

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 8, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the Judge-- George W. Norris Legislative Chamber for the forty-first day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Senator Moser. Please rise.

MOSER: Father, we thank you for your many blessings on our nation and our state. Give us wisdom and inspiration to make good decisions. We thank you for our colleagues, both here in the Capitol and in Washington. We ask for healing for all our colleagues, our families, all the employees who work in this building. Would you return this all to 100 percent health. Though at times we fail to live to your standards, we ask forgiveness in the name of your son, Jesus, who makes up for all our shortcomings. Please bless us in all our work. Amen.

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

DORN: Colleagues, join me in the Pledge of Allegiance. 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 the order the forty-first 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. Notice of committee hearings from the Revenue Committee. Additionally, some announcements: Senator Sanders has designated LB583 as her personal priority for the session; Senator Sanders, LB583, personal priority. Additionally, Senator Hughes has designated LB584 as her personal priority; Senator Hughes, LB584. Announcement: the General Affairs Committee will be holding meeting under the north balcony for an Executive Session at 9:30; General Affairs, 9:30 under the north balcony. That's all I have at this time, Mr. President.

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KELLY: Thank you, Mr. Clerk. I recognize Speaker Arch for a message.

ARCH: Thank you. Thank you, Mr. President. Just a quick-- just a quick reminder, the deadline to submit a Speaker priority request letter to me is prior to adjournment tomorrow, so I don't want you to miss it. We're receiving quite a few letters already, which is great. But just-- just-- just a reminder to senators and staff, it's tomorrow upon adjournment, I need to have that letter in my office. So if you have any questions, you can come see me. You can stop in my office and talk to Laurie to help facilitate that. Thank you, Mr. President.

KELLY: I recognize Senator DeBoer for an announcement.

DeBOER: Thank you, Mr. President. Good morning, colleagues. I wanted to draw your attention to an email I sent to you yesterday. Many of you, I'm told, have already taken advantage of this email, so thank you very much for that. As Chair of the Planning Committee, I sent out an email asking for input from the body as to which issues they would like the Planning Committee to focus on this summer as we do our work to do some of the long-range planning work of this body. The Planning Committee, if you're not familiar with it, will meet over the summer. It's already been appointed by the Executive Board, so if you're on it, you should know already. And what we do is we get together and we get data from the areas of interest that we're going to identify now, and we look at how the-- how the state is doing on-- in those areas. And then we talk to a bunch of different folks about how we might change the direction maybe of a lack of young people in our state or whatever it is, and we do that long-range work where we then try to come back with a report in December of this year to all of you to tell you how our findings went and what sort of things we discovered in our inquiry. So I'd really ask all of you, please, to send back that email. It takes a few seconds. It's-- it's really not a very long survey to just identify which issues you'd like us to look at, and I ask that it be back by Monday so that the-- the Planning Committee can use their priority designation, which we have, in one of the areas which you all as a body have identified. Thank you very much.

KELLY: Thank you, Senator. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR50, LR51, LR52, LR53. Mr. Clerk for items.

CLERK: Mr. President, first item, LB753, it's a bill for an-- excuse me, it's introduced by Senator Linehan at the request of the Governor; it's a bill for an act relating to revenue and taxation; amends Section 77-2715.07, 77-2717, 77-2734.03; adopts the Opportunities

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Scholarships Act; provides for tax credits; harmonize provisions; provides an operative date; provides for severability; and repeals the original section. Bill was read for the first time on January 18 of this year and referred to the Revenue Committee. That committee placed the bill on General File. There is a pending committee amendment, as well as an additional amendment pending from Senator Hunt.

ARCH: Senator Linehan, you're recognized for a two-minute refresh on the bill and the amendment.

LINEHAN: Thank you, Mr. President, and good morning, colleagues. Good morning, Nebraska. So the white-copy amendment, which is-- OK, here's a-- you all can get a joke out of this, this morning. I forgot my glasses, so it is LB338. Am I saying that right? LB3-- LB338 to--

_____ : They're on your front.

LINEHAN: Oh.

_____ : Yeah, they're on your front. They're on your shirt.

LINEHAN: Oh, they're on my shirt. Thank you. It is AM338 to LB753. I think everybody knows what this bill does. I'm not going to go into details. Be here all morning to answer any questions you have. I do want to thank everybody that has worked hard, both sides, on this bill. I want to give a special shout out to John Cavanaugh, Senator John Cavanaugh, who helped me correct the record yesterday on who the-- who these scholarships are available for, and that was-- I-- I actually think the papers would still be wrong this morning if it wasn't for him stepping up and helping me. I also want to thank him for understanding what my amendment on the tiers were and pulling down his amendment. I want to thank everybody that's been here, and I know everybody really believes, you're either for it or against it. This is not a neutral situation here. And I know it's hard. So I-- I'm going to stay on the floor this morning. I'm still willing to answer questions. The way this process works, if you can get this to Select, and then we're going to have a funding bill coming out of Education for public schools that needs to get to Select. And then we're going to have a budget come to the floor, and one-- none of this will move to any final-- final stage until we get the budget passed, and then we'll know how much money we have. Then the-- the Fis-- the Forecasting Board comes in end of April, then we'll have more adjustments to make. So everything we're doing now, including this bill, is just moving it forward so when we get to April, we'll have

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all the pieces laid out and everybody can figure out how we're going to go forward to the end. Thank you very much.

KELLY: Thank you, Senator. And, Senator John Cavanaugh, you've been authorized by Senator Hunt to give a one-minute refresh on AM507.

J. CAVANAUGH: Thank you, Mr. President, and I appreciate Senator Linehan's remarks. And we are on Senator Hunt's amendment because I did pull down that amendment and I submitted a subsequent amendment that contemplated Senator Linehan's comments. But Senator Hunt's amendment, AM507, basically is an amendment to the white-copy amendment of AM338. And on page 2, it strikes out the current antidiscrimination language and substitutes new antidiscrimination language, which says that these organizations that do-- does not discriminate on the basis of race, color, religion, national origin, ancestry, citizenship status, gender, sexual orientation, gender identity, disability, or special education status. So Senator Hunt is attempting to submit-- substitute just a broader category than the one that's currently in AM338 for prohibition on discrimination for the entities that would receive these scholarships. So I look forward to continuing the debate. Thank you, Mr. President.

KELLY: Thank you, Senator. Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to bracket LB753 until May 22, 2023.

KELLY: Senator Machaela Cavanaugh, you're recognized to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I put a bracket motion up because I know that there are several members, or at least a couple of members today, that are not here. And so I thought, well, let's go ahead and bracket it and then we can come back to it when members are here for the cloture vote. So I would encourage people to vote for the bracket motion so that this doesn't go to a cloture vote and-- and fail because there aren't enough people here, although I'm fine with it either way. So I did want to take some time this morning to address an issue that was discussed with Senator Linehan and Senator Wayne about option enrollment. It was a very disappointing conversation. I represent Westside High School District. My children go to Westside School District. I am a big fan of the education that they receive, the educators there, and I'm disappointed in the maligning that happened yesterday for my school district. I did hear from the superintendent, and he wrote to myself and several

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others that he was very disheartened, as was the board, to hear the lies about Westside yesterday. He attached the board's policy and guidelines for option enrollment. It shows priorities for option enrollment, applications, lottery, etcetera. This policy guides our option enrollment process. Below are some random data points pertaining to option enrollment. Thirty-eight percent-- 36 percent of our students come to us through option enrollment. This year's class of 2023 has 219 option-in students. For the 2022-23 school year, we received 613 option-in applications. Of those, 313 were approved by following the attached policy. Of the 313 approved, 240 accepted and enrolled. Of the 240 that enrolled, 108 were in kindergarten. 50 were Westside Middle School, and 51 were Westside High School. For the '21-22 school year, we received 609 option-in applications. Of those, 339 were approved. Of the 339 approved, 265 accepted and enrolled. What we say on the microphone here matters and it is important, and we shouldn't be dishonest with the public and we shouldn't be slinging mud at our public schools. It is unbecoming and beneath us. This bill is being marketed as a bill for low-income kids to get a better education. I look forward to seeing everyone who votes for this bill voting for low-income kids when it comes to feeding them through SNAP, when it comes to making sure that they have housing through rental assistance, when it comes to making sure that they have a place to be during the day through childcare subsidies, when it comes to making sure that they have the best start in life through Medicaid expansion postpartum. I look forward to seeing everyone who votes for LB753 voting for those things, and I look forward to them being held accountable by those who have been standing up and speaking, actively speaking in support of LB753 and how much it helps low income children. I look forward to you holding these people accountable for voting for things that help families help working poor because, based on conversations that I'm having with colleagues, that's not what's going to happen. How much time do I have?

KELLY: 5:45.

M. CAVANAUGH: Thank you, Mr. President. I would like to yield the remainder of my time to one of the introducers of one of these really important pieces of policy that helps children. Senator Day, would you mind if I yielded you the remainder of my time?

KELLY: Senator Day, you have 5:25.

DAY: Thank you, Mr. President. And thank you, Senator Cavanaugh. This year I introduced LB84, which would essentially remove the sunset on SNAP from Senator John McCollister's bill from last year. I believe it

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was LB108, I think. Essentially, we increased the gross income eligibility for SNAP for-- from 130 percent of the federal poverty level to 165 percent of the federal poverty level. We kept the net income eligibility the same, at 100 percent of federal poverty level. This does-- it-- when it was originally passed, it did a couple of things. Number one, we were in the middle of the pandemic and families were out of work or struggling to purchase food for their families, and that helped address that issue there. And additionally, the increase in the gross income eligibility while keeping the net income eligibility the same helps us to partially address the cliff effect. A lot of times, when you qualify for SNAP, even a small bump in your hourly pay can increase your income to the point that you lose eligibility for all of your benefits. That is problematic because essentially what it means is that workers will turn down opportunities for better paying jobs and increase in pay. That's essentially the cliff effect, is families will lose access to food and SNAP by taking a small increase in pay. And we had several testifiers that came in, in support of LB84 this year. Nebraska Catholic Conference came in and testified and the way he articulated it, Tom Venzor articulated it, I really appreciated. He says, when we don't address the cliff effect and we move the income eligibility level, the gross income eligibility level back down to 130 percent, we create an anchor into poverty as opposed to creating a ladder out of poverty. And so this year, that, Senator McCollister's bill that was passed last year, will sunset in September of this year, meaning the gross income eligibility level will go back down to 130 percent from 165. My bill, LB84, would remove the sunset altogether and we would just leave it at 165 percent permanently. I wanted to talk about this today because we have been spending the last couple of days talking about how we support low-income families, we care about offering them opportunities to get out of poverty, we care about black and brown children who need better opportunities, and I'm struggling to find the votes to get SNAP passed this session. I'm working on getting it out of committee. I'm not sure if we're going to be able to get it out of committee. I hope we can. I hope we can work with my colleagues on HHS to get it out. But right now, we're unsure of if we're even going to be able to get it out of committee, one of the reasons being we're not sure if I would even have the votes to get it passed once it got moved to General File, even if I made it my personal priority. The issue I have is that many people in this body will often pick and choose when we care about kids who live in poverty, when we care about black and brown kids. When it comes to SNAP, when it comes to childcare assistance, when it comes to any of the other things that could directly address the issues with

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poverty and access to quality education, we struggle to find the votes to get those bills passed, but when we have a bill like LB753--

KELLY: One minute.

DAY: Thank you, Mr. President. When we have a bill like LB753 that indirectly may benefit a handful of kids that live in poverty, we want to use those kids as a pawn to get that bill passed. And in-- and directly, this bill puts more money in the pockets of wealthy donors. We know that. SNAP does not. The only difference I see in bills like LB753 and my SNAP bill, LB84, is the mechanism of helping kids in poverty, right? LB753 benefits wealthy donors. It puts more money back in the pockets of people who have enough money to donate in the first place. And maybe it'll help a handful of kids. SNAP does not put money in the pockets of wealthy donors. It puts food in the mouths of kids who live in poverty.

KELLY: That's your time, Senator.

DAY: Thank you, Mr. President.

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

DOVER: Thank you, Mr. President. I yield to Senator Clements.

KELLY: Senator Clements, you have 4:53.

CLEMENTS: Thank you, Mr. President. Thank you, Senator Dover. You will have received an article on your desk today. I-- in thinking about this bill, I decided to put my thoughts in writing, and I'd like to read those. It's called Helping Families and Finance. I've been a consistent supporter of school choice because I believe every child, regardless of income level or adverse situation, should have access to the educational setting that-- setting that best fits them. While that principal is enough, as a fiscal conservative I am also sensitive to fis-- financial impacts. As you will see, a scholarship tax credit like LB753 is a wise financial approach to achieving educational opportunity. Opponents of LB753 claim that this bill takes money away from the public schools and reduces the state's budget. As the budget shrinks, public schools might suffer, their argument goes, yet Nebraska currently has over 30 tax credit programs and most of those are not opposed by these same groups. Most importantly, the data just doesn't support the opponents' claims. As a matter of fact, it refutes it. And in the last couple of days I have talked about the other tax credit programs. According to EdChoice, there have been 73 separate fiscal analyses conducted on private school choice programs in the

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United States. Of those, 68 found the programs generated net savings for the state, and four of them found the programs were cost neutral. Tax credit scholarship programs currently exist in 21 other states, having a long track record and the data is clear. Numerous independent studies confirm the net savings these programs produce. For example, Florida's tax credit scholarship program is one of the nation's most established and studied. This program saved \$1.44 in state revenues for every \$1 in tax credit. Furthermore, the average cost to educate one student in Nebraska's public schools is now over \$14,000. When one considers that the average tax credit scholarship nationally is just over \$4,000, we are talking about \$10,000 cost savings per student. Another way to look at this is to consider that the state spends over a billion dollars on education, public education. While LB753 Opportunity Scholarships is not part of our public school funding, it does provide a tax incentive that is less than 2.5 percent of what we invest in public education. LB753 could grow over time, but as it does, the cost savings to the state increases. Those dollars could be used to support public education. Ultimately, the concern that this is going to cut state revenues or hurt public schools has been proven false. As a matter of fact, EdChoice also reports that 25 of 28 studies show that students in school choice states who remain in public schools improve their academic performance. Speaking of public school funding, I have made a commitment to support Governor Jim Pillen's education plan by introducing LB681, which would appropriate \$1.75 billion to a new K-through-12 Education Future Fund over the next four years. This incredible amount of additional money for public schools makes their opposition to the educational choice for vulnerable students all the more unreasonable.

KELLY: One minute.

CLEMENTS: Thank you. Educational opportunity is a right families deserve. Our state supports the premise financially at the early childhood and college levels. LB753 extends that right to the K-12 level and it does so responsibly. I was happy to cosponsor the bill and look forward to seeing Nebraska catch up with nearly every other state in the country by providing more school choice. So in figures that I have looked at, the-- the credit we're giving, we receive \$3.9 billion of income tax a year. The \$25 million is 0.63 percent of our income tax revenues, leaving 99.4 percent of our revenues still available for other things. Thank you, Mr. President.

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

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BRIESE: Thank you, Mr. President. Good morning, colleagues. I rise again in support of LB753, AM338. And I want to briefly address a concern that was raised yesterday, and that is the suggestion that this is-- somehow is unconstitutional under Article VII, Section 11 of the Nebraska constitution that prohibits, quote, appropriation of public funds to any nonpublic school. Several programs have been challenged under that constitutional provision and the constitutionality of them addressed by the Nebraska Supreme Court. In these decisions the court upheld against an Article VII, Section 11 challenge scholarship aid from the state for students to attend private college, use of public school bus service for private school kids, and textbook loan program-- the textbook loan program, among other things. In those cases, the court, time and again, indicated that the constitutional provision in question is implicated only by an appropriation directly to a private school, and we don't have that here. And it was suggested yesterday that there are facts distinguishing those programs from what we're talking about here. But if there is any distinction, it is a distinction without a difference. There's nothing in those cases to suggest this program in any way violates the Nebraska Constitution. And we need to remember that we at-- as a Legislature have an enormous ability to legislate on behalf of our constituents. And the Supreme Court has noted, quote, the Legislature has vast authority, limited only by the State and Federal Constitutions, and what we do is presumed constitutional unless adjudicated otherwise by the judicial branch. So we need to remember that. That's an important point. What we do is presumed constitutional until adjudicated otherwise, so don't become distracted by suggestions of unconstitutionality surrounding this provision, this bill. This bill, excuse me, is presumed constitutional, and even if subjected to judicial review, it would be found constitutionally sound. Thank you, Mr. President. I will yield the balance of my time to Senator McKinney. Thank you.

KELLY: Senator McKinney, you have 2:40.

McKINNEY: Thank you, Mr. President. I rise in support of LB753, and I'll pose this question to everybody during this debate. Answer the question. If for 30 years a percentage of a population is ranking the lowest in every statistical category, after 30 years, should they continue to go down the same route or look for alternative? Answer that question. Also yesterday, there was-- busy place yesterday and there was a lot of people that I knew down here from north Omaha that were listening to this debate. And when I talked to them after we adjourned, they was like, Bro, they just don't get it, they can't put themselves in our shoes, they don't understand where we come from.

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These are people from my community. So for all those people who say, oh, your-- your community really doesn't support this, there was a bunch of people from my community down here yesterday sitting and listening to this debate, and they all told me, Bro, keep fighting, they don't understand what we go through, they don't get it. And maybe you'll never get it and maybe I can never explain it clear enough for you to ever get it as to why we just want option, the opportunity. It's not to say it's for everybody, that it's going to work for everybody. But what we're going through currently isn't working either, so we have to figure out another way. And then on the flip side, I had a Native American woman that I know reach out to me that was like, I took my kid out of private school and put him in public school and he did worse, he was struggling, they couldn't help him, then I took him back to private school and he's doing great now.

KELLY: One minute.

McKINNEY: It's-- it's not cut and dry on both sides, but let's not be hypocrites, honestly. It's-- it's failures on both sides, and all I'm saying is our kids just deserve an opportunity to look for something else if it's not working. Thank you.

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

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

KELLY: Senator Wayne, you have 4:53.

WAYNE: Thank you. And, colleagues, if you want to have a conversation about Westside, I look forward to that conversation, because we can talk about that being the first public charter school district in the state that was founded on racism. We can have that conversation if you want to today because I look forward to it. The reality is, is here's what I said. I said the joke around Omaha is that if you could punt, pass, or kick-- keyword in there is the "joke," the joke around Omaha. Now, people want to get offended by that, but you forgot I-- maybe you don't know. I used to run one of the largest basketball and sports organizations in, yeah, I think, the state at one point. If a-- if a varsity coach wants their kid to get into-- a kid they're recruiting to get into a district, you better believe somehow that kid gets in. Let's just be-- the point of it is we don't have a set standard. And you know what's interesting about an education debate is, every year we have an education debate, that is the one industry that will flood us with data. They will give us every data point that you need to make your argument valid, from education funding to not suspending pre-K

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through second graders. They will give you data. You know the one piece of data we haven't heard is how many kids are actually denied option enrollment. We haven't heard the reason those kids are denied option enrollment. We don't have any data points about this supposedly public choice. Why is that, colleagues? Why is it we don't have that data? Because they deny kids for arbitrary reasons, and some of them are legit reasons. I'm not saying that's not true. But every year there are certain school districts who get bashed on, but I don't have the board and the superintendent getting all upset. But if we want to have a conversation-- and we can go back and look at the transcripts on this floor in 1941, back and again in 1947, about creating a special school district. If you want to have the conversation about the policy was, is as Omaha annexed areas like Arlington and Benson, etcetera, they incorporated the school district. If you want to have that conversation about the history of education, racism, and how it affects today in Omaha, I'm here all day. We can have that. We don't have-- we can work through lunch. We can skip committee hearings, because I want to have that conversation, because the fact of the matter is, is when Omaha annexed Millard, there were actually riots in Millard. Go look it up. White people were so upset. Then there was a backroom deal with Omaha Public Schools, the city council, and Millard Public Schools that, hey, we'll be annexed by Omaha, just don't have our kids go to school with these kids, and that's how Millard Public School stayed the same. That's why they weren't annexed. But if you look at the history of one city, one school district, which was actually on the law, every time Omaha annexed a community, it became a part of Omaha Public Schools, except for when we got to the suburbs, except for when we came down here because of that law and carved out a special district for Westside. You can't argue that. And so what Senator McKinney said is 100 percent. We had 45 people from north Omaha down here yesterday. Not one person said I should be against this bill. In fact, they were like, we need something. This may not be the answer and I, I've said that 50 times. This may not be the silver bullet. In fact, I don't think it is. But nobody else is giving an option to these parents. That's all I'm saying. Give them an option. And so I'm not going to apologize for Westside because I could have plugged in anything, but the reason--

KELLY: One minute.

WAYNE: --Westside popped in my head, because I was looking at the state boys bracket and they're in state. I could have used Millard. I could have used Gretna. So I used Westside. That's just-- the standard is there is no standard. They don't tell parents why they're denying people. Senator Conrad has a bill on that. This is just factual. But

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if you want to have a conversation about privilege in the education system in Omaha and you want to have a conversation about Westside, I'll go down and grab the books and we can start talking about how they were founded and how they discriminated for years and how a kid is being treated completely different by this state, which is not Westside's fault, by this state because they opt into a school within-- within Omaha. Westside gets \$10,500 for the same kid if he were to-- if that kid would have went to Omaha North, they get \$5,000, OPS does. Let's have that conversation. Let's all sign up and say we're going to treat every school in Omaha-- city of Omaha the same. They'll all be equalized.

KELLY: That's your time, Senator.

WAYNE: Thank you, Mr. President.

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

LINEHAN: Good morning, Mr. President. I got an email yesterday. And I will agree wholeheartedly, not every time, but most of the time, with Senator Wayne, we agree. It's not a silver bullet, doesn't solve all the problems. It simply doesn't. We got a lot more work to do. We've got a funding bill in Education Committee that needs to come to the floor. It provides a lot more funding, especially for special ed for all schools. No matter if you're equalized or not, you get more money for special ed. That's really important. We need to get to that and it's all a package. But I am going to stop this morning and read an email from a mom that I got yesterday. I wanted to remain anonymous, but I want to share this story. It's very sensitive in nature and I have left out the names of the school district, specific schools, and her name. Please share this story on the floor. My daughter dealt with severe bullying this year in her last school district. Kids would tell her things like the school kid could clap at your funeral because it would mean you would be dead. They told her the world would be a better place if she killed herself. She unfortunately, and it pains me so much to type this email, took those words to heart and tried to end her life at the beginning of the year. As you can imagine, and thank God every day she was not successful, we continue to work with medical professionals to try to undo the mental and emotional damage that was done. My daughter had limited options on how she could finish out the school year. The very large school district in the closest town would not accept mid-transfers-- midyear transfers, even though there was a middle school less than ten minutes from our house. I was told the deadline for option enrollment was in the fall, and unfortunately I could not predict these things were

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going to happen seven months ago. My daughter could finish remotely, but that would mean being isolated and secluded for five months, teaching herself how to finish her current grade, as the school was not prepared for remote student. Thankfully, there was a private school that understood her situation and accepted her. When I say-- when I say it has been the best thing to happen in her very-- to her in a very long time, that is an understatement. It has been a safe haven and my daughter is slowly returning to a happy, bright, healthy girl she once was just last school year. She is active in her classes, asking questions, excited to learn more. She's involved in extracurricular activities, something that she had started to withdraw from in the last few months at her old school district. She loves her teachers and the way they care about her education and well-being. The students have welcomed her with open arms and she eagerly tells me about the many new friends she has made. She does not want summer school to come because it makes a break from school. Can you believe that, a teenager who doesn't want school to end? I'm not rich. I'm not wealthy. I can safely say-- this is very sad and hopefully not true-- I will never be above lower middle class. I'm a single mother, responsible for half of her private school tuition, an expense I never thought I'd incur. But as a parent, you do what has to be done, and in this case I do what needs to be done so my daughter can survive, so she can thrive, which is what she is doing in her new school. This is an example of someone, a family you would be helping. So this could happen. In a private school, you could get bullied; you get bullied in a public school. It happens. I don't know. I mean, I can't--

KELLY: One minute.

LINEHAN: I had my own situation this week that I can't hardly believe happened. It's like we're talking kindergartners bullying kindergartners. I don't-- we have to let people have options to save their kids, folks. And I'm all in on finding more options and other things, but this is one that would help. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. Just wanted to talk again about the education package that this LB753 is part of, and the LB681 that I've got for the Educational [SIC] Future Fund, the \$1 billion fund plus \$250 million a year. Last I heard, that looks like the funding the special education and the \$1,500 foundation aid was about \$291 million per year K-12 additional public school funding. And I believe we have created a sustainable package here that will help both public

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schools and private schools. With that, I would yield the rest of my time to Senator Wayne.

KELLY: Senator Wayne, you have 3:58.

WAYNE: Thank you. And I-- you know, here's where I do want to say something about last night I went to this NSEA event, and we sat with teachers who are hard-working. We were sharing some-- they were sharing some stories. We started laughing. It was-- it was actually a really good time. And they don't-- they didn't and they don't now agree with my position on this bill, but I just appreciate the real conversation and the-- and the talk and-- and talking about how to improve. We talked about classroom size, which one of my bills does-- does. So, yeah, I mean, it-- it's just a-- to have those real conversations about real facts with real people who are in the trenches, it was just a good time. And we laughed. We joked. There's some-- I mean, it was just a good time, so I want to thank NSEA for that, that conversation. Now I understand that not everybody has such a friendly table as I had last night, but, you know, I guess it was just a good draw for me. It was a good time. But, look, I'm not here to pick on any school district because, to me, it doesn't matter what the school district is, it doesn't matter where we are. I think at a state level on some funding, we gotta make changes, and one of the changes we gotta make this year is any school district inside the city limits of Omaha should be treated the same from a funding perspective. And I want to make sure that every school district agrees with me. From a funding perspective, there shouldn't be an unequalized and equalized school fight in the city of Omaha. If you live on 36th and Ames, right across North, and you go to North High School, from a state's perspective, we should fund that school the same way we would fund that school if that kid drives 15 minutes to Westside. So every funding bill this year or every education bill this year is going to have that amendment on there, and I expect the entire Omaha community to support that, that we're going to treat these-- these students inside the city limits the same. Notice I said, not the Learning Community, because I do think there is a difference with DC west and other places. I'm talking inside the city limits. If you can drive 20 minutes somewhere to go to a different school, from a state's perspective, we shouldn't treat them any differently. So look forward to that amendment. I expect everybody to vote yes on that amendment because we shouldn't treat kids differently, from a state perspective, when they're all inside the city. That's just how I feel. And again, I hope the Education Committee or the education community supports that idea. As it relates to choice in general, I want choice for parents to

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have a choice. I can tell you story after story after story of people wanting choice. My only problem is the people who are against choice--

KELLY: One minute.

WAYNE: --have choice. Nobody who doesn't have choice is telling me they're against this bill, at least from my community. Now, there are a lot of people outside of my community saying this is bad. But I have to remind people, 40 people were down here yesterday, more than that, actually, but 40, and I shook hands and talked to most of them and nobody brought up this is a bad idea. They're trying to figure out how to make things better. And this is not an either/or, so that's why I hope we get out of the either/or debate. I think we can do both. I can-- we can-- I think we can help fund and find programs in-- in education to make things better, and I think we can give parents choice. I don't think that's a problem. I don't think that defunds anything. So I-- I really appreciate the honest conversation we've been having, but I think you have to understand our perspective and our perspective is we can't wait anymore.

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

ARMENDARIZ: Thank you, Mr. President. Thanks for your time today and I'll continue yesterday. I want to talk about Senator McKinney and his frustration that people just don't get it. I'm hoping, since I do look like most people in this Chamber, they'll listen. I am one of these children that Senator McKinney and Senator Wayne are really stressfully talking about that would have benefited from this. I did grow up in northeast Omaha in a poverty section with a poverty mentality. The whole idea is to get these kids out of the poverty mentality. So when I hear about SNAP benefits and Medicaid and we need to focus more and more on that, that's missing the point. We need to focus on getting kids to not want to depend on SNAP benefits and Medicaid as they start their families when they get out of school. All SNAP benefits and Medicaid do is give them their just enough to live and get by and stay in their insular poverty communities. It's not-- that's what we're trying to change here, is we're trying to help these kids grow and break the generational cycle of poverty, but they have nowhere else to turn. Now, you might say, well, Christy, you're standing up there as a senator today, and it was not because of my public school education, although I had great teachers throughout it. I graduated high school. I wouldn't have been able to get in college. I was not at a math level that they would have accepted me. I did not go to college right out of high school. I wasn't supported to the

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extent I could have been to find all kinds of avenues to get me into college, so I did not go to college. I made good and bad decisions after that. I just got a job. And quite frankly, before I got married, I had no idea how I would move out of my parents' house and make enough money to support myself. I didn't have skills to do that. I didn't go to college until I was 38 years old, and it really changed my life and it was not due to my public school education at all because I was-- I was isolated in a community and amongst everybody else that lived like I did. There was no expectation to go to college. And this is the way that we get kids out of poverty. And when we talk about, well, my kid might not be accepted in some of these private schools, are you saying that all of these kids living in poverty then should just not have an opportunity to maybe be successful in these private schools because your child might not fit into those schools? I don't-- I don't agree with discrimination at all. Some of these schools have religious beliefs that isolate; some of them don't. So I don't think that that creates an environment where all private schools would discriminate against all kids. But some of the private schools would be a good fit for kids in poverty and when you stand and vote against it because maybe one kid wouldn't fit, so let's throw them all away, these kids have been thrown away their entire lives and for generations. And I think what Senator McKinney and Senator Wayne are saying is it's time to do something. And if we do love kids, we need to do the very best thing for these kids.

KELLY: One minute.

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

KELLY: Senator Wayne, you have 52 seconds.

WAYNE: I'll be real quick. Thank you, Mr. President. Thank you, Senator. There was talk yesterday about private schools not being regulated. Yesterday, during the committee hearing, I asked the State Board rep. Actually, all private schools are regulated by our state Board of Education. There's two different processes, called approved versus accredited, and the approved process, which most parochial schools are involved in, the standard is completely set by a public board called the State of Education [SIC], so our parochial schools are overseen and regulated by a State Board of Education. That was her testimony, not me making it up, so I just want people to know that that's how our State Board regulates private schools. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I just want to take a note and thank Senator Armendariz for sharing her, I think, very personal, moving story that impacts her thinking on this legislation and other bills before the body. I-- I think that it takes a lot of courage to share that kind of information, and-- and I think it is helpful to understanding her perspective on this and helping us all to grapple with these complex issues. Just very quickly, I want to note the soaring language that we've heard last week in regards to a firearms measure and this week in regards to a school choice measure regarding the importance of choice, the importance of freedom, and I hope that my colleagues will carry those values forward when we take up some other key civil rights issues later this session. But I want to do just a couple of quick things, if I can, in this very short time on the mic, share a personal reflection, provide a little bit of data and policy points, and then to make an assessment about where I see things from our political landscape, kind of strategy, kind of point in this session at this moment. So I am a proud product of public schools. I went to country school in rural Seward County, kindergarten through sixth grade, into the big town of Seward for junior high and high school, and then came to Lincoln for college and went to a public university and a public law school. So I am very grateful for those opportunities that I had, and I would put my education up against any person's in the world any day of the week, and it's not just my personal reflection or experience, but it's reflective of how our great public schools have been and will continue to be a generational point of pride in Nebraska. That's why over 90 percent of families choose public schools. That's why, in our lengthy history in debating the role of government in regards to private and parochial schools, Nebraska voters have said, no, that they don't want to see that commingling for a host of different reasons, whether it's policy or access or geography, etcetera. And to Senator Wayne's point and Senator Linehan point, they have been voracious supporters in advancing a bill that I have out of the Education Committee, LB414, to improve the data, to improve the process, to reform our existing option enrollment programs, which seek to center parental decision making in regards to picking the school that's right for-- for them and their family, and we'll hear more about that later this session, and I appreciate their support. Finally, I just want to make a note about where I see things in terms of where we are with this measure and an impending cloture vote and the remaining days of this legislative session. I, again, want to recognize Senator Linehan's tenacity in moving forward this and a lot of other tough measures

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during her course of service and to take a note maybe out of a congressional playbook. Game recognizes game. So I appreciate her tenacity. I appreciate her commitment to service. And, colleagues, take that to heart. We all appreciate that. And I think Senator Linehan, you know, is very clear eyed about whatever happens with the cloture vote this morning. This isn't going to be the last word on this measure. We have a pending massive education package and proposal that the Governor and other senators have put before this body, and that's a good thing. It does important things for fully fund-- or better funding our commitment to meeting special ed across the state. It increases--

KELLY: One minute.

CONRAD: --foundation aid for all kids and it creates-- thank you, Mr. President-- a trust fund, with a "b," \$1 billion, to help ensure better support and resources for education funding moving forward. So it's important to look at this piece as, yes, part of that bigger puzzle. But if this piece is going to be looked at as the only piece that can sink the broader-- the broader package, all right, game on. Thank you to the Governor for weighing in, and other senators. If we reopen the discussions and put that billion dollars back on the floor for additional revenue and budgetary considerations, that may be very interesting, and I'd be very interested to be a part of that debate. So no matter what happens on the cloture vote, this isn't the last we'll hear of this measure. I think it will continue to be a part of deliberation this session in the education package, and I appreciate all the senators--

KELLY: That's your time, Senator.

CONRAD: --who have weighed in this morning. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And, colleagues. Here we are today on day three of debate. I have a number of things I want to talk about, and it looks like the queue is very full still, so I might not get to talk again. So I know I talk fast, but I'm going to try to talk faster than normal to get through a lot of this. Colleagues, I am shocked at what I heard yesterday on the microphone when I believe I heard somebody say that they've never seen or heard about discrimination in private school, but they have seen it in public school. Let me be very clear and echo the sentiments that many others have said in this body. Discrimination happens everywhere. Nobody here

is pretending that public schools are a bastion of, the model of what we should all be. Of course discrimination happens here, but that's because we live in a society that still suffers from discrimination, whether it's on race, sexual orientation, gender, class; whatever it is, that exists everywhere. And I guess I struggle with the idea that there are private schools out there where it's going to be better, and the reason for that is I have heard individual stories about discrimination that have happened in private schools. We sat through a committee hearing where person after person got up and said, I was discriminated at a private school, I was discriminated against, I was told I couldn't be myself. And I'm not trying to solo out particular private schools, but to pretend or to argue that these private schools are in any way, shape or form going to be better, when we have substantive stories, tales of-- of this discrimination happening, I just don't buy it. And I asked yesterday for a number of people to send me their stories. I'm not going to read through all these because I don't frankly have time. But one student said, when they were one of the first openly trans kids at a school, a private institution, many of the teachers were very openly against it. One of the theology teachers almost called me the F-slur, but instead of saying it, spelled it out at me. Another theology teacher yelled the word "genitals" in my face. Another person said they tried to get their child into a private school because that child had a brain injury as a baby and they believed that a smaller school would better fit his needs. When they applied to the school because they knew people who had gone there, they received a response. We applied and let the principal know that our son was smart, funny, artistically and musically talented, and that he had two moms. The rejection email came quickly with words that cut to the core of our moms' heart. Quote: Jack is unfit for admission because of the women, not even moms, who are raising him. That's shocking to me. Yesterday, Senator Fredrickson got up here on the mic and told an incredibly personal story and talked about his personal experience, and we didn't hear about anything after that. Nobody brought it up again. People ignored it. And I don't want this to be the oppression Olympics. It's-- it-- we are-- we are intersectional in the way that we are oppressed as a society. We are oppressed on race. We are oppressed on class. We are oppressed on gender. But there are school handbooks that I am able to pull up here in front of me that say specifically you can get in trouble at private schools, a particular private school who I shall not name, that clothing should be in conformance to a student's biological sex. We're going to talk a lot about trans issues here and we can debate whether you think that's valid or not. But that is the invalidation of a human being right there, and it's written into their

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code. There's another part of that that says no hairstyles that bring undue attention to the student by nature of the style is allowed. This body has debated hairstyle issues over a number of years. This body understands how that component can absolutely be used against marginalized populations and people of color. And again, I didn't come up in that community, nor am I pretending to speak on behalf of that community. But the idea that we have a racist public school system, therefore, we should deviate students to a private school system because that's going to be better, I simply cannot abide by that and I just don't buy that.

KELLY: One minute.

DUNGAN: Thank you, Mr. President. One other thing that I want to make sure I say on the record in case I don't get to talk again is that in countless states that have implemented voucher programs, schools have popped up that they call voucher schools that are nonprofits that are created simply to take in the money from these voucher programs. Look no further than Charlie Kirk's Turning Point USA Academies that shut down very shortly after they pop up. There are schools in strip malls that are eight computers with eight students in front of them that close 18 months later, and they are reaping the benefits of programs like this. I don't believe this is going to help our students. I don't believe this is going to help our state. We need to stick with the public school system, to try to make it better. Is it flawed? Absolutely. Do I agree with everything others have said about it? Yes. But we need to fix it. We don't just abandon it. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. It's interesting how we sort of stray this way and that way off of the topic at hand, because this isn't a bill about whether kids should go to private school. This isn't a bill about whether or not parents should decide whether kids go to private school, doesn't even touch on that area. I imagine every single person in this room said-- would say, if you ask them, should parents be able to decide whether or not kids should go to private school, they would say, yes, of course, absolutely, 100 percent. I say that. Hundred percent, parents should be able to decide that. It's not a bill about whether or not children who cannot afford to go to private school should have scholarships. These scholarship-granting organizations exist. I think that there should be scholarships for kids who cannot afford to go to private schools to have an ability to have that choice with their parents. I applaud those

scholarship-granting organizations for giving them. It's not about whether or not donations to those scholarship-granting organizations should be treated like all other donations, because I think they should. Donations to those scholarship-granting organizations that give those choices to those parents that cannot afford them are good, and they should be induced in the same way that all other charitable donations are induced by the state, which is to give them a tax deduction. That already happens. It already exists. It's already in law. And having listened to Senators McKinney and Senator Wayne, actually, I think I'm going to donate to one of those. I am sure that there are many people in this room who do that, and I applaud them for doing that. And if you're listening, Nebraska, you should look at these as options for donations when you are thinking about your charitable giving for the year. What this bill does is this bill says that for those people who donate just to this one type of charity, this-- this one type of charity, we're not going to give you the same treatment that the tax code gives every other charitable donation, for food for people who are hungry, for housing for people who need it, for any other thing, your own church, research into any one of the childhood diseases, says, unlike all of those charitable gifts, we're going to treat this one kind differently so that we give the donors all the rest of their money back. That's what we're talking about. We're talking about tax code. It's been a much more interesting discussion than usually discussions about tax code are, but that's what we're discussing, whether this one should be treated differently, whether this is the only good that should be treated in a particular way. We already say we should have these kinds of charitable donations. That's why they're deductible, and I value those and I think all of you should value those. We've heard that this is an opportunity for some folks that they wouldn't have otherwise.

KELLY: One minute.

DeBOER: Those are important things, but this isn't about any of that. It's not about choice. It's about taxes. It's about returning the rest of the money from a donation back for this one kind. And then if we do that, if this particular donation is treated differently than all the others and it is entirely funded by the state, if this one kind of donation is entirely funded by the state, is it a donation anymore? If you get all your money back, it's not a donation. We're talking about tax policy. We're talking about taking something that was a donation and making it an arm of the state and what comes along with that. We should absolutely have choices for parents. There should absolutely be charitable organizations--

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KELLY: That's your time, Senator.

DeBOER: --that give parents that choice. Thank you, Mr. President.

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

LOWE: Thank you, Lieutenant Governor. Seems odd. When one side wants to make a point, they talk about children. When they want to make that same point, when they're against it, it's all of a sudden about taxes and money and it's not about children. What we're talking about is educating children here, trying to get the children the best education they possibly can. Isn't that what it's really about? Is getting the best education for the youth, no matter where they are in the state, whether they're out in rural Nebraska, whether or not they're in Kearney or Grand Island or Hastings or Omaha or Lincoln or north Omaha or south Omaha. It's about the children. Let's make sure our children have the best chance for education. Let's not keep them in the jobs that they can't advance from. Let's give them a choice to go to college. With that, I yield the rest of my time to Senator Linehan.

KELLY: Senator Linehan, you have 3:50.

LINEHAN: Thank you very much. Thank you, Senator Lowe. And thank you, Mr. President. So I'm trying to keep track here. You can-- the opponents of this can keep saying it's a voucher. It's not a voucher. I mean, there are vouchers. There are systems that have vouchers. This is not a voucher. It's a scholarship. Vouchers are when we appropriate money and give it to families, and there are some states that are doing that, and more and more states. I know-- I have not really ever decided whether I'm for or against them. I'm for this plan. I also-- Senator Dungan made a good point. Yes, there have been schools opened. They failed. They closed. That's what happens when it's-- you got choice. School's bad, they close. Nobody chooses a bad school. I think the point-- Senator Wayne, can you yield for a question, please?

KELLY: Senator Wayne, will you yield?

LINEHAN: OK, Senator, if he's not here, Senator McKinney-- maybe none of them are here. Here's what I think they would answer me. I don't know of one public school that's ever closed because it failed. Oh, Senator McKinney--

KELLY: Senator McKinney--

LINEHAN: --would you yield for a question?

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KELLY: Senator McKinney, would you yield?

McKINNEY: Yes.

LINEHAN: Senator McKinney, do you know of any public school that's ever been closed because it failed their children?

McKINNEY: Not that I know. I know when Howard Kennedy, I think, and maybe Druid Hill, was underperforming, they did something around that, but they didn't close.

LINEHAN: So what we do, I think, Howard Kennedy was probably what we call a "needs improvement" school. And I haven't checked on it lately. I don't know where it is. We have-- every year the department comes up with "needs improvement" schools, and there is-- Department of Ed goes in and tries to improve it. I think they've had some successes. But we don't-- we don't-- if every-- we don't close public schools, even if they're failing. We don't. Private schools close if they fail, and that is a good thing. Senator DeBoer said that it gives money back to the donors. It does not. She also said we don't treat any other donations like this-- not true. Now I understand Senator DeBoer is not on Revenue Committee. Senator Dungan is. He will get more exposure to this. But we have a lot of tax credits, and my staff is over there digging through all my piles of paper, hopefully trying to find the list. Thank you very much. We have tax credits that actually do put money back in people's pockets. Let's start with the Imagine Nebraska Act. Every time I say that, the Chambers get nervous. It's now expired, but we're still paying it off in Nebraska Advantage Act. We have-- this was my bill-- New Markets Job and Growth Investment Tax Credit. We have the rural development tax credit. We have the historic Nebraska tax credit. We have an affordable house tax credit.

KELLY: One minute.

LINEHAN: We have a higher blend tax credit. We have, and it's coming up-- it's in the-- we have two or three bills. I'm not sure how many. One is Senator Conrad's; one is Senator Bostar's. I think we have Senator McCavanaugh's [SIC] this afternoon. We have an early childhood tax credit, which we've had on the books for ten years, where donations get special treatment. We have a school readiness tax credit, special treatment. We-- we have all kinds of special treatments for donations and contributions to things. Mostly we pay businesses tax credits, a lot of them. A lot of times when we're short on cash here, not because we did something wrong, the Revenue Department. It's because we didn't-- Department of Revenue did not

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realize somebody was going to come in to cash in on their tax credit. I heard this morning the situation where it was \$400 million. So to stand on the floor and say we don't have tax credits is way not right. It's over a billion dollars.

KELLY: That's your time, Senator.

LINEHAN: Thank you.

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

MOSER: Thank you, Mr. President. Good morning, colleagues. We're talking about incentivizing kids going to private schools, and there were some that grumbled about revenues that the state would normally get going somewhere else. And I would buy that argument except that we have so many TIF projects that nobody complains about. And when you have a TIF project, you know, 60 percent of the property tax normally in a district goes to the school. And a TIF project will turn those taxes back into supporting the project or refunding the money back to the developer. And the schools get no money out of that increased activity generated by that TIF project. And we have millions and millions and millions of dollars in TIF projects. There's a big one coming up in Omaha that's going to be \$300 million. So the increased evaluation [SIC] of that area is going to be used to return that tax money to support the project to the tune of \$300 million. And I don't know exactly what the Omaha tax-- property tax is for schools, but statewide it's around 12 perc-- 1.2 percent of the 2 percent, so about 60 percent; 60 percent times 300 million, 6 times 3, \$180 million of that \$300 million is coming from schools. Nobody's complaining about that. But when we take a small portion of our potential tax income and give it to kids so they can go to private school, then it's a way bigger deal. So I-- I think that shows that there are some that are for this, there are some that are against it, and they're all digging around, trying to come up with theories to support why they don't want it or they want it. I just think those kids deserve the chance to-- to go to a private school if they want to, if it's going to be good for them. It may not be perfect for everybody, but that's why I support the bill. The remainder of my time, Mr. President, I would like to yield to Senator McKinney, please.

KELLY: Senator McKinney, you have two minutes.

McKINNEY: Thank you. So if we're going to have a conversation about hypocrisy and where people really stand and care, so the fact is, when you look at the disproportionate rates of expulsions and suspensions,

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black kids are affected the most, or also Native American kids and Latino kids. I had two bills yesterday, one to prevent schools from suspending kids in pre-K and second grade. School districts opposed that. Had another bill that would require them to provide more instruction to kids that are expelled. School districts opposed that. So I-- I wasn't even eager, not-- not to say I wasn't eager. It's just been a lot this year as-- as far as moving those bills out of committee. I think those bills should come to the floor and let's see where the school districts are really at. Let's do that. So I'm going to go talk to the Education Committee Chair to see where school districts are at, because if they really care--

KELLY: One minute.

McKINNEY: --about these kids, they wouldn't oppose this bill, because they would be open to addressing a systematic issue that has been prevalent for the past 30-plus years. Black and brown kids are being expelled and suspended disproportionately, and you also could attribute that to our horrible juvenile justice system, our horrible adult criminal justice system. Let's-- let's-- let's bring those bills to the floor and let's talk about hypocrisy. All these districts are saying they care about these kids, but they oppose bills like that. So do you really care about these kids or are you just talking or trying to protect yourself? Because for the last 30 years, these kids are being affected the most negatively and nobody's offering a solution. It's just wait, we'll figure it out, let's wait, wait, wait, wait, wait, wait, wait. These families are tired of being told to wait while their kids are being failed.

KELLY: That's your time. Thank you, Senator. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I guess I rise in support of the bracket motion and Senator Hunt's amendment. And, you know, there's a lot-- we're getting to the end here, so kind of sum up. I would say I support both of those bills Senator McKinney was talking about, his-- I don't think we should be suspending kindergartners, and so I'm in favor of that. I think we've reached a point where we're talking about two wrongs making a right on a lot of these subjects, but-- and I-- just to be clear, my opposition to this bill is rooted in the fact that even if we give money to these children and their families, these schools can refuse to serve them. And so Senator Hunt's amendment would help address that. I think there needs to be more work to do that. So to Senator Linehan's point from yesterday or the day before, if we get to a point where we all have

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to-- you have to vote for some things that you don't like, these are the things-- those are the things that would be getting me to the point where I would vote for something I'm still not 100 percent in favor of, but I would be more-- or I would decrease my opposition to something if we were ensuring that these schools, if they participate in these programs, can't turn away these kids, they-- and they have to treat them the same as other kids. That's the-- the-- the problem I have with this bill. So that's-- that's my fundamental position. We can say we want to give kids an opportunity, but these schools can still refuse to serve them. That's my problem. And, Mr. President, I'd yield the remainder of my time to Senator Day.

KELLY: Senator Day, that's 3:30.

DAY: Thank you, Mr. President, and thank you, Senator John Cavanaugh. I wanted to talk about SNAP again because I haven't had the opportunity. The queue has been really long this morning. I don't disagree with Senator McKinney when it comes to some of the hypocrisy that happens when we have debates over these bills. I would make the point that I also introduced the bill to remove the possibility of suspension for pre-K and kindergarten. That bill also couldn't get out of committee, but it couldn't get out of committee, not because of the school districts. It didn't get out of committee because of the same senators that support this bill. Just like we're talking about all of the other programs to address poverty, those bills cannot get out of committee or they cannot pass General File because of the same senators that support this bill, that want to stand up and talk about how we care about kids who live in poverty, who are underprivileged, we care about black and brown kids, but only when it comes to LB753, and I think that illuminates the bigger problem with this bill. When you don't care about those kids when it comes to putting food in their mouths or removing the ability to suspend them when they're in pre-K or kindergarten or when we're talking about criminal justice reform, then you don't really care about the kids. You care about this bill and putting more money back into the pockets of wealthy donors. That's the whole point that we're making here. There's a reason that we are on opposite sides of this debate only on this bill. LB84, which is my SNAP bill that I am currently having to work to get out of committee, would bring about \$13 million in federal funds back to Nebraska and economic development. SNAP is a fully federally funded program. The only state dollars that it costs are 50 percent of the administrative costs, which this year would be about \$544,000. Next year it's a little over \$650,000. It costs about \$1.5 million over the next two years in General Funds, and it brings in federal tax dollars--

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KELLY: One minute.

DAY: Thank you, Mr. President. It brings in federal tax dollars back to the state of Nebraska. This is a bill in front of us today that costs \$25 million to the state and increases year after year. I have a bill that feeds families, that puts food in the mouths of kids who would otherwise be starving, that I can't get it out of committee. Ten thousand, 10,000 Nebraska families will lose access to food, food, a basic necessity, if we do not pass my SNAP bill this year. If you want to stand up and talk about your philosophical beliefs about SNAP and other social safety net programs and how you don't believe that that's the government's role, I think that's fine. But then you don't get to stand up and say that you want this bill passed because you care about poor kids. It's-- it's a lie.

KELLY: That's your time.

DAY: Thank you, Mr. President.

KELLY: Thank you, Senators. Speaker Arch announces some visitors in the north balcony. They are 53 fourth graders from Trumble Park Elementary, Papillion. Please stand and be recognized by your Nebraska Legislature. Senator Sanders, you're recognized to speak.

SANDERS: Thank you, Mr. President. I stand in support of LB753, and I yield my time to Senator Linehan.

KELLY: Senator Linehan, that's 4:50.

LINEHAN: Thank you, Mr. President, and thank you, Senator Sanders. Would Senator Day yield for a question?

KELLY: Senator Day, will you yield?

LINEHAN: OK. I don't recall Senator Day's bill not to suspend preschoolers and kindergartners. I don't recall it. But I do-- I was there yesterday and I have always been horrified at the idea that we have schools suspending kindergartners or preschools suspending kids. I had a grandson get suspended from preschool. It's horrifying. And what they said yesterday was you do that to a little kid, anything-- I was thinking about it, because it's much on my mind, as you can tell. I was thinking about this last night and this morning when I woke up. What happens to you in kindergarten stays with you, like you still-- I don't know. Maybe I'm weird, but I still have dreams where I don't have my homework done. What we experience in these early years of our life is what makes us, so I'm absolutely for not suspending little

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kids. I don't think we should spend-- suspend children. I was in high school. I think probably I was ornery enough at some points, if I get suspended, I'd be happy. So I'm not lying that I care about poor kids. And I don't think anything in my record since I've been here for six years says that I am. Senator DeBoer asked me a very legitimate question. Examples: What-- what are some of these schools? What-- what schools would this help? Now this bill wouldn't help these particular schools right now because they won't qualify for this scholarship because they're already in these schools. But there is CUES, which I think Senator Fredrickson asked me this morning who was at Holy Name [SIC]. His name is Father David Korth. He has the CUES system and it has Sacred Heart, All Saints, and Holy Name grade schools. These are all in east Omaha, and they were kept open by generous donors when the Diocese of Omaha decided they couldn't afford to keep them open anymore. So donors stepped in and they're all run by the CUES system. They had 527 students last year, 554 this year; 93 percent of the families receive free and reduced lunch; two of the three schools are community eligibility provisions, which those of us on the Education Committee understand. That's when so many of your children are on free and reduced lunch, we will just pay for everybody to have lunch and breakfast. So two of the three, that's where they are. Ninety-three percent of the students are of color; 52 percent are not Catholic; 85 percent of Sacred Heart are not Catholic; 94 percent-- 94 percent, with these statistics, graduate from high school on time. And as we've heard, my deal's off with public schools, but not-- not-- it's just data, folks. Ninety-four percent of these kids graduate; 78 percent graduate from Omaha Public Schools. And if they weren't in these schools, they'd be in Omaha Public Schools. This-- these student-- 144 received Children's Scholarship Fund monies, out of 527 students, for a total of \$390,000. Two percent--

KELLY: One minute.

LINEHAN: --of the budget-- I'm sorry. One minute?

KELLY: Yes, one minute.

LINEHAN: 2 percent of the budget comes from tuitions and fees, 2 percent. I can-- Jacob Idra, who I've talked about before, who's been down here and testified, I get up again and I will read his story. I mentioned him yesterday. He's an amazing young man, immigrant from Africa. They came in. The-- we have a program that we have immigrants coming in if they are being basically killed and murdered in their country they live in for religious persecution. So if anybody yields me time, we'll read about that story. Thank you.

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

KAUTH: Mr. President, is Senator Machaela Cavanaugh in the Chamber? I have a question for her. I don't-- I don't see her around. My question was going to be, how much is enough? When she talked yesterday, said the public schools do not have enough, but that number is never actually addressed. What is that, that amount that is considered enough? Is it the billion dollars that we intend to set away for the education fund? This is a very, very small tool, a minor tool, and it needs to be one of many different tools that we use to give kids choices and options. No kid is the same. They all need something different. And if they feel that a school would fit them better, whether it's religious or not, there are 222 private schools in Nebraska; 38 of them don't have religion, and the rest are about half Catholic and half Lutheran. There's a place for everyone to fit. It should be available that those kids who will not have an option from any other means to apply for this kind of a scholarship and go to a school that meets their needs. Kids don't have the time to waste sitting and hoping that administrations can get things under control, hoping that they will fit in better or hoping that the-- the reading and-- and math and science test scores will somehow start going up. They need the chance to do something right away. So this is about giving kids a choice in where they go and they get to decide, is it a religious school that works for them, is it a non-religious school. I would like to yield my time to Senator Linehan for Jacob's story.

KELLY: Senator Linehan, you have 3:09.

LINEHAN: Thank you very much, Mr. President. And thank you, Senator Kauth. Jacob Idra, Nebraska: My family, like many other immigrant families, did not come to America with much wealth. Therefore, to send your children to a private school takes hard work, persistence, dedication, which my father has shown through me-- me through 14 years of Catholic education. One day I asked my father why he paid for my school when I could go to public school for free. He responded by asking me a rhetorical question. Do you know why I brought you to America? A silence drifted in the air and I considered my question. He said, Son, nothing in America is for free, you must work for everything you have. I send you to private schools so that you can be challenged. Nothing good in this world is easy, you must work for everything you want. Do not let money define you, that's why I will not let money define what education you get. I haven't questioned my father again sin-- again since that day. I support school choice because expanding such policies will allow for more students with similar stories as mine to have a choice in their education, a choice

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that could change lives. I've spent a lot of time with Jacob. He wanted to play basketball. That's why he wanted to go to Omaha South instead of Mount Michael. He-- he's just an amazing, amazing young man. He came-- they came from Africa where people were killed for their religious beliefs. Other kids that came with him weren't so lucky. They ended up in jail or gangs. He now has a program that helps immigrants from his birth country so they can do as well as he's done. He's all in on saving kids. I don't--

KELLY: One minute.

LINEHAN: I don't wear-- maybe I do. I'm probably not the best judge of that. I don't think I wear my religion on my sleeve or think that you have to believe what I believe for me to love you and respect you. But I do know that when you talk about little kids and finding a school that fits them where they feel loved and they're not getting bullied and nobody calls them names or they don't get kicked out of kindergarten makes a difference in people's lives, and everybody that is in Nebraska deserves to have that choice. Thank you, Mr. President.

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

HOLDCROFT: Thank you, Mr. President. First, I want to thank Senator Linehan for including the-- the children of armed-- of members of the armed forces, active duty members of the armed forces, and also the National Guard as a priority in this bill for efforts for the scholarships. They're not up in the top tier, but they are included and that's much appreciated. I thought I would give a little military analogy. I think it's kind of my job as a former military officer to educate the Unicameral on-- on the military organizations. And since Senator Brewer is not here yet, I thought I'd talk about the Army and about the Marine Corps a little bit today as kind of a comparison to the two organizations we're talking about today with public and private schools. First, I'd like to talk about the Army. The-- the smallest-- really, the smallest organization within the Army that can fight as a unit and bring to the-- to the front everything you need to-- to carry out the mission is really the Corps, the Corps level. The III Corps, for instance, is in-- located at Fort Hood. It's composed of four divisions. It has two infantry divisions, one armored division, and one cavalry division. That's about 50,000 people because the Army is really a-- a garrison force. It is our force to be used when we are in-- in-- in a war, and-- and so the last time really the III Corps was used is in-- in Iraqi Freedom almost 20 years ago, so-- but we need-- we need the III Corps. We need the Army as a deterrent

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as-- for-- as for anything else. But it is-- it's large. It's got a lot of logistics involved, and it's not very agile when it comes to the day-to-day operations and the needs of-- of the military. The kind of the opposite of that is the-- the Marine Expeditionary Unit, 2,000 Marines embarked on three ships, permanent. There's always three of them that are permanently deployed overseas. And again, they have-- they come with their own air wing. They have V-22 Osprey vertical launch and landing capability. They also have the-- the Black Hawk helicopter. They have air-cushioned vehicles, landing vehicles, so they can do over-the-beach operations, and they can do things like noncombatant evacuation. So if we have some American citizens who are trapped in Indonesia or-- or the Philippines or something that need extraction, that is a perfect mission for the amphibious ready group. Also, they can conduct tactical recovery of downed aircraft and personnel, also embassy reinforcement. If we have an embassy that's in trouble, we can send in the MEU with its 2,000 Marines and provide protection for them, and also airfield sec-- seizure and-- and security so that we can start to bring in some of our Air force, our heavier Air Force capabilities. This is a very lightweight, 2,000 Marines seaborne in three ships, capable of-- of essentially going anywhere in the world and, as I mentioned, there are always three of them that are deployed 24 hours a day, 365 days a year. When I was the current operations officer out at Pacific Fleet in the-- from 1999 to 2002, whenever we had a crisis in the Pacific, the first questions that were asked of me was, where's the carrier battle groups and where are the amphibious ready groups, because they're the ones that can respond on a day-to-day basis and have the flexibility and ingenuity to be-- do-- to do that. So that's the analogy I bring today. I think we need them both. We need both the large capability, the deterrent capability, but we also need to have that smaller group that's able to, you know, to respond--

KELLY: One minute.

HOLDCROFT: --to those day-to-day operations. So the comparison between public schools and-- and private schools, I think, is pretty clear. I would-- one example I would give you, just personal example, was during COVID. We saw at St. Matthew's El-- Elementary School, where my wife is a teacher, you know, they closed all the schools. Well, within-- within two days, all the students at St. Matthew's were up on Zoom. They didn't-- they missed two days' worth of studies and then within two weeks they were back in the classroom. The flip side of that was most public schools didn't even go back into the classroom till the end of-- till-- until the following fall. So again, we need both of these organizations. We still need a very strong public

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school, but we also need that ingenuity of a smaller organization like-- like private schools are. And we need to support them and allow parents to make the decision of where they want to send them, what works best for their student. With that, I will yield my time to Senator Linehan.

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

HANSEN: Thank you, Mr. President. I kind of just want to bring up a couple of topics. I've been listening to the conversation and I think this is something that's been brought up from a few senators. I heard Senator Frederickson talk about it yesterday. I think maybe Senator Wayne did or something else brought it up. It's the idea of public-private partnerships. And so I don't know if Senator Linehan is in the room, but I can ask her later. It seems to me, and maybe, you know, somebody can say I'm wrong, but this seems like a-- a public-private partnership. And if people are familiar, we have all kinds of public-private partnerships in all aspects of government, whether it's transportation, right, we hire private businesses to do roads for us, whether it's health care. We actually have like Lutheran Family Services, who's a religious organization, doing work on behalf of the government because we find that there are certain institutions or certain private entities that can do the job better than we can. And so there's-- we-- we use this quite often in government, and you can view this as almost very similar in that aspect. We are relying on a private institution to do the job for government that perhaps can be done better, according to the parent, than the government can. And so to me, it's-- it lends credibility to what we're trying to accomplish here with the idea that this is not something new that we have done in government. This is not-- when it comes to procedures or policies, this is not reinventing the wheel. This-- so this is what we've done before in the past and if we can view it that way, I think that's kind of a different way of looking at it. And I think ultimately, when I brought it before, the end goal, I think, for all of us, and I think we can all agree on this, is that-- the end goal is improving the education of our students in the state of Nebraska. And if this does that, isn't it worth it? In my opinion, it is. It seems to work, according to data and statistics I shared yesterday. It seems to work very well in a whole bunch of other states that have-- that have incorporated this. So isn't that our end goal? Isn't it what we should be talking about? I understand we want to talk about tax credits, maybe where they're coming from and some of the other particulars of the bill. But I think on the very top of this hill should be, does this improve the education of our students in the state of Nebraska?

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It does. That should be what we're using a bullhorn to say during this debate. One other thing I wanted to bring up was discrimination. I know we've talked about this quite often, and I had-- I-- I was trying to figure out the specific rules when it comes to discrimination in public education and private education, because one of the things that I've heard and one of the bills that I brought when it came to school choice, and-- and even the emails I'm getting, is that there's not a whole lot of oversight when it comes to these private-- private schools. Who's looking out for them? And Senator Wayne brought this up earlier about they are-- they still have to be approved and accredited. And so according to Rule 14, if there is overt discrimination based on constitutional issues such as race and gender, the State Board of Education does have every right to decline the approval and accreditation of a school. And so far, I-- maybe somebody can, you know, correct me on this, but I have not seen so far in the history of Nebraska that a private school so far has had its accreditation or approval denied based on-- based on these issues. So I would assume that there's a lot of overt discrimination going on in that aspect. I'm not going to say another-- because some other senators did bring up some good points. But in that aspect, if there's overt discrimination based on race, based on gender, based on other--

KELLY: One minute.

HANSEN: --innumerable characteristics, this-- they would be reported, the State Board of Education could look into it, and they can deny their approval. So there is oversight with these public institutions when it comes to these issues we're bringing up, so I just want to make that clear too. So I appreciate the dialogue we're having. I appreciate the bill that Senator Linehan has worked very hard on. And I encourage everyone to push their green light on LB753 and the underlying amendment, and let's get a better education for our students. Thank you very much.

KELLY: Thank you, Senator. Senator Lowe has some guests in the south balcony, about 30 high school members from the Carnegie Youth Leadership. Please stand and be recognized by your Nebraska Legislature. Senator Ibach, you're recognized to talk.

IBACH: Thank you, Mr. President. Good morning, colleagues, again. Yesterday, Senator Slama mentioned that this map that I'm holding has-- and she-- she mentioned that I have no private schools in my district. She's correct. I do not have any private schools in District 44. But what I do have are some amazing public schools that do educate the kids that we have in the district. And I think that those public

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schools see the value in what this body wants to do to present collectively help for all children in our state, and I think all children, including children that-- that do not experience great public schools like we have in District 44. I would be remiss if I didn't mention that in my district, as well, I have the National Rural Teacher of the Year for 2022, which she actually lives in my community and I've been very proud of her. She and I don't agree on everything, and this may be one of them. We've had lots of conversation about it, but we-- what we do agree on is that every student matters, no matter where they go to school, and what this bill does is allow parents and children to determine what school is best for them. With that, I would yield my time back to Senator Linehan.

KELLY: Senator Linehan, that's 3:25.

LINEHAN: Thank you, Senator Ibach, and welcome, Senator Brewer. Glad to see you. I'm always glad to see you, but maybe a little more glad this morning than sometimes. We're going to get-- we've got some time left here. I want to thank everybody for participating in this debate. I can't-- it's-- what we give up, I don't care if it's Senator Albrecht or Senator Ibach or Senator Dungan or Senator Cavanaugh, Senator Fredrickson, Senator Murman, everybody in this body gives up things to be here. So when I woke up this morning, I was trying to convince myself to keep the both better angels on my shoulders all morning, so I've slipped off that a couple of times. That's what I ask you to do when we get to the final vote here-- not final. As we all know, we're going to go through this again, probably, two or three times, and then we're gonna have other bills where we do this over and over again. And as I said earlier, and Senator Briese well knows this, Senator Dorn knows this, Senator Walz knows this, Senator Conrad knows this, anybody who's been here for four years, you know that all of this is going to change. We're going to have adjustments. This bill will change. The school funding bill will change. The budget comes to the floor, then we have-- Senator Dorn, would you yield to a question, please?

KELLY: Sen-- Senator Dorn, would you yield to a question?

DORN: Yes.

LINEHAN: So you've been here-- you've been on Appropriations Committee since you first got here, right?

DORN: Four years.

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LINEHAN: And the budget comes to the floor, and then we have arguments about the budget, don't we?

DORN: Most likely.

LINEHAN: And we argue about the out years, and then we have this thing called the Forecasting Board, and when do they meet, the Forecasting?

DORN: They meet four times a year, and they'll meet this year again, about May 1, and that's the forecast we will use. Their forecast is what we will use when we have discussion about the budget on the floor.

LINEHAN: And then we'll have to like come back together and we'll have to make adjustments on every bill we've worked on all year, all time we've been here.

KELLY: One minute.

DORN: Yes, there will be adjustments or we will-- we will have a green sheet every day out after we bring the budget to the floor. It shows where our changes are and how it's affected the budget.

LINEHAN: And then the Governor will come in the room and will meet with some of us and he'll say, I'll accept this but I won't accept that and I'll give you this but you can't have that, right?

DORN: Right. Correct.

LINEHAN: So alls [SIC] I'm asking this morning is push this bill to Select. There will be adjustments to the bill. We'll bring the-- I believe-- Senator Murman, thank you for being here, bless you-- we'll bring the school funding, public school funding budget out of Education Committee, Senator Sanders' bill, which sets aside a billion dollars for public education, fully fund special ed, finally get to some foundation aid for unequalized schools, maybe some other things. I don't know because we're not there yet. We are doing more for education if we accomplish these goals than we have done in the six years I've been here.

KELLY: That's your time, Senator.

LINEHAN: Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I want to kind of take off on where Senator Linehan left off. I always like to listen to the debate, then I like to come back to really what we're talking about and-- and kind of zero in on that. This bill is going to provide up to \$25 million annually to go towards funding tax credits. OK. And so this is going to be tax credits. I've heard a lot about that this is wealthy donors that are going to do it. I'm not sure why this would be limited to wealthy donors, because it's a dollar-for-dollar, 100 percent tax credit, so anyone that wants to donate \$100 to the scholarship fund is going to get a tax credit of \$100. So that shouldn't be limited to the wealthy. That should be-- everybody should be able to participate in this. So then let's talk about what the bill is really trying to do. The bill is really trying to do-- is trying to provide choice for low- to moderate-income families. That's what it's doing because that's where the scholarships are focused. It's going to low- to moderate-income families, starting with the lowest and going on up on a priority basis. So then let's talk about how this impacts public schools. Let's keep in mind that public schools don't just get state aid. And so we can look at where the state aid ranks nationally on state aid to public schools, but let's face it. The bulk of the funding for public schools doesn't come from state aid, it comes from local property taxes. And the local property taxes are paid by every property owner, including those property owners who choose not to send their children to public school. They're still sending their property tax dollars to the school. They can't redirect that anywhere else. Let's also keep in mind that this year, what Senator Linehan just spoke of, that there's gonna be a billion, with a "b," a billion dollars of new money, new money focused on public school to provide stability for TEEOSA going forward to ensure. And-- and thank you, Senator Blood, for talking to me while I'm on the mic. I di-- don't disrespect you. I'd prefer you don't disrespect me. But with that said, I think it's important to understand that it's-- it's a billion dollars a year, or it's a billion dollars in this fund to provide sta-- stability. I would also tell you that unequalized districts, which are the bulk of the districts in my-- in my District 42, are going to get at least \$1,500 per student in base aid. That hasn't been there before. That's new money going to public schools across the state. People talk about option-- or people talk about, well, if ch-- students pub-- transfer out of a public school and move into a private school, we're going to lose funding. Well, I'm going to tell you, you have option enrollment today that you can move out of one public school into another public school, and you're still going to keep some of your funding and still quite a bit of your funding. The same thing would be true here. I think we also need to remember that this, the--

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the special ed funding is going to go from 40 percent to 80 percent for all the schools that are involved as well. There is tremendous amount of new money going to public schools to support public education, and this bill is \$25 million to be used for tax credits so they can use that for scholarships for low- to moderate-income students. I don't think that's too much to ask. I'm supporting the bill because of that. It is not going to de-- take away from public schools. If it was, I wouldn't be voting for the bill. That is a false narrative and we need to keep that in mind. So with that--

KELLY: One-- one minute.

JACOBSON: I'm gonna yield my one minute to Senator Linehan if she wants it, but I think she's gone and there's only a minute, so I'm just going to stop with this and yield back the floor, or the Chair.

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

BLOOD: Thank you, Mr. President. Fellow senators, friends all, before I start, I'd like to say, Senator Jacobson, nobody was talking from my chair when you were on the mic. But as usual, you walk away after you've been rude to another senator without apologizing. I sat there quietly listening to you speak, so shame on you for calling somebody down that was not doing what they were just accused of. So you'll notice that I handed out transcripts. I know Senator Slama was nice enough to say that she was going to provide transcripts from Monday's debate, but our office went ahead and got it done and did hand them out. And there's a couple of reasons that-- that I did that. I did that because there were several things that I said on Monday that we have to revisit. First of all, I brought forward data from the University of Virginia, and the reason I brought that data forward was because, unlike the vast majority of data that's been read on this floor, is that it looked at these sp-- particular metrics, and the metrics that were important are the fact that the vast majority of people in private schools are people that do have appropriate income, that are-- have-- tend to be higher educated. And so the results of that data was really good when it came to the results of kids attending private schools. For the first time really ever, the data really focused on these kids that came from the other families, and what it showed is that there was no difference in the outcome between public and private schools. And so when Senator Hansen stood up and said, oh, I have lots of data, he didn't really quote where that data came from. And clearly, whoever handed him the data didn't listen to what I said, and it is in the transcripts. And so until I see that

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that data utilizes the same metrics, that doesn't include the kids that are privileged in the school, I-- I question that data. And no offense to Senator Hansen, but that's why I included the transcripts. Also, Senator Slama said some bizarre thing about the Bible being quoted during this debate. As you can see in the transcripts, that's not true. And we want to make sure that that's clear on the record, and that's why I'm bringing that forward. I want to tell you why I don't support Cavanaugh's bracket, but I do support Senator Hunt's amendment. I believe that discrimination can be an issue in any place we go, and I think that that protection needs to be put into place. But I did hear on the floor during this debate where people talked about, well, we bend over backwards for the LGBT community. Well, of course we do, because discrimination is wrong. I don't care if you're black, brown. I don't care if it's based on how you identify. Discrimination is wrong. So, yeah, we should be bending over backwards when it comes to discrimination. The fact that that even was said on the floor blows my mind. We talked about the military being included in the-- this bill. Absolutely. But what we forget to say when we talk about the military is that Nebraska is one of the few states where they actually send their kids to public schools because our schools are so good. We're in the top, what, ten schools in the country, school systems? Seventy percent, I believe. I know so many things that I'm concerned about. We're opening the door to help, we think, kids that are in poverty, and that's not a bad thing. And I believe that when Senator Linehan says that on the mic, that she truly believes that. But if we look at other states, once you open the door, they keep coming back to the well. They keep expanding the programs. That's what I'm against. That's, again, why I handed out the transcript, the Indiana senator that held the-- the expansion bill in-- in his committee because an LGBTQ child was discriminated against and punished for kissing a girl consensually--

KELLY: One minute.

BLOOD: --and then forbidden to play sports for five games. We can now let kids apply for scholarships to those schools. That doesn't start that program. That program already exists. We talk about how SNAP is just enough for kids to get by and-- and-- and doing this bill and pushing it forward is going to change that. Well, no, kids can't learn if they're hungry. Like, the stuff I'm hearing on the floor during this debate doesn't make sense to me. And by the way, we talk about public and-- and private causes. We're also going to be providing tax incentive-- incentives for donations to anti-choice pregnancy centers. We want to give \$5 million to mentor programs, Tom Osborne's TeamMates. And I'd be curious how many senators that were in on that

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press conference signed up to be mentors, by the way, or if you were just standing behind for the picture. The pro--

KELLY: That's your time, Senator.

BLOOD: Thank you.

KELLY: Senator Brown-- Brandt announces some guests in the sou-- south balcony. They are 13 fourth graders from St. James Elementary, Crete, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Lippincott, you're recognized to speak. Senator Hardin, you're recognized to speak.

HARDIN: Thank you. Mr. President, I stand in support of LB753. I yield my time to Senator Slama.

KELLY: Senator Slama, you have 4:52.

SLAMA: Thank you, Mr. President. I always appreciate when Senator Blood misdirects from debate in order to go after me. It just, like, makes me happy. So with that put aside, I-- I wanted to note a few of the legal precedents that have been set in the last two years that have really set the stage for bringing us here today, ensuring that the language in LB753 is constitutional and, moreover, that this is not public funds supporting private schools. This is not the boogeyman in the room. This is \$25 million to give kids a choice, \$25 million, when we're going to be shoveling \$1 billion into a public schools education trust fund later on in this session. So to me, \$25 million is a very, very good investment to give kids, who otherwise wouldn't have choice, a chance. So I've got my notes up and I'm just going through-- I'm actually going through a Richard Duncan article. He's a professor at the University of Nebraska College of Law. And I just wanted to really briefly hit on a couple of things he notes in this scholarly paper. To start with, in 2017, the court decided the first of three landmark cases, and this is with regards to school choice, holding that under the free exercise clause, it is odious to the Constitution for the states to discriminate against religious institutions with religious families with respect to the many beliefs of the welfare state. Although these three cases stopped short of requiring states to replace government school monopoly with school choice for all K through 12 children, the spirit of these cases suggests that the government school monopoly is inconsistent with religious liberty and equality. So he cites three cases: Trinity Lutheran, Espinosa, which is the 2020 case that we referenced-- it's in Montana-- and Carson v. Makon, Carson v. Makin being the case that

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was decided in 2022 that kind of definitively settled the school choice argument for once and for all in the United States. And with that, I would see if Senator Ben Hansen would like to yield to a question.

KELLY: Senator Hansen, will you yield?

HANSEN: Yes.

SLAMA: Senator Hansen, I'm-- I'm going to give you the rest of my time, but I know I can't double yield, so I'm going to ask you a question of are there any citations you would like to provide in response to Senator Blood to show that you're not just pulling good data out of thin air?

HANSEN: Yes. Thank you, Senator Slama. I still like how I'm still referenced as Senator Ben Hansen, now that there's only one Hansen on the floor anymore, so. But I think it's good everyone's so used to it now, it's, it's, it's funny. Yes, Senator Slama is right. There are-- there's 175 research articles, questionnaires, etcetera, that was included in a lot of the data that I explained yesterday or a couple days ago, and it's hard-- so it's hard to-- to say all-- all of them. But I'm just going to try to just discuss a little bit about which journals they were. So the Journal of Research on Eff-- Education 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, International Public Management Journal, a whole bunch of other studies, and the Cato Journal, Education Next. Like I said, the-- there's-- there's a whole host of questionnaires and data this-- it's hard to say all of them on the floor right now. They were done throughout numerous states. Some were nationwide; some were by state to determine how--

KELLY: One minute.

HANSEN: --each state worked-- thank you, Mr. President-- you know, Arizona, Texas, Louisiana, New York, Pennsylvania, Vermont, Florida, Ohio, Wisconsin. I-- I think I see Indiana. So there's all different kinds of states, all different kinds of journals. So that's where a lot of the data that I got came from. So just to clear it up, because I even had a couple of people asking me about that via email, where a lot of the data came from, and so just to kind of clear that up, I just wanted to mention some of that. So thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I will yield my time to Senator Dungan.

KELLY: Senator Duggan [SIC], you are given 4:50.

DUNGAN: Thank you, Mr. President. And thank you, Senator Hunt. I just wanted to take a few moments to address some of the things that I started to talk about the last time I was on the mic and didn't think I'd have a little bit more time to talk about. So I mentioned this idea of voucher schools. Now, first of all, I want to acknowledge that Senator Linehan is exact-- exactly correct. This is not a verbatim voucher program, and that's why some people have called it a neo-voucher program or a voucher-adjacent program. But she's completely right. We're not actually creating a-- a literal school voucher. But what we are doing is we are incentivizing programs to pop up all over the state in order to essentially receive these scholarships. One thing that I find especially alarming regarding the-- the structure of how this could potentially work is, yes, in order for a school to be eligible to receive scholarships from a scholarship-granting organization, they have to be nonprofit, but being a nonprofit does not necessarily prohibit you from being the administrator of that school or being somebody who runs that, quote unquote, school and then making \$200,000-300,000 a year. There's no prohibition on that. And so what my fear is, is that if we create a program such as this, you're going to have any number of, quote unquote, nonprofit schools popping up on every street corner, like we see in places like Arizona and elsewhere, that, again, are in strip malls, they are very poorly moderated, they are very poorly, frankly, put together, and you're going to see a bunch of kids behind computers with maybe one teacher. And whoever runs that program can effectively be taking all of the money they want off the top and having that be their salary. So to put this another way, let's say that this program is implemented and let's say that a-- I'm just going to call them a voucher school because that's what they've been known as. I understand that we're not actually giving vouchers here, but let's say this nonprofit voucher school pops up. They can say it costs \$10,000. We've decided \$10,000 is how much it is for one student to come to our school for a year. And then a student can get this scholarship and they can then spend the \$10,000 on that school to go to school there. If the actual operating costs of that school are only, let's say, \$800 per student, the rest of that scholarship is going towards the salaries of the people who are running that program. And therein lies the problem. There is no real barrier or restriction on these

so-called nonprofit voucher schools popping up all over the state and simply reaping the benefits of these scholarships that are being granted through this tax credit program. In addition to that, we've talked a lot about these SGOs, or these scholarship-granting organizations, and these SGOs can keep up to 10 percent, as we've discussed, off the top of what they receive for administrative costs, which, depending on how much money they're getting, could be hundreds of thousands, if not upwards of a million dollars. By my reading of the statute, of the proposed law, there is nothing prohibiting the same person from being an administrator of an SGO and also being the administrator of one of the schools that's benefiting from this program, and therein also lies the enrichment. I do not believe this necessarily makes individuals who take part of the program richer, but I do believe that it absolutely creates a world in which individuals who are savvy, understand the process and procedure of how this program works, can absolutely enrich themselves, both by running so-called nonprofit schools-- or, I'm sorry, voucher schools, and also being a part of the SGOs. And what do we know about these voucher schools? We know that voucher schools tend to be smaller, financially distressed institutions with subprime providers compared to other private schools. We know that voucher programs create these start-up private schools with high failure/closure rates over time. And again, Senator Linehan is exactly right. If the school is doing poorly, they may close, but that takes potentially years--

KELLY: One minute.

DUNGAN: --thank you, Mr. President-- years to close. And the amount of money that we are sinking in through a tax credit program, into schools that are just going to close four to five years later because they're not serving the needs of our community or of our students, is a huge problem for me. For example, the Milwaukee voucher program spurred the creation of 121 new private schools, but more than two thirds of those schools failed or closed overall. Forty-one percent of voucher students failed over that program's history, regardless of where they started. We know the average failed voucher school lasted less than five years. I raise this because it's a point we haven't made much of today, but there is absolutely a world in which this program can result in the enrichment of individuals who know how exactly to take advantage of this program. And so keep that in mind. I know we're trying to help kids, but the unintended consequences of legislation have to always be taken into consideration, and that absolutely has been one that we've seen across this country. Thank you, Mr. President.

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KELLY: Thank you, Senator Dungan. And, Senator Slama, you are recognized to speak.

SLAMA: Thank you, Mr. President. I just wanted to take a moment here. I think we're getting within the last few minutes of debate. We've spent the entire week, I think, having a very good, very substantive debate about this bill, LB753, and we've had testimonies from those who have lived it, those who have experienced what life is like without a choice, those whose communities are begging for a choice. I'm especially appreciative of Senator McKinney, Senator Armendariz and Senator Wayne for sharing their personal-- very personal experiences and their struggles and what a lack of school choices meant to them. And I think-- and I think we are so blessed as a body to have those three individuals in this Legislature, and I wonder how many Senator Armendarizes, how many Senator McKinneys, how many Senator Waynes we could have in leadership positions in this state and thriving if more kids were given a choice with where they could go to school. So I am asking you, as we get to the end of debate and I'm about ready to yield Senator Linehan, the remainder of my time, give these kids a chance. Give these kids a choice. Thank you, Mr. President. I yield the remainder of my time to Senator Linehan.

KELLY: Senator Linehan, that's 3:30.

LINEHAN: Thank you, Mr. President. Thank you, Senator Slama, And thank all of you for being here this morning. I know that the stress of this is like touching each and every one of you. Especially for the freshmen, I-- the new class here, it is-- I'd like you to say this be the hardest day you're here. Not true, not true at all, because in the end, we're all going to have to make agreements, and you're going to be pulled here and there, and you're all doing a great job. So I, too, appreciate everybody who's helped me with this, everybody in the floor, everybody-- some out there-- I think most out there aren't helping me, but there are a couple out there that are trying to help. It's been funny this morning. I don't think we realize when we're on the floor what a fishbowl we are. I'm getting, you know, texts and messages: Oh, what are they doing, what are they doing, why is he talking to her and why is she talking to him and-- but we're about done here. I-- I really do appreciate everything you've done. I appreciate Senator McKinney. I appreciate Senator Armendariz. My appreciation for Senator Wayne is very deep. I-- my friendship with him is a blessing in many, many ways. I grew up not understanding a lot of things. I know we-- Westside is upset with Senator Wayne, and I-- I picked Westside. Out of all the schools that my children could go to, I went there. I didn't know the history. I didn't realize how

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it all came about. And frankly, to be honest, and I would be lying [INAUDIBLE] I don't know that it would have mattered because I think, when it comes to your children, that's like you do whatever you can. I just-- you're not worried about whether everything there is perfect and whether they've treated everybody well or not treated them well. You do what you need to do to take care of your kids because that is your first and most important role in life, more important than being here. If I'm guilty about anything being here and spending so much time on this is I got eight grandkids that I don't get to see as often as I should. I do make some time, but, you know, it's-- y'all give up a lot to be here.

KELLY: One minute.

LINEHAN: So I'm hoping-- and I promise and I've made this commitment to people. We have a lot of time between now, General File, and Select to have a lot more conversations, and we'll have those conversations. And there will be adjustments to this bill. There will be adjustments to other bills. And none of this is going to get done until the end, like really done. So this vote is really, really important to me, and I'm hoping we can get cloture. But one way or another, we're gonna get this done this year. I just-- I know that in my heart. I know that several people on this floor know that. So I'm asking that we do it. I don't think you can say this is easy, but this is-- this is the better course, where we take each one of these bills and judge them each by their-- than waiting until the end where it all gets put in a big package and too few senators make those decisions and leave too many senators out. I've been in the room when packages are put together. I've been left out of the room, and I don't want to leave people out of the room when we put these packages together. So, please, let's get this to Select. We'll get the education funding bill to the floor. We'll work on all the details and we'll work with the lobby, public school, private schools, everybody, and we'll find out, somewhere in the end, we will get to something that everybody can support.

KELLY: That's your time, Senator.

LINEHAN: Thank you, Mr. President.

KELLY: Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Linehan would move to invoke cloture pursuant to Rule 7, Section 10.

KELLY: Senator Linehan, for what purpose do you rise?

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LINEHAN: A roll call vote in reverse order, please. Call of the house.

KELLY: [RECORDER MALFUNCTION] house. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

CLERK: 40 ayes, 1 nays place-- 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Blood and Hunt, please return to the Chamber. The House is under call. Senator Blood, please return to the Chamber. The house is under call. Senator Linehan, we are missing Senator Blood. How do you wish to proceed? Senator Linehan asked us to proceed. Ready? OK. Members, the first vote is the motion to invoke cloture. All those in favor vote aye; all those oppo-- request for roll call, reverse order, Mr. Clerk.

CLERK: Senator Wishart voting no. Senator Wayne voting yes. Senator Walz voting no. Senator von Gillern voting yes. Senator Vargas not voting. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould. Senator Murman voting yes. Senator Moser voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Geist voting yes. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting no. Senator Day voting no. Senator Conrad. Senator Conrad voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Brieese voting yes. Senator Brewer voting yes. Senator Brandt not voting. Senator Bostelman voting yes. Senator Bostar voting no. Senator Blood voting no. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Vote is 33 ayes, 12 nays, Mr. President, on the motion to invoke cloture.

KELLY: The motion to invoke cloture is adopted. Members, the next vote is on the bracket motion to LB753. All those in favor vote aye; all those opposed-- oh, wait, request for a roll call, Mr. Clerk.

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CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting no. Senator Day voting yes. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 3 ayes, 42 nays, Mr. President, on the motion to bracket.

KELLY: The bracket motion fails. Members, the next vote, the que-- roll call request on the AM507, a request for a roll call vote, Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting no, Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt not voting. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting yes. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting yes.

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Senator Wishart voting yes. Vote is 15 ayes, 31 nays, Mr. President, on AM507.

KELLY: AM-- AM507 is not adopted. The next vote is on the adoption of AM338. Request for a roll call, Mr.-- Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt not voting. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes not voting. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 43 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

KELLY: AM338 is adopted. Members, we will now vote on the annou-- the advancement of LB753 to E&R Initial. OK. Roll calls? Roll call, reverse order, Mr. Clerk.

CLERK: Senator Wishart voting no. Senator Wayne voting yes. Senator Walz voting no. Senator von Gillern voting yes. Senator Vargas not-- not voting? Not voting. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould. Senator Murman voting yes. Senator Moser voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes not voting. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Geist voting yes. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn not voting. Senator

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DeKay voting yes. Senator DeBoer voting no. Senator Day voting no. Senator Conrad voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt not voting. Senator Bostelman voting yes. Senator Bostar voting no. Senator Blood voting no. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar. Vote is 31 ayes, 12 nays. Mr. President, on the advancement of the bill.

KELLY: LB753 advances to E&R Initial. Mr. Clerk, for items. And the call is lifted.

CLERK: Mr. President, a series of items: Notice of committee hearing from the Health and Human Services Committee, as well as the Retirement Systems Committee and the Judiciary Committee. Amendments to be printed: Senator von Gillern to LB805; Senator McDonnell to LB624; Senator John Cavanaugh to LB753; Senator Murman to LB783. Motion to withdraw from Senator Dungan; motion to withdraw LB418 to be printed. Senator Ibach, notice, has designated LB249 as her personal priority; Senator Ibach, personal priority, LB214-- LB249. Additionally, Senator-- Senator Blood has selected LR1CA as her personal priority for the session, LR1CA. The Agriculture Committee has designated LB116 as its first committee priority bill, and LB262 as a second committee priority bill; Agriculture, LB116 and LB262. New resolution, LR56, from Senator Lowe, that will be laid over. Additionally, LR57, from Senator Wishart, that will also be laid over. That's all I have at this time, Mr. President.

KELLY: Mr. Clerk, next item.

CLERK: Mr. President, the next item, LB376, it's a bill for an act related to-- excuse me, introduced by Senator Lowe, it's a bill for an act relating to the Nebraska Liquor Control Act; amends Section 53-103 and -101; defines a term; requires a licensed manufacturer or licensed wholesaler or a holder of a shipping license to submit a report and any applicable fees to Nebraska Liquor Control Commission prior to the sale or shipment of any alcoholic liquor in the state; and repeals the original section. Bill was read for the first time on January 12 of this year and referred to the General Affairs Committee. That committee placed the bill on General File with committee amendments. I have additional amendments and motions pending, Mr. President.

KELLY: Senator Lowe, you're recognized for a two-minute refresh.

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LOWE: Thank you, Mr. President. We're now rediscussing LB376, which was the vehicle for the General Affairs liquor package this year. For the last several years, the General Affairs Committee has made one of its priority bills a liquor package and the other a gambling package. AM336 is a white-copy amendment that adds AM296 to LB376 and includes four other bills. Those are LB259, LB377, LB596, and LB667. All five of these bills came out of committee on an 8-0 vote. Thank you, Mr. President.

KELLY: Senator Machaela Cavanaugh, you're recognized for a one-minute refresh on your bracket motion.

M. CAVANAUGH: OK. I was waiting for it to get back up there so I could be refreshed on my bracket motion. I have a bracket motion. I don't know what the date was on my bracket motion. Do I need to put up a new bracket motion? I do need to put up a new bracket motion. Fantastic. So I am going to withdraw my bracket motion, get in the queue, and put up a new bracket motion. Thank you, Mr. President.

KELLY: It's withdrawn. Debate on AM611. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Would Senator Lowe yield to a question?

KELLY: Senator Lowe, will you yield?

LOWE: Yes.

M. CAVANAUGH: Senator Lowe, could you remind me which underlying bill AM611 is?

LOWE: AM611 is LB376.

M. CAVANAUGH: LB376-- oh, it's the actual bill. OK.

LOWE: It's the actual bill.

M. CAVANAUGH: Thank you. I apologize. I misplaced my sheet of paper from the other day where we were discussing that. I appreciate Senator Lowe yielding to that question. So LB376, I have questions on some of the other underlying bills, but I actually-- I'm not sure that I have any questions that have gone-- have not yet been answered on LB376. Thank you. [INAUDIBLE]

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

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M. CAVANAUGH: Didn't you-- but I have five minutes. I have five minutes. That was my time in the queue.

KELLY: Please continue, Senator.

M. CAVANAUGH: OK. OK. Well, thank you, whoever gave me the-- the list of the amendments, and AM611, I will-- I will get back in the queue behind-- Senator Day was taken out of the queue. I think she needs to be put back in the queue. Your light's not on, so you're not in the queue. Some technical difficulties happening here, but that's all right. OK, so-- and I am now back in the queue. Great. Everybody's where they should be, I think. So the-- what happened here is that I divided the question on this bill when we had it on the floor, I believe it was last week, and there are one, two, three, four, five bills contained within this bill, and so they've been divided into five amendments. So AM611 is the first amendment, which apparently is also the underlying bill, LB376. So that's where we're at. Sorry, everyone, just catching up in my own head with what I've got going on here. I will yield the remainder of my time and I will take up my time on the next time on the mic. Thanks.

KELLY: Senator Day, you are recognized to speak.

DAY: Thank you, Mr. President. And happy late good morning, colleagues. I just wanted to talk about a couple of things. The first thing that I want to talk about is what just happened on amendment AM507 from Senator Hunt that was up on the board before we voted for the underlying bill, LB753. I know that we talked about this quite a bit on the floor, but I just want to make sure people watching at home understand what just happened. So when we got to amendment AM507, we had a vote on that amendment to attach it to the underlying bill. That amendment said, on page 2, strike beginning with "complies" in lines 16 through "23" [SIC--2023] in line 17; insert "does not discriminate on the basis of race, color, religion, national origin, ancestry, citizenship status, gender, sexual orientation, gender identity, disability, or special education status." So this is the same standard of nondiscrimination that we hold public schools to and the amendment failed. Only 14 of my colleagues, in addition to myself, voted for the amendment that says these schools cannot discriminate based on race, color, religion, national origin, ancestry, citizenship status, gender, sexual orientation, gender identity, disability, or special education status. That amendment failed. I think personally, if we're going to pass legislation that gives public dollars to private schools, and we can have a discussion about how the dollars are passed through scholarship-granting organizations and they don't go directly

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to private schools or how it goes back in the pockets of donors, it's a tax credit, it doesn't go directly to private schools. We know what the underlying bill is about, essentially. The underlying bill is about getting more money into private education. If we are allowing public dollars to go into private schools, we should at the very least hold those schools to the same standards of nondiscrimination that we hold public schools to, but my colleagues disagree. These schools are free to tell Senator Fredrickson and his son that they cannot attend their schools. They are free to tell Senator Fredrickson and his husband that they cannot attend sporting events because they're gay. I just want to be really clear on what just happened. We want to pass legislation that moves public dollars into private education and we want to give them all the latitude to blatantly discriminate against students and their families in Nebraska based on any variation of discrimination you can find. That bill, LB753, will come up on Select File because it did pass cloture and did pass General File, so it will come up again. I hope, next time that bill comes up, we have a similar amendment that we can attach. I understand that Senator Linehan is talking about improving the bill, changing a few things, and I appreciate her willingness to do that. I hope that one of those things that we can do is, at the very least, hold-- hold those schools to the same standards of nondiscrimination--

KELLY: One minute.

DAY: --that we hold public schools to. Thank you, Mr. President. I will yield the rest of my time and I'll get back in the queue. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President, colleagues. Senator Day, thank you for your remarks. It is extremely disappointing that so few people voted for Senator Hunt's amendment. In fact, the only people who voted for it who also voted for the bill are Senators McKinney and Wayne. Public dollars should not be used for discrimination, period. Period. So if you want to use public dollars for private education, private education shouldn't be allowed to discriminate-- it's basic-- shouldn't be allowed to discriminate. We're not even talking about like education standards. We're talking about discriminating on what is well-established precedent of race, gender identity, sexual orientation, things that have been protected, federally protected for a very long time. We're not talking about special ed kids that they may or may not be able to educate appropriately or kids with

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behavioral issues. We're talking about identity discrimination and allowing tax dollars to go to entities that actively want to discriminate. They want to discriminate. The Catholic schools in Omaha have made it very clear that not only do they want to discriminate, that they will and they are, very clear. So, I mean, I know why people didn't vote for that amendment, because if you voted for that amendment, that means that Catholic schools can't benefit from this, because Catholic schools are discriminating, purposefully, openly, transparently discriminating. My kids wouldn't be allowed to go to Catholic school because of my views. It's also why my kids don't go to Catholic school. But if the education was what they needed and I wanted to send them there because I felt like it was the education that they needed, they wouldn't be allowed. So we can't-- we cannot pass that amendment, Senator Day, we can't, because if we pass it, then the schools that want to discriminate won't get to get the money. It will only be the private schools like Brownell Talbot, which I-- I assume, but I guess I don't know for certain-- I assume doesn't actively discriminate based on gender identity, race and sexual orientation. They probably don't have anything in their handbook, but I always stand for correction if that's not the case. Maybe they do. But the Catholic Archdiocese of Omaha is very clear. They have spoken publicly, in written form. They have spoken and they would not be eligible for these funds, so we can't pass that amendment. We have to let schools discriminate in order for that bill to function. How bananas is that?

KELLY: One minute.

M. CAVANAUGH: Thank you. So I'm continuing to talk on Senator Lowe's General File bill, LB376, because I am nothing if not a person of my word, and I said I was going to filibuster everything. I very much appreciate the last two bills being a group effort of the entire Legislature. I'm not positive, but it does appear that I think every member spoke once between LB77 and LB3-- LB750-- LB753. So you got to hear a lot less of me, and I think we're all grateful for that. I know I'm grateful for it. But I am going to continue on this path until there's a resolution within this body. So I think this bill will be up again tomorrow.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

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DAY: Thank you, Mr. President. I think I made my point about the nondiscrimination amendment, but I did want to continue the conversation this morning since we are talking again today about SNAP. So LB108, Senator McCollister's bill, last year was passed, increased the gross income eligibility while keeping the net income eligibility the same. It will sunset this year in September. That means, when it sunsets, it drops the gross income eligibility level from where it's currently at, 165 percent, down to 130 percent of federal poverty level. If we do not pass LB84 this year, 10,000 Amer-- or, excuse me, 10,000 Nebraskan families will lose access to SNAP. Ten thousand Nebraska families will lose food. That's a lot of kids. It's a lot of kids who are going to go hungry without this bill. Again, we're working on getting it out of committee, which I hope we can, and working on getting the votes on General File so we can get it moving on the floor. But I want to continue to make the point that if we're going to talk about caring for kids who live in poverty and wanting to provide them with opportunities in life, I would hope that not allowing them to starve and go hungry would be one of the things that we can do. In addition to the fact that we would put food in the mouths of kids who would otherwise go hungry, SNAP is a fully federally funded program, meaning it costs us no State General Funds outside of 50 percent of administrative costs for this bill. The administrative costs for the upcoming fiscal year are about \$544,000; following year, it's about \$680,000. So the next two years, it would cost us collectively about \$1.2 million in State General Funds to administer the program. However, it pulls down about \$13 million in federal tax dollars back into the Nebraska economy. So for what we're spending on administrative costs, the dollars are far outweighed by drawing down federal funds into the state. These are tax dollars that Nebraska citizens have spent on federal taxes that would otherwise leave the state and go into other states' economies. We are attempting to draw down those federal funds to bring it back into grocery stores here in Nebraska. There is no reason for us to not pass this bill. I know that some people talked about the fact that we passed the SNAP gross income eligibility increase initially because we were in the middle of COVID. That is partially true. Yes, we were in the middle of COVID, but we also passed it because it's a bill that has come up for many years preceding COVID, because it helps address the cliff effect that keeps people anchored into poverty, having to turn down raises, having to turn down higher-paying jobs in favor of keeping their SNAP benefits because the raise would--

KELLY: One minute.

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DAY: --thank you-- the raise would increase their income just enough that they would lose their benefits entirely. There is no reason why we shouldn't be passing the bill. If we genuinely care about kids who live in poverty, SNAP should be an easy yes vote. I have made a decision in terms of what I'm looking at for a priority, as this is potentially one of them so that it can get some time on the floor. I'm going to continue to talk about SNAP for as long as I can, hoping that we can convince some senators that we should be moving the bill out of committee-- committee and then moving it all the way through three rounds of debate so that--

KELLY: That's your time.

DAY: --we can help feed families here in Nebraska. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Blood announces some guests in the north balcony. They are fourth grade students from Golden Hills Elementary, Bellevue, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. Fellow Senators, friends all that are still left in the Chambers, which aren't a whole lot, first of all, I want to make a comment about how fantastic it is to see all of these passionate women from multiple parties talking on the mic today and how I love that we have all of these strong personalities that stand up for what they believe. We don't always agree but, boy, we use our voices. I do stand in support of AM611 and the underlying bill. But I want to talk a little bit about what happened today, and I want to tell you what's happening at noon. So at noon today, the Exec Board, it's my understanding, and I could be wrong because lots of times things change, are going to be voting on two very important bills and they are in reference to impact statements. One is Senator McKinney's in reference to people of color and how legislation, before it's presented to the body, might impact them. The other, Senator Carol Blood, in reference to people with disabilities and how it might impact legislation here in Nebraska. Much of what we talked about on this bill pertains to things like that impact statement. In fact, perhaps, if there had been impact statements, maybe Senator McKinney and Sen-- McKinney and Senator Wayne would have had more people on board to support Senator Linehan's bill. But we'll never know unless those bills actually get passed out of committee. The other bill that's going to be discussed, hopefully, today is in reference to the child labor amendment that would change the Constitution where Nebraska forgot to join the group and say that we stand against child

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labor because we love our children-- children. We want them to have the ability to go to school, which we were talking about for the last three days, giving kids an opportunity to go to school and be educated and have a good life and have a better life. And we know that recently at least a hundred kids in Nebraska were working illegally in meatpacking plants, cleaning equipment overnight, coming to school fatigued, coming to school tired, coming with-- with sores on their arms and legs because they'd been burned by chemicals or cut by machinery, for a variety of reasons, by the way. So it would be my hope after hearing this debate for three days about how we have to lift up our children, especially those that come to our country, because many of those were migrants, after talking about how important education is and having choice and making sure that we lift these families up, surely the Exec Board will think about those three bills today, because if we love our children, what is it going to hurt to stand up and say we're against people abusing our children in the workforce? It doesn't apply to our farmers because you're protected under a different law, so if your 12-year-old wants to drive the tractor and-- and-- and till the soil, that's OK. That's your family's business. We're talking about people forced to work outside a certain window of time so they don't have the energy or the wherewithal to go to school the next day. We're talking about people that are being put in harm's way because the laws have been lax and we slap them on the wrist when they are discovered to be lax in their laws. We only need a handful of states because the movement has started back up after decades of being quiet in order for it to become part of the U.S. Constitution. And what a lovely thing to say in our Constitution, that we love and respect children and want to protect and educate them.

KELLY: One minute.

BLOOD: And so, friends, today and yesterday and Monday was an opportunity for us to remember that there's a lot of good legislation, including Senator Day's bill, that will continue to lift up Nebraskans. Mine don't really have any price tags on them because we have existing staff that can do the research. That's why we had the LRO Office-- that was redundant-- Legislative Research Office. And that is also why we continue to bring bills forward to help those who can't help themselves, to help our children who lose their voice. So, those on the Exec Committee, do your job. Senator McKinney and I look forward to seeing our-- our impact statement bills come out, and let's join the other states that are getting on board with child labor and saying no. Thank you, Mr. President.

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KELLY: Thank you, Senator. Senator Lowe, you're recognized to close on AM611. Senator Lowe waives closing on AM611. The question is the adoption of AM611. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of AM611.

KELLY: The amendment is adopted. Senator Hunt announces some guests who were previously in the balcony, members from the Planned Parenthood Ad-- Advocates of Nebraska. Mr. Clerk. Mr. Clerk, for items.

CLERK: Mr. President, a motion to be printed, Senator Cavanaugh to LB376, as well as a new LR from Senator Blood that will be laid over. Name adds: Senator Slama to LB563 and Senator Aguilar to LR54. Notice that the Government Committee will hold an Executive Session this Wednesday after their afternoon hearing; Government Committee after their afternoon hearing, Executive Session. Finally, a priority motion, Senator Dungan would move to adjourn the body until Thursday, March 9, 2023, at 9:00 a.m.

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