focusing, we're doing the best we can, but I know it hasn't reached your school yet. Now her third kid is in school and she's saying, what am I supposed to do? I get an email every day from McMillan of fights, problems. My daughter is scared to go to school.

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What am I supposed to do? It's funny that the same people who are going to get up here and support my-- support my vel-- felon voting rights are the same people now gonna argue the Blaine amendment? They're trapped in the same ideology. Nobody can tell me that choice is not wanted in my community. When I was on the school board, I was against this, I was against that. After 12 years of trying to figure it out, my community just wants an option, and don't tell me my community doesn't. Nelson Mandela may not support this bill. The fact of the matter is, they have a waitlist and they are a half a mile between two elementary schools off of 30th Street, right in between Senator McKinney and I district. Don't tell me they don't want a choice when Jesuit is full. And it'd be different if we were down here holding public school systems accountable. But every time we do--

KELLY: One minute.

WAYNE: --we get up and say, local control, we can't do it. We can't put anything on school districts. I've sat through three different committee Chairs, and every time in the Education Committee it comes to the floor, but prior to me getting there, it's we can't do it, local control, we can't do this because of local control. Well, what about local control for the parents? When are we going to give them a choice? And today the reason why I didn't want to come down here, because it's not going to be an argument about facts. No private school is getting public dollars, and we know that. Nobody is. There is not a direct allocation to any private school. And to say that is a factual lie. You're being dishonest. It is going to an organization that provides scholarships, and that scholarship could be a school that is not religiously affiliated or it could be a school that is. But if we want to have that argument about religious affiliation, then let's apply it--

KELLY: That's your time, Senator.

WAYNE: Thank you, Mr. President.

KELLY: Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. I yield my time to Senator Wayne.

KELLY: Senator Wayne, you have 4:55.

WAYNE: Thank you. Let's have that conversation about state dollars for Medicaid or pre-K. Can they not go to CHI anymore because it's public dollars? And don't quote the Constitution because there's four cases out there that say it's unconstitutional. If it's a policy discussion

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about public dollars, then let's have it all the way around. I'll support a bill that says we shouldn't discriminate for using public dollars. But guess what? How many school systems have a public-- some kind of discrimination, whether it's an employee or something? I sit in Education Committee and I see how these kids-- how these schools discriminate against special ed, saying they're full. If you don't believe me, listen to the transcripts. If we're going to have a real conversation, just say you don't like the bill, but don't tell me you don't like tax credits when there are housing organizations that are religiously affiliated getting tax credits. Don't tell me tax credits are-- are hurting public dollars when most of you have signed up for Senator Conrad's child tax credit. You support that. But I don't hear arguments saying that takes away from public education. We always justify things when it comes to north, south Omaha, communities that are poor and color. Just get up, talk about something else. We can waste time. Our rules are flexible enough you can talk about something that has nothing to do with this bill, but just don't get up and be disingenuous about facts. Do you know what we're actually talking about? We're talking about 70 to 80 cents on the dollar because those same schools get a tax break and a deduction. And this is actually more restrictive because it's only going to those who are actually low income. If I donate and I'm rich and I donate it to some other-- some scholarship fund, it doesn't have to go to a kid who's in free and reduced lunch, but yet they still get a tax break. We can get to the nuances if we really, really want to. But the question is, are we really going to have an honest conversation today? That's why I didn't want to come down here, because some of my best friends, I feel like, are not going to be genuine right now and have a real conversation about it. We're going to stick to the politics, but nobody can answer the question to my family, what they're supposed to do in the families in my district, when I say, what are they supposed to do? There are school districts in my community that don't have an art teacher, don't have a math teacher. And you say pay 'em more. Well, fine, but that's local control and negotiations by the school board, not this Legislature. You want to say fund them more? OPS reduced their levy. They're-- they're missing out on \$14 million, so is it a school funding problem? Why are they reducing their levy? When there's a teachers conference in Nebraska that says it isn't salary that's the number one issue, it's certification, and we have all of these bills in Education dealing with certification, and yet the school districts are-- are against them. We don't want to make the tough decisions around education because we want to leave it to local control. Well, at the same time, my community is asking for some help, asking for some pressure on the public system. I am a proud Omaha Public School

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graduate. I went to Hartman Elementary, King Science Center. And by the way, that was a lottery, so it was lucky that I got in. Then I went back to my neighborhood school at Northwest High School. I had a great education system. But I also know it doesn't work for everybody else. And I'm not naive enough to say, well, stay in the system and I hope you get your best out of it and we'll hope things go better, because I can go down the street to NSP and see tons of people who went to Omaha Public Schools and public schools who were dropped, lost, or pushed out of the system, and we hear about it--

KELLY: One minute.

WAYNE: --every day in the education system, in our Education Committee. We are going to say, let's keep working on it, let's throw more dollars at it? Go ask anybody from the public school system, if they had an extra hundred million dollars tomorrow, what they're going to do. They don't have an answer. All I get is "hire more teachers," but we don't have control over that. They negotiate their contracts locally, not us. So when you get on the mic, answer the question. Look-- look them in the camera, and I have my community tune in, or I'll record it and I'll say, here's why you don't get a choice, here's their answer. We gotta do better. And at what point are we going to do better? So if we get up and we start talking about lies, we're going to have to have a real conversation. You're going have to explain that to my community about these lies. It doesn't take money away from public education, so let's stop with that lie in the beginning. Thank you, Mr. President.

KELLY: That's your time, Senator. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. And thank you, colleagues. I rise today, I suppose, in favor of AM353 and in favor of AM338. But even with those amendments, I stand opposed to LB753. Colleagues, we're going to have a long discussion, I imagine, over the next few days about what this bill does do and what it doesn't do. We've already heard a number of people talk about some of the benefits of this bill and what the intentions are. But I want to say right here and now that I do have a concern about this bill with regards to public money, making sure it goes to public schools. We're going to get into a number of these problems. But I-- I first want to make sure that I do genuinely thank Senator Linehan for her work on this bill. I'm on the Revenue Committee. I had an opportunity to sit through the hearing on this, and I had an opportunity to talk to her multiple times about this bill, and I do genuinely believe that this comes from a desire to

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help our kids and to help our state. My fear, however, is that this bill simply does not achieve that goal. Colleagues, we know at the end of the day that education is the silver bullet. Education is what makes or breaks a community, and education is what can change lives. To Senator Wayne's point that he had talked about with regards to going down to NSP and seeing individuals who didn't have a good upbringing, I've seen that, too, as a public defender. I've had a chance to see the effect that education or lack thereof can have on individuals. For those who do not know, I spent a short period of time in Washington, D.C., when I was going to law school, and while I was there, I participated in a program where I actually got to teach a class about constitutional rights to high school students. And that program that I was a part of worked in public schools, private schools and charter schools, and I had an opportunity to bounce between those schools and see exactly how they work and see exactly what some of the problems were with that sort of broken-apart system and to see how the public schools were treated. I also had a chance when I was going to college down in Kansas to see schools not open because they didn't have money. I was down there during the Brownback years when the failed experiment of cutting taxes so low resulted in teachers not being able to get paid, books not being able to be in classrooms, and students simply couldn't go to school when cla-- classes were supposed to start because they didn't have enough money to make the schools work. And that's where my general opposition begins. We hear about this package and we hear about these concerns about finances, and I applaud the Governor's continued efforts to fund our schools. I applaud the Governor's genuine belief that more money from state aid to our schools is going to help children. But my fear is that, as we whittle away, piece by piece and bit by bit, at our revenue streams, and when we continue to reduce our revenue to such a point that we may not be able to fulfill the obligation to our schools, that's where I get scared. That's where I get frightened that this is going to happen. And so to say that this bill does not have public funds going to private schools is to oversimplify the issue. This bill absolutely does affect the bottom line as it pertains to our General Fund, which absolutely does affect the funding that we're going to have in future years to fulfill the obligation that we have to our students and to our schools. I imagine, for those at home and for colleagues in this room, you're going to hear a lot about the Constitution, the Nebraska Constitution, over the next few days, and we're going to get more into that. But what it specifically says is, notwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning, not owned or exclusively controlled by the state or a political subdivision

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thereof. Yes, that's an old provision, but that provision has been addressed, looked at, modified and changed multiple times. I believe the last time it was updated was the 1970s, and so it's not like this is some antiquated provision that we have sitting in our Constitution. It's something that we've looked at and--

KELLY: One minute.

DUNGAN: --that we as a state-- thank you, Mr. President-- we as a state got together and said, this is important and we want to make sure that we don't deviate public funds to private schools. And my fear yet again is that this bill achieves that goal through a scheme wherein we are utilizing tax credits, which in reality are an appropriation. I imagine you're going to hear a lot more from myself and others about the general objections we have to this bill, and I think that it can be split into three major concerns: one, the economic impact that we're looking at this is going to have on our overall budget; two, the general social and societal problems that we have when we're talking about getting these public funds through this mechanism to private schools that discriminate; and three, I do not believe that this bill will withhold constitutional scrutiny or withstand constitutional scrutiny, given the concerns that I have about appropriating funds to private schools. I'm going to talk a lot more on the mic about exactly how I believe this is an appropriation of funds and how it does go to private schools. But, colleagues--

KELLY: That's your time, Senator.

DUNGAN: Thank you, Mr. President.

KELLY: Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. So, well, I rise again in support of AM353, which I'm not sure anybody has talked about since the last time I was on the mic. What AM353 does is if the-- we did adopt LB753, AM53 [SIC] would constrain it in such a way to make sure that the scholarships only go to kids in need, so up to 100 and, I think, 85 percent of poverty, so not-- people making \$200,000 a year would not be eligible, which, under AM338, that is what would happen. So AM353 is my attempt to say, if this is what we're going to do, let's at least do what we're saying we're going to do, as opposed to opening it up for a lot more people than we're-- we are getting up here and telling stories about and saying we intend to help. So I think you probably have seen at least one of the-- Senator Machaela Cavanaugh circulated the Archdiocese of Omaha Pastoral Guide for

Gender Dysphoria. I'm not going to read it for you. You can take a look at it, but that is the rule that was sent out by the Archdiocese about how they intend to discriminate against kids and families going forward. And so that's what I talked about in my first comments. And one of the-- that's just an example of why we shouldn't be doing this. Of course, no school should discriminate. No school should discriminate. Public schools should not be discriminating, and we should be solving that problem, but this doesn't solve that problem. Allowing public money to be funneled through a scheme to private schools that discriminate does not solve the problem of discrimination in public schools. So we do need to focus on addressing that issue, but this isn't that answer. And to say that a tax credit that is-- you have to go through a system, the-- the scholarship-granting organizations have to be approved by the state, they have to identify who the money is going to go to, they're constrained in the specific dollar amount that they can give and to whom they can give it, and the donations have a specific constraint on them as well. The amount of government inter-- involvement in the way in which these funds are funneled is a clear demonstration of the fact that this should be considered differently than other tax cuts or tax-favored schemes that are out there for incentivize policy. So I know some other people will probably talk about that. I just wanted to address-- I was looking at this article about the Blaine amendment that was handed out. And certainly I-- I know it won't come as a shock to anyone, but the United States of America has a-- a checkered past of discrimination, as well, and that certain parts of our Constitution were crafted in a discriminatory manner. And the fact that we have a constitutional amendment in this Nebraska State Constitution that came out of that era, I guess I would say that many of our constitutional-- parts of our Constitution were adopted in that era, as well, but, as Senator Dungan pointed out, have been reconsidered, amended and updated since then. But the fundamental principle is there, that government money should go to-- go to public schools, we should fund public schools for public purpose, and that we shouldn't be funding private schools for religious indoctrination. I think there's a companion section of the U.S. Constitution says something along the lines of Congress shall make no laws about the establishment of religion.

KELLY: One minute.

J. CAVANAUGH: Thank you, Mr. President. And I didn't hear anybody get up and say, oh, well, that's a racist amendment or that's a sectarian amendment or some kind of discrimination, and people should be ashamed for standing up for the separation of church and state. This amendment, this principle comes out of that same principle that there

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is a space for religion in our culture, but it is not-- there's not a space for it in our government. There's not a space for it to be funded and-- and propped up by government. And so that is one of the fundamental reasons why public funds should not be going to religious schools, is because we have a long-established principle in this country of separating our churches from our state. And so that's-- that's the position I come at from this. Obviously, there's a lot of other parts of this conversation. I think I probably won't get to talk again today, but I think this will keep going. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator von Gillern, you're recognized to speak.

von GILLERN: Good morning, colleagues. Good morning, Nebraskans. I rise opposed to AM353, in support of AM338 and LB753, the Opportunity Scholarship Act. I think some of the best stories that we can tell here are the personal ones. We can debate the-- the Constitution. We can debate the law. We need to do that and-- and there are those in the body that have legal degrees and backgrounds that are probably better, better able than myself to do that. So I'm going to stick this morning to a personal story. My four kids attended a private school for elementary and parts of their middle school years. Each one transitioned to Millard Public Schools at different ages, and it depended upon their needs. It depended on their abilities. It depended on their skill sets and their talents. We love Millard Public Schools. We still do. I think they do a terrific job. But my point in telling that story is that each one was able to attend the school that was best for them and best met their needs at a particular time in their lives, and that was different for each one of them. We hear a lot of talk about how each child is unique and each child is an individual. And we've-- we've talked about children that are-- that are dealing with, you know, very substantial challenges in their life, whether it's sexual identity or other things, and all of those are very serious, and suicidal thoughts, all of those things. We had-- one of our children was-- was being bullied in the school that she was in, and we were able to move her to a different school, which was a better environment. And ironically-- this might surprise you-- we moved her from the private school to the public school, and she was totally loved and embraced by one of the-- the teachers in that school, and we're grateful to that teacher and always will be because she helped our daughter transition through a difficult time in her life. This is not about bashing public schools. This is about providing the best education and meeting the needs of every child where they are and every family where they are. The choice that we made to send our kids

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to school was a sacrificial choice for our family. For 15 years, I drove cars with 100,000 miles-plus on them. I remember one truck I drove that had 230,000 miles when we sold it. And more than once it occurred to me that our tuition payments were roughly equal to our house payments. But that was a choice that we made, and I'm grateful that we had the ability to make that choice, to make that sacrifice and invest in our kids in a way that impacts each of them today, and they're in their 30s. Not only impacts them, it impacts their children, our grandchildren, and for that we're even more grateful. But the reality is, and what we're here to talk about today, is not every family has the ability to make that sacrifice. Not every family, no matter what their resolve is, has the resources to make that decision. It was difficult for our young family, but it is impossible for many families, and that leads me to my second personal story, and that is with regards to our grandkids. Our former Marine corporal son and his wife moved to-- from Omaha to Norfolk, Virginia, about four years ago. He now works for the power company. He has a good job, but his wife was not able to work, so they lived on a very, very modest income. During COVID, my wife and I were visiting and had the unfortunate, or fortunate in looking back, opportunity to witness what it was like for an eight-year-old to live with online school. It literally took me about four hours of watching that to start searching for private schools in the area, and an hour later I was driving the area, looking at different schools, and the next day we had the kids signed up for a private school for the next year. Online, of course, was its own challenge. COVID was a challenge, but this was truly a joke, what those kids were being put through. And my grandson basically lost a year of school in his third grade, and they're still dealing with some of the challenges from that. We were thrilled to be able to find a private school for him and for his--

KELLY: One minute.

von GILLERN: --soon-to-be kindergarten-- thank you, Mr. President-- sister. They've been in that school for several years now and are thriving and they've made up lost time, but they still have some difficult ground to make up. The difference here was that that family had grandparents who were able to help fund that private education. My son and his family would have qualified for this program, had they lived in Nebraska at the time, and we would have encouraged them to take advantage of it. No level of sacrifice-- sacrificial decision on his part would have allowed his kids to receive a better education, and that's an impact that would have affected not only his kids, but their spouses, their future spouses, their children and their community. And this story, of course, took place out of state, but

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it's retold hundreds, maybe thousands, of times here in Nebraska. There are thousands of families who are trapped in school situations that are not meeting the needs of their kids. If we stand in the way of these families, these kids, these future generations--

KELLY: That's your time, Senator.

von GILLERN: --we're keeping them trapped in a losing scenario. Thank [RECORDER MALFUNCTION]

KELLY: Senator McDonnell, you're recognized to speak.

McDONNELL: Thank you, Mr. President. Good morning, colleagues. I think there is a-- a number of facts that have been discussed this morning, but one of those facts is that I believe every senator that is serving now and in the past cared about kids' education. Can you hear me now? Thank you, Senator Dorn. I think that they cared about kids' education. And how do we-- how do we get there? If you look at what happens in the public schools, and I have a number of family members that teach in public schools, I think they do a great job, but I believe there's kids that are in those public schools that have been successful. You can look at that by their-- their graduation rate and then them continuing on in their lives and having successful careers. So that-- that is a fact. There is people doing very well in public schools, and I want to support that. If those graduation rates, though, are in the 70s, and 2000-- 2021, it was 73 percent. It varies, gets into the higher 70s, but there still is 20-plus percent of the kids that that's not a good fit for. You also have schools like the Street School. Street School has kids that basically have not been suspended from public schools, but they've been expelled. There's nowhere for them to go. They cannot go back to their previous school. So where do they go? Well, the Street School, and it is a small ratio with teacher-student, but they've been successful to the point of 90 percent of those kids that had nowhere to go. So that's working for them. It didn't work at that school they were at prior, but it-- other kids, it did work for that stuck it out at that-- that-- that public school. So how do we do this? How do we address this and how do we give those kids an option that, either financially or because it's not a good fit for them, to be able to be the best version of themselves? And I think that's what we have to concentrate on. We have to concentrate on that it's not a perfect fit for every kid, that what Senator Linehan has been working on now for six years is trying to take an opportunity for kids that are in a financial situation where they can't afford, possibly, to go to a private school like the Street School or possibly they can't-- it's just not working out for them.

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It's not a good fit for them in the current school they're at. So again, I believe we all care. All 49 of us care about kids' education, and I think if we concentrate on that through this debate for the next few days, I think we can work on this problem, possibly agree to disagree at the end. And I am standing here supporting LB753 and AM338. I'm yielding the remainder of my time to Senator Linehan. Thank you, Mr. President.

KELLY: Senator Linehan, you have 2:10.

LINEHAN: Thank you, Mr. President. And thank you, Senator--

_____ : McDonnell.

LINEHAN: McConnell.

_____ : McConnell.

LINEHAN: I know. OK. [LAUGH] So here's an inside joke on Senator Linehan. I spent, as many of you know, 12 years in the United States Senate when there was this guy named Senator McConnell who is a leader or the minority leader. So every-- for- I think for the first year here, I called my classmate by the wrong name half the time, and still it's like Senator McDonnell. Thank you. I handed out-- hopefully you've all gotten a copy of it-- my list number two: court cases supporting the constitutionality of LB753. Now, I agree we should be talking about kids, but I'm not going to stand here and listen to attorneys. It's one thing to listen to maybe somebody who doesn't have a law degree, but it's very hard for me to believe that somebody who's a practicing attorney does not know that the Blaine amendments have been found unconstitutional, and not just once. So--

KELLY: One minute.

LINEHAN: --if you look at the bottom paragraph I'm going to read, it's-- it's in dark print. The U.S. Supreme Court again heard a similar issue in 2022 in the Carson v. Makin. The Supreme Court held that state scholarship programs must be neutral to religion. They cannot choose one over the other. In fact-- and this is important-- in fact, to exclude religion entirely was a violation of the free exercise clause of the First Amendment. To say a tax credit is public dollars, which we're hearing again, no wonder I'm getting all these emails that are misinformed. I thought it was the public schools. It's my own colleagues. They're not public dollars. The courts have said that. It's not unconstitutional. The highest court in the land has said so. So if you want to argue, I agree with Senator Wayne.

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KELLY: That's your time, Senator. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. Senator Linehan passed out a sheet that says-- lists tax credits in Nebraska, and that's a list-- listing of 30 tax credits that we currently have. I did some research on looking at the dollars that come out of the state's General Fund already, and I only have-- so far only found a few, but there's-- you can read the list. But I want to look at there's a childhood tax credit. If you're-- have young child, we get 25 percent of the federal credit, and that total-- this was a tax expenditure report that the Department of Revenue puts [SIC] out last October of 2022-- \$12.9 million per year for childhood tax credits, people with children. Then there's an earned income tax credit for low-income people. It's \$32.9 million a year. That's 10 percent of the federal earned income credit and it's refundable, so if you don't-- if you have no state tax liability, you can get 25 percent of your federal earned income credit, and that's \$32.9 million. Probably the largest one that we have now is the income tax credit for property taxes. And as of last October, the Department of Revenue says the percentage you get on school general funds is \$548 million per year, and then the community college credit, which has started for the 2022 year, another \$50 million, so it's \$598 million. And again, that's a refundable credit. You can owe zero Nebraska income tax and get 30 percent of what you paid to school, public school and community college on your-- on your tax bill. And so that's about \$600 million coming out of the budget and it's sustainable. The budget has revenue that-- that is coming in, and I believe the \$25 million that this bill is asking for is not going to hurt public schools, first of all. The other items have not. We're-- the budget will fully fund the public school TEEOSA formula. And so I'm-- I am in support of LB753. I believe it's physically [SIC] responsible. And you can see we have 30 credits already that are-- but our revenues are still exceeding our budget, and so I just wanted to comment that this isn't something-- a new idea, having a tax credit, and it's also smaller than some others that we already have. I would yield the rest of my time to Senator Linehan.

KELLY: One minute, 30 seconds, Senator Linehan.

LINEHAN: Thank you, Senator Clements. And thank you, Mr. President. So I'm just going to find one thing. So Senator Dungan talked about Washington, D.C. I'm not sure when he lived there. I know when I lived there. When I moved to D.C. in 2001, there was no way. Everybody told you, you cannot live in D.C., you cannot send your kids to public

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school in D.C., you cannot. So we lived in Fairfax. But from the time I was there, in 2002, until I left--

KELLY: One minute.

LINEHAN: --in 2012, they started charter schools. Now, this isn't about charter schools, but it is about choice. So by the time I left in 2012, everybody was moving to Washington, D.C., because you could go to their schools, their public schools, because when you have choice, everybody gets better. Values of houses have gone up in Washington, D.C. People go-- I have young people, who are not so young now. They're middle aged. They've got kids in school. They're in D.C. public schools and charter schools. Everybody gets better, folks. It's just what happens. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. Colleagues, I am in favor of LB753, from Senator Linehan, and AM338. And again, just like the previous bill we heard, this has been a bill that's been in the works for many years, has been run through the wringer, has been beaten down, has been improved upon. And I think what Senator Linehan here has now is probably one of the best bills pertaining to this subject that I've seen so far in my four years here. But I want to spend a little of my time reading, reading everybody here a speech. And I want everybody to maybe kind of listen to the context of this bill and the intent, and I'll explain a little bit more afterwards. So this is not a lightweight bill. It's not a frivolous bill. It's a very important, major piece of legislation. I think this bill, along with two or three others from the Education Committee has advanced to the floor of the Legislature this year, will give us an opportunity that we rarely have in this Legislature, and that is to discuss things in education that really matter to parents and really matter to kids. So much of our time in debating education issues deal with issues that affect institutions, issues like reorganization of school districts, like funding of school districts, like some of the specific program types of things that we deal with. We spend 90 percent of our time in this Legislature dealing with those. I think the in-- the introducing senator is to be commended for bringing a bill of this importance to the Legislature that actually deals with students, actually deals with the quality of education, and the parents' right to get their kids to have quality education. Throughout the debate this morning, I'd ask you to evaluate the speakers, the remarks you are getting against that standard; the concerns that are being raised about the bill, are they concerns about quality of students' education or are they concerns

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about something else, and continue to ask that question. And it continues on. I would also like you to listen to this bill with an open mind. Also listen to this bill with the idea that it's about time that this Legislature went on record of supporting changes in our education system that result in the better educational quality of our students for our young people. You'll-- you'll hear lots of debates and lots of arguments about how the school administrators will be troubled by this particular proposal passing and that some school boards might be troubled by this bill passing. But keep in mind, I don't think you've heard from very many parents or very many students that think they ought to remain captive in their resident school district. That was a speech from 1989 when the state first passed option enrollment. You can definitely see how this mirrors exactly the arguments we're having right now. This speech could've been written right now for today. And let me tell you who voted for it. This is good. Democrats and Republicans both voted for the passing of this bill, with this speech that I just read you, Senator Ashford voted for it, Senator Chambers voted for it, along with a whole host of Republicans and Democrats vote-- voted for better choice for our students. They believed in it. So I just wanted to kind of put this into context a little bit, in historical context of how option enrollment mirrors what we're trying to do right now. It ultimately comes down to better education for our students. We're going to talk about the minutiae of this bill, whether it's tax credits, whether it's funding issues, whether it's the institution. But ultimately, it comes down to, does this improve the education of our students? Isn't that goal? Shouldn't that be a priority? That was in this speech. Sometimes it's not about making every school perfect for students. It's about giving the students choice so they can find the school that's perfect for them. With that, I'll yield the rest of my time. Thank you, Mr. Speaker.

KELLY: Thank you, Senator. Senator Bostelman, you're recognized to speak.

BOSTELMAN: I yield my time to Senator Linehan.

KELLY: Senator Linehan, you're-- 4:50.

LINEHAN: Thank you very much. And thank you all for hanging in there. And I really, really do appreciate the attention this bill is getting and the number of people on the floor that are willing to be here all morning to help with the bill. Senator Hansen, Senator McDonnell, Senator Wayne, others are focusing on a subject that I should focus more on. I have visited with hundreds of kids, students whose lives

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were changed because they had an opportunity. I don't know if any of you saw the World-Herald on Sunday. I know both of those immigrant kids whose parents have to work two or three jobs just to feed and house their children, not-- not buy 'em new jeans or a second car for the family, but just so they can survive. They got a scholarship. Jayleesha, she-- we've also had these scholarship-- young pe-- young adults now in front of the Education Committee and in front of the Revenue Committee. Their lives just-- there is no comparison to what this did for them. Jayleesha now is-- I can't remember if she's a sophomore or junior at the University of Chicago. She's a-- I think she might be the first one in her family that graduated from high school. The other young man, again, immigrant, he is now doing an internship with John [SIC] Hopkins. Changes peoples lives. Another young man, who is an immigrant from Africa, he took advantage, I think, of a CUES scholarship with CUES School. CUES Schools are three schools in Omaha in very low-income areas where 80 percent of the kids are on free and reduced lunch, vast majority minority students, but they succeed in those schools. And then, by prayer of their families and by help from donors, they might get to go on to high school because the scholarship fund in Omaha doesn't cover high school. So if they get the lucky lottery ticket, they get to go to a good high school. One of these young men, he got to go to a good private high school and then he got another scholarship to go to Creighton University. His father told him when he was at Mount Michael in Elkhorn, picked him up for the weekend. He's like, Dad, I don't like it here, I don't like the food. His dad: like, you don't like the food? Like, we almost starved. I went with-- days without eating so we could come to America. You're going to get an education and you're definitely going to take advantage of a scholarship that gives you a very good education. These are people who, frankly, with a few exceptions in this Legislature, are not people we bump into on a regular basis, if ever. They're the children of the people that roof your houses, that clean your hotel rooms, mow your lawns. They don't have money. They come here because they want their children to have a better life, and a big part of that is having an education and they know it.

KELLY: One minute.

LINEHAN: So if you want to stand in the way of those children having an opportunity that I'm pretty sure we were all blessed to have, I don't know how you can do that. I really don't. We can get down in the minutiae of whether it stops at this level or that level. But the bill specifically says the first students will be students who are at poverty level, not free and reduced lunch level, poverty. It-- it just

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amazes me. We're talking about a billion dollars, a billion in Education Future Fund for public education, and this is a problem? I don't understand. And somebody asked not to get personal. I'm sorry. It is personal to me because I know the children that this helps. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Thank you, Mr. President. I rise in opposition to AM353, in support of AM338, in support of LB3-- LB753. I'd like to kind of put a personal note on-- on some of these schools that we would be supporting. I think most Nebraskans that don't send their kids to these schools think of a private school as being upper elite, you know, those nice sweaters, instructors who have PhDs and get, you know, six-figure salaries, and that, of course, is not the case in the-- in the state of Nebraska. I'd like to tell you about a couple of schools that I'm personally involved with. The first one is the-- the Consortium Catholic Schools of Omaha, which is really a group of six schools. So back in the early 2010s, we had a lot of-- a lot of schools that could not-- Catholic schools that could not support-- continue to-- to operate because they just didn't have the funds. In the Archdiocese of Omaha, there's not a big pot of money that, you know, they dole out to the various Catholic schools throughout the Archdiocese. It is up to the parishes to support the schools that they send their families to, and it's typically about a 50/50 split. Fifty percent is-- is gained by-- by tuition and the other 50 percent is provided by the parish. And the parishes in some of our areas of Omaha are not-- just could not support their schools. And to raise the tuition any higher would have precluded a lot of the lower-income folks who attend, send their kids to those schools. So in 2012, 16 parishes came together and formed-- and consolidated down into six schools, and those schools are, excuse me, Holy Family [SIC], Our Lady of Lourdes, St. Bern-- Bern-- Bernadette, St. Peter and Paul, St. Thomas More, and now the Dual Language Academy. And these schools have a common administration. They have a common board of directors. They have consolidated a lot of the admin, cut down on the overhead, and they are able to provide a low-cost Catholic education to the parishes that they support. A new initiative from the consortium is the Dual Language Academy, and I just want to read a little bit about the Dual Language Academy. The Omaha Catholic School Consortium Dual Language Academy provides a rigorous bilingual and multicultural education for children in the met-- metro Omaha-area communities. Our mission is to foster future leaders, inspired by faith, who use their gifts and talents to serve others. Your children can enroll as early as age

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three for preschool. Our school opened in the fall of 2018 and continues to grow. The Dual Language Academy, as we call ourselves, currently has classes preschool through second grade. Fifth grade will be added for the 2-- 2023-2024 school year, with an additional grade added each year through eighth grade. So we are really trying to reach out to our-- our lower-income families in the southeast Omaha area and-- and serve their purposes, and this scholarship fund would certainly help them. The other story I'd like to tell you about is a school in-- in Bellevue. It started in the 1960s. So, excuse me, the-- the U.S. Air Force, of course, was-- was really growing the Strategic Air Command at Offutt Air Force Base at that time, and we had a lot of families moving into the area at Offutt Air Force Base, many of them Catholic families, and they-- and there was no room, no room at the Catholic school there. The only--

KELLY: One minute.

HOLDCROFT: The only school that was available was-- was St. Mary's Catholic School. And so, believe it or not, the Air Force started a Catholic school in-- in Bellevue. And the Strategic Command actually had bases throughout the United States and they-- they collected money and they sent money to Bellevue to start a Catholic school in Bellevue. Excuse me. So that school continues today, St. Matthew's. It has over 200 students and continues to serve the Air Force community who-- who are stationed at Offutt Air Force base. With that, I'll yield the rest of my time to Senator Linehan.

KELLY: Senator Linehan, 20 seconds.

LINEHAN: Thank you, Senator Holdcroft. That is a very good portrayal of how important this is. And, yes, I'm not surprised that when you are in the military and you have to move every three years, you want your kids to be able to choose a school. And in this bill, if you're in the military or in the National Guard, you will-- your children would qualify for this bill.

KELLY: Thank you, Senator. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I actually accept Senator Wayne's challenge and I'm going to stand today with some facts and observations that I've not heard over the last six years in office. At this time, I stand in support of AM353. So the question that I have today for everybody is, why do we craft policy with the belief that private schools are better than public schools? That drives me insane. So I, as always, I flock to data. Last month,

the University of Virginia found no evidence to suggest that students from low-income families and children enrolled in urban schools benefited more from private than public school education. They reviewed 1,000 students and-- and found no evidence to support this belief. The fact is that some schools are better than others, right? Kind of common sense. While private school students may outperform public school students, the difference is eliminated data-wise when you control for family income and a parent's level of educational achievement. So there's really no conclusive evidence that suggests that private schools are better than public schools. Net of family background, like income, that will guarantee students' success. And that's also-- I would point out that usually those families have better access to PK benefits, by the way. I also want to point out, when people tell me that they pulled their kids out of public school because they want their child not to be bullied, with all due respect, there is bullying in private schools as well. So to utilize that as a reason just to-- to help fund a child into a private school is really kind of ridiculous. Do I think bullying is ridiculous? Absolutely not. But let's be honest when we talk on the mic today. Let's use data. Let's use facts. I know people are talking about feelings and being passionate about things, and I respect that, but let's talk about what's really going on. I can tell you that the emails that I got were consistently people who already had children in Catholic schools. I have a long list of friends in Brownell Talbot. Not a single one of them told me that they wanted to see this bill get passed, and I think that's a very interesting dichotomy and something that I hope you kind of mull over, for those that are actually listening. The other thing that I noticed last month was that there was a Republican Indiana senator, which I'm sure you guys all read the article, as well, and there is an attempt to expand their school choice funding. Now, in fairness, Senator Linehan, they use a voucher system, so I am aware of that. But regardless, they are using state funds to-- to fund this programming-- programming. And Senator Ryan Mishler kept the bill in committee and he publicly raised red flags about the lack of accountability in school choice funding. He said that schools-- these schools receive funding but are not required to operate within the same parameters as local public schools. They don't have elected school boards and don't have to justify their spending. They lack transparency and accountability to the public. One example was a student athlete who was suspended for five games because she consensually kissed a girl in school, and there was no due process for that athlete. And the example given was a staffer-- another example given was a staffer that was bullying a student. And so it was that senator's belief that if they gave \$2.78 million to that one

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particular school to help lower-income students come to school, he felt that there should at the very least be some accountability. And that's something that we keep hearing on the mic today. Where is the accountability?

KELLY: One minute.

BLOOD: We hear about how it's important for these kids that live in certain neighborhoods to have choice. But the question I have also is, who's going to pay to transport them? We just heard about how there's a school desert. How are these kids going to get to those schools, Senator Wayne? Because we know that there's transportation issues in your district, as well, because my folks live in your district. So sometimes we paint this pretty picture of how everything is going to be so much better in private schools and public schools, but we don't talk about the hurdles involved, like transportation. We don't talk about the hurdles involved, like transparency. School choice is not necessarily a bad idea, but we have school choice in Nebraska and we have the benefit at almost every private school for there to be provided scholarships. If you go to almost every Catholic school web page, it says, if you want to attend here, we'll make sure that we find a way to help fund you.

KELLY: That's your time, Senator. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. I rise in support of LB753 and AM338. Kids are amazing. They absorb information and understanding at an astonishing rate. When they're not in an environment that fits their needs and supports their learning, they miss opportunities. Kids need to be in the place that works best for them, best for them to learn what they need to do to be a successful adult. This Opportunity Scholarship is just one very small tool to make sure the poorest of students, who have no other options, have a chance because they have a choice. And I would like to yield my time to Senator Wayne.

KELLY: Senator Wayne, you have 4:15.

WAYNE: Interesting. Thank you. Thank you, Senator Kauth. Thank you, Mr. President. So, you know, usually on Martin Luther King Day or Black History Month, you know, everybody gets up and posts up the Martin Luther King quote that a right delayed is a right denied. But all that goes out of the window when it comes to educational rights for my community; it's "let's wait, let's wait." So first, I wasn't going to address, but I'll go reverse order of what I was going to

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talk about, transportation issues. Well, Nelson Mandela Elementary in north Omaha is proving that they're figuring out how to get the kids there. And again, I have to keep saying this because somehow, when I say something, everything's taken out of context, because that's what we do when it-- when it comes to Senator Wayne. Nelson Mandela's organization may not be in favor-- is not in favor of this bill, but it doesn't change the fact that they have a waiting list in every grade, doesn't change the fact that my community celebrates this private school and wants more like them. The fact of the matter is it's not scalable the way it is right now with one or two foundations running it. That doesn't mean my community doesn't want it. So let transportation be a committee issue that we can solve. I don't need government trying to figure that out today. I need a choice for parents to get there. Second, in none of my conversations am I saying OPS is failing every kid. What I am saying is not every kid should be required to go to just OPS, nor should they be required to leave their community to go to a school. That's just facts. See, I don't believe that edu-- a high-quality education is something you should get by privilege or by some kind of lottery. I think it's a right, a fundamental right, and our Constitution says so, if we want to Cons-- start talking about the Constitution. But the fact of the matter is, is not every kid should be in public school, nor will succeed in public school. The data speaks for itself. The data speaks for itself. And the last thing that bothers me about a lot of these arguments, and I heard Senator Dungan say it the best, about if we start decreasing our revenues, eventually it's going to hurt public education. See, I don't go for the slippery slope argument. The reason why I don't go for the slippery slope argument is because of history. History has shown that when it comes to slippery slope arguments, that's why we can't get criminal justice reform done, because of the one, the one person who might get out in a program and commit a crime. In fact, Senator Halloran voted against the felon tax credit bill because he said at least 25 percent have recidivism or-- or re-- or recommit a crime. That's the slippery slope argument. We do the same thing for voting rights, like I just explained. We do the same thing all the time here about the slippery slope argument and say, no, we gotta put into it, but we only justify the slippery slope when it applies to poverty and race, and that's what we're doing here today.

KELLY: One minute.

WAYNE: We're saying one day, somewhere in the future, it might take away from public education. It-- it's gonna decrease our revenue. But what's interesting is anybody right now can send a check to a private school and get a tax deduction. Does that decrease our revenue?

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Everybody can do it. And guess what? It's not even capped. It's a-- it's a refundable tax deduction. "Why do we need to do this?" was just said to me on the side-- because we are trying to encourage more choice, the same reason why we are doing housing tax credits. We are trying to encourage more affordable housing. We use tax credits to encourage. And it's not a-- I mean, don't everybody fall off their seats right now. I'm not in favor of tax credits at all, but I lost that battle three years ago. So now I'm trying to improve tax credits that we have to benefit our community, such as the felon tax credits for hiring felons, such as an urban renewal tax credit-- urban redevelopment tax credit to redevelop my community. Now I'm looking at--

KELLY: That's your time, Senator.

WAYNE: --how-- thank you, Mr. President.

KELLY: Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I rise in support of AM353. I'm a bit flummoxed that people are opposing it. I'm not sure that people have actually looked at what that AM does, but it makes sure that this bill does what is the intention, which is to help low-income families send their kids to private schools. So I would highly encourage everyone to take a look at it before you just stand and say that you oppose it. My colleague and friend, Senator Wayne, and I have had lots of conversations around tax credits and tax incentives, so probably literally nothing I have to say today will come as a surprise to him. But before I talk about the tax side of this, let's talk about sex, shall we? Yeah, let's talk about sex. I've passed out two documents from the Omaha Archdiocese. One is the current policy and the other is the original proposal on gender identity and the role that it plays in Catholic education in Omaha. So there's a lot of reasons that I opposed the underlying bill, LB753. But at the end of the day, the reason that I oppose it even more this year than I do in any other time that I have is because of these policies that I distributed, because Omaha Catholic schools are actively seeking to discriminate against LGBTQ youth, specifically trans youth. If you look at the original proposal, it's like it was lifted from LB574. So I oppose giving taxpayer dollars to institutions that actively seek to discriminate against trans children. I oppose taxpayer dollars to institutions that actively dis-- seek to discriminate against trans adults and LGBTQ adults and children. And that's what the Omaha Catholic schools are doing. Now, the second-- the current version is a watered-down version of it, because there was

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such outrage in Omaha by parents and families in the Catholic school system that the Archdiocese withdrew the original proposal and put forth a new proposal. But don't be confused. Don't be complacent. They will come for the original proposal eventually. They will now just stair-step their way to that level of discrimination. So, yeah, I'm going to oppose anything that gives them any money. And, yeah, public schools discriminate because people discriminate. It is inherent in us. We are discriminating. We have systems of discrimination that have-- we have built our culture and our community around. But that doesn't make it OK. And instead of saying public schools discriminate against black kids so we should give money to private schools, how about we address the fact that public schools discriminate against black kids? Let's do that. Let's not enact policies like LB811 that allow educators to restrain children, which we know will disproportionately happen to black and brown kids, to LGBTQ kids, and to kids with developmental disabilities. Let's get real. Discrimination happens, but it's not legal in public schools. Is it permissible? Apparently, but it is not legal. And parents and children have legal recourse. They shouldn't have to use it. We should do better by them. But they do have legal recourse. Catholic schools? Nope. Nope. We actively allow exceptions for Catholic schools. They can actively discriminate.

KELLY: One minute.

M. CAVANAUGH: Just because somebody discriminates, doesn't mean that we should be OK with it. And it doesn't mean that we should give money to another entity that can carte blanche discriminate, carte blanche discriminate. And that is exactly what they want to do and they have told us that; in writing, they have told us that. There are so many arguments to be made against LB753: on the tax side, robust conversations that I have had over the years with Senator Linehan and Senator Wayne about taxes, tax incentives, corporate welfare, nonprofits and the role that they get, all of the money that they get in tax exemptions. I'm not willing to privatize our public libraries and I'm not willing to privatize our public education.

KELLY: That's your time, Senator. Senator Armendariz, you're recognized to speak.

ARMENDARIZ: Thank you, Mr. President. I yield the remainder of my time to Senator Linehan.

KELLY: Senator Linehan, you have 4:50.

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LINEHAN: Thank you, Senator Armendariz. And thank you, Mr. President. We're getting off the subject here. I can go down into each argument, but the point is-- well, let me start here. When-- and I'm sorry, Superintendent Dr. Logan, to do this, but you probably won't be surprised. When Dr. Logan came to Nebraska, I called her and I said, I am going to fight for school choice, but I am not going to use Omaha Public Schools to do so. You're here, I want you to succeed, and I am not going to beat you up. And I know there's plenty of things we can talk about public education, and they have some issues and they need to work them out. But this senator has not been beating up public schools. I haven't been doing it for five years. But I'm a little irritated this morning that it seems fine we can just beat the heck out of Catholic schools. That's just fine, especially by Catholics. That-- if we dislike the Catholic church so much, why don't we stop working with Catholic Charities or-- let's throw the Lutherans in there, too-- Lutheran Family Services? The state contracts with them to do things, pays them because they can do it better than the state. Where would mental health be in the state? It's not good now, I know, we have lots of issues with mental health. But where would it be if it wasn't for the Catholic CHI? It has-- has had in the past-- this is improving-- had in the past the only place you could take an adolescent that needed inpatient care, the only place. And, yes, if they qualified for Medicaid, they would get paid by Medicaid, federal and state dollars. CHI also has a tremendous number, not enough, but they have-- the Catholic hospital system has-- I-- at one time, and these numbers are probably wrong and it's getting better, but at one time they had 85 percent of beds in the state for mental health. Now let's get back to the facts. The fact is this bill doesn't make anybody go anywhere. The law makes you go somewhere, but this bill doesn't make you go to a parochial school, doesn't make you go to a public school. It lets you have a choice, a choice you all have, a choice you all have. A choice that many of your parents used because they could afford to, many of your parents, but you don't want to give it to poor people. It's hypocritical, guys. I don't know why I haven't said this before right now, but we are-- 2 states, 2 states in the whole country and Washington, D.C., 51, 2 states don't have school choice, Nebraska and North Dakota. And we'll get into data tomorrow. I'll be all about data. Here's one data point for you. If you take our ACT scores-- and this isn't-- you can say I'm beating up public schools. It's just a fact. If you take our ACT scores and you take the private schools out, they drop a point, and that's only 10 percent of the kids. Now I have lots of theories why that is, obviously, and I won't argue this. You have parents who are looking for better options

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for their kids. Those kids get one leg up right away because their parents are paying attention.

KELLY: One minute.

LINEHAN: But we have parents who are paying attention, who want options. I can't believe any of you would say no. Really? What if somebody knocked on your door and said your kid's go going here and that's it, no options, you can't do anything else, this is where your child's going? I don't care if they're bullied, I don't care if you're on a third tour and dad's going to be away for 18 months of the time you're in Omaha, you don't have an option, you've gotta go here. None of you would put up with that, none of you. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Dover, you're recognized to speak.

DOVER: Thank you, Mr. President. I wasn't going to speak today. I was going to yield my time. But I feel as though, listening to the debate, I need to say something. I rise in support of LB753, AM338, in opposition to AM353. I'm a First Presbyterian, and you may wonder what that means. It means that basically, for those of you that don't know, the Presbyterians donated their schools to help start the public schools in the United States, and I'm wondering if they would have foreseen where we are today. I thank Sen-- Senator Linehan and Senator Wayne for their passionate speeches today. Back in 1977, I had some friends in north Omaha. They described their schools. I mean, it was, I guess, much like today, and that was 46 years ago. And so I just have to say I don't believe in any future promises about spend more money, the schools in north Omaha are getting any better, because they weren't any-- they weren't any better 46 years ago. Also, one last thing I'd say is I met a young man at the hotel I'm-- I'm staying at. He told me he's attending-- we were just talking about the different things going on and he-- and about this also as just one of many topics we were discussing. Kid was smart, well spoken. I mean, I wish he would have been my kid. He told me that he's attending Creighton, attending college, working part-time at the hotel. And he-- I asked him, you know, where he went to school in north Omaha and stuff like that. And he told me that his mom had enough money to send him to the Catholic school and-- and I asked him what he thought about that. He said, I wouldn't be where I am today without them. And I asked him, what about his friends? And he told me his friend's mom didn't have enough money and they will not have a life like the one he's enjoying. I want to thank again Senator Wayne, Senator Linehan, for their passionate speeches today, and I yield the rest of my time to Senator Linehan. Thank you, Mr. President.

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KELLY: Thank you, Senator. Senator Linehan, 2:40.

LINEHAN: Thank you, Senator Dover. Senator Dover represents a community that is successful. I think we all agree that Norfolk's done pretty well. They have their own congressman now. No, he actually has a whole district, but-- and I miss-- as much as I love Senator Dover, I miss Senator Flood. I'm happy at where he's at. In Madison County, where Norfolk's the county seat, 25 percent of the children attend a nonpublic school. They have Christian, they have Catholic, they have Lutheran, and you go to Norfolk and you can see it's a thriving community. They have a great public school. This is-- this is, again, about choice and options and competition and helping people have those choices. I know that Senator Bl-- Senator Blood was-- I just-- in my opinion, missing the point. It isn't about public versus private. It's about parents having the same rights that most of us have. That's what it's about. It's about should we in today's world say that only privileged people who can move to a new school district, which I did, or who have enough money to pay private tuition, which we could, we should be the only ones with choice?

KELLY: One minute.

LINEHAN: We shouldn't, heaven forbid, let people who can't afford to have the choice. That's all this bill is. You can talk all your other arguments you want, but this is about that. This is about telling Senator John Cavanaugh or Machaela Cavanaugh or Senator Blood, you don't have any choice. So when they can come back tomorrow, when we're still on this bill, and they say they'd be happy if somebody knocked on their door and said, your child will go to this school and you have no choice, if they would find that acceptable, because if we don't pass this bill, that is what you're telling probably 30 to 40 percent of the parents in Nebraska: No choice for you. Good for me but not for you. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Good morning, colleagues. I think one of the things we haven't talked about yet is the mechanism for this program. Senator Wayne said that this program will encourage charity to scholarship-granting organizations. Absolutely, there should be a tax deduction for contributions to scholarship-granting organizations that send children to private schools. Absolutely, there should be. We should encourage donations to every good charity. What about food? What about food banks? Should we give them the same treatment that we're giving private school scholarship-granting

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organizations in this bill? Will children do better if they have eaten? Will they do better in life if they've eaten? What about-- should we do the same thing for cancer research? For cancer? Should we treat childhood cancers with the same sort of encouragement for donation for their research? Will kids do better if they don't have cancer? What about adults? Won't they do better if their parents also don't die of cancer? But we're not treating cancer research, food, stable housing, charities the same way as we're treating scholarship-granting organizations in this bill. If this is the way to encourage those things to get done, shouldn't we encourage them all? The difference between a tax credit at 100 percent, which is in this bill, and a tax deduction, is that a tax deduction will return about 30 percent of your charitable donation. This will give it all back. This isn't the same sort of program. This is directing your taxes. Colleagues, if you could direct your taxes, up to half of your tax liability, and say this is the thing I care about most, what would you send it to? There are a lot of you who have passion projects. Might you send it there? If we all brought tax credits at 100 percent to those things that we care about most, what would be left? I have another question for you, colleagues. I wonder if poverty is the problem, not the school but poverty. And there are many of you here who are standing up in favor of this bill, and I hope you will join me in supporting the programs that lots of your colleagues--

KELLY: One minute.

DeBOER: --have brought to address poverty. If we do this, then you better be standing up in line, first in the queue to say let's address poverty, because a kid who goes to school, I don't care if it's public or private, if they haven't eaten in 24 hours, if they haven't had a stable housing place, if their parents are so poor that they have to work all of the time and they don't have any room for their children in their time, that's also going to cause a problem. So let's make sure that we aren't just directing all of our attention to one aspect. And here's another thing. We're going to leave some kids behind. If it is such a bad situation and what we're doing is we're providing an outlet for some kids, what happens to the rest of the kids?

KELLY: That's your time, Senator.

DeBOER: Thank you, Mr.--

KELLY: Senator--

DeBOER: --President.

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KELLY: Yep. Senator Fredrickson, you are recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good morning, almost afternoon, colleagues and Nebraskans. It's our second week of, I think, really thoughtful debate in here, really good deliberation, and I continue to appreciate these conversations. So I-- I represent District 20 in central west Omaha, and District 20 is one of the districts here where we have a number of school districts within that district. We actually have portions of OPS, Millard Public Schools and, of course, District 66, all within the district. And when I was out campaigning and knocking on doors, out of all the issues that we're debating this year-- and anyone who's paying attention to the Legislature this year knows we are debating a lot of really, really big issues that there's a lot of passion related to. And I have to say, education is, without a doubt, probably number one or two in the district of issues that people have been really passionate about. So, similar to what I did with LB77, which was the concealed carry bill-- bill we discussed last week, I spent this past weekend really going over my notes from when I was campaigning, but also reading different emails, phone calls, etcetera, from constituents, and there are a handful of emails that I got that really sort of stood out to me, and I want to kind of read a little bit from those. This first one says: I would again like to communicate my opposition to LB753, for which the state would potentially forgo tax dollars in providing an extra-generous, dollar-for-dollar tax credit to private school scholarship-granting organizations. Why should the state erode its own tax base as a result of this bill, and why should this type of charitable contribution receive extraordinary treatment over all other charitable contributions? Even at a \$25 million limit, I believe this bill is wrong in principle. It is a backdoor hand-off of state tax dollars to educational entities that are subject to lower standards of transparency, accountability, and nondiscrimination than public K-through-12 institutions. I do not support subsidizing schools that are not subject to the same rules of fairness, access and open governance. And this is the part of the email that really kind of stuck out to me: This is not just an in-theory argument. My own child with special needs was discouraged from enrolling in an area private school four years ago because the school would not and could not accommodate his special needs. Another email I received from a constituent says: A few years back I had a good friend whose daughter was struggling academically in a private school. The principal actually told this mother that her daughter's test scores were bringing down their percentage and recommended a public school education instead. She subsequently transferred her daughter to a

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public school. Another email I received from a constituent said: As a parishioner at a church with a private school, I am highly concerned that these scholarship donations to private schools would be treated as a tax credit instead of a deduction and received unparalleled benefits other chari-- charitable giving do not receive. These schools are not held to the same standards as public schools and do not provide services to all students. I have a sister with Down syndrome and one of the reasons I send my boys to Rockbrook instead of Christ the King is because I know that they will grow up surrounded by all types of people from our community. So the-- these emails from constituents of mine really, I think, highlighted some of the personal things that come up for folks with this. And-- and I--

KELLY: One minute.

FREDRICKSON: I posed a question last week. I'll pose another question this week. Is there anything else in Nebraska tax code that allows for a 100 percent credit? And I'm sure maybe one of my colleagues might know the answer to that? Or last week, what happened when I posed a question was a constituent actually answered that question for me, but-- or not a constituent, a Nebraska resident. But, you know, I'm thinking about the tax credit, the dollar for dollar, and I know Senator DeBoer was talking about this as well. I think that's another conversation we should be having. So I've got more to say and I'll try to hop back on the queue. But thank you, Mr. President.

KELLY: Thank you, Senator. Senator Murman, you're recognized to speak.

MURMAN: Thank you, Mr. Lieutenant Governor. I rise in support of LB753 for three key reasons. First, supporting a child and their parent being able to choose the best education path for them is the moral thing to do. Students should never be trapped in a situation where they are being bullied or discriminated against. We've heard powerful testimony in the Education Committee earlier this year on many bills, but I wanted to point out a few. On LB630, brought by Senator McKinney, we heard testimony of a child being forced to have their hair cut by the school. This action was discriminatory and wrong. On LB374, my Parents' Bill of Rights legislations-- legislation, we heard testimony from a former student at Conestoga High School. His class was made to participate in an activity where every student would stand in one of the four corners of the room with the question being, is America not racist, slightly racist, racist or extremely racist? This student testified that he was singled out and made fun of by his teacher for being the only student in the class who thought America was slightly racist. He testified that his teacher asked him before

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the whole class, why are you taking this position privileged-- you privileged white male? On LB811, we heard testimony from a parent who was clearly traumatized by an incident where public school teachers harmed and pot-- potentially abused their-- her son. Later on during that hearing, the question was asked about what remedies would be available to this parent. The response: Maybe you should just-- maybe you just need to partner with your public school better. Well, the simple fact of the matter is, sometimes you've done all the partnering you can do and it's time to look for other options. No student in Nebraska or in America should ever be subject to the brazen-- to brazen examples of mistreatment, discrimination and bullying. Second, this bill encourage [SIC] competition in education. We often hear the line of we already have school choice because we have option enrollment. To me, this is akin to telling a child on their birthday that they can go out to eat anywhere in town but ha-- but it has to be in a McDonald's. Sometimes McDonald's might work just fine, but it may not be the healthiest option and it does not work for everyone. Sometimes the child needs to help-- needs help in finding the school that best serves their needs. Finally, there have been numerous court cases that support the legal foundation for school choice that stem from several different states. In 2011, the United States Supreme Court heard the case of Arizona Christian School Tuition Organization v. Winn. In this instance, anti-school choice activists sought to overturn Arizona's tuition tax credit, claiming it violated the establishment clause. The court ruled against anti-school choice activists who lacked the standing to sue. Most recently in Carson v. Makin, the Supreme Court held that state scholarship programs must be neutral to religion; in fact, they could not exclude religion entirely because this would be a violation of the free exercise clause of the First Amendment. This is relevant because some of the amendments by my progre-- progressive colleagues that are on the queue I oppose. Senator Wayne made some comments last week in which he said he was tired of hearing the word "no" in Education and Judiciary Committee. He was tired of people saying no--

KELLY: One minute.

MURMAN: --to any changes at all, regardless of whether you thought a specific solution was beneficial or not. Well, I completely agree. A vote against this bill is denying children and parents the opportunity to-- to choose the best education for them. If a student or parent wants to send their child to a private school that benefits from the Opportunity Scholarship tax credit, then the free exercise clause of the Constitution protects the right-- that right. LB753 entirely meets the needs of our students. It's been a privilege to work together with

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Senator Linehan the past four years on school choice. I encourage a green vote on this measure. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. I used to think years ago that this job could not get more depressing, and this year is just taking the cake, as I'm following the Chair of the Education Committee who just compared public schools to McDonald's, saying it's not a healthy option for kids, this and that. My colleagues, while probably well intentioned, are revealing a really fundamental misunderstanding of economics, and I think one basic misunderstanding of economics is that people see a tax credit as, quote, getting to keep their own money, unquote. They see getting a tax credit as getting to keep their own money as opposed to what it is, which is a gift from the government that comes at the cost of public goods like schools. It's a lack of understanding of basic principles, painfully obvious basic principles about incentives and accounting. And there's some economic sleight of hand going on here. The tax credit implies that dollar-for-dollar donations to private schools will come out of public funds, which means public education. So if someone who is spending-- who's giving \$5,000 to a private school, if they're then given a \$5,000 tax credit, that means that taxpayers are spending \$5,000 on private schools. That \$5,000 is coming out of the budget for public schools, roads, bridges, etcetera, all of that other stuff. So what are tax credits? When people donate, to use the same example, if someone donates \$5,000 to a private school and they get a tax credit, then that individual is essentially deciding how \$5,000 of taxpayer money is going to be spent, and that's on private schools. So what are tax credits for? We pass tax credits to incentivize behavior that we think is providing a public good, like a tax credit to open a hospital or a tax credit to build a public university, and this is doing the opposite. What this bill is doing is incentivizing a private good. And, yes, I think tax credits should be viewed with great skepticism because they're very expensive. It's rare that I will support a tax credit. And so when we do one, we have to make sure that it's going to a public good, something that benefits everybody, and private Catholic school does not benefit everybody. In fact, many of them are harmful on purpose, as a matter of policy. Colleagues, this bill is not about rights. It's not about choice or access. This bill is about donations. This bill is about government-incentivized donations. And it's not giving anybody rights or taking any rights away to say that we're not going to incentivize tax credits for donations to private schools. People are already free to donate to private schools. It's about giving money to rich people, as usual, using some poor people as nice marketing,

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because we have to be clear to Nebraskans that what we're debating is not about the merits of private school. It's not about if you had a nice time at private school or you could pay for it or you got a scholarship or you actually really liked public school. It-- none of those opinions actually matter to the content of this bill. What this is about is a taxpayer-funded tax credit to wealthy donors. Tax credits are a market distortion, period. Another market distortion here is in charitable giving. So for every dollar I give to a nonprofit art museum, I get a dollar tax deduction, so my taxable income--

KELLY: One minute.

HUNT: --goes down a dollar, so the taxpayers lose about 30 cents on the dollar. With a tax credit, they lose the whole dollar. Now guess what? With LB753, we've got new prices in town. Now you make more money donating to a private school than you do to any other charity. If you donate \$100 to a public school, you don't get a \$100 tax credit. This is deliberate and they are banking on people not understanding this economic stuff because only rich people need to understand this stuff. People are already free to donate to private schools with their own money. You just don't get the full refund now if you do that. Oh, but it's going to be really great for the poor kids, it's going to be really great for the black and brown kids, you say. OK, great, then go ahead and donate to them on your own. Oh, but I won't donate to the poor kids or the black and brown kids unless you give me back my money, dollar for dollar, for that donation. Well, guess what that sounds like? It sounds like you actually don't care about those kids. It sounds like you care about enriching your own wealth, which is--

KELLY: That's your time, Senator.

HUNT: --what this bill is about. Thank you, Mr. President.

KELLY: Senator Dorn, you're recognized to speak.

DORN: Thank you, Lieutenant Governor. Thank you for the conversation this morning, some interesting talk that's going on. And part of what I was doing, I was writing some notes here this morning, listening to all the people and I-- one of my comments or what-- things I was going to talk about was how things are affected by what we do in the Legislature when we have these types of bills, these more high-profile bills, and how the conversation goes where it does. And then Senator Ben Hansen read his comment this morning, and then he said that that

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was from 1989. And I go, we still have those same type of conversations here in 2023. But I want to-- would Senator Linehan yield to some questions?

KELLY: Senator Linehan, will you yield?

LINEHAN: Yes.

DORN: Yes. Thank you. I talked to you a little bit earlier. What somebody mentioned earlier today about the first priority that gets paid on here or the first ones that can get a scholarship is the pov-- what the poverty level is at today, 100 percent of the poverty level. What is that, a dollar amount, for a family of four?

LINEHAN: Oh.

DORN: Oh. I asked you to--

LINEHAN: OK. That's a-- that's a fair question.

DORN: OK.

LINEHAN: I-- I- but I do not know the answer. I'm sorry. I will get it because I have staff over there looking it up right now.

DORN: OK. You'll get that later. We'll go on to another one. No-- the-- one of them that I really wanted to talk about today was the-- the scholarship-granting organizations.

LINEHAN: Yes.

DORN: OK. Who can be those organizations? Is it one? Is it ten? Are they limited? Can we have-- will we have, all of a sudden, because now we have \$25 million available, will we have ten new ones of these pop up, these 501(c)s?

LINEHAN: We could, which I think would be good.

DORN: OK.

LINEHAN: We-- we need more. There's-- you know, there's individual schools that have theirs that they have the fundraisers with. I'm sure you've been to them. In our community, they try to serve you a lot of alcohol so you buy things you don't need, and they make money for the schools. But with this, you would-- I would hope you would have at least ten, and I will commit to making sure it goes across the whole state--

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DORN: OK.

LINEHAN: --not limited to just a group. And it can't-- in the law, it says it can't be for one school, so you can't just do one school.

DORN: Well, that was one of my questions too. If one of these organizations, if a-- some private school somewhere started one of these organizations, could then they go and get their own scholarship-granting organization and basically say, we're just doing it all for our school? No.

LINEHAN: Not allowed.

DORN: It has to-- and they have to take applications, scholarship applications from anybody?

LINEHAN: They do. And then they have to prioritize, and hopefully somebody is looking up the exact numbers, but the first children-- OK, the first children in the bill, and this confuses people, says kids that already have one. But that's after the program's--

DORN: Yeah.

LINEHAN: --in place.

DORN: Yeah.

LINEHAN: It's not about kids now, but the first program, and this actually came from Senator Day-- I don't know if she-- when I worked on this last year. The first is for the poorest of the poor, meaning they are at poverty level--

DORN: Yeah.

LINEHAN: --not free and reduced lunch level, but poverty level.

DORN: Poverty level, yes. Can-- can a student apply for a scholarship with more than one organization, and how will we keep track of that?

LINEHAN: The organizations will have to make-- well, they'll have to make sure that they're not doing that. They'll have enough that they're not going to be letting schools or students double dip. And it can't be more-- the scholarship cannot be more than the tuition for the school, so they couldn't get--

DORN: Right.

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LINEHAN: They'd be breaking the law.

DORN: OK. So-- thank you. You segued into that because that-- that was also-- I have some questions or whatever. I guess the-- the-- the scholarship amount, do you know if-- if a-- if a school out there, and I've heard Lincoln Pius School, high school here in Lincoln, I've heard they're in the \$10,000 range, so if a freshman going there was pover--

KELLY: One minute.

DORN: --poverty eli-- eligible, what would he-- or what amount of scholarship could he get? That's another question I have.

LINEHAN: He cannot be more than 75 percent, and this is split, so high school--

DORN: OK.

LINEHAN: --probably would be-- can't be more than 75 percent of the average cost of a public school student.

DORN: OK.

LINEHAN: And that changes every year, but right now--

DORN: Well--

LINEHAN: --I think it's about \$12,000.

DORN: But when I Googled it a couple of weeks ago, or whatever, it was-- the average cost was \$12,000 something, at least that's what Google came up with.

LINEHAN: Right.

DORN: So then 25 percent would be about \$9,000.

LINEHAN: Right.

DORN: Yeah.

LINEHAN: That would be the top, but it--

DORN: That would be the maximum.

LINEHAN: Right.

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DORN: Will they-- will they look at-- if-- if there's \$25 million available, ask for \$50 million, will they maybe not fund this one at the top amount or that-- is there criteria for that or how will that get looked at?

LINEHAN: That would-- probably different depending on scholarships. One of the ways I know the Omaha Scholarship Fund does it now is they always-- the parents have to have some buy-in. It depends on-- if the parents are really poor--

DORN: Yep.

LINEHAN: --the buy-in is probably a little less than if they have some more money.

DORN: OK.

LINEHAN: But they try-- they try--

KELLY: That's your time, Senators.

DORN: Thank you.

LINEHAN: Thank you, Senator Dorn.

DORN: Thank you.

KELLY: Senator Lippincott, you're recognized to speak.

LIPPINCOTT: Thank you, sir. I yield my time to Senator Ben Hansen.

KELLY: Senator Hansen, 4:55.

HANSEN: Thank you, Senator Lippincott, appreciate the time. So I'm actually gonna take up Senator Blood on her challenge when it comes to data and statistics and what-- what do the facts say about school choice. So whenever states have incorporated school choice programs, whether it be vouchers, whether it be a scholarship, whether it be other kinds of forms, what happened to these states? What happened to the school system overall as a nation, overall in each of these schools? And they did-- you know, this-- these studies are going to total about 175 studies, and I want to kind of go over some-- some kind of key areas and what they studied aren't just pro-school choice journals. These are journal-- for-- I'm gonna you some examples of some of the journals that were included that they cited: Journal of Research on-- on Educational Effectiveness, American Economic Journal:

Applied Economics, Journal of Policy Analysis and Management, Journal of Education and Behavioral Statistics, American Behavioral Scientist, Education and Urban Society, among others. So just so you know, these aren't, you know, the journal of we love public or private schools. It's typically gold-standard studies that are being used here. And so they went over-- I'm gonna do as much as I can in the time that I have here. If not, I'll continue on when I get a chance to speak next. They went over certain topics: program participant test scores, educational attainment, parent satisfaction, public school students' test scores, civic values and practices, integration and fiscal effectiveness, and that totaled about 175 studies. And just in general, out of those 175 studies, 151 of them found a positive effect; 18 of them found no visible effect. And so 151 out of 175 is pretty good. And so I kind of wanted to go over some of the key points of each one of these topics, if I could. So again, the nerdy part of this speech is just describing kind of what their-- their method is. If a report includes multiple distinct analysis of different private school choice programs, we then counted each of those analyses as distinct studies. So they were very thorough in their analysis and making sure they're trying to be as fair as they can. So the first kind of topic that they covered was participant test scores. Again, this is the data and statistics. This isn't Senator Ben Hansen coming up here talking about, you know, trying to use his opinion and subjective analysis in this. But this is participation test scores. Studies in this section reveal whether students who used scholarships to attend a private school of their choice achieved higher test scores than students who applied for but did not receive or use scholarships. All these studies included in this section used random assignment methods. That's kind of key. They did 17 studies in this. Out of the 17, 11 found a positive effect; 4 found no visible effect. The key points: Now they used a meta analysis, if people know what a meta analysis is. It's a statistical analysis that combines the results of multiple scientific studies to determine overall trends. So they look at all these studies, put them together, and come out with a conclusion. The meta analysis they used of these 17 studies found students who won voucher lotteries and used their vouchers or ESAs saw large positive gains on test scores that equate roughly to 49 more days of learning in math and 28 more days of learning in reading English. So according to the data and statistics, participant-- participation test scores increased exponentially. The next topic, par-- participant attainment: This section reviewed studies that examine whether school choice students are more likely to graduate, enroll in college, and/or persist in college than students who did not use vouchers or tax credit scholarships. Again, they had

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seven studies total. Five found positive effect. Two found no visible effect. Key--

KELLY: One minute.

HANSEN: Thank you. Key points: Most studies have found voucher and tax credit scholarship students are more likely to graduate, enroll in college, and persist in college than their public school peers. The most recent study of participants in Florida's low-income tax credit scholarship program, very similar to what we're doing here, found student enrollment in two- and four-year colleges increased 12 percent for elementary and middle school students and 19 percent for high schoolers compared to their peers who did not use the program. Notably, research not covered in this guide suggests there's a relationship between students with better educational attainment and later life outcomes such as employment, income, health and likelihood to commit crime. I'll continue on, on my nerdy speech, data analysis, even though I think a few people left the room when I started talking, but that's OK. I have a few more topics to cover that are going to discuss the data and the statistics and the facts about those states who incorporate some form of school choice in their educational system. I yield the rest of my time. Thank you.

KELLY: Thank you, Senator. Senator Hardin, you're recognized to speak.

HARDIN: Thank you, Mr. President. I stand in support of LB753. Why have school choice at all? Isn't everything fine the way it is? Why have school choice? Isn't teaching children what to think an adequate substitute for teaching children how to think? Why have school choice? Isn't having a majority of 5th through 11th graders in western Nebraska and inner-city Omaha with failing proficiency in standardized testing in math and English OK? Why have school choice? If we want children who grow from dependence to independence to interdependence, do they have the best shot at that in the current public school environment or possibly somewhere else? Is there a somewhere else? As stated earlier, we're one of two states with no school choice. Isn't it better to have an education environment with no competition for families with less? So why support school choice? Should a choice only be available to people in the highest tax brackets? By default, our lack of leadership on this issue has resulted in that lazy place. Does it cost too much to embrace school choice? Think of the cost if we do not. I yield the rest of my time to Senator Linehan.

KELLY: Three minutes and 25 seconds, Senator Linehan.

LINEHAN: Thank you, Mr. President. And thank you, Senator Hardin. I did get the answer for Senator Dorn's question. So poverty level is-- for a family of four is \$27,750, to the point that these are not people that-- that are having-- these are people that are having a difficult time keeping a roof over their head and food in their kids' stomach. That's family of four. Senator Fredrickson got up and talked about Westside Community. I'm pretty familiar with Westside. I lived there for a dozen years. All four of my kids went to Loveland Elementary School. It's where we moved because-- and my children will be mad at me and I can't remember the names of all the teachers, but Dr. Bruckner was the-- not the Dr.-- woman Bruckner, but the other Dr. Bruckner was the super-- principal of the school. We talked to him. We told it's our situation. We talked to the special ed people. We talked to some teachers and we moved. I know a lot of people in Westside because there's this rivalry between Creighton Prep and Westside that's decades old. A lot of people that live in that community, because they can afford to, send their kids to private schools. Westside loves school choice. They love it. They've got 6,600 kids. I think about 2,000, if not more, of them are option students that option in from other districts. And when those options kids option into Westside-- and Westside is not the only one. It's not even the most option-funded school we have. Northwest, which is by Grand Island, has 80 percent of their kids option in. When those children option from one district, which Senator Hansen brought us kind of the history of that, when decades ago this body decided that choice was good, we said the state-- the state would send that school that they option into \$10,500--and--some-- it's more than that now, but let's just use \$10,500. So Westside loves it if they opt into their school, if that's the choice they're making, for Westside. There-- and we have no visibility on how that works.

KELLY: One minute.

LINEHAN: And I understand concerns about this bill and having visibility, how it works. And I will work with anybody in here to make sure that we're not like double dipping or hiding. I'm all in on that. But we have a system now, a public system where I ask to opt into a district, the district can say no, and they don't even have to tell me why, and Senator Conrad has a bill to address that. We have people-- you want to talk about cherry-picking, that's going on now in public education. First question on the option form: Does this child have an IEP? Sorry, we're full, we don't take special ed kids. So let's not pretend-- and I know you're going to say, well, that's different. No, it's not different. It is not different. We have school choice if the schools decide we can have school choice. All the decisions are left

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to the people running the system while you leave the parents with no choice. Again, we have systems that give the systems the choice.

KELLY: That's your time, Senator.

LINEHAN: Thank you.

KELLY: Senator Geist, you're recognized to speak.

GEIST: Thank you, Mr. President. I don't know how many years we've done this, Senator Linehan, but to me, this is really an easy decision. It's a simple principle of allowing those who can't afford the education that they choose for their children to be able to have an option because of the largesse or the philanthropy of someone else who gives them that privilege. That is a-- that happens all over our state. I know at least every weekend someone has a fundraiser for some organization that people that have a disposable income give to, and it can be for a thousand different reasons. Sometimes it's for school. Sometimes it's to rescue people from sex trafficking or, oh, you know, you-- you know the list. Many of you are invited to those every weekend. Does that take away from public school because we decide to give? My husband and I do this all the time and it's our privilege. We love doing it. We love giving to supply the need that other people can't afford. Our city and our state is one of the most philanthropic places to live in the country, so doing something like this for students who have no option, imagine that being your kid. They're in a school that's failing them. They may be getting bullied. Maybe they have a way of learning that doesn't suit sitting in a classroom. I happen to have three grandkids who made a choice just for the reason that they knew they weren't thriving in their school. Now the other kids are thriving, but these three aren't. They can't afford it, so they sold their home and they used the equity they made on their home to make that choice. So-- and that's a whole nother bill that I could rant on, which I did last week. But again, the opportunity for us who can afford it, most of us sitting in this Chamber can afford to give something to other people who can't afford it, so that this is some big scheme or scandal is just not the way it is. This is what we do all the time as people, as citizens, as people who like to give to others. And, yes, often you get a tax deduction for it, but that doesn't hurt schools. What that does, I still pay my property taxes. I'm just giving to someone else who they are also paying their property taxes, but they just are minus one other student, maybe two, in my family, three. But their family is still paying property taxes to the schools, so are my husband and I, and I don't begrudge that. For the other kids in my family, that's a benefit for them and I'm

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paying my fair share to them. So to me, this is easy. We do it all the time. So I 100 percent support Senator Linehan's LB553--

KELLY: One minute.

GEIST: --LB753 and AM338. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Ballard, you're recognized to speak.

BALLARD: Thank you, Mr. President. Thank you, colleagues. Good morning, colleagues. So I wasn't going to weigh in on this topic because, like many in this body, I attended one of these schools that a large majority of their-- of the students were on low income, free and reduced lunch. But then I thought about the kids that I graduated with, kids that struggled, struggled to make grades, just a high school two blocks from where we're debating today, that they wouldn't have the same opportunities to go to a private school, regardless of their reg-- religious affiliation and attend a four-year college afterwards. So I've seen the success stories that this bill is trying to achieve. I've sat in a classroom with those kids and I've learned with them. So I am supportive of LB5-- of LB753 and I yield the rest of my time to Senator Hansen.

KELLY: Senator Hansen, you have four minutes.

HANSEN: Thank you, Mr. Speaker. I learned on Google that actually when you're-- when you're hungry, it's the best time to hear data and statistics. This is per-- because actually your stomach produces a hormone that induces appetite, but it also helps stimulate new brain growth. So this is perfect. Anyway, let me continue on with my diatribe of statistics here. We talked about participant attainment. And again, this is-- this is data, cumulative data, 135 studies from legitimate journals about certain topics when it comes to school choice. So we're going to go on to parent satisfaction. Studies in this section used surveys of parents to learn whether they are more satisfied with their children's schools after using such programs, such as the ones we're talking about today. They had 32 total studies. Thirty of them found positive effects. One found no visible effect. So 30 out of the 32 found positive. That's actually pretty clinically significant. Families of nearly every demographics are represented in these surveys, though most choice programs today are still built specifically for low- and middle-income families and families of students with special needs. Students of color tend to be represented in these programs at higher rates as well. So the key point is this

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one: Overall, parents who use private school choice programs are more satisfied with their children's experience in schools of choice. Number two, nearly every study of parent satisfaction ever conducted finds ESA voucher and scholarship programs have a positive effect on families' schooling experiences. Point number three: Parents also report engaging more in their chil-- the children's education after receiving a voucher or scholarship. Another point: About 95 percent of parents using Florida's low-income program, the largest tax credit scholarship program in the nation, said their kids now try their best, stay out of trouble, pay attention in class, and are safe in the hallways of their schools of choice. So I'm gonna try to go through a public school students' test scores, and actually this is pretty impressive. They did 28 studies; 25 of them found positive effects and 1 of no no visible effect. Now this is public school studies, not private. So when the state incorporates private education, how do the public schools do? Well, surprisingly, they actually do a lot better. The key points, 89 percent of reviewed studies find private school choice programs tend to induce public schools to improve. Moreover, the research suggests that these positive effects are stronger when there is a greater degree of choice for families and, thus, competition among schools. Eighty-nine percent do better. The more private schools in the area and students a school choice program makes eligible, the more local public schools tend to improve their reading, English, and math proficiency scores, so their scores go up. And a 2021 study examines the effects of student eligibility expansion of the Florida tax credit scholarship program again on students who remained in public schools. The program, one of the oldest and largest in the United States, improved math and reading test scores, and also reduced rates of absenteeism--

KELLY: One minute.

HANSEN: --and school suspension for students remaining in public schools. The next one, I think I can-- well, I will continue on maybe next time when I get a chance to speak, but we're going to be talking about civic values and practices, racial and ethnic integration, and fiscal effects. Again, this is what the data-- data shows for these topics, all the things we're talking about right now. Do they work? Do they not work? What does the data show? So I will continue on the next time I get a chance to speak. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator-- Senator DeKay, you're recognized to speak.

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DeKAY: Thank you, Mr. President. I want to say that I applaud the debate that we are having here today. With these discussions and the issues that come with this bill, pro and con, we are going to be addressed in a transparent way. We are going to see the benefits and the pitfalls down into the future. This year, we will be discussing state aid formula for public schools and if and how it will be tied to this bill. In the end, I am going to be deciding the best path forward for all the students to excel and survive. With that, I will yield the remainder of my time to Senator Wayne.

KELLY: Senator Wayne, you have 4:15.

WAYNE: Thank you. And, colleagues, as we get ready to break here today for lunch and then go to our hearings, I-- I think this has been a fruitful debate. I think what-- what it really comes down to is we can-- we can say we don't want public education-- public dollars to go to private education. I just fundamentally don't believe this is that. But I do want to talk a little bit about tax code, which is very boring right now, going along with Senator Hansen's conversation. But the winner right now of our current tax system is the rich and those who have dollars. What's interesting about this bill is that anybody can apply for a tax credit, including the poor. A mother who is just or a father who is just over the poverty line can donate to this and get a one-for-one tax credit. But you know what can't happen underneath SALT, which everybody in here approved last year by-- or a couple of years ago, by matching ours to match the federal, is you don't get to deduct your property taxes from your income tax if you don't own property. But we approved that. Nobody-- and if you recall, that fiscal note was \$50-60 million. But we fly-- we flew it through because we thought, hey, our code should match the federal code. I didn't hear one person say this takes away money from public education. And how it works is on your tax-- you pay taxes, right? Your pro-- property tax goes to schools. Then you could also donate currently under the system, which goes to-- to-- can go to schools. And then you get to deduct that from your federal. But if you're not paying property taxes, you don't get to deduct that. Unlike every other federal tax deduction, anybody can apply for this or can send money underneath this bill and get a tax credit, so this is actually better than the current bills that we all voted on 48-0 or 49-0 and nobody objected to. We pass stuff all the time. I was just looking at there is a-- a ta-- a housing tax bill that directly appropriates \$25 million to the Affordable Housing Trust Fund. Pretty sure nobody's going to argue that. I got a bill that I hope can get out of HHS Committee for \$25 million for a PT-- PS-- PTSD pilot program for children in the Omaha area. That is a direct appropriation that I feel

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is very important, but nobody is going to get on the floor and argue that takes dollars away from public education, and that is a direct appropriation. We pick and choose all the time. If you're going to make the argument that tax credits take money away from public education, then everything in our budget we spend takes money away from education; then nobody should vote for our budget because there's something in that budget you don't agree with and it takes money away from education. But we do it all the time. And so the question is, for me, when you make that argument is, is \$25 million to give opportunities for families that don't currently have those opportunities worth it? And I can tell you, we can drive and we can pull the kids from Nelson Mandela, we can pull the kids from Jesuit, we can pull the kids from Holy Name, and you can ask those parents--

KELLY: One minute.

WAYNE: --do they think this choice was needed? And they will say yes. That's what it comes down to me. I believe education-- and not just education, a high-quality education, is a fundamental right. And just because I put \$25 million towards a PTSD program, just because I put \$25 million towards a choice program, just because I put \$25 million towards a housing tax credit program, does not mean I'm not going to fight for \$100 million and probably get dollars for Omaha Public Schools or any other public education. What we have to stop doing when we have these debates is saying it's either/or when we know in this body, damn well we know in this body it's both. Every day we make a choice about where dollars goes, every day, and we know it's not either/or but both. And if you don't want dollars, and I don't think it is dollars, but if you don't want a tax credit to go there, that's fine. I will respect your decision.

KELLY: That's your time, Senator.

WAYNE: Thank you, Mr. President.

KELLY: Senator Ibach, you're recognized to speak.

IBACH: Thank you, Mr. President. And I will be brief and yield my time. First of all, I think that there's no policy that fits everyone all the time, and I've learned that through life. We learn it every day, and I think probably more in the last couple of months, year, even more so. Second, I'm a person that looks at what a package does for Nebraskans and-- rather than what it lacks, and so I think we need to focus on that. Lastly, I would just share, most folks here know that I depend a lot on my constituents and-- and like to listen to

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them. I have just a brief letter that says, Dear Senator Ibach, thank you for cosponsoring LB753, the Opportunity Scholarships Act. Nebraska is one of only two states that has not passed some kind of school choice policy, and it is time for that to change. Parents and kids need more options and LB753 will help to provide hope for many. Thank you again and please continue to support LB753 as it makes its way through the legislative process. And as many of you know, I don't have private schools in my district. And so to get letters or support from many of my constituents, this is a really important thing. So going forward, I think we should just focus on the good we can do as a body. And collectively, I-- I'm learning a lot and I think that this-- this package provides a lot. Anyway, thank you, Mr. President. I would yield my time to Senator Hansen.

KELLY: Three minutes, 15 seconds, Senator.

HANSEN: Thank you, Mr. President. OK, the data lecture continues, so we're getting there. The train's moving forward. I will go on first-- next-- next topic I want to go over is the civic values and practices. Again, these were gold-standard research studies or statistics or analyses or questionnaires that they used to answer a lot of these topics about school choice in the states. Studies in this section researched students' tolerance for others before and after using private school choice programs. And this is a topic that we've been covering here in a subjective fashion about our feelings of private-- of school choice, of private schools, and maybe how-- maybe we're talking about discrimination, about how the students behave when they attend private-- private schools. But these are ones that researched students' tolerance of others before and after, largely via survey questionnaires that gauge whether students recognize the views, rights and legal protections of people with whom they disagree. These studies also measured civic engagement, such as political participation, voting, giving to charity and volunteering. Finally, one study included here examined private schools' effect on a student's likelihood to commit a crime. So they did 11 studies in total. Six found a positive effect. Five found no visible effect. So not as strong as the other topics, but still positive. The body of evidence-- these are the key points here. The body of evidence finds students who use private school choice programs have higher or the same level of tolerance and civic engagement as their peers who don't use school choice programs. Point number two: Students who have participated in Milwaukee's voucher program were compared with students in the Milwaukee Public School District and examined for their likelihood to engage in criminal activity. The analysis found exposure to private schooling through a voucher is associated with lower rates of criminal

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activity, such as committing misdemeanors, felonies and theft. And here's-- here's another one, the third point: No study, no study has ever found private school choice programs lead students to become less tolerant, more apathetic citizens. I thought that was an interesting point. Hopefully I can cover the next one here. We're gonna talk about racial and ethnic integration. These studies examine the effect of school voucher programs on racial and ethnic diversity--

KELLY: One minute.

HANSEN: --in public and private schools. They did seven studies total. Six found a positive effect; one, no visible effect. So when it came to racial and ethnic diversity in public and private schools, six out of the seven found were positive. And one of the key points here: By conventional measures of integration, six out of seven studies showed vouchers improve integration in private and public schools. One found vouchers cause no change. Zero studies have found vouchers lead to more segregation in schools, zero studies. School choice actually brings people together. That's what the data shows. No studies ever showed that it separates people. That it actually brings people together, I think that's an important fact that we can remember when we're having a discussion here about this-- about this topic, very important. I got maybe about one or two other topics to cover here the next time I'm able to talk. We got about eight minutes left, so we'll see, before lunch. All right. I yield the rest of my time. Thank you.

KELLY: Thank you, Senator Hansen. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Lieutenant Governor. Six out of seven studies, that's an amazing statistic. I'm hungry. I'm-- I'm feeding into all this statis-- statistic talk here. Senator Hansen, I would yield the rest of my time to you to continue to fill my stomach.

KELLY: Senator Hansen, 4:40.

HANSEN: That was the oddest yield of time I've ever had so far in four years. Thank you, Senator Lowe. Not sure what that quite meant, but I think I get-- I get the metaphor. All right. Oh, jeez. All right, so anyway, let's talk one more thing, about fiscal effects. This is a, again, discussion around a lot about what happens fiscally to the states that incorporate school choice. Granted, school choices are different in different states, but again, we're talking about meta analysis. We're talking about a collective study of other studies around this topic. So they-- they make a-- they make an interesting

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point here. Any fiscal analysis worth its salt should account for: one, costs and savings, which include the cost of providing vouchers, as well as the costs public schools are freed of when students leave and those schools are no longer required to educate them; and point number two, switchers, or students who would likely enroll in a public school if they did not receive any fiscal assistance from the school choice program. Those are two things they kind of have to account for when they look at all these studies. The studies counted in our analysis accounted for both. So the key points, these are interesting again. They did-- they-- actually, they did 73 studies on fiscal effects, 73. Sixty-eight of them found positive effects; 4 found no visible effect. The key points: the vast majority of studies find ESA voucher and tax credit scholarship programs save money. Short-run estimates from five studies show net costs, while long-term estimates indicate that these programs generate net fiscal benefits. Five of the short-term studies showed net costs, while long-run estimates show net fiscal benefits. Because most voucher programs are funded only by a portion of state funds, most, if not all, local and federal funds remain in public school districts, meaning they have fewer students to educate and more money per pupil to do it. Kind of interesting. And I want to read this paragraph. Thought that'd be an interesting point here. Too often education costs are treated as fixed, and school administrators argue that they cannot immediately cut costs when a student leaves their school. Fair enough, but it should be noted that they don't make the same argument when a student joins their school. They tend to ask for more money. If their costs are fixed, it shouldn't matter either way. Yeah, that's not how it works. So again, this is a broad range of studies we're talking about here and questionnaires and analyses of other studies, like they've got pages of them here and from legitimate gold-standard journals when it comes to education and data and statistics, like I mentioned before, so I think it's interesting to note. And finally, I kind of want to make the point that I saw here over all these studies, over all 175 studies, and we talk about all of these different topics, this is probably-- probably one of the key statistics here: 86 percent of reviewed empirical studies from across the country find school choice programs have positive effects on students, schools, or state budgets, 86 percent. Again, not me up here giving an opinion, just reading from the data. So I-- my-- my lecture is over, even though there's few people left here. But I think it's worth noting that in all the states that have incorporated some form of school choice, it has been net positive, 86 percent.

KELLY: One minute.

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HANSEN: And I know some states are doing it differently, but ours is not reinventing the wheel to some extent. It's what other states have done. So closing out the morning, we can marinate on all the statistics, You can sleep about it and dream about it tonight. I know Senator Lowe will be happy about it. So I can always come back here and discuss this in greater extent if we need to. But I at least want to kind of fill out those-- those topics. So with that, I got more to say, but I'm gonna stop. So with that, I'll yield the rest of my time. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Natural Resources, chaired by Senator Bostelman, reports LB217, LB450, and LB636 to General File. Additionally, your Committee on Revenue, chaired by Senator Linehan, reports LB447, LB29, LB97, LB706 to General File, LB29, LB97, LB706, all having committee amendments. Additionally, your Committee on Urban Affairs, chaired by Senator McKinney, reports LB171 to General File. Notice of committee hearing from the Education Committee. New LR from Senator Arch, LR54, that will be laid over. Additionally, a notification from Senator von Gillern that he is electing to designate LB805 as his personal priority bill for the session. New A bill, LB102A, from Senator Erdman, it's a bill for act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB102. Name adds: Senator Holdcroft to LB10; Senator Machaela Cavanaugh to LB31. Notice: the Exec Board will meet and hold an Executive Session in Room 1525 upon adjournment, Exec Board, Exec Session, Room 1525, upon adjournment, and the Business and Labor Committee will have an Exec Session after their hearing today, Business and Labor, Exec Session after the afternoon hearing today. Finally, Mr. President, a priority motion: Senator Bostelman would move to adjourn the body until Tuesday, March 7, 2023, at 9:00 a.m.

KELLY: The issue is, shall the Legislature adjourn for the day? All those in favor say aye. Those opposed, nay. We are adjourned.