

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 30, 2020

HALLORAN: 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.

SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-second day of the One Hundred Sixth Legislature, Second Session. Our chaplain for this morning is Senator Williams. Would you please rise?

WILLIAMS: Thank you, Mr. President, and good morning, members. The baseball season just started and I'm the pinch hitter today. Laurie Weber stopped by the office and asked if I would substitute. And after she left, I asked my staff, well, what should I pray for today? And the first word out of someone's mouth was laryngitis. And I won't pray for laryngitis, but would you please join me in a real prayer? Dear Lord, we thank you for today and all days. We've been reminded lately of how precious time is. Our time with you is also precious. We pray today that as the pot is boiling, we recognize patience, understanding, clarity of thinking, wisdom, compassion, and yes, imagination. Imagining a Nebraska that you can be proud of, that we can be proud of, that when working together, recognizing that democracy only works when you're willing to engage in thoughtful compromise. Help us to do our part. A special prayer today for our senators and their families who are giving up much to be here and are, at times, risking much to be here. We pray for our staff and all those working around us to support our efforts. We ask for clear guidance from you during today, as we debate difficult issues, and all days. Be with us today and forever. Amen.

SCHEER: Thank you, Senator Williams. I call to order the fifty-second day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. While the Legislature is in session and capable of transacting business, I propose to sign and here do sign LR344 and LR346. Senator Bolz, would you check in, please? Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

SCHEER: Are there any messages, reports, or announcements?

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CLERK: Mr. President, Enrollment and Review reports LB323 and LB323A as correctly engrossed. I also have Reference report referring of study resolutions. That's all that I have, Mr. President.

SCHEER: Thank you. Before we move to the first item, I jumped the gun a little bit, colleagues. But now we are in session so while we're in session and capable of transacting business, I will propose again to sign and do here sign LR344 and LR346. Mr. Clerk, first item.

CLERK: Mr. President, returning to LB147, a bill by Senator Groene relating to Student Discipline Act. The bill was placed on General File pursuant to a motion by Senator Groene, has been discussed a few times. When we last left the issue on July 21, pending was a motion to indefinitely postpone by Senator Wayne. Senator Chambers had offered a priority motion that is still pending and that motion being to recommit to committee.

SCHEER: Thank you, Mr. Clerk. Senator Groene, would you like to refresh us on LB147, please?

GROENE: Yes, Mr. President. We have debated LB147 going on seven hours now. We've been working on this bill for four years. General agreement has been shown on the floor that we have a problem. We agree we need to address disruptive classrooms, maximize learning time for all children, dangerous work environments for teachers, and how we can help troubled children. Only a few senators have said under no circumstances will they support the bill. Debate has been which amendment to LB147 gives the best path forward to create a learning environment where all children and teachers feel safe, an atmosphere of trust and equality is nurtured [SIC]. LB7--AM1750 is my original amendment that is supported by Senator Pansing Brooks and Walz. It was in committee and it was-- and they've been talking about it on the floor. I, of course, also originally supported my own amendment. The amendment was, was written by my staff, but AM1750 was only supported by the NSEA. No other educational group supported it or did any disabilities rights groups. During the interim, Senator Murman and I decided to sit down with experts in behavioral management and overall school policy management on this issue. The result is AM3067, a combined training and behavioral management guidelines for public schools. AM3067 is now endorsed by the NSEA, school administrators, state school boards, state rural school boards, and the training part has been endorsed by the school psychologists. An interesting point you should consider, that both Jenni Benson, president of the NSEA, and Maddie Fennell, executive director of NSEA, are former teachers. I don't know if you can ever be a teacher and not be a teacher and they each have a son who is a special needs child that has behavioral

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problems. What better endorsement do you need for LB27 [SIC] than coming from those two ladies? They are the biggest cheerleaders for this bill. They've lived it in the classroom, they've lived it at home. The emphasis of LB147 is now training. I have passed out an Omaha World-Herald article concerning police and de-escalation training that is related. I highlighted a couple of sections for you, which I will read. Our training was designed by Boys Town and a few other de-escalation and behavioral awareness organizations. The Omaha World-Herald article read, headline: training, de-escalation were key amid unrest. Omaha Police Chief Todd Schmaderer said ongoing training and de-escalation techniques should help decrease use of force incidents among officers. The Omaha Police Department is all-time low, where they had to take physical intervention. Further on in the article, it says, another official of the depart-- department said-- Nick [PHONETIC] said that while training is essential, equally important are clear, detailed policies describe-- describing use of force and when to use it. It's when policies are vague or leave things open to interpretation and invite human discretion where we see levels of force on average that are higher, Nick [PHONETIC] said. Well, guess what we've done to our teachers and our school employees?

SCHEER: One minute.

GROENE: No policy, no training. They're out there trying to do the best they can with no guidance from us. We owe them some help. We owe the children in the classroom. Senator Chambers had a little story the other day about two five-year-olds sitting on a rail track; one black, one white. Train goes by, engineer blows the whistle. One boy said-- the white boy says to the little black boy, don't you want to be an engineer someday? And the little black boy said, I just want the chance. I want that story to change that two boys are sitting on the railroad tracks and one says to the other one, I want to be an-- do you want to be an engineer? He said, no, I want to be the engineer that builds the train. That story needs to change. LB147 puts us on the right path. Equality in our classroom. Every child will be treated equally. The behavior will be addressed.

SCHEER: Time, Senator.

GROENE: Who they are is who they are.

SCHEER: Senator, time. Thank you. Senator Wayne, would you like to refresh us on your IPP motion?

WAYNE: Yes, thank you, Mr. President. Colleagues, this is simple. I would like an up or down vote. I know others are gonna lead a long

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conversation and I would like an up or down vote because I don't believe there's 33. But the one thing I do want to point out and what I handed out is Omaha Public Schools, their president sent an email that I-- he told me to share with you all. They're against this bill. So the largest school district in the state, that sees disparity every day, is against this bill. I hope that weighs a little bit on your mind, that when a school board, the largest one in the state, is saying they're against it, they should be against it, that we should really sit back and say, is that the best thing for our kids? The reason I put the IPP is that we're extending qualified immunity to teachers. Although some will argue the bill doesn't do a whole lot, we are endorsing it by doing so. We've seen the problems between many specific-- many different communities as it relates to police and community relations and we are gonna create that same dynamic between schools, districts, communities, and parents. Whether we think that'll happen or not, we have to look no farther than our police and how the community interacts with them. We're seeing it play out all across the country. And all we need is, after we endorse this bill, is one teacher to make a mistake. And we will have the exact same dynamics that are playing across this country right now dealing with police. As a lawmaker, we are supposed to sometimes think through things. I hope we do and we err on the side of caution. This is where I'm asking you to err on the side of caution. Again, the largest school district is against this bill. We are extending qualified immunity, which will create a change in the culture of the school district by our endorsement. So I would ask for you to vote yes on the recommitment, yes on the indefinite postponement, and no on the underlying bill. Thank you.

SCHEER: Thank you, Senator Wayne. Going to the queue for discussion, those waiting: Senator Slama, Murman, Gragert, Erdman, and others. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President, and good morning, colleagues. I rise today opposed to the motion to indefinitely postpone and the motion to recommit to committee and in strong support of LB147. And I rise today in support of Senator Groene's bill today as one of the very few people on this floor with actual in-classroom experience. I am a former paraprofessional. I believe Senator Walz and Senator Vargas join me as those with in-classroom experience in this body. Folks, the classrooms that you grew up with are not the classrooms of today. Teachers are faced with challenges they could have never imagined even 20 years ago. Children are more physically violent in the classrooms, creating distractions for other students. And I'd like to provide a hypothetical based on my experiences in an elementary school setting

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as to why this bill is necessary. In this hypothetical, imagine a student, a third grader, with behavioral issues. He has an outburst. He struggles with controlling his emotions, begins throwing tables and chairs around the classroom. There are 20 other students in the classroom at this point. And you have a student who, although he is seven or eight years old, is pretty large for his age and is throwing tables and chairs with a decent amount of force, both at other students and other teachers and adults in the room, including the teacher and the paraprofessional assigned to that classroom. The typical protocol statewide, and again, this can vary based on the school district, is if there is no one who is trained in the removal of that student in the building at the time, where there's not more than one trained for removal at that time, all of the other students are removed from the classroom and likely taken to another classroom. So not only in this situation are we interrupting the learning of the 20 other children in that classroom, we're also interrupting the learning process of the 21 other children in the classroom next door who now have double the children in their class. This interrupts the learning process for at least a half hour as the student who is throwing the tables and chairs and assaulting the teacher is left to simmer down. This is based on my experiences. This is based on the experiences of the dozens of teachers who have reached out to me in desperate support of this bill, begging for something to be done. I'm asking anyone who's on the fence right now, take your issues with the bill to Senator Groene. He has been more than willing to work with parties in getting this to be the best legislation possible to give our teachers the tools they need to control their classrooms and create a helpful learning environment for every student. And with that, I'd like to yield the remainder of my time, if there's much left, to Senator Groene.

SCHEER: Senator Groene, 1:40.

GROENE: I wanted to go through the differences. First, I, I talked to the administrators that-- they led the group that helped us rewrite the amendment that-- of AM3067, with the legal advice of their attorneys from four, five different organizations, why AM1750 is not acceptable. We originally had physical contact in there from the Daily case in AM1750. That means pretty wide variance. You go up and put your hand on a kid's shoulder to encourage him, give him a hug on their birthday, but we wanted to define it better--

SCHEER: One minute.

GROENE: --so that-- we changed it to intervention-- physical intervention when, when we decided to define when they could use

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intervention because contact is always out there. We want teachers to shake a kid's hands, put their hand on their shoulder, and pat them on the head, show them a little affection. So intervention is a different thing. That's when a child is acting up or going to hurt somebody else. Right now, folks-- senators, right now, if a child is dancing in the hallway, they can be restrained. If a special education student is laying on the floor kicking their feet, they can be drug out of the classroom because they're-- that-- there's-- because of the Daily that they can have physical contact and because of the Public Subdivision Tort Claims Act [SIC]. Doesn't make it clear in AM1750. We make it clear that physical intervention is only when somebody is to be about harmed.

SCHEER: Time, Senator. Thank you, Senator Slama, Senator Groene. Going back to the board, based on order of importance of the amendment, we will go to the motion by Senator Chambers to recommit to committee. Senator Chambers, would you like to refresh us?

CHAMBERS: Yes. Thank you, Mr. President, Mr. President. I was not goldbricking. My work goes on, even off this floor. When I heard my name mentioned in connection with that motion, I hastened up here. But before leaving, I heard Senator Groene try to relate to you a story or an anecdote that I gave and he didn't quite get it right. He got it correct about the train passing the two little boys, one black, one white, and the engineer tooting the horn. Then he got it slightly off track. The little white boy asked the black boy, don't you wish you was white so you could be an engineer? That's the part that Senator Groene didn't pick up on. That's when the little black boy said, I don't wish I was white, I wish I had a chance, underscoring the racism that existed then, that exists now. I would never support a bill such as this with the racism that is rampant in the schools when it comes to so-called disciplining of black and other children of color. The thing that is especially troubling to me on page 5 in line 18, it says "Teachers and other school personnel may use reasonable physical intervention." This other school personnel is not really defined definitively in this bill. Now I want to go to page 9, lines 11 through 13. This is for the sake of the record. Starting in line 11 on page 9, "Each school district may provide such training, or similar training, to any other school employees at the discretion of the school district." It is not necessary that these people be given any training, but they're authorized, nevertheless, to put their hands on these children. That's what happens when you have too many cooks. Senator Groene said all of these different entities got together and maybe each one inserted his or her or their particular interests. When they put them all in the pot, they did not all hang together. If you

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try to mix oil and water, the oil will always rise to the top. If you want to mix oil and water, you need what is called an emulsifier. There was no emulsifier involved in this action. Now if you go through this bill, there are statements which, taken alone, may sound alluring. But when you look at the underlying purpose of this bill and see that it is to provide immunity or limited immunity or however they massage that word to these people called teachers who are going to be laying their hands on children. They are given certain protections and defenses against legal action for doing this. But if you go to li-- page 9, starting in line 21, Any protections and defenses found in the Student Discipline Act shall not be made contingent on whether or not an employee of a school district has completed behavioral awareness and intervening training. Members of the Legislature-- oh, it's intervention training. You all don't listen to these things the same way I do. I don't listen to them the same way you do. And that's why we have these discussions.

SCHEER: Time, Senator.

CHAMBERS: I've finished ten minutes?

SCHEER: You only had five, Senator. Thank you, Senator Chambers. Returning to the queue: Senator Murman, Gragert, Erdman, Clements, and others. Senator Murman, you're recognized.

MURMAN: Thank you, Mr. Speaker. I stand in support of the IPP-- or excuse me, against the IPP motion, in support of LB147 and AM3067. At the beginning of this year, I introduced LB998 to put in place behavioral awareness and intervention training requirements for school employees. AM3067 incorporates LB998 into LB147, creating a complete package that covers training, physical intervention, employee and student protections, and how we help the districts pay for the training. Representatives from administrators, teachers, and ESUs approved of this structure in AM3067. Administrators want to be assured that when a child was removed from a classroom for assistance and intervention, that they were in charge of the child's return to the classroom. They wanted help with the expectations of what school policy should be regarding behavioral awareness and intervention and they wanted the state to help pay for their employer-- employees' training. AM3067 will cover all of that. This should not be happening in our schools and we need to stand up and provide the legislation that would protect our teachers and school professionals. Teachers are hesitant to react and pressured to do nothing when there are serious disruptions in the classroom because the schools are afraid of lawsuits. Too many students have been placed in danger, educators have been injured, and enough learning time has been lost. Overall, it's

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important to remember that the vast majority of the students across Nebraska are attending class and are coming to school ready and excited to learn. Here's looking at the details of AM3067. It has specific training requirements that were defined with the assistance of behavioral intervention professionals trained in Boys Town, Mandt, and CPI methods. Each school district shall offer training that includes, first of all, recognition, recognition of detrimental factors impacting student behavioral-- behavior, including, but not limited to signs of trauma, (2) positive behavioral support and proactive teaching strategies including, but not limited to expectations and boundaries, (3) verbal intervention and de-escalation techniques, (4) clear guidelines on removing, removing students from and returning students to a class, (5) behavioral interventions and supports that will take place when a student has been removed from the class, (6) physical intervention for safety. Information for employees of their legal protection and of the requirements that parental permission must be given before psychological or psychiatric evaluation or counseling can be given to the child. Now I'm gonna move on to physical intervention and student and teacher protections-- physical intervention, excuse me. It outlines when physical intervention may be safely used to manage the behavior of a student in that moment in time when a child engages in dangerous behavior, to protect each student, another student, themselves, or other schools-- school personnel or another person from physical injury, injury. It puts into place the findings of the Nebraska Supreme Court's 1999 Daily case, the case that determined the Nebraska statute 79-258's language already implied that physical contact was an action that school personnel--

SCHEER: One minute.

MURMAN: --could use when reasonably necessary to handle student behavior. It defines when property in the possession of such student can be secured by a teacher. That is only when the possession by the student possesses a threat of physical injury to such student, another student, teacher, or other school personnel or another person. It states that physical intervention shall not be used for the purpose of inflicting bodily pain as penalty for disapproved behavior. It ensures that parents or guardians shall be contacted if physical invention is used. It makes it clear that no school personnel shall be subject to professional or administrative discipline if such physical intervention was reasonable and it reaffirms the protection school employees already have under laws concerning self-protection, protection of others, or as provided by Political Subdivision--

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SCHEER: Time, Senator.

MURMAN: --Tort Claims Act. Thank you. I'll continue if I get another chance.

SCHEER: Thank you, Senator Murman. Senator Gragert, you're recognized.

GRAGERT: Thank you, Mr. President. I stand in support of LB147 and opposed to indefinitely postpone and recommit to committee and yield the rest of my time to Senator Groene. Thank you.

GROENE: Thank you.

SCHEER: Senator Groene, 4:45.

GROENE: I want to-- if you look at AM1750 and AM3067, they're similar, but there are things changed that the legal profession looked at and said this doesn't work. The first one I said about physical contact, here's the reply I got from those who helped write this, why they-- it was not-- reasonable physical contract [SIC] was in AM1750. Instead of reasonable physical intervention and-- that said it shall be used as long as necessary to protect the student. We just say it's, it's reasonable-- school personnel or other peop-- persons from, from immediate physical injury. That's what AM1750 says: Reasonable physical contact shall be used only as long as necessary. Here's what the lawyer said. It is so subjective that it will be nearly impossible to determine what was necessary and what was unnecessary. Even one second longer than necessary would be a violation. This will-- should only take-- make school personnel even more leery to use physical contact to save a child from injury. Here's another one: it is intended to cause pain. That was one of the things you couldn't use. It's similar to what Senator Murman said is in AM3067, but AM3067 language follows discipline law already about corporal punishment. Again, unless you could look into a teacher's mind, it is impossible to know whether a teacher intended to cause pain. Why would a teacher even take the chance? It's nearly impossible to tell. That's why those organizations rejected AM1750, language like that. Prone restraint-- by the way, prone restraint is a catchphrase used by disability organizations for fundraising. There was a child in California who died in, in an instance where prone restraint was used. I can't find any instance where a child was ever harmed in Nebraska, can't find any instance where a parent complained about it. Our teachers aren't that way. Again, unless you could look into a teacher's mind-- no, excuse me-- mechan-- or/and mechanical restraint are in AM1750, are not defined and are not defined well. If a teacher holds a student down on a desk or, or holds him up against the wall so they don't attack

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somebody, just puts a hand on their chest, is that prone? What if a child comes in the room with a gun and the teacher is outweighed by 50 pounds and they tackle the child and try to crawl on top until help comes? Does that teacher lose their job? Does the school get fired because it says you can't use prone? Reasonable; it's a legal term and it's a good legal term. Mechanical restraints. We contacted NDE and their school security officer, they don't know of one single school district that uses mechanical restraints. It's just not a catchphrase by the lobby of disability organizations, trying to fundraise. Nobody uses it. The only one who would use it would be a resource officer, and they're usually an employee of the school-- of the police department. They might use it in a violent situation, but this bill wouldn't cover them; another bad language catchphrase. Training requirement. What training requirement? In AM1750, it's not detailed and it's only training on physical intervention.

SCHEER: One minute.

GROENE: Only training-- which the opponents of this don't want at all. If you read AM1750, it doesn't mention behavioral awareness. Senator Murman's bill does; physical behavior awareness and physical intervention. AM1750 just says you train them to intervene. Is that what we want? Do you know why I rejected my own amendment after I talked to the experts? Some don't want to reject it. It's very bad language, very bad language. Starting to sound like Trump there. Anyway, next one: within 24 hours, they're supposed to contact a parent. Sounds reasonable, doesn't it? What if dad's a drunk? What if the dad beats the kids? The teacher knows that. I got to inform him that I'm gonna send that kid home to that family. No, we say reasonable time. You contact the parents.

SCHEER: Time, Senator. Thank you, Senator Gragert and Senator Groene. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker, and good morning, Nebraska. I have spoken about this bill before. I appreciate Senator Groene's willingness to compromise and to fix this bill that had issues that he recognized were a problem. I do appreciate that, Senator Groene. I have no, I have-- know of no one who has worked harder to get a bill to the finish line than you have on this and you need to be commended for that. I spoke last time when this bill was up about a lady from Lexington that was a third-grade teacher and she had shared with me the reason learning is so difficult in school nowadays is we have no discipline. And she asked me if we could do something to help. Just last week, I received an email from a teacher that lives in my district and I don't normally read things on the, on the mike, but I

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will this because it is significant and you need to understand that. So here's what she writes. Dear Senator, all students deserve the best education we can give them so when one student becomes disruptive in the classroom, it affects the entire classroom's learning and sometimes the safety of those within the classroom. Of course, over the course of my career, I have taught every grade from kindergarten to college and I've experienced disruption at every level and on every part of the spectrum. One especially disturbing incident happened when a student had his head on the desk and I asked him in a normal, low tone to sit up and join the class. He sat up and shoved his textbook, an English textbook, very thick and heavy, towards me. It flew across the room, barely missing me, and hit the cement block wall behind me. The teacher and the students in the adjoining room heard it hit. The student left the room on his own accord, but this type of behavior became a daily thing in my class. The other students began sitting as far away from this young man as possible because he seemed like a tipping-- a ticking time bomb. Everyone was constantly on edge, wondering if this would be the day he would just sit defiantly, flip me off or say something rude, slam the door or throw another book. I begged my administrator to remove him from my class and seek help for him, but that never happened. Because I feared the safety of myself and my other students-- and the other students, I finally took the drastic action and banned him from my class until there was a written behavior plan in place. The atmosphere in the classroom immediately changed and we began the process of learning. Sad to say, this was midway through the school year. Teachers face these kind of problems every day in the classroom. Excuse me. The disruptive students are becoming more common and more aggressive. It is important to maintain an environment of learning when one or more students are disruptive. Give us the right to remove a disruptive, chronically-disturbing student. For the goodness sake, provide us the way to get those disruptive and disturb-- disturbing students help, which they need. Excuse me. And so this morning when Senator Wayne stood up and said the largest school district in the state is opposed to this, I get it. All right? And here is the reason. I had a-- I had an interview yesterday with The Wall Street Journal and we were talking about incentives. And they asked how things happen in Nebraska and what is the driving force of what gets accomplished? And this is my comment to them and I'll share that with you today because I am very much convinced I'm right on the mark. First of all, if you want to pass a law or change something in a state of Nebraska, you need the support--

SCHEER: One minute.

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ERDMAN: --of the Chamber of Commerce. Getting that, you go a long ways in getting what you need to get done. Secondly, the second agency would be the University of Nebraska and then third is the big schools. That's the way the pecking order works here; Chamber of Commerce, University of Nebraska, and then the big schools. And then all the rest of the people in the state, small schools, medium schools, agriculture, everybody else comes after that. So it's not a surprise when Senator Wayne stands up and says because Omaha Public Schools is against this bill, that we should kill it, that we should vote against it. That's no surprise. That's exactly falling in line with exactly what I just described to you. So that's where we are so we need to deal with that. So advance LB147, it makes sense. Protect the students and bring learning back to the classroom. Thank you.

SCHEER: Time, Senator. Thank you, Senator Erdman. Those waiting in the queue: Senator Clements, Groene, Brewer, and La Grone. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I also received emails about this and one that I received just this week was from a staff member at the NSEA, a former teacher, a person who I am acquainted with. I'd like to read this. Dear Senator, LB147 is coming up for a vote and in my opinion, is the most important legislation I have seen introduced. I am currently working with teachers in OPS. They are constantly told they cannot touch a student under any circumstance. I think that any person would agree that that is ridiculous, but that is the policy. Of course, the district is fearful of lawsuits. This bill allowing the safe intervention with students would be a support of teachers as well as support to the school board and the district. The other students in the classroom have a right to learn, which they cannot do if they are frequently removed from the room because a student is destroying the room and is a danger. That is the alternative the teachers currently have at their disposal to keep students safe. Please vote yes on LB147. Then I see that-- would Senator Groene yield to a question?

GROENE: Yes.

SCHEER: Senator Groene, would you please yield?

GROENE: Yes.

CLEMENTS: Senator Groene, I see a handout on my desk from the Association of School Boards, the State Education Association, the Council of School Administrators. This-- their letter says the undersigned groups agree to the attached revisions of LB147. Have you incorporated these suggestions in your amendment?

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GROENE: Not only incorporated, it is the amendment when it deals with intervention. They-- after looking at AM1750, they tore it apart, as I said. And Senator Chambers, if he looked at AM1750, he would be talking about-- you need a lawyer to write it, by an amateur. When I read it now, I'm almost embarrassed that it came out of my office after looking at the professional handling of the situation in AM3067. But everything is in there, Senator Clements.

CLEMENTS: Thank you, Senator Groene. I yield the rest of my time to Senator Groene.

GROENE: I passed out a handout.

SCHEER: Senator Groene, you're yielded 2:10.

GROENE: Thank you. Senator Wayne sent out a email about OPS is against it. I passed out a handout about just recently, they were penalized by-- Department of Education informed OPS last month it must divert \$1.85 million in federal funds as a penalty for spending [SIC] too many black special education students in 2011 and '12. They were-- in 2011, 9.4 percent of black special education students, or 214, were suspended. First question we need to ask is, why are so many black children classified at special education? Why? And then why are so many suspended? Well, I guess if you start labeling me as dumb and you tell me I'm, I'm different, I'm gonna act up. We are gonna change that. We are gonna create training and standards that they have to follow. They're gonna have to have a policy that every--

SCHEER: One minute.

GROENE: --parent in north Omaha knows, everybody knows when they can use intervention. And by the way, on special education, which is a-- as I said, right now, they can't-- unless they have a individual education plan-- I always get that backwards-- program that verifies that they have in that plan that they can't be removed from the classroom, they had to be calmed down in the classroom. If there-- isn't in there, they can be manhandled for refusing to sit in their seat. After LB147 is passed, that will not happen again. Intervention. I want you to seriously take a look-- those of you on the right side over there that are together on this--

SCHEER: Time, Senator.

GROENE: --at AM3067--

SCHEER: Senator, time, but you are next in the queue.

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GROENE: Take a look at AM3067. Take a look at the work we put into that. Talk to the Boys Town people, the intervention specialists that teach employees how to be aware of a child's problems and then tell me you're against this bill. Look-- read that article about OPS, looks like things haven't changed there. Now that said, I am a big admirer of Cheryl Logan, the new superintendent, of some of the things she has done or trying to do, but they're wrong here. They need guidance. This newspaper article proves it. This fine they got from Department of Education proves they need guidance from us, not be belligerent to what we are trying to do for them. Anyway, back to why AM1750 is not the answer. On removal from-- notifying the parents that 24 hours-- I was ending there. There's no requirement that the teacher notify the administration of a use of force, so how will administrators even know to contact parents? Is responsibility on the teacher to notify parents? What happens if the school does not notify the parent within 24 hours, parents are on vacation? As I said earlier, they got a home life that isn't good. You call drunk dad up and says your kid got in trouble, got removed from the classroom. He gets home and he gets beat up. We need to let those administrators know who they're dealing with and handle that notification in a way they think proper and that might be asking for a, a teacher-parent conference. But no, we're just gonna call them up, hunt them down, and tell him their kid got thrown out of school-- out, out of classroom, not out of school; think, think. Section 4, 5, who determines whether a teacher's conduct meets these thresholds, such as conscience, flagrant indifference? The school board, the superintendent, PPC? These terms are legal concepts with legal meanings. Is the superintendent or board expected to be able to understand and apply them in a teacher discipline setting? That's the Covendell [SIC]. They put parts of the Covendell [SIC] Act-- we did in AM1750, special education folks wanted it in there. It's a federal regulation that protects teachers for special educate-- when, when federal money is involved. We're taking a federal law and putting it into statute, verbatim, that has no rationale to the situation, but it looked good; cut and paste. Federal, let's leave it federal. Section 5, An administrator is required to remove a student upon a teacher's request. There's no limit to how many times a student can be removed because in AM1750, there's no policy that has to be set up about removal from the classroom. So exactly right, I was wrong there. We were all wrong. Some teacher don't like a kid and throws him out every day, every day. Now there's a policy they have to go through, training they have to go through. When is that child so disruptive-- oh, we have to intervene, we have to set up some parameters, some guidance for this young person. That's what AM3067 does. This just said the teacher can keep throwing the kid out. I don't support AM1750 and I

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won't support the bill anymore if that's the bill-- amendment that gets in there. It's bad.

SCHEER: One minute.

GROENE: Section 4, 5 in AM1750: all of this seems to be additional responsibly for administrator, yet the administration has no ability to stop a teacher's possible abuse of the proposed law, constantly removing students, as I said. There's a lot of good things in AM3067, well thought out, well reasoned. Teachers want it. Parents want this. Administrators want it. School boards want it. Finally, we teach teachers. They don't do it at teachers college, you know that? They don't teach teachers anything about what happens in that classroom, human interactions. We're gonna, we're gonna train them. And now Johnny comes up and he's in trouble. That teacher's trained to look at the behavior, not who he is, not how tall he is, not color of his eyes, his hair, not cultural. They are trained to look at behavior.

SCHEER: Time, Senator.

GROENE: Now Johnny, Susie-- everybody looks--

SCHEER: Time, Senator.

GROENE: --and says we're all treated the same.

SCHEER: Time, Senator. Thank you, Senator Groene. Senator Brewer, you're recognized.

BREWER: Thank you, Mr. President. I think when we come to the mike in this body, we should probably bring some of our life experience with it. Anybody can read from a piece of paper, but there's kind of a point where you have to either speak from the heart or it's just reading a piece of paper. When I came into the Legislature, I was put on the Government Committee, which was a very good fit. But for whatever sins I had committed in life, they put me on Banking and Insurance. Now I'm sure that's a good committee if you're a banker or a lawyer or someone who enjoys being bored, but I was blessed to be moved to the Education Committee a couple of years ago and that really was a positive change in that every day, when you went to the committee hearing, there was something interesting. And the issue that is constantly there is discipline in the schools and how do we do it? I was fortunate that a number of folks took me under their wing and said, hey, let's see if we can't help you get a little, a little more informed. Lincoln Public Schools has a citizen's academy. I was able to go through that last year. Good experience, got to see a lot, learn

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a lot, do a lot. Maddie from NSEA has been great about helping with understanding the big picture with the overall state and how things work. Coming from a one-room school, you don't have the same-- and I'm being totally honest, you don't have the same quality of education than I think you do in, in other places. Those are now gone and what we see is a situation where students are able to misbehave and to do that with virtually no consequences. And I don't say that just off the cuff. My brother-in-law is a, is a principal. Sister, brother-- or my son is a teacher and my nieces are, nieces are teachers and so they talk to me about their challenges, their experiences. And, and my son was in Davenport, Iowa, when he first started and he came back and said listen, I made a bad mistake. This is not for me. I don't want to do it. Well, I knew he loved math and he loved to teach and, and I hated to see him hang it up and walk away. He moved to Omaha and was a teacher with OPS. Again, he did have some challenges because when a child can refuse to do whatever and there are no consequences and it really becomes a problem of the principal, not the teacher, then to sort it out. I'm not so sure our system isn't broke. I'm not saying this is an end-all-be-all fix for it, but I think at some point, we have to admit to the fact that we have issues that need to be addressed and this is a conduit to do it. May need some tweaking, may not be perfect, but I don't want to see them lose their jobs. And I think there are teachers out there right now that are scared to death to do anything for fear of losing their job. That shouldn't be how you go through life. So I am glad to see that we have a change possible. I fear that we won't get the vote that Senator Wayne has asked for. Seems to be the standard now, doesn't matter the subject, we, we talk it to death. We all walk away and nobody has to go on the record on how they vote. But with that said, I'd like to yield the remainder of my time to Senator Groene.

SCHEER: Senator Groene, 1:15.

GROENE: Thank you. As I said, read through AM3067, folks. Senator-- we've heard complaints about the training. Oh, my gosh, they're gonna be able to restrain a child before they have the training. Guess what happens today? There's no training. Every day in a school somewhere in Nebraska, a child is restrained. Maybe he's lucky-- the teacher is lucky and they were trained. There's no training because they can do that today by tradition, by the Public Subdivision Torts Claim Act [SIC], and by the Daily case. All of the sudden a panic, they're not trained. We are trying to train and we are being reasonable. Schools can't train everybody all at once. It's complicated. We say they have to, Senator Chambers, train the teachers, train the administrators, train the paras as quick as possible. They are the frontline soldiers

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in this-- in the battle. They will be trained quickly. They will-- it says you have to refresh them every three years. You can do it sooner than that. You could do it every year if you wanted to.

SCHEER: Time, Senator. Thank you, Senator Groene. Those waiting in the queue: Senator Halloran, Senator Matt Hansen, Senator Cavanaugh, and Senator Vargas. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. President. Good morning, colleagues. Senator Wayne pointed out to us that the Omaha Public School system is opposed to this bill. And by the way, I am for LB147 and against the indefinite postpone and the recommit to committee. But Senator Wayne has suggested that we should all take guidance from the Omaha Public School system on this issue. And looking through a list of the top 100 schools in the state of Nebraska in regard to performance on math and reading, the 65 schools-- not one of the 65 schools in the Omaha Public School system ranks in the top 100. Well, why is that? There may be a number of reasons and I'm sure Senator Wayne can address those, but I contend and, and-- that discipline or the ability or lack of the ability to discipline in the classroom is a significant part of that. On a national scale, we are falling behind. That's no news to anybody. U.S. ranks 36th out of 79 countries and regions that participated in the test on, on education achievement and we are 36 out of 79. Japan ranks very high. Let's talk about Japan for a little bit. Children in Japan learn from the family, school, community, and nation how to-- how the members of the Japanese society-- in each group, a child learns self-discipline and commitment, expected to be a supportive and responsible group member. The family, school, and nation all take an important role in teaching the child the rules and norms of society. In the home and at school, a Japanese child is encouraged to develop a sense of self-discipline. Now there's a novel idea. In this country, we, we can punish parents for using corporal punishment to discipline their child. In Japan, they raise their children from birth to have a sense of self-discipline and they achieve that in the, in the family and then they send those children to school already prepared with self-discipline. In this country, there's a failure to do that on a broad scale. Now we can't legislate requiring parents to treat or to teach self-discipline. That's a parental responsibility and I would encourage parents to do that. So schools are delivered children from families that oftentimes don't teach self-discipline and they become disruptive in class. Now again, I can, I can take guidance from OPS, but their track record on education achievement is not very high and I believe discipline or the lack of the ability to discipline is a very significant part of that. So I'd like to commend Senator Groene for his efforts, tireless

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efforts in trying to create an environment where children can achieve to their maximum and not allow disruption in the classroom and give, and give teachers the training to do that. And again, I appreciate Senators-- Senator Wayne's pointing out to us that OPS is not for this bill.

SCHEER: One minute.

HALLORAN: It doesn't lend much weight to my decision. OPS doesn't influence me too much on that. If they ranked higher, they might influence me on my decision. I would like to yield the balance of my time to Senator Hughes.

SCHEER: Senator Hughes.

HUGHES: Thank you, Senator Halloran, I appreciate it. I'm looking at-- the queue is very long, so I appreciate the time. I just wanted to relate a short story from one of my constituents on one of my weekly conference calls back home whose wife had been a teacher for over 40 years. And his point was that the teacher intervening, intervening and a discipline act kind of nips that in the bud, that it provides an opportunity to shape that behavior early on so it does not continue to grow and escalate. And I thought that was an extremely good point and I certainly appreciate Senator Halloran giving me the opportunity to share that with you folks, that, you know, teachers are our front line in a lot of cases and we need to give them the support they need. Thank you, Mr. President.

SCHEER: Thank you, Senator Halloran and Senator Hughes. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good afternoon, colleagues. I rise in continued opposition to LB147 and will be opposing cloture and would ultimately support probably both the recommit and indefinitely postpone if we get that opportunity. I'm gonna go a little bit off of what I prepared. I did want to bring up, since Senator Halloran was mentioning Japan and kind of their collectivist society, that-- kind of the "it takes a village" mantra, I really appreciate that and I really appreciate, kind of, that sentiment in bringing it up. That's actually kind of very counter to how I view this bill. This bill is a very individualistic bill and that's kind of very much our society. So we can have that kind of collect-- discussion about, you know, are we acting as a society, doing the whole it takes a village, are we in this together? A lot of proposals that come on this floor that do things like that are very much described as socialism and bad for those reasons. You know, everybody should pull themselves up by their

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bootstraps. So having the entire community come together to teach the child discipline is very counterfactual to how we often view it in America, where the parents get ultimate control and how dare you tell me what I can do with my child. I'll also point out and I can't help myself, but one thing that Japan does because of-- and is very well-known for is the kind of collective action in public health crisis, such as near-universal mask wearing when there's a public health crisis. If that's the example we want to set and what we're [INAUDIBLE] and we're gonna shift to in our, in our culture, we can, we can have that debate. But I have a feeling that that argument's not gonna hold up on the next issue or the next bill. A couple of people have mentioned this and I appreciate this. I have facts and statistics and other things that I could probably read if I wanted to. Instead, several people have referenced this in the sense of let's speak from our personal, personal point of view and our personal perspective. It's been mentioned on the floor who has classroom experience. I do feel I have classroom experience. I teach at the college level still and I worked for LPS for several years out, out of law school before I got elected in this body and had to leave that position. I worked in elementary schools. I worked at Adams, Cavett, and Prescott across different spots in town here in Lincoln. And my personal experience working in elementary schools, working with college freshmen who are one year removed from high school is very different from the stories I held-- hear today. Maybe I just had the best three elementary schools in town with the best three principals and the best three administrations backing them up, but student discipline didn't seem to be an issue. Student discipline and student outcomes, we just, we just didn't see this. This wasn't this lawless chaos in the classrooms. Yes, students had tantrums. They're elementary school students. Like, yes, that happens, but there was-- among the processes that I saw and the resources teachers had, I just didn't get the same sentiment. So that's coming from just a very personal place as somebody who's-- you know, it's getting to six years ago now, but as somebody who was working in elementary school six, six years ago, six years ago this fall. I just had an incredibly different experience and an incredibly different perspective from what some of the stories that have been shared here on this floor. And that's part of the reason I approached this bill and I approach this bill from a very sign of good faith. I understand that many teachers disagree with me or many teachers had a very different experience than I did working for the schools. I understand that. I've processed that, I keep trying to process and process and process. Part of my problem, and it's a little bit the procedure and it's a little bit the process, that I understand no, no one person is controlling this. We've got three different names up on the board and there's all sorts of amendments written by all sorts of

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different people. I've been struggling to kind of study and learn which amendment that I should be looking at and which amendment I should be preparing for. Last week, I believe I was told that we would have an opportunity to go back to AM1750. This week I hear that AM1750 is not even supported by the introducer anymore and we should look at AM3067. I apologize--

SCHEER: One minute.

M. HANSEN: --if I'm getting the numbers mixed up. I think we're all kind of on the same page. And that's the thing I'm struggling with here is-- so if I'm supposed to look at it from my personal experience, I can't support this bill because it trends in the wrong direction in terms of being a heavy-handed form to an issue that I simply haven't seen. If I take the issue and I take the advocates and I take the allies at their word, I have to take all of them at their word and understand that if superintendents and disability rights advocates have a problem with how this bill impacts the students with special needs, I have to weigh that against how the teachers feel, which also leads me to a position where I don't feel I could support LB147. I know I'm about out of time, so that's not necessarily where I intended to go with these remarks, but just kind of speaking from the heart on this issue. I think that's kind of the way we're trending this morning. So with that, thank you, Mr. President.

SCHEER: Thank you, Senator Hansen. Those in the queue: Senator Vargas, Bostelman, Albrecht, and Dorn. Senator Vargas, you're recognized.

VARGAS: Thank you very much, President, Speaker. I'm gonna try to jump in here and talk a little bit about-- I, I respect Senator Brewer and talking about our shared, lived experiences is helpful. So I figured I'd talk a little bit about that and the last time I was on the mike when we talked about this, the main point I made is that, you know, oftentimes we're trying to solve some sort of an issue or problem and we try to make a direct connection to, to doing that. And so, you know, one of the, one of the things that I brought up was that providing some clarity or putting into statute some of this immunity language, you know, under certain circumstances, I understand it, but I, I don't see the connection to how that ensures that student behavior is going to be addressed. That makes the assumption that currently right now, the only thing stopping teachers from making sure their classrooms are welcoming, safe environments is whether or not they do or do not have that immunity in statute. And that's a hard-- that's hard for me to, to, to, to grapple with because it's not, it's not a causal relationship. It's-- it might mean that now they feel that they might be protected in some way, but the action of

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intervening doesn't necessarily mean the classroom is a safe and welcoming environment. So here's-- I'll talk from my, my own experience. Yes, Senator Wayne and I have both served as school board members in Omaha Public Schools. I have been a teacher and I have worked in a higher-need public school and have had-- and-- my share of run-ins with behavior issues. And typically, when you see behavior issues, there are a lot of reasons why behavior issues are coming up; classroom size, my own training on how I can adequately create a welcoming environment, whether or not I have created a set of consequences in place, whether or not those consequences are consistency-- consistently applied, whether or not my curriculum is engaging and differentiating instruction for the needs of my students, whether or not I'm taking into account the differing needs, special education needs of my students, figuring out a way to make sure I'm meeting them where they're at, whether or not I am consistently providing reinforcement, intrinsic and positive reinforcement, in different ways. There are a lot of things that really impact whether or not a classroom is doing well and it's a safe and welcoming environment. And at times, I myself have had to make sure that I am trying to de-escalate issues in my classroom. But one of the reasons I felt equipped to do that and what I do like about what we're talking about is training. However, I had to have that training to be a teacher, period. I could not be a teacher in this classroom and restrain my special education students or intervene without training in place, period. I actually think that's pretty fair. I did not want to be a teacher that can then be-- have the ability to intervene without having the certification to do it yet. There was something in my, my mind, this ethical, moral dilemma on whether or not that felt right. It just honestly didn't feel right. Saying it out loud to you still doesn't feel right. I didn't think I can do a service to the parents that I would be restraining or potentially intervening physically, even if it's for a good cause and knowing that I have not gone through the proper training and having some level of certification for doing that. The part of this-- what we're talking about is that there would be training. The part that concerns me is that we're gonna have people that might have immediate intervening without that training.

SCHEER: One minute.

VARGAS: So I do commend Senator Murman. I know he's been pushing for the training and I wholeheartedly support that. I think that is-- the, the iterative process, this has gotten us to that place. But that part really concerns me. And again, the issue is whether or not we're solving the problem of classroom safety. And I know part of the

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rhetoric we've been hearing here is that our classrooms are unsafe. And for all those teachers out there that have had issues with students, I hear you. But I also hope that this generalization that all of our classrooms are unsafe and that our students are the reasons why our classrooms are unsafe-- that mindset is a very, very dangerous place to be because it doesn't lend any type of shared culpability or accountability that all entities in the system, parents, teachers, principals, paras, and the students themselves all play a role in whether or not our classroom is safe or not. It's why we talked about a lot of--

SCHEER: Time, Senator.

VARGAS: Thank you very much.

SCHEER: Those waiting in the queue: Senator Bostelman, Albrecht, Dorn, and Pansing Brooks. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. Speaker. I yield my time to Senator Murman.

SCHEER: Senator Murman, 4:55.

MURMAN: Thank you, Senator Bostelman. I want to just continue my discussion on how LB147 and AM3067 are combined. And of course, I am in support of, of the-- of both. My main focus, as a member of the Education Committee, is the student, especially the vulnerable students most affected by classroom violence. I want to say thank you to all the Education Committee members for their hard work and focus on this bill. Now I look to all my peers in the Legislature to do the same. It is our job to enact laws that will protect our students this year. I designated LB147 as my priority bill because I believe it will help our teachers and students across the state feel safe and maintain a productive learning environment. And now to continue discussion on how AM3067 works in with LB147, AM3067 directs all school districts to have a policy on the process of removing and in-- and returning a student to the classroom and allows the teacher to decide if a student should be removed for intervention purposes. The policy must use a process that is proactive, instructive, and restorative. It must include appropriate communication between administrators, teachers, students, and parents or guardians. It has protections for special education students with an IEP, or individual education program, from removal from a classroom if, if prohibited by their IEP. It gives teachers who have followed school policy, parents and students the assurance that the teacher is in control of the classroom and that the, the teacher may have a disruptive student removed from the classroom to protect students' learning opportunity. AM3067 makes it

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clear that student-- students should be returned to the classroom by the administration as soon as possible after they have appropriately implemented instructional or behavioral supports to increase the likelihood that the student will be successful. AM3067 also protects stu-- teachers from professional or administrative discipline or legal liability for the removal of a student if they follow school policy. Parent/guardian involvement is one thing that I've been vocal about on the Education Committee and AM3067 requires parent-- parental notification when a student has been removed from a classroom or physical intervention was found necessary to protect the teacher or others. A school district student behavioral policy should be available to the public. The comprehensive plan also requires a school employee to be appointed as the behavioral awareness point of contact and point of contact for a school. They shall be trained in behavioral awareness and intervention and shall have knowledge of community service providers. They shall give assistance to families and students if they desire assistance. And one question I've heard over and over again is how is this going to be paid for? The state funding will be made available through state lottery funds that are allocated to public education. Every school will be, will be allocated an equal amount of money for training. For example, the smallest districts will get an estimated \$3,700, while large districts like Lincoln will get nearly \$134,000--

HUGHES: One minute.

MURMAN: --and Omaha will get \$175,000. Thank you. The authority to use the lottery funds will be given in the Education priority bill, LB920, that is now on Select File. So just to answer a few of the questions-- as some of the protections from lawsuits from teachers. The reason that is started before all the training is completed is because it takes three years for all of the training. And we, we feel that the, the teachers need protection before all of them can be trained. And also, new teachers are always coming in, substitute teachers, so protections must be available and the training be done as soon as possible. Thank you, Mr. President.

HUGHES: Thank you, Senator Murman. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, President. Good morning, colleagues. Good morning, Nebraska. I rise in support of LB147. I'm not gonna take a lot of time because I have already spoke on this issue and I'm anxious to get through these bills so that we can get to the rest of the business. But I just want to bring attention to the Nebraska State Education Association's magazine, The Voice, back in February of this

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year. I think we should all go find that and dust it off in our offices and take a look at the cry from the teachers to get this bill passed. They need the support. I've had my letters from my constituents in my district talking about a lot of the same things everyone has talked about on the floor today so I won't elaborate on that. I'd just like to yield the rest of my time to Senator Groene. Thank you, Mr. President.

HUGHES: Senator Murman, 4:00. Excuse, excuse me, Senator Groene.

GROENE: Thank you, Mr. President. This straw dog about the training, as I said, children are restrained every day in a school-- I mean, in the state of Nebraska somewhere. There's no requirement for training. Good people who are in the teaching profession just do the right thing. They risk their job, but they put the children-- you hear about the stories about teachers jumping in front of gunfire in some of the school shootings and stuff. Well, not as-- that's a severe case, but they do it every day in our schools, but no training. All of the sudden, now Senator Vargas says it's, it's, oh, my gosh, no training. As Senator Murman said, it takes time. These school districts don't have funding to do it all at once. They have to train the trainers. The bigger school districts will train the trainers and have their own trainers. First time we're gonna take lottery funds. If this passes, we will have a lottery change where money from the lottery will help schools pay for this training. Smaller schools will work with their ESUs, bigger schools will, like I said, will train their own trainers. And the frontline people are the administrators, teacher, paraprofessionals, and school nurses. Prior to the end of school year 2023, each school district shall, shall ensure that administrators, teachers, paraprofessionals, school nurses, and counselors receive behavior awareness and intervention training. I'm willing to bet most of the schools push that timeline up, school boards push that timeline up. They'll be done before '23-'24. It's that important to them. Each school district may provide such training of similar training to any other school employee at the discretion of the school district. This training is detailed about awareness of a child's needs. Do we need to give the cook that detailed of training? Do we need to give the janitor that detailed of training? Do you want the janitor looking at children and trying to be aware of what their problem is? How about the bus driver? All school employees shall have a basic awareness, but they will have some training, basic awareness of physical intervention. Bus drivers, you wouldn't believe how many emails I got from bus drivers about what, what happens on a bus. They're not trained. They're not trained in the intervention part of it so let's be realistic, folks. You're gonna make a janitor sit through three

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days of training on awareness when it's not-- something he doesn't need? That's why this is in here. Teachers, administrators, paras need that type of training. Remember, AM1750 has nothing in it about training for awareness. It's just physical intervention, this physical intervention training. Beginning in school year 2021, each school district shall ensure that behavior awareness and intervention training is offered annually, annually.

HUGHES: One minute.

GROENE: Administrators, teachers, paraprofessionals, school nurses, and counselors who have received such training for the school district in which they are employed shall receive a behavioral awareness training-- intervention training review in at least every three years. I will go into the point about the immunity for, for those who don't have the training. As I said, it's happening today with all school employees. There's no training. So what's gonna happen when you just have a substitute teacher-- teacher calls in sick, you call a substitute teacher to show up? They haven't had the training and again, kid comes in a room with a gun. Because they didn't have the training, you can sue them? Let's use some common sense here. There has to be that exception. The new employee hasn't had a chance to go to the training cycle. That is why that except-- exception is in there. They will be trained, but there's that--

HUGHES: Time, Senator.

GROENE: --skip in time.

HUGHES: Thank you, Senators Albrecht and Groene. Those in the queue are Senator Dorn, Pansing Brooks, and Hilgers. Senator Dorn, you are recognized.

DORN: Thank you, Chairman. And, and good morning, colleagues. Thank you for the conversation again this morning. I have enjoyed listening to part of this. I wanted to bring up a couple things as far as what I want to discuss about. Senator Wayne, this morning, and-- gave a handout about Omaha Public Schools and that the-- their school board's opposed to this. And then Senator Groene or somebody else had one, I believe, about a lot of the rural schools, a lot of the other schools that are in favor of this. I see this issue a lot, like many of the issues we deal with. The school systems, we have various sizes of schools. We have 250, 60 schools and we're trying to fit one policy and make it-- trying to make one policy and make it fit all of the schools. Omaha schools, Lincoln schools, they definitely have the financial ability and they also know they have the need to have the

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people to go around and train teachers and do the things that they need for their school districts to have a lot of these programs and a lot of these ESUs in place. There are many of the school districts in the state that don't have that capability. They don't have that financial ability. They don't have-- I call it the numbers to do some of those same things. So I see the biggest issue there being is we're trying to make one policy fit all school districts and many times we've struggled with that as a Legislature. Another thing-- and, and I wanted to talk about a little bit on the mike was what I struggle with on the floor here a lot of times is we will talk-- on one bill, we'll talk about something and it's a, a good thing and when it's a very positive thing. And a similar situation, we'll talk on another bill and then we have issues with it. And I did not speak to Senator Chambers about this earlier, but I'm gonna talk about his bill, I believe it's LB924 and the racial profiling for the police and the training in that bill. I went and reread that bill this morning and trust me, I voted in favor of that bill every time it's gone through our various stages here. And I think there's good support for that bill that we've had over 40 people vote for that bill every time. But when you go and read the bill, it has twice in there that all of the sheriffs' departments, counties and cities, will have a policy and they will have two hours of antibias and elicit anti-racial training. It does not list in there anything about the specifics or anything like that in there. Maybe what we're doing is we're overthinking this bill here. If we would take that same concept and put that in this bill, they just need a policy and two hours of training, we would not be discussing all of the issues in this bill in the same respect. Senator Vargas, I thought, had some really good points when he talked about the importance of training and I think that's the-- one of the great things that this bill does. It does develop a need and it does show a need in certain school districts for training to deal with this issue. I think it's very important that we do have the training for many of our school districts in this state. As I went-- earlier in the session when we had this bill and talked about it and talked about the pull motion last year, I visited with several teachers, several organizations, most of my administration people in my district. Just what really hung true with me was I visited with three special ed teachers, not from my district, all of them, one of them was, in various high schools. They were not from Lincoln or Omaha. And all three of them told me the same thing about this bill. We need this bill out here in our schools. So that's very important to me. And with that, I don't know how much time I left-- have left, but I'll yield my time to Senator Groene.

HUGHES: Senator Groene, 1:00.

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GROENE: Thank you. That section that been pointed out-- oh, my gosh, these teachers aren't gonna have to be trained. Any protection and defense found in the Student Discipline Act shall not be made contingent on whether or not an employee of a school district has completed behavioral awareness and intervention training. Remember above that, they have to be trained; substitute teacher, you hire a new bus driver. You don't have training every day, every week. You have it once a year. You can't get all of them through that, I checked. Omaha has 5,000 teachers. I don't know how many administrators, how many paras. Lincoln has 4,000 teachers. You're gonna train them all the first very-- year? You haven't even set up your training process yet. You're gonna send your trainer-- you're gonna send certain school psychologists, counselors and they're-- you're gonna get some of those to be trainers--

HUGHES: Time, Senator.

GROENE: --and then they're gonna come back and train.

HUGHES: Thank you, Senator Dorn and Senator Groene. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you, Mr. President. Well, I just want to reiterate my position on LB147. I think everyone across the board would agree there is a lot of confusion about all the underlying amendments and which amendment is doing what. When we first heard LB147 in committee last year, I had very serious concerns about it, as did many others. However, I also believe that the teachers had valid concerns and did not believe that they were, were receiving proper clarity or information or training on how to handle these school disciplinary problems. They were not being listened to or responded to by some administrators. Others were being good, no question, some administrators. So during the discussion in committee last year when the bill was stuck in committee, I pledged to Senator Groene that I would help him try to reach some consensus on the bill. I suggested he work with various child advocacy groups to try to come to some sort of agreement in addition to the teachers and the administrators. At my specific request, these child advocacy groups and organizations agreed to meet with Senator Groene, even though they were all unified in their initial and vehement opposition. I insisted and requested over and over for them to come to work with Senator Groene, the teachers and the administrators, on a compromise. Although not all of the child advocacy groups were happy with-- AM1750 was drafted by lots of lawyers. Senator Groene keeps talking about, oh, lawyers only helped on, on his amendments that came later. That's not true. And Amara Block, his legal counsel, was integral in, in writing AM1750. It was

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drafted by lawyers, teachers, and child advocates and it addressed many of the concerns that some of the advocates had. It also was supported by the NSEA. But as it happens with these sort of bills, AM1750 was still opposed by the school administrators. Indeed, they walked out of the joint negotiations within ten minutes after the start of the meeting. The administrators, to their credit, had been willing to try to work on a compromise up to that point so I was disappointed when they walked away and I expressed this to them. I was willing to continue to work with the introducer and the committee to continue negotiations, but instead the build [SIC] was pulled from committee. Senator Groene filed AM1750, AM1750 after it had received a 7-1 vote in the committee. Seven members of the committee voted for AM1750. The committee has not voted on any of the following amendments. Then Senator Groene introduced AM1803 when this bill was on the floor earlier this session. And now most recently, he has added AM3067. Again, not with any input from the committee, no input from the people protecting parents and children. And these-- so no-- none of the advocates or protections for the children were included that were added in AM1750. I wasn't in the room when all of these terms were hashed out in, in AM1750, nor was my staff so this isn't my amendment. It isn't some pie in the sky thing that I dreamed up. It's not my amendment. The end was a better version of the bill that had important protections for children. The NSEA was on board. Most of the child advocates, while not completely in unison, agreed to back down on--

HUGHES: One minute.

PANSING BROOKS: --their opposition under AM1750 version. But sometime after that, the administrators decided to reenter negotiations and worked directly with Senator Groene. Child advocates were not allowed or invited to be part of the process, nor was I, and the end result were the amendments that did not include protections for children. As I have stated and I have told Senator Groene, I will support AM1750 as the best version moving forward. It provides due process protections. It improve-- provides notice. It provides reasonable time limits for children and parents, but it's not perfect. Senator Lathrop has concerns about immunity. We hadn't even discussed mental health training because that was being held as a carrot for Senator Walz to move forward. And it was written in light of the pre-COVID issues and the pre-Black Lives Matter issues. But it is the version of the bill I would feel comfortable enough to move forward with and so did the NSEA. All the amendments are flawed.

HUGHES: Time, Senator.

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PANSING BROOKS: I believe we should start over.

HUGHES: Thank you, Senator Pansing Brooks. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I support LB147. I'll be voting for cloture and against the motions that are on the board and I yield my time to Senator Groene.

HUGHES: Senator Groene, 4:50.

GROENE: Thank you. AM1750 is my amendment. It's, it's the amendment that came out of our office, the Education Committee office after-- yes, I thank Senator Pansing Brooks and Senator Walz for getting the, the group together. I agreed to stay out of the room when they met. I met with them the first time and I, I put the committee counsel in there and, and Arc and disabilities Nebraska and some other groups met. So did the administrators, so did the school boards, but when it went too far, they left. They left. But I still continued to work, came up with AM1750, my staff did, and wrote it off of the notes from their meetings, went to Exec Committee. I also had AM183-- AM1803 written because that was the administrators and the school boards' version, went to the meeting and I had five votes. Senator McKlowski [SIC] was gonna vote with me to get it out of committee. And the, and the ideal of collegiality, Senator Pansing Brooks and Walz came to me and said, well, they knew it was happening. If you take AM1750, we'll vote for it, the bill. So we-- I took two in the bush, instead of one and a hand, and did that, took that amendment. It was 7-1, went to vote it out of committee, it was 4-4. That's when I realized I-- if this needed to be done and I cared about those kids, I had to think twice and go back to the school boards and the administrators and the teachers and come up with an answer. That is AM3067. I asked Senator Arch with his expertise, can you help us with some training, get us in contact with some people because he ran the Boys Town hospital? He did. We met with the Boys Town people and the Arc and CPI people came up with the training. You say, well, we got these amendments. The process is there. AM1750 is mine, it's the first amendment. If you let us get there, I will substitute AM3067 for AM1750. AM1750 was rejected by the committee when we had the 4-4 vote because AM1750 was a strike amendment. It was the bill. When the vote was 4-4, Senator Walz and Senator Pansing Brooks rejected AM1750. That's how the process works. Now they like it. But anyway, I'm collegial. I continued to work with them. But AM3067, you let us get to 30-- to AM1750. AM3067 will be substituted and teachers can show up for schools-- whatever-- how the situation is, with some hope. Parents will drop their kids off in front of the school knowing things are improving. Things are

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improving. The minority child will walk in there and say, everybody is gonna get treated equal. I know we got some rules here. Arc of Nebraska was in those meetings. Senator Pansing Brooks didn't mention to you-- they don't-- they didn't support her AM1750, as she says it was. When it was gonna come to the floor this year, they were actively working with the administrators to kill AM1750. So don't tell me they worked with us--

HUGHES: One minute.

GROENE: --and AM1750 was their answer. I reached out to them. No, they wanted to do their catchphrase, prone-- mechanical restraints, which is meaningless in the state of Nebraska. Protections for children? It's not used in Nebraska. But it's a catchphrase, helps get donations to their organization. But we don't do that here, do we? We do good legislation. We do good policy. We protect children. I don't want to hear another senator, when I'm here, say the children of color. Children of color? They're children. Let's quit, quit dividing each other by describing our personal attributes. AM3067 is the answer, folks. We need to go forward with it. We got--

HUGHES: Time, Senator.

GROENE: --we got funding lined up.

HUGHES: Thank you, Senator Hilkemann, Senator Groene-- Senator Hilgers and Senator Groene. Those in the queue are Senator Hilkemann, McCollister, and Lathrop. Senator Hilkemann, you are recognized.

HILKEMANN: Thank you, Mr. Chairman. It's good to be here this morning and be part of this discussion. I'm-- when I think about this whole issue of discipline in the classroom and so forth, I'm reminded when I was a sophomore in high school in Randolph, Nebraska. We had, we had a student that was always pretty disruptive and he was kind of a character. And I certainly remember at one point when my science teacher just had had it with him and they ended up having almost like a fit-- it truly was a fistfight within the classroom. And I've thought we've come a long ways when it comes to this. At that particular time, the teacher, of course, was OK and the student was removed. But so this is, this is an issue that's been in the classroom for a long time. And I am here-- I will be voting against the amendment to indefinitely postpone and I will be voting to advance this bill. But Senator Groene, would you take a couple of questions, please?

GROENE: Yes.

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HUGHES: Senator Groene, will you yield?

GROENE: Yes.

HILKEMANN: In my, in my instance, I've got three school districts that I represent. My Millard school district says that they're fine with it as amended. The Elkhorn district is neutral on this. And then I have some of the Omaha school system and I know they are opposed to this bill, but yet the NSEA is in favor of it. But the-- so I'm-- that, that-- I'm comfortable with that aspect of it, but I do have a group-- I have, I have several people in my, my district who are very active with the, the students with developmental disabilities that feel that they have not been heard on this issue. Can you tell me-- and they say that they really weren't brought to the table. Can you tell me were the people with the-- from the disability, developmental disabilities, were they at the table in the negotiations of this, Senator?

GROENE: Don't take my word for it. Senator Pansing Brooks told you they were. And if you look at the section-- on page 6 of AM3067, we exempted them from being removed from the classroom if their independent educational plans, programs, said-- there's a team, folks, a team of people get put together in a school and they have-- they create an IEP for these special children. If it says the way to handle that child when they lose it is to calmly intervene-- it also may say the best way to calm them down is to remove them from the classroom. I've been told that by a couple of parents that that was the best way to calm their child down. That IEP trumps the removal from the classroom. Now they wanted to say that you couldn't intervene with a child if violence was happening. I can't handle that one because I don't care who you are or who-- what your station in life, you don't have the right to harm somebody else. If you are a special education student and you're beating up Johnny next to you, that teacher should intervene. Does anybody in this body think that's wrong? Here's another one. When I went to school, I had a kid in our school that would beat his head against the wall. Do you think the teachers should not be allowed to intervene and stop that? That's what they demanded. It's foolishness.

HILKEMANN: Senator, can I ask you a couple of other questions?

GROENE: I'm sorry, I thought it was mine.

HILKEMANN: That's all right. I did not yield the time, I just asked a question. The second question I had is that these concerns that they've-- that, that, that they've brought to me--

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HUGHES: One minute.

HILKEMANN: --if we pass this bill, is there-- would-- is there a way that this-- I'm not talking about amending it today at this point, but if we pass the bill, move it, advance it, can their concerns-- which you've heard those concerns-- could they be brought forth and, and improved on in a-- in another session of this bill?

GROENE: I think it's already there. It's in the training. All training is local. All training.

HILKEMANN: Is that--

GROENE: You know, the school district could still say we're not gonna physically intervene.

HILKEMANN: Is that the biggest issue that they have, is it-- it's in the training situation?

GROENE: I really don't know what it is. What I understand-- the classroom they're settle-- they're happy with because they're exempted with their IEP from removal. It's the violence in the classroom. I don't know how you address that. If a child is, is harming the teacher or harming themselves, we have to intervene.

HUGHES: Time, Senators.

GROENE: They can't answer that.

HUGHES: Thank you, Senators Hilkemann and Groene. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. LB147, Senator Groene's four-year effort for school discipline. I don't know where I'm gonna come-- ultimately come out on this bill. I think it's a square peg in a round hole, but I did give Senator Groene a commitment for a cloture vote on General, General File. But this bill has issues and unless this bill is modified, I'm not gonna support it any further when it comes back up, if it does, which I, I doubt that it will. But Senator Patty Pansing Brooks talked to me off the mike and has some issues that she would like to raise. I would like to yield the balance of my time to Senator Patty Pansing Brooks.

HUGHES: Senator Pansing Brooks, 4:00.

PANSING BROOKS: OK. Thank you, Senator McCollister. Well, I guess my main thing is about how this issue still need-- needs work and that

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it's better to, to bring everybody back to the table again. It's-- again, I agree that something has to be done, that there has to be more training and ability for teachers to understand what they can do. Theoretically, the, the Daily case does already allow them to use reasonable force. The problem is, and we've discussed this with the teachers multiple times, they are not told that in the schools. So that's why I tried to bring this and work with Senator Groene on this, this issue, because we should be listening to the teachers. We should be giving them the notice and the knowledge of what they can do and the training to be able to help calm situations. The problem is, in the meantime, of course, as a proponent of children and making sure that children are protected and that we don't continue this prison to school or school to prison pipeline, we have got to do everything we can to protect Nebraska's children. We do not-- we-- there was a, a luncheon that we had with, with a number of kids from Omaha who were mostly kids of color in high school. And they talked to me last year and they said, whatever you do, please don't do this. This was last year, pre-Black Lives Matter movement and all the protests. They said whatever you do, don't give the teachers and the administrators more opportunity to lay their hands on us, to choose us from the fray, to use discipline and, and force on us because of the color of our skin. That's what they're saying. So now we're looking at this bill written pre-protests, pre-Black Lives Matter, pre all of the disruption that we've heard and concerns that we have heard from young people. And yeah, I'm calling them young people of color because they are over arrested. They are over imprisoned. They're over detained. So I will continue to talk about Black Lives Matter, about the fact that children are getting arrested and detained and held in our prisons and in our, in our juvenile facilities at an extreme rate, including kids with disabilities, much higher rate.

HUGHES: One minute.

PANSING BROOKS: So when we have a bill where the children's advocates and the lawyers who work on issues for children are not even invited to the table-- they're not even part of a discussion, they are ignored. And again, I can't get right to counsel passed, so here's another kind of huge part of this. Then what the heck are we doing? Why are we going to be willing to go forward with this bill and this amend-- these amendments that Senator Groene has come up with, not been vetted by the committee? We need to do better for Nebraska teachers, for Nebraska children, and for the, the administrators as a whole. Thank you, Mr. President.

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HUGHES: Thank you, Senator McCollister and Pansing Brooks. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President, and colleagues, good morning. I'm not pausing for any particular reason other than to collect my thought. I wanted to stand up and talk about my experience with this bill and my experience-- and, and a commitment that I made to Senator Groene. I am going to vote a cloture vote. I will go through these motions and then get to LB147 and I'm going to be opposed to it. This summer, I had a meeting-- I've had a number of meetings with Senator Groene relative to the liability provisions. As you might expect, I care about that not, not just because I'm a trial lawyer, but because I still firmly believe that when you change the standard of care anywhere, when you change the standard of care, people will behave to that standard of care. For example, we have some amendments that have a standard of care where there's no responsibility until you behave in a grossly negligent way, in conscious, flagrant indifference to the rights and safety. Well, if that's our standard, if that's our standard-- and it's not in every amendment, but it's in some of the amendments-- people are gonna behave to that standard. And I have a problem with that. I'm, I'm moving my hands up. I should move them down. And so amendments like that are problematic for me because I know what it would take to prove that somebody was injured through gross negligence or fra-- flagrant disregard as opposed to a requirement of reasonable care. LB147 happens to have a standard of reasonable care, but there's a problem, a problem for me there. This summer, Senator Groene and I had a meeting where he shared what is, I believe, AM3067. He showed me a list of people that support it and then we talked through the liability provisions, what's the standard of care in AM3067. I can support that. It was represented to me that a lot of people support the underlying policy and this is a liability provision I can support. If we get to Select File and that isn't what we're working with, I do not intend to vote for cloture and I don't intend to support the bill any further. It's a little bit of a-- I want to be, I want to be fair with Senator Groene and a conversation we had this summer, but we're not on the amendment that I agreed to support. I don't know if we ever get there. The way things are going, I'd be surprised if we see any amendment ever make it in the queue so that we have an opportunity to change the underlying LB147. But understand my concern, besides policy, what do the administrators think? What do the teachers think? That is important to me. And I don't know if they've ever gotten on the same page. It's not clear to me. I'm not in the Education Committee and I am not as deeply involved in this bill as other members of the committee are. But I do have a problem with any amendment that doesn't require that somebody's

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conduct be reasonable or excuses conduct that is gross negligent, willful indifference. That can't be the standard when we're talking about children, when we're talking about implementing a policy. When it relates to physical contact, the liability standard is going to be the standard that people behave to and that must be reasonable conduct. You may not be surprised that I take that position or that I talk about that. And certainly, the President appreciates that. We had this conversation through the nuisance bill last year.

HUGHES: One minute.

LATHROP: These are important because having spent 40 years in this arena as a practicing trial lawyer, I appreciate that a reasonable standard of conduct is negligence. You behave-- you set a standard where someone can behave unreasonable, but not grossly negligent, then people can, people can behave to that standard or just below it and I do have a significant concern about that. Beyond that, there are other things in these bills and these amendments and that-- I was represented that, that there was a list of people that supported the substance of Senator Groene's amendment that we will not be voting on today, but I will give him the cloture vote so that he has an opportunity if he is able to get to that. And then we'll have another conversation about it. I just wanted to take a moment to explain where I'm at and why I am where I am. Thank you.

HUGHES: Time, Senator. Thank you, Senator Lathrop. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. This is a very bad bill. There are always promises about doing something in the future as a-- trick to Senator Lathrop into going along with. There are gonna be no substantive changes in this bill. There are problems with that long amendment that Senator Groene is talking about, AM3067. Some things you're supposed to accept because Senator Groene and Senator-- I'm not gonna put Senator Murman in it-- and others keep saying the training, training. They have three years during which they don't have to have any training. You have to complete it in three years. So for 2 years, 362 days, you can do all of these things and not be held accountable even though you have no training. And on that last day, you get some training. They phrase this to say that you have all of these protections and defenses and it's not contingent on whether you have the training completed. What it's saying, you don't have to have your training completed, but you have all of the defenses as if you were trained. I'm surprised that a lawyer as sharp as Senator Lathrop would accept something like that. These are defenses that exist because you're talking about people who are trained. They're going to know and

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understand certain things and hopefully comply with them. However, even if they don't get that training, they still have all these defenses. That makes no sense. You're gonna tell a police officer, for example, you have to meet certain standards when it comes to using a firearm or you're going to be held accountable, but you've got three years to reach that status. So during that three-year period, you're not held to that standard and you won't be accountable. But if after three years you do it, then you're accountable. That is insane. And when Senator Groene says he's tired of hearing the term "children of color"-- he's a white man. He likes to say he's not racist, but the kind of comments that he makes are the warp and woof of racism. He's very conscious of race. And I've listened to him for years and there are some of you who know better. But you make him promises, then you feel you're bound. Let me tell you all one thing. I have one bill and it's on Final Reading. It's what I call the peewee bill. Kill it. I don't care because now I'm looking at this whole session differently. Every bill left is subject to me. John Paul Jones, in 1779 on the battleship Bonhomme Richard, said, I have not begun to fight. All of these issues that ordinarily, I would have a lot to say on, I haven't said anything. I didn't have to fight that atrocious abortion bill because there were other people, notably Senator Hunt--

HUGHES: One minute.

CHAMBERS: --doing very yeoman-like work to defeat it. So if you've got a bill on this agenda today or pending on Select File or General File or Final Reading-- if mine I'm willing to sacrifice, I don't care about yours as much as I'd care about mine. So if this bill gets a cloture vote today, then I've got to start attacking other bills to make sure we run out of time before we get to it again. And maybe you all are willing to sacrifice time, maybe you think I'm bluffing. I'm not John Paul Jones, where when the fight is going hot and heavy, I'll say I haven't begun to fight. The line is drawn in the sand. I feel Senator Groene drew the line as far as I'm concerned. Senator Lathrop reinforced it.

HUGHES: Time, Senator.

CHAMBERS: Thank you.

HUGHES: Thank you, Senator Chambers. Those in the queue are Senators Slama, Walz, and Briese. Senator Slama, you're recognized.

SLAMA: Thank you. Mr. President. I rise today in support, again, of LB147 and I'd like to yield my time to Senator Groene.

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HUGHES: Senator Groene, 4:50.

GROENE: Thank you. I'm not a lawyer, but I can read between the lines what Senator Lathrop says. He is absolutely against LB-- AM1750 because he doesn't like the term "gross negligence" and conscience, fragrant [SIC] indifference. When he was talking about that, he was talking about you rise to that level. I don't think Senator Pansing Brooks understood what he was saying. That's in AM1750. In AM3067, it says reasonable. Now that puts a standard. Before in AM1750, you got to prove it was gross negligence. He just gave an endorsement of AM3067 on the liability; very lawyerly, but he did it. Senator Pansing-- I mean, Senator Lathrop, would you-- first off, clarify. You mentioned about the disorganized way this bill was brought forward, that the amendment's way down there. I got a question for you.

HUGHES: Senator Lathrop, will you yield?

LATHROP: Yes.

GROENE: You've got a bill coming up this afternoon, LB1004?

LATHROP: Yes, I do.

GROENE: Would you mind if I dropped an IPP motion on your bill and filibustered it before you got to your amendment?

LATHROP: Well, of course.

GROENE: Why? It's the rules.

LATHROP: Well, it's-- LB1004 is good policy.

GROENE: Oh.

LATHROP: I did not have anything to do--

GROENE: You know what happened to this bill.

LATHROP: I didn't have anything to do with the IPP--

GROENE: I know.

LATHROP: --motion or the motion to recommit.

GROENE: But, but we were following the rules. We-- most-- Senator Chambers, I believe in 44 years, has never dropped a motion, an IPP

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motion or-- on somebody before they opened the bill and opened their amendment.

LATHROP: I'm not sure--

GROENE: Well, anyway--

LATHROP: It feels like you're dragging me into a, into a dispute you're having--

GROENE: Well, but you made it sound-- I mean, you're a friend, but you wouldn't like that, would you--

LATHROP: I don't think anybody--

GROENE: --if I did that? I, I could walk up there with a yellow tablet right now and destroy--

LATHROP: I--

GROENE: --your LB1004.

LATHROP: I will just say this. I know that I have put a number of bills up and some of them have had IPP motions and I never appreciate it.

GROENE: All right.

LATHROP: But who would?

GROENE: Thank you, Senator. Thank you, Senator Lathrop. You're a very reasonable man, but I might do that. I don't-- I'm not gonna do it. You're-- you'll give me a closure [SIC] motion vote. But that's what happened to this bill. Collegiality? I would never do that to anybody-- maybe-- I shouldn't say never. I have never done that. If this was done correctly, I would have substituted AM3067 for AM1750. It's my bill. I would have opened on the bill, I would open on the amendment, and then we would of went into motions. I never got to open on the amendment. I managed the bill well, but I was thinking collegiality. Now this body has to decide are you gonna correct an error, error of collegiality and allow Senator Murman and I to substitute an amendment? Get the amendment up that we want to vote on, and the vast majority you want to vote on, and move this bill forward. Let's talk about collegiality, all right? But that's the way the process should work. Anyway, as we said in AM1750-- I've never seen a conservative do that to anybody, drop an IPP--

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HUGHES: One minute.

GROENE: --on another person's bill before they had to open on the, on the amendment. I now understand how they-- all these rules keep growing because of these things that start happening and the rules change. And that's a rule change we need next year. You can open on your bill, open on your amendment, and then if you want to filibuster it, fine. And then if you add 33 votes, fine. But the people of Nebraska should get the bill and the legislation passed that's best, that the maj-- 33 people want; 33 senators. They're representatives of the majority, vast majority of the, of the Legislature wants and the people they represent. Anyway, as I said, I appreciate Senator Lathrop's endorsement of the immunity and the reasonable clause in AM3067 and his rejection of the grossly negligent and conscience, flagrant indifference.

HUGHES: Time, Senator. Thank you, Senator Slama, Groene, and Lathrop. Senator Walz, you're recognized.

WALZ: Thank you, Mr. President. I don't even know what I'm gonna say right now. We've talked about this bill for four years and we've had amendment after amendment after amendment and I have them someplace here. I have files and files and files on this bill. We have surveys from teachers on this bill. We have an overwhelming amount of testifiers, an overwhelming amount of testifiers come to hearings regarding this bill that do not believe this is what we need to do. And I'm not just talking about people from my district who come in and testify against it, I'm talking about people from every one of your districts. I can't even keep up with what's going on with this bill anymore. What's happening is that we've tried to manipulate the bill to make it work. We've put in amendments to make it work. And I finally have come to the conclusion that if this were a good bill, it would have passed by now. We've dealt with this for four years. This isn't about you winning or me winning. This is about our kids. This is about protecting our teachers. Senator Groene, will you yield to a couple questions, please?

GROENE: Yes.

WALZ: Thank you.

HUGHES: Senator Groene, will you yield?

GROENE: Yes.

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WALZ: You talk about today, every day, somewhere in Nebraska, a child is restrained. What do you mean by that?

GROENE: I'll clarify, during the school year, that in a school somewhere, a teacher had to make a decision to restrain or intervene with a child physically so they didn't hurt themselves or someone else.

WALZ: And how many people-- how many times do you think that happens in a day across the state of Nebraska--

GROENE: Well--

WALZ: How many times do you think a child is restrained?

GROENE: It happened, it happened on the top end at least 300 times because 300 teachers, that's 300 out of 6-- 365 days. A teacher got assaulted so bad in the classroom, they had to take workmen's comp so that's on the top end.

WALZ: I'm asking just how many times-- all I, all I want to know is-- so you-- about 300 times--

GROENE: Well, let's, let's interpolate out of that--

WALZ: --300 times--

GROENE: --let's interpolate off the top. How many on the bottom just got hit in the eye and showed up for work the next day?

WALZ: Three hundred times a day a teacher has to restrain a child, is that what you said?

GROENE: Three hundred had to-- got-- well, they didn't restrain them. They got beat up, assaulted, and they had to take off work--

WALZ: OK, my question, Senator Groene, is you said, everywhere, everyday somewhere in Nebraska, a child is restrained. I just want to know what you mean by that. What you're saying is every day a child is restrained by a teacher. Did you say that's true?

GROENE: Yeah, 3-- yeah. I will--

WALZ: OK.

GROENE: I will go around and-- but-- you to every school district in the state--

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HUGHES: One minute.

GROENE: --and interview the teachers and ask them--

WALZ: OK.

GROENE: --did you have an incident this week?

WALZ: Thank you, Senator Groene.

GROENE: Did you have an incident this week?

WALZ: Thank you, Senator Groene. The other question I have is how many, how many teachers have been fired for restraining the child?

GROENE: Those records aren't kept, but I, I can talk to any-- administrators tell me it happens quite often.

WALZ: I think it's a really important question--

GROENE: In Omaha, it happened-- if you talk to the union, Omaha it happened recently to at least a half dozen to who had-- at least a half dozen.

WALZ: Three-- a half a dozen teachers have been fired?

GROENE: Just recently.

WALZ: Senator Wayne-- thank you, Senator Groene. Senator Wayne, I promised to yield you some time.

HUGHES: Senator Wayne, 15 seconds.

WALZ: Oh, sorry.

WAYNE: I'll make it quick. Know the rules. Senator Groene could never do that to a bill because it's already on the floor. This is a special motion that was taught to me by a conservative, Senator Murante, who filed it multiple times on Senator Morfeld's bills.

HUGHES: Time, Senator.

WAYNE: Thank you.

HUGHES: Thank you, Senators Walz, Groene, and Wayne. Those in the queue are Senators Briese, Hunt and Murman. Senator Briese, you're recognized.

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BRIESE: Thank you, Mr. President. I rise in support of LB147 and I'd like to yield the rest of my time to Senator Groene.

HUGHES: Senator Groene, 4:50.

GROENE: Thank you. We're, we're contacting the teachers union and see how many, Senator Walz, so we can get you an answer; how many are-- they know of last year, teachers that were fired and ended up in a legal situation. We'll get you that information. How many were disciplined, how many were fired? I think you'll be surprised when you get the numbers. We're trying to stop that. I'll go back to how I started about what happened with the Lincoln Police Force when they started training their officers, how drastically the interventions stopped. We haven't said that-- Senator Murman and I have hinted around it, but that's the goal here, the training so there's less and less and less interventions, less and less expulsions, less and less suspensions, less and less-- more and more respect for each other in the school system. I'll tell you, when I watched those protests and riots and I seen those young people, I was wondering, did they go to a public school? Did they come out of a public school and they sensed there that they weren't treated equal? Where did they get that? They spent a lot of time in the schools. It was on the streets. I know the police didn't respect them. Is it ingrained in our society that they go to school, even-- and there's a disrespect for them because their behavior is a little different? Training will solve that. Training will solve that. Three hundred teachers last year were harmed, so-- that's Nebraska, little state of Nebraska, that they had to take workmen's comp by assaults in the classroom. Now how many got bruised? How many got punched? How many children were saved from harm because a teacher stood up and did the right thing, even though they weren't-- they didn't think they might be protected by the administration or the statutes? Just interpolate it down. When you start with 300-- it got that bad-- can you imagine how that pyramid went down? Happens every day in the schools. With those kind of statistics, it has to. Parents call me all the time, text me, email me. Today, my daughter seen something in school that was just awful. Class was broke up. Please do something. They moved us all out and my children-- my child had to go out in the hallway for an extended period of time until something-- the, the child that was misbehaving in the classroom was under control again. Those aren't anecdotes. That's reality. How can we sit here and not vote for that? And Senator Walz, 33 senators on this floor think it should be law. It would have been law if a very small minority wouldn't have played games with the system-- how we do things collegially around here. It would have been law a long time ago.

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HUGHES: One minute.

GROENE: It would've been on the floor last year with AM1750 out of committee and it would be law if words were kept, commitments were honored. But I don't care. I go on. What drives me is protecting those young children and those brave teachers and administrators who show up every day knowing if they do the right thing, they are gonna get yelled and screamed at by some parents. They're gonna get thanked by some. And if we can't protect them, if we can't set guidelines up to help them, I, I don't know why I'm here. This is so basic, so basic to what we should be doing for our kids and our employees and the school districts. We're also guiding the legal system too, but--

HUGHES: Time, Senator. Thank you, Senators Briese and Groene. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. Good morning, colleagues. First of all, public school children are incredible and public school children deserve the world. They deserve to have every door opened in front of them, just like every other child, regardless of how much money their parents make or what their zip code is or what part of the state they live in. I'm a product of public schools. My, my daughter goes to a public school and Senator Groene doesn't want me to be equal so maybe it's him who needs some training. So I don't want to hear anything disparaging said about public school kids, first of all. Second of all, what I'm not gonna do is support a bill that allows teachers to use physical force against students. And none of you should be supporting this, especially given the conversation we're having nationally about racial equity, especially in Omaha, especially in our bigger cities here in Nebraska, and especially given that we do know that these kids get targeted on the basis of race, on the basis of their ability all over the state. Here's some patterns that we have in this body. One is taking up hours and hours of debate on controversial, divisive bills like LB814 and LB147 that were never voted out of committee because there was no consensus. A ban on abortion? A bill to allow any school staff to use physical force against children? And two, the other pattern is expressing pro-life values, but voting for bills that hurt children and families when we could be working on the issues that Nebraskans are telling us matter to them now; evictions, unemployment. It's the end of the month, colleagues. It's Thursday, rent is gonna be due Saturday and the pandemic unemployment assistance is over and rent is coming due and people are still out of work. And we live in one of the states that reinstated work-search requirements. So to receive unemployment benefits, people have to be doing work searches. However, we have more

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unemployed workers here in Nebraska than we have jobs and our COVID positives are rising. And people can't work when they have COVID, if they can even get a good test. So we have a real mess to deal with. And this is a mess, but this isn't the mess that matters to Nebraskans right now. So instead of all these other things, instead we've taken about five hours debating an unconstitutional restriction on women's health. We've taken nine or ten hours total on a bill to allow school employees to hit the kids. So what we have here is a consequence of short-circuiting the committee process. You've got this mess of a bill with a whole pile of amendments that overlap and interrelate. People don't follow it. They understand the general subject, they get lost in the details. And we spend a lot of time on what admittedly is a really important issue, but then we're spending a disproportionate amount of political and personal capital to forge some kind of consensus that after all this time, we haven't come to after four years. Senator Groene introduces this bill every year. It's time not spent on the budget, it's time not spent on COVID relief. And I know a couple of you are on cloture for this, but I think you should change your mind. Senator Groene said 33 senators think this should be law. No, 33 senators don't think this should be law. There's a couple senators who are being nice to get this to Select File and don't support this law and aren't gonna support you on Select. And when these bills come up with hurt-- that hurt children, that hurt families, people like me go the distance. We take the time. So all of you on cloture have to judge if that's worth the time for you. I mean, look at the time. Look at the schedule. There's a lot of things on General File that people would like to get to, their own bills. If LB814--

HUGHES: One minute.

HUNT: --gets to Select File, we just will not. We will not get to those bills if this moves on to Select File. I know my colleagues Senator Wayne, Senator Chambers, they don't want to get to those other bills either. Proponents of the bill emphasize that if a teacher or a staff member using physical force goes too far, then they will be in violation of this law so it's no problem, but that is a problem. That's not OK. If a teacher goes too far, it's already too late for that child. We already have a child who's traumatized by a teacher who they're supposed to be trusting. If we pass this law in Nebraska, we're just reinforcing a culture of violence and aggression instead of a culture of education and training that's centered around the value of the child. Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. Those in the queue are Senators Murman, Crawford, and Wishart. Senator Murman, you're recognized.

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MURMAN: Thank you, Mr. President. We've been talking about a lot of things this morning, a lot of things that go on in schools and in our society in general. And I just wanted to remind everyone of really what this bill is all about with the training. The, the goal of the bill is that all students and employees of schools will be treated fairly. And I'll go through the steps again and it's pretty simple and all the training is, is in the bill so, so everyone should be treated fairly. Number one is recognizing the detrimental signs, (2) positive behavior support and proactive teaching strategies, (3) verbal intervention and de-escalation techniques, (4) guidelines on removal from and returning students to a classroom, (5) behavioral intervention and support that will take place when a student has been removed from a class. And finally, the last possible step is physical intervention for everyone's safety. And it's been talked about that why does it take three years? Why do we have to implement some of the parts of the bill before all the training is done? Well, first of all, I think everyone has to realize that this training is a massive undertaking. I don't know the exact number, but I'm sure there's tens of thousands of employees in the school districts all across the state. So the goal is to have everyone and all employees in all of the school districts trained. And this is the first time that funding will come to the school districts from the state, through the lottery, to provide some training. I, I know it's not perfect. The training isn't perfect. I mean, it's up to the school district. They, they have great training programs. Boys Town has, has talked about us and talked to us in the, in the committee about their training. We've also heard about the CPI training, the Mandt training, but it's up to the local school district as to what kind of training they do. And this training can't be done all at once because of the sheer numbers and the, the cost of the training. The cost has got to be spread out over three years also. Every substitute teacher and every employee, the goal is to have all of them trained that-- those that are-- that have the funding will be able to, in other words, train the trainers in all of the school district-- districts all across the state. And another thing that we've talked about this morning that I guess-- I might be missing something, but we've talked about the reasonableness of intervention and it's clear that no school personnel shall be subject to professional or administrative discipline if such physical intervention was reasonable and it reaffirms the protections that school employees already have under laws concerning self-protection. So reasonable is in there. So I don't want to take up any more time, but just wanted to remind everyone of what is in the bill. Thank you, Mr. President.

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HUGHES: Thank you, Senator Murman. Senator Crawford, you're recognized.

CRAWFORD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans. Colleagues, this is my last year here. And with term limits, I've been here as long as anybody's going to be in this body for a while unless term limits change. And I still find myself learning something new almost every week, sometimes every day. There's so much to learn and that's one of the reasons why our committee structure is so critical. It's so critical that we have senators who are willing to invest their time, excuse me, their time and energy and compassion into the-- specific policy areas that are critical to people across the state. And those of us who are not on those committees, we rely on our colleagues who are on those committees to help us understand what's going on with bills, what some of the concerns are that we may need to, to watch, and to help us understand how to best serve the people in our district by learning from their expertise. We also rely on people in-- our peers who are in committees to do that hard work of negotiation, of listening, of trying to work with others on the committee to bring about the best product that they can. So colleagues, I am very indebted to the hard work of Senator Patty Pansing Brooks and Senator Walz for the efforts that they've made over four years, struggling with this issue, trying to do their best to try to balance the needs of teachers and the concerns of advocates and concerns of parents of children with disabilities. I know it's been a very tough struggle. And in fact, Senator Walz gave me permission to share this personal story. She was driving home from Lincoln one day after one of these very difficult days and she was starting to think, well, it's just too much trouble. I should just let LB147 go. I've been working on this and working on this and I'm not getting anywhere. And she felt a strong call, I would say a spiritual call, that told her not to give up, that it was too important. And I am so grateful to her for her listening to that voice and I'm grateful for her for sharing that story with me. So I'm following the lead of my two colleagues and listening to their concerns and relying on them for any negotiation that may happen moving forward. And since that has not yet, I will not be able to support cloture or support this bill. Now I also want to tell you, one of our honors that we have on the floor here is raising the voices of people who cannot be here. And in your voicemail [SIC], I will just alert you that there is a video from students, students who cannot be here but wanted their voice to be heard. And so I urge you to check your email and see that video. These are students who are urging us not to vote for cloture today. I would want to also add, while I have

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the mike, that I was very struck by some of our conversation last time we were debating this bill.

HUGHES: One minute.

CRAWFORD: Thank you, Mr. President. And I thought that Senator Linehan raised a very important point, that no matter what happens with LB147, what we really need to have happen is we need to have clarification in our schools of our existing protections for teachers and administrators. And it's critical and I plea to our administrators across our districts to make sure that you have this understanding and that you provide clarity in your communications with your teachers about the protections that exist for them in current law that allow them to do their job knowing they have these legal protections. And if I have any--

HUGHES: Time, Senator.

CRAWFORD: Oh, thank you.

HUGHES: Thank you, Senator Crawford. Senator Wishart, you're recognized.

WISHART: Thank you, Mr. President. Colleagues, I've worked quite a bit most recently on this bill to determine where I stand. As the bill stands as it is, LB147, I will not be able to provide cloture. I know that Senator Groene has worked pretty diligently on trying to find some solutions. So if this does end up passing to Select File, I anticipate there will be some more work done. With that, I would like to yield my time to Senator Walz.

HUGHES: Senator Walz, 4:25.

WALZ: Thank you, Mr. President. I guess the first thing that I want to say is I do want to support teachers. I've been a teacher. I've been a direct-care staff for people with disabilities. And I certainly know that when I'm in a situation where I could be harmed, I want to know that there's somebody behind me and somebody who's protecting me and somebody who is helping and supporting and training me. I would yield some questions to Senator Groene, but I don't want to take up all my time letting him answer the questions. So I'm just gonna ask them out loud. There was a teacher in North Platte-- and I think this is kind of the root cause of what started this whole situation and this bill or this piece of legislation with Senator Groene. But from my understanding, this teacher and coach was in a room with a child and the child was displaying some behavior issues and it ended up that

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this teacher took the child by his ankle and drug him down the hallway. My questions would be was that chi-- was that teacher fired? What was the process that school district went through? My other question would be, was that teacher provided any training on how to deal with issues like that? And, you know, one of the things that I really think about for that teacher is, was he sorry and did he regret what he did? Training is so key to this whole issue, training and prevention. I feel, you know, that that teacher was put in a position that he was not prepared for. And because of that, I, I think that he lives to regret what happened--

HUGHES: One minute.

WALZ: --this day, today. You know, whether or not this bill passes, I don't think-- if this bill would pass, I don't think that it's going to stop the problem that we have. It's not gonna prevent the issues that we have. What we really need to concentrate on here, colleagues, is the training piece. What we really need to concentrate on here is preventing these situations from happening in the first place. It's not fair to put a teacher in a situation--

HUGHES: Time, Senator. Thank you, Senator Walz. Those in the queue are Senators Cavanaugh, DeBoer, and Groene. Senator Gavanaugh [SIC], you're recognized.

CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I commit to bring black and brown voices in every conversation surrounding public policy, not just when public policy is specific to people of color. I commit to be a partner in the work ahead, not a leader. I commit to take real, concrete action on concerns and issues for people of color. I stand in opposition to LB147. I have never supported LB147 and I don't believe that you can make a bill that institutionalizes racism and discrimination better. You need to start over. I have a letter from child advocacy centers across our state, from Nebraska Alliance. I'm gonna read a piece of this letter. The Nebraska Alliance and our seven nationally-accredited CAC members do not usually weigh in on education-related bills and thus far, we have only monitored LB147. However, LB147 has advanced. We felt we had to reach out with our concerns, given the impact this bill might have on children that have severe-- that we serve that-- those who have experienced abuse and neglect and have been exposed to violence and trauma. Research has consistently demonstrated that adverse childhood experiences, or more commonly known as ACEs, which include various forms of abuse, neglect, and exposure to violence, are directly related to learning and behavior problems. We are concerned that LB147 and AM3067 endorse an approach to these behaviors at school that is

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often counterproductive, especially for children whose behaviors are directly related to trauma they have experienced. It seems to offer very little in the way of actual support for teachers, school staff, and students. We are especially concerned for the many children who face abuse at home because school is often the place that feels safest for them. Children of color and children with disabilities are going to face this more than anyone else. And children of color and children with disabilities are already faced with trauma in their lives because of how they exist and how they are interacted with in this world. LB147 just solidifies and institutionalizes these systems of racism and discrimination. I'm sure that wasn't the intent, but that is the application. If I have time remaining and if he would like it, I'd yield my time to Senator Wayne.

HUGHES: Senator Wayne, 2:15.

WAYNE: Thank you, Senator Cavanaugh. Thank you, Mr. President. So I just wanted to clarify how the rules are supposed to work. And after we get past this, I'll educate the body on how you can move even when stuff is on the, on the floor. There are still ways to do that, but I'm not gonna do that now because if you don't know the rules, that's not my problem. We did a pull motion that I voted for. We can argue whether that's collegial or not. Collegiality is the word I keep hearing, whether that's that or not. We were promised a sit-down and negotiate and have conversations. I can tell you that I was never a part of any conversation. I filed the IPP motion, which you can do, and I want to remind people that I learned that from Senator Murante and Senator Larson my first year on bills that other people had introduced. So I thought that was an interesting motion. So we use it and in fact, I did it my first year on Senator Murante's voter ID bill and not once did he get up and say that was improper because the rules are the rules and if the rules are there, they're there for a reason. So the idea that this is some foreign concept is just not true.

HUGHES: One minute.

WAYNE: It's not, it's not foreign at all. It's actually part of the rules. So the fact that we haven't moved in four to five hours, now six hours, off of what's on the screen has nothing to do with me. There are plenty of ways to move that screen. That's on the introducer and those who want to get to votes and move amendments. It's not that complicated. Read the rules. That's what they're there for. Secondly, because I wasn't a part of those negotiations, I feel that my community, and again, I explained to you how diverse my community is, was left out. That's why I haven't moved, but I did tell Groene I was

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not gonna spend a lot of time talking on this issue, that I wanted to straight up or down vote.

HUGHES: Time, Senator.

WAYNE: Thank you.

HUGHES: Thank you, Senators Cavanaugh and Wayne. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. Actually, I had some things to say, but I'm very curious about all this procedural stuff, so I'm gonna yield Senator Wayne some time to explain it. So I will yield my time to Senator Wayne.

HUGHES: Senator Wayne, 4:45.

WAYNE: Thank you. And so, technically, if we're gonna get technical about what's on the board right now, technically, Senator Chambers' motion to recommit probably should not have been there. But after you argue for four hours about it, we-- you lose the opportunity to object. So let me explain what the motion for independent postponement means. You file that motion before it's read across. When you file that motion before it's read across, the reason I get to introduce before the actual introducer is because technically, the bill is not on the floor. That's why the threshold for an IPP under the rule that I applied is different than a regular IPP. The regular IPP is a simple majority of those present. That's why you always call for the house. The IPP that I filed is the majority of those elected. So like today, Senator Blood is not here. She still counts. I have to get 25, but on a regular IPP, somebody could win with 11 if the other people don't show up. In that case, if they only had 11, you would be-- your day would be over because you wouldn't have quorum. My point is there's a different standard because technically, the bill is not even on the floor. Technically, Groene has never even opened on the bill. So what happens is there can be a motion to move things forward if we've spent this much time on a motion. How do I know we can do that? Because I saw it happen on LB814 and how the bill got moved forward. There are motions. You chose not to do it. You chose not to call the question. That's why it's still on the screen. The question is, either nobody else has not spoke on the issue or the issue has been debated enough. The motion to postpone has been debated enough. So those who have not watched Senator Chambers for the last four years knows when they call a question, he votes in a way that is typically not voting so he can file a motion to reconsider. He can take three more times. Then after that, his motion is completely done. So then he files the next

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priority motion because he gets to open for ten minutes, talk three times. And if he loses that motion, he files a motion to reconsider because you get to do the same thing. Know the rules. I haven't even started going in-- that's why I can't-- I mean, I can't wait for these last nine days because we're gonna-- we can eat up the entire day, just Senator Chambers and I. And we can move not even one bill because there are enough motions that I can file that are different, that if you call the question, you get to the underlying and that's it because I filed my next amendment and you're gonna have to go to cloture on everything. And per the rules, we have things on General File that are gonna go three hours, then it has to sit for a day before you get your 33 votes back up. That's two days on one bill. On Select File, it's an hour and a half. You still got to get your 33 day-- 33 votes before it comes back. That's two days on each bill. We have nine days left. So if you want to move bills along, you got to look at the screen and know what's been debated. You got to know who's talked in the queue and you got to know what the issues are on the screen. Welcome to "The Rules" by Wayne. Have a great day.

HUGHES: Thank you, Senator Wayne and Senator DeBoer. Senator Groene, you're recognized

GROENE: Thank you, Mr. President. Senator Wayne, I told you I was gonna call the question, but then Senator Chambers had a higher priority and it moved ahead of you. I can't call the question when it was-- your motion was no longer on the floor. So anyway, Senator Walz, that was one of the instances why I got involved in this, what happened in North Platte. A teacher of 32 years, very well known in the community, very well respected, if I mentioned the name, you'd recognize it right away. Everybody loved him. A child went berserk in his class. He tried to get help and the child went out and was harming themselves in the hallway. He grabbed the child laying on the floor and drugged [SIC] him 20 feet or so back into his classroom. He got fired after 32 years. Guess what happened? Superintendent there who had only been a year ended up getting fired and the teacher got hired back. That all happened because no-- was no-- Senator Walz just endorsed AM3067. Training, training, training, training; that's what AM3067 is and LB147. I'll give you another instance. Just down the road from us in a small school, a superintendent who also was the principal of a grade school went to the grade school, seen a young lady beating up a teacher. I mean, banging and hitting, just pounding on her. She grabbed her, pulled her back away from the other teacher, just wrapped her up, pulled her back a few steps. Grandma pressed charges. That poor administrator went through hell for a year until the court dismissed it. Again, no training, no process. You should be

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for this bill, people on the left. You should be for this bill. Also, Senator Walz, talked to a union official; 22 teachers this past year in the Omaha district were put on-- disciplined for physical intervention. Let me read you one of the-- what one of them was. One of those teachers was reprimanded for holding the hand of a student who wanted to run out the door at the end of the day because he didn't like who was picking him up. When the teacher asked OPS what she should do to keep him safe besides holding his hand, they gave her no response. I can go down the road to another bigger school. When, when my staff did research about their policies about removing children and restraint, you know what the policy was? At the discretion of the superintendent; had a bad day and a teacher removed the-- grabbed the child, it fires him, disciplines him, yells at him. I don't understand where Senator Walz is coming from. Ninety percent of what she said endorsed AM3067 about training, proper training. That poor teacher in North Platte had no training, no de-escalation training at 32 years. We're on the same side, Senator Walz, always have been. Yeah, God talks to me too. I think he talks to a lot of us, some reject it. But we're talking about children here.

HUGHES: One minute.

GROENE: Oh. I wish I could document, I don't have time, all the emails, which I've saved, Senator Walz, of teachers who left their profession because of this issue. Speaker told me the story of a good friend of his, teacher went to reach-- see what the kid had in a desk. Kid slammed the door on it-- on her hand, shattered her hand. She retired, couldn't take it anymore. The statistics of teachers, why they retire at 55, it isn't because they don't love the profession or they're going fishing. They can't handle the classroom anymore. They can't teach. They're spending too much time handling these issues that they're untrained to do. You got a chance here to vote green on cloture and we'll get to Select--

HUGHES: Time, Senator.

GROENE: --and we'll do it--

HUGHES: Thank you, Senator Groene. Mr. Clerk, you have a motion on the desk?

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

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HUGHES: It is the ruling of the Chair that there has been full and fair debate afforded to LB147. Senator Groene, for what purpose do you rise?

GROENE: Call of the house.

HUGHES: 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: 33 [SIC] ayes, 1 nay to place the house under call.

HUGHES: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Groene.

GROENE: Regular order roll call.

HUGHES: Roll call in regular order has been requested. Senator Bolz, please check in. Senator McCollister. Thank you. Senator Morfeld, the house is under call. We are all present, Mr. Clerk. Please call the roll.

CLERK: Senator Albrecht.

ALBRECHT: Yes.

CLERK: Voting yes. Senator Arch.

ARCH: Yes.

CLERK: Voting yes. Senator Blood. Senator Bolz.

BOLZ: No.

CLERK: Voting no. Senator Bostelman.

BOSTELMAN: Yes.

CLERK: Voting yes. Senator Brandt.

BRANDT: Yes.

CLERK: Voting yes. Senator Brewer.

BREWER: Yes.

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CLERK: Voting yes. Senator Briese.

BRIESE: Yes.

CLERK: Voting yes. Senator Cavanaugh.

CAVANAUGH: No.

CLERK: Voting no. Senator Chambers.

CHAMBERS: No.

CLERK: Voting no. Senator Clements.

CLEMENTS: Yes.

CLERK: Voting yes. Senator Crawford.

CRAWFORD: Not voting.

CLERK: Not voting. Senator DeBoer.

DeBOER: No.

CLERK: Voting no. Senator Dorn.

DORN: Yes.

CLERK: Voting yes. Senator Erdman.

ERDMAN: Yes.

CLERK: Voting yes. Senator Friesen.

FRIESEN: Yes.

CLERK: Voting yes. Senator Geist.

GEIST: Yes.

CLERK: Voting yes. Senator Gragert.

GRAGERT: Yes.

CLERK: Voting yes. Senator Groene.

GROENE: Yes.

CLERK: Voting yes. Senator Halloran.

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HALLORAN: Yes.

CLERK: Voting yes. Senator Ben Hansen.

B. HANSEN: Yes.

CLERK: Voting yes. Senator Matt Hansen.

M. HANSEN: No.

CLERK: Voting no. Senator Hilgers.

HILGERS: Yes.

CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: Yes.

CLERK: Voting yes. Senator Howard.

HOWARD: No.

CLERK: Voting no. Senator Hughes.

HUGHES: Yes.

CLERK: Voting yes. Senator Hunt.

HUNT: No.

CLERK: Voting no. Senator Kolowski.

KOLOWSKI: No.

CLERK: Voting no. Senator Kolterman.

KOLTERMAN: Yes.

CLERK: Voting yes. Senator La Grone.

La GRONE: Yes.

CLERK: Voting yes. Senator Lathrop.

LATHROP: Yes.

CLERK: Voting yes. Senator Lindstrom.

LINDSTROM: Yes.

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CLERK: Voting yes. Senator Linehan.

LINEHAN: Yes.

CLERK: Voting yes. Senator Lowe.

LOWE: Yes.

CLERK: Voting yes. Senator McCollister.

McCOLLISTER: Yes.

CLERK: Voting yes. Senator McDonnell.

McDONNELL: Yes.

CLERK: Voting yes. Senator Morfeld.

MORFELD: No.

CLERK: Voting no. Senator Moser.

MOSEER: Yes.

CLERK: Voting yes. Senator Murman.

MURMAN: Yes.

CLERK: Voting yes. Senator Pansing Brooks.

PANSING BROOKS: No.

CLERK: Voting no. Senator Quick.

QUICK: No.

CLERK: Voting no. Senator Scheer.

SCHEER: Yes.

CLERK: Voting yes. Senator Slama.

SLAMA: Yes.

CLERK: Voting yes. Senator Stinner.

STINNER: Yes.

CLERK: Voting yes. Senator Vargas.

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VARGAS: No.

CLERK: Voting no. Senator Walz.

WALZ: No.

CLERK: Voting no. Senator Wayne.

WAYNE: No.

CLERK: Voting no. Senator Williams

WILLIAMS: Yes.

CLERK: Voting yes. Senator Wishart.

WISHART: No.

CLERK: Voting no. 32 ayes, 15 nays, Mr. President, on the motion to invoke cloture.

HUGHES: The motion to invoke cloture is-- fails. Items, Mr. Clerk.

CLERK: I do, Mr. President, thank you.

HUGHES: I raise the call.

CLERK: Thank you, Mr. President. New A bill. Senator La Grone offers LB808A. It's a bill to appropriate funds to implement LB808. Senator Stinner offers LR462. Amendments to LB930 to be printed, Senator Briese; to LB147, Senator Chambers; Senator Murman to LB147. And I have a Revenue-- Revenue Committee reports LB930 to General File with amendments. That's all that I have, Mr. President. Mr. President, Mr. President, Senator Albrecht would move to recess the body until 1:30 p.m.

HUGHES: Colleagues, you've all heard the motion to recess. All those in favor say aye. Opposed, nay. We are in recess.

[RECESS]

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

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

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

CLERK: Two items, amendments to be printed: LB866 by Senator Wayne and Senator Albrecht to LB881. That's all that I have.

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

CLERK: Mr. President, Select File. Senator Slama, LB1160, I have Enrollment and Review amendments.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB1160 be adopted.

LINDSTROM: The question is the adoption of the E&R amendments to LB1160. All those in favor say aye. All those opposed say nay. The amendments are adopted.

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

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB1160 be advanced to E&R for engrossing.

LINDSTROM: You've heard the motion to advance LB1160. All those in favor say aye. All opposed say nay. LB1160 advances. Next item, Mr. Clerk.

CLERK: LB956, Senator, I do have E&R amendments.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB956 be adopted.

LINDSTROM: The question is the adoption of the E&R amendments to LB956. All those in favor say aye. All those opposed say nay. The amendment is adopted.

CLERK: Nothing further on that bill, Senator.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB956 be advanced to E&R for engrossing.

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LINDSTROM: You've heard the motion. All those in favor say aye. All those opposed say nay. LB956 does advance. Next item, Mr. Clerk.

CLERK: LB783, Senator, I do have E&Rs pending.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB783 be adopted.

LINDSTROM: You've heard the motion to adopt the E&R amendments. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted.

CLERK: Nothing further on that bill, Senator.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB783 be advanced to E&R for engrossing.

LINDSTROM: You've heard the advancement of LB783. All those in favor say aye. All those opposed say nay. LB783 advances. Mr. Clerk.

CLERK: LB1158, I have E&Rs first of all, Senator.

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB1158 be adopted.

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

CLERK: Senator Arch would move to amend, AM3174.

LINDSTROM: Senator Arch you're welcome to open on AM3174.

ARCH: Thank you. Colleagues, Bill Drafters found a date that has passed in LB1158, and this amendment simply strikes the July 1 date on page 1, line 12 and inserts, quote, the effective date of this act. As you recall, this bill deals with contracts between the Department of Health and Human Services and Medicaid's managed care organizations. In LB1158, we require the return of funds in access to the limitations set forth in these contracts and deposit those funds in the newly created Medicaid Managed Care Fund. This puts the appropriations of

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these funds under the authority of the Legislature as opposed to the MCOs. And I just wanted to clarify in the-- in the debate that was on General File we-- we talked about the MCOs and the funds and how those funds were decided, how they would be expended in the past. That was according to contract. I just wanted to clarify that-- that the MCOs in the state were following exactly as-- as required under law and under the contracts. We're now changing the law so that it goes to the Appropriations Committee and they can determine how those funds are spent. Thank you.

LINDSTROM: Thank you, Senator Arch. Turning to debate, seeing no one in the queue, Senator Arch, you're welcome to close on your amendment. Senator Arch waives closing. The question before us is the adoption of AM3174 to LB1158. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on adoption of Senator Arch's amendment.

LINDSTROM: The amendment is adopted.

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

LINDSTROM: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB1158 be advanced to E&R for engrossing.

LINDSTROM: This bill is debatable. Senator Wayne, you're recognized.

WAYNE: Thank you. I had to run to my car to get my charger so I figured you got two or three bills done before I got back up here. So we'll start now. Welcome. I hope everybody had a great lunch. I hope things are going well. We-- we were talking about redlining yesterday, and somebody reminded me that I need to go a little farther back than just redlining because I need people to understand when we talk about property taxes, why it actually comes across a little different for my community than most people because of the history, you know. I didn't think about that. But then I was like, man, they're really right. So we're gonna spend a little bit of time talking about property and why property from part of my community, particularly the black and brown community, when we talk about property rights and property taxes, why it has a negative connotation throughout history and how that connects to redlining. And then I got to thinking, I know some people are really frustrated, but they also aren't remembering that redlining actually occurred during their lifetime. That some people actually were on this floor living and were beneficiaries of redlining. And so

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for me not to stand up and put a halt and fight and to turn, I guess, their-- their eyes to the-- the blindness of time does a great injustice. So we're gonna go a little farther back. And it started because Senator Groene yesterday, called it the "Scott Dred" case, but it was the Dred Scott case. And I'm gonna start there and we're gonna talk about property and how property over people has been an issue for parts of my community since the-- really the founding of this country. And we can take it all the way up to as late as 2008. So I want people to think about that when we talk about family farms and property taxes that they inherited and now the property taxes are too high. During that whole time that they were unable to inherit their property tax, some folks weren't. So some people say history repeats itself and some people flat out don't know history. And yesterday, when we heard about the Dred Scott case from Senator Groene, I want to take some time to make sure we understood the context of how that case came about and how it reflects today. So we'll start with our Founding Fathers and we'll start with the three-fifths compromise. And then I'll file a couple of motions to recommit and we'll do some things here in a little bit too. But our Founding Fathers knew that-- knew that actually they were-- many of them were against slavery in the founding documents. But it was about working together and making sure the Southern states still felt a part of the process. So we kind of endorsed slavery and black folks were the property and they needed to protect their property. I want to keep that-- that what we're talking about is taxes are too high. So we need to protect our property. And going back to the founding documents, that's what the focus of many folks who were in power were focused on is protecting property. So I'll read a portion of-- of where they got this three fifths from. Representatives and direct taxes shall be appro-- apportioned among the seven-- several states which may include-- may included with-- or maybe with included in-- may be included within this union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to serve-- to service for the term of years, excluding Indians not taxed three fifths of all other persons. So here's the thing. We actually were considered a person in-- in 1787, but we were only three first-- three fifths of a person. So then we move forward to-- so basically we were black people who were three fourths a person--

LINDSTROM: One minute.

WAYNE: --who could not vote. But this was all ingrained in our country to make sure we protect property because blacks were property and farms needed cheap labor. So I'm gonna fast forward a little bit to the Missouri Compromise. And for those who don't know what the

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Missouri Compromise is, that's when Maine wanted to become a state. But Southern states said no. Free Northern states could get more votes if Maine became a state and that just simply wasn't fair. Kind of like today with the urban and rural. Now I'm not saying it's exactly so don't misconstrue what I'm saying. I'm not saying urban and rural is slavery versus nonslavery. But I want to give you a context of what we're talking about. So it's interesting because we're kind of saying the same thing about North and South and urban and rural, but not as egregious as slavery. But the idea of property over people when we make budgetary decisions is similar. And so I won't go through it all. But basically, Missouri said we're gonna keep state. We're gonna keep slavery.

LINDSTROM: Time, Senator.

WAYNE: Thank you.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, speaking of slavery. Oh, and what Senator Groene said about the Dred Scott decision as bad as Chief Justice Roger Brooke Taney said he did not say in his opinion, black people were not human beings. He said a black man has no rights that a white man is bound to respect. In this place, I have no rights that you all are bound to respect, but I'll make you respect some things because I tied in with what you all are. But I have before me an amendment that I have printed in the Journal to be attached to LB518, which I think is now on Final Reading. It's that trafficking bill. And I hope Senator Slama and the others who've taken my words out of context and misapplied them will pay attention. This is a new section that will be added: "Given the subject matter and intent of this legislative bill, it shall be considered within the context of the sordid history of America relative to human trafficking and sexual exploitation visited upon enslaved persons by slaveholders. Therefore it is appropriate to recognize and acknowledge some of the more renowned members of the 'All American Pantheon and Register of Human Traffickers', which is hereby created. Charter members shall include" and as the afternoon goes on, I may give you more information on them. That was a digression. "Charter members shall include (i) President George Washington, (ii) President Thomas Jefferson ['all men are created equal...'] President-- oh, (iii) President James Madison, (iv) President Andrew Jackson, (v) President James Monroe, (vi) Alexander Hamilton, (vii) Patrick Henry ['give me liberty or give me death'], (viii) Francis Scott Key ['the land of the free and the home of the brave'], (ix) John Hancock [slave smuggler], and (x) Chief

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Justice of the United States Supreme Court Roger Brooke" and he has an e on the end of his name, "Roger Brooke Taney" T-a-n-e-y ['Black men have no rights that a white man is bound to respect']. Such register shall be kept, maintained, and prominently displayed in a location determined by the Governor and accessible for public viewing. Additional names accompanied by factual documentation supporting placement on such register may be submitted by any person to the Governor for consideration for such placement. Following a public hearing in accordance with the Open Meetings Act, at a location determined by the Governor at which public comments shall be taken, a determination shall be made whether or not a suggested name or names shall be included in such register. The Governor, the Attorney General, and the Secretary of State, serving as a committee of three, shall make such determination by a majority vote. Rejection of placement of a name shall not be a bar to submission of such name if it is accompanied by additional supportive facts."

LINDSTROM: One minute.

CHAMBERS: Members of the Legislature. I'm gonna keep talking about our history. You bring up that religious nonsense every single morning. So I'm going to bring up some things that you all need to know. And I don't care whether you like it or not or pay attention to it or not. But I'm trying to give you an idea of why I say a lot of the things that I say and why I would not be true to myself or the people who sent me down here if I did not bring these things up to you. When I'm dealing with an enemy, I should be willing to say what I've got to say to the enemy's face. Now I make hats. If your number comes up and you put it on your head, that's you, not me. Thank you, Mr. President.

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

WAYNE: Thank you, Mr. President. So I will continue a little bit. So after we get done with the-- the gerrymandering and things like that, because Maine didn't have slaves, so they couldn't be counted and made sure that Missouri and Southern states had their part. We're gonna turn quickly to the Kansas-Nebraska Act. And this has a lot of rich history, too, around eight-- 1854. And it kind of repeal-- did repeal part of the Missouri Compromise. And now with the Missouri Compromise, remember, people gave their word they would end slavery there. There wouldn't be more people. We wouldn't allow states in to do that. And what basically happened is they lied. And I'm gonna compare that to, again, property over people. What we did the first year I was here, we gave \$8 million to work force housing, rural work force housing. Again, not saying this is equivalent to slavery, but what I am trying

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to say is that I'm gonna build a history of why property over people. And then when I see something like property over people, particularly in my community or communities that look like us. When I say "us," there are four minorities here: Senator Brewer, Senator Vargas, Senator Chambers and myself as far as people of color, this rings true. So, again, they had a compromise and we thought things were going that way and then people didn't stick to their word. So then they said, well, let's make-- let's let the citizens decide. We'll let every state underneath the Nebraska-Kansas Act-- Kansas-Nebraska Act, we'll let states on their own decide. That's what the history was back then. We're gonna let states on their own decide. And then Congress said, no, we don't like that idea. So we're actually gonna decide. So, again, every time there was a step in the political process of something when it came to property interests, it always changed to make sure the status quo or those in power kept their property interests. And we have to look no further than to the state of Nebraska. The state of Nebraska, if you'll recall, from my felon voting bill, was denied twice entrance into the Unicam-- I mean, to the United States. The first time was a pocket veto. That's where and the reason was basically and you can go back and read the founding documents. And if you look at our constitution, actually there's a great handout-- I can't use props-- that go through each-- each era from 1866 to 1875, which is kind of our current basis because the 1866 was actually rejected by the-- by the state. But anyway, what happened was it was a pocket veto because of the words "only white people could vote" and it was the white man could vote to be-- to be correct. And then Congress came back and said, we'll approve you conditionally. The state, only state ever-- no, I take that back. Utah was conditionally approved, but the only state at that time conditionally approved on the fact that all people should be able to vote. And the condition was go back to your founding documents, i.e., your constitution, and make sure you allow all people the right to vote, not just white men. So that's where we got to what we have now, which basically says all people can vote except for those who have felonies. Now to put that in perspective, is at the time the Secretary of Treasurer and the Secretary of State, the Secretary of Treasurer started going around Southern states who were having the same issue because they wanted to be incorporated into the United States to keep that balance of the North versus South, they started changing their constitutions to add this felony language. And the reason why they wanted to add the felony language, which Congress and--

LINDSTROM: One minute.

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WAYNE: --U.S. senators travel the country bringing up this felony and putting that into all the states' constitution because it's so easily to criminally charge a black person versus a white person. You look at a white lady the wrong way, you could be charged with rape and multiple things that many people in the South were convicted of stealing horses when their landowner actually allowed them to take the horse home to feed them. So jails across Alabama, Mississippi filled up with African-Americans so they couldn't vote. That language was inserted in our constitution in 1875. So think about that. We actually got approved because we knew the practical effect of making sure black people couldn't vote. That's how we became a state. Now here's a trick on how I got that bill out. And actually, it wasn't a trick to me is that if people will recall that year was our centennial. That means hundred year celebration.

LINDSTROM: Time, Senator. Thank you, Senator Wayne. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, one of the evil, wicked men who thought of black people as being inferior did everything he could to insist that we not be allowed to vote is one whom little white kids in school and little black children are required to memorialize, honor, and venerate. His name is J. Sterling Morton. Oh, you all didn't know he was a racist? You all didn't know he did everything he could to prevent black people from voting? And you didn't know that little black children were taught in school that a man who hated their ancestors did not want them to vote is a great guy? He had something to do, I believe, with Arbor Day or planting trees. Now my perspective on that is since he was such a racist, he felt there were not enough trees to lynch black men from. Oh, not just black men were lynched. Black women and black girls and black boys and the black women were raped. They were brutalized. They were stripped naked. They were beaten. And one account describes how one who was pregnant was beaten until the baby came and then they crushed it beneath their boots. That's a matter of history. And you all running around here acting like I said something so wrong and I didn't say if I would rape Senator Slama. That's not what I said. I was talking to you all about Andrew Jackson and how he tricked black men in New Orleans during the War of 1812, the Battle of New Orleans, by promising certain things relative to freedom to black men if they would fight against the British, because the majority of the population in New Orleans at that time was black. Then after the British were defeated, then he reneged on his promise. I was mentioning how Thomas Jefferson had had a black woman, Sally Hemings, on whom he sired six children. He had a room for her in his house. Now

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that didn't mean anything to you all because it was a black woman. And it was at that point that I said, suppose I enslaved Senator Slama and did what I would want to do. You don't know what I'd want to do. But because of where your minds are, you inserted the word rape, which I did not say. Read the transcript, but you all don't care. In fact, Senator Slama was the one who brought a bill on so-called Americanism who led the charge against substituting Presidents' Day as a national or as a state holiday so that children in grade school would get a day off, substitute that for George Washington, who was a slaveholder and I'd explained it. Senator Slama knew that George Washington owned black people. She knew that it was common practice among slaveholders to sexually assault black women and black girls. So in my opinion, she approved of what these slaveholders did to black people. And she wanted to make sure--

LINDSTROM: One minute.

CHAMBERS: --that one of the most renowned slaveholders of all time would have his birthday as a holiday for all the children in public schools in the state. And the white Legislature went along with her. That's what I'm looking at in this place. You all get things wrong. And I'm going to continue to bring these matters up because you praise these white racists, these rapists, these slaveholders. This play about Alexander Hamilton, I'll have to talk about that later, because my time is up. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Mr. Clerk for a motion.

CLERK: Mr. President, Senator Wayne would move to recommit the bill to the Health and Human Services Committee.

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

WAYNE: Thank you. Thank you, colleagues. Senator Arch, I-- I do support your bill, but I have to follow through on what I said. And I actually misspoke. It wasn't centennial. It was 150th anniversary of becoming a state. And I think it's important that we know we became a 37th state. I think we should know that. But it was the fundamental condition by Andrew Johnson that blacks be allowed to vote. And on March 1, 1867, that happened. And I think you should go back and read-- everybody should read the legislative history around 1866, 1871, and 1875 constitutional conventions. Senator Halloran and I have always talked about constitutional conventions and I think it would be a great thing to do one in Nebraska if we can get some people here to think logically a little bit more. But-- but anyway, if you go back and read these disenfranchised laws for felons and the conversations

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around Chinamen and blacks and Indians on the transcripts of this floor, they spoke about this and that's why it was ultimately passed. Now what happened that day was almost like a minor miracle, because if you'll recall, we had a celebration in which Governor Ricketts came in and spoke. So all of our committee hearings were that morning. And it was that morning that I told the story and walked him through the-- the history on dates and times; and I think many of my colleagues, even some of the conservative colleagues, didn't believe me. They didn't. They couldn't imagine that it would be so blatantly racist in the history of this body that they would actually purposely do that. Well, a funny thing happened. Governor Ricketts got up. And we all sat in here and he told the exact story of the fundamental condition. That that was a fundamental condition on why we became a state. By that night, my bill was kicked out of committee. And through three rounds, there was hardly any debate because the facts are the facts. That was the legislative intent. And over 36 different senators voted for that bill through 3 rounds and then it was vetoed. And everybody kind of disappeared, and I think we ended up with 27 or 28. The only takeaway from that was I got more votes than property tax did that year. So I knew that-- that most people who talk about they wanted property tax relief really didn't want it because I had more votes than they did on what I would consider noncontroversial. But the Governor made it a controversial bill. And what was interesting is Senator Lynch, who was a former senator of district-- not Senator Lynch, Senator Lowen Kruse, who's a former senator of District 13, came and actually testified at the hearing the first time. And he has since passed away and rest be upon his soul. But he came and testified of how the two years have actually done. And there was fights going back and forth and back and forth on whether we should allow them to vote, whether we shouldn't. And underneath this balcony, right back here, right behind me, somebody finally spoke the truth. They were afraid of the upcoming election. So the compromise is let's do two years so all these so-called felons can't vote in the next election against us. And that's where that came from, a compromise under the balcony about elections to protect their own interest. I digressed a little bit from how we got to redlining. But I thought it was important that those who weren't here the first year who heard this story on the floor, not just from Senator Wayne, some person you might not like, but from Governor Ricketts. And went back and double-checked that that is the history of Nebraska. That is in the debates and the constitution conventions that we held, disenfranchent-- disenfranchising. Called it felons, but everybody at the time knew exactly what it was. Now let me remind you of what that felon label also did, which is on the ballot this year. In 1875 to 1935, Nebraska still ran prison enslavement camps for labor. So once you got convicted of a felony, you couldn't

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vote because we didn't want you to vote because you were black. But then we can also put you in a prison camp and enslave you because our constitution says that's OK as a form of crime of a punishment, punishment of a crime. That's on the ballot. And I'm thankful this body passed that without any objection. And it went to the Secretary of State. And I hope that passes sends a message. And it's simple. Slavery should not be a value in our constitution. A constitution isn't like statutes where it's prescriptive all the time. It's about your values. That's why cases go to the Supreme Court and they talk about due process. That's why the Fourth Amendment is for unreasonable search and seizures. But nobody prescribed what that looked like because at the end of the day when that was written 100 years, 150 years from then, from when that was written, things changed. That somebody breaking in the farm in 1875 may be the same as somebody breaking into my laptop. That's why they're values. They're not prescriptive. And so when we look at the constitution today, I think in this body said slavery shouldn't be a part of it. But we still left in the disenfranchisement of felons, which are the exact same reason both of them were passed and we try to adjust it politically. And this is part of the frustration my community, our community across the state, young people are having is because they can't put the concepts together of why can we build affordable housing for \$10 million but we can't increase SNAP benefits? Young people and maybe because votes 20, 30 years ago you took a vote and people forgot about it. But with these gadgets we all have, those votes live on forever. They don't have to go to a library and look last year on what you cast your vote on. They just pull it up right now. So young people and what you-- and what you really see across the country isn't just about George Floyd. It's about people objecting to how the system is working now. That how can you do corporate tax breaks when some people who are working two jobs still don't have enough money to feed their kid? Help me understand that. And there's no outlet for people to understand that so they have protests and riot. They try to use civil unrest to force change. And they can't turn a blind eye at a time, like most of us who are older can. I can say that now because I'm no longer in the 35-39 bracket. I went up to the 40-45 one now, so I can say older, but my point is that is the problem. And so I know some senators and some of my friends, these are some of my friends' bills that are coming up, some of my own bills, they are frustrated. But I have to carry the burden of how the state was founded. I have to carry the burden that some of you played sports in Nebraska in high school and college, where you saw racial tensions on your basketball teams, on your football teams. When you traveled to other places, you saw the racial tension. You saw crowds calling people out by their race, their names in your lifetime. And if that's happening in a sporting event in your

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lifetime, do you not think the political and the backroom deals have the same conversations that creates generational wealth for those people? That's your lifetime. We're not talking a hundred years anymore. We're talking about in the '70s and '80s. We're talking about four years ago people throwing green cards at Omaha South soccer games. You think they got that from anywhere? No.

LINDSTROM: One minute.

WAYNE: That was taught to them within the last generation. The same people who are making policy decisions somehow act differently because they go to a sports game. Look at Omaha, OPS and Millard. Omaha took over Millard as far as making them a part of their school, I mean, part of their city, late '70s, white riots broke out. Whites, not black, white riots broke out, and they broke out because they didn't want to join the city. And here was the backroom deal with old white men. What do you really care about? We care about our kids' education. We don't want to commingle. So we'll keep Millard School District and we'll keep OPS separately. Everybody was happy. That was the year I was born. That's not a hundred years ago.

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

WAYNE: So when we talk about redlining, what happened in my lifetime towards the-- towards the beginning of it, your lifetime, the racial issues that happened in your lifetime, I'm carrying the burden and have to say we need something now. And the crazy part is, is I'm not asking for reparations. I'm not saying you don't get yours, give me everything. I'm saying just treat us fair. I'm saying give me the same hope and opportunity that you all have. Give me the same chance to bid on a contract. Give me the same chance for my community to build affordable housing. I can't get the same \$5 million sales tax breaks that farmers have. But what can I get? What's equivalent? Real example. I buy a skid loader for my construction company. I pay a sales tax upfront. You buy that same skid loader for your farm, no sales tax. They're both part of a small business operation. Everybody knows the time value of money, present value of money. That's a \$100,000 skid loader, which should never cost that much, keeping the math simple. In the country, that would be 5, 5.5 cents. In the city, it's 7, 7.5 cents. So that's \$7,000 extra I have to pay. Now the argument is gonna be, well, you have to-- you don't have to pay personal property tax. Correct. I don't. But that's after the fact and after I lose \$7,000 and my corporate rate is never as high as my sales tax rate. So you're always coming out 25 cents to 75 cents ahead, depending on which tax bracket you're in for the same piece of equipment for a small business to function. That helped out the

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farming industry. I get it. We've got to make sure food is not as expensive. We've got to make sure people can eat. We got to feed the world. I get it. But I've got to provide jobs in my community. And if I have undue burden of a sales tax that you don't have to pay and at the end of the day, I'm still coming out \$4,000 to \$5,000 in the negative because I got to pay a personal property tax on it, I'm still losing. The community is still losing, the same community that's been redlined, the same community that has been pushed back and discriminated against for years, the same part of town. The same part of town where if you're in Omaha, you're driving up Highway 75 you get to a fork and you say, why did the highway stop? The only difference is one was a black senator and one was a white senator. Split right through the neighborhood. Those property values are still down. But we're supposed to hear this cry of property values in ag land going up. What about the cry of property values staying low that we can't pass on generational wealth? That when I went to go get a loan and put my asset up, it doesn't equal the same. So, yes, it's frustrating. Yes, my colleagues will say he's taking time and I just want to get through bills. Well, we just want a chance for the last hundred years.

LINDSTROM: One minute.

WAYNE: We just want to be able to compete equally, fairly. We want the freedom of capitalism to work for us. We have a bad trade deal with China bail out. And when they talk about bailing out farmers, it's not a charity. This is a crazy perception. And just think about the implicit bias. And I hate that word, those words. But think about it. It's not a charity. It's we have to keep feeding America and we got to keep farmers strong. But if the inner city falls on something because of a trade policy, we got to take care of these poor kids. It's not about keeping Omaha or manufacturing or inner city strong. And that's how we talk about it on the floor. The family farm is struggling. But if I bring up the family house--

LINDSTROM: Time, Senator. Thank you, Senator Wayne. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, since Senator Wayne touched on farming and I'm not going to go into that in any great length, but in my earlier years here, when the farm crisis was in full bloom, I was invited to various cities around the country to speak to farm groups because they felt that I understood their situation based on what I did in this state to help farmers. And some of you all may not be aware of that. The first time my picture appeared in The New York Times, maybe the second, I was on a street corner down in Kansas surrounded by white people, all from the rural

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areas. There may have been some city people because it was in the city. Farms were being foreclosed on. There was a particular farm that they thought, the people there thought was symbolic for some reason, and they asked me would I come down there and speak because as they put it, we, including me, want to prevent that foreclosure and the sale from taking place. So there I was with my hair braided, my sweatshirt black, just like I am now. And the one that these people from Kansas wanted to come help them was a black man, not one white man in Nebraska. White people have often done that. They reach out to us when times get really, really hard. So I went there. I went to places in Iowa, the Dakotas, around this general area. But what I want to get to since Senator Wayne brought up you all's constitution, the constitution never used the word slave or slavery, but they allowed the slave trade. And they talked about the importation of certain persons. And I'm sure that term was used grudgingly, but they didn't want it to seem to apply to-- apply to horses and cows who are needed for labor. They could be brought into this country. That's the slave trade. And a tax was put on them, each one who came in, a capitation tax. Then when the constitution was being put in final form, here's what the Founding Fathers did not do. They did not prohibit the establishment of a parliament to replace the Congress. They did not put in anything to prevent creating a kingship. They did not put anything in that touched on many, many matters and anything that was not prohibited could be done. There was only one thing that they put into the constitution that they said could not be amended for a certain period of years. You know what that was? The slave trade. Everything else that was in that constitution could be amended. But the one thing that could not be amended-- and this is in your constitution, you don't know this because you don't read it-- they could not touch or prohibit the slave trade for a specified number of years. That's what they do to us. That's why I say I'm not a citizen. Even after the passage of the amendment that purportedly freed us, the Thirteenth Amendment ended slavery, but it did not create citizenship. The Fifteenth Amendment, which allowed people to vote, all men, didn't give us citizenship rights. Nothing did.

LINDSTROM: One minute.

CHAMBERS: And the proof of it is that being born or naturalized makes you a citizen under the constitution. I was born in this country, but I'm not a citizen. They wouldn't have to pass special laws to protect my right to vote. They don't do that for white citizens. All of these presidential proclamations, civil rights enactments by Congress, by the states, would not be done if we were citizens. And somebody might say, well, you were born in America and that makes you a citizen. I'd

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say, well, if a cat had kittens that were born in an oven, that wouldn't make them biscuits. We shouldn't have to make all these analogies to make you all understand. But you do understand, but you look away because you don't want to deal with it. Thank you, Mr. President.

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

HOWARD: Thank you, Mr. President. I rise in opposition to the recommit to committee. The Health and Human Services Committee has done an excellent job on LB1158. However, I do appreciate what my colleagues, Senator Wayne and Senator Chambers, are trying to accomplish today. And I would yield the balance of my time to Senator Wayne. Thank you, Mr. President.

LINDSTROM: Thank you. Senator Wayne, 4:37.

WAYNE: Thank you. And I want to be clear. I'm-- I'm gonna eventually pull this motion and we will vote on this bill. I do think I want people to understand that I am all for capitalism. I believe in capitalism with a conscience. And there's a quote that Matthew Desmond said that-- that always sticks in my head about capitalism: If you want to understand the brutality of the American capitalism, you have to start with the plantation. And I would modify that to say, if you want to understand capitalism in general and the reason why I say that is pretty simple. Although the Northern states and even Nebraska outlawed slavery, we honored when slaves came here, we took them back. So it's kind of disingenuous to say that it was a free state because it was only free if you were actually here; but if you came here, you-- you weren't. So just keep-- keep that in mind. And even when they declared in Pennsylvania, all men are created equal, you need to be clear of what the history is on the second floor of that building with district court where they drug slaves back to the South for running away. So-- and that was the exact-- exact same time. So as all men are created equal, it sometimes is not true. So the United States Supreme Court said that no right is more precious in a free country than having a voice in an election of those who make the laws under which good citizens must live. That's why I'm so big on elections. I'm so big on working together. That's why I have been hated by my party and sometimes likes little bit by my party because I also understand the history of the Democratic Party. I don't ignore any of that. And at the end of the day, people in institutions protect themselves more so than they do the individual. And that's always been the case for anybody looking at our systems, whether it's elections or whether it's capitalism. And the point of it is and how the Dred Scott case came

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about was people negotiated laws in good faith. People did everything right. And this young slave who actually did everything right to get his freedom petitioned the court and was told no, followed all the rules, but was still told no. And I also don't want to forget and put-- make sure people understand that when you talk about the history of Nebraska, you can't forget the history of the context of what was going on in the country. And during that time, you got to remember the Thirteenth Amendment was passed in 1865. The Fourteenth Amendment, which guarantees rights to citizens, was actually proposed in 1866 and then approved a year later in June. Well, Nebraska wasn't approved until June 15, 1867. And then the Fifteenth Amendment was in 1870 by Nebraska and by Congress 1869. So if you look at the history of Thirteenth, Fourteenth, or Fifteenth amendment--

LINDSTROM: One minute.

WAYNE: --you see why Congress and Andrew-- President Jackson said you can't go against where the country is going. You have to make sure you allow everybody the right and the ability to vote. So you fast forward to the Jim Crow era. Well, we'll start at the Reconstruction era, I guess, because I don't want to skip that. After the Thirteenth, Fourteenth, and Fifteenth Amendment were passed, Congress directly passed the authorization and uses of federal dollars, federal programs to make sure freed slaves had the ability to survive. Because at the end of the day, we were free but we had no jobs. We had to go back to the same boss who had us enslaved and say, can you pay us now in order for us to survive? Well, that-- clearly that boss knew that we couldn't survive. So we really didn't get paid anything. It was just a new form of slavery.

LINDSTROM: Time, Senator. Thank you, Senators Howard and Wayne. Senator Vargas, you're recognized.

VARGAS: Thank you very much. Just want to add a little bit to this conversation. So, sure, the Planning Committee, one of the things that we-- we tend to look at and just trying to understand a little bit of the historical perspective on how we got to be to this place. But this period of time right now in COVID-19 is particularly important. So I figured I'd use part of this time to educate the body on some of the things that we've been working on in the Planning Committee and with the Center for Public Affairs Research. The Planning Committee works with Center for Public Affairs Research at the University of Nebraska Omaha. And one of the things that we've worked on is trying to figure out how we can look at the data that currently exists in this period of COVID-19 to help us figure out the best way to recover as a state economically. That's very broad so I bear in mind. So this

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collaboration and so a big thank you to the Center for Public Affairs Research, CPAR, and Dr. Schafer and Dr. Bartel [PHONETIC]. Because what we have and I'll make sure to send out the link again, you know, we shared this with the Planning Committee about a month and a half ago. And the reason why this is important is there are about 16 indicators that we-- we are looking at and we'll be tracking here over the next several months. And the indicators are basically either economic, business, employment, work force, financial related so that we can effectively track how we move forward as a state in different things. There's one indicator that is particularly important here and-- and I promise I'm gonna make a connection here. One of the indicators you look at is occupations at risk of unemployment in the period of COVID-19. And the reason why this is important is as a state, we have about 46.1 percent of our jobs are consid-- are considered high risk for unemployment during this period of time. Now this-- this comes from a study from the Federal Reserve Bank of St. Louis. And their methodology, you know, that-- that link is referenced here. And-- and-- and the reason why that's important is because when you look at these jobs that are considered high risk for unemployment during a period of time, you'll see that there are particularly fast food and counter workers, individuals that are working in low-wage jobs, in manufacturing, food, retail, hospitality, those are the highest risk jobs currently in this time. And we have a high percentage of them. And the connection I have is when we're talking about redlining, we're also talking about communities that have had significant time where the housing stock has been really low. But in addition, the types of jobs that individuals have been in, because this might be the only job that they may be able to access at that time, either because of educational outcomes or because of opportunity. But the jobs that they're being exposed to right now in COVID-19 are part of the reason that they are high risk is the job itself. And as a body, I hope that we consider ways that we're gonna invest in-- we talk about H-3 jobs and the reason we talk about H-3 jobs is because some of these other jobs that are H-3 are less high risk and are less exposing individuals in a period of time, less risky to some of the fluctuations we see in our economy. And if we're able to do that, that's better for us. Yes, we have lower unemployment rate, but ultimately we need to be looking at not only low unemployment, but making sure we're getting our underemployment and our wages up because that still is lagging behind for those that are in poverty.

LINDSTROM: One minute.

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VARGAS: So all this is connected because ultimately when we're looking at if you were to cross-reference people's wages and educational outcomes and particularly the jobs that they're in and you look at where people are living, you can pretty much pull up from the Center for Public Affairs Research every single one of your districts, your district numbers are there. And you can look at the data to show you what employment, underemployment looks like, job readiness, high school graduation. And specifically in Omaha, because we see those, we have those redlining maps, you can see that overlay historically where we are right now, at least, where every single district is. So, colleagues, I encourage you to look at that data, because it is-- it is important. It does connect back to the economic output that we put forward in the GDP of our state. They're not separate. They're not-- they are-- they are inextricably linked. So what Senator Wayne is talking about is critical because we can't ultimately succeed unless--

LINDSTROM: Time, Senator.

VARGAS: --we all find a way to succeed. Thank you.

LINDSTROM: Thank you, Senator Vargas. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. I rise in opposition to the recommit to committee and in support of the underlying bill. I voted this out of committee and I have supported it at every turn and it's a great piece of legislation. I'm thankful to Senator Arch for bringing it. I commit to bring black and brown voices in every conversation surrounding public policy, not just one public policy as specific to people of color. I commit to be a partner in the work ahead, not a leader. I commit to take real concrete actions on concerns and issues to people of color. I heard Senator Wayne talk about the history of disenfranchisement in this country and in this state, and he and I have both brought bills. Mine is a constitutional amendment on-- on that issue. And-- and I will continue to bring my constitutional amendment as long as I serve in this Legislature, as long as we have disenfranchisement on our books, because until we have open, free, and fair elections for all of our citizens, especially those who public policy are impacting significantly, we are not living up to our ideals as a country. So I wanted to state that. And also Senator Wayne has been talking about redlining. And just to clue some-- everyone in that you have an opportunity if you want to learn more about redlining. There's an organization in Omaha called The Union for Contemporary Art. They have an extremely extensive exhibit on redlining in Nebraska. It's not just about Omaha. It's about the whole state. It's a national program. And I believe if you go on Facebook that you can

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actually do a virtual tour of it to learn more about the implications of redlining in our country. And I would be happy to yield my time to Senator Chambers if he would like it.

LINDSTROM: Senator Chambers, 2:57.

CHAMBERS: Thank you, Senator Cavanaugh. Thank you, Mr. President. I have here an article that I'm going to read because I want things in the record. That's why it doesn't matter if nobody's in this Chamber, if nobody in this building listens. Those who should hear these things will hear them. This is dated January 16, 2006 in the Sunday World-Herald, headline "Notes illuminate Churchill debates"; a picture of Winston Churchill and beneath that picture, these words, "Declassified notes provide the first unfiltered look at debates among Prime Minister Winston Churchill and his cabinet members on key issues at the height of World War II." And because black men have served in every conflict this country has had since the Revolutionary War, you know this will involve black soldiers. And there were black women too. One of the most renowned was Harriet Tubman, who served-- first of all, she operated what was called the Underground Railroad. Ferried, led, guided, cajoled, intimidated black men into leaving the South and slavery to go where they might have freedom. One of the anecdotes points out-- now she was not that big a person. An anecdote says that there was this one guy, they were about to embark on their trek because they couldn't ride the trains obviously. The Underground Railroad was not a real railroad. And he said-- he said, Miss Harriet, I can't-- I can't go on. She said, why can't you go on? He said, Miss Harriet, I respect you, but I'm scared. And Miss Harriet reached inside her sweater and pulled out a long pistol and she put it on his nose.

LINDSTROM: One minute.

CHAMBERS: And she said, you're gonna be free or you're gonna be dead and she cocked the hammer. He said, Miss Harriet, I think I'll be free. This woman had more in the way of stamina, literally physical stamina, fortitude than many men who had had it whipped, beaten, and taken out of them. I will read this article when I'm recognized. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers and Senator Cavanaugh. Senator Chambers, you're next in the queue.

CHAMBERS: This article is a reprint from a Washington Post item. "LONDON-- British Prime Minister Winston Churchill favored summarily executing German leader" oh, I was going to read you under the-- I did

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read under the picture. "British Prime Minister Winston Churchill favored summarily executing German leader Adolf Hitler in an electric chair if captured rather than holding 'farce' trials for Hitler and other top Nazis, according to British news media reports describing recently declassified World War II-era documents." Then in a sidebar, "The British leader favored executing Hitler and disliked America's segregation of black troops." Remember, Winston Churchill was prime minister in a country from which Americans as colonists broke away because they claimed they wanted to be free. Yet after doing all that yackety-yakking about freedom, here this free country, the beacon for the world, was segregating its own troops, fighting for freedom. Continuing, "Notes taken during British Cabinet meetings from 1942 to 1945 also show that Churchill argued against releasing Indian spiritual leader Mohandas Gandhi from prison on compassionate grounds." This is "according to reports from the BBC and other media organizations. Other ministers argued that Gandhi, jailed in 1942 for speaking out against India's involvement in military action against Nazi Germany, should be released to keep him from dying during a jailhouse hunger strike, according to the reports. But Churchill objected, saying, 'I would keep him there and let him do as he likes,' the reports said. Gandhi was released in 1944."-- which would have been two years later. "The declassified notes, taken by Deputy Cabinet Secretary Norman Brook, provide the first unfiltered look at debates among Churchill and his Cabinet members on key issues at the height of World War II. Previously released minutes of Cabinet meetings have described discussions in general terms, without providing details of debates on matters such as how Britain would deal with any captured members of the senior Nazi leadership. The documents, made public at the National Archives, also show that Churchill decreed that Britain 'mustn't interfere' with racial discrimination practices in the World War II-era U.S. military." Racial discrimination in the United States military, flying that rag, flying that rag and black men fighting under that rag being discriminated against by the country that that rag represented. Liberty and justice for all except black men in military uniform. And by the way, I have my honorable discharge. I wasn't serving way back then. Some people might think I'm old enough to have been and they would regret that I wasn't a casualty on a battlefield, but I didn't go on any battlefield while I was in. Nobody shot at me. I didn't shoot at anybody. I just did my job, served my time, and got out. Continuing, "At the time, black soldiers in the British army were treated equally, while black and white U.S. soldiers ate and slept in separate areas. The documents show--

LINDSTROM: One minute.

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CHAMBERS: --that Churchill and other ministers took a dim view of 'U.S. prejudices' but did not want the issue to cause friction between the allies." I'll stop there for now and finish. Is that my third time, Mr. President, on this?

LINDSTROM: Senator Chambers, that was your second time on the recommit motion.

CHAMBERS: OK. I'll turn on my light and I will stop at this point. Thank you.

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

McCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. Senator Chambers was talking about Harriet Tubman. And I should tell you there's just a great movie about Harriet Tubman. It's called Harriet. And it was-- came out in 2019. And I'd recommend it to anybody. It's a great movie. We're talking about history. And in more recent history, in 2015, Senator Mello, Nordstrom [SIC], and McCollister passed a bill called LB623; and it dealt with the-- the DACA driver's license bill. It was a great bill and I prioritized that bill, so I thought I'd give you an update on that particular program, the DACA program. This article came out in The Wall Street Journal two days ago. U.S. halts processing of new DACA applicants. Washington, D.C. The Trump administration announced rollbacks of the Obama era program that benefited immigrants who've lived in the U.S. illegally since childhood, including prohibition on new applications while it again considers canceling the program altogether. The administration's move on Tuesday comes in response to a recent Supreme Court ruling that rejected its earlier attempt to cancel the Deferred Action for Childhood Arrivals program as legally inadequate, legally inadequate. The program has provided recipients with work permits and protections from deportation since its-- its inception in 2012 by the Obama administration. The Trump administration is undertaking a comprehensive new review of the program in light of the high court's ruling and won't accept new DACA applications in the interim. It will also limit the renewals of benefits to current DACA recipients to one year instead of the two years allowed previously the Department of Homeland Security said. The move is likely to elicit immediate court challenges. A recent court in Maryland this month ordered the Trump administration to fully restore the program in light of the Supreme Court's decision, including accepting new applications and considering requests for DACA recipients to safely leave the country and return. Then going toward the end of the article: The administration announcement likely delays DACA ultimate fate until after the

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presidential election and could raise the issue's prominence in the campaign trail. It also could review-- renew pressure on Congress to come up with a solution for the 640 young immigrants, commonly referred to as Dreamers, who still rely on the program for their legal status. It is high time that Congress does something with this particular problem. They have been kicking this issue down the road for 20 years. Proposals have been brought forth recently in the Senate 10 or 12 years ago, and it is time to deal with this problem. Thank you, Mr. President.

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

WAYNE: Then I still have a close after this, correct?

LINDSTROM: Correct, Senator.

WAYNE: Thank you. Thank you, Mr. President. And colleagues, I-- I get it. You know, I'm getting some phone calls, some text messages. People are a little frustrated. I get it. You want your bills passed. We all want our bills passed. But this is kind of the-- the result of term limits. You may say, how does that even connect to this? Well, it connects very easily. I have one more term. I was lucky enough not to get an opponent. And I have to make sure I'm being consistent. And I spent four years on this floor working with people. Sometimes-- I remember one time Senator Chambers ran over to me and pointed his finger at me and yelled at me on a-- on a vote for Senator Hilgers' bill. Said that I gave him, I gave him our community and I knew what he meant by that. And I stood up and so I felt like, look, at the end of the day I wanted to stay at the negotiating table. And that bill ultimately failed. It didn't go anywhere. We broke down at the negotiating table, but I felt like it was the right thing to do and I felt like it was the right thing to do at that time. But I continued for four years to watch deals be cut and things happen where it perpetuated the wealth gap. It perpetuated the problems that I see in our community. And I just kind of couldn't stop. Well, I see an argument going on behind me that's getting kind of interesting, but I-- it-- I was watching. It was-- it was a-- it was a good conversation. We need more of those. We need some more conversations where we're face to face and getting a little heated and maybe we can understand each other a little better instead of running back to our corners and our little groups and our little cliques, as Senator Chambers called it, the clique before I got here. And maybe we can get something done. But the question everybody's asking is, you know, what is Justin's ask and what's-- is his bill more important or what he wants than everything else? And I get that. I truly, truly get that.

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And every year, there's always gonna be a ask for our community just like there's an ask for your community. And sometimes if you're flat out, you lose like I did on LB75 with felon voting. You just lose. There was no blowing up the session. There was no delaying everything. That bill meant just as much as what I want now. But it's when you lose, but then on the flip side you do the exact opposite to one of your friends for the same thing in their community. That's where the problem comes in, because it's not a straight up and down vote. It's not a fairness issue. Like I've said, we've-- we-- we don't mind capitalism. We don't mind majority vote wins. But what we mind is when you take the same issue and you put it in a different community and you do it and you vote on it and you pass it. And you can't figure out what the difference is. Then you go back to history because that's the only thing you get to go off of. You go back and you look at the lens you always look through and when you blanketly on this floor deny a bill for urban work force housing--

LINDSTROM: One minute.

WAYNE: --and then under the-- the-- the eleventh hour, move it into a budget bill packed with a whole bunch of other things, that's just wrong. And what's interesting is many more, and I understand it helps your community in the rural area, but what I don't understand is how-- how is that OK for this body? Why is that OK for this body? Because next time it could be you. You should get a fair up and down vote like Senator Vargas did and have the same debate. But rather, we slip it in the budget. And what's interesting for my colleagues on the Dem side is that was what happened my first two years that held up the budget with Title X. But we're OK--

LINDSTROM: Time, Senator.

WAYNE: --to do it when it benefits us.

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

CHAMBERS: Thank you. Mr. Chairman, Mr. President, members of the Legislature, I'm going to finish this article. There may be some people out there who want to know how it ends. "In October 1942, Churchill told the Cabinet that U.S. views 'must be considered.' The Cabinet agreed to instruct military leaders to respect U.S. policies without allowing them to influence British practices. But it did advise that British troops should show 'a great deal of reserve' when dealing with black" soldiers, "black U.S. troops." You're all fighting Hitler. Hitler's the bad one. The bad one to us were the British. No,

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not the British, but the Americans who fly that rag. Hitler was my friend if I would carry it to logic's end because Hitler was fighting against those who treated me like dirt while I wore the uniform. And when I say I, I'm using that first person pronoun to indicate all of the black soldiers who were shot at, who were blown up, who had all of the horrible things that happened to soldiers, happened to them, and they were discriminated against by the nation flying that rag. And by the way, there was a death camp that black soldiers liberated after the war. And the Jews refer to them as black angels because they had never seen black men before. So the first black men they saw freed them from a death camp that had been put in place and operated by white people, just like the Americans. There's not much difference between Nazis and Americans. Look what they did down in Virginia. And your President said there are good people on both sides, including the Nazis. Continuing, "The documents show a particularly hard-line side of Churchill as a wartime leader, including his suggestion that Britain retaliate for Nazi attacks in Czechoslovakia by destroying three German villages for every Czech village assaulted by the Nazis, according to the reports. At one war Cabinet meeting in December 1942, the records show, Churchill commented, 'Contemplate that if Hitler falls into our hands, we shall certainly put him to death,' describing him as, 'the mainspring of evil.' The prime minister proposed that Hitler should be treated like a 'gangster' and executed." That's exactly the way I feel about the U.S. Presidents, the ones who want to put us into a modern day version of slavery. But we're not supposed to feel that way. Listen how upset Churchill was. But he told these leaders who would have some say-so about military practices and with reference to the English army. He said you will not use American practices and policies toward the black soldiers in our army. We don't mistreat our soldiers like they're mistreated by the nation that prides itself on being the land of the free and the home of the brave. Let me tell you all one thing. If I ever salute that rag anywhere, as the Bible says, my-- my right arm lose her cunning and my tongue cleave to the roof of my mouth and I'll be-- this is not in the "Bibble"-- be struck dead on the spot. That rag means something to you. Suppose it meant that wherever you went you're gonna be treated like a thief. Your son could be riding a bicycle to basketball practice and some white men can stop him--

LINDSTROM: One minute.

CHAMBERS: --apprehend him, call the police and say he was breaking into cars and hold him captive. That happened just yesterday. That's what white people can do to us now. And you all sit here like this when issues come up of importance, like what Senator Vargas brought

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us, Senator Albrecht and all the rest of you. Your businesses are essential, but the workers are expendable because they are not white, these businesses to provide a place for these white farmers to sell their cattle, pigs, and I guess some chickens now. But the workers, because they're Latino, are expendable. And we're supposed to like that. I watched your vote. I got a piece of paper that shows how each one of you racists voted and some of you backed out on a promise you made to Senator Vargas. That's how you do right now in this place.

LINDSTROM: Time, Senator.

CHAMBERS: Thank you.

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

HALLORAN: Thank you, Mr. President. I do appreciate Senator Chambers and Senator Waynes' giving us some history. History is important. We should never destroy history because we'll fail to learn from the mistakes made in history. While I appreciate their-- their history, I think it's important for us to add a little bit of history that shows how the political parties have been involved with slavery. All right. Senator Gohmert, representative from Texas, has filed a resolution in Congress to ban any political organization or party that has ever held a public position supportive of slavery or Confederate States of America. It also calls for Senator or Speaker Nancy Pelosi to remove from the House wing of the U.S. Capitol or any House office building, any item that names, symbolizes, or mentions any political organization or party that supported slavery or the Confederacy. Senator Gohmert released the following statement: As outlined in the resolution, a great portion of the history of the Democrat Party is filled with racism and hatred. Since people are demanding we rid ourselves of the entities, symbols, and reminders of the repugnant aspects of our past, then the time has come for Democrats to acknowledge that the party's loathsome and bigoted past and consider changing their party name to something that isn't so blatantly and offensively tied to slavery-- Jim Crow, discrimination, and the Ku Klux Klan. As the country watches violent leftists burn our cities, tear down our statues, and call upon every school, military base, and city street to be renamed, it is important to note that past atrocities these radicals claimed to be so violently offensive were largely committed by members of a good-- in good standing with the Democrat Party. Will there be supporting the most vile forms of racism or actively working against civil rights legislation, Democrats in this country perpetuated these abhorrent forms of discrimination and violence practically since their party's inception. To avoid

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triggering innocent bystanders by the racist past of the Democrat Party, I would suggest-- this is Senator Gohmert-- I would suggest they change their name. That is a standard to which they are holding everyone else to. So the name change needs to occur. With that, I'm going to read his resolution. Whereas, on July 22, 2020, H.R. 7573 was brought to the House floor for a vote with the purpose of eliminating four specific statues or busts from the United States Capitol, along with all others that include individuals who served as officers or voluntary with Confederate States of America or of the military forces or government of the state while the state was in rebellion against the United States. Yet she failed to address the most ever present historical stigma in the United States Capitol. That is a source that so fervently supported, condoned, and fought for slavery was left untouched without whom the evil of slavery could never have continued as it did to such extreme that it is necessary to address here in order for the U.S. House of Representatives to avoid degradation of historical fact and blatant hypocrisy for generations to come. Whereas, a Democratic Party platform of 1840, 1844, 1848, 1852, and 1856 states that Congress has no power--

LINDSTROM: One minute.

HALLORAN: --under the constitution to interfere with control of the domestic institutions of several states, and that such states are the sole and proper judges of everything appertaining to their own affairs, not prohibit-- not prohibited by the constitution that all efforts of the abolitionists or others made to induce Congress to interfere with the question of slavery are calculated to lead the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of people and endanger the stability and permanency of the Union and not-- and ought not to be countenanced by any friend and political institution. That was a Democrat part-- Party platform. Whereas, the Democratic Party Platform of 1856 further declares that new states to the Union should be admitted with or without domestic slavery as a state may elect. Whereas, the Democratic Party--

LINDSTROM: Time, Senator.

HALLORAN: --Platform.

LINDSTROM: But you're next in the queue.

HALLORAN: Whereas, the Democratic Platform of 1856 also resolves that the reckon-- that we recognize the right of the people of the territories, new territories to form a Constitution, with or without

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domestic slavery. Whereas, the Fugitive Slave Law of 1850 penalized officials who did not arrest an alleged runaway slave and made them liable for a fine of \$1,000. That's \$28,000 in today's currency. Law-- Law enforcement officials everywhere were required to arrest people suspected of being a runaway slave on as little as a claimant's sworn testimony of ownership. The Democratic Party Platform of 1860 directly, in seeking to uphold this Fugitive Slave Act, states that "the enactments of the state legislatures to defeat the faithful execution of the Fugitive Slave Act are hostile in character, subversive of the Constitution, and revolutionary in their effect." Whereas the 14th Amendment, giving full citizenship to freed slaves, passed in 1868 with 94 percent Republican support, 94 percent Republican support and zero Democrat support in Congress. That's for the 14th Amendment. The 15th Amendment giving freed slaves the right to vote passed in 1870 with 100 percent Republican support and zero support from the Democrats' support in Congress. Whereas Democrats systematically suppressed African-American right to vote, and by specific example, in the 1902 Constitution of the state of Virginia, actually disenfranchised about 90 percent of the black men who still voted at the beginning of the twentieth century and nearly half of the white men, thereby suppressing Republican votes; the number of eligible African-American voters were thereby forcibly reduced from about 147,000 in 1901 to about 10,000 by 1905. That measure was supported almost exclusively by Virginia Democrats. Whereas, Virginia 1902 Constitution was engineered by Carter Glass, a future Democrat Party U.S. representative, senator, and even Secretary of the Treasury under Democrat President Woodrow Wilson, who proclaimed the goal of constitutional convention as follows: This Democrat exclaimed Discrimination! Why, that is precisely what we propose. That is exactly what this convention was elected for-- to discriminate to the very extremity of permissible action under the limits of the federal Constitution, with a view to the elimination of every, quote, Negro voter who can be gotten-- gotten rid of legally. Whereas, in 1912, Democrat President Woodrow Wilson administered-- administration began a racial segregation policy for U.S. government employees. And by 1940, the Wilson administration's Civil Service instituted the requirement that a photograph be submitted with-- with each employment application. Whereas in 1924, Democrat National Convention convened in the New York City at Madison Square Garden. The convention is commonly known as the "Klan-bake" due to the overwhelming influence of the Ku Klux Klan in the Democrat Party. Whereas in 1964, the Democratic Party led a 75-day-- calendar-day filibuster against the 1964 Civil Rights Act. Think about that. Seventy five days of filibustering led by the Democratic Party against the 1964 Civil Rights Act. We think our three-hour filibuster is something.

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WILLIAMS: One minute.

HALLORAN: Thank you, Mr. President. Whereas, the lead-- Whereas, leading the Democrats in their opposition to civil rights for African-Americans was a fellow member of the Democrat Party, Senator Robert Byrd from West Virginia, a known recruiter for the Ku Klux Klan. Whereas, Democrats enacted and enforced Jim Crow laws and civil codes that forced segregation and restricted freedoms of black Americans in the United States. Am I next in the queue? Yes. Thank you. Whereas, on June 18, 2020, House Speaker Nancy Pelosi ordered the removal from the Capitol portraits of four previous Speakers of the House who served in the Confederacy, saying that the portraits, quote, set back our nation's work to confront-- confront and combat bigotry. The men depicted in the portraits were Democrat Rob--

WILLIAMS: Time, Senator. Senator Halloran, you're next in the queue and this will be your third time.

HALLORAN: Thank you, Mr. President. The men depicted in the portraits were Democrat Robert M.T. Hunter, Democrat Howell Cobb, Democrat James L. Orr, and Democrat Charles F. Crisp. I mentioned the fact that the Democrat Party supported the Jim Crow-- the South-- Democrat South supported Jim Crow laws. Just a reminder Jim Crow laws were states-- were state and local laws enforced racial segregation in the Southern United States. These laws were enacted in the late nineteenth and early twentieth centuries by white Democratic nominated state legislatures to disenfranchise and remove political and economic gains made by black people during the Reconstruction Period. During the Reconstruction Period of 1865-1877, federal laws prohibited or provided, excuse me, civil rights protection in the U.S. South for freed men, African-Americans who had formerly been slaves in the minority of black people who had been freed before the-- before the war. In the 1870s, Democrats gradually regained power in the Southern legislatures, having-- after having used insurgent paramilitary groups such as the White League and the Red Shirts to disrupt Republican organizing, run Republican officeholders out of town, and intimidate black people to suppress their vote. Extensive-- extensive voter fraud was also used. In one instance, an outright coup or insurrection in coastal North Carolina led to the violent removal of democratically elected non-Democratic Party executive and representative officials. Let's move on to the Dred Scott ruling. A name that's not commonly referred to or known was a Supreme Court Justice Robert [SIC] B. Taney. Robert-- Roger B. Taney was the fifth Chief Justice in the United States holding that office from 1836 until his death in 1864. He delivered the majority Opinion in Dred Scott v. Sanford 1857,

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ruling that African-Americans could not be considered citizens and that Congress could not prohibit slavery in the territories of the United States. Taney was born into a wealthy slave owning family in Calvert County, Maryland. He won election to the Maryland House of Delegates as a member of the Federalist Party, but later broke with the party over the War of 1812. After switching to the Democratic Party, Taney was elected in Maryland-- in Maryland's Senate in 1860. So he became a member of the Democratic Party. Though he did not own slaves himself, Taney was outraged by Northern attacks on slavery, and he sought to use the Dred Scott decision to permanently remove slavery as a subject of national debate. His broad ruling deeply angered many Northerners and strengthened the antislavery Republican Party, and Republican Abraham Lincoln won the 1860 presidential election. And I need not remind you that President Lincoln led the North in defeating the South, the Southern Democrat South, in abolishing slavery. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Halloran. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. I'm grateful, Senator Holloran, for your rendition of the history of the United States with the Republican Party. I would suggest it really isn't quite fitting here in the George Norris Chamber. We're a nonpartisan body and we need to conduct the people's business, not recite old political history. I would contend the Republican Party of 2020 is nothing like the Republican Party of 1865, nothing at all. In fact, the Republican Party has really changed over the last 50 years. And I've been a party to that. And I've been a Republican that entire time. So I think it's time for us to move on this-- this political posturing that we're doing and move on to the people's business. Thank you, Mr. President. Let's move on with the agenda.

WILLIAMS: Thank you, Senator McCollister. Senator Vargas, you're recognized. Senator Vargas is not on the floor. Senator Wayne, there is no one left in the queue. You are recognized to-- excuse-- OK. Senator Vargas has shown up. Senator Vargas, you are recognized. You have 3:30.

VARGAS: Thank you. I was trying not to come through the other exit, trying to follow those rules. Very interesting conversation. You know, one thing that I really want to make sure to add to this is, and I've talked about this a lot, you know, part of my guiding at least conversations on-- on issues are trying to be as pragmatic as possible. You know, when I first ran, one of the things that I decided I would do was try to apply some of what we talk about here to all of

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our public systems. You know, largely we're obviously responsible for so many different agencies and-- and-- and groups, but one of the reasons I ran was because I saw a lot of issues in terms of educational outcomes in our district. Educational outcomes for individuals and people of color have statistically and historically been very, very wide, especially in the state of Nebraska when you separate it out by race and ethnicity and socioeconomic status. And I say that because that's part of the reason why I think Senator Wayne and particularly for years, for decades, Senator Chambers has pushed this envelope on what we say, racial justice, but really feels like trying to address historical inequities that exist in our system. You know, I hate sometimes when we say these words, they feel like buzzwords. But at the base, at the bases, when we still have gaps in either housing or education or jobs or even job readiness and generational wealth, all these things take-- take a toll on a generation and a class of individuals, which is why we're here. And that toll that is taken on families and-- and children is particularly long lasting. And so part of this conversation is about how we can continue to try to learn and think through a different lens, especially if it doesn't apply to us. I'll commit to try to continue doing that for all my colleagues and-- and clearly, we-- we have more work to do even in-- in the-- when the session ends. But ultimately, we have to figure out ways to understand how we can better apply equitably, how we need to lift up all different types of identities and people. Because if we don't, you know, we're not gonna be as successful unless more individuals can sustain and support their families and have jobs. And that includes addressing these inequities we're seeing for--

WILLIAMS: One minute.

VARGAS: --people of different races and classes. With that, I will yield the remainder of my time, because I'm really interested to see what Senator Halloran will say to Senator Halloran.

WILLIAMS: Senator Halloran, you're yielded 46 seconds.

HALLORAN: Thank you, Senator Vargas. I yield the rest of my time back to the Chair.

WILLIAMS: Thank you, Senator Vargas and Halloran. Seeing no one in the queue, Senator Wayne, you're recognized to close on your recommit motion.

WAYNE: Thank you. And thank you, Mr. President. It's interesting that we're at 3:00 now and there's a reason we're at 3:00 and I'll let

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Senator Hilgers tell you about our conversation. I was gonna take time, not necessarily an hour, but his bill is next and he can tell you about that. Second, Senator Halloran, I appreciate the racist history of the Democratic Party. And since you knew that history going in, I find it ironic that you still wouldn't vote for LB75 our first year. That's the whole point. We can make backroom deals to kill bills. And I see that amendments already started dropping on some bills that I'm associated with. So this can turn real fun real quick. And I watched this body the first year where Senator Larson, Senator Chambers, I believe, killed a bill within like 15 seconds and the entire body supported it because they didn't like Senator Hart-- Larson. And I'm OK if we want to go down the path of personalities being the only reason we make policy in the state. It's kind of shameful, but it is what it is. But I will remind you guys, one person can slow down a legislature. Two people can stop it. I am unopposed. I will return. The person who will replace Senator Chambers is a-- both of them, actually, but the one I want to win is a great friend of mine. You're uncomfortable and frustrated because your bills you want passed are being stopped nine days before session's up. But I represent part of a community who have been begging for change and it's fell on deaf ears. But I'm supposed to say, let's wait one more year. Let's give it another time. So people can get mad. People can get upset. But let me tell you what my day is. My day is I am at the office at 5:00. I leave at 7:00 to get here 8:00, 8:30. I'm here all day. I leave here now. First year I didn't, but I leave here now about 7:00, 8:00. I go back to my office to midnight. I can do that every day and stop every bill. But I've chose for four years to work with individuals over and over, against sometimes interests that I believe should be different for the long-term effect. But what I saw this year was fundamentally wrong. That backroom deals are being made to just keep things going, to get along, get along, picking one community over another instead of everybody getting a chance to come to this floor for a straight up or down vote. The A bill. So let's-- let's be mad. But when it's your bill next year that can't get to the floor because of a A bill and a very similar situation occurs where a budget is passed for your bill, but not for your community this time or the community you represent because of a backroom deal, you're gonna say, OK, maybe next year, maybe the year after. That's not how this is supposed to work. And maybe nobody cares, and maybe it's just me. But it's OK for you to stand up and hold up bills as a group for property tax relief. But it's not OK for me to hold up bills as an individual for my community.

WILLIAMS: One minute.

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WAYNE: Think about that. We can't bring A bills out because we want property tax relief so the group of people can come together and hold up bills for your community. But if I slow down the process, I'm wrong for my community. That's what we're saying in the lounge. That's what we're saying when we start filing amendments. And that's fine. We can play that game. Ask Senator Groene how that felt. It's OK for you to slow up bills and not let bills come to the floor for your community, for property tax relief, an additional \$10 million. But I can't slow it down for our community. I don't know what a double standard is if that isn't one.

WILLIAMS: Time, Senator. Thank you, Senator Wayne. Members, the question before the body is a vote on the recommit motion. Senator Wayne.

WAYNE: I'd like to withdraw my motion.

WILLIAMS: Motion is withdrawn. Mr. Clerk.

CLERK: The pending motion is to advance the bill, Mr. President.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB1158 be advanced to E&R for engrossing.

WILLIAMS: Members, you've heard the amendment. All those in favor say aye. I'm sorry. Senator Chambers, you plugged in your light. You are recognized.

CHAMBERS: Thank you. And the-- the one in the chair and I get along. He is truly sorry for more reasons than one. And you all are sorry in general. I'm going to say that I appreciate what Senator Halloran did because the "Repelican" Party and the Democratic Party have just flipped. The "Repelican" Party now is what the Democrats were in those days. The Republicans are for slavery. Listen to your leader, Donald Trump. All those suckers in the Senate against everything. That's the old Democrat way. They were called Dixiecrats. So that's nothing. And a Democrat, a rotten, no good, cowardly Democrat in the Senate came up to a Republican sitting at his desk in the Senate. And in those days that-- I've been there-- but your legs fit under the desk. His name was Charles Sumner, one of the strongest abolitionists who ever lived. And this Democrat who'd fit right in with the "Repelicans" today, President Trump, came up with a hickory cane and started pummeling Sumner. And because-- and he was a strong man. He couldn't get up. He tried, but before he could lift that desk, tore the nails out, he had

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been rendered practically unconscious, bleeding, and he suffered from that beating the rest of his life. And when Preston Brooks, an old line precursor to the Republicans of today, strutted back to South Carolina, he was a hero. See, all you white people do is show what the other white people are and how ratty they are. You know what rats you have been. It doesn't matter to me whether you're a Democrat or a "Repelican." You're all the same to me because you all have the same attitude toward us. Why do you think I don't adopt or accept either of their names? I don't want to be associated with either of them. George Wallace was a Democrat. Segregation today, segregation tomorrow, segregation forever. George Wallace, a Democrat. In Chicago, they had what was called a police riot where the cops came and beat young people and others bloody. And I believe it was at a Democratic convention. So I don't care what label you wear. Dress a racist, as you will. A racist is a racist still. I don't play favorites. I don't belong to either party. And I will support anybody regardless of his or her political affiliation if he or she is doing the right thing. I wish Jesus was here. He and I could get along. See, Jesus had disciples like you all. When he was about to face that awful, awful hour, he told his disciples, every one of you is going to forsake me. And Peter-- Peter meant rock. Peter said Je-- forsake you. I won't forsake you. My name is Peter. This is the rock. I'll be with you. Everybody can leave, but I'll be here. And the other disciples said likewise. And Jesus looked at him, he said, Peter, before the cock crows you will deny me three times. Peter said, Jesus, with all due respect, you don't know what you're talking about. You forget who you're talking to. And Jesus said, let it be. We shall see. And after Jesus had been misused, mistreated, buffeted about--

WILLIAMS: One minute.

CHAMBERS: --alone, Peter had been approached three times and said he didn't even know him. And Jesus looked at him and the cock, as the Bible said, crew. And Peter went out and wept bitterly. They all did. Peter forsook him. Judas betrayed him. The disciples all ran off. So we got things to talk about. And I'm going to talk about some. Thank you, Mr. President.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, this is something like a relay race where one with the baton runs, gives it to the next one, then to the next one, then to the next one. I'm going to read two articles. Some people know who Terry Carpenter was. They called him Terry-- Terrible Terry, because everybody was afraid of him

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and Terry feared nobody. And when they cheated him out of his seat because he had to run by write-in and people who wrote his name didn't spell it correctly and there's a Latin term, which means that the word is close enough to another word to be taken for that word, all of the ballots where the name had any misspelling were thrown out. So Terry Carpenter lost his seat. And I was the one who led his defense on the floor of the Legislature. I don't use this kind of language. But Terry was asked, why don't you get one of these high-priced lawyers? He said, I got the best damn lawyer in Nebraska on my side right now. That's what Terry Carpenter said. And it's a matter of record. And all these other people were white. They betrayed him, cut the ground from under him, and he had helped many of them. So I know white people. I'm like Jesus. He had no need that anybody speak to him of-- to him of man for he knew what was in man. I know what's in all of you. I watch you fold. I watch you buckle. I listen to you lie through your teeth. And then in this Slama thing, I watched how you all are going to victimize the woman who has been victimized already. She didn't do anything to Senator Slama. She didn't do anything to the Governor. They all ganged up on her. Where are you all? Why don't you all say something about her? Senator Lowe, why don't you speak in behalf of her? Is she not a woman? When they try to destroy her reputation, is she not a woman? When they want to do a character assassination on her, is she not a woman? That's you white people and I watch you and white people started this by misappropriating my name and my likeness. They did it. They brought me into it. Then because I'm a black man I'm supposed to sit back and say nothing because they're trying to help some white woman get elected? You all are crazy and you think I'm a coward and a fool. Let Senator Slama disavow that and you won't hear me mention it with reference to her again. She wants to benefit politically from it. And then the Governor's wife talking about she's an example for young women. Is she an example for older women? What will happen to them after they have served the party faithfully and then a younger woman come? They kick her out. See, they can't find anything wrong that Ms. Palmtag did. So they created a false impression of a sexually suggestive-- and this is what Senator Slama knows and understands and all the rest of you all do. By putting that picture in there like they did with me, superimposed on and in flesh, touching contact with this white women-- woman, you know what that conjures up in the minds of white people. A sexual liaison. They put that white woman behind me with a grin on her face. Why didn't Senator Slama say something about that? The Governor orchestrated it. Why didn't you white men say--

WILLIAMS: One minute.

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CHAMBERS: --something about it? That's why I get offended, because you're hypocrites. If you were always what you are, I'd say, well, that's just the way they do. But Ricketts wants to act like he's such a good man. Former Governor Orr called him a man of faith. Got all you all tricked? No, you all know what he is, but he got a hammer over you. But I'm gonna keep bringing up what I watched you people sit and watch being done to that unoffending white woman who only served her party well, did any and everything that could be asked of a loyal member of the party and what does she get for it? Since they couldn't find anything legitimate, they said she fellowships with atheists. I guess that's supposed to be me.

WILLIAMS: Time, Senator.

CHAMBERS: Radicals. That's supposed be me. Thank you, Mr. President.

WILLIAMS: Senator Chambers, you're next in the queue. And this is your third opportunity. You are recognized.

CHAMBERS: Thank you. But I'll find others. And I already told you all I got a bill on Final Reading. Do with it what you will. And you think I care? You think anything outside of me I care about? Take my house. It's like when the devil and God were negotiating on Job. God told the devil, do anything you want to to him. So the devil killed his sons. Do anything you want to him. Satan gave him boils and worms crawled out of him, and he took this vase and broke it and took the shards to scratch his self and scraped those worms off. And Satan said, skin for skin, everything that a man has will he give for his life? He said, well, do whatever you want to, but don't you take his life. And Satan said, now you God, I'll make him curse you to your face. And after he did his worst, Job said, though he slay me, yet will I trust him. And Satan said, well, I misjudged that sucker. And God probably told him, but you'll never find another one like him so don't worry about it. You lost this time, but you'll win all the rest of them. Wait till this thing called the Legislature in Lincoln, Nebraska, comes into being. I'm going to let you see some of the most cowardly, hypocritical men that you've ever seen in your life, some of the most unethical women with no integrity that you've ever seen in your life. And they will turn on each other. No, they won't turn on each other. They'll gang up on one person. And that's when they're at their best. They're like pack animals, just like hyenas, jackals, and others. When they're all together, they will go after an animal that has no chance and then act like they are the people who've got the integrity. Well, I'm going to read you all something that Terrible Terry Carpenter said about me. This is in the January 24, 1975, Omaha World-Herald, Kearney, Nebraska. How much time do I have, Mr. President?

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WILLIAMS: 2:30.

CHAMBERS: I might can get this out and then I'll read some more later. Kearney, Nebraska, "Terry Carpenter performed here Thursday night as the George Norris Distinguished Lecturer and singled out a former colleague in the Legislature 'as one of the most brilliant men I have ever met.'" That was in quotation marks. "The Legislature unhorned him because he is black, Carpenter said, referring to Omaha State Sen. Ernest Chambers, only Negro and only independent in the Legislature. Carpenter said, 'The Legislature took the chairmanship of the Government and Military Affairs Committee from him because they were offended by his abilities. He ran a committee as well as anyone in the Legislature ever did it, with complete impartiality.' Chambers alone was singled out for praise by Carpenter in response to a question from his audience about who should replace Carpenter as a major force in the 49-member Legislature." And I'll stop before I start the other one. How much time do I have?

WILLIAMS: 1:20.

CHAMBERS: Oh, well, I'll finish this paragraph. "Carpenter was the fifth annual Norris lecturer in political science, sponsored by Kearney State College. In praising Chambers, Carpenter said: 'He's almost without parallel. I think he hates white people. I think white people'--

WILLIAMS: One minute.

CHAMBERS: --'give him reason to hate them. But he is brilliant. I've seen him set landmines in sequence way ahead, and they go off in sequence.'" That was in 1975. Some people may not have even been born at that time, but that's what the strongest senator you all had before I came here, that's what he said. That's what he said. He was not in fear because we got along and respected each other. Iron sharpens iron. And when we collaborated on things, it was almost impossible to beat us. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Members, you've heard the motion to advance LB1158 to E&R for engrossing. All those in favor say aye. Opposed say nay. LB1158 is advanced. Mr. Clerk.

CLERK: Mr. President, LB681, Senator Slama, I have Enrollment and Review amendments.

WILLIAMS: Senator Slama.

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SLAMA: Mr. President, I move that the E&R amendments to LB681 be adopted.

WILLIAMS: Members, you've heard the motion. All those in favor vote aye; opposed vote nay. OK, we can do this as a voice vote. All those in favor say aye. Those opposed say nay. Motion is adopted. Mr. Clerk.

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

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB681 be advanced to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. It's advanced. Mr. Clerk.

CLERK: Mr. President, LB966. I have E&R amendments first of all, Senator.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB966 be adopted.

WILLIAMS: You've heard the motion. All those in favor say aye. Opposed say nay. Motion is adopted. Mr. Clerk.

CLERK: Senator Lathrop would move to amend, AM3221.

WILLIAMS: Senator Lathrop, you're recognized to open on your amendment.

LATHROP: Thank you, Mr. President and colleagues. You'll recall that LB966 was a probate bill that had a acknowledgment of maternity piece to it or a section to it that was formerly a Senator McDonnell bill. After we were here and moved the bill to Select File, we heard from the Department of Health and Human Services and Vital Statistics. We hadn't taken care of the fathers in this circumstance. So this amendment addresses the fathers of the-- biological father and the father of the birth mother if there is one. AM3221 was brought to me by Vital Statistics Division of the Department of Health and Human Services to provide a process for placing the name of the biological father on the birth certificate. When we adopted the committee amendments to LB966, an acknowledgment process was put in place to provide for the biological mother to be listed on the birth certificate. This amendment will clarify the process for placing the

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biological father on the certificate as well. Some of the key items in the amendment include clarifying that the name of the birth mother and her spouse will not be on the certificate if the acknowledgment is filed. That portion of Section 18, it's new-- new section subsection (7), the biological mother's spouse is entered on the birth certificate unless the court or the biological mother and spouse sign an affidavit indicating the spouse is not the biological parent. The amendment adds language that if the biological mother is not married, the biological father is not entered on the birth certificate without the consent of the biological mother and the person named as the father. Language is also added that if the paternity is determined by a court, the adjudicated father is listed on the birth certificate. In addition, provisions are added for a 60-day rescission period and for rules and regulations necessary and proper to carry out the legislation. The purpose of the provisions in the committee amendment to LB966 are to eliminate the necessity of the biological father, pardon me, the biological mother to utilize the adoption process. And this amendment eliminates the need for the biological father to jump through the same hoops. I believe these additions make LB966 stronger. They are offered by the Health and Human Services agency, which we were happy to accommodate. And I would encourage your advancement of AM3221 as well as LB966. Thank you.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, I get along very well with Senator Lathrop, but I don't play favorites. So I have a couple more things that I want to get into the record, and I'm going to do them on his bill. I have no problem with the bill whatsoever, but I'm going to read what Terry Carpenter said, as reported by the McCook Gazette at the same gathering. The first testimonial was given by the World-Herald. Headline: Candid Carpenter Calls Politics 'Dirty Double-Crossing Racket.' And I think what the "Repelican" Party is doing to Ms. Palmtag proves what Carpenter said. Kearney, Nebraska, Associated Press: By the way, the World-Herald writer was David Beeder, B-e-e-d-e-r. "In a remarkable speech here Thursday night, former State Sen. Terry Carpenter said he believes State Sen. Ernest Chambers hates whites and is a brilliant man, Gov. J. J. Exon is a clever politician who could have swept other Democrats into office with him, and 'politics is a dirty double-crossing racket.' Speaking as the George Norris distinguished lecturer in political science at Kearney State College, Carpenter said Chambers is the one man in the Unicameral who might be able to take his place if his election challenge fails. Carpenter said Chambers 'is one of the

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most brilliant men I've ever met. The only' cap is-- 'handicap is he's black. And the legislature unhorned him because he is black.' The legislature, Carpenter said, stripped Chambers of his chairmanship of the Military Affairs Committee 'because it was offended by his capabilities. He ran the committee as well as any man in the Legislature...' Carpenter continued that 'I think he hates white people. I think white people give him reason to hate them.' Carpenter said few legislators can be found who will 'get on their feet and debate with Mr. Chambers, not because he's black, but because he's superior to them in the areas of knowledge, understanding and capability.'" And he's telling the truth. And I'd be lying if I tried to play modest and disagree with him. Pretty poor stuff comes to the Legislature. You all know that. You don't even respect each other. You pray every morning. You salute that flag. Liberty and justice for all. I'd ask you, where is the justice for Ms. Palmtag? Where is it? You all don't want me to mention that. You can't dictate to me what I'm going to say or what I'll mention. And when you've done dirt, own up to your dirt and clean yourself up. But as the "Bibble" says, if you don't clean yourself up and you croak, if a man or woman is dirty, let them be dirty still. This is a column from the Lincoln Journal Star, May 19, 1996. I was a younger man at one time, as Billy Joel said, [SINGING] when I wore a younger man's clothes. La di da, da di da. That's from the Piano Man. Headline: Testifying before Congress is another day at the office for Chambers. And something is touched on in this--

WILLIAMS: One minute.

CHAMBERS: --column that I'm going to explain. And I'll stop for now and wait until I'm recognized. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I'd like to just discuss briefly AM3221. Senator Lathrop laid out basic guidelines about it. So I am in favor of AM3221. LB966, this section we're talking about, is defining who is the legal mother of a baby in some surrogate mother situations. But yes, it had deficiencies by not defining who is going to be the legal father. And AM3221 defines who is the legal father as well. These are complex situations and I'm glad that Senator Lathrop has worked with HHS as it was needed, and I support the amendment. I urge your green vote on it. Thank you, Mr. President.

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

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CHAMBERS: Thank you. I'm going to read this column now. It's written by Fred Knapp, who at that time worked for the Lincoln Journal Star. There he was resplendent in a purple sweat-- oh, it's purple now. There he was resplendent in a purple sweatshirt, testifying before Congress last week, none other than Senator Ernie Chambers, part of a panel of five legislators from various states, testifying on a bill dealing with the same sex marriage issue. Anyone who expected Chambers to change his attire or his style for the occasion would have been disappointed. Instead, a subcommittee of the House Judiciary Committee and a C-SPAN audience were treated/subjected to the same Ernie with whom Nebraskans have become so familiar. This is an aside and whom they hate so much. Back to the column: Chambers started off musing whether the, quote, Hon., it's an abbreviation of a word that preceded his-- preceded his and other panelists' names on their nameplates meant that they were being called honey. After satisfying himself that the letters stood for, quote, The Honorable, unquote, he recalled a story about a village character knowing-- known derisively as Colonel being asked by a judge what that meant. Departing, it was a black man. The judge called him Colonel. He said, I'll call you Colonel 'cause I've heard you called that. You're not old enough to have been in that old war and you're too old to have been in the recent war. Why do they call you Colonel? That's where it's picked up. Well, Judge, it's just like The Honorable in front of your name. It don't mean nothing, Chambers recounted, having thus endeared himself to the panel of congressional honorables, Chambers went on to denounce what he considered the dishonorable business under consideration. H.R. 3396 would allow the states not to have to recognize same sex marriages if they were legalized in some other states, such as Hawaii, where a case is working its way through the courts. While there was some discussion about whether the measure gives states any power they do not already have, most of the hearing concentrated on panelists' views of the desirability of granting legal recognition to gay or lesbian marriages and discussion of the current political battles on the subject. Then he mentions the other representatives, some for, one against. And then there was Chambers. Noting that the proponents of restricting marriage to one man and one woman often cite religious grounds, he declared that biblical figures, including David and Solomon, had had multiple wives and mistresses. That led subcommittee chairman Representative Charles Canady of Florida to ask, quote, Am I to understand you would support polygamy? Unquote. Chambers wouldn't go that far. He even conceded that hypothetically, a rationale could be constructed for a state to prohibit such arrangements, although he refused to say whether or not he believes such bans to be good policy. And my statement was that a man cannot treat all these women the same. He's gonna favor some or one over the others. And no matter how he tried,

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that favoritism would show and create confusion and somebody probably would lose some blood and maybe life. Is this my second time, Mr. President?

WILLIAMS: Yes, it is.

CHAMBERS: How much time do I have left?

WILLIAMS: You have one minute.

CHAMBERS: Then I'm going to stop and finish it when I'm recognized.

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

ERDMAN: Thank you, Mr. President. I appreciate it. Let me-- let me give you a compliment, Mr. President. I appreciate the way you speak into the microphone. I can hear you. That's great. Thank you for doing that. So here we are on LB966. So I-- I have a question about this bill. First of all, it's-- it is peculiar that we have a bill dealing with wills and then we have a bill also included that talks with in vitro, kind of a-- kind of a peculiar combination, may not be germane. I won't challenge that today. But I was wondering if Senator McDonnell would real-- yield to a question.

WILLIAMS: Senator McDonnell, would you please yield?

McDONNELL: Yes.

ERDMAN: Senator McDonnell, you brought this amendment, sect-- basically Section 18 to the-- to the bill. Can you tell me and give me an estimate if you know, how many people might this affect on an annual basis?

McDONNELL: The women that I met with, approximately six with the attorney that was representing them, and the amount of times that women had to go and after waiting six months and try to adopt their own child, I would estimate with those discussions approximately 100 a year.

ERDMAN: Say that again, sir, 100 a year?

McDONNELL: Approximately 100 a year.

ERDMAN: Wow. OK. That answers my question. I wonder if Senator-- Senator DeBoer would yield to a question.

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WILLIAMS: Senator DeBoer, would you please yield?

DeBOER: I'd be happy to.

ERDMAN: Senator DeBoer, you and I had a conversation off the mike about this. But in your opinion, if you know, how many foreign or-- or out of the United States wills do you think we will deal with on an annual basis in Nebraska?

DeBOER: Senator Erdman, I'm-- I know you have some statistics possibly from California, if I remember correctly, but I don't have statistics on that.

ERDMAN: OK.

DeBOER: I know that when I've talked to folks who do this kind of work, will preparation, that sort of thing, they said it would be a useful tool for them. So-- and the Bar Association is the one who originally brought the bill to me.

ERDMAN: OK.

DeBOER: And so apparently they think it'll be a useful tool as well.

ERDMAN: OK. Well, thank you. I appreciate that. What I did find and I'm not a expert at Google or searching, but I did find a bit of information in it. They estimated there was 55 of these type of wills in the state of California last year. So California has somewhere in that 45 million people range. So it's about 800,000 people per will. So we'd have maybe two of those. So I just-- I guess I just bring these points up to bring to the point of the-- of the discussion the fact that we may be doing these kind of things for a very small number of people and that may well be OK. But I just want to make sure that we have that conversation and you understand the significance of what we're doing. So thank you for your time. And I appreciate you answering my questions. Thank you.

WILLIAMS: Thank you, Senator Erdman, Senator DeBoer, and Senator McDonnell. Senator Chambers, you're recognized and this is your third time.

CHAMBERS: And then I'll be through, Mr. President, except I may have some advice and I'll speak no name and bear no blame, but somebody might know to-- of whom I'm speaking. In an interview two days after the Wednesday appearance on Capitol Hill. Chambers said his views on gay and lesbian issues have changed considerably in recent years. In

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1988, when running for the U.S. Senate on the New Alliance Party ticket, Chambers said he disagreed with the party's support of same sex marriage. Quote, My attitude is far more tolerant than it was in years past, Chambers said Friday. I never knew I would have moved this far in that direction. But I came-- became aware of the viciousness directed toward gay and lesbian people, unquote. From the verbal taunts to murder, quote, I think it has been ex-- I think it has escalated tremendously in the past few years, unquote, he added. Given his self-description as, quote, the defender of the downtrodden, unquote, Chambers has added gays and lesbians to his larger constituency. Quote, St. Jude and I collaborate in being the last hope of the hopeless, he added with his characteristic degree of modesty. In the face of yet another religious reference, it seemed only natural to ask Chambers, who is often described as an atheist, what description he would apply to his religious stat-- status. I'm just Ernie, he replied, to which admirers and detractors alike might say amen. And that introduces me to something that I would say to the Speaker, to the one in the chair, and ask him a question. But he cannot be interrogated and shouldn't be. But I notice that he has given the prayer several mornings running. Oh, I listen to you all. I see everything you do. I hear every word you say. I'm watching you. I would have asked him before giving that intro, how many times would you knock on somebody's door you thought was your friend and the door never is answered and you know he's in there? What would you do? He probably would've said, well, I'll stop knocking because he's not the kind of man who would break down the door or anything. I'd say, then why do you keep saying those prayers and there's never any answer? But see, I won't do that now because I can't do it and he have an opportunity to comment. But the next time he says one of those prayers and I'll listen to him, I probably hear him when God doesn't. The "Bibble" says, the effectual, fervent prayer of a righteous man availeth much. And I haven't seen the prayer of any chaplain or substitute for a chaplain answered, not by God. But God has put in you all's hands the power and the wherewithal to answer everything you address to him as a prayer. And he's not gonna do the work that you're able to do and were empowered to do and took an oath to do. And that's why I and Satan both have contempt for you. So straighten up and fly right. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Lathrop, you're recognized to close on your amendment.

LATHROP: Thank you, Mr. President and colleagues. Thank you, Senator Clements, for your words of support and the conversation we had off the mike. I would appreciate your support of AM3221 and moving LB966

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on to Final Reading. I am gonna make this observation and maybe you guys have had this opportunity to go into Senator Chambers' office. I was in there before I was term limited. Before he was term limited, he had an entire room. And you walked into this room, as you can now in his current office, and there are newspapers everywhere. They are on the floor, they're on every chair, they're on the-- on every desk, they're in boxes. And I-- I look at all these newspaper clippings, and particularly before he was term limited, it was an enormous amount of paper. And I always wondered how he was ever gonna sort any of this stuff out. But he comes up to the floor and retrieves these things from 40 years ago and reads them when he wants to read them. And I have no idea how he does it. So I just want to make this observation. I'm pretty impressed that he could pull up an article from the McCook Gazette from 40 years ago right when it was something he wanted to talk about. Just an observation. I appreciate your support of the amendment and the bill. Thank you.

WILLIAMS: Thank you, Senator Lathrop. The question is, shall the amendment to LB966 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further on the bill.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB966 be advanced to E&R for engrossing.

WILLIAMS: You've heard the motion. All those in favor say aye. Those opposed say nay. LB966 is advanced. Mr. Clerk.

CLERK: Mr. President, if I may read a couple of items real quickly before--

WILLIAMS: Yes.

CLERK: --we proceed. Thank you. LR463 is a new resolution, Senator Bolz; Senator Ben Hansen, LR464. Those will both be laid over. Amendments to be printed: Senator Albrecht to LB881; Senator Briese to LB930. That's all that I have, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Returning to the agenda.

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CLERK: Mr. President, next bill, LB848. Senator, I have E&R amendments first of all.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I mean that the E&R amendments to LB848 be adopted.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. Motion carried.

CLERK: Mr. President, Senator Brewer had two amendments I believe he wishes to withdraw. Senator, AM2751 to be withdrawn. Well, he indicated to me he wished it withdrawn. And also AM3215, both to be withdrawn, Mr. President. Mr. President--

WILLIAMS: Senator Brewer, did you want to withdraw both those amendments?

BREWER: Yes, I do, sir.

WILLIAMS: Thank you, Senator Brewer. They're withdrawn.

CLERK: Thank you, Mr. President. Senator Brewer, AM3231.

WILLIAMS: Senator Brewer, you're recognized to open on your amendment.

BREWER: Thank you, Mr. President. I just as a quick refresher, LB848, which was heard on 4 March and it is the Tribal Relations priority bill, I introduced AM3231 today because the last time this bill was on the agenda back in March, I was struggling through having pneumonia. So at the time, I wasn't able to have the amendment added. This is a friendly amendment and I've coordinated with Senator Pansing Brooks to introduce it as part of LB484 [SIC]. This is a simple two-page amendment that uses the language from my bill, which was LB937, which is about displaying tribal flags of the four federally recognized Native American tribes within Nebraska, which is the Omaha, the Ponca, the Winnebago, and the Santee Sioux and the headquarters of Nebraska in the Warner Chamber. This bill was heard by the Executive Committee on the 25th of February and then advanced to General File on 9 March. I just want to make sure that everyone understands that in the language of this bill it makes it clear that there are no taxpayer expenses associated with this tribal flags that will be on display and that's in lines 12-15 of this amendment. I would urge you to vote green on AM3231. Thank you, Mr. President.

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WILLIAMS: Thank you, Senator Brewer. No one wanting to speak, Senator Brewer, you are recognized to close on your amendment. Senator Brewer waives closing. The question is the adoption of AM3231. All in favor vote aye; opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of Senator Brewer's amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk.

CLERK: Senator Wayne would move to amend, AM3241.

WILLIAMS: Senator Wayne, you're recognized to open on your amendment.

WAYNE: Thank you, Mr. President. And this is not a friendly amendment, and this amendment will be withdrawn. I just think it's a good point for me to say something real quick. And I won't take it very long as I promised or I talked to both the Speaker and the introducers. I hung out on that first bill for a while after conversations I had with other people why I wanted to and why we agreed I should. But nevertheless, this amendment is simple. We will strike Arbor Day and add Juneteenth as a state holiday. I think it's critical. I think it's important. And I just want to mention quickly the Fourth of July, while my family celebrates it, I think and I won't read the whole speech, but I think it's important that you all read the speech or listen to the speech of Frederick Douglass on July 5, 1852, where he said, what is-- the title of it was What to the Slave is the Fourth of July? And I want to read just a part, a short part, and I want you to put it also in today's context: I say with sad sense of the disparity between us, I am not included within the pale of the glorious anniversary! Your high independence only reveals the immeasurable distance between us. And what he was basically talking about was while everybody is celebrating the Declaration of Independence, at that time, African-Americans were still not free. So it was really never a holiday. The holiday that became close in the African-American culture was Juneteenth. And Juneteenth actually was not the day of the Declar-- Emancipation Proclamation, but because they didn't have Internet and cell phone back then, it took a while before the slaves of Texas actually got to know or hear about what President Lincoln did. And it was on June 19. So that became their Declaration of Independence. Now I could take a lot of time, but I'm operating within the guidelines that I told the Speaker and my colleagues that I would. But I will be bringing this bill next year. And the reason I'm not gonna have you vote up or down on it is because I do believe in the sanctity of process. This is a completely different bill. Although the statute is opened up and there's nothing in the rules preventing me to

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do this, it is germane. There is no objection you can make except for it should have, could have had a hearing. Now I can make plenty of arguments about why I didn't need to have a hearing and I can point to plenty of legislation that happened on this floor that fundamentally changed things without a hearing, i.e., the one third rule. But I believe in process and I believe that's important. But I am signaling for next year this will be a good bill. And if anybody wants to say why I picked Arbor Day, I can let Senator Chambers tell you more about the individual who started Arbor Day and the racist speeches he gave. So we'll have that conversation in Government next year, Senator Brewer, Chairman Brewer. Think that will be a fun hearing. I do support the underlying bill. And I'll yield the rest of my time to Senator Chambers before I withdraw this motion after he's done speaking.

WILLIAMS: Senator Chambers, you're yielded 6:05.

CHAMBERS: Thank you, Mr. President. Because Juneteenth was mentioned, I'm gonna say a little bit on that and I won't be going after any of you on the floor. The Emancipation Proclamation was signed January 1, 1863. And I was just a small lad then, not understanding what that was all about. And when people mention that certain things have not happened for 80 years or so or black people have been waiting for 120 years, we've been waiting exactly 401 year. Black people were brought to this country as slaves, first in 1619. From 1619 to 2019 is 400 years. This is 2020. So that means for 401 years we have not really enjoyed freedom. Lincoln has given credit for signing the Emancipation Proclamation, but there is nothing connected with morality, generosity of spirit, or anything. Lincoln made it clear that all he was interested in doing was saving the Union. If he could save the Union by freeing some slaves and letting-- leaving others enslaved, he'd do it. If he could save it by freeing all of the slaves, he would do it. If he could save it by freeing none of the slaves, he would do it. He wanted to make it clear. He said that his aim is to save the Union. And he made those remarks in a letter to Horace Greeley. When he signed the Emancipation Proclamation, it was similar to me standing here with handcuffs and somebody standing next to me. And that person has handcuffs. Lincoln's key will not fit the handcuffs on that person. They will fit mine, but he will not use that key to take my handcuffs off. Here's what I'm getting to. He very carefully crafted the Emancipation Proclamation to say that it would have impact everywhere that is in a state of rebellion. Wherever there is not rebellion, it would not affect them at all as far as slavery. So in all of the areas of the country where the proclamation could not be enforced and it had no impact, Lincoln said slaves are freed there. In

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the areas that were not in rebellion because they were under control of the United States or had never joined the rebellion, slaves remained slaves there. So all of the slaves remained slaves after the proclamation as were slaves before. But here's where there was a difference. In the parts of the country where the United States had power and could free the slaves, Lincoln made it clear that we were not free there. The areas of the country that were in rebellion he said we are free because the United States could not free us. Slavery was not touched. Ultimately, when slavery was abolished, white slave owners, former slave-- slave owners were given reparations. They were paid for the loss of their property, which was us. We get no reparations, although we built this country. And I'm gonna give you all historical proof of it. I mean, literally, without the black people who served as slaves and had connection with this country, America would have gone under. Lincoln signed that document for one reason. As a military action, it would enable black men to be allowed to come into the ranks of the U.S. Army, not slaves. Black men who were free at that time could now become soldiers, and they could garrison forts, they could dig wherever forts had to be built, they could man vessels as pilots or sailors, all of those things, because he was dealing with it as a military necessity. And he argued that in time of war, nobody would disagree with the principle that the Commander in Chief could take any property that was needed, whether it belonged to enemy or friend, which was--

WILLIAMS: One minute.

CHAMBERS: --needed by the country and could advance the interests of the country. Therefore, since slaves are deemed property, any that made their way from the South could be free. And any land that was captured by a general of the South, the slaves could be freed and immediately put in the Army and made to fight for a freedom that their brothers and sisters did not have. I just thought I'd throw that in to complete the picture. And I also had told the Speaker that I'm not gonna take time on other bills. But having been extended that invitation, being the courtly, courteous person that I am, I could not very well turn it down. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Wayne.

WAYNE: I withdraw that amendment.

WILLIAMS: Motion is withdrawn.

CLERK: Mr. President, Senator Groene would move to amend the bill, FA127.

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WILLIAMS: Senator Groene, you're recognized to open on your floor amendment.

GROENE: Thank you, Mr. President. This has been bothering me ever since it was introduced originally. Columbus Day is Columbus Day. It means a lot to the Italians, their heritage. You can like the man or not like the man, but what he did was equivalent to landing on the moon. He went against all science of the day, all religion of the day and said the earth is round and I'm gonna go west and I'm gonna find Andes. But he found America. And he didn't just find it. He made sure he went back and allowed people-- the human race to expand its area, to mingle races. And I'm here because he did that and my family is and everybody else's family. And then, as you know, I brought up last year because a lack of research by the-- by the original author of the bill didn't realize that we already honor the American Indians and natives of this country in Nebraska: 84-104.07 American Indian Day; manner of observance. It is hereby declared that the fourth Monday in September of each year shall be known as Nebraska's American Indian Day and that on this day schools, clubs and civic and religious organizations shall be encouraged to recognize the contributions of American Indians with suitable ceremony and fellowship designed to promote greater understanding and brotherhood between American Indians and non-Indian people of the state of Nebraska. You look up the term-- definition of indigenous, it's a native. I'm a native. I was born here. You come from any race, any nationality, and you were born here, you're a native. You're indigenous. So by removing it in that first paragraph, it gives more meaning to the day to all of us. The second Monday in October of each year shall be Columbus Day and shall be set apart to recognize the historic, cultural, and temporary [SIC] significance of the people indigenous to the lands that are now known as the Americas, including Nebraska, and the many contributions of such people. Don't try to tell me I'm not indigenous to this country. I was born here. That makes it a national holiday, not just the Italians. They can have their man's name there, but now it talks about all of us who came here. Could call it Immigration Day. Immigrant Day. But for us to decide that we need to duplicate an already national day that honors only American Indians and make them share it with Columbus Day, far as I'm concerned, is belittling. They have their day. They've had their day. Have our schools failed? Well, Senator Slama did the civics bill. And part of that is we emphasize, we worked with Senator Brewer, the heritage of the American Indians and should be taught in our schools. And maybe some of the teachers will find out now because we're debating this, that there's a day. They can load them up on a bus on this day, bring them down to Lincoln and go to the Warner Chamber to look at the flags, which I agree 100 percent with Senator Brewer on

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that, some heritage here in the Capitol of the American Indian. But this ideal and can't even pronounce it half the times, but I knew-- I know what an American Indian is and the many tribes of this country. And as far as I know, they're-- they're proud of that, that who they are that they don't need a new title or a new name put on there by white folks and brought by white folks as a bill. There was already a day-- I'm not filibustering here; it's been a long day-- but a right needs to be wronged here-- a wrong needs to be righted here. What was right now was wrong and now we'll put it back. They have their day. It's been in statute since 1983. If for some reason I'm wrong, and the American Indians and the Sioux and the Omaha and the Utes and whoever else is part of this great state like the term "indigenous" instead of American Indian, I will gladly bring a bill next year and talk to Senator Brewer about it and we will change 84-104 from American Indian Day to Indigenous People. But until they ask and the Italians ask, I think the Italians are gonna be fine with sharing the Columbus Day with the rest of us immigrants who are now native and indigenous to this state. So I'd appreciate a green vote on FA127. And let's-- you know, sometimes if you overdo things, there's two or three times the American Indians have days. There's a national one. Now we have this one. Now we have that one. You dilute the meaning of the day. This is diluting what we already have for them, which they've earned. Nobody even bothered to look it up. There's a national movement to defame Columbus and take him out of history. That's what this bill was all about. It had nothing to do with honoring the American Indian. Otherwise, they'd have done their research and found out there was already a day there. I feel like I'm in third grade sometimes at some of these field projects we do. Do the research. There is already a day. Also "The Governor shall, prior to the fourth Monday in September of each year, issue a proclamation inviting and urging the people of the State of Nebraska to observe American Indian Day with suitable ceremony and fellowship. The State Department of Education and the Commission of Indian Affairs shall make, within the limits of funds available for such purpose, information available to all people of this state regarding American Indian Day and the observance thereof." Well, maybe we need to put one of them little bills in there, Senator Brewer, where we appropriate a little money to the Department of Education so they can print some pamphlets and pass it out in our public schools across the state so that those young people understand that there is an American Indian Day and we do honor them since 1983 in the state of Nebraska. If you want to attack Columbus, have the-- just do it. Just take, remove the holiday. Some states have done that instead of playing these kind of games. I guess the original bill did it, got rid of Columbus Day. Senator Brewer's committee decided that wasn't the right thing to do. Anyway, that's all I'm gonna say on it.

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You want to talk all afternoon on it, that's fine with me; but I just want an up or down vote on it. And I think we ought to do this, correct an error and-- and change it back. Thank you.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask if Senator groan-- Senator Groene would yield for a question or two.

WILLIAMS: Senator Groene, would you yield?

GROENE: Yes.

CHAMBERS: And this is not going to be a debate. I'm just going to ask you the questions and take the answer that you give as you give it. Why-- after whom is this place named, this country?

GROENE: That's Pucci [SIC], a guy who made a map.

CHAMBERS: Amerigo Vespucci. Why was it named after him?

GROENE: Because he wrote his name on the bottom of the map when he-- when he drew it and everybody started calling it what was written on the map.

CHAMBERS: Where did Columbus land when he took that voyage in 1492?

GROENE: In the islands around Cuba.

CHAMBERS: So he didn't land on this soil, did he?

GROENE: Not the first time.

CHAMBERS: Did Vespucci land on this soil?

GROENE: That I'm not sure of.

CHAMBERS: OK. It is not a debate.

GROENE: Yeah.

CHAMBERS: You had mentioned that other states have done away with Columbus Day. Do you know what reason they gave for doing that, any one of them or some of them?

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GROENE: They claimed he was racist and he was-- and he was cruel to them Native Americans or he probably was. That was the culture of that day.

CHAMBERS: Well, Andrew Jackson was, too--

GROENE: Yeah.

CHAMBERS: --and John Wayne. In fact, John Wayne messed over the Latino people. And they-- he wanted to say they were lazy. And their response was this. Well, he said they didn't pick cotton like he wanted them to. And they said, well, we get paid for not picking the cotton that John Wayne gets paid for not growing. In other words, John Wayne was a sponger and a moocher and a racist, but only his comments were published. But I'm trying to limit what I'm saying to the questions that I'm putting to you without debating them. Do you have an opinion about whether Columbus was or did the things that the people in these states say he did, where his statue has been removed, sometimes by people, sometimes by the city officials? Do you have an opinion about whether what they said about him was true?

GROENE: Well, I have an opinion and I shouldn't throw the first stone. There's not a man alive or a woman alive that hasn't done something.

CHAMBERS: No, what I'm asking you--

GROENE: If you want a saint, you're not going to find him in America.

CHAMBERS: Do you believe what they say he did that he did? Or you think that they're making up a story because they don't like Italians?

GROENE: I don't think they were attacking Italians. There was things he did. He-- he took, but not by their choice, some natives back to Spain as trophies as if he had won and been doing that since beginning of time.

CHAMBERS: Is that an honorable thing to do, to take people someplace, uproot them and take them as trophies back someplace else?

GROENE: That is not why he's honored. It's what he accomplished by finding the new world.

CHAMBERS: No, I'm just asking.

GROENE: That is the only reason he is honored.

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CHAMBERS: Is that honorable what he did when he did-- treated these people in that fashion?

GROENE: I would have never done it.

CHAMBERS: And I believe you. My final question.

WILLIAMS: One minute.

CHAMBERS: Where did Columbus originate his voyage from?

GROENE: He was--

CHAMBERS: Where's Genoa?

GROENE: He was from Genoa. But--

CHAMBERS: Is that in Italy?

GROENE: There was a great female historian back there that was a powerful lady who funded it, the queen of Spain.

CHAMBERS: They said she gave him some jewels. But anyway, was he a native of Genoa? Columbus?

GROENE: I'll go generic and say he was an Italian.

CHAMBERS: That's all I'll ask you. Thank you. Thank you, Mr. President.

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

BREWER: Thank you, Mr. President. Well, nothing's easy. I think so that we're at least on the same sheet of music and so everybody maybe is more comfortable, the term "indigenous" is different and is not used that much. It's an international term. It-- it's not that anybody would reject it, although, you know, you might get some looks from-- from folks that aren't familiar with the term. Obviously, they are going to be more familiar with the term of either American Indian or Native American. Traditionally, we would prefer Native American for obvious reasons. We were here first so Native American seems to fit pretty well. The other thing that I'd like to stress to you is we have a lot of painful hearings in Government, painful for a number of reasons. But usually it's a topic that there's two sides that are very polarized. They-- they come in and it's hard not to have a-- a very tense, difficult afternoon of back and forth. I was very fearful when

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this bill came forward that we were going to have just that. And the room was probably split about half and half of folks from south Omaha and folks from some of the different tribes. But I was pleasantly surprised that there was kind words on both sides. So, in fact, the south Omaha folks came and they seemed very receptive to the idea of sharing the day, as opposed to having this running gun battle where we decide who's the winner, whether it be the Columbus Day or the Indigenous Peoples' Day. And so as we championed this thing through, we-- we did add the bridge to independence. And for some that may seem like a nothing, but for the ones that are affected, and keep in mind, those are youth between the age 18 and 19 that simply are dropped out of the system because of a failure of tribal and state agencies being able to simply communicate and making sure that doesn't happen. And if there's blame to be had for the tribal flags, that can rest solely with me. And I don't think it's unreasonable to have them in the Warner Chamber. If you walk in the Warner Chamber, there's Native American art all over the place, and that is part of our history. So as you look at this issue, please understand that we went through the pains of the committee hearings and it turned out to be a much more positive experience [INAUDIBLE] anticipated. The entire bill with the amendments is doing some good things and it's doing it at-- at no cost in this budget. And I-- I guess I'm-- I'm just trying to say that we go through a lot of things here that probably needs the time and the effort put into it. I would hope this really isn't it here. Let's-- let's bring this to a close, make a decision, and move on, because we have better things to do than fight over this. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brewer. Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. Speaker. I rise as a point of personal privilege to-- today. And I asked the Speaker about this earlier. Earlier this afternoon, we had the funeral for Representative John Lewis in Atlanta. Earlier today, I learned that we have to say goodbye to another great African-American in Herman Cain. Herman moved to Omaha from Minneapolis to turn Godfather's around. Herman moved two houses from me and was a good friend and neighbor. His wife, Gloria, was part of our-- of the neighborhood Bible study, and his daughter, Melanie, was my children's babysitter many times. Herman was a wonderful Omaha philanthropist. He had a magnificent baritone voice and he would do fund-raisers for numerous organizations by singing. And at-- and he was always accompanied by his good friend, Michael Driver, and also a great choir director that I had the honor of singing with at one time. I remember very well being at one of those

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fund-raising events. I think it was at the Holland. Not only was he sing those wonderful hymns, but he also would frequently speak just a little bit. And at one of those I remember very well when he said-- he talked about growing up in 1950s Atlanta. And he said we had white water and we had colored water. And he said, I asked my dad, what's the difference between white water and colored water? And he said, my daddy said it all tastes the same. After getting Godfather's going well again, he retired from Godfather's. He went back to Atlanta. He ran for the U.S. Senate. He did not win the primary. I think it was in 2008 he briefly ran for President until he was gaining some traction and looked like he might be a very viable candidate. Then a very-- a group of persons that has brought a lot of politicians down alleged some bad things about Herman. Herman loved his family so much and his dear wife, Gloria, that he simply dropped out, did not want to put his family through what was coming ahead. President Trump nominated him to be on the Federal Reserve Board, and that very same group jumped and challenged his nomination for the same reasons. To Gloria, his wife; to Melanie, his daughter; and to Vincent, his son, I express my deepest sympathies. To my friend Herman, while you will not lie in state at the Capitol, you made a big difference in this world. America is better. It's a better place because of your voice. May you rest in peace, my friend. Thank you.

WILLIAMS: Thank you, Senator Hilkemann. Senator Groene, you're recognized to close on your floor amendment.

GROENE: As I said, not a filibuster. I just wanted to point out some discrepancies here and duplications in our laws. What is really sad about all this is we have an American-- Native American-- American Indian Day and nobody knew it. It wasn't by lack of effort of the Legislature because if you read the statute, it's very praising of the-- those individuals. But the duplication and then the water down another-- another day honoring a huge event in history, a huge event in history. You may not like the results of the colonization of America, but it is what it is. And we're all here because of it. Many of us are wealthy and many of us can be condescending to other races and talk about how-- how we want to help them while we live very high on the hog. And-- but anyway, I would appreciate a green vote on FA127 and let's-- let's go back to the way things were. And then, as I said earlier, the-- the two things that Senator Brewer really wanted in this bill I am in complete agreement with-- the honoring of the flags and the tribes and to helping those young people with a-- with a program. Thank you.

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WILLIAMS: Thank you, Senator Groene. Members, the question is, shall the amendment to LB848 be adopted? All those in favor vote aye; those opposed vote nay. Senator McDonnell. Have all voted? Record, Mr. Clerk.

CLERK: 6 ayes, 25 nays on the amendment.

WILLIAMS: The amendment is not adopted.

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

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB848 be advanced to E&R for engrossing.

WILLIAMS: You've heard the motion. All those in favor say aye. Those opposed say nay. LB848 advances. Mr. Clerk.

CLERK: Mr. President. Senator, no E&Rs. Senator Pansing Brooks would move to amend LB848A.

WILLIAMS: Senator Pansing Brooks, you're recognized to open on your amendment.

PANSING BROOKS: Thank you, Mr. President and members of the body. Thank you for that previous vote. I do think the bill is a-- is a good bill, LB848. AM3234 eliminates the appropriation for fiscal year '20-21. Since we just amended LB848 to move the operative date, an appropriation of funds for fiscal year '20-21 is no longer necessary. So much as it kills me to let 20 more kids fall through the cracks this year, all due to a lack of \$61,000, we are amending the bill to move this amount to-- to move that forward as brought to us by Legislative Fiscal. Thank you.

WILLIAMS: Thank you, Senator Pansing Brooks. Seeing no one in the queue, Senator Pansing Brooks, you're recognized to close. Senator Pansing Brooks waives closing. Members, the question is, shall the amendment to LB848 [SIC--LB848A] be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 1 nay, Mr. President, on the adoption of the amendment.

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further on the bill.

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WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB848A be advanced to E&R for engrossing.

WILLIAMS: You've heard the motion. All those in favor say aye. Opposed say nay. LB848 [SIC--LB848A] advances. Mr. Clerk.

CLERK: Mr. President, LB965, I have E&Rs first of all, Senator.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB965 be adopted.

WILLIAMS: You've heard the motion. All those in favor say aye. Those opposed say nay. Motion is adopted.

CLERK: Senator McDonnell would move to amend, AM2992.

WILLIAMS: Senator McDonnell, you're recognized to open on your amendment.

McDONNELL: Thank you, Mr. President. AM3220, I'm sorry, AM2992. This important piece of legislation proposes to enhance kindergarten readiness for children who are deaf and hard of hearing and to better prepare these individuals to overall success in life by establishing and coordinating a language assessment program to assist-- assist, monitor, and track language development milestones for children birth through the age of five. The bill also incorporates provisions from LB839, Senator Wishart's, through the adopted community amendment, which declares that American Sign Language is recognized by the state of Nebraska as a distinct and separate language. The bill and attached amendment advanced from General File with the overwhelming support of 45 to 0. AM2992 to LB965 simply extends the dates within the legislation to comply with the Speaker's request. In an effort to find a fiscal solution for the 2020-21 appropriation attached to the bill. I have worked with John Wyvill, Nebraska Commission for the Deaf and Hard of Hearing, and Brian Halstead, Nebraska Department of Education, to accomplish this solution. Thank you, Mr. President.

WILLIAMS: Thank you, Senator McDonnell. Seeing no one in the queue, Senator McDonnell, you're recognized to close on your amendment. Senator McDonnell waives closing. The question is the adoption of the amendment to LB965. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further on the bill.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB965 be advanced to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. LB965 is advanced. Mr. Clerk.

CLERK: Mr. President, LB965A, no E&R. Senator McDonnell would move to amend, AM3220.

WILLIAMS: Senator McDonnell, you're recognized to open on your amendment.

McDONNELL: AM3220 simply strikes the language which refers-- references '20-21 appropriations, therefore, saving the \$53,632 in this budget year.

WILLIAMS: Thank you, Senator McDonnell. Seeing no one wanting to speak, Senator McDonnell, you're recognized to close on your amendment. Senator McDonnell waives closing. Members, the question is, shall the amendment to LB965 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB965A be advanced to E&R for engrossing.

WILLIAMS: You've heard the motion. All in favor say aye. Those opposed say nay. LB965A is advanced. Mr. Clerk.

CLERK: Senator, LB918, no E&Rs. Senator Wayne would move to amend.

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WILLIAMS: Senator Wayne, you're recognized to open on your amendment.

WAYNE: Thank you, Mr. President. I didn't know what the agenda was. This amendment reduces-- we took out the studies that required all commissions to do studies every two years, which cut the fiscal note in a little bit over half. So I'd ask for a green vote. Without it, the fiscal note will stay the same. Thanks.

WILLIAMS: Thank you, Senator Wayne. Seeing no one wanting to speak, Senator Wayne, your-- will waive closing. The question is, shall the amendment to LB918 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further.

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

SLAMA: Mr. President, I move that LB918 be advanced to E&R for engrossing.

WILLIAMS: You've heard the motion. All those in favor say aye. Those opposed say nay. The bill advances. Mr. Clerk.

CLERK: LB918A, no E&R. Senator Wayne, AM3237.

WILLIAMS: Senator Wayne, you're recognized to open on your amendment.

WAYNE: Thank you, Mr. President. This just goes to reduce the fiscal note by removing the cost of the commissions to do studies. Thank you.

WILLIAMS: Thank you, Senator Wayne. Seeing no one wanting to speak, Senator Wayne, you're recognized to close. He waives closing. Members, the question is the adoption of the amendment to LB918A. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Wayne's amendment.

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further.

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WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB918A be advanced to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. LB918A is advanced. Mr. Clerk.

CLERK: Mr. President, LB424. Senator, I have E&R amendments first of all.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB424 be adopted.

WILLIAMS: You've heard the motion. All in favor say aye. Opposed say nay. Motion is adopted.

CLERK: Mr. President, Senator Quick, I have AM3032 and AM3227 with a note you wish to withdraw.

QUICK: Yes. Yes.

CLERK: Thank you. Mr. President, Senator Quick would move to amend with AM3290.

WILLIAMS: Senator Quick, you're recognized to open on your amendment.

QUICK: Thank you, Mr. President. And good afternoon, colleagues. I'm offering AM3290 onto LB424, which would give municipalities across the state the ability to create or join land banks. I want to thank Senator Stinner again for making this his priority bill. We've talked a lot about land banks over the last three years, and I've worked hard on this legislation. And it is because-- and it is because it is so important to my community and other communities across the state. This amendment is a result of a stakeholder meeting that took place earlier this week. And I appreciate all the input from everyone at the meeting. And because of that meeting, I'm able to offer an amendment that addresses many of the concerns brought to the table. The changes in the amendment would-- would strengthen the conflict of interest provisions, lower the total number of parcels that can be held at any one time by a land bank, and add clarification to the reporting requirements. The conflict of interest provisions in Section 6 are strengthened by adding direct and indirect interests so will prohibit a land bank from investing in instruments, security, property, etcetera, which a land bank board member, employee, or immediate

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family member has direct or indirect interest in. The percenta-- the percent of parcels held by a land bank in the city of a metropolitan class will stay at 7 percent, a primary class will go to-- from 7 to 3 percent, a city of the first class will go from 10 percent to 5 percent, and the second class or a village will go from 25 percent to 10 percent. We're also adding a clause that states if and only if a sheriff's sale would require that the land bank take the property that that would exceed the total number of parcels the land bank can hold to title-- the title to, the acquisition of that property would not count towards the limit. The reporting requirements in Section 13 have several-- several changes. Currently, the land banks are-- are required to report monthly to the municipalities, municipality or municipalities that it created and provide an annual report to the Revenue and Urban Affairs Committee. This amendment adds the Speaker of the Legislature and the Chairperson of the Exec Board of the Legislature in that section and adds a new section that lists out what will be required in the report. The final changes in this amendment deal with the automatically accepted bid provisions. Last year when we were negotiating changes, we made some changes to the auto bid process that would-- that we thought would be workable. But over the recess, we learned that the Omaha land bank that-- from the Omaha land bank that those changes would make it impossible for them to continue their work. By increasing the number of factors properties would need to meet, we would prevent the Omaha land bank from acquiring properties where structured had been-- where structures had already been demolished. This happened because the city of Omaha has been aggressive in demolishing problem structures. So in this amendment, we would-- we would restore Omaha's ability to use the automatically accepted bid process. But we've removed that process for all their land banks. So a land bank in Grand Island or Scottsbluff won't be able to use the automatically accepted bid process. That is a big compromise, but I think this bill is that important. Again, thank you to everyone who came to the table on this bill. I'm proud of the work we've done. And I hope you'll support this amendment to LB424 and for our communities across Nebraska. Thank you, Mr. President.

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

HILGERS: Thank you, Mr. President. Good evening, colleagues. I want to first-- I do want to thank Senator Quick and the other stakeholders for the meeting we had this week. As you all know, I've spoken quite a bit on the floor about land banks, about my dislike of land banks, and my desire to not see them expand throughout the state of Nebraska. Nevertheless, I did commit on the floor and with Senator Quick and

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Senator Stinner in an effort to try to make this better and try to address some of the concerns that I have identified in a way that I think could be collaborative and make the bill better. And I think the previous amendments to this particular bill have made the bill better. And I think this particular amendment also makes the bill better. Now there were some last second changes that Senator Quick and I have discussed that were in this amendment that I have not had the opportunity to-- to read through. And I als-- but I also understand that we wanted to get this through. He wanted to get this through Select File and not hold it up with-- with the time dwindling in the session. And so I'm going to vote for this amendment. But I also want to caveat it and I told this to Senator Quick, but I want to make it clear on the record that I may-- there may be a need for additional amendments on Final Reading, just depending on how this language-- I have not fully vetted the language that's here. And I understand that it gets the spirit of the things that we discussed. But, again, I have not had the chance to go through it all so far. So just a couple of things I think were really important to me that were-- that are captured in this particular amendment. I'll just walk through a little bit, again, for the record, and I don't want to see land banks expanded. But if they're going to be, I think this makes the bill better. So one thing it does, it strengthens the conflict of interest provisions. I talked a lot about this idea that-- that is really inherent in all sorts or part of all sorts of different areas of law from corporations and officers and the fiduciary duties to elected officials that we know people could, who have financial interests, who are in a position of public trust, may unfortunately, may-- maybe it's a minority at times, but it still does happen. We know it happens, could use that public trust for their own personal gain. And so one of the things that I was concerned about was ensuring that we had stronger conflict of interest provisions. So one thing AM3290 does is expands the definition, the scope of the things that could be a potential conflict of interest from just something that's an ownership to something that is a financial interest, and not just a direct financial interest, but potentially an indirect financial interest. So we took language from other statutory provisions in-- in the Revised Statutes and imported it here. And I think it makes it stronger. Another thing that-- that we talked about was the idea of reporting. If you recall at our debate the last-- the other day, there is currently something that needs to be submitted to the Urban Affairs Committee. I looked at that. There is some reporting requirements. In my view, it didn't have quite the information that I thought would enable the Legislature the ability to hold those land banks accountable and potentially make further changes down the road. So this includes some of those pieces of information that I thought would

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be important, including the list of the properties, the financial institutions at which the land bank holds money, the various vendors that-- with which the land bank has contracts. So how do we identify conflicts of interest and embezzlement and all those types of things? You need to know who they're paying money to, so it at least allows for that sort of accountability and-- and a few other things, along with a certification that there's no conflict. So that is added into this as well. In addition, one of my large concerns was the automatic acceptance piece of it. And that has worked or that has been in place in Omaha. And as Senator Quick said, AM3290 sort of keeps Omaha held harmless through this process. But what it does do is it takes it out for the other communities in the state. So if this is going to expand, that automatic bid provision is no longer going to be in there. It also reduces the cap of the parcels. Now I'll tell you on the parcel cap right now is if you recall, cities of the primary class is 7 percent.

WILLIAMS: One minute.

HILGERS: Thank you, Mr. President. In my view, that-- it should be far less than 1 percent. This doesn't go nearly as far as I want it to go or would like to see it go. I-- I-- I have yet to hear a convincing explanation as to why a land bank should hold anywhere north of 1 percent or even a half a percent. Nevertheless, in the spirit of-- of making the bill better and trying to compromise and work through this, the-- the caps came down, not as far as I'd like, but they did come down. So that's some of what AM3290 does. I still don't want to see land banks expanded in the state of Nebraska. But in the spirit of making bills better, this amendment makes this particular bill better. So I'm gonna vote green on the amendment. This will be a voice vote, it won't be a record vote. But when we get to Final Reading, I will reserve the right to bring any additional amendments. And I still am against expanding land banks. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. Senator Wayne and I had a conversation yesterday and he said one thing about you, Erdman, he said, you're consistent. You don't change much. And I haven't changed on this bill. I don't appreciate land banks. And you may have found that out in the last three years as we've tried to negotiate these bills. I don't appreciate this one. I believe that probably Senator Groene has an idea with his micro TIF. And I know some of you may be listening in will think Erdman must've fell down, hit his head. He's thinking about voting for a TIF bill, but I very well may because I

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think Senator Groene's micro TIF makes more sense than this land bank. As Senator Hilgers adequately described the improvements that AM3290 makes, there's not an improvement you can make to this bill to get my vote. And that may not surprise you and that's OK. But if we're gonna filibuster something, it makes a lot more sense to do it on Final Reading, don't have to filibuster near as long. So I haven't given up thinking about doing it that way. But I will tell you this, that I dislike this land bank bill enough to do that. I would encourage you to hit red or say no when we get ready to advance this bill. We need an opportunity to talk about Senator Groene's micro TIF bill to see if that will accomplish nearly what we want to accomplish with this. And it doesn't have all the government overreach this bill does. I'm not convinced that this bill will accomplish what they want it to accomplish, except it helps the government get involved in owning our properties. And the amount of property that they can own is out of line. I agreed with what Senator Hilgers said. So I'll be voting no on LB424 and I may vote for AM3290 because if you happen to vote for this, we need to make it-- what shall-- what word shall I use-- less of a problem. It isn't quite as bad a bill if you pass AM3290. But you can never make a bad bill good. I don't care what amendments you make on it. So we fought this thing for three years. I'm sad to say it looks like it may pass. That's not what I wanted to see. But you win some and you lose some. Please vote no on LB424.

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

GROENE: Thank you, Mr. President. And thank you, Senator Erdman, for mentioning the micro TIF. I've got a lot of people calling me wondering when that's gonna pass, when that's gonna pass. It's been held up for days with history lessons and everything else. But-- and even Senator Wayne supports it, at least he told me that in the past. But I think micro TIF will make this land bank just a statute and laws that won't be used in rural Nebraska because free enterprise will handle the blighted areas. And I've talked to some folks. I'm not against this anymore because what Senator Hilgers has accomplished about the automatic bid that allows the free market people to buy it and use micro TIF instead. And the one thing I also found out is if, if the land bank buys a parcel that a free market individual could see that parcel some day within the next three or four years before the tax lien becomes due, find the owner of the property, buy it, pay off the tax lien and then develop it using micro TIF. So my fear was that once the city got its claws in it because I heard Senator Quick mentioning a plan. I don't like plans when I hear from government. With that land that was still available by the free market to buy it,

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but a purchase between two individuals, pay off the tax lien that the-- that the land bank would own and they-- and we could put that property back in productive use. But first we've got to get to the micro TIF and get it passed. Looks like now Monday would be the earliest day we get a chance to-- to talk about and get it done. But these two kind of fit together. If a city is such bad shape that nobody will touch it, even with micro-- micro TIF, that town's on its way down because nobody in the free market wants to even touch the piece of parcel of land and they might as well just keep buying it up, the last survivors, and turn it into a park or a pasture again. But anyway, thank you. And we'll talk about micro TIF next week.

WILLIAMS: Thank you, Senator Groene. Senator Quick, you're recognized to close on your amendment.

QUICK: Thank you, Mr. President. And I would just urge you-- urge you to vote green on AM3290. I think it's important to get that piece added to the bill to make the bill better. And I appreciate everyone that's worked with me on the bill. And please vote green on both. Thank you.

WILLIAMS: Thank you, Senator Quick. The question is, shall the amendment to LB424 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 33 ayes, 4 nays, Mr. President, on the adoption of Senator Quick's amendment.

WILLIAMS: The amendment is adopted.

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

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

SLAMA: Mr. President, I move that LB424 be advanced to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. Motion-- the bill is advanced, LB424. Mr. Clerk. Items, Mr. Clerk.

CLERK: Mr. President, amendments to be printed: Senator Briese to LB1064; Senator Brewer, LB963 and LB963A; Senator Wayne a motion to LB1008; and Senator Linehan to-- an amendment to LB1074. Mr. President, Senator Lowe would move to adjourn the body until Friday, July 31, at 9:00 a.m.

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WILLIAMS: Members, you've heard the motion to adjourn till tomorrow morning at 9:00 a.m. All in favor say aye. Opposed nay. We are adjourned.