

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-fourth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Pastor Eric Moser, Riverview Community Church in Ashland in Senator Bostelman's district. Please rise.

**PASTOR MOSER:** Let's pray. Lord Jesus Christ, your word says in Psalm 118: I'll give thanks to the Lord, for he is good. His steadfast love endures forever. Let Israel say: His steadfast love endures forever. Let the house of Aaron say: His steadfast love endures forever. Let those who fear the Lord say: His steadfast love endures forever. Out of my distress, I called to the Lord, and the Lord answered me and set me free. The Lord is on my side. I will not fear. What can man do to me? The Lord is on my side; he is my helper and I look in triumph on those who hate me. It's better to take refuge in the Lord than, than to trust in man. It's better to take refuge in the Lord than to trust in princes. All, all nations surround me-- in the name of the Lord, I cut them off. They surrounded me. They surrounded me on every side. In the name of the Lord, I cut them off. They surrounded me like bees, and they went out like a fire among thorns. In the name of the Lord, I cut them off. I was pushed hard so that I was failing, but the Lord helped me. The Lord is my strength and my song. He has become my salvation. Glad songs of salvation are in the tents of the righteous and the right hand of the Lord does valiantly. The right hand of the Lord exalts. And the right hand of the Lord does valiantly. I shall not die, but I will live and recount the deeds of the Lord. The Lord has disciplined me severely, but he has not given me over to death. Open to me the gates of righteousness that I might enter through them and give thanks to the Lord. This is the gate of the Lord, the righteous shall enter through it. I thank you that you have answered me and have become my salvation. The stone that the builders rejected has become the cornerstone. This is the Lord's doing and is marvelous in our eyes. This is the day that the Lord has made; let us rejoice and be glad in it. Amen.

**KELLY:** I recognize Senator Murman for the Pledge of Allegiance.

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

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**KELLY:** Thank you. I call to order the eighty-fourth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** I have no corrections this morning.

**KELLY:** Are there any messages, reports, or announcements?

**CLERK:** There are, Mr. President. Amendments to be printed from Senator Slama to LB514. Additionally, bills presented to the Governor, LB683e and LB683Ae, were presented to the Governor on May 24, 2023 at 8:25 a.m. That's all I have this time, Mr. President.

**KELLY:** Senator Bostelman announces some guests under the south balcony: Lee Sapp and Tim Welling from Ashland. Please stand and be recognized by your Nebraska Legislature. Senator Bosn announces and recognizes the physician of the day, Dr. Marlon Weiss of Lincoln. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, please proceed to the first item on the agenda.

**CLERK:** Senator, LB-- Select File, LB562A. I have nothing on the bill, Senator.

**KELLY:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB562A be advanced to E&R for engrossing.

**KELLY:** Members, you have heard the motion to advance LB562A to E&R Engrossing. All those in favor say aye. All those opposed, nay. It is advanced.

**CLERK:** LB705A. Senator, I have nothing on the bill.

**KELLY:** Senator Ballard, you're recognized for a motion.

**BALLARD:** Mr. President, I move that LB705A be advanced to E&R for engrossing.

**KELLY:** Members, you have heard the motion to advance LB705A for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

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**CLERK:** Mr. President, next item on the agenda: LB753, Final Reading. Senator Hunt would move to recommit the bill to committee. My understanding is Senator Dungan is authorized to open on that motion, Mr. President.

**KELLY:** While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR165, LR173, LR177, and LR187. Senator Duncan-- Dungan, you're recognized to open.

**DUNGAN:** Thank you, Mr. President. Good morning, colleagues. We find ourselves here on the Final Reading of LB753. Senator Hunt had asked me to open up on her motion here to recommit to committee, so I wanted to take this opportunity to talk a little bit about some of the issues that I know we've already discussed with regards to the opportunity tax scholarships. And I want to make sure that my colleagues who are here all on Final Reading here in the room once again have an opportunity to hear some of the concerns and I guess the, the issues that myself and others have with this bill. I do want to take a second, as I've done on every other step of this process, to thank Senator Linehan for her work on this. That's not just a platitude. I know a lot of times we thank folks on the make when they've brought a bill and worked really hard on it. But I do know this is very important to Senator Linehan. And in my conversations with her in the Revenue Committee and also on the floor, I do believe, as I've said previously, that she is incredibly genuine with her desire to help children and try to provide as many opportunities as possible. My concerns, however, remain that by providing these tax credits-- which is what they are, they are tax credits, these sort of neo vouchers, as we've called them in the past-- we are doing a disservice not just to our children here in Nebraska, but we're doing a disservice to our public schools in Nebraska. So anybody who's listened to me talk about this before knows that I'm born and raised here in Lincoln but that I spent some time elsewhere. So I, I lived for a little while down in Kansas and I also lived for a little while in Washington, D.C. And one of the things that was pronounced to me as I lived in those places and then ultimately moved back to Nebraska was the quality of our public schools here in Nebraska and how exceptional they are. I've had an opportunity to visit schools here in Lincoln, in Omaha, in urban areas, but I've also had a chance to go visit schools and tour schools in western Nebraska, central Nebraska, and across the board. What I have been completely blown away by is the fact that our public schools in this state are not just oftentimes the centerpiece of whatever community they're in, but they are almost always lauded by the community as a whole. And when I was out knocking doors prior to, to this session and talking to folks across the entire political

spectrum, when I talked about the things they liked about their community and the things they liked about their neighborhood and, frankly, the things that made them want to raise a family in Nebraska, consistently the things they were talking about on a regular basis were the quality of schools and the quality of teachers that we have with our public education. And it really does make us stand out. And I'm not just saying that to, to bolster the schools. I genuinely believe when you look at our data, when you look at our numbers, and when you look at the fact that we have this integrated network of schools and committed teachers who create K-12 education without having this competition or needing that competition but still having quality schools, I think it's phenomenal. So my fear and my concern is that based on other states that have implemented programs similar to this and based on other states that have implemented so-called school choice when, in reality, they're diverting public funds to private education, it can do a disservice to the public schools. And we should be doing everything we possibly can to encourage our funding to schools be increased. We have a commitment this year from the Governor to increase state aid to public schools, which is something that I know many of us have talked about for a very long time, and I believe that's exactly what we should be doing. State aid to public schools reduces reliance on property taxes, and it also is a long-term, ongoing commitment to make our, our public schools what they can be. But we cannot, at the same time that we are committing money to public schools, then reduce our revenue in such a way that could endanger that while simultaneously diverting those public funds that would otherwise be going to the General Fund and thereby going to public education and, and diverting those to the private institutions who would be receiving those scholarships. So we're going to-- I already see the queue filling up. I know we're going to have a conversation here this morning about this. But I think there's two major components that we need to look at when we're discussing LB753, and I think both of them present problems. One question is, can we do this? And the other question is, should we do this? And I think on both ends of that, I see issues. And what I mean by that is when you sort of bifurcate the concerns here, the can is, do we have the money long term? Is it constitutional? Is it going to affect our public education funding on other levels? And I think a number of my colleagues are going to talk about those. So there's the logistical problems. There's the monetary problems. There's the legal problems. Can we even do this in the-- excuse me-- the first place? And then on the other side of that is should. Should we be doing this? And that's where you run into issues that colleagues of mine, like Senator Fredrickson and Senator Hunt, have spoken about so eloquently in the past, which is, if we are

going to be giving public money to private institutions, there should be some barrier or backstop to prevent discrimination. Because what we know is that, despite the use of public tax dollars, students are not protected from discrimination under LB753. We hear a lot in this body about how bullying happens and, therefore, students need to be moved from one school to another. But what we also know is that, in these private institutions, there is no assurance that that bullying is not going to continue. And if we're going to be providing this public funding to the private institutions without there being any kind of assurance that there is antidiscrimination policies in place at those schools, that's problematic. On the previous round of debate, we had conversations about what the policies are at these private institutions-- and I had an opportunity to pull up a number of private school manuals where I could look at their discrimination policies. And in those discrimination policies across the board, students were not allowed-- or, there is-- first of all, was not an antidiscrimination policy in most of them. And in many of the school handbooks that I found, there were policies in place that, for example, said that students had to wear clothes that conformed with their gender assigned at birth or they had to make sure their hair was conformed to a certain gender standard. And so, in a body where all we've been doing this entire session is talking about LB574, for valid reasons, it would bear repeating that there's a number of students that, if they were to go to these private institutions, would oftentimes not have protection from discrimination. So, again, what we know is that, despite the use of public tax dollars, students are not protected from discrimination under LB753. The bill explicitly states that this proposal does not grant the state any expanded authority over private schools and that just because a student qualifies for a tax credit scholarship, it does not mean the private school has to enroll them. No reason would need to be given for declining to admit or expelling a student from a private school. So despite the fact that there's going to be public funding that ultimately is benefiting these private institutions, there's nothing in there to say that the private institutions have to accept students or that they cannot turn a student away for a particular reason. If a student shows up with two dads and then that student gets in trouble, there's nothing in this bill saying that that private institution cannot discriminate against them, and I find that incredibly problematic. So again, this comes down to the, can we do it? Do we have the money? Do the logistics work out? Is it constitutional? And should we do it? Is this the best use of our dollars? Is there a backstop in place to protect students from discrimination? And I think those are the two things that we should predominantly be focusing on here today. What we also know is that

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Floor Debate May 24, 2023

there's been numerous documented examples of malfeasance in similar circumstances like this one. So in the Arizona scholarship tax credit program, we saw numerous documented examples of malfeasance. And there's nothing in LB753 that's going to prevent similar issues from arising in Nebraska. What we know is that nearly two-thirds of scholarship-granting organizations that benefited from the program failed to spend 90 percent of their donations on scholarships, the amount required by the law between 2003 and 2009 in the Arizona program. We know-- excuse me-- that executives at two of the largest scholarship-granting organizations, or SGOs, use the tax credit donations to enrich themselves buying luxury cars, real estate, and funding for outside for-profit business. LB753 prohibits donors from designating scholarship funds for specific students. Arizona had this component as well, but scholarship-granting organizations there worked around that by allowing for donor recommendations. Despite the influx of millions of dollars in scholarship funding, private schools hiked tuition dramatically, maintaining the inaccessibility of a private education for middle- and low-income families.

**KELLY:** One minute.

**DUNGAN:** Thank you, Mr. President. And we know that students at private schools received the most scholarship money have remained overwhelmingly white even during a time when the state's Latinx population boomed. So again, the intent behind LB753, I believe, here is genuine. I believe the intent is good. But what we have seen in other states and what we have seen in other circumstances where laws like LB753 have been enacted is they do not benefit the people they are intended to help, they do enrich the individuals who are ultimately going to be benefiting from the receiving of these moneys from the SGO, and we don't see protections against discrimination. I don't believe that this is a fiscally responsible way to use our money. And I believe that the \$25 million initially, which ultimately can grow to \$100 million for our yearly allocation or appropriation for this fund, could be better used elsewhere. So colleagues, please listen today. I think we're going to have a robust conversation about LB753. And I would encourage your green vote on the motion to recommit and I would encourage your red vote on LB753. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. So this bill has been said to be about school choice. But the mechanism of

this bill is not about school choice. The mechanism of this bill does not give choice to parents or students. The choices being made in this bill are being made by donors. This is a donors' bill. This is a bill top to bottom about how to treat certain kinds of donations. That's all the bill is about. How do we treat certain kinds of charitable donations? That's it. That's the bill. How do we treat certain kinds of charitable donations? Those donations will get a 100 percent tax credit in this bill. Currently, it's tax deductible, like all other charitable donations. But in this bill, you designate where your taxes go. We're giving one kind of charitable donation precedence over every other kind of charitable donation. So if you're the kind of person who wants to give to studies for pediatric cancer, for human, human trafficking shelters, for food banks, to your own church, you are, after the passage of this bill, given second-class status for donations in the tax code. If you want to give to pediatric cancer, you will get a tax deduction. If you want to give, under this bill, to an already existing organization that provides scholarships, you will get 100 percent-- as long as it's not 50 percent or more of your total tax, you will get 100 percent back. That means that every previous donor to these organizations in the future gets all their money back. In the past, they said a tax credit or a tax deduction is enough for me to give to this place. I believe in this enough that I'm going to give to this organization. They got a tax deduction. In the future, those same donors get all their money back. But those people who would like to give to food banks or their own church, synagogue, or temple just get a tax deduction. This isn't about anything else. It's very simple. This is about giving one kind of giving, first-class tax status, and giving all other charitable giving a different status. So next year, should we come back and say, pediatric cancer, 100 percent. And also, we're going to give 100 percent to food banks and human trafficking shelters. If you give to any of those organizations, you get 100 percent of your taxes back. And pretty soon someone will come back for everything. It's like license plates.

**KELLY:** One minute.

**DeBOER:** Those of you who are on the Transportation and Telecommunications Committee know that you can't say no to a license plate because where's the line? That's why we have so many different license plates. They're all good causes. Every single cause someone would come to us in the future and say, this is a good cause we should give 100 percent tax credit to, it would be hard pressed for us to say it's not a good cause. But then if we do that, where does it stop? Colleagues, this is a bill about donors' choice. About donors' choice.

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Floor Debate May 24, 2023

That's what the bill is about. Who gets to have first-class status for their donations in our tax code? Thank you, Mr. President.

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

**LINEHAN:** Good morning, Mr. President. And good morning, colleagues. Thank you all for being here. So I'm going-- I'll first respond to Senator Dungan. So if tax credits and school choice is so bad, and we have all these stories, evidently, that-- I don't know what Senator Dungan is referring to-- why do 48 states have school choice? 48? North Dakota and Nebraska are the only ones without school choice. So it must be working somewhere. And I think I have colleagues here who will explain some of the differences where there's robust school choice in states like Florida-- in Florida, where scores have been going up versus Nebraska where scores have been flat and going down. If people-- parents choose a scholarship, they will have a choice to go to a school. And you want to talk about bullying, we know, all of us in this body-- especially on the Education Committee-- know that bullying is one of the biggest problems we have in public schools. We know that. So let's don't pretend that we don't have children locked in public schools that are getting bullied, that are miserable, whose parents don't have any choice. And one of the first priorities of this bill is to help those parents. It's also to help children who try to opt in to another public school and get turned down because they have a disability or an IEP. And we all know on the Education Committee that happens. Now to Senator DeBoer's comments. This is not about wealthy people. I've, I've got the staff trying to figure out how many tax credits we passed in the last-- since we've been here, since January. I think in LB727 yesterday that you all voted aye on, there were no "no" votes I heard last night. There are five or six new tax credits in that bill. So let's don't pretend we don't like tax credits, guys. If I get a chance to be on the mike again, I'll have a list of the ones we've, we have passed or on Final Reading this year. And what else do we have for tax credits in Nebraska? We have Imagine Nebraska. That doesn't help kids, I don't think. Well, it might. It creates jobs. I'm not saying Imagine is bad, but it doesn't help poor children attend a school of choice. We have the New Markets Job Growth Investment Tax Credit. We have the Rural Development Tax Credit. We reinstated the Nebraska Historic Tax Credit yesterday. We have an Affordable Housing Tax Credit. We have Nebraska Higher Blend Tax Credit. I think we have a bill this year for an ethanol E15 tax credit. Yesterday's bill, we had a biodiesel tax credit. We have the Nebraska Earned Income Tax Credit, the School Readiness Tax Credit. In the income tax bill, we have tax credits for parents who have children

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

in daycare and for people who work in daycare. So please, let's don't say we're not for tax credits, guys. We have all kinds of tax credits. I have-- I'll stop boring you with the list. And, no, we don't have a tax credit for cancer donations, but we take Nebraska's taxpayers' money and we, through appropriations, I think last year gave--

**KELLY:** One minute.

**LINEHAN:** --\$15 million to pancreatic cancer at UNMC. \$15 million. That's taxpayer dollars we take. Good causes. We take all kinds of taxpayer dollars and do good things. Two years ago in LB1107, we committed \$300 million to UNMC if they got the NExT project. That's taxpayer dollars. To compare this-- this is about choice. It's something that every student and child and parent that lives in 40 other states has access to and we're not letting Nebraskans have it. It's time we get this done. Thank you, Mr. President.

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

**HOLDCROFT:** Thank you, Mr. President. And I rise in support of LB753. And I, I agree with Senator Linehan. This is not about the tax credits. This is about giving families and parents an opportunity to send their children to a school that is most appropriate to them. And I'd like to talk about a couple of schools if I have time. First one, one that's near and dear to my heart is St. Matthew's in Bellevue. So St. Matthew's is, is where my wife actually teaches. She teaches seventh and eighth grade math and science there. But the history behind the school is, is pretty incredible. Back in the 1960s, as Offutt Air Force Base was ramping up and Strategic Air Command headquartered there, they had a lot of Catholic families that came into the area. And the only other parish school in the area was St. Mary's, and it quickly became over-- overrun with a waiting list. And so Catholic families, Air Force families could not-- they were not able to send their kids to school, a Catholic school. And so the Air Force-- actually, the chaplain and the wife of the commander of SAC got together and they built what was then called Cardinal Spellman School. And initially, it was kindergarten to sixth grade, and then it expanded to eighth grade. And they got nuns from, from Des Moines to come and be the teachers. And this provided, you know, education for Air Force families who have a difficulty when they come into an area because they're only there for two years. It's tough to get on a waiting list or, or get into the school. And so this really filled a niche for those Air Force Catholic families, Cardinal Spellman School. And then in the, in the 1990s, about 1996, finally someone said-- oh,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

and, and I just wanted to say one more thing. The, the SAC bases around the country would actually take a collection at their Catholic services on the weekend once a month, and they would send funds to Cardinal Spellman School to support it. So you had Air Force bases supporting the school that was in Bellevue, Nebraska. But in 19-- about 1960-- I'm sorry, 1990s, 1996, specifically, somebody raised a flag and said you can't have these-- this, this school being supported by the military-- separation of church and state, which didn't make any sense, but. So the archdiocese took it over from the military archdiocese and formed a parish there, St. Matthew's Parish, and turned the school over to them, to them for, for, for maintaining the school. And it's doing quite well today. It's now expanded from, from K to eighth grade. It's all civilian teachers. It's got about 200 students and a wide variety of students. It's not just Air Force students that attend this, but there are a large number of minorities. There's African American, there's Hispanic. There are a lot of immigrants that come into the area that take advantage of this school. So, obviously, you can't do this for free. And the, the tuition at St. Matthew's per, per, per pupil is about \$3,500 per year. So that's a big burden on families. And certainly, this scholarship opportunity would be, certainly a benefit to a lot of families in the Bellevue area. But \$3,500 per student, that's about half of what it costs to send a, a, a, a pupil to public schools. In other words, it costs half as--

**KELLY:** One minute.

**HOLDCROFT:** --half as-- thank you, Mr. President-- it costs half as much to send a child to a private school as it does to a public school. And that is all the way from elementary up through high school. There was a question about how the, you know, parochial schools, religious schools discriminate. I can tell you: at St. Matthew's, we do not discriminate. I spoke to the principal about this, and nowhere on the application does it have any reference to the type of family that is coming to St. Matthew's. And I've-- I know from my wife we have-- we do have a student that has two moms. So the, the archdiocese in Omaha has no policy about discriminating against an LGBT family. So, I strongly support St. Matthew's and I hope that you'll support this, this bill. Thank you, Mr. President.

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

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I rise in support of LB753. Obviously, against the motion to recommit to

committee. I heard the question posed a little while ago. Can we do this and should we do this? And I, I think the answer to both of those questions is a resounding yes. Can we do this? Fiscally, we have the ability to do this. But otherwise, folks have suggested there could be constitutional concerns with this, and I think specifically they are looking at Article VII, Section 11, of the Nebraska Constitution. But the Nebraska Supreme Court has made clear that that constitutional provision is only implicated by a direct appropriation to a private school or-- private school, yes. And it has to be directly to that institution to implicate the constitutional provision. And they have indicated that time and again. And, here, we're not talking about a direct appropriation to a private. It is-- that provision of the constitution is not implicated by what we're talking about here by the Opportunity Scholarship Program. And so the next question becomes, should we do this? And as I just suggested, I think the answer there also is a resounding yes. As a member of the Revenue Committee, I've had the opportunity the last several years, probably five years in a row, to sit at a hearing where we have talked about opportunity scholarships. And typically, we have an overflow number of young folks that come and tell us their experiences with private schools. And these kids typically come from disadvantaged backgrounds. Many of them come from poverty. Many of them talk about being bullied in their previous school setting. They talk about the benefits of, of their private education. And the common theme with their testimony is one of transformation. They talk about how transformative their private school education was for them. And so this bill really is about creating opportunity for the kids that came and testified and kids just like them for all kids. That's why it's called opportunity scholarships. Others suggest, well, we're harming public education by doing this. And that, that's simply not true. This is not going to harm public education one bit. Currently, we dedicate roughly one point-- excuse me-- \$1 billion in TEEOSA-- or, equalization aid to public schools in Nebraska. We add in some of the other things, SPED and several other programs, we're currently putting in \$1.5 billion directly into public schools in Nebraska. If you look at the LB1107 credit, that could be considered-- that really is in support of public education in Nebraska. That's another \$560 million. I would suggest a percentage of the property tax credit fund, probably \$200 million of that is essentially in support of public education. So there's roughly \$2.25 billion of public money, of state money that we're directing towards K-12 public education currently, either directly or indirectly. And with the Governor's proposals, depending on how things-- how you, how you do the math on those, we're talking another \$350 to \$400 million per year, directly and indirectly, dedicated

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

towards public education in Nebraska. So at the end of the day, I would submit to you that, within a few years, we'll be directing \$2.6 to \$2.7 billion in state dollars toward public education in Nebraska. And what are we talking about here? We're talking about \$25 million a year. Granted, it's going to grow, but it's going to be \$25 million a year for several years at the most. Now I'm not a math major, but--

**KELLY:** One minute.

**BRIESE:** --that is-- thank you, Mr. President-- but that is less than 1 percent of what we currently put into public education. This is not going to harm public education one bit. And colleagues, this is something that a large swath of Nebraskans and a large swath of your constituents really want. And it's time to respect their wishes on this. We're not harming public education. We're not taking away from public education. And I would submit to you that it's something we need to try. We owe it to Nebraskans to do this. Thank you, Mr. President.

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

**HARDIN:** Thank you, Mr. President. Business expert Peter Drucker was famous, among other things, for asking, what's your business? How's business? Those are too good questions for lots more than business. In 2022, the Legislature sponsored the At-a-Glance reports for the 244 school districts in the state. What I'd like to do is talk you through my journey of taking a look at that document. Each one-page report has a number of different things on it. And if you're not familiar with it, be glad to send it to you. It's a big link and takes a long time to download. Essentially, on each page what you see is a number of different things: median household income, average ACT score in a given school system, average math and English scores for fifth graders and eighth graders. Interestingly, in 2022, following COVID, 11th grade scores in standardized testing were not published, though they were in earlier years. And what I found that was tragic, as I looked across my own school districts in District 48, were successful scores, proficient scores of between 30 percent and 50 percent. That means more than half of the students are not successful at getting through the proficiency tests. I've heard it asked, well, are they just teaching to the proficiency test? Well, I would point out that every test is something that a teacher is preparing students for. They're always teaching to a test somewhere at some point. The parents who would like to have another option are simply saying that's not good enough. Half the kids failing in our district in math or in English is

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Floor Debate May 24, 2023

not good enough. We would like another option. Additionally, parents cannot afford exorbitant property taxes and then pivot and pay again for schooling for some other option. LB753 is about leveling that field for some parents. They're also very concerned in some cases about social experiments with their child serving as the petri dish. They're not excited about what that does to a kid's psyche, development, faith, moral well-being. They would like another option. And so I would ask the question, what's the business of education in Nebraska? How's business? You know, as I took a look at those 244 school districts, I thought, well, maybe it's just that bigger schools do better than smaller schools; maybe smaller schools do better than large schools. So I did some cross-examination of all of that data, and I compared school districts of like size. The fact is there is quite a dichotomy. None of them are exceedingly high. I also wondered if there was a big drop-off since these At-a-Glance reports took place in 2022 and comparing them to what happened before COVID. Were scores better? They should have been. I looked at 2019. I was disappointed because there was not a big difference in the scores. I also got a hold of the raw data with standardized testing and looked back to the early 2000s.

**KELLY:** One minute.

**HARDIN:** There was not a dramatic change in the scoring throughout most of that period of time. Maybe it's a lousy test. Is that a possibility? It's just a bad test. The challenge is that, while certain schools do score poorly-- 30 percent, 40 percent, 50 percent proficient-- there are some examples of those that do score 10, 20, 30 points better of the same-size school taking the test at the same time. All of that together says to me we need to take that less than 1 percent that Senator Briese was just talking about and present another option. That is what parents are asking for. I stand in support of LB753. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in support of Senator Hunt's motion to recommit and opposed to LB753, as I always have. And I appreciate, as always, the work of everybody on this issue. And I do respect the position of the folks who are in favor of this bill. And I think that they do come from a, a sincere desire to improve the lot and life of children in the state of Nebraska, make sure that everybody has an opportunity at a high-quality education. But my issue-- I mean, I have a number of them with this bill, but my

biggest issue with the Opportunity Scholarship is really, whose opportunity are we talking about? And so everybody wants to talk about how this provides an opportunity to kids to choose a different school, but that's not what it does. It creates a preferred tax structure where people do get to direct their tax dollars to a specific scholarship fund that funds institutions, and then those scholarship funds and institutions get to receive that money and they get to choose whether or not they accept a student. They get to choose which students they want. So what this bill would do is create a fund by diverting tax dollars to allow institutions to pick which students they want and then not charge those students. Sure, certain students can look and say, now I have a chance to go to a school I couldn't afford. But the things that are in their power at that point are that they can apply to that school, they can ask for the scholarship. They do not-- they are not guaranteed entry and they're not guaranteed to get that scholarship. So this is not about putting power in the hands of parents and children. It's putting it in the power-- power in the hands of these institutions that are allowed to discriminate. I know everybody wants to say, but mine doesn't. Mine's the good one. I'm part of this organization. Of course they don't discriminate. But they do. They can and they will. We had on, I think it was the first round of debate, Senator Hunt presented an amendment that would have required that anybody who takes this money cannot discriminate. And that amendment was defeated. If these places weren't discriminating, if they didn't want to discriminate, and if they weren't-- didn't have the power to discriminate, that amendment would have been no problem. Would have said, OK. No skin off our back. We'll accept that amendment. We will hold ourselves to that standard. But the reason there's opposition to an antidiscrimination requirement in this bill is because the institutions we're talking about shifting these tax dollars to, do discriminate and hope to continue to discriminate, want to continue to discriminate. And when we talk about discrimination, of course, I know everybody says, mine's the good one. We don't want to-- we won't do that. Then why don't they accept that change? So my opposition to this bill has been, in these three years-- in whatever iteration it has taken-- and continues to be, about the fact that we are directing government money to institutions that can discriminate. But ultimately, like I said at the beginning, that--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- for whichever reason they choose not to accept a student, the schools can still choose not to accept the student. I appreciate what Senator Linehan said about changing option enrollments and making sure that kids don't get boxed

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

out of option enrollments. I think that's a good move. I don't think our public schools should discriminate either. I don't think any of these schools should, especially if you're getting government funds. But that's the thing here. This is not about-- we are creating a structure that puts the decision-making authority not in the hands of parents and children. It gives them the chance to ask, but it does not allow them to choose. They don't get to be the ultimate decider of whether they go to these schools. And that is a problem. So thank you, Mr. President.

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

**KAUTH:** Thank you, Mr. President. What we heard in the Revenue Committee from the public schools was that a tax credit takes money from the General Fund. And the next sentence is the one that really shocked me. That's money that could be spent on public schools. And it shocks me because they seemed to have an entitled opinion that any money that is a tax credit could have been going to a public school, that it was entitled to go to them. Tax credits are used to incentivize behavior. And we have many, many tax credits in this state. All of these tax credits also take from the General Fund: Nebraska child and dependent care credit, Nebraska property tax incentive, Nebraska property tax incentive with community college taxes, School Readiness Tax Credit for providers, tax credit for purchase of residence in extremely blighted areas, credit for the elderly or disabled, Community Development Assistance Tax Credit, Nebraska Historic Tax Credit, Nebraska Affordable Housing Tax Credit, employers credit for expenses incurred for TANF recipients, qualified volunteer responders credit, military retirement income exemptions, Social Security exemptions. All of this is just a handful of the ones that we actually have. So according to the public schools, all of that is money that should go to them. They are entitled. The person who I had that discussion with was the former student-- superintendent of OPS, Cheryl Logan. And I did point out to her that OPS has reading scores of 22 percent proficiency. Their science scores are 21 percent, and their math scores are 16 percent proficiency. It's clearly not working for everyone, and every child deserves a right to try somewhere else if they could do better elsewhere. Reading ability is directly correlated with crime rates. We are failing our kids in some of these public schools, so this is a small, small tool to use to get kids who want to try and want to achieve into someplace that fits them better. We're also setting aside \$1 billion this year and nearly \$1 billion over the next three years into an education fund for the public schools. The Opportunity Scholarship is an absolute minuscule

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

amount. It's a tiny tool. And I moved here from Iowa about 10 and a half years ago. We had scholarship tax credits there, and it worked very well. It didn't destroy any of the public schools. I think they barely noticed a ripple. It did allow people to move out into a school that fit them better. And as we all know, not everybody is a right fit for a public school. At that point, I'd like to yield my time to Senator Armendariz.

**KELLY:** Senator Armendariz, you have 1:53.

**ARMENDARIZ:** Thank you. Thank you, Senator Kauth. Many of you may remember that this particular scholarship would have affected me growing up. I would have been able to take advantage of it. I would fall in that range. I want to bring our attention to the incentive of the 100 percent tax credit and over to another bill that we're currently debating, LB50. How it was explained to me is we want to encourage inmates to take programming. All of Nebraska wants inmates to take programming before they're released. We talk about them jamming out without any programming. So we're discussing, how do we further incentivize inmates to take programming? Well, we reduce the number of years of-- until they're eligible for parole. You can't get paroled unless you've gone through the programming. So we're trying to incentivize with additional incentives--

**KELLY:** One minute.

**ARMENDARIZ:** --to get the programming done. Thank you, Mr. President. We want this programming done because we think this will contribute to a better society when inmates are then released. So we're, we're adding additional incentive for them, not unlike the Opportunity Scholarship. We're adding additional incentive for people to participate because we as a state find it very important to help this group-- this particular group of kids that are underserved have a different choice. We think that will contribute to a better way of life for them, give them exposure that they would otherwise not have. And we're talking about children here having a better way of life. I believe a lot of senators' support reducing the parole eligibility year, why wouldn't we contribute to an additional incentive to help these poor children in these communities?

**KELLY:** That's your time, Senator.

**ARMENDARIZ:** Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KELLY:** Thank you, Senator Armendariz. Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans out there watching this on TV. Yes, that is a true statement: we give, as Senator Linehan says, we give pages and pages of tax credits to a number of entities. But the one thing that sets this apart from any of the others is this is explicitly a tax credit for charitable giving, so I think we really should call this the opportunity tax credit for our trusts, for corporations, for LLCs, for partnerships, and wealthy individuals. How do we know that? Because it's a dollar-for-dollar tax credit. So say you have a \$200,000 tax liability. That means someone who gives a \$100,000 donation gets a dollar-for-dollar offset to that \$200,000 tax obligation. So that means their tax obligation drops to \$100,000. So that's additional tax revenue that all of the state of Nebraska is losing. Keep that in mind. We just lost \$100,000 in tax revenue from that entity that got that dollar-for-dollar tax credit. Who's benefiting? I handed out a map that shows 48-- and these are all the dark states-- 48 out of the 93 counties don't have access to public-- to private schools. They have public schools. Senator Linehan pointed out that some of those kids cross counties. OK. That means these kids have to travel, you know, 40, 40 miles to get to a private school. Who's benefiting from this? These rural communities, I want to say thank you. Thank you, rural communities. Your hardworking taxpayer dollars are going towards this private fund. OK. People are saying that, hey, this is not going to hurt public schools. This won't take away. Well, we've just given that \$100,000 tax revenue loss to fellow Nebraskans who have to pick up the slack, which means our hardworking, middle-class Nebraskans have to pay it. Here's how it impacts public schools. Keep in mind that our public education is the greatest equalizer in our society. Public education schools provide for all kids. All kids. So is there going to be double-dipping from those nonpublic schools? So there are 36,656 kids in the state of Nebraska that go to these private schools. 2,152 are special ed kids. Are they going to double-dip and count that special ed kid as one of their scholarship recipients? But guess what? Those 2,152 special ed kids are served by our public schools. And hear how it impacts our public education dollars. So they have suggested that private school scholarship tax credits won't take away public funds from Nebraska schools. A new estimate of the bill's impact from the Legislative Fiscal Office indicates that a reduction in state aid to school distributed-- school funds distributed through the TEEOSA say it's possible. Here's how it happens. Say we give \$25 million and say an

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

estimated 5,000 public sch-- public-- currently attending public school go to the private schools. That means that there would be a reduction of about \$11.8 million to public education. Guess what? Our hardworking teachers, what do they do? They pay--

**KELLY:** One minute.

**RAYBOULD:** --thank you, Mr. President-- they pay for school supplies from their own funds to help kids who don't have school supplies. And guess what else, friends? There are a number of states, yes, that have offered these type of opportunity tax credits. But guess who is re-- rescinding that? "Kansas Legislator Ditches Voucher Plan That Extended to Unregulated Private Schools." Sort of doing a repeat of their erroneous, let's give more corporate and individual tax credits out there and tax reductions. So they have decided to squash that bill. Also, the state of Texas last week-- and this was from January-- voted against using public funding for school vouchers. 24 Republicans joined Democrats to sing-- to signal their opposition to these vouchers and tax credits. So we're seeing that other communities are realizing that this is not benefiting anyone. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I want to extend my gratitude to Senator Linehan as well for her leadership on education issues, revenue issues, and, and so many issues. I am not sure if there's a major issue before the Legislature that she's not involved in. And I really appreciate how she conducts herself in terms of being able to have a principled approach even when we find ourself in principled disagreement. And I am grateful for the work that she has done to try and bring additional equity and resources to our public education system. And I understand and appreciate her perspective and other members' perspective that, while they are committed to lifting up our public schools, they also want to strengthen opportunities outside of our public schools in terms of our educational system. So we have a sincere yet fundamental disagreement in terms of the approach with this measure before us. And I want to lift up just a couple of key points. So my friend, Senator Kauth and Senator Linehan, and others who have mentioned it, are 100 percent right. There are a host of tax incentive programs and tax credit programs that are part of our tax-- our statutory framework governing revenue issues and tax issues. I find that those arguments, however, are distinguishable for really, for really one primary reason. And

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

while we absolutely have tax programs in place to incentivize behaviors that we want to see in economic development or in other aspects of society, I believe that they are distinguishable in this instance because of the no-aid provisions in our state constitution under Article VII, Section 11. And I think that has been discussed in previous rounds of debate. I lift it again because I do think it is distinguishable from a legal perspective. And I also want to note that another thing that is distinguishable from some of my colleagues' arguments otherwise is every dollar, every decision related to every dollar absolutely does have implications for other areas of our budget. So if we commit more dollars to economic development, that's less for healthcare. If we commit more to healthcare, that's less for infrastructure. They, they absolutely are interrelated even in-- at all levels of scope and size. So that, that does need-- those dots do need to be connected. That being said, different members can have different policy choices or priorities for how to utilize that, that same pot of resources. My contention-- and I think it's backed up when you look at the strong commitment Nebraskans have for their public schools, which they love and continue to support, and when they speak out in this Legislature on these and other issues, including the transformational funding that we've worked very hard together to provide to our schools and to lift up important resources for students with special needs, the one thing that's important to remember, in my perspective, is that Nebraska has a long and proud tradition of loving our public schools from our very founding forward, and that's because they educate the majority of our kids. And it was such an issue of tantamount importance that it's placed in our state constitution. When you look at--

**KELLY:** One minute.

**CONRAD:** --thank you, Mr. President-- in Article VII, Section 1, the very first component in regards to education-- and there's a whole section on education, including the non-aid provision-- it talks about the paramount importance of our public schools and how we fund them and the right of every student to receive access to a quality education, and that's what we have to keep in mind in terms of priority and hierarchy. I also would just like to note that, yes, schools have struggled in the pandemic and in the wake thereof, but Nebraska consistently ranks at the top of those lists we want to be at when it comes to student performance. So I believe that we can and should continue to lift up our public schools. And if other members choose to create other paths to a private education, that is their province. I am in principled disagreement with that, and I think there are policy, practical, and legal concerns. I'm grateful for our--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KELLY:** That's your time, Senator.

**CONRAD:** --teachers and for our hardworking school professionals. Thank you, Mr. President.

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

**SANDERS:** Thank you and good morning, Mr. President and colleagues. I stand in support of LB753. I want to say again, the Opportunity Scholarship Act is one of the best ways this state can support special needs education. I know we discussed this when we debated LB583, my TEEOSA bill on behalf of our Governor. Nebraska is making historical investments in special needs education, and LB753 will help. It is proven school choice policies help parents find the ideal learning environment for the unique needs of their child. A growing number of parents are finding out that the best place for their child with special needs is in private schools. Our public schools often do a wonderful job educating our children with special needs. It is vital for us to give parents a choice when their child would thrive better in a private school. Unfortunately, parents with limited financial resources have no choice. LB583 would change that. As I said on General File, I want to emphasize LB583 prioritizes supporting children. The bill creates a five-tier program to determine who should be prioritized for opportunity scholarships. Students whose households are below poverty and who have an individualized education plan, known as an IEP, are prioritized over all other first-time applicants for a scholarship with the exceptions of siblings of current recipients. I do want to mention the two private schools that operate in Nebraska solely for those, those in need, both schools-- Madonna in Omaha, Villa Marie in Waverly-- would qualify under this bill. So to close, I will support LB583-- LB753 as it will help low-income students and students with disabilities, that they find a school that they will not only thrive in, but succeed. Finally, we continue to hear that LB53-- LB753 will not take away money from public schools. To reiterate, this is not true. On the contrary, public schools would save money. I saw a great quote the other day from our neighboring state from the Iowa governor, Kim Reynolds, and she says, I, quote, Iowa will be, will be funding students, not systems. Iowa has stepped up and so should we. I yield the remaining of my time to Senator Justin Wayne. Thank you, Mr. President.

**KELLY:** Thank you, Senator Sanders. Senator Wayne, you have 2:15.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**WAYNE:** Thank you, Mr. President. Thank you, Senator Sanders. Ironically, somebody just tagged me in a tweet. I'm literally wearing the same outfit I wore on this debate. That's kind of, kind of embarrassing, didn't know that was going to happen. So we'll start with that. Colleagues, this year in this body, we are doing what I think is some transformational changes, particularly for areas of east Omaha, that has never been done before. And it's a multifaceted approach that Senator McKinney and I, if we haven't told you, thank you for this, and this is part of that. We are focusing on the economic development in LB531. We are working on criminal justice and, and some reentry reforms in LB50. Overall, with Senator Sanders' investment in \$30 million in OPS-- and now this bill is kind of like bringing up everything that we've already done and putting it all together by saying we are going to give parents the power and the ability to make a choice. When you add that multifaceted approach, that's how fundamental change happens in north Omaha and south Omaha.

**KELLY:** One minute.

**WAYNE:** You're providing parents with jobs. You're providing the school system with more money. But then you're also providing those parents who maybe feel that that public school isn't fitting for their kid an opportunity to go somewhere else. There are successes already happening in east Omaha when it comes to choice. There are schools, like Nelson Mandela, that are successful. We need to grow those type of successes by making sure that there is the funding streams to allow that to happen. That is our role. So this is just part of that. Don't be afraid of that. Get out of the political talk and look at the fundamental change we are making in this community. I support this because this multifaceted approach is what we're supposed to do down here to make sure that we raise the water and tides for everyone so we can all move forward and have a better Nebraska. Thank you, Mr. President.

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

**ALBRECHT:** Thank you, Mr. President. And good morning, colleagues. I rise in support of LB753 and against the recommit motion. Colleagues, I'd like to visit about how Nebraska compares to Florida. Florida families have been enjoying school choice for over 20 years, while Nebraska remains one of only two states in the country with no school choice policies to help families-- excuse me-- find their best educational fit for their children, regardless of income or zip code. This information that I'll share with you explores how students

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

perform in both states and how it's changed over time. So between 2003 and 2022, Nebraska's eighth-grade reading performance growth is minus seven. That puts Nebraska 38th in the United States. Florida and Arizona, both states with school choice programs that grew during those years, are in the top 10 for performance growth. During the same time, Florida closed their achievement gap between black and white students by minus 11 points, whereas Nebraska's gap grew by 2 points. Both states closed the gap between white and Hispanic students, but Florida's gap closed by much more. Today, Hispanic students in Florida are a full year and a half ahead of Hispanic students in Nebraska in eighth-grade reading: 265 to 240. Black students in Florida performed 11 points higher today, the rough equivalent of one year in school: 247 to 236. Florida's free and reduced eligible students gained seven points in eighth-grade reading during this time. Growth that puts Florida at number three in the country. Nebraska, free and reduced eligible students, lost five points, putting Nebraska in 37th place. At a time when Florida scores increased and surpassed Nebraska scores, particularly, particularly for historically disadvantaged groups, participation in the state's credits-- tax credit school program grew. Now, I'd also like to visit a little bit about the academic excellence in Nebraska private schools. Students attending K-12 nonpublic schools in Nebraska and nationwide have a record academic excellence even across various demographics. Peer-reviewed evaluations indicate that factors such as high graduation standards and consistent commitment from staff, not cherry-picking, are all likely causes of their success. Nonpublic school students in Nebraska consistently exceed the state's ACT average, including the most recent school year. So Nebraska's graduating seniors' ACT average, Nebraska for nonpublic schools is 23.2; state or public and nonpublic is 19.4, and Nebraska's public schools is 19. The Catholic Diocese seniors' ACT averages in 2022 were the Omaha Archdiocese at 24.5, Lincoln at 23.1, and Grand Island's at 22.9. The ACT readiness benchmarks with, with students meeting all four: Nebraska nonpublic schools is at 39 percent, state public and nonpublic is at 20 percent, and Nebraska public schools at 18. I think it's important to note the average amount, U.S. average for spending per students in 2020-- or 2002 was--

**KELLY:** One minute.

**ALBRECHT:** --was \$7,727, where total public in 2020 is \$15,771. I'd just like to stand in, in support of this bill because it does give parents a choice and children an opportunity. When you're in situations that you, you just don't know what else to do, you have to be able to have that choice. And when it comes to tax credits, if I have to pay in and I get half-- and I can get this tax credit to go

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

where, where I want my money to be spent, already I have to, to give my money to a lot of different entities in our state to, to continue to grow, whether it's NRDs, fire departments, schools, you know. Everybody has to pay whether you want to or not. But if this is a tax credit that you want to give to, just like if we want to give to, to pregnancy help centers throughout our state, if we get 33 votes and we're able to support this, that's the choice that people will--

**KELLY:** That's your time.

**ALBRECHT:** --have to spend their money the way they'd like. Thank you. Mr. President.

**KELLY:** Thank you, Sen-- thank you, Senator Albrecht. Senator Hughes, you're recognized to speak.

**HUGHES:** Thank you, Mr. President. I am not going to sit here and bash our Nebraska public schools. We have very good public schools in our state, and we-- it is something that we should be proud of. I was on school board prior to coming here-- especially after COVID, Nebraska schools were shut down, just like all the others across the nation, from March till May or June of 2020. But guess what we did in our state? We reopened. And our kids were there in person starting in the fall of that. We have done a good job. This bill provides just a different option for parents that want something that might work differently for their child. It's not-- it might be better for that child. It doesn't mean our public schools are bad. It's just different. One of my main concerns with LB753 was to prevent inadvertently creating a tax shelter where tax credits could go without corresponding growth and scholarships for low-income kids that they're intended to support. So with an amendment that we provided last round on Select, it requires that SGOs cannot carry more than 25 percent of its net revenue from one year to the next and that any amount carried forward has to be expended for educational scholarships. If these carry-forward dollars are not expended for scholarships within the SGO, they can transfer them to another SGO in need. And if the SGOs cannot utilize these funds, then the money is returned to the General Fund of the state of Nebraska. The other piece that we added in that amendment was additional information provided to the Legislature, the Legislature-- specifically, Appropriations, Education, and Revenue Committees-- on a biannual basis. The purpose of this enhanced reporting requirements is to provide future Legislatures with a greater ability to understand and evaluate this bill and whether it's working as intended, if it has any issues, or any changes need to be made. And some of the things that we're-- that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

are going to be reported include but are not limited to the review of the progress of the Opportunity Scholarships Act, the number of students currently waitlisted or denied from receiving an education scholarship and the reason for the waitlist or denial, the dollar amount of the education scholarships given by the SGOs, and the demographic information of students that receive these scholarships, including but not limited to income level, grade level, and geographic location. So we as the Legislature are going to monitor this program and make sure it's doing what is intended and not different than that. So thank you, and I yield the rest of my time.

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

**MOSER:** Good morning. Thank you, Mr. President. Well, this is round number three of the discussion of this bill. And public schools are great, but they're not the best fit for everybody. And a lot of us can afford private school tuition if our children want to go to a private school. My wife and I have three children and two of them went to parochial school and one went to a public school. And the schools were just a good fit for them. They all did well. On a side note, none of them live in my basement, so that's a good thing. And I just want that opportunity for people who can't afford to send their child to a private school if they feel that that's a good fit for them. So in order to qualify for this scholarship, you have to be low income or you have to be on free and reduced lunch. I think it's a wonderful thing. It doesn't take money from public schools. Public schools weren't going to get this money anyway. And I think it's kind of ironic to even bring up that argument when we're already giving public schools hundreds of millions of increased funding this year, as we should. As we should. We've, we've come up short in funding our public schools and that's why property taxes are so high. But if we wanted to help schools, we'd stop doing TIF because TIF gives hundreds of millions of dollars to developers that would otherwise go to schools. That's, that's a direct, that's a direct deduction from what money the schools could be getting. If TIF creates economic activity-- true, it's increased valuation, but it comes from economic activity that probably would have come-- would have gone someplace else. It just developed some property that was blighted and substandard. So-- and as far as the tax credit being 100 percent, the person who donates the money can only use that to offset tax that they owe. So they can't make money on it. The, the money is donated to an SGO and they're going to decide who and what school gets that tuition money. You know, I think it's a great program. I admire Senator Linehan for bringing this back and for her tenacity and trying to make this work. In my

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

district, the public schools-- well, in Columbus I'll, I'll say, I'm not going to say the whole district because I don't have the figures for that. But in Columbus, we have 5,000 students in the public system and we have 1,400 students in parochial schools. There's Catholic schools, Lutheran schools, Baptist schools, nondenominational Christian school. If those 1,400 students went to a public school, that's 30 percent of the load that they current have. And the city of Columbus School District is already landlocked. So they get TEEOSA. And without these private schools, they would have more needs. They'd have the same assets, resources, and so their TEEOSA would go way up. They might have more TEEOSA than anybody in the state. I don't know. You'd have to do the math. But it's a complicated problem. I think we're way behind the curve. Other states have already passed bills like this--

**KELLY:** One minute.

**MOSER:** --and I think we should. I support LB753. Thank you.

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

**BOSTELMAN:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I stand opposed to the recommit motion. I do support LB753. A couple things. I'm not going to reiterate what many have already said on the mike. I, I do agree with Senator Wayne that this is significant legislation that we're doing as a package for public schools and private schools both, significant changes we're doing in funding and, and providing funds to our public schools. As Senator Moser says this does not take away tax-- any tax funds from our public schools. But what I come down to many times as I talk to superintendents and teachers and others across in my district is this is about children. This is about children. If there is a child in a school who, for whatever reason, is not able to perform to their learning ability, if they're not able to learn, for whatever reason that might be, and there's another school that they know that they can do better, that other school may provide them the instruction, the teaching, the one on one, or what it might be, to help that student reach their potential and that happens to be a private school-- what this bill does, if they can't afford it, gives that family that ability to send that student to that school, to give that student that opportunity to learn at their full potential, to give them the opportunity in life to grow and do as much as they can through education. I think that's what we all want and I think-- and I know that is the intent of this. I know that that's what we all want as

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

teachers, as parents, as grandparents. I do fully support LB753. And I yield the rest of my time to Senator Linehan. Thank you.

**KELLY:** Senator-- thank you, Senator. Senator Linehan, you have 2:55.

**LINEHAN:** Thank you, Mr. President. And thank you, Senator Bostelman. And thank you for your statements just now. I do-- I want to thank everybody in here, everybody on the floor, all the senators who have helped me, not just on this bill, but my whole time I have been in the Legislature. Special shout-out to my class and, and Senator Clements, who's got-- dropped in on this, a little bit behind us but pretty close. This is a huge group effort. And I don't know how many times I'm going to have a chance to speak, so I'm going to do some thank-yous to all of you, to the Governor and his support and his team, and to all the people that have worked on this for years. There's really no way to explain how much I appreciate everyone. Senator Wayne, he and I came in together. The first time I met him was at a school choice event in, I think it was at the-- it was in a museum downtown, first time I met him. He was just as funny as he is today. I-- one of the things I did want to respond to, Senator Raybould-- and I did talk to her off the mike on this-- it is true with the map that she handed out that there are several counties that don't have private schools. But just like when you go west of here, you have all kinds of-- well, there's several counties in the panhandle that only have one public school. You go west of here, there are-- several students have to cross county lines. I crossed county lines when I went to public school. That's very normal in greater Nebraska. So on my staff-- and I should thank my staff too because they worked very hard on this. Ryan, on my staff-- without any direction from me, frankly-- put together a whole--

**KELLY:** One minute.

**LINEHAN:** --group of where there's public schools and where the kids go. And he's got the map, so there-- he'd be glad to share with you. There are only four counties in the state of Nebraska, four, that don't have children in private schools. So when we say there's no options out in rural Nebraska, that's just not true. O'Neill, Nebraska-- well, Senator Briese, my good friend and partner on Education and Revenue, I think he's got a couple. Elgin, Nebraska, I think about half the kids are in public school and half the kids are in private school. And then I don't think Humphrey is any longer in his district, but Humphrey is the same situation. O'Neill, Nebraska, North Platte Catholic-- we have a lot of options for schools across

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

the state. And, again, I appreciate all your help. I appreciate all the people that are-- the list is way too long for me to mention.

**KELLY:** That's your time, Senator.

**LINEHAN:** Thank you, Mr. President.

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

**AGUILAR:** Thank you, Mr. President. Good morning, members. Good morning, Nebraska. I've been a cosponsor of LB753 since I came back to the Legislature and been right along beside Senator Linehan in trying to get this accomplished. Now is the time to get it done. One of the things I want to talk about is, during that time, I had public school representatives come to me and tell me how unfair this was because the parochial schools did not accept special ed children. So I went back to the parochial, parochial schools and asked that question. The superintendent said, that's simply not true, Senator, and then proceeded to show me the list of the special ed kids they had on-- in attendance. And it was significant. One of the other things I'd like to discuss is, before I came back to the Legislature, I spent 10 years in a private school and 10 years in a public school, and it was pretty obvious who was at, who was at a funding disadvantage. So there is no reason why you can say this is not a fair situation. Thank you, Mr. President. I yield the balance of my time to Senator Justin Wayne.

**KELLY:** Thank you, Senator Aguilar. Senator Wayne, you have 3:25.

**WAYNE:** Thank you. Colleagues, this is a bill that I just don't understand how-- why the politics is the way it is. When I was first on the school board, I was against any, any kind of school choice. Didn't matter. And the deal was, for me, I had the ability as a school board member to move the needle on Omaha Public Schools. We came down here for two years in a row and we finally shrunk the school board. I thought it was too "encumbersome" to have 12 people on the school board. We shrunk it to nine. We came out with our first-ever strategic plan and needs analysis where we had people come in and do over 2,000 visits in classrooms. That needs analysis showed a lot of gaps that we had to fill. And as I began looking through that needs analysis-- and you can still find it from 2013-- the fact of the matter is, is the system. And it's just not OPS. It's across the state. It's sometimes too big to move and too, too big to be nimble enough to work with the families and be there for the families. So some of the kids I coached, I used to always quote Malcolm X-- but it was actually Frederick

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

Douglass, but Malcolm X who made it famous-- Education is the passport to the future, for tomorrow belongs to the people who prepare for it today. And that was kind of my big thing that I always pushed on my kids that I coached, education, education. Doesn't mean four-year college, but education. Get your basics. And one of them decided they wanted to go to a private school. They couldn't, they couldn't do it. Our organization held a couple fish fries, a couple car washes. We raised them. He was able to go to a school, a private school. Cost a lot of money. That fundamentally changed that kid's life. We removed him from a public school and put him there. I know because the kid damn near lived with me. And at that point, even when I was on the school board, I began questioning how, how do we not allow a parent to make that choice just based off of income. And it wasn't till this young man came back to me and said, if you think education is the passport to the future--

**KELLY:** One minute.

**WAYNE:** --then why is it that every parent, regardless of income, shouldn't be able to give their kid the best passport or a passport? And that's where we started having some hard conversations on the school board. And one year we came down neutral on a school choice bill because people on that school board started figuring out that might not be the only choice. But I'll never forget that. That parent couldn't do it and they had a community come around and put that kid who is not-- no longer living in Nebraska. He's living in California doing extremely well. I think now he's in Utah. But I'll never forget that. Why shouldn't every parent have that same opportunity? And why should that only be limited by income? If we truly care about the kids and we talk about it's for their kids, we ha-- we have to make sure--

**KELLY:** That's your time, Senator.

**WAYNE:** --thank-- oh, I was getting to a great ending. Thank you, Mr. President.

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

**JACOBSON:** Thank you, Mr. President. Let me first begin by following up a little bit on Senator Hughes's comments about public schools. I'm a product of public schools. My children went to public school. I'm really fortunate living where I do in District 42. We have 10 public schools that are domiciled within the district, and virtually every one of them are, are performing at the highest levels in the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

At-a-Glance ratings. And so I'm proud of what the public schools are doing in District 42. But this bill is not really about public schools. This, this bill, in my mind, is what Senator Wayne's talked about and what Senator Linehan's talked about, and it's about giving kids of lesser means an opportunity, an opportunity to have the best fit for them. We've had option enrollment for quite some time. I look at where we're at with North Platte Public and I look at the small schools that are around North Platte Public and there's a huge amount of net option enrollment students at Hershey, at, at Maxwell, at Brady. I, I also have at my school district, the smallest school district in the nation, McPherson County School at, at Tryon that has just over 50 students. I can tell you that parents, because of net option program or an option enrollment, allow them to put their kids in the school where it's the best fit. I believe that parochial schools and private schools play a role in student choice, and that's why I'm supportive of LB753. We've heard a lot of talk about this is for wealthy people. Well, what this is about, if we really unpack that, is it's people of means or some means being able to contribute to those who don't have means to be able to enroll in these schools. I'm not sure there's anything morally wrong with that. If we have people who are willing to contribute-- yes, get a tax credit, so that they can help disadvantaged students have choice where they can be in the best fit-- we've talked a lot about children. We've talked about wanting to support children. Getting children a quality education that fits for them should be one of the highest priorities here, and this will help make that happen. 48 other states can't be wrong that this is part of the mix. It's not a-- it's not an exchange for the public system at all. I can tell you that what the-- the private schools in North Platte itself, there are multiple schools, parochial and private, that operate fairly successfully-- two of them very successfully. But I just think this comes down to what's the right place for every kid to excel in what they're doing and be productive citizens and be the best that they can be. I will also tell you that I worked with-- early on, I think Senator Linehan was overly unhappy with me. I had some concerns about whether there could be some double-dipping in this, and Senator Linehan worked with me to make those changes in the bill. I know that Senator Hughes, Senator DeKay, Senator Brandt, and I worked together on creating some amendments to this, which Senator Linehan worked with us on that creates the reportability and so on to be able to make this program not only a good program out of the gate but that we can see that there's accountability as we move forward. So people that are concerned about accountability, we do have that piece covered, and I think--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KELLY:** One minute.

**JACOBSON:** --it's a great first step. So I'm, I'm, I'm very supportive of what we're doing here. This, again, is not about take-- throwing shots at public schools. This is about giving every student in the state of Nebraska, whether they have the means to go to private school or not, an opportunity to where they could and get into the right fit. And I was going to give-- yield time to Senator Linehan, but I don't think she wants 0:25, so I'm going to yield the remainder of my time to the Chair. Thank you.

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

**LIPPINCOTT:** Thank you, sir. During my campaign, I knocked on over 6,000 doors in my area. And by far the number one concern that people had was, what's going on in schools? And they watch the evening news and they see children being taught things that they don't want, and so there's an accountability issue. Now, first, I like to always tell people when talking about this subject that, if all the schools in the state were like the ones in my district-- Aurora, Central City, Palmer, Silver Creek, Northwest High School in Grand Island, Central City-- the world would be a wonderful place because they truly are good schools. I've spoken with all the superintendents and they do it right, and I'm grateful for that. But the underlying principle is that competition's always a great thing. I remember listening to Caspar Weinberger, the former Secretary of Defense for Ronald Reagan, and he said this. He said: Competition is a good thing. And it is because with competition, you keep costs low and quality high. And when you have a monopoly, oftentimes you find that cost is high, and quality not so much. Looking at the, at the numbers here in Nebraska-- and these are current Nebraska numbers-- to send one child through public school, it costs \$1,000 a month-- 12 months, \$12,000 per child, public school. Fact. For private schools here in Nebraska, that figure is \$3,700 per student per year. So \$12,000 public school, private school, \$3,700. And if you homeschool the child, it's \$1,000 a month. And I figured out on my calculator that \$1,000 is less than \$12,000. So anyway, that's something to look at. And regarding test scores: homeschooled, they're number one; private schools, number two; and then you've got public schools. As a matter of fact, and I've looked on the Internet and I've searched around, you will never find that spending more money for education results in a better product. Can't find it because it doesn't, it-- it's not a fact. Take, for instance, our state budget-- I'm on the Appropriations Committee, I was really shocked when I started doing research for running for office that the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

University of Nebraska-- well, actually, education in general here in the state of Nebraska takes up 38 percent of our budget. I was shocked. The University of Neb-- now, again, our budget for the whole state of Nebraska is \$5.1 billion. The budget for the University of Nebraska alone is \$2.8 billion. It's quite a bit. Now, not all of that is tax money. Obviously, you've got tuition. But the state of Nebraska pays the University of Nebraska \$600 million-- your state money-- and \$600 million of your federal tax money. That's a lot. The university and other schools around the country, their tuition has increased, on average, 8 percent per year, which means it doubles in nine years. That's eight times faster than wages.

**KELLY:** One minute.

**LIPPINCOTT:** That's quite a bit. I wanted to just look practically at a school, Central City, the school I graduated from. And with this bill, LB753, currently, the budget for the schools in Central City is \$10 million a year. Right now, they get \$120,000 of state aid. \$120,000. With LB753, they'll get \$2 million. Big difference between \$2 million and \$120,000. I support LB753. I will-- I believe it will boost public schools and private schools here in the state of Nebraska. Thank you, sir.

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

**ERDMAN:** Thank you, Mr. President. And good morning. I listened to the debate this morning. I appreciate what Senator Wayne had to say. I appreciate Senator Linehan bringing this bill. It's a great start. OK. And I say that in this regard: I introduced a bill this year on school choice. We called it My Student, My Choice Act. That school-choice bill would be 55 percent of what it would cost to educate a student, a student in the state of Nebraska into an education savings account. And you say, how much is that? It's about \$7,700 per student. Very similar to what Iowa has done. That fiscal note would be nearly \$3 billion. That gives everyone a choice. Now, Senator Linehan has designated this to help those that can't afford private education or another option than government schools. And I appreciate that. And I'm going to vote for this. But as I said, it's a great start. And so if you want to look up LB177, that will describe for you what I'm talking about when I introduce that bill. Senator Jacobson mentioned about North Platte Public Schools, so I looked it up in the students-- or Schools at a Glance, which Senator Hardin spoke about, North Platte has zero option students. No students are optioning into North Platte greater than the number that are leaving. My guess is that the 155 students that option into Hershey are from North Platte. And Paxton--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

or, excuse me-- Maxwell has 180 students optioning in. I would assume those came-- majority came from North Platte as well. The point is these people have an option now to go to another school besides the government school that's in their district, and they're doing that. So why don't we give people an option to go to a school that fits their needs? And that's what this bill does. And I'll be voting for LB753. I will yield the remainder of my time to Senator Linehan. Thank you.

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

**ERDMAN:** I yielded my time to Senator Linehan.

**KELLY:** Excuse me. Sorry, Senator. Senator Linehan, you have 4:54.

**LINEHAN:** Thank you, Mr. President. I want to go back to-- thank you, Senator Erdman-- Senator Lippincott. Is Senator Lippincott still on the floor? And I didn't give him a heads-up, so that's really not fair. I'm sorry. I have four grandchildren in his-- live in his district, and they are at Aurora Public Schools. And I would agree with him. My-- more importantly, my daughter-in-law loves Aurora Public Schools. They are amazing. And Aurora is just kind of an amazing community. And I know there's communities like that all across Nebraska and they have great public schools, but this is about where that's not the situation. And it can even be a great situation for some children and not for another child. I have-- and I-- you've all heard the story. Well, maybe not all the freshmen have, but I've told it. When my children were small, we lived in a school district. Great school district. People were building houses in the school district, moving there, but it didn't answer one of my children's needs. So we did what people with means can do, we went school shopping. Literally drove around Douglas County talking to superintendents and principals of schools. And we moved from one school district to the next. And then all of my children went through elementary school in that school. And then in high school, one stayed in public school because that was the best option for them. And then the others went to private high schools. They're all doing very well. It-- I had those options. None of my grandchildren will qual-- well, incomewise would qualify for this bill, and I don't think any of them are looking at a private option yet. They're all little. None of them are in high school yet.

**KELLY:** One minute.

**LINEHAN:** But I don't understand how any of us can say that it's OK for people who can afford-- where I live, Elkhorn, people are paying

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

\$100,000 for a lot. Not, not the house, for the lot, so they can be in the Elkhorn School District. That needs to tell us something about how fair or unfair it is when you have a child-- or a child that's getting bullied and you don't have an option to take them somewhere else. It's just-- we need to do this, folks. I appreciate it. Thank you.

**KELLY:** Thank you, Senator Linehan. Senator Fredrickson has some guests in the north balcony: 45 fourth-graders from Oak Valley Elementary in Omaha. Please stand and be recognized by your Nebraska Legislature. Senator McDonnell, you're recognized to speak.

**McDONNELL:** Thank you, Mr. President. Good morning, colleagues. I rise in support of LB753. And thinking back to 2017, one of the first discussions I had with Senator Linehan was about reading and kids that, up to the third grade you learn to read; after that, you read to learn. And she had statistics about all the kids in the state and, and what happens if, if you don't-- aren't successful at that point and what we could do to try to fix that. How do we help those kids? That's what it was, it was focused on. And it still is focused on that. If you look at, at Senator Linehan and the bills she's brought in the last seven years and the work she's done on this, we, we can look at, for example, I-- my-- LD 5 is in OPS. And I have family members that teach at OPS. I think they do a great job and I'm, I'm proud of their, their service. And if you look at going through OPS and there's kids that aren't successful, there's some kids that are suspended and then, then expelled and they're no longer part of OPS. So where-- you ask yourself, where do those kids, those kids go? Well, one, one place they go is, is the Street School. And you look at approximately 90 percent of the kids that are in the Street School have been expelled and about 90 percent of those kids are being-- they're finding success there. They are, they are graduating. So those are the kids that, you know, didn't work out for them. But then you look at the stats right now over the last 10 years, 12 years, and look at maybe the averages-- and you can take out COVID-- but look at just the normal kid going through school and he's in high school and, and not finding success, and you're averaging about 75 percent of those kids that are, are graduating. So they're finding success in, for example, OPS. But what about the other 25 percent that it wasn't the right fit for, it didn't work out for them? So now we know we have kids that are, again, suspended, expelled-- which, I'm not saying they didn't deserve at that moment in time, to be expelled. But without a high school education, we can start talking about our incarceration rate. We can talk about how many kids that, at that moment in, in their life, couldn't find a path to success either through, for example, OPS or through having the option to go to another school that was private

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

and, and then their life turned and they had not the skill level and some bad decision-making. And that, that, that came together, and now they are incarcerated for a crime that, that, that they committed. And, and talking about making that change and having-- giving kids the best opportunity to be the best version of themselves and removing those unfair hurdles, I believe that's part of our job as, as government. You know, they're going to-- every person has to run their race. But there is definitely some unfair hurdles here, and right now through education. It's not the public schools. This bill isn't anti-public school. It's just not. You know, the emails that want to come in and, and the people that want to call and, and say we're going to destroy public school, that's not the case. And we are actually celebrating public school on what they do and the success rate they've had with a number of kids. But also we're looking out for those kids that were not successful in that setting and what kind of options can we give them going forward to be the best version of themselves and, and find success. And that's what Senator Linehan's trying to do. That's what she's tried to do since 2017 when she entered this body. And it's always been about trying to help kids, all kids, and-- no matter what level they were, they were at, but also those, those kids in public schools and, and private schools. I would yield the remainder of my time to Senator Wayne.

**KELLY:** Senator Linehan, that's 1:04. Senator Wayne, 1:00.

**WAYNE:** Thank you, Mr. President. Thank you, Senator McDonnell. Again, colleagues, I think Senator McDonnell just made a great point. My, my goal is I know we're probably not going to change the majority of people's minds one way or another on this bill, but I'm hoping at least one or two will see that this is not a anti-public school bill. This is a pro-parent bill. This is a bill that gives parents an option that helps them give their kid a passport. The passport we all talk about every kid should have an opportunity to get, that parents should have some control over where they put their kid at. This gives them a choice. When you look at east Omaha-- and that's where I'm focused on. I can't really speak to the rest of the state and how the state deals with theirs. But when you look at the success rate that some of the schools that are having, that--

**KELLY:** That's your time, Senator.

**WAYNE:** Oh, thank you.

**KELLY:** Thank you, Senator Wayne. Senator von Gillern, you're next to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**von GILLERN:** Thank you, Mr. President, colleagues, and Nebraskans. I'm going to go completely off script, which is a little bit dangerous. And Senator Wayne don't wander off too far because I want to yield you some time when I'm done. I think it's just-- I-- it's very compelling as I look up in the balcony today and I see the kids up there and-- I'm grateful that they're here. I saw-- we just had a new group that come in-- that, that came in that I'm sure will be introduced shortly. And judging by their uniforms, I think it's safe to say that we have kids representing both sides of the conversation in the balcony today. And I challenge my colleagues to look up in the balcony and look in the faces of any one of those kids and say that we don't want to give each one of them the absolute best opportunity for their education that is possible. And if that means sacrificing certain things along the way, then that's fantastic. But, but one of the things we are-- absolutely are not sacrificing is anything to do with funding for public schools. And I do want to hit just on one, one of my comments that I had planned on saying, and that is, to say that this bill takes money from public schools is the same as saying that every dollar spent on roads, bridges, hospitals, feeding the hungry, clothing the naked, sheltering the homeless and funding our public service-- public servants and first responders is also taking money away from public schools, and that is completely false. That is a narrative that is false. It's not true. That makes it a lie by definition. And I'm tired of hearing it. So let's stop saying that. This is not about public versus private schools. It's about finding the best scenario for every child, for every family, for every situation, for every need, talent, handicap, and skill set. And with that, I yield the remainder of my time to Senator Wayne, who will now-- no, you don't want your time-- don't want my time. OK. Then I'll fill in a few more blanks. Thought you had something compelling that you had left to share. I did want to share that I, I have appreciated Senator Wayne's and Senator McKinney's comments in recent weeks about the-- what we can and should be doing for prison populations. And it occurs to me that the two greatest things that we can do to impact prison populations in a positive way is before the crime is committed, and those two things are positively impacting home life and education. Home life is difficult for this body to, to impact to a great degree, but I think this Legislature has done a great job of funding different programs and ensuring that we do everything we can to create a good home life, particularly for kids that are in challenging situations. But we can do a lot to impact education, and this bill can and will do that. I don't know how we can look in the mirror and stand in the way of any child reaching their maximum potential. I don't want to stand in the way of families and kids in the 100 percent poverty level, which,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

again, is the first level of recipients of the scholarship; don't stand in the way of families who qualify for free or reduced lunch program, the second tier of the scholarship; and certainly don't stand in the way of deployed military families, who are the third level of recipients of these scholarship, scholarships. Those who have made extreme financial sacrifices and-- let's not forget-- have offered their lives for the ultimate sacrifice on behalf of each one of us. Those kids should have every benefit offered to them and if they receive a scholarship for school choice, it's still not enough to show our gratitude to them and their families. With that, I yield the remainder of my time to the Chair. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Linehan has guests in the north balcony: 36 fourth graders from St. John's School in Lincoln, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Dover, you are recognized to speak.

**DOVER:** Thank you, Mr. President. I won't repeat what others have said. They've all done a good-- a great job. I will just talk about my personal experiences. We were told that, with time and money, public schools would get better. In 1977, [INAUDIBLE] from north Omaha. Well, 46 later-- excuse me-- 46 years later, the schools are in worse shape. What are we to do? Wait another half of a century for schools in north Omaha to get better? Recently, I was talking to a kid who works at the Marriott, driving a van on the weekends. We talked and he said he was attending Creighton University. He was an impressive kid. I asked him where he was from. He said, north Omaha. I asked him where he went to school. He said he went to a Catholic school-- told me the name-- I can't remember it-- as his mom could afford to send him. I asked him about his neighborhood friends. What was their story? His face froze. He looked down and he told me, my friends will never have the life I have. Their moms couldn't afford to send them to Catholic school. We need to give these kids a chance to live up to their full potential. Please vote green on LB73-- LB753-- sorry. And I yield the rest of my time to Senator Linehan.

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

**LINEHAN:** Thank you, Mr. President. We're coming up pretty close to cloture. I believe it's at 11:19. So when I was up before one of the people I forgot to thank-- and I owe him a great deal-- is Speaker Arch. Speaker Arch, I think when he gets done with this session-- which is his-- his first session as Speaker and not a normal session, any stretch of the imagination-- he will probably be able to write a very short, often stressful but sometimes very humorous, book about

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

his experiences as his first year as the Speaker. And I won't always be the superstar in that book because he's had my moments, my irritation and my stress and-- but he's always remained calm, so I really appreciate it. I wondered-- is Senator Armendariz-- I did not give her a heads-up, but if Senator Armendariz would yield to a question. It's easy.

**KELLY:** Senator Armendariz, would you yield to a question?

**ARMENDARIZ:** Yes.

**LINEHAN:** Senator Armendariz, I think you were up earlier and you were a little short on time, but you were talking about how this bill might have affected you. Could you expand on that, please?

**ARMENDARIZ:** Yes. So I was one of those students, grew up in a low socioeconomic environment in north Omaha-- actually, actually in Senator McKinney's district-- one of the poorest zip codes in the entire state. We did not have a choice of what school to go to. And I know I spoke on the mike before. This was during bussing, when bussing was implemented, so I had even less restriction. Since I was in north Omaha and I, I was kind of a minority in, in north Omaha, they took the assumption that we need to keep the white people in north Omaha. So I had even more of a limited choice. I had really good friends who were, who were minorities that got way broader of choice of schools than I did because they were trying to expose them to different high schools. I only had the choice of an inner-city school in my neighborhood. So this might have given me another--

**KELLY:** One minute.

**ARMENDARIZ:** --option for a private school. We didn't have the means to have that option.

**LINEHAN:** Thank you, Senator Armendariz. I appreciate that very much. And I know I've talked to you-- well, since you were running for the Legislature. And your heart's all in on this, and I appreciate that very much. Thank you, Mr. President.

**KELLY:** Thank you, Senator Linehan. Senator Lowe, you are recognized to speak.

**LOWE:** Thank you, Lieutenant Governor. I'm-- I am also not going to trash our public schools. I went to Kearney Public Schools. We had a great education. Kearney, Kearney does a good job with their education, and I'm proud of the job that they did. Don't fault them

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

the way I turned out. Some of this might be a personal choice of mine. My father, though, would not have sent me to a parochial school because, in his mind, we had already paid for public school. And why should we have to pay twice? That's not an option with some of those people, people from the lower socioeconomic ladder, they don't have a choice. My father had a choice. He chose not to. Because I came from Kearney and we had a great public school system doesn't mean that all public schools are equal, the same as none of us are equal. And yet we have a choice. We need to allow our children and our families to have that same choice. We need our children to have the best education that they can get, no matter where that is. I want Nebraska to be at the top of the education charts. We have the teachers. We have the schools. We have the children. We need to make that so. With that, I yield the rest of my time to Senator Murman. I yield my time to Senator Murman.

**KELLY:** Senator Murman, you have 2:45.

**MURMAN:** Thank you very much, Senator Lowe. Appreciate that. I was kind of slow getting into the queue and I wanted to, at least, make a few comments as Education Chair. I've worked with Senator Linehan for-- ever since I've been in the Legislature on this school choice bill. And glad that we were able to advance it out of the Education Committee. And our hope is this year we'll have-- and I think it's very likely we'll have more success on the floor this year. It's been mentioned that so many counties in the state, over 50 percent, don't have a public school in the county. The district I represent does-- is very limited on a number of public schools in the district. However, it's also been mentioned that in greater Nebraska, especially the western two-thirds or so of the state, it's not uncommon at all to cross county borders to attend school. So there are several private schools close to the district in surrounding counties very close. And actually, just in the last two years, there's two schools, one in the district and one just outside the district, K-- actually, K-12 schools that are starting up, private schools that are starting up. So I do--

**KELLY:** One minute.

**MURMAN:** --appreciate what public schools do for the education in our state. I do agree that we have very good public schools in the state of Nebraska, especially compared to the rest of the nation. Sometimes the barriers that are sent our way from the federal level to our schools are not helpful. And because of the family situations, it-- we do want to support families. I do think families have the ultimate decision as to the best way that their kids are educated. Sometimes

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

it's because, you know, lack of control in the classroom in a certain school or just the teachings or moral guidance in that school aren't conducive to what the family desires. So I appreciate having another choice, especially those families that are of limited means for another school to go.

**KELLY:** That's your time.

**MURMAN:** Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. And, colleagues, I rise again in opposition to LB753. And I think we're getting pretty close to the end here. But I just wanted to rise and make a couple of more points before we get to a vote here on cloture. So Senator Murman was just speaking about some of the reasons that he believes that we should be moving away from public schools or allowing for opportunities to get out of public schools. And he was talking about needing more moral guidance or, or the teachings that are in public schools that people may not agree with. If families disagree with what's being taught in public schools, I think they're more than welcome to go to schools that maybe better fit their particular beliefs and their particular belief systems. And if a family wants to ensure that their students-- or their kids, rather-- are being raised with some sort of religious upbringing in their education, I think that's perfectly fine. I think that's a perfectly valid position to have. And we have institutions in Nebraska that are sprinkled throughout the state that allow people to go to those kind of educational institutions and learn those things. What I don't think is appropriate, however, is the utilization of public dollars for that kind of education. And I know this is a fundamental disagreement between people who are voting for these kind of, these kind of structures and, and those who are opposed to them. But it is my genuine belief that what we are doing with LB753 is we are appropriating state dollars to private institutions. And people say, well, how could that possibly be? How could we be appropriating something if what we're talking about is a tax credit? Well, first of all, I want to be clear that this is a dollar-for-dollar tax credit. So these are tax credits being given up to a certain amount that people can be reimbursed, reimbursed for completely. And the fact that it is a direct tax credit effectively means that that is revenue that is foregone for the purposes of the state to utilize for the General Fund. The Supreme Court has defined an appropriation essentially as an amount of money that is set aside for a specific purpose. We've been

spending the last week and a half talking about this budget, talking about our green sheets. And what we know is that, in the budget, there is \$25 million that is specifically set aside for the purposes of the LB753 tax credit fund. What that means is that's \$25 million-- ultimately, it's going to grow to more-- but that's \$25 million that cannot be touched for other purposes. So that is a specific amount of money that is being set aside for a specific purpose and allocated for that specific purpose. It is revenue that otherwise we would be receiving and putting in the General Fund. And so I do believe under a strict reading-- and even a plain reading-- of the definition of an appropriation, this \$25 million that ultimately will balloon to \$100 million is an appropriation. So the next question is, is it going to a private institution or is it going to a student? And we keep hearing this is for the kids. This is for the kids. Well, what we know is that this money is being allocated to a specific institution through the Scholarship Granting Organization. It's not like we're giving every student who wants to go to a private school \$10,000, put it in their backpack, and they get to walk around and spend it at whatever school they want. This money that they're getting is to go to a specific institution. Now, granted, it's not specifying which institution they can and can't go to, but the fact that they can only use it to a specific institution that they're being given a scholarship to means that that money is, through this sort of funnel, going to a specific institution from the Scholarship Granting Organization as opposed to a particular student's backpack or pocket or whatever analogy you want to use. So given the fact that we have this appropriation of now \$25 million-- ultimately up to \$100 million per year that is going to private institutions-- we're finding ourselves in a situation where I do believe we're running afoul of the constitutional provision that says we're not allowed to give public funds to private schools. That is one of my fundamental concerns about this legislation. And in addition to that, colleagues, I do have concerns that, if we pass this legislation, we're going to find ourselves in a situation down the road through an amalgamation of issues that we're going to run into--

**KELLY:** One minute.

**DUNGAN:** --thank you, Mr. President-- with a lack of revenue, where we're going to be facing down the barrel of cutting services. And we saw what happened in Kansas. We saw what happened when services had to be cut. Schools are on the chopping block. And when we can't pay our teachers and we can't buy books and we can't support even our administrators in the schools to continue to provide high-quality education, it makes our state worse. As I started this whole day off saying our schools are what make Nebraska what it is, people who left

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

here move back with their families to raise their kids because our schools are so good. And so I don't believe we should be doing anything that could undermine that. And I do have genuine and legitimate concerns that LB753 is going to put us in a worse position down the road. I appreciate everybody's work on this. I appreciate the debate we've had today, but I would encourage my colleagues to vote no on LB753. Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Mr. Clerk, you have a motion on your desk.

**CLERK:** I do, Mr. President, Senator Linehan would move to invoke cloture on LB753 pursuant to Rule 7, Section 10.

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

**LINEHAN:** Call of the house, a roll call vote in reverse order.

**KELLY:** We're on Final Reading. Senators, please return to your seats. Members, the question is the motion to invoke cloture. Roll call vote, reverse order was the request. Mr. Clerk.

**CLERK:** Senator Wishart voting no. Senator Wayne voting yes. Senator Walz not voting. Senator von Gillern voting yes. Senator Vargas not voting. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould voting no. Senator Murman voting yes. Senator Moser voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn not voting. Senator DeKay voting yes. Senator DeBoer voting no. Senator Day not voting. Senator Conrad voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt not voting. Senator Bostelman voting yes. Senator Bostar voting no. Senator Bosn voting yes. Senator Blood voting no. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. Vote is 33 ayes, 11 nays, Mr. President, to invoke cloture.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KELLY:** Cloture is invoked. Members, the next vote is the motion to recommit. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 7 ayes, 35 nays to recommit the bill, Mr. President.

**KELLY:** The motion fails. The next vote is the motion-- is the vote to dispense with the reading at large. All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

**CLERK:** 41 ayes, 2 nays to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title of the bill.

**CLERK:** [Read title of LB753.]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB753 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Bosn, Bostelman, Brewer, Briese, Clements, DeKay, Dover, Erdman, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Wayne. Voting no: Senators Blood, Bostar, Cavanaugh, Cavanaugh, Conrad, DeBoer, Dungan, Fredrickson, Hunt, Raybould, Wishart. Not voting: Senators Brandt, Day, Dorn, Vargas, and Walz. The vote is 33 ayes, 11 nays, 5 present, not voting, Mr. President.

**KELLY:** LB753 passes. Mr. Clerk, next item on the agenda.

**CLERK:** Mr. President, some items quickly: new LRs. From Senator McDonnell, LR261; Senator Erdman, LR262; Senator Vargas, LR263; Senator Vargas LR264 and LR265 as well; and LR266 from Senator Brandt; and LR267 from Senator DeKay-- all of which will be laid over. Next item on the agenda, Mr. President, still on Final Reading, engrossed LB753A.

**KELLY:** Members, please return to your seats for Final Reading. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB753. Mr. Clerk for a motion.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**CLERK:** Mr. President, Senator Wayne would move to recommit the bill to committee, LB753 [SIC--LB753A].

**KELLY:** Senator--

**CLERK:** Excuse me. My apologies. Senator Wayne would move to return to Select File for a specific amendment, that being to strike the enacting clause.

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

**WAYNE:** Thank you, Mr. President. Colleagues, this is not about LB753A. This is about the next bill. We have an amendment drafting. So if I can get to lunch, it will give me another hour to get the amendment down here, so. Senator Hansen, will you yield to a question?

**KELLY:** Senator Hansen, would you yield to a question?

**HANSEN:** Yes.

**WAYNE:** Can you explain to me your helmet law bill?

**HANSEN:** Oh, jeez. Yes. OK. So, thank you for that, Senator Wayne. So basically, my-- the helmet law bill that I introduced this year that I prioritized would alter our existing current helmet law to include those 21 years and above-- get my numbers right here-- not prepared for this-- to have the option to wear a helmet when riding a motorcycle. They would have-- there is other provisions in the bill that would require them to fulfill other things, such as having eye protection or a windshield to prevent anything happening with the eyes during riding. But this would-- and then also they would be required to take a class, a motorcycle safety class. That is something that a lot of other states have not done. And so Nebraska is one of the last states, especially in the Midwest, to have a, a, a full helmet law while all the states around us have altered theirs to typically 19 years and younger with [INAUDIBLE] other provisions. So ours would be one of the most conservative versions of the helmet law in the country. And this would then allow those who ride a motorcycle to have the freedom to-- or, the option to wear a helmet or not. I personally would wear one. I would encourage everybody else to wear one. But this comes down to the liberty to be able to wear one based on your own personal preference. And when it comes to-- and, again, like I mentioned before, I never-- Mr. President, can I get a gavel, please? I don't know. I've always wanted to say that-- just all right. This would also-- when we talk about tourism in the state of Nebraska, something-- again, I never like to encourage or talk about making a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

law or getting rid of a law based on the financial interest of what would happen, but I feel we would see a significant increase in tourism in the state of Nebraska. And anybody, especially out in western Nebraska, knows motorcycle riders, especially in western Nebraska, go around the state of Nebraska, especially during Sturgis times or even those cross-country riders. I can always elaborate more on this later, but I'll yield the rest of my time back to Senator Wayne.

**WAYNE:** Thank you. In that short pause, what we're going to do for LB50 is with-- working with the Speaker is we're going to go ahead and vote on this so we don't have to vote-- burn a, a half hour and then go to another bill and then come back after lunch and deal with LB50. So with that, I withdraw my return to Select motion, Mr. President.

**KELLY:** The motion is withdrawn. Members, please find your seat. Mr. Clerk, please read the bill.

**CLERK:** [Read LB753A on Final Reading.]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB753A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostelman, Brewer, Briese, John Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: Senators Hunt and Raybould. Not voting: Senators Bostar, Brandt, Machaela Cavanaugh, Day, and Dorn. Vote is 42 ayes, 2 nays, 5 present, not voting, Mr. President.

**KELLY:** LB753A passes. Mr. Speaker for an announcement.

**ARCH:** Mr. President, I would ask that you move to LB191 and proceed from there on the agenda.

**KELLY:** Members, we are still on Final Reading. Please find your seats.

**CLERK:** Mr. President, Final Reading: LB191e. Senator Machaela Cavanaugh, I have a note to withdraw MO356.

**KELLY:** It is withdrawn.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**CLERK:** In that case, Mr. President, I have nothing further on the bill.

**KELLY:** Members, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 39 ayes, 3 nays to dispense with the at-large reading, Mr. President.

**KELLY:** Mr. Clerk, please read the title.

**CLERK:** [Read title of LB191.]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB191 pass with the emergency clause? All those in favor vote aye; all those opposed to vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wishart. Voting no: none. Not voting: Senators Machaela Cavanaugh, Hunt, and Wayne. Vote is 46 ayes, 0 nays, 3 present, not voting, Mr. President.

**KELLY:** LB191 passes with the emergency clause. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB753A. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB191 with the emergency clause. Mr. Clerk.

**CLERK:** Mr. President, Final Reading: LB254e. First of all, I've got a motion from Senator Machaela Cavanaugh that she wishes to withdraw MO412.

**KELLY:** It is withdrawn.

**CLERK:** In that case, Mr. President, I have nothing further on the bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KELLY:** Members, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 43 ayes, 4 nays to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB254.]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB254 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Cavanaugh-- Machaela Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Not voting: none. Excuse me. Voting no: none. Not voting: Senator Hunt. The vote is 48 ayes, 0 nays, 1 present, not voting, Mr. President.

**KELLY:** LB254 passes with the emergency clause. Mr. Clerk.

**CLERK:** [Read LB254A on Final Reading.]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB254A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senator Hunt. The vote is 48 ayes, 0 nays, 1 present, not voting, Mr. President.

**KELLY:** LB254A passes with the emergency clause.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**CLERK:** Mr. President, LB298, Final Reading. Senator Hunt, I have MO479 to recommit with a note that she will withdraw that.

**KELLY:** It is withdrawn.

**CLERK:** In that case, Mr. President, Senator Blood would move to return LB298 to Select File for a specific amendment, that being AM1691.

**KELLY:** Senator Blood, you're recognized to open on your motion.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I'd first like to point out that I owe an extremely big thanks to Senator Linehan for allowing me to amend this into her bill on Final Reading. And she does that because she has a great love for our military families. So with that said, AM1691, formally LB413, was heard in front of the Education Committee on January 30. There is strong support in favor of this bill and no opposition. The fiscal note stated there would be no fiscal impact. The Council of State Governments continues to partner with the Department of Defense Military Families Office on interstate compacts in support of our military families. Needless to say, these compacts benefit all licensed professionals in each compact sector as well. Nebraska has successfully passed compacts for physical therapists, psychologists, nurses, occupational therapists, audiology and speech language pathology, EMS and doctors, to name only a few. Not only do these compacts remove licensure hurdles, but many expanded telehealth options as well. Nebraska has become a leader working towards a military friendly state that continues to remove hurdles to employment. CSG has worked with a multitude of organizations in education for this compact, as well as individuals, and this did include educational professionals from Nebraska. This bill amends Section 79-101 and, when passed, adopts the Interstate Mobility Compact to facilitate the mobility of teachers across the member states. This bill, in tandem with the other member states, establishes a collective regulatory framework that expedites and enhances the ability of teachers to move across state lines and maintain their teachers' certificates. The compact is intended to achieve the following when member states all ratify the same intentions: it creates a streamlined pathway to licensure mobility for teachers; it supports the relocation of eligible military spouses; it facilitates and enhances the exchange of licensure, investigative, and disciplinary information between members; it enhances the power of state and district-level education officials to hire qualified, competent teachers by removing the barriers to employing out-of-state teachers; it supports the retention of teachers in the profession by

removing the barriers of relicensure in a new state; and allows states to maintain state sovereignty in the regulation of the teaching profession. The compact will not go into effect until the date on which a tenth member state has enacted the compact into their laws. Withdrawing from the compact can occur six months after the enactment of the repealing of the statute should we change our mind in the future. As many of you know, military families frequently move every two to three years. This is especially burdensome for spouses who careers-- whose careers involve some sort of licensing. The process can be long and costly and stressful. This is especially true when you consider that part of moving is a new home, new schools, new healthcare providers, learning your way around a community, and more. We need to continue to make it easier for these trained and educated workers to hit the ground running. Reciprocity seems like the best solution, but it does not help these individuals when they are moving from state to state with different rules. Reciprocity between states can be messy with highly uneven standards. With compacts, background checks are done on a database between compact member states. So Nebraska will not have to pay for background checks when a teacher transfers to our state. And unlike reciprocity, there's little paperwork involved because proof of certifications or degrees is not needed, as the information is already in the shared database. With interstate compacts, they can move between member states with ease. For the past decade, military spouses have experienced an unwavering unemployment rate of 22 percent, making it one of the highest unemployment demographics in the United States. According to new research, their spouses' military service is also negatively affecting their ability to maximize employer-sponsored retirement benefits, build their long-term financial futures, and find careers that offer competitive salaries equivalent to their professional experiences and/or education levels. Teachers within this compact will not have to go through the arduous process of obtaining a new license if they move to a compact member state. The compacts allow teachers a wider choice of districts and schools that fit their career and experience level, and thus allow schools a wider pool of talent to hire for those students-- for their students. To be eligible, they need only to hold a license in a compact member state to be granted an equivalent license in another compact member state. A teacher with a valid unencumbered license is eligible to use the compact if they hold a bachelor's degree, have completed all requirements of a state-approved program for a teacher's license, and willing to undergo an initial criminal background check in the receiving state in accordance with the laws and regulations of the receiving state. Regulators within the ITMC also are unburdened with extra work of reexaminations and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

creating new licenses within the compact. Member states share data and profiles on teachers that can make qualification determination, determination much easier. Also, public safety has benefited in granting licenses and vetting teachers for criminal or wrongdoing between member states of the compact through this shared data. Teachers moving to Nebraska also can be fast-tracked into classrooms, not having to go through a process of obtaining a new license or examination, and can make an impact on students immediately. Just being a member of the compact can allow Nebraska to collaborate and coordinate with other member states on discipline and licensing requirements, which can only improve in Nebraska with shared knowledge. Interstate compacts continue to prove themselves beneficial across the United States, especially for our military families, which is why licensed professionals continue to work with CSG on these compacts to benefit their members and expand the, expand the ease of licensure in a variety of careers. So with that, friends, I ask you for your consideration and to vote green to return this to Select File so it can come back to Final Reading and we can support not only the amendment for our military families, but the underlying bill. And again, thank you again, Senator Linehan. I am sincerely appreciative.

**KELLY:** Thank you, Senator Blood. Senator McKinney announces 23 seventh graders from Holy Name Omaha in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Albrecht, you're recognized to speak.

**ALBRECHT:** Thank you, Mr. President. Colleagues, I just rise because I want to let you know that there was an opposition to placing this on LB298, and that was me. I personally feel like when a senator goes around and lets everybody know that it came out 8-0 and hadn't even been voted out of committee, that to me is a quick red flag. I believe this bill, while I support the military and I'd love for everybody to come into our state and be vetted early and, and everything passes through, there's a lot of information in AM1691, 22 pages, that I think everybody should take a quick look at because this is something that could certainly come back next year. But I know on the last few days of the session, everybody's trying to put things in bills and, and hope, you know, that they can, they can get it across the finish line. I don't feel like it's a competition. If I have enough votes, I'm going to be able to get it anyway. And you're all perfectly capable of checking through this and looking it over. But I personally feel like when we go into a compact with other states-- and this isn't-- is just something new because we are having trouble with teachers-- but truly, I think this is something that Nebraska-- we need to, to take a step back. I don't know what the fiscal note is on

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

this. I'm concerned whether this is something that we need to be doing right now. I think it's something that could certainly be laid over till next year. But I do not appreciate telling one story, and the other story is that we had to go under the balcony to vote on this just because it was something that somebody wanted at the last minute. And for that, I think we should caution ourselves in voting for this. And thank you. And I'll yield the rest of my time to the President. Thank you.

**KELLY:** Senator Blood-- thank you, Senator. Senator Blood announces some guests in the north-- under the south balcony-- in the north balcony: 48 fourth graders from Chandler View Elementary and also under the south balcony. Please be recognized by your Nebraska Legislature. Senator Linehan, you're recognized to speak.

**LINEHAN:** Thank you, Mr. President. Any confusion on this issue is on me. Not anybody else. On me. I talked to Senator Blood, and I didn't have a problem with this. And I should have told others, especially people on the Education Committee, so that's on me. I-- Senator Blood said something that I do want to confirm. I do love military families. I have one. I have my very own military family. My son is a Marine. Now he's in the National Guard. So when he was in the Marines-- 12 years I think-- his wife had three children. I think they're maybe 16 months apart. Well, two of them are twins, so. They were little. He was deployed, I think, three times, seven or eight months. When she was delivering the twins, he was actually, like, five states away and had to, like-- anyway. She's gone through a lot. And then they moved back home and he got a job with the National Guard, which he loves. But then he moved to Grand Island and now they're facing some other kind of disruption. I don't think unless you're actually in a military family you have any idea what sacrifices they pay. So we have a situation in Nebraska where you're a teacher, nurse, whatever, you come to Nebraska, you're following-- whether you're a man or a woman-- you're following your spouse all over the country, sometimes around the world, and we make it hard for you to teach. I, I just-- I think it's silly, especially when we're short of teachers. And, yes, I think we should do everything we can to help our military families, and not just because we have Offutt or STRATCOM, but because-- plus, I worked with a lot of military families. I-- when I was in Iraq, I worked with the military. I watched guys call home, talk to their wives and kids who they hadn't seen for six or seven months. And some of them were on their third or fourth tour. So, again, on me. We're not-- letting everybody know. That is on me, and I'm sorry. But I told Senator Blood this would be OK, so I would-- we're not voting on it today, I don't think. We're just sending it back to Select File, right? I don't know

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

what the agenda is. Don't think we can yield and ask the question to-- anyway. I'm getting a head nod, so I think I'm right. So I'm for sending it back to Select File. Thank you very much.

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

**BLOOD:** Thank you, Mr. President. I'm just going to make this brief, but I would ask that Senator Murman yield to a question.

**KELLY:** Senator Murman, would you yield to a question?

**MURMAN:** Certainly.

**BLOOD:** Senator Murman, I want to paint a picture on how long I've been working on this bill since its initial hearing on January 30. How many times would you say that I came up to you and talked about interstate compacts and the importance of this bill after that hearing? And it's not-- this isn't a gotcha question. I just want to put things in perspective. Would you say more than five?

**MURMAN:** I don't think more than five, but you did--

**BLOOD:** But at least five.

**MURMAN:** --talk to me two or three times, for sure.

**BLOOD:** Like, lots of times. And, and was it to explain to you the importance of our military families and why interstate compacts are important and how in the past we've had-- we've passed all of our compacts with ease? Would you say that that was a correct interpretation of our conversations?

**MURMAN:** Yes, that's correct. And I actually do support the bill. I would have liked to gotten it in our package, LB705, but we are limited with the number of bills we could put in there, so--

**BLOOD:** And I appreciate that.

**MURMAN:** --that's the total reason it didn't get in there.

**BLOOD:** Thank you, Senator Murman. I, I just want to make sure that we defined that this was not a last-minute thing. This is a thing that I worked on for months and months and months. And when I was asked if I had the support of the committee, I never said I had 8-0. I said I had members' support. And then it was decided that we would vote it out to, to make the ease of process as opposed to just doing an amendment

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

that hadn't been voted out so Senator Linehan could put it into her bill. So I have not been deceptive. There are many of you on the floor that I have talked to about this bill. I went around and did a vote card. We had well over 30 votes, and I hope that you stick with me. And I just would really like to see us pass at least one of the three compacts we brought forward this year for our military families, especially with the teacher shortage. Don't do it for me. Do it for our military families. And help us return this to Select File so we can bring it back to Final Reading and help a lot of people. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Blood. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB254A with the emergency clause (and LB254e). Seeing no one else-- seeing no one else in the queue, Senator Blood, you're recognized to close. Waive closing. Members, the question is the motion to return to Select File. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 40 ayes, 2 nays to return to Select File, Mr. President.

**KELLY:** The motion is successful. Senator Blood, you're recognized to open on your amendment.

**BLOOD:** Friends, please push green. Thank you, Mr. President.

**KELLY:** The question before the body is the adoption of AM1691. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 37 ayes, 2 nays on adoption of the amendment, Mr. President.

**KELLY:** The amendment is adopted. Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB298 be readvanced to E&R for reengrossing.

**KELLY:** Members, you have heard the motion to advance for E&R Engrossing, LB298. All those in favor say aye. All those opposed, nay. It is advanced. Mr. Clerk for items.

**CLERK:** Mr. President, new LRs: LR268 from Senator Albrecht and LR269 also from Senator Albrecht. Both will be laid over. Notice that the Revenue Committee will hold an Executive Session at 1:15 under the south balcony today. Revenue Committee, 1:15, under the south balcony.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

Finally, Mr. President, a priority motion: Senator Sanders would move to recess the body until 1:00 p.m.

**KELLY:** Members, you've heard the motion to recess. All those in favor vote aye-- or say aye. All those opposed say nay. We are in recess.

[RECESS]

**DORN:** 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. Mr. Clerk, please record.

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

**DORN:** Thank you, Mr. Clerk. Do you have any items for the record?

**CLERK:** Just one, Mr. President. Bills this morning-- bills passed this morning were presented to the Governor on May 24, 2023 at 12:00 p.m. That's all I have this time, Mr. President.

**DORN:** Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda after an announcement from Speaker Arch.

**ARCH:** Thank you, Mr. President. I want to announce a change to today's agenda. We will be passing over LB514 and LB514A for the day. I've been asked by the principal introducer for additional time for him to work on an amendment and to meet with the involved parties about the proposed language. So when we're finished with LB50, we will proceed to LB138e and complete the other items on the agenda. Thank you, Mr. President.

**DORN:** Thank you, Speaker Arch. We will, we will proceed to the first item on this afternoon's agenda. Mr. Clerk.

**CLERK:** Mr. President: LB50, Select File. Priority Motion: Senator Hunt would move to bracket LB50. It is my understanding that Senator Machaela Cavanaugh is authorized to open on Senator Hunt's motion.

**DORN:** Mr.-- Machaela Cavanaugh, Senator Machaela Cavanaugh, you're recognized to open.

**M. CAVANAUGH:** Thank you, Mr. President. I am not sure that I still need to-- withdraw? Oh, keep it up. I-- you know-- here we go. This is a bracket motion to June 2. And we will just talk on this for a little

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

bit while things are being worked on. And I yield the remainder of my time to the Chair. Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I rise in support of LB50. And I guess we're going to have a eventful afternoon and see where this actually goes. I am hopeful and still trying to be optimistic that this body will do the right thing and move this bill forward so we can begin to start making some changes in our criminal justice system. That is the most important thing to me, honestly, going forward. Because until, until we start to take steps and do things to change our criminal justice system, it's going to be severely damaged, horrible. The outcomes aren't great. And we're building a prison, which is going to take about five years to build. And our prisons are going to continue to be more and more overcrowded. And we can either choose to do something or we could just continue to put these things off. These conversations have been going on since I came into the Legislature, and that's been three years. But still to this day and at this time, we're still unsure whether or not we can get this passed, which is sad. Extremely sad. All these conversations about, hey, let's talk about this. Hey, let's talk about this. The, the issue is one day you'll talk to somebody or one hour you'll talk to somebody and you'll feel as though you've gotten somewhere and everything is OK. And then an hour passes and the goalpost continues to move and move and move because the county attorneys believe this is a soft-on-crime bill, soft-on-crime amendment, which is not true. Nowhere in LB50 does it just allow people to just walk out the-- our, our prisons right away. Nowhere in this does, does it not have anything that holds people accountable. Just because we want changes to the system does not mean that we don't think accountability is needed. I don't think anybody would stand up and say we shouldn't hold people accountable. But it's how we hold people accountable and how we do it in the most equitable way, in a way that isn't inhumane and overly punitive, in a way that doesn't further punish people more than they need to be punished. Y'all can have this law-and-order approach and "if you did the crime, you did the time" approach and all this type of stuff. And for the past 30-plus years, that's been the philosophy. But has that actually worked? Because if your law-and-order, tough-on-crime approach worked, police budgets-- well, the police budget in the city of Omaha is, like, a quarter billion-- we wouldn't keep building prisons. It doesn't work. You have to do something different. No one can-- nobody in here can stand up and--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** One minute.

**McKINNEY:** --tell me that being tough on crime has worked, the war on drugs has worked. Y'all can't. It's, it's just not true. And you can't even prove it's true. So-- I know some people would stand up and say they're opposed to this. And just like the other day, I'm going to listen to your opposition. And once I-- and if I hear something that sticks out, once I get back on the mike, I'm going to ask you a question about that. So be prepared if you're going to jump on here and do a bunch of fearmongering. Thank you.

**DORN:** Thank you, Senator McKinney. Senator Lowe, you're recognized to speak.

**LOWE:** Thank you, Mr. President. I'm going to read a letter from the Cheyenne County attorney. It says: Dear sirs, I am the county attorney from Cheyenne County. I also serve as president of the Nebraska County Attorneys Association. On behalf of the county-- the Cheyenne County Attorneys Office and the Nebraska County Attorneys Association, I want to express my serious concern about-- and-- the opp-- opposition of LB50 because of the serious risk and harm it would pose to public safety. LB50 was advanced with the committee amendment with no support from any Republican members of the Judiciary Committee when the committee was temporarily short one member. This maneuver advanced a far-reaching, controversial proposal that would have serious, negative impacts on public safety. During General File first round debate on the proposed-- proposal on Monday, the Legislature adopted AM1796 with the agreement that work would continue on limited habitual criminal enhancement and parole eligibility provisions. Unfortunately, at this time, no such compromise has been agreed to and the Legislature is left with a bad bill. AM1796 would significantly weaken the habitual criminal enhancement. This tool is important to holding the most serious offenders accountable. It would also make offenders parole-eligible much sooner. Under current law, offenders are already, already released after serving only one-half of their sentence. LB50 in its current form would deny justice to victims. County attorneys support responsible criminal justice reform and support LB50 as introduced as well as several other bills and provisions that have been negotiated in good faith. Unfortunately, LB50 as amended by AM1796 represents a serious breach of confidence and trust. It is far-reaching and harmful proposal that would seriously threaten public safety. For these reasons, I ask you to please oppose LB50. I, along with Douglas County Attorney, Don Kleine; Lancaster County Attorney, Pat Condon; and the co-chairs of the Nebraska County Attorneys Association Legislative Committee would be glad to be a resource to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

you at any time as you deliberate on criminal justice matters. Signed by Paul Schaub, Cheyenne County attorney. I know my own county attorney, Shawn Eatherton, has contacted me and asked me please to vote no on this. I know they're trying to come to some agreement, but any agreement we have today will not help the victims of the crimes. It will not help the citizens of our communities. It only helps those that are trying to get out of prison early. So who are we trying to help here, the many or the few? Who are we trying to help? Those that the crime was, was done to? Are we trying to help the criminals who did the devilish deed? With that, Mr. President, thank you very much.

**DORN:** Thank you, Senator Lowe. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. Would Senator Lowe yield to a question?

**DORN:** Senator Lowe, will you yield to a question?

**LOWE:** Yes.

**McKINNEY:** Senator Lowe, have you read LB50?

**LOWE:** Yes, I read LB50.

**McKINNEY:** Have you read--

**LOWE:** In the original form.

**McKINNEY:** Have you read the amendment?

**LOWE:** I read the amendment.

**McKINNEY:** If you read the amendment, can you give specific examples of what within LB50 and the amendment would cause issues within public-- around public safety? What specifically within the amendment would cause a public safety issue?

**LOWE:** I'm not prepared to do that at this time.

**McKINNEY:** Thank you. And that is my point. A email went out from the County Attorneys Association fearmongering yet again to get senators to pull off on supporting or standing up to oppose LB50 and the underlying amendments. But I would-- if I was a betting man-- and I don't gamble-- I would bet that most people on this floor right now have not read that amendment or even understand what's in the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

amendment. But they'll take the word of an email over sitting down and really diving deep within the amendment to fully understand what it would do. And that is the problem. Are we going to make logical, reasonable, and sound decisions as policymakers or are we just going to be told what to do based off of emails? And I personally don't think LB50 or the amendment goes far enough. But I'm willing to try to get something across the line this year. Just like I was last year because I didn't think LB920 went far enough. But every step of the way, these county attorneys begin to fearmonger. They tell you to negotiate with people. Then that person you would negotiate with one day is not the person you should negotiate with the next day. The goalpost continues to move. Nothing changed. So, I'm kind of short on optimism. But the reality is we're most likely going to end this session going another year without any changes to our criminal justice system. The body voted to build a prison that's going to be overcrowded day one. It's not going to solve the problems. The prisons are going to continue to be filled. And a lot of people are OK with that. And it's 2023 and we're still building prisons. It doesn't work. If somebody can legitimately stand up and tell me how being tough on crime works, I would listen. But you can't, outside of saying, oh, we locked up bad people, that y'all deem as bad people. And 90-plus percent of those people are, are getting out one day. And we can either do what we can to set them up for success after, or we're going to continue to have issues. But if you guys want to just listen to emails and not do the right thing, then we'll be here again and again and again and we'll never get nothing done. Our prisons will continue to--

**DORN:** One minute.

**McKINNEY:** --be overcrowded, and the state of Nebraska will stay in the business of building prisons. And that's the truth. So I would like to thank the County Attorneys Association, the Appropriations Committee, and everybody else that don't want to do the right thing. One, we should have never voted to build that prison. Well, I didn't vote for it, but y'all should have never voted to build that prison without getting some criminal justice policies across the table first. And that is the truth. And y'all should stop being bullied by the county attorneys. Thank you.

**DORN:** Thank you, Senator McKinney. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. Colleagues, I think we can put the bracket motion and just start voting and get to where we are. Here,

here's what's the problem, Senator Lowe: the County Attorneys Association has not negotiated in good faith this entire process. Senator Lowe, the two areas we're talking about, the habitual and the parole eligibility, the Governor's Office, County Attorneys Association, including the AG's Office, offered a two and four to me last week. That means two years below 20 on the parole eligibility, four years over. If you look at what is proposed in my amendment, it is two years below and 80 percent above 20. That is what, when I walked in this morning, the Governor agreed to. If you don't believe me, you can ask Senator Brandt. He was in the room. So it's not significantly different than what they offered me, actually. And so now the argument is that this is somehow a public safety concern when they were just fine with it last Thursday. What changed is politics. We're going to spend a lot of days talking about the parole board-- a couple hours-- because, clearly, there's confusion on how the parole board works. Nobody gets out early. They finish their sentence under supervision. And the one thing I keep hearing consensus on is that, after 10 years, we don't want that person moving into an apartment next to your loved one without being supervised, that we don't want them just to wake up, be handed a bag, call the people who most likely got there-- were with there when they committed a crime and go back to society without any supervision. Next time on the mike, I'm going to ask Senator Brewer a question because we were just having this conversation over at the steak lunch. Random people I don't know. And I said, if somebody's serving two years, do you think they should just walk back out-- or, 10 years? Or do you think we should have a two-year window in which we try to get them supervision? Try. Because they first got to be paroled, which, the first time you ask for parole, you'll hardly ever get it-- like, 90, 95 percent. But that still leaves us with a year of supervision out of two years out of 10. Everybody at the table who I do not know said that is not only reasonable, that's what we should be doing. That's what happened at the table. And I'm going to ask Senator Brewer to confirm that. Nobody outside of politics thinks it's a good idea for somebody to walk out without supervision after being locked up for 10 years. The people who are jamming out-- and I handed out the article-- are our most serious, violent offenders. The public safety issue, Mr.-- Senator Lowe, is jam outs. That is the number one public safety issue facing us. So this modest approach of two years-- which, by the way, was offered multiple times by Governor, AG's Office-- is what this amendment does. And 85 percent was offered. I accepted 80 percent because it mimics more of the four that was offered just last Thursday. And it actually incentivizes people to complete, complete their programming and be

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

supervised. This isn't a bill that's going to fundamentally change prison reform and criminal justice. This is a starting point--

**DORN:** One minute.

**WAYNE:** --a starting point where we are putting a good-faith effort on both sides to bring a group together over the interim to look at one issue. Because I realized last year looking at too many issues is too hard for too many people. At this point, I'm just kind of at awe. I've met with everybody, talked to everybody who had issues. And the number one issue was jam outs. And this bill is the first attempt to solve that in a long time. And now we don't like it. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator Linehan, you're recognized to speak.

**LINEHAN:** Thank you, Mr. President. I have been obviously very concerned about this vote and the last vote and these bills and coming to the end, but everything that Senator McKinney and Senator Wayne have said is absolutely what I have witnessed. We had what everybody thought was an agreement with a couple issues on-- last Thursday, it was in the paper. It was in the paper over the weekend. Justin-- excuse me-- Senator Wayne had his picture in the paper. There were all kinds of quotes. Nobody picked up the phone and said to me that Senator Wayne was wrong. And then we roll in here-- what is it, Wednesday? We came back Monday-- we roll in here and then, oh, well, changing. And then I start calling people. And I go out here on the south side and I asked some very direct questions. Was this agreed to or offered last week? Well, yeah, but we, we changed our mind. No. He's been in the room with everybody. I've told people-- I'm going to say it on the record-- he's a senior senator and a Chairman of a committee, and he has been having to chase people around. It's not OK. We talk about the institution. This is one time where we needed to take care of the institution. Respect for the Chairman. When you have a disagreement with the Governor-- it's been my experience since I've been Chair on the Revenue-- you usually get invited to the Governor's Office and you have a conversation with the Governor, which, I think-- believe happened this morning. I was told by people in the Governor's Office, I was told by Senator Wayne, and I was told by Senator Brandt, this is what happened this morning. We're OK. Now we're getting letters from county attorneys. Really? Just to make it abundantly clear: I'm never running for anything again. So we're going to worry about a bunch of county attorneys who make, what, 12 times what we make down here? 10 times? \$100,000 a year plus benefits plus county

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

retirement? If they want to tell us what to do, they ought to come hand in [INAUDIBLE] and come down here and be a state senator. Why? Because they want their jobs to be easier? That's not our job, to make the county attorneys' jobs easy. Senator McKinney knows about what it's like to be a kid and throw in-- he, he escaped somehow. I'm not sure. He's never shared that with me-- how kids get thrown in the juvenile justice system when they're barely teenagers and they never get out of the rut. And then we put them in jail for 20 years or 10 years or whatever. And we're afraid to just try a little bit that might keep people from going back to jail? Our job is not to make county attorneys' jobs easy. It's just not. Our job is to make Nebraska a better place. And we're not a better place if we have people jamming out. We're not-- and we're also supposed to be-- believe-- at least some of us, I think-- in redemption and forgiveness and second chances. That's all they're talking about here. We're not opening the floodgates. We're encouraging people to get some programming, some classes, some hope in their life before we walk them out the door with not a penny to their name. And they'll go right back to the people that got them there in the first place. Thank you, Mr. President.

**DORN:** Thank you, Senator Linehan. Senator Jacobson, you're recognized to speak.

**JACOBSON:** Thank you, Mr. President. I guess I rise opposed to, of course, the bracket motion. And at this point, I'm not convinced on LB50-- on the amendment of-- to-- of LB-- for LB50. My concern-- and I think Senator McKinney raised the question earlier of Senator Lowe, where's the concern. And my concern would be on the amendment to LB50, ER35, line 10, 11 and 12. And when I was being told what was in LB50, there was discussion about what do you do with the long-- the people that were committed to 20 years or more? So these people are not the people that have some drug residue on them. These are people who have committed violent crimes or serious crimes. So I don't want to get in a hurry on releasing these people early and-- but I understand that they need incentives to do the programming so that when they get jammed out, they've had programming as opposed to being jammed out in 20 years. To me, what line 10, 11, 12 is is we're changing from them serving 85 percent, which is 17 years, versus going now to 80 percent, 16 years. So they've got 16 years for programming. So I'm trying to understand why we have to give four years off the 20 years for someone who has committed certainly a violent crime or a serious crime. And I would be certainly willing to defer and ask a question to Senator Wayne if he wants to respond to it as to why that's-- he's so committed to the 80 percent as opposed to 85 percent. Because

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

everything I was told as I was reading this and, and was leaning towards voting for it was that it would be at 85 percent. In fact, we were at 85 percent on the lesser crimes and then we were going to go to 85 percent on 20 years. So if he would yield to a question, I'd be happy to have him answer it to me.

**DORN:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes.

**JACOBSON:** Do you want me to repeat the question?

**WAYNE:** Yes, please.

**JACOBSON:** OK. On the amendment, line 11-- 10, 11, 12, we're moving from 85 percent to 80 percent for those vi-- for those, those that are serving 20 years or more?

**WAYNE:** Correct.

**JACOBSON:** Why can't we stay at 85 percent?

**WAYNE:** That is-- because how parole works is, once you apply for parole once, you're typically-- like, 95 percent-- denied your first time. That means the next time that person would not be incentivized to even apply because they only have six months-- four to six months left on their sentence. So why not just wait to jam out and not have to worry about be supervised? If you go to two years, that gives them two bites at the apple for a whole year to be monitored. That's why 80 percent makes more sense on a 20-year sentence because then they got two full years-- one to apply, get denied; the next time to apply and still have a whole year to be supervised.

**JACOBSON:** All right. Let me back up on you then and let's talk-- talk me through the parole eligibility, when you can get paroled, when you can request parole, when you can do it the second time.

**WAYNE:** Well, that all depends on our-- on your sentence. So the problem right now is we're getting flat sentences. We mean somebody is getting sentenced to a 20 to 20. So how parole works is if you have a minimum number-- so let's say you get 10 to 20, a range-- you're parole-eligible on your 10. So your 10 year, you can start being paroled. Now, I'm going to add a wrinkle to this. None of those numbers are real. It's half of those numbers because of good time. But for simple purposes, let's just keep it where it's at.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** One minute.

**WAYNE:** So 10 to 20, that gap from 10 to 20 is your parole eligibility. The problem right now, we're seeing a lot of sentences-- 475 jammed out-- that were flat sentences, 20 to 20. So they are literally walking out unsupervised, and those are our most violent, sexual offenders, et cetera. That's not safety. That's not public safety. So I'm trying to create a two-year window for them to at least apply, most likely get denied, then apply again to be supervised. That means anything from an ankle monitor to somebody checking in on them weekly. That means they have to have a plan, all probation contract. So you have to have a place to stay, stable housing. You have to have a job. And you have to-- you can't hang around certain individuals if you're--

**JACOBSON:** Well, I'm trying-- and I'm about out of time-- I'm trying to figure out why, those three lines, how that changes what you've just told me.

**WAYNE:** Because the 85 percent cuts off that 10-year sentence by four or five months. I don't think that's enough to incentivize somebody to reapply.

**DORN:** Time. Thank you, Senator Jacobson and Senator Wayne. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. I really appreciate some of the dialogue that we've had on this bill thus far. And I have to confess that I'm beyond disappointed and frustrated in terms of where we find ourselves at this point in the debate. And the-- I'm just going to call them, candidly-- dirty tricks and underhandedness that has been a part of this process is not appropriate and it shouldn't be rewarded with your vote. County attorneys have a tough job and they bring incredible expertise to bear in the courtroom and in the policy arena. They are absolutely critical components of our criminal justice system and of our community. And their voices and their experience need to be heard. But what they don't have is a veto. They, like other stakeholders, bring an important perspective. It is up to us as individual legislators and as a collective to weigh all of those different points in our consideration as we decide in our head and our heart how to cast the best policy for the state. And let's not forget a couple of things along the way. Parole-eligible does not mean parole-automatic. OK? Look at the most recent statistics from the Nebraska Department of Corrections. Right now, friends, right now, there's 1,000 folks that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

are incarcerated in our state system that are parole-eligible. Many of them have been there over a year, three years, some even 10 years past their parole eligibility date. Under current law. Don't also forget for a second that Nebraska has an overcrowding crisis. We're number one, folks. We've passed Alabama. This is the top of the list that you don't want to be on. We've been in a staffing emergency for years. We've been in a prison overcrowding emergency, as must be declared under law, for years. This is not OK. That's not OK. That's not a thoughtful approach to public safety. The status quo, which keeps people crowded and without access to programs and services and incentives to participate in the few amount of programs and services available, doesn't keep us safer. That actually undermines our shared public safety goals. Over 50 percent, generally, of the folks that are sitting in our state prison system are there for nonviolent crimes. Well over 90 percent of the folks that are sitting there are going to return to our communities. When they return to our communities, they need to have hope. They need to have help. This is not even-- it should not be a political argument. The data and common sense are clear. When you provide people with support at reentry, they're less likely to commit crimes. That keeps us safer. That breaks cycles of recidivism. That has better outcomes for individuals. That has better outcomes for taxpayers. So I welcome the input of any citizen into the policy debate, including our hardworking county attorneys. But take it as it should be taken: as input.

**DORN:** One minute.

**CONRAD:** It cannot and should not be a veto. We cannot and should not cede our power as policymakers to any stakeholder, to any branch of government, to any person with a lobbying association. Be unafraid to stand in your power. Be unafraid to follow the data, the science, and common sense. Put aside the tired politics about being tough on crime when, in fact, the result undermines our shared public safety goals. We need to support Senator Wayne and the Judiciary Committee's incredibly thoughtful hard work in this regard, and we need to do it together to send a message for public safety and against tampering with this institution. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator McDonnell would like to recognize Ruth Tiemann underneath the south balcony. Please stand and be recognized by your Nebraska State Legislature. Senator Holdcroft, you're recognized to speak.

**HOLDCROFT:** Thank you, Mr. President. I rise in opposition to the bracket bill, but I rise in favor of LB50, and let me just tell you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

why. This morning, Senator Wayne met with the Governor and they came to an agreement on this amendment that's about to come up on LB50. And then shortly after that, the Governor pulled in the four conservative members of the Judiciary and, and gave us his reasoning behind that, that decision. So that's why I am primarily in favor of LB50. But that's not the only reason. I-- you know, I would like to bring people back to the original bill, LB50, that Suzanne Geist brought forward. And it's got some good things in it that are still in it. And, and some of those include funding for problem-solving courts, access for information for-- enhanced information for our law enforcement personnel, additional probation officers, a new-- a, a no contest plea for juvenile court, and some rural health incentives. And, and those are all good things that Suzanne Geist brought forward in her bill that are still in there and I think are worth advancing. Now, these two issues-- and, and, and I salute Senator Bosn for working for really the last week and trying to come to an agreement on this-- are a bit of a sticking point for our county attorneys. And also, there's one other thing that I think explains their, their concern is that Suzanne Geist had in this bill, what was called Terran's [PHONETIC] law, which was some enhanced penalty for a drug dealer who caused a death by fentanyl-laced drugs. And that-- and Senator Wayne combined that with a residue consideration and, and, and, and we wouldn't live with that, and so we pulled both out of the bill. So the Terran's law, which the county attorneys would really like to see in this bill, has been pulled from the original bill that Suzanne Geist brought forward. So that's, I think, part of their concern. I would take that on as a personal priority to, to advance that bill next year when we come back for the next session. But, you know, I-- this is-- I think it's important-- when Senator McKinney-- and I'm sorry, McKinney-- I'm sorry-- Senator Wayne first brought us together in the Judiciary Committee, he, he, he showed us this piece of paper, kind of divided up the criminal justice into, like, six sections-- you know, all the way from committing the crime through being released. And he asked us, which sections would you like to see us work in? And my comment was, I'd really like to see legislation that, you know, tries to inhibit, you know, law enforcement-- in other words, working-- not law enforcement-- with, with criminalization-- you know, working with programs at the beginning that would prevent people from getting into the criminal justice system, and then things at the end as they come out that would try to prevent recidivism to going back in. And I think, you know, this, this part that we're having some issues with, you know, allows for some of that improvement in, in, in a lack of recidivism. It, it builds in a period for, for, for-- essentially for parole. And, as has been stated a number of times, just because you're

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

eligible for parole doesn't mean you get parole. And I have a, a friend on the parole board and he's-- we've talked a lot about this-- and the parole board is very serious about who gets parole and who doesn't get parole, and they certainly take into account--

**DORN:** One minute.

**HOLDCROFT:** --the victim's-- thank you, Mr. President-- the victim's concerns. So I-- we've worked hard on this. I don't think the 80 percent, 85 percent is, is a big deal. And we've come to agreement on habitual criminal part. And so I would, I would encourage advancing LB50 to Final.

**DORN:** Thank you, Senator Holdcroft. Senator Briese, you're recognized to speak.

**BRIESE:** Thank you, Mr. President. Good afternoon, colleagues. I, I agree with my colleague, Senator Holdcroft. I, I support LB50, provided we can get AM1979 on there. I received a letter from the county attorneys, an email. And unless there's a follow-up letter, the latest email I received from them, they are criticizing AM1796. They don't speak to the new language presented in AM1979 in the email that I have seen, anyway. Would Senator Wayne be available to yield to a question?

**DORN:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes.

**BRIESE:** Thank you, Senator Wayne. AM1979 is the amendment that you're trying to get at here, correct?

**WAYNE:** Correct.

**BRIESE:** OK. Who signed off on AM1979 or the language of AM1979 today? Who agreed to that?

**WAYNE:** Omaha Police, FOP, which are state-- statewide police, Attorney General's Office, and the Governor's Office.

**BRIESE:** The Governor's Office, along with those others. OK. Thank you very much.

**WAYNE:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**BRIESE:** Might keep you here a little bit, though. In AM1979, we're addressing the habitual criminal statute, and AM1796 provides some disqualifying offenses for the reduced sentence pursuant to the eventual criminal statute, would that be correct?

**WAYNE:** Yes. Senator Bosn raised some concerns, and I agree with those concerns. And so we changed the language of-- around that statute.

**BRIESE:** And AM1979, pursuant to those changes, it adds somewhat to those disqualifying offenses.

**WAYNE:** Correct.

**BRIESE:** OK. And in Section 33 of AM1796, we're talking about parole eligibility there. And, again, AM1796, we talk about two, three, and four years prior on a sentence under 20 years, correct?

**WAYNE:** Correct. And some people thought the range of the steps were, were too big, and so we went to the, the two and 80 percent.

**BRIESE:** Yes. And so now if we're under 20 years, it's two years. If it's over 20 years, it is four years, correct?

**WAYNE:** Well, it's 80, 80 percent, which would be four years for 20, but it would, it would change that as going forward.

**BRIESE:** Yeah. Very true. My bad. And so I would consider these substantial concessions on your part. Would you agree with that statement?

**WAYNE:** Yes.

**BRIESE:** OK. Thank you, Senator Wayne. And with that, I would like to yield the balance of my time to Senator McDonnell. Thank you, Mr. President.

**DORN:** Senator McDonnell, you're yielded 2:05.

**McDONNELL:** Thank you, Mr. President. Thank you, Senator Briese. Negotiations aren't easy, and people want, want them to be where they, they, they know that it's a, it's an agreement and it's done. And, and it just seems like with human nature, there's always some kind of confusion. You look at the process that Senator Wayne, Senator Bosn, others have been going through here for the last month, six weeks, eight weeks, about 90 percent of negotiations are accomplished in the last 10 percent of the time. That's just human nature. That's just the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

way people-- that's how negotiations work out. I'm not saying it's the way you should do it. I'm not saying it's the perfect way to do it, but that's, that's how it works. There's an agreement. There is an agreement. The people that have been involved, the subject matter experts, the Fraternal Order of Police, Attorney General, Governor's team--

**DORN:** One minute.

**McDONNELL:** --Omaha Police Officers Association agree with this amendment. Do they love the amendment? No. That's part of negotiations. It's a give and take. Does Senator Wayne think this is, this is the greatest thing ever? No. There's going to be much more work to do going forward next session. But when you have two parties-- and I believe this about Senator Bosn and I believe it about Senator Wayne-- that are negotiating in good faith, there is going to be misunderstandings. There's going to be confusion. And there's going to be a lot of passion. And you can't manufacture passion. It's got to come from the heart. And that is going to, at times, slow things down, even possibly start derailing things. But at the bod-- at the end of the day, you have two individuals that have given. They have also received during this process. This is the best possible agreement at this moment in time. And I'm not saying that it can't be worked on next session. And Senator Wayne's willing to work on it next session. I know Senator Bosn's going to work on it next session.

**DORN:** Time. Thank you, Senator McDonnell, Senator Wayne and Senator Briese. Senator Bostelman would like to introduce some-- recognize some people underneath the north balcony: his wife, Jen; and also Ryan Domotor, a member of the Legislative Assembly of Saskatchewan, Canada; Travis Keising [PHONETIC-- Keisig], also a member of the Legislature [SIC-- Legislative] Assembly of Saskatchewan, Canada; and Renee Franovich, an independent consultant. Please stand and be recognized by your Nebraska State Legislature. Senator Brandt, you're recognized to speak.

**BRANDT:** Thank-- excuse me-- thank you, Mr. President. I'd like to thank Senator Wayne for-- and the Committee for LB50 and the subsequent amendment that will be up, AM1979. And I'd also like to thank Senator Bosn for her work on getting this where this needs to be. This bill will increase supervised parole versus jam outs. We want supervised parole. A jam out means the individual is just walking out of the facility with no-- taking none of the classes, none of the anger management, none of drugs, no alcohol, none of the sexual classes that they need to take to be successful once they leave the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

facility. Senator Wayne, Chair of the Judiciary Committee, agreed to a good-faith compromise with the Governor at 9:30 this morning. He agreed to go to the 80 percent, and it was a done deal. Now we are getting these emails from the county attorneys. I can tell you in the four years that I had the privilege to serve on the Judiciary Committee, watching the county attorneys come in and testify on all the bills, they never agreed to anything. They were Mr. No on virtually anything. Having people in supervised parole will cost the taxpayers about \$12,000 to \$14,000 a year. Incarcerating an individual in one of our prisons costs \$52,000 a year. Paroling an individual puts them back in your home town with their families. It requires them to have a job and it requires them to be drug tested. A lot of these people will fail. I think the current number that I heard was about 44 percent end up having to go back for various violations. It could be a felon in, in possession of a weapon. They could test positive for drugs. But the flip side of that number is you have about 60 percent of the individuals that, that are successful. We are in an overcrowding emergency in Nebraska. In the five years I've been here, that has not changed. Once in a while, Alabama overtakes us for number one. A lot of times, we're number one. We just built 384 beds out there on Van Dorn, a maximum security prison. And we are still the, or one of the, most overcrowded prison systems in the United States. Our facility at Tecumseh is still on modified operations. Modified operations means there is a period of time, because we are short staffing, that inmates are locked down, and usually it's about 12 hours a day. I would encourage all the senators in here, if you have not done so, to tour one of our correctional facilities. Talk to the workers. Talk to the inmates. Make up your own minds. And with that, I do support LB50 and I will support AM1979. Thank you, Mr. President.

**DORN:** Thank you, Senator Brandt. Senator Bosn, you're recognized to speak.

**BOSN:** Thank you, Mr. President. I had to get out from under the bus that everyone has happily driven over the county attorneys, myself included, this morning. I would like to start by saying the myth that the county attorneys are making \$100,000 as a starting is lofty. I started with the county attorney's office at \$42,500 a year. The benefits do not make up that \$60,000. I also think there's the language of Senator Linehan's passionate speech of, we're putting these juveniles in jail and then we're throwing them out with nothing but the clothes on their back. I take issue with that. We are not putting these juveniles in jail. There is a process. The county attorneys are not out soliciting criminals. We don't pick the people that land on our desk for morning charging. Law enforcement

investigates those cases and issues a citation. That citation is placed on a county attorney's desk for review and consideration for filing. It's filed. Before people go to prison, there's a trial process. You're found guilty beyond a reasonable doubt or you're not. And if you're found guilty beyond a reasonable doubt, you earned whatever sentence is handed down, not the county attorneys. There was also a, a statement about "it's not the senators' job to make county attorneys' jobs easier." I don't think they asked us to, and I, I don't think that's what anyone has implied from their end of the table. What motivation, besides public safety, could the county attorneys possibly have? Is there a rumor that we're making more money if we get a conviction or that we're motivated by filling the prisons with minor, low-level drug offenses, which is not true? This-- that is an unfair characterization. And to say that they come to the table and say, no, no, no, no, no, is absolutely absurd. We had negotiations on this, and I anticipate Senator Wayne will agree that there was negotiations with them, even though they don't like this ultimate amendment that there was negotiations and they did come to the table on a lot of this language. I have agreed to correctly state what the record was. I negotiated with Senator Wayne yesterday. We didn't get where I wanted and I don't know that we got where he wanted. That doesn't mean we didn't negotiate in good faith. He met with the Governor's Office and some other individuals, and they came to an agreement. And I am under the impression that the Governor does support this amendment. I am under the impression that the Attorney General's Office does not oppose it or supports it or is neutral or something along those lines. They're not opposing it. But the county attorneys have not been on board with this. And I think they're being unfairly characterized as, you know, naysayers through the whole process because they can't get to the final finish line with everybody. They were on board with almost everything in this. The statement that we are overcrowding our prisons-- wherever that's coming from-- what I do know is that when you look at a prisoners per 100,000 population count, prison population by state, Nebraska is nowhere near the top. We're even below halfway. And I hate printing paper to hand it out, so I will--

**DORN:** One minute.

**BOSN:** --happily make that available to anyone who would like to review it. But we are nowhere near the top of that list. And so if our prisons are overcrowded, it doesn't-- that-- two things can be true at once. The prisons may be overcrowded, but that doesn't mean it's because we're convicting everyone and we're filling these prisoner-- these prisons full as compared to every other state in the nation,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

because that is not true. My proposal to Senator Wayne yesterday was an 85 percent proposal. I think that's good public policy and I think that's fair. He wants 80 percent and he thinks that's good public policy and he thinks that's fair. That's where we are with this. There is no need to throw anyone under the bus as being disingenuous. Thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. Senator Ibach, you're recognized to speak.

**IBACH:** Thank you very much, Mr. President. And colleagues, I know that there have been lots of comments and lots of innuendoes and assumptions along the way. I would just reiterate what a lot of my colleagues on the Judiciary Committee have mentioned in that it's been a process, and you do have four freshmen members who don't necessarily-- Carolyn has a great judicial background. We do not. And so this has been a process for us to learn judiciary and to understand. And Senator Wayne and Senator McKinney have, as I've mentioned before, have been very helpful with understanding the process. What I would like to point to is the fact that Senator Geist worked very, very hard to bring LB50 to us this year. Her history on Judiciary, her passion for criminal justice was really, really relevant in her, in her presentation of LB50. And what-- I think I have a pretty clear picture of what her expectations were for LB50, and I certainly respect her, her approach to criminal justice because she immersed herself in it, she understood it, and she had a passion for it. I would just speak briefly to the good things outlined in this bill and, as introduced, which-- in Senator Geist's original form-- LB50, expands problem-solving courts in the state of Nebraska. It creates a pilot program to create virtual behavioral health services for court-involved individuals. That's where the rural part comes in. It allows for a notification to offenders who may be eligible for, for set-aside convictions. It creates a pilot program to hire assistant probation officers. It creates a pilot program to establish a probationers incentive program. It prioritizes payments for restitution. It allows for streamlined parole contracts and creates a pilot program to establish a technical parole violation residential housing program. There are a lot of really good things in this bill as presented. Now, with Senator Wayne's amendment, or amended portion of it, in addition to the two things that we could not come to a complete agreement on but have, have negotiated today, originally introduced by Senator Geist and now sponsored by Senator Bostar, LB76 allows the Nebraska Crime Commission on Law Enforcement and Criminal Justice to input certain information into a criminal justice information center. This is new and something that we've wanted for a long time. Testimony

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

was really good on this subject. This information is limited to an offender's name, probation officer, and conditions of their probation. That, that, that input center will be very, very helpful and crucial when monitoring when it's, it's-- especially in the juvenile court system. It also, under this-- under one provision, firearm dealers-- which I think this is Sen-- Senator Fredrickson's bill-- firearm dealers would be required to provide information on suicide prevention, including materials that provide evidence-based information aligned with best practices in suicide prevention. Such material shall include information on the 988 Suicide and Crisis Lifeline and other resources. Finally, this bill includes provisions to provide-- which we were all very passionate about-- provide the geriatric patro-- parole, which was a concept included under Senator Wayne's LB352.

**DORN:** One minute.

**IBACH:** Under this provision, a committed offender may be eligible for geriatric parole if the committed offender is not serving a sentence for a Class I, IA, or IB felony or otherwise serving a sentence of life in prison; he-- he or she is not serving a sentence for an offense that includes, as an element, sexual contact or sexual penetration; is 75 years of age or older and has served at least 15 years of the sentence for which he or she is currently incarcerated. And so in, in closing, I would just-- I mean, I would prefer LB50 in its original form. I think we all would. It's all information that we agreed on. So I just urge you to look over the amendments. I urge you to look over the information and make a, a judgment and a, a vote according to how you really understand the amendment. Thank you, Mr. President.

**DORN:** Thank you, Senator Ibach. Senator Moser would like to recognize some family members: his nephew, Luke Moser; and grandnephews, Scott and Matthew Moser, are both-- from Valentine, Nebraska-- are all underneath the south balcony. Please stand and be recognized by your Nebraska State Legislature. Senator Fredrickson would also like to recognize 48 fourth graders from Columbian Elementary in Omaha, Nebraska. They are in the north balcony. Please stand and be recognized by your Nebraska State Legislature. Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Mr. President. First, I want to thank Senator Bosn for the work that she's done since joining us here in the Legislature. I can empathize with her being thrown into the middle of the mix here mid-session. And she's done a tremendous job, as has been

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

a tremendous asset to this Legislature. And I, for one, am glad that she's here and really hit the ground running with her-- with a great background in criminal prosecution and criminal law. I did visit with her about her concerns with this bill. I visited with Senator Wayne about this bill. I'd spent quite a bit of time previously looking through this from last year. I know that, last year, we had then was LB920. And there were several points that were being promoted. Ultimately, we got to the end of the, end of the day and nothing got approved because we couldn't reach a compromise. There are a lot of good points that have been talked about today that are in the bill and we probably do need to move forward with. I want to be crystal clear, however, that we've talked a lot about building a new prison and/or remodeling the prison we have. And in my mind, we need to build a new prison and may need to do something with the old prison in addition to that. All I know is is that we aren't going to fix the need for a new prison by passing this bill. I'm going to support this bill and this amendment today to show good faith in moving forward. But I want it made very clear that I'm expecting that we're going to get support for build out of a new prison and that we get the resources in place that we need to truly protect the public. At the end of the day, that's what this is about. It's going to be hard to do programming in the prison facility that we have today. And I get the drill. If we wait long enough on a new prison, the federal government will come in here and force us to release a bunch of prisoners. We're not going to do that. So we need to go henceforth, move forward quickly. Let's get moving with the new prison. The Governor has set aside the money to fund it. I think the Governor has put his foot forward and said, I'm willing to compromise on this. The Attorney General has agreed that, that he could live with this. But I do share the concerns that Senator Bosn has, and I don't blame her for having those concerns having served the years she has as a county prosecutor. But with that said, I think there's enough good in the bill that I am going to go ahead and vote in favor of the amendment and in favor of the bill with the caveat that I don't want to hear static down the road about we shouldn't build a new prison. Because I'm full speed ahead on getting that done. Thank you, Mr. President.

**DORN:** Thank you, Senator Jacobson. Senator Kauth, you're recognized to speak.

**KAUTH:** Thank you, Mr. President. So, getting caught up on what this bill is about-- and I've heard nothing yet about what is being done to get people to stop committing crimes. As Senator Bosn said, these are people who have actually made a choice to commit a crime. When you say do the right thing, I think we have very different ideas of what the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

right thing is. If people would be doing the right thing to start with, they would not be committing crimes and would not be in prison. We are talking about the habitual criminal here. That's what is being addressed in this issue. I definitely agree that they should not be unsupervised when they're released. My question is, why would we release them early just so that we can supervise them? So I'd like to ask Senator Wayne a question.

**DORN:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes.

**KAUTH:** Thank you, Senator Wayne. Why don't we add supervision as a condition of their release after they've actually gotten to that level? And this is maybe a legal question--

**WAYNE:** No, no. I, I am literally laughing because the original version, I created mandatory postsupervised release and nobody liked that idea.

**KAUTH:** Oh, I would have liked that.

**WAYNE:** I would have too. So right now, because they've already been sentenced, the only way we can do this is to take their current sentence and reduce it. So the, the issue is-- not reduce it-- to make them eligible for parole during the remainder of their sentence. So we can't change their sentence, constitutionally. But we can say is, all right. The last two years, you're eligible for parole. And if you are, you're supervised. Going forward, part of the sentencing committee that we're putting together is to study that exact issue. I couldn't get enough people to agree with postsupervised release on all felonies. Right now, they're only on the lower. But I agree with you. That's what I would want to do--

**KAUTH:** OK. So--

**WAYNE:** --but I just can't do it.

**KAUTH:** --so to clarify, if it-- if in sentencing they're not given a postsupervised release, then you can't tack it on afterwards?

**WAYNE:** No, that would be-- yeah, that'd be double jeopardy.

**KAUTH:** I would like to work with you on that because I think it's a, a better idea. And then another question. I've heard that when they go-- when they're eligible for parole-- so this would make it-- they'd be

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

eligible two years, or 80 percent, earlier in their sentence. I've heard that parole is hard to get the first time. Can you talk a little bit about that?

**WAYNE:** Yes. So right now, we have about 1,000 people who are eligible for parole who are still incarcerated. So what happens at a parole hearing is they'll look at your, your behavior inside of the corrections. So if you have a, a kite, or if you have a disciplinary issue, you're typically disqualified out the gate. Whether it's waking up-- being waked up at the middle of the night was the last one that I saw. And the person cussed at the officer. Was written up. He was denied parole for that reason. So they go through a checklist that they go through, making sure that you completed programming. If you're-- if you committed, like, a violent crime, there's anger management and different kind of thera-- therapeutic program you have to complete. And-- [INAUDIBLE] some educational requirements. And then you can't have any disciplinary actions. I haven't seen anybody with disciplinary actions be paroled.

**KAUTH:** OK.

**WAYNE:** And then if you get denied, they give you kind of, here's your guide to get to parole. And so you got to go complete those things. And it usually takes about a year. That's why you're-- if you're denied one year, you don't typically come back to another year.

**KAUTH:** OK. So if you're denied parole, they do say, here are the steps that you need to take, and so that-- you can get those programming steps in there?

**WAYNE:** Well, let me be-- not every time. Some-- most of the time, they give people reasons why. But sometimes they just deny 40 people and they'll just deny them. I mean, it's just how that, how that hearing goes. But most of the time, people know why they're denied.

**KAUTH:** And then one more question. If they reoffend after they've had-- if they've been released early, they've-- not early-- they've, they've done their probation and they're being supervised in postrelease supervision and then they reoffend, are there any additional charges for someone who--

**DORN:** One minute.

**WAYNE:** So there's two different things. You're talking about postsupervised release and parole. They're kind of similar, but they're completely different in the fact that there are two

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

different-- one's parole board and one is a judicial-- judiciary. For both of them, it's similar. There would be a motion to revoke or revoke underneath the parole board. If there is a new crime, there will be an additional crime charge. If it's just a technical violation-- "technical" is kind of a bad term-- but if it's a violation for, like, drug use, then they'll have to finish the remainder of their sentence back incarcerated.

**KAUTH:** OK. So this isn't they get let out and they blow off their supervision and-- OK. OK. Thank you very much. I appreciate those questions. I'm good.

**DORN:** Thank you, Senator Kauth and Senator Wayne. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Mr. Clerk, I'd like to withdraw this motion and all subsequent motions I have after this.

**CLERK:** Mr. President, Senator Hunt-- in that case-- withdraws MO213, MO212, and MO211. Mr. President, at this time, there's nothing further on the bill.

**DORN:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move the E&R amendments to LB50 be adopted.

**DORN:** Members, you've heard the motion. All those in favor-- Mr. Clerk for a further item.

**CLERK:** Mr. President, it's my understanding, first amendment up, Senator Halloran would move to strike Section 1 of ER35 with MO1144.

**DORN:** Senator Halloran, you're recognized to open.

**HALLORAN:** Yes, I would choose to withdraw MO1138, MO1139, and MO1140.

**CLERK:** In that case, Mr. President, Senator Halloran would offer FA188 with a note to withdraw and substitute ER-- Mr. President, it's my understanding Senator Halloran would move to withdraw and substitute E&R-- ERFA188 with AM1986.

**DORN:** Senator Halloran, you're recognized to open on your motion to substitute.

**HALLORAN:** Thank you, Mr. President. Morning, colleagues. And good morning, Nebraska's second house. I'm not going to spend a lot of time

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

on this because LB50 has a lot of subject matter we need to still discuss. But I do bring to you AM1986, which establishes a Class IIIA misdemeanor penalty on performers conducting any live action event containing any sexual- or gender-oriented material to minors in any K-12 public schools, public libraries, and other public places where minors are present. These performers are commonly referred to as drag queens or, or drag kings. Senator Murman introduced LB371 this session with a Class I criminal penalty and a fine for any businesses which host a drag show with, with children present, along with a clause prohibiting state moneys being used for hosting a drag show. I definitely agree that our tax dollars should not be used in that manner ever, but my amendment is for protection of children. Eliminating state funding for any place hosting a drag show needs to be addressed when time permits, but not now. I want to express first that this is an inherently uncomfortable subject because this largely deals with sexual exploitation of children. I was motivated to bring this amendment after seeing a clip of two drag shows that took place in Nebraska. I will refrain from using the names of the bars where these shows took place because I do not know the circumstances of how these things happened. I don't know if the bars knew the children would be present and even participate in the show. The establishment titled the show, and I quote, Drag Queen Story Hour Nebraska, end quote, which discloses their objective. And this is not something that is appropriate for children to view let alone participate in. The first and foremost job of any government is to protect its citizens. Among the most vulnerable in our society are children. If a government can't protect its most vulnerable from sexual, manipulative sleaze, then there's no point in that government. In a video posted on Twitter, a child is seen dressed in multicolored clothing and is seen removing clothing and performing a provocative dance before an audience of 25 to 40 attendees. This video was posted to the bar in question's Instagram, which I believe another level of perversion. This show happened in Omaha. There are videos of drag shows with children present where the entertainers open their legs, shake their behind, known as twerking, and provide twerking lessons to children who are no, no older than five or six years of age. This is completely unacceptable and repugnant. I'm going to read the first paragraph that comes up in the web page, dragqueenstoryhournebraska.org [SIC--dqshne.com]: Building Community One Story at a Time. This is from that website. Drag Queen Story Hour Nebraska is just what it sounds like: drag queens reading stories for children in libraries, schools, and bookstores. Drag Queen Story Hour Nebraska captures the imagination and play of the gender fluidity of childhood and gives kids glamorous, positive, and unabashedly queer role models. In spaces like this, kids

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

are able to see people who defy rigid gender restrictions and imagine a world where people can present as they wish, where dresses-- where dress up is real. On this website, you can invite drag queens to come and read at a, a Drag Queen Story Hour in your area. As I mentioned, AM1986 creates a Class IIIA. That's a maximum of seven days imprisonment or a \$500 fine or both. It's a misdemeanor for violations because these shows are an actively-- exploit children that appear-- appeals to a prurient interest or a sexually explicit interest. Artists engaging in adult entertainment, which is any exhibition of any adult-oriented live performance that exhibit adult-oriented displays or dances which have a substantial portion of such performance as a simulated sexual activity or exhibition, should not be happening in front of children. Other state legislators-- legislatures that have introduced drag show bills are Arizona, Arkansas, Idaho, Missouri, Montana, North Dakota, South Dakota, South Carolina, Texas, Tennessee, and West Virginia. A few months ago, Florida Governor Ron DeSantis pulled the Hyatt Regency Hotel liquor license following a drag show with children present. In March, Tennessee became the first state to ban these shows for children. Let me be very, very clear: this amendment is about protecting children. This is about making sure kids are not at drag shows that are not introduced to overtly sexual and inappropriate behavior far too early in their lives. Unfortunately, this inappropriate content is becoming more prevalent. It is not socially acceptable for children. There's no educational or foundational benefit that participation in a drag show at any school library or place can provide. It is purely adult entertainment, and our state has an obligation to address this now. I ask for your support for AM1986. Thank you, Mr. President.

**DORN:** Thank you, Senator Halloran. Senator Bosn, you're recognized to speak.

**BOSN:** Thank you, Mr. President. I wanted to further explain some of the issues so that there's no misunderstanding as to this being about 5 percent. Because this isn't about the 80 percent versus the 85 percent. These were negotiations that took place over a long period of time. We got to the 85 percent last night as an agreement, and that's since been changed. But I think it's important that people understand what 85 percent of parole eligibility means for these sentences. And this is my math. And I went to law school so I didn't have to do math. So if I'm wrong, I'm happy to admit it. If an individual is sentenced to 20 years of incarceration, under an 85 percent parole eligibility, they are parole-eligible at 8.5 years on a 20-year sentence. They would be eligible for parole from 8.5 years until 10 years, when they would jam out. If someone is sentenced to 28 years of incarceration,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

they are looking at 11 years, 10 months, 11.9. 11.9 years on a 28-year sentence. I don't know how many of you have ever been the victim of a serious crime, but that is startling. States that have this 85 percent window of parole eligibility do not have the mandatory good time laws that the state of Nebraska does. That is a significant difference. Our state has a mandatory good time. You don't earn it. It's mandatory good time. On a 20-year sentence, it's 10 years. On a 28-year sentence, it's 14 years. Those numbers matter when we're then adding onto that an 85 percent versus an 80 percent change. I've had an opportunity to look through the most recent mandatory discharge report, although it's slightly outdated, is the most recent one. And looking at those numbers is where the concern comes from. Between January of 2021 and December-- the end of December 2021, 307 individuals were eligible for community supervision and discharged directly from the Nebraska Department of Correctional Facility-- a correctional services facility. That represents 12.5 percent of all discharges during that fiscal year. The number of mandatory discharges in 2021 decreased by 80 percent as compared to 2019. Now, we all recognize there was differences between 2021, 2020 and virtually any other year in history. But the number of individuals-- of, of the 307 people who were discharged directly from the Nebraska Department of Correctional Services, 116 had a prior history of parole. It's not quite half, but that's a lot. This indicates they were provided an opportunity to transition to the community during their sentence but did not successfully complete the requirements of parole. So when we talk about giving people the opportunity at parole, I'm all on board. I want to give people the opportunity. I do agree that it has positive benefits. But doing that too soon does not reduce recidivism. Doing that when it's-- you've, you've spent some time in there, you've had some time to come to terms with the poor choices that landed you there--

**DORN:** One minute.

**BOSN:** --is different-- there's a, there's a difference between reducing sentences and increasing supervision opportunities. And I think we're walking that line with this 80 percent to 85 percent. Those are some of the issues that I have with the 85 percent. Thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank, thank you, Mr. President. Colleagues, there's a couple issues procedurally. One, the substitute, whether we vote to

substitute or not-- I'm going to talk to the underlying amendment. This amendment is still in committee. It has not been executed on. I'll let you talk to the colleagues on the committee. My understanding right now, it's probably a 4-4 to even get it out. I'm sorry, not even a 4-4. It would be four against and maybe a couple would not-- presently not voting. I did not execute on it. I went around this morning and asked people where they were, and that's where I got some numbers from. But this is still in committee. So essentially, this is a pull motion to add this to an amendment. Besides the pull motion and the procedural problem, this year we have not-- I have not seen any pull motions. There's a problem with the language in and of itself. When you start writing criminal code, you have to make sure we define what things are. For example, right now, on line 10, it says, stripping or engaged in a lewd or la-- lewd is already defined in the criminal code. So if they're already doing something lewd, it is already a criminal penalty. Second issue is, when you get to the end, commonly known as drag queens or drag king. I don't know what that means. I have an idea. But then when you go through, you don't have go-go dancer, topless performer. And it, it says, including activities. I don't know if it's not limited to. So the issue on Senator Murman's bill-- and I would say if you read this one without having definitions-- in high school-- and I know still high schools who did it-- we had a powder puff game. We dressed up as cheerleaders. Cheerleaders played football. And during the school, we had a big prep rally. And it was just a fun thing that's now criminal. Certain things in here, when I'm reading this, depending on discretion of the prosecutor, many of our high school performances, school performances are under 19, being performed, are singing. Let's hope that they all have a proper T-shirt on and are not any type of cross-dressing. So they can never play another character because that would technically-- especially if they sang-- would define as-- commonly as drag king. So we are going to make sure plays don't happen if a performer is singing a female part or a female is singing a male part and they're different genders. That's the problem that we were looking at in Senator Murman's bill, and that's here. So if we want to criminalize school plays and we want to go down that path without clearly defining how this works, we can go down that path. But there's going to be a lot of Shakespeare, a lot of plays that-- schools are going to say, we don't want to do it because we don't know if we're subject to criminal penalty. That's the problem with just writing certain language. But if it's already a lewd act, then it's already criminal. So I don't-- and we're adding more definition to it. So there's just, from a, a statutory standpoint, there's problems. From a procedural standpoint, our committee-- this was the last hearing. And you can ask-- I asked

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Floor Debate May 24, 2023

everybody on the committee today-- we can exec on it. We can vote to IPP it. We can vote to kick it out. I'll let the committee members tell you their opinion. But there's a reason why we're not having exec today. There isn't votes to get this out of committee, as is for the year. Next year, maybe. But right now, there isn't. So if we're going to circumvent the committee process and keep it moving without even being execed on, then I would submit we're not even following our own rules because there first has to be a request by the introducer in order to do a pull motion. And there--

**DORN:** One minute.

**WAYNE:** --has to be at least an attempt for us to exec on it. Or if I refuse to exec on it, there has to be a number of days. That's how you do a pull motion. So if we don't want to-- if we want to throw everything out, that's, that's fine. But at least if we're going to pass it, let's make sure the language doesn't stop high schools and, and makes, makes sure that kids-- are, are in college and high school performing plays aren't, aren't being criminalized either. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator von Gillern, you're recognized to speak.

**von GILLERN:** Thank you, Mr. President. I rise in favor of the concept of this amendment, AM1986, but opposed to Senator Halloran's amendment that he's proposing. I didn't sign on to this bill when it was originally presented because I felt that it was poorly written, poorly defined, and nearly impossible to enforce. Most of all, this is the wrong way to get this done and the wrong time to do it. Let's refocus on LB50 and AM1979 and see if we can get that done today. Over the interim, I'll commit and will be glad to work with others to develop a bill that protects kids and will stand up to legal scrutiny. Thank you.

**DORN:** Thank you, Senator von Gillern. Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. Good afternoon. So I listened to Senator Bosn explain the difference between 80 percent and 85 percent. And I appreciate, I appreciate her comment. I'm not sure whether the Governor's on board or the AG's on board or the county attorneys are on board. It doesn't-- it doesn't seem to be that there is a true consensus of what's happening. Who knows what is actually the truth and who's supporting what? But I do know this: the-- what she

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

explained about the reduced amount of time one spends behind bars by going from 85 percent to 80 percent is significant. So at this point and stage of the game, I'm not interested in going to 80 percent. I think Senator Kauth had a very reasonable request. Why don't we talk about how to keep people out of prison? We don't mention that. We mention how to get them out once they're in there. So perhaps what we should do for their programming is when they can read the newspaper fluently then they get out-- when they can read. And it's been said about 75 percent of those people who are incarcerated, they're there partly because they can't read. So we know what the issue is. And Senator Hardin explained to us this morning how proficient we are at educating people. So maybe we should go back and look at what our education system is actually teaching people. Now, that would be a novel idea, trying to figure out how to keep them out of prison rather than how to get them out once they got in there. But we don't do much of that. And Senator Halloran's amendment, I understand exactly what he's trying to do. I would suggest that those of you who knew about this or had an opinion about it work with Senator Murman and Halloran to fix whatever issue you think may be a problem. And Senator Wayne described how to pull a, a bill to the floor. He understands that, and so do we. But keep in mind one thing: we have passed perhaps over a hundred bills that are not germane, that have not had a hearing, that have not been voted out of committee. We've done all those things. So we have set what some like to refer to as a precedence. So I don't believe it's appropriate to stand up here and say we can't do this because it hasn't had a hearing, it hasn't been voted out. We've done that at least a hundred times this year already. So I don't like to use the word "precedence," but that's what we've set. So be careful on how we're talking about how to do things here when, in fact, we've already done them numerous times. And we can do it again if 25 people agree. Thank you.

**DORN:** Thank you, Senator Erdman. Senator Arch, you're recognized to speak.

**ARCH:** Thank you, Mr. President. I rise in opposition to the motion. I rise in opposition to the floor amendment. I rise in opposition to what Senator Erdman just characterized as a hundred, a hundred bills that have not been germane. I do not believe that. I'd like to see the hundred bills. If, if, if Senator Erdman could produce that, I would be very interested in seeing the hundred nongermane bills, because I don't believe that has been the case. So I do stand in opposition based upon the process here. No committee action. It clearly is a controversial bill. It is-- it was not prioritized. It has not even been execed on, according to Senator Wayne. It can be done. Sure. It

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

can be done. But it's not our process. And so I, I will be voting against this. Thank you, Mr. President.

**DORN:** Thank you, Senator Arch. Senator Lowe, you're recognized to speak.

**LOWE:** Thank you, Mr. President. Well, here we are again. I didn't think I was going to have to filibuster today, and I still don't plan on doing that. But here we are. We said we were going to get this amendment and we could read it, and it's being flushed down our throat right now. I don't agree with that. The same people that said that we shouldn't overrule the doctors for-- when the pro-life bill was up in front of us, that the doctors are right, are the same ones that are telling us that our county attorneys are wrong. I find that odd. And I've gotten some numbers in front of me from a news article from the Lee Enterprises. It says, many prisoners released without supervision. More than 800 convicted felons were released from Nebraska prisons in 2022 without supervision. And in that number, it has 829. So a little more than a third of those were unsupervised release. That sounds pretty drastic. But the numbers don't reflect that over half of those we can't supervise anymore-- anyway. 468 of them. They were going to be unsupervised anyway. And then the other 361 that were discharged with PE-- 160 of those. 160 of those had already been released and were brought back. So we're not talking about a lot of, a lot of parolees here, a lot of people being discharged. And I don't agree with what's happening here today that LB50 is up in front of us that wasn't ready to come to the floor that had-- we had to pass it through General File to get to this amendment when this amendment should have been there a long time ago. I'm going to be voting no on this. This was-- a form of this bill was brought up several times before by Senator Lathrop. And we voted it down because it's not a good idea. I don't want to feel unsafe in my community. But according to Senator, Senator Wayne, the ones that are jamming out we should be afraid of. That sounds like a sentencing problem to me. We didn't leave them in long enough. Maybe we need to increase the sentences. I don't know. Maybe. Maybe we need to look at the sentencing that we do on these people. But I'm not in favor of LB50. I wasn't in favor of it the last several years. And I'm still not going to be in favor of it today. Thank you.

**DORN:** Thank you, Senator Lowe. Senator Albrecht, you're recognized to speak.

**ALBRECHT:** Thank you, Mr. President. In the last seven years, we've had a lot of discussion out of Judiciary on bills like this. And my

question was always, you know, why don't they have programming? Why don't the prisoners want to join in and, and get some help and try to figure out how they can change things? Is it elective? Is it mandatory? Do we not have a, a program strong enough for them to want to participate? You know, recidivism and overcrowding and wanting to try to get people out sooner-- I mean, to me, I've always been, if you do the crime, you're-- you do the time. But when county attorneys, the very people who prosecute, and our law enforcement have to get out there and protect us-- and then if they should choose to reoffend because they do get the advantage of getting out early-- what about our public safety? Colleagues, when bills like this come to the floor, to me, they should be rock and ready-- all the I's dotted, T's crossed. Everybody should feel very confident in the state of Nebraska that we're doing the right thing-- for the people, for the families, for the businesses, for our state. We want to be safe. But I can't believe that we're still, you know, negotiating this. And I don't feel like-- I know we put four freshmen-- four new freshmen are sitting on Judiciary. And for Senator Bosn, she's a quick study because she had to take the ball that Suzanne Geist left and run with it and try to wrap her head around it, try to understand. It. But to be fair to the other three that are trying to negotiate these type of situations, this is a big deal. This is a really big deal. I just believe that we need to take the time to make this right. How could not all of us be on the same page? From police officers to attorneys to the prosecutors to-- I mean, I understand the Governor's Office and, and our AG's Office, but we have to know that we're protecting all of those that are making decisions and all of those that have to protect us. The safety of our state is going to be in jeopardy if we make the wrong decision. You know, for me, I'd build an extra prison if we had to. We're, we're going to build one. We might need another one. But it's all of a sudden we're, we're rewarding bad behavior, I feel. I mean, we've had these laws in place for a reason. And I want to know beyond a shadow of a doubt that the decision we're making today is going to be the right one for all of us. Because when you do the look back, if this should pass, and something happens to one of your loved ones, whether they're in prison or out of prison-- but who's going to protect those of us that have to be concerned because they haven't decided to do any programming to help themselves out of a bad situation? Because they-- some of them-- I mean, it's sad to say-- and we're not talking about this on the floor-- we had to have a bill to teach everyone how to read before they left third grade. Because if you take a poll with who's in-- incarcerated right now, a lot of them have hard issues with learning things because we failed--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** One minute.

**ALBRECHT:** --them. We failed them by not allowing them to be able to read, to write, to take care of themselves. We failed them. So I just really want to caution everyone about the amendments that are floating out there, whether certain groups like it or certain groups don't. I have the utmost respect for law enforcement, for county attorneys, for our Governor, for our AG's Office. But we've got to make sure we get this one right. I know we're nearing the end. Sorry, Senator Halloran. I can't jump on this one if it hasn't gone through the proper channels. I'm just a little bit more principled, probably too much more, than most on the floor. And I'm not, I'm not-- I'm just not the wheeler and dealer. I, I'm not the "let's make a deal" kind of person. I think it needs to be right. And I think we need to slow down and really take a look at this. Thank you, Mr. President.

**DORN:** Thank you, Senator Albrecht. Senator Halloran, you're recognized to speak.

**HALLORAN:** Thank you, Mr. President. Well, you know, in defense of AM1986, Senator Justin Wayne said that there was some real risk here that schools couldn't have school plays, couldn't have school acting. I want, I want to ask you whether you've been to a school play recently. And this is, this is the language in, in, in the amendment, OK? If you've been to a school play lately, a live performance-- this is the definition of it-- that is inappropriate for minors means a live performance which includes any sexual- or gender-oriented material that exposes minors to persons who is stripping or is engaged in lewd or lascivious dancing presentations or activities, including but not limited to topless performances at a high school near you? I don't think that's probably a high school play. Go-go dancing or performances by exotic dancers? Well, they may have to card you when you go to your school play, I guess, if that's going to prohibit any school plays. Or male or female impersonators, commonly known as drag queens or drag kings. Now, we could have put a definition in there that drag king-- queens or drag kings are male or female impersonators, but it's written in the scope of the motion. So something needs to be done on this. I will, I will be happy to work with Senator von Gillern, any other members of the Judiciary Committee, to make language that works for y'all. But we all need to make language that works for this because it-- the kids need protection from this kind of activity. Thank you, Mr. President.

**DORN:** Thank you, Senator Halloran. Senator DeKay, you're recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DeKAY:** Thank you, Mr. President. I rise today to support LB50 and the amendment of AM1796. AM1796 makes some changes that I favor when compared to the version that passed earlier this week. The new amendment adds two criminal defense attorneys with at least 10 years of experience appointed by the Governor to the proposed Nebraska Sentencing Reform Task Force. This task force will look at Nebraska's criminal justice laws, policies, and practices and be in place until December of 2024. This amendment takes the 85 percent and moves it down to 80 percent. I am generally OK with this. Even though these people will be eligible for parole earlier, it does not mean that they are guaranteed to get on-- out on the first try. Senator Wayne is correct that it could take two, maybe three times before the parole board will get-- grant parole. These individuals must complete their programming plan before they will be let out. With the habitual criminal enhancement, it would change it so that the minimum mandatory is three years and the maximum term is, is the maximum term of the felony, or 20 years. However, I want to reiterate that the amendment would clarify those felonies, like those pertaining to first and second degree murder, first degree assault, kidnapping, first degree sexual assault, including that of a child, first degree arson, assaulting an officer, and using an explosive would not be subject to this change. These serious crimes will remain at the mandatory minimum term of 25 years and a maximum term of not more than 60 years. This preserves the habitual criminal statute for some of the most serious crimes. Overall, I think this amendment is a reasonable compromise. No one got what they wanted and no one is fully happy. However, it at least gets us to moving-- to put into place many of the consensus items that were discussed last year. I do applaud the negotiations between Senator Wayne and Senator Bod-- Bosn. I appreciate their negotiating countless amount of hours that they put into this away from their families. We have all lost sleep over this and we all have come up with a bill that will address people jamming out. We believe that when a crime takes place-- all of us on Judiciary-- when a crime takes place, the person needs to do time. We need to make sure that, that happens. We also need to make sure that those people are adjusted and can be with the best-- be the best citizen they can be when they get out. From what I've been told, the police do not want people jamming out. This will help get the programming so that we don't have to deal with some of the same people doing the same crimes over and over. So with that, I yield back the rest of my time. Thank you.

**DORN:** Thank you, Senator DeKay. Senator Albrecht, you're recognized to speak.

**ALBRECHT:** Thank you, Mr. President. I'd like to just touch on a few things that have been sent to me here recently. Under the newest amendment from Senator Wayne, LB550-- excuse me-- LB50, will significantly weaken the habitual criminal enhancement. Even under the latest amendment from Senator Wayne, the enhancement would not apply to serious crimes, including kidnapping, robbery, burglary, arson, certain assaults, pandering, certain crimes of child abuse, sex trafficking, human trafficking, child pornography, drug distribution, strangulation, assault on an officer, and other serious felonies. This habitual crime enhancement in current law is important to hold the most serious offenders accountable. Make offenders parole-eligible much sooner. Under current law, offenders are already released after serving only one and a half of their-- one-half of their sentence. This often overlooked aspect of criminal sentencing is one that prosecutors are challenged by on a daily basis. As we explain, the impact of any given sentence to a crime victim. Offenders already only have to serve one-half of their original sentence. Under the new amendment, a criminal sentence to 30 years for a serious felony would become parole-eligible in 12 years. Someone sentenced to 50 years would be parole-eligible in 20 years. LB50 in its current form would deny justice to victims. The provisions apply retroactively and would impact victims whose perpetrators are currently behind bars. Again, I want everyone to take the time to read through this amendment and really know and understand what we're doing here today because it will impact a lot of lives. Thank you, Mr. President.

**DORN:** Thank you, Senator Albrecht. Senator Lowe, you're recognized to speak.

**LOWE:** Thank you, Mr. President. Well, we've gotten an amendment in, and we're supposed to be reading it. You know, this reminds me of a wife making her husband a cake. It's a beautiful cake. The cake is delicious. It came out of a box. It's made to order. But you may have made her mad, so she goes out in the back pasture and scoops up a little bit with the bowl left behind and spreads it between the two cakes. Well, the cake is LB50 that Senator Geist had. And now-- and, and the stuff in between is the other stuff that's been added into it. And now we're going to put the icing on the outside. The icing is the amendment. Do any of us really want to bite into that cake? Because most of it is good. There's just a little bit of bad in it. There's just a little bit of bad. The taste is going to be the same. The taste in our mouth will be the same later on after this bill is passed and we have done something wrong. Our county attorneys are screaming at us, please don't pass this. This is not good for us. I appreciate that the Governor's got on board with this because he figures this is about

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

as best as he can do. The Attorney General's thinking this is about as best as he can do. But we can do better. There's next year. There is next year. We don't have to pass this this year. Senator Wayne, you can, you can take a look at this and, and perfect it and, and maybe we can all get on board next year. We'll have time to look at the amendment. We'll have time to digest it. And I appreciate your efforts into making justice right. I appreciate you being Chair of the Judiciary Committee. You're a fair man. But I don't think this bill's ready for prime time. I've got that taste in my mouth and it's hard to get out. Thank you, Mr. President.

**DORN:** Thank you, Senator Lowe. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. That taste in your mouth is blood, sweat, and tears of us working hard to come to a compromise. I know that taste is sometimes difficult. I'm going to stick to the objection right now. The objection is to substitute-- whether we substitute or not. The issue with the amendment, I kind of laid out there's some language problems. We don't define what "sexual" is. I don't know if hugging, dancing, what type of dancing goes there [INAUDIBLE] that, that, that could cause problems in a school play. So there's just those kind of things that I think we have to be careful of when writing criminal statutes. To Senator Lowe's point, last year, 11 people jammed out in one of your counties. Adding up all your counties, it's a little more than 25. [INAUDIBLE] I guess you're-- one county and one county, another one. So I don't know where those other ones because it kind of is bigger. So it might not be all 25 there. But at the end of the day, I do think there's a sentencing problem, to Senator Kauth and Senator Lowe's point. I wish I could have had 85 percent, but that was a nonstarter-- 85 percent to PRS, that was a nonstarter at the beginning of this whole debate. I couldn't get anybody to agree to it because people were concerned with who was running it, whether it was probe-- parole or judiciary. So rather than kill [INAUDIBLE] we came up with the idea of a task force to deal with just sentencing so we can build the coalition and the consensus for next year to figure out how to adjust all of our sentencing. The problem we have is not so much going forward today, because I do have faith-- and let me just step back and say-- I'll tell you what. I have a-- I never worked with Lieutenant Governor Kelly. I never had a case against him. But the conversations that I have had with him have been very thoughtful and honest. And it's a different perspective. And part of the perspective is his background as a local prosecutor, a U.S. Attorney, and now sitting on the other side looking at running a prison. And what's easier from a county, county's perspective is to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

sentence people, to charge people. But the state bears the cost. And getting a different perspective of now being on the other side and seeing what a residue case and a person who was sentenced to two years for not even having the ability to use that but it's a felony, and some of them being habitual, which are 10 years, which-- the Lincoln Journal Star, I, I can, I can send it out. There's people right now-- that bears our cost. And having those conversations and figuring out alternatives-- that I wish we would have started back in December-- we probably could have had a lot more robust criminal justice movement. But I, I have the utmost respect for him and the way those conversations we've had. And it's actually moved me on a lot of things because it's a different perspective than not all the time inside this body we get to hear. I practiced a little bit as a criminal defense attorney. I know some prosecutors, but I've never had everybody on all three sides of that, that angle to have those conversations-- that triangle to have that conversation. We all agree jamming out is a problem. If we were just to do-- to try to fix jamming out going forward, we have to make sure-- we will do nothing for the next 20 years to resolve that problem. Now, jamming out is OK if we had programming and some kind of supervision in the meantime, if they had a violation and went back. But no matter what, being behind four walls and jamming out versus being out in the community from some kind of transition-- two different atmospheres, two different elements, and we should make sure we monitor those individuals who are coming out. This body has already said that's a good idea for Class IV-- Class III and Class IV felonies. But as a result, our higher level offenses--

**DORN:** One minute.

**WAYNE:** --the Class I's and Class II's-- violence, sexual assaults, burglary, robbery-- we're literally just letting them go. Those are things that we're trying to address. As far as ready for prime time, this amendment makes it ready for prime time. As far as moving files from General to Select-- my God. If that's where we're going to hold the standard too, I can't count the number of votes, Senator Lowe, you made on the condition this year that we're going to fix something. I mean, yesterday, we didn't have an amendment until six minutes before one of the biggest bills we had come down. That rolled through. I get it. I don't get the benefit of doubt as some of my colleagues, and I understand that. But the language is clear. And this is, for the first time, that law enforcement has come in here agreeing with this bill. And when you talk about public--

**DORN:** Time.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**WAYNE:** Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator Halloran, you're recognized to close.

**HALLORAN:** Yes. I would just encourage everyone to support AM1986 and move on in protecting our kids. So I would call for-- call of the house and roll call in regular order.

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

**CLERK:** 13 ayes, 5 nays to place the house under call.

**DORN:** The house is under call. Senators please record your presence. Those unexcused senators outside the Chambers, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator DeKay, Senator von Gillern, the house is under call. Please return to the Chamber. All unauthorized personnel are present. The question before the body is the approval or disapproval of M01146 to withdraw and substitute with AM986 [SIC-- AM1986]. This will take 25 votes. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard. Senator Blood voting no. Senator Bosn not voting. Senator Bostar voting no. Senator Bostelman not voting. Senator Brandt voting no. Senator Brewer voting no. Senator Briese not voting. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements not voting. Senator Conrad. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach not voting. Senator Jacobson voting no. Senator Kauth voting yes. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe not voting. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 6 ayes, 32 nays to withdraw and substitute, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** The motion fails. I raise the call. Senator Halloran, you're recognized to open on FA188.

**HALLORAN:** I'm going to withdraw FA188. That's fine.

**DORN:** So withdrawn. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator DeBoer would offer AM1958.

**DORN:** Senator DeBoer, you're recognized to open.

**DeBOER:** Colleagues, this is a package of amendment bills that all came out of Judiciary 8-0. I would, however, like to withdraw at this time so that we can get to the substantive amendment on LB50. And perhaps if there's time later, I will add them later. Thank you, Mr. President.

**DORN:** So withdrawn. Mr. Clerk.

**CLERK:** Mr. President, in that case, Senator Wayne would move to amend with AM1979.

**DORN:** Senator Wayne, you're recognized to open.

**WAYNE:** Thank you, Mr. President. And colleagues, I, I, I hope we can have a conversation. What this AM79 [SIC-- AM1979] does is the ER-- E&R plus changes requested by Bill Drafters. Number one, it replaces Section 33. It relates to parole eligibility. Again, offenders with a maximum sentence of up to 20 years will be eligible for parole two years before their mandatory discharge date. Eligible. It does not mean they're getting out. They are eligible for parole. Offenders with a maximum sentence of over 20 years would be eligible for parole, serving 80 percent of their sentence. Number two, this changes Section 6. This section amends 20-9-- 29-221 and it relates to the habitual criminal statute. Under this amendment, an offender would not be eligible for the-- eligible if the previous felonies involved violence, sex, or weapons. The amendment would expand the exclusion of other offenses involving firearms to the original amendment. Number three, there is Bill Drafter cleanup language. And then two, this would add two experienced criminal defense attorneys to the task force. And then number five would be, again, Bill Drafters cleanup. I want to just briefly talk about public safety. Public safety is very, very important, and, and that's what's my number one goal and number one thought throughout this process. And public safety, to me, is not just the county attorneys who are charging individuals, but law enforcement who are pulling them over and dealing with them, law

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

enforcement who have to arrest them, law enforcement who have to go talk to witnesses who are involved in crimes, talk to families who have been victimized of crimes. The detectives. And that's why I'm proud to say that law enforcement is supporting this bill. Nothing against county attorneys. My first job was, was Don Kleine, county attorney of Omaha. I respect their role. But when law enforcement comes to me and says this is an issue, jam outs, we have to figure something out. That was where we lasered in on. We have a lot of people over the next 10 to 15 years who are jamming out that they will have to deal with, the next three years that they will have to deal with. I have seen a lot of criminal justice packages in my seven years or just a criminal bill in general come to this floor. And usually, law enforcement at best gets neutral. But OPOA, Sheriff Aaron Hanson, FOP, the AG, and the Governor's Office stands behind this starting point. And I call it a starting point. I watched what happened last year on this floor, and many of my colleagues did when it came to the CJI stuff. It was too much, too fast, too big. And from our conversations with so many people, sentencing is one of the biggest issues that determine everything else around reentry, programming and everything. But with term limits and the fact that we have now 15-- 14, 15 new senators, there was no way that, that was going to move. But I thought if we could put together a committee, a diverse committee from all branches of government, all sides of the criminal justice code, to sit down and figure this out, we can get movement. So we added that portion and took out what I thought was postsupervised release, which I thought was a good thing. I hope the committee will get there. To remove myself because I'm kind of jaded from being here and being-- working on this this year. I also want to pass the baton. I want to pass the baton to Senator McKinney, Senator Bosn, Senator DeBoer, and Senator Ibach. I want them to be on the committee, not me. Because they're the ones who are going to have to deal with these issues moving forward. Because in 2028, it's going to be a critical point for us. Are we going to redo NSP? Are we going to build an additional prison? Are we going to have some better outcomes with our sentencing that I hope this committee will come to? This process hasn't been easy. Honestly, I don't know how Senator Bosn did it. You get thrown into here. Your predecessor has a bill that she essentially said, figure it out, and, and I-- and negotiate with me. And the first call I made was to Senator Lou Ann when I got the announcement of her-- and I was actually over at Miller Time having lunch. And then I called Sen-- Attorney General Hilgers. And I'm like, who am I supposed to talk to? I've been talking to the same person for the last two months. And then politics got in the way. And it wasn't till Senator Bosn and I had an honest, frank conversation about how do we start

over and figure this out ourselves that we started having conversations. Literally last night, I called her at 10:59. I was like, I hope her kids are not sleeping and she's next to them, because mines are upstairs so I can figure out how to call. I don't fault her for her position and where she's at. I think she worked hard and I think we got to a point where we couldn't move. And we brought other parties in to figure it out. That's what you're supposed to do because the issue is that important. That's negotiation. That's when you realize, we might be at an impasse. Who else can we have at the table? And that happened. And that happened this morning. Do I like everything on here? Absolutely not. I wanted to get rid of the residue. And if you talked-- Exec Committee, we-- I don't know how many times we talked about residue. Someone-- [INAUDIBLE] law. We couldn't bring both sides together to get that done this year. I hope both of those get done next year in some way. And there's some different alternatives don't remove-- that, that don't even include removing residue as a crime, that weren't thought of until the last hour. But that's the beauty of having frank and hard conversations. This is a starting point that not everybody agrees with, but it's a good starting point. And next year, if this committee comes back and says, we got it all wrong, we'll make the adjustment. If they come back and say, this is-- we're moving in the right direction, we'll make the adjustment. But that's what we do in this body. We sit down and we make the best decisions we can at the time we are there. I asked my colleagues not to talk too much on this bill and get to a vote. There may be an amendment by Senator Dungan and Senator Ibach and Brewer. They're working that out. The one thing I've told everybody is we have an agreement with the AG, the law enforcement, and the government-- and the Governor. I don't want any amendments to be attached, even if I like them, if they all haven't signed off. Again, this is about public safety. The fear of the one is not the one-- the fear of the one is the one who we just give a bag and their stuff that they came in with and said, have a good day. We have to have a transition. This is our first start at that transition. There's going to be a lot more conversations around that. A lot more conversations around that. So I do-- I want to thank the Attorney General, Mike Hilgers. I want to take time to thank Lieutenant Governor, Mr. Kelly, Senator Bosn, the entire Judiciary Committee. We had a not too many shouting match. I just want to thank everybody who participated and helped us get to where we are today. No bill we pass in here is perfect, else we wouldn't have cleanup bills every year.

**DORN:** One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**WAYNE:** But this bill outlines the priorities that were laid out for public safety, the priorities that were laid out for law enforcement. And I'm proud to have them with me on this bill. And I would ask for you to have a green vote on AM1979 and E&R amendments and the entire bill. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator Bosn, you're recognized to speak.

**BOSN:** Thank you, Mr. President. Colleagues, a couple of points that I think are worth making. Senator Wayne has pointed out that this is a starting point of the negotiations for him. And the concern that I have, and I think several of you may have, is, we do this and it still won't be enough. We'll come back next year and we'll need one more thing. We'll need a little bit less. There will be a push to reduce or to lower or to open more on some of those concerns. And I don't know that that's his intention, but that's a valid concern that I have. I think-- I spent some time talking about what the 85 percent that I had strongly supported looked like. And I think comparing that 85 percent to 80 percent has been mischaracterized as, this is just 5 percent. Can't you just be agreeable? This isn't just 5 percent. This started somewhere much higher than 85 percent and started somewhere much lower than 80 percent. And so I don't want anyone to walk away saying that that was not a good-faith negotiation at 85 percent. That, that wasn't true. So the numbers that are important. Under a 20-year incarceration sentence-- robbery, sex, assault, first degree domestic assaults, motor vehicle homicides, things of that nature-- under 85 percent, you're eligible at eight years, six months. Under 80 percent, you're eligible for parole at eight years, five months-- or, excuse me-- six months, half a year. Doesn't seem like much. Then we go down. What about at 30 years? You're given a 30-year sentence-- manslaughter, homicide, first degree sexual assault, serious felonies-- you are eligible for parole under an 85 percent at 12 years, nine months. 12 years, nine months on a 30-year sentence. Under 80 percent, that goes down to 12 years. So that's a nine-month drop-off. Everyone here who's done percentages and statistics knows that that gap increases between an 85 percent and an 80 percent every year thereafter. At 40 years, a 40-year sentence, it's an entire year difference. So at 85 percent parole eligibility, it's 17 years. And at an 80 percent parole eligibility, you're at 16 years. 16 years on a 40-year sentence. I do think this is about public safety. And I think Senator Wayne thinks this is about public safety. End goal being the same; roads to get there are very different. They're not even probably on the same continent. As it relates to the amendment, AM1979, I think it's worth noting what those modified pieces of language actually mean and where

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

we were with the previous language and where we have come so that at least people who are voting on this understand what they're doing. So, under the first section that strikes Section 33 and inserts the new language, this is essentially the parole eligibility that I've now spent the bulk of my time addressing. It's now if you are serving a maximum of 20 years or less. So any sentence between one year to 20 years at the Nebraska State Penitentiary, you are given a straight two year of parole eligibility. So if you get two years, you're parole-eligible--

**DORN:** One minute.

**BOSN:** --the day you walk in. And I submit to you that if you were parole-eligible the day you walked in, you should have gotten probation. Four-year sentence, you're parole-eligible after two years. Anything over 20 years is where the 80 percent language starts. I'll use my next turn on the mike to address the habitual criminal language. Thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. In reading AM1979, I'd like to hear more from Senator Bosn because she didn't get quite done with it. Would Senator Bosn yield to a question?

**DORN:** Senator Bosn, will you yield to a question?

**BOSN:** Yes.

**CLEMENTS:** Would you care to continue with AM1979, please?

**BOSN:** Sure. Thank you. So what I had started talking about was the parole eligibility concerns that were negotiated-- or, that that was the portion of the language that was negotiated. The second portion on page 2 of the amendment, starting with Section 2, addresses the habitual criminal statutes. So for those of you that are not aware of what our state requires for a habitual criminal charge to be added, I'd like to take a moment to go through that. But before I even do, 29 states have habitual criminal statutes very similar to ours. Maybe not exactly the same wording, but very similar. Some call it three strikes, some call it habitual criminal, and some of them involve penalties a lot more than ours-- including California, strangely enough. To be habitual criminal-eligible, you have to have been sentenced to the Department of Correctional Services-- not county jail. None of that-- Department of Correctional Services for a

one-year minimum. And I submit to you there are virtually no individuals going to the penitentiary on their first conviction. You have to have been in for that full year and come out. You can't have gotten your second charge between the time the first one was charged and your release date. So if you assault someone in custody while you're in jail, that second charge of assault on an inmate cannot be used for habitual criminal. You have to go out-- you have to go in and you have to come out. And those dates are important. If you come out on December 1, nothing before December 1 counts against you for habitual criminal. If December 2 you commit another violation and you're subsequently convicted of it and you go back in, you got to serve another minimum of a year and then get out, whatever that time is. Two bites at the apple. In order to even apply the habitual criminal, you have to have gone in, come out, gone in, come out and gone in, or at least be pending to go in, a third time on a felony. Now, this particular section deals with what we have characterized as the "baby" habitual criminal. So there's three things. There's the super habitual criminal, which is 25 years or more because it's a more serious felony. There's the regular habitual criminal, which is 10 to 60. And now we're looking at what we're calling the "baby" habitual criminal, which is 3 years to 20. This was presented as, what about the individuals who are low-level drug offenders who may have stolen a car because they wanted money to get a fix and, and they needed that money? So they used and they went in. They still used and they went in. And now they stole a car. And they're-- you're threatening the habitual criminal charge. 10 years on a stolen car. Come on. That's not reasonable. Those aren't violent offenders. The list goes on. So I said, OK. Let's talk about that. What does that look like? How many people are actually in for that? While I was never provided exact numbers, there was apparently some in some counties that are doing that. I, I cannot verify that. So I said, OK--

**DORN:** One minute.

**BOSN:** Thank you, Mr. President-- if that is the concern, then we should have no issue with the prior two convictions falling under that category, restricting this "baby" habitual criminal statute to crimes that do not involve violence, that do not involve sexual assaults, that do not involve weapons or any combination of those things. And that was pushed back. And I said the point that everyone had here was these are low-level drug offenders, petty thefts, forgeries. Come on. Let's get there. This will reduce our prison population. So we negotiated that because we came to one has to be nonviolent and the pending felony has to be nonviolent in order for this "baby" habitual criminal statute to apply. And that was a consensus that--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** Time.

**BOSN:** Thank you, Mr. President.

**DORN:** Thank you, Senator Clements and Senator Bosn. Senator Wayne, you are recognized to speak.

**WAYNE:** Thank you, Mr. President. Colleagues, what's interesting about what's being said is it's, it's smoke and mirrors. So a 40-year sentence-- we want to calculate good time, it's 20 years. Underneath her proposal, on a 40-year sentence, you're eligible for parole at 17. Under mine, it's 16. One year difference. One-year difference somehow turns into a public safety issue. We have a parole board. That parole board is appointed by the Governor. There are some seats up next year. Are we saying now that the parole board is just letting people out? Colleagues, that's just not true. There are a thousand people today over their parole eligibility dates. Nobody is walking out because of this bill. The Governor is not going to support people walking out because of this bill. Law enforcement who deal with them are not going to support this bill because people are walking out if this bill passes. Those are just the facts. And many of my colleagues know our Attorney General. He's not going to let people walk out because of this bill. That's not what it is. It's parole eligibility. The difference between 85 percent and 80 percent is around the two years. But what's being left out of this conversation is the original amendment has five years, right? We offered a cap at four all the way through, that nobody could get more than four. Nobody liked that. We want to stick with a percentage. I'm not going to rehash the negotiations. Here's what I will say. One year doesn't make a difference on a 20-year sentence, but one year being supervised makes a hell of a difference. The fact of the matter is we have to supervise people on the back end. Senator Brewer, will you yield to a question?

**DORN:** Senator Brewer, will you yield to a question?

**BREWER:** Yes.

**WAYNE:** The random people at our lunch table today, did they not say that 80 percent is reasonable, two years on a 10 seems very reasonable?

**BREWER:** That's exactly what they said.

**WAYNE:** Thank you. The random public says if a person is doing 10 years, we should at least supervise them for two. That's all this bill

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

does. There's a lot of other good, really good things in this bill that both sides want. I'm saying, from a functionality of parole, 85 doesn't work because it's only 1.5 years on a 10-year sentence. You get denied that 10-- which we're talking about a 20-year sentence-- because of good time, that 10 jams out. If a person is sentenced to 20 years, do we want that person to jam out? That is the reality of the parole board. You apply once, you're stopped. You say, come back. If we don't give another opportunity for a year-long supervision, they are going to sit and just jam out.

**DORN:** One minute.

**WAYNE:** I don't want that. Our law enforcement officers don't want that. And it sounds to me, because they support the bill, our Attorney General and our Governor doesn't want that. We're in alignment the first time in a long time on criminal justice and on making sure that we're doing something to set the framework to move forward. No, I'm not coming back with a bill saying a little bit more. I said I'm not on the committee. The sentencing committee is going to be you all. Whatever changes have to happen from you all. I'm purposely not coming back on the committee because I have one year left. I want to make sure the relationships on the committee are from the newer people who are going to build something to do something about our overcrowding and what we're doing. So you all are going to be bringing any bills next year. Not me. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator Bosn, you are recognized to speak.

**BOSN:** Thank you, Mr. President. I'd like to take a moment to talk about these-- we're spending a lot of time talking about the need for supervising individuals and, and that this prevents recidivism and reduces recidivism by monitoring individuals because they're released. So this is from the mandatory discharge report that I referenced earlier. And it's a discussion of individualized release or reentry plans. Page 4. Reentry planning for inmates begins at the time of arrival and continues until a person discharges. Members of the Reentry Division hold orientation sessions for newly admitted inmates at the three NDCS, Nebraska Department of Correctional Services, intake facilities: that's Diagnostic and Evaluation Center for adult males, commonly referred to as D&E; Nebraska Correctional Center for Women, which is for females; Nebraska Youth Correctional Facility, which is for male individuals under the age of 19. They work with them to introduce them to the concept of reentry and get them thinking about their futures. Reentry specialists continue meeting with the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

individuals at set points throughout their sentences, those being at 50 percent of their sentence, at 80 percent of their sentence, 180 days prior to their release, 120 days prior to their release and 30 days prior to their release-- that's one, two, three, four, five meetings-- as well as on an as-needed basis to assist developing plans for a successful transition to the community. Then we look at the reentry discharge meeting status for people who are discharged from the facilities. How many attended the meetings? 270 out of the 307 were mandatorily discharged. So we have 307 mandatorily discharged. 270 of them said, OK. I'll meet with you. That's 88 percent. 37 said, nope. Not going to do it. We've provided these programs. We're providing all these opportunities. Of the 307 people who mandatorily discharged during 2021, 270 met with a reentry specialist within 120 days prior to release to develop and finalize their reentry plans. Among the 37 people who did not have meetings during this time frame, just over half were admitted and discharged on the same day or discharged within two weeks of admission. This amendment doesn't fix that, because people will walk in eligible for discharge. In two cases, inmates refused reentry services. Of the remaining eight individuals, reentry specialists met with all of them but outside of the 120-day window. These individuals are assessed during these meetings. They use a guideline to do that, to determine what level of services are needed. And of the individuals who completed the assessment, 70 were at--

**DORN:** One minute.

**BOSN:** Thank you, Mr. President-- 70 were at the high-risk category of violence, property, or drugs. And for clarification, because it's been stated that drugs are-- these are all low-level drug offenders, they're just addicts that we aren't providing adequate treatment. This characterization in these charts, charts of drugs includes personal use. It includes delivery of controlled substances. It includes manufacturing and distributing controlled substances. Those are all lumped in for purposes of this study. So this is not limited to, I have a, a drug abuse problem and I just need treatment. These are individuals who are manufacturing drugs, selling them. Kids are using them. The completed assessment included 85 individuals who fell into the high-risk category for--

**DORN:** Time.

**BOSN:** Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** Thank you, Senator Bosn. Senator Lowe, you're recognized to speak.

**LOWE:** Thank you, Mr. President. Parole. We've got numbers flying at us. Do we believe the numbers? Do we not believe the numbers? I don't know. Justin Wayne is not on the parole board. There is a man out in the Rotunda right now, Robert Twiss. He is on the parole board. If you want the numbers, please go to the Rotunda. He will give you factual numbers. They did 20 reports today. Half of them got paroled. So it's not like they're not paroling people. Half of them got paroled today that they interviewed. Please go out and visit Mr. Twiss if you are thinking about voting for this bill. The parole board is not on the task force. Why is that? Why do we not have somebody from the parole board on the task force? I'm not giving up on these people that are jamming out. I want them to fulfill their time and I want them to come out as good citizens. What we are doing with this is giving up on the victims, the victims of these crimes that these people committed. If we vote for LB50 and AM1979, we are voting for, for the people that committed the crimes and not standing up for the victims. Now, who would you rather have in your house? Who would you rather call if in trouble? Oh, wait. Some of the victims aren't around anymore. What do we do? Do we do right by the victims or do we do right by those that committed the crime? I'm not saying that we don't need to help these people out. We do. We need to turn their lives around. But maybe they're not ready yet. Senator Wayne said that if they jam out, they're not safe. That's scary. That's meant to scare us. That is meant to scare us to death, that they are jamming out and they are not ready. What he should be saying is, we didn't sentence them long enough. And maybe that's because that's the longest they could be sentenced. But what we need to do is do the right thing by the victims of the crimes. With that, if Senator Bosn would like the rest of my time to finish her thoughts, I'd be glad to give her my time.

**DORN:** Senator Bosn, you're yielded 1:25.

**BOSN:** Thank you, Senator Lowe. Also, more statistics that I think are relevant and helpful because this is intended-- or, the, the underlining of all of this is to help reduce our prison population and that the number of people affected by this would somehow be sufficient, that we would put this argument to bed, which I disagree with. I was told that in, in support of this, you know, need to reduce the habitual criminal charges, that there are 500 people in the Nebraska Department of Corrections serving sentences for habitual criminal charges. I said, no way. That's insane. I worked there for almost 10 years and I only saw two. How is that, how is that possible?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

I'm in the third largest county in the state. So I asked someone to run the numbers. And as of Monday, two days ago, the 22nd of May 2023, it was 220 inmates. That's not even half of what was being used as a negotiating point for, we got to do this. There's too many people in for these habitual criminal charges. And it piggybacks on the comments from Senator Lowe that we're spending--

**DORN:** Time.

**BOSN:** Thank you.

**DORN:** Thank you, Senator Bosn and Senator Lowe. Senator Kauth, you are recognized to speak.

**KAUTH:** Thank you, Mr. President. I have some more questions. Senator Bosn, would you mind standing up again? Can you tell me more about mandatory good time? I wasn't aware that, that essentially you're given a, a--

**DORN:** Senator Bosn, will you yield to a question?

**BOSN:** Yes.

**KAUTH:** I wasn't aware that when you're sentenced, it's essentially cut in half automatically. Can you tell me more about that?

**BOSN:** Yes. Under Nebraska law, currently, sentences are given good time unless you're given a mandatory minimum, such as a habitual criminal. Your sentence on day one is one-half of whatever the judge gave you at the time of sentencing. On a five-year sentence, that's two years, six months.

**KAUTH:** OK. Thank you. And can we talk about the postsupervisory parole? How-- what does that look like? So if they, they get probation or parole-- which is it, parole?

**BOSN:** So there's postsupervised release--

**KAUTH:** OK.

**BOSN:** --and that is on Class IIIA's, III's and IV's-- so, felonies that are a Class IIIA, a Class III, or Class IV. Those are, under current law, which was LB605-- I believe that was in 2015, but don't quote me on that-- we started requiring-- and to Senator Wayne's point, that-- the intention was good-- supervise these individuals after they're discharged. So we modified sentencings and then we added

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

this time on the end for post-supervised release, which, for those that don't practice in this area, functions similarly to parole. They are supervised by different individuals, and there's differing opinions on whether that's better or worse, but that's not for today.

**KAUTH:** So if somebody is, is-- they've been given probation and they're being supervised on probation, what does that look like? Are there check-ins? Do they have an ankle monitor? I mean, what, what are the restrictions and the expectations for that?

**BOSN:** OK. So on probation, you are assigned a probation officer. You do an intake. You're set to a set term. Let's say it's 12 months of probation. During that 12 months, you're given a number of conditions by the judge that you have to comply with on probation. They could be things like domestic violence classes. They could be things like you have to maintain a 40-hour-a-week job. They could be things like anger management classes, drug abuse treatment, drug testing, things of that nature, nature. If you violate some of those terms and they're not hard violations-- I don't remember the word that they were using in our, in our information here-- but I think it was, it was-- any-- in any event, so they're not, like, new law violations. Let's say you forget to go in for a drug test. You can have your probation extended in most cases, if, if that was necessary, before the judge would necessarily resort to putting you in jail.

**KAUTH:** OK. And then if you commit another crime while you're on this or after this, it does-- does it have any impact?

**BOSN:** So if you commit a crime while you're on probation, there's no triggering mechanism that it automatically means your probation is revoked. I believe Senator Dungan would agree that we don't always revoke probation for a law violation, but it does happen. So if there is a law violation, you're on probation and you do something new and your probation is revoked, then the judge can sentence you under the same penalties that were originally on the table. So if that's a domestic assault, Class I misdemeanor, it carried up to a year of incarceration. So if you got probation and you didn't successfully complete it because you got a new law violation--

**DeBOER:** One minute.

**BOSN:** --the judge can give you a full year on the underlying law violation, the domestic assault in the third degree. But that doesn't affect the new penalty that you're getting for the new crime that you committed while on probation.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KAUTH:** OK. And then one last question. What are the stats about supervision actually reducing recidivism? Do they have stats saying that, yes, it actually does work?

**BOSN:** I believe there are. I don't have them in front of me, so I don't want to rely on them. But I can look for them and get on the mike.

**KAUTH:** OK. Thank you. I yield any remaining seconds to you if you'd like them.

**BOSN:** Thank you.

**DeBOER:** 0:25.

**BOSN:** I don't know where those numbers are right now, but I would imagine Senator Wayne could find them for me. I don't have them, so I'll sit down.

**DeBOER:** Thank you, Senator Kauth and Senator Bosn. Senator Albrecht, you're next in the queue.

**ALBRECHT:** Thank you, Madam President. Colleagues, I rise to talk about the parole eligibility. Opposition to the parole eligibility provisions in-- that are now included in LB50 and AM1979-- the provision is a substantial departure from the current sentencing scheme and has the effect of significantly reducing the time before an offender is eligible for parole. Offenders already only have to serve one-half of their original sentence-- and let me repeat that-- as that is an often overlooked aspect of the criminal sentencing and one that prosecutors and victim advocates are challenged by on a daily basis as they explain their impact on any given sentence to a crime victim. Offenders already have to serve one-half of their original sentence. So for example, let's consider a sexual assault, Class II felony, sentenced to 22 to 24 years. Under current law, parole eligibility would be reached at 11 years and 12 years for mandatory discharge. Under the Wayne Amendment, the offender is now eligible for, for parole after 9.6 years. This has the effect of making offenders parole-eligible way before the mandatory discharge date and is essentially a reduction in the sentence. These provisions would reactivate and would apply to offenders currently behind bars. This would be disruptive to the victims who have settled with the expectation about the sentences and the parole eligibility. Again, the-- there's a willingness from opponents to, to have this drafted to compromise so that the jam outs can be addressed. But that proposal

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

was rejected, I understand, by Senator Wayne. I do know that they were talking about-- I've been having conversations online here-- that, especially in Douglas County, you have to really work at being sent to prison. You're given many opportunities for diversion and problem-solving courts. I'm originally from Sarpy County. I know that they have many, many different programs that you can go through before you ever end up serving a lot of time. So there's so much focus on giving second chances to offenders. What has been lost, again, in all of this is the conversation of justice for the criminal victims-- or, for the victims of those that have, have harmed them. And, again, I talked about all the different things that most of them don't have to serve a lot of time for. But habitual criminal enhancements are often common in jurisdictions and a part of the United States Department of Justice's federal antiviolence strategy. And we do need to keep tools in place. But again, I just don't-- I just can't stand in support of these amendments. If Senator Bosn would like to continue, she's certainly allowed to take the rest of my time. Thank you.

**DORN:** Senator Bosn, you're yielded 1:40.

**BOSN:** Thank you, Mr. President. I'm still looking for the statistic for Senator Kauth, so I don't have that yet. But in the interim, I will read a letter that was sent over this afternoon from the desk of Patrick F. Condon, the Lancaster County Attorney, who is the county attorney in my district. Dear Senator, on behalf of the Douglas, Sarpy, and Lancaster County Attorneys' Offices, we write to convey our serious concern about and opposition to LB50 because of the serious risk of harm--

**DORN:** One minute.

**BOSN:** --it would pose to public safety. While some wish to diminish the role of the prosecutors in this debate, voters have elected county attorneys in all 93 counties across the state to enforce the law, and we play a unique and vital role in upholding public safety and ensuring justice for crime victims. We understand the latest amendment from Senator Wayne is being presented as a, quote, compromise. County attorneys are more than willing to support responsible criminal justice reform and have agreed-- excuse me-- and have offered and agreed in good faith to concessions on both items. Unfortunately, the amendment being filed by Senator Wayne this afternoon continues to be too far-reaching and would have serious negative impacts on public safety.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** Time. Thank you, Senator Albrecht and Senator Bosn. And Senator Bosn, you're up next in the queue, so you're recognized to speak. And this is your third time.

**BOSN:** Thank you, Mr. President. Under the newest amendment from Senator Wayne, LB50 would significantly weaken the habitual criminal enhancement. Even under the latest amendment from Senator Wayne, the enhancement would not apply to serious crimes, including kidnapping, robbery, burglary, arson, certain assaults, pandering, certain crimes of child abuse, sex trafficking, human trafficking, child pornography, drug distribution, strangulation, assault on an officer, and other serious felonies. This habitual criminal enhancement in current law is important to hold the most serious offenders accountable. Make-- the second point under that subsection is, make offenders parole-eligible much sooner. LB50 would make parole-- excuse me-- LB50 would make offenders parole-eligible much sooner. Under current law, offenders are already released after serving only one-half of their sentence. This often overlooked aspect of criminal sentencing is one that prosecutors are challenged by daily-- that's a fact-- as we explain the impact of any given sentence to a crime victim. Offenders already only have to serve one-half of their original sentence. Under the new amendment-- this is important-- a criminal sentenced to 30 years for a serious felony would become parole-eligible in 12 years. 12 years. Someone sentenced to 50 years would be parole-eligible in 20 years. LB50 in its current form would deny justice to victims. The provisions apply retroactively and would impact victims whose perpetrators are already behind bars. County attorneys support responsible criminal justice reform and support LB50 as introduced as well as several other bills and provisions that have been negotiated in good faith. Unfortunately, LB50 as amended represents a serious breach of confidence and trust, as it is a far-reaching and harmful proposal that would seriously threaten public safety. For these reasons, we ask you to oppose the amended LB50. Please don't let law enforcement be diminished because of the insistence of a few lawmakers who are willing to put public safety at risk. Please feel free to reach out with any questions as the debate proceeds. Sincerely, Patrick F. Condon from the Lancaster County Attorney's Office, Don Kleine from the Douglas County Attorney's Office, Lee Polikov from the Sarpy County Attorney's Office. We have spent a lot of time concerning ourselves with the impact of all these laws on defendants and the need to be more supportive of them. And I don't know how many of you have asked the victims where they stand in support of that. They didn't ask to be the victims of this situation. They didn't ask to be put in this situation. We talk a lot about supporting women who are in situations

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

that are unsafe. Support them. Give them this. Give them that. And here I am asking you to give them that sense of security. And everybody says, well, this will reduce the prison population. And we got to do that because we're building a new prison. There's--

**DORN:** One minute.

**BOSN:** --doing that and doing it safely are two different things. There are a lot of victims out there of crimes. I've met with a lot of them. Some of them don't even cooperate with me. Anyone who's done domestic assault knows that the only person hated more in that room-- well, actually, there is no more hated person in the room, usually, than the prosecutor because no one likes domestic assault cases. But those cases are hard. Putting them up, taking their picture, doing depositions, pulling their kids out of school so they can testify to watching their mom's boyfriend take a hammer and threaten it through the door because she won't give him what she wants. Stab her 17 times and drive away, leaving her for dead and then thinking, oh, I guess-- I have remorse for that.

**DORN:** Time.

**BOSN:** Thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. Senator Wayne, you're recognized to speak. And this is your last time before your close.

**WAYNE:** Thank you, Mr. President. Would Senator Bosn yield to a question? And we're OK with that individual jamming out. My question is-- Senator Kauth asked a question that--

**DORN:** Senator Bosn, will you yield to a question?

**BOSN:** Yes.

**WAYNE:** Senator Kauth asked a question that I think you might have gave a incorrect answer to, so I want you to correct it for the record. Is there mandatory good time? That was her question.

**BOSN:** Well, there is good time. There is not good time for mandatory minimums. And if I misstated that, there are 10-year mandatories. Those do not get good time. So if I said that incorrectly-- yes, that's incorrect. But there is good time automatically--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**WAYNE:** Automatically given? Are you sure about that? Isn't it the discretion of the department that they can actually remove good time so a person who gets a 20 to 20 can actually do a 20 to 20?

**BOSN:** Good time is given automatically is my--

**WAYNE:** So they cannot remove good time. So you're saying a person who is sentenced to a 20 to 20-- this is very important-- is automatically doing a 10? They can never do a 20 to 20. Their good time can never be removed?

**BOSN:** If they have a new law violation, that's different.

**WAYNE:** No. Thank you, colleagues. If we're going to talk on the mike, we need to talk about facts. The fact of the matter is good time is first assessed, but it can be removed at any point for any violation within the system. That's the problem. So the numbers that are being thrown out are numbers in certain factual situations to make this fear grow. The fact of the matter is if somebody is in there and acting up and acting up and their good time is gone, they're doing the 20, which means we should supervise them before they get out for at least a couple years. If they can't even earn good time, the last thing we want, Senator Lowe, is for them just to walk out. Good time can be given and taken away. That's why it's called good time, and that's why we don't have earned good time, which is something I would love to have. But when you get into earned good time, Senator Lowe, then we get in this weird conversation about mandatory minimums. Can you earn it during mandatory minimums? Then it's not really a mandatory minimum. And guess what? We couldn't tackle that issue this year. So the numbers that are being thrown out are numbers to incite fear. But when you use the same fact pattern of 20 years-- 40 years at 80 percent and 40 years at 85 percent, it's one year. And I have yet to hear-- and we're not going to hear-- what a one-year difference makes inside the system. I can tell you what a one year makes differently outside when you're transitioning, that when you're done, you have a stable home, that you're back on your feet, you've been drug tested for three or four years, you're monitored, you have new relationships, and you're moving into a different world. And, yes, there are people who might violate, and that is the exact reason why we have to have somebody monitoring them. Because when they jam out, nobody is monitoring them, and that detection of drugs goes unnoticed until they steal something or create another crime that-- or, have another crime that hurts another victim. That's just common sense. Colleagues, I would ask you to vote AM1973-- AM1979 green. And I'll save the rest for my closing. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** Thank you, Senator Wayne and Senator Bosn. Senator Lowe, you are recognized.

**LOWE:** Thank you, Mr. President. Once again, I say if you are thinking about voting for this bill, please, please go out in the Rotunda and talk to Bob Twiss from the parole board. He'll give you the actual numbers, the facts. I'm going to read something here. I'm going to read a, a testimony from chief deputy of Douglas County Attorney Brenda Beadle, which she delivered to the Appropriations Committee back in 2019. While it's a bit dated, the testimony holds true. Nebraska is not overincarcerating perpetrators of crime. Unfortunately, our state just hasn't built the prison capacity needed. And it starts: Good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Brenda Beadle. I am chief deputy county attorney for Douglas County. And I here-- I am here to offer testimony on behalf of our office and the Nebraska County Attorneys Association in support of Department of Corrections Services funding. Specifically, the Governor proposed, and this committee included in its primary budget, funding for a new \$49 million capital construction project, providing two new high-security housing units with design capacity of up to 384 beds at the Lincoln Corrections Center. At the end of 2016, Nebraska had the ninth fewest prison beds per capita in the nation. Nebraska had 42 percent fewer prison beds per capita than the national average. Nebraska had 215 prison beds per 100,000 state residents. The national average is 368 beds per 10,000-- 100,000 residents. While Nebraska is facing what has been called a prison overcrowding crisis, it is important to understand that Nebraska does not overincarcerate. According to the data from the U.S. Department of Justice, Bureau of Justice Statistics, Nebraska has the 13th lowest incarceration rate per capita in the nation and incarcerates 31 percent fewer residents than the national average. What they're saying is we don't have prison overcrowding. We just don't have room. We did not build our prisons to the size. We need a new prison. As you know, this body has imposed a July 1, 2020 deadline to lower Nebraska's prison total to 140 percent of capacity. If the department doesn't reach that goal, an overcrowding emergency will be declared and officials will have to consider paroling all eligible inmates. As prosecutors, we are following the law that this body has created and pursuing cases to keep our communities safe. It is then the responsibility of our state to provide an adequate amount of prison space and staffing. We respecally-- respectfully request this committee fully fund the capital construction request for corrections and provide the appropriate prison system capacity for our state. So we have a problem. The percentage of beds is not there, compared to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

the rest of the states. It's not that we're stuffing our prisons. It is not that we're stuffing our prisons with people that shouldn't be there. Most of these people have committed multiple crimes before they even get there-- to the prison. Multiple crimes. So it's not a one or two--

**DORN:** One minute.

**LOWE:** Thank you, Mr. President-- it's not somebody who got caught with a little weed in his pocket for the first time, the second time, the third time, the fourth time or the eighth time or the 10th time. It's somebody who's been trying to get into prison for a long time. They have been trying to get there. And now we're going to let them out. We're going to let them out before they should. Let's stick up for the victims. Let's stick up for the law enforcement. Let's stick up for our county attorneys. Let's stick up for the people of Nebraska. Thank you, Mr. President.

**DORN:** Thank you, Senator Lowe. Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. And good afternoon. So as I listen to the conversation this afternoon, I listen to Senator Lowe-- Senator Lowe, he seems to make some sense. And at this point in the game, of the discussion, I believe I'm going to be in opposition to AM1779-- or, AM1979. But I wonder if Senator Wayne will yield to a couple questions. Maybe he could help me clarify my position.

**DORN:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes, Mr. President.

**ERDMAN:** Senator Wayne, so if a person is sentenced to 10 to 20, when are they eligible for parole, at half of the low number or 80 percent or-- how does that, how does that work exactly?

**WAYNE:** So if they're sentenced to 10 to 20, they are parole-eligible at 10. Now, if you want to factor in good time, you would cut that in half. If, if everything's right and they have good time, it'll be five and their maximum sentence would be 20-- 10. So you would just divide it by two if you're calculating good time. You can't necessarily always calculate good time because it's not-- that can be taken away. So underneath my provision, they would be eligible for two years less than that.

**ERDMAN:** So then they, they would be eligible at seven?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**WAYNE:** Uh-uh. Eight.

**ERDMAN:** At eight. Two years less than the 10?

**WAYNE:** Yeah. The maximum sentence-- so it's the max-- on the max side, so it's the--

**ERDMAN:** OK. So what's the difference between your proposal and what Senator Bosn is explaining with the 85 percent?

**WAYNE:** Well, I don't, I don't know the proposal. I just know the 85 percent and 80 percent. So if you, if you assume that the under 20 is, is acceptable-- which I thought that was last night-- we were only talking about 80 percent versus 85 percent. If that's not, then you're talking about the difference of the 20 and above of a 5 percent difference. So on the 40-year sentence, that's one-year difference.

**ERDMAN:** OK. All right. Thank you. So, so let's, let's talk about those people that, when they're eligible for parole the first time-- I think you mentioned something about how often they're paroled on their first opportunity. Is it half of the time or what was-- what did you tell us?

**WAYNE:** I don't-- I said it's most likely not. People are not-- in order to be eligible for parole-- and you can go ask Mr. Twiss out there-- they're most likely denied because they didn't do programming, they have some kind of write-up, or-- maybe those two. There's a third one that he mentions, but I can't remember what it is because it's mainly those two. They didn't finish their programming or they had some kind of write-up on the inside.

**ERDMAN:** Write-up means they've done something wrong?

**WAYNE:** They had a disciplinary issue.

**ERDMAN:** OK. All right. So if one decides-- if, if an inmate decides not to take programming, does that change on their availability to be paroled on their opportunity?

**WAYNE:** Well, well, according to Mr. Twiss, if they're not doing their programming, they're not eligible for-- they won't be granted parole.

**ERDMAN:** At all?

**WAYNE:** According to Mr. Twiss, they have to complete their programming. That's what he's testified to multiple times in the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

hearing. And you can ask him out there. But he said they have-- they're denied if they didn't complete their pro-- programming.

**ERDMAN:** So if they didn't take the programming at all-- say it's a 10 to 20 sentence and they don't do programming at all, they're going to do the full 20?

**WAYNE:** They will still-- well, they will do-- if they have good time, they will do 10. If they don't-- if they lose their good time, they will do the full 20, which is still the problem with jamming out.

**ERDMAN:** OK. OK. I think I, I understand. Thank, thank you for that. I appreciate that. It's very, it's very difficult to understand exactly what we do here and how we sentence people. And being from an agricultural background and not dealing with this on a daily basis, it's kind of difficult for me to get my hands around exactly what we're trying to do. But I'll get back to this same thing I said before--

**DORN:** One minute.

**ERDMAN:** Thank you-- I'll get back to this thing I said before. We, we spent a lot of time talking about how to get people out and make sure they have programming and make sure they can reinvent themselves in the community, as they should. But we don't spend any time talking about how to keep them out of prison. And we don't look and see what are the real causes for them being there. And part of that is education. Part of that is learning to read. So I think we need to go back and look at the systemic cause of all the problems we have, and it seems to always point back to education. Thank you.

**DORN:** Thank you, Senator Erdman and Senator Wayne. Seeing no one else in the queue, Senator Wayne, you're recognized to close.

**WAYNE:** Colleagues, this is-- thank you, Mr. President-- colleagues, this is one of the most difficult areas. And it's not, it's not difficult just because of how we believe, but it's also the perception that one might have of a vote of a position and where we are. Nobody wants somebody to get out and harm a loved one. That's the fear of the one that I mentioned a couple months ago when talking about judiciary, the fear of the one. And we can sit here and talk about a factual scenario here and a factual scenario there. And we're throwing out the idea that if somebody gets 20, they automatically get out in 10, not understanding that if they act up in the system, that number of good time gets taken away. It changes. In fact, Senator Blood brought a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

bill to cap good time at one point, and everybody was opposed to that bill, if I remember right. There are things that we are trying to do. And what I thought we should focus on this year was public safety and putting a framework together to move forward. And what I mean by forward is not chipping away at the block to try to get something else. I'm saying one of our biggest expenses as a state is our criminal justice system. And we have to have a good committee-- task force going forward looking at how to fix things. But we can't fix them all at once. We have to look at efficiencies. But what was glaring to me was sentencing structure. The fact that we can't right now have a conversation that Senator Erdman and I were just having about if a person's sentenced to 20, how many years will they actually do, is a problem. It's a problem not just from a prosecution standpoint, but from a defense attorney's standpoint, it's really hard to plead somebody without knowing, well, you might get 10, you might get 20. And if you do 10, you'll only do five. If you do five, you might-- it gets complicated. We need to figure out our sentencing structure, and that's the framework that we created in this bill. Second, we took all the consensus items from last year and left them in there. There's only two issues we're really talking about, what I consider the smaller habitual, which, there is evidence that sometimes it's abuse, so we're trying to figure out that. And to be perfectly frank, I don't like the small habitual. I told my side of the aisle I'm actually nervous of how it gets applied because I've seen how the gun law is applied. But that's negotiations. As far as the 80 percent versus 85 percent, we are truly trying to correct an issue for the next 15 years. And you say, why next 15 years? Because if somebody is sentenced today, we're not going to see them-- to a 20-- at best at 10 or at worst at 20. So we're not going to have a, a big change in that right now. I'm hoping the committee can come together with something like that. But this is a good-faith effort, I think, on all sides to make sure, one, public safety is intact and, two, we create a framework going forward. I understand the county attorneys may not like this. And I have nothing against the county attorneys. But if I have to side with somebody, I'm siding with the boots on the ground. Let me repeat that. I'm siding with the boots on the ground: the individuals who are paroling, paroling the streets at night, who are pulling people over on dark highways, who are walking into housing units for a domestic violence call not knowing what they're walking into. The people who have to go find that person who was shot and go tell their mother or father. The person who, when they walk up to a car, they're just as nervous as many people in that car because of all of the issues going on. I'm siding with them, the front line. And the front line supports this bill. Not neutral. Supports. If you would

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

have asked me at the beginning of this, Sheriff Hanson would support this bill? No. But Senator McKinney and I sat down with him and said, you've always talked about supervision. Walk me through your vision.

**DORN:** One minute.

**WAYNE:** Walk me through how this works. We came to an understanding over, like, two or three hours because they're on the front line and they want to figure out how to stop jam outs. So I'd ask for your green vote on AM1979-- not just because it's my bill, because law enforcement, the AG, and the Governor have all said this is a good bill for public safety. We support this. Let's get the ball rolling and let's have some more conversations down the road with this committee. Thank you, Mr. President.

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

**CLERK:** 30 ayes, 3 nays to place the house under call.

**DORN:** 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. Mr. Clerk.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is-- Senator Slama not voting. Vote is 34 ayes, 6 nays, Mr. President, on, on adoption of the amendment.

**DORN:** AM1979 is adopted. Raise the, raise the call of the house. Mr. Clerk for items.

**CLERK:** Mr. President, amendments to be printed: Senator Brewer to LB514 and Senator Slama to LB514 as well. New LRs: LR270 from Senator Fredrickson; LR220-- excuse me-- LR271 from Senator Holdcroft and LR272 from Senator Holdcroft. Those will-- all three be laid over. Concerning LB50, Mr. President, Senator Ibach would move to amend with AM1980.

**DORN:** Senator Ibach, you're recognized to open.

**IBACH:** Thank you, Mr. President. Isn't it ironic that that's the year I graduated from high school? Telling my age. Thank you, Mr. President. This amendment speaks to four bills that were voted out of committee 8-0. And Senator Wayne has supported this amendment. And so we're bringing this to you this afternoon. There's four bills attached to AM1980: one is Senator Dungan's AM-- or, LB14; Senator Walz has LB521; Senator Brewer has LB265; and my LB220. I will speak to my portion of this amendment and then I will ask each of the other senators to give a brief description of their bills as well so that you can all have a little bit better idea of what's included in this bill-- or, in this amendment. Excuse me. LB220 is a very simple bill that seeks to strengthen the rights of Nebraskans who are victims of crimes. LB220 requires the Board of Pardons to notify a victim whose name appears in the file of a convicted person via certified mail of any pardon or commutation proceedings at least 30 calendar days prior to the proceedings and within 10 days if a pardon or a commutation has been granted. This will ensure that the victims of crimes are notified in a timely manner and there is a record that the notification was delivered or a bona fide delivery attempt was made. This speaks to a crime victim from my district that was not notified when the Board of Pardons pardoned the perpetrator against her. And so the reason for my-- the reason for this bill is because of that situation. I do not want other victims of crimes in the state to not be notified sufficiently before release. With that, I will yield my time. And I will ask the other senators to give a brief description of their bills. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** Thank you, Senator Ibach. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. And I'll try to be brief here. I want to thank Senator Wayne and I want to thank Senator Ibach for their, their leadership on this amendment. So my portion of this, which was LB14, addresses the Bridge to Independence Program. The Bridge to Independence Program is a program that already exists under DHHS. And it seeks to assist foster youth in their aging out of the system and receiving assistance, essentially, when it comes to housing, finances, and sort of life-learning goals. What LB14 does is it seeks to nominally expand access to that program. So instead of just foster youth, it's also accessible to juvenile probation youth who are doing a good job on probation but are aging out of the system and have nowhere to go home to. I've worked very closely with DHHS in this. It had no opposition in the hearing. And when DHHS came and worked with me, we adjusted some of the operative dates to ensure that it worked with what was going to be available and an option for them. My understanding is juvenile probation is in favor of that. I've talked to-- or, spoken to the Supreme Court. They're in favor of it. So this really does seem like a consensus bill. One of the things that I think is most important is it does provide direct housing assistance to about 50 youth who would otherwise be homeless. And so, colleagues, when you vote for this, please know there's about 50 kids who, but for this bill passing, literally won't have a home to go home to. So I would encourage your green vote on AM1980. Thank you.

**DORN:** Thank you, Senator Dungan. Senator Walz, you are recognized to speak.

**WALZ:** Thank you, Mr. President. Good afternoon, colleagues. I would also like to thank Senator Wayne and Ibach for including one of my bills into LB-- let's see-- LB1980. LB521 simply adds the word "school personnel" with the current list of family member, friend, or other person who is in a position to assist a person who is apparently experiencing or likely to experience an opio-- opioid-related overdose other than a responder or a peace officer. I recently spoke with the superintendent of Fremont Public Schools at the beginning of the year, and he let me know that because of how our current law's being interpreted, schools are not included in immunity for distribution of naloxone. So right now, schools across our state are prohibited from picking up naloxone from pharmacies to bring it back to the school. That's-- it's a small change to ensure that school personnel are prepared for a potential overdose in their schools. With that, I would again like to thank Senator Ibach for including this bill and Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

Wayne and Senator McKinney for their hard work on LB50. Thank you, Mr. President.

**DORN:** Thank you, Senator Walz. Senator Brewer, you're recognized to speak.

**BREWER:** Thank you, Mr. President. Quickly, the bill that was LB265 simply provides stab-proof vests for correctional officers, 1,774. It also would provide the training necessary for them. This will give the same universal vests across the board. It'll also provide a program that would maintain the vests after they're purchased. With that, thank you, Mr. President.

**DORN:** Thank you, Senator Brewer. Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. I wonder if Senator Dungan would yield to a question.

**DORN:** Senator Dungan, will you yield to a question?

**DUNGAN:** Yes.

**ERDMAN:** Senator Dungan, I, I noticed on your bill-- it was LB14, is that correct?

**DUNGAN:** That is correct.

**ERDMAN:** I noticed there was a fiscal note and it was \$1,059,000 the first year and \$1,246,000 the second year. Can you explain that fiscal note, where that money's going to go?

**DUNGAN:** My understanding of the fiscal note is it primarily goes to FTEs. And so there are a number of FTEs that are going to have to be hired by DHHS in order to supervise these youths. So when a youth is placed on the Bridge to Independence Program, they receive a direct caseworker. There are currently already caseworkers that work for this, but there is, in speaking with DHHS, the need to hire just a handful more caseworkers who work full time through the Bridge to Independence Program to work with these youths specifically. My understanding is the fiscal note primarily goes towards the hiring and training for them. In addition to that, there's a component of the fiscal note that also went towards maybe some new software or computer systems for the Foster Care Review Board, I want to say. My understanding from speaking with folks about that is that is not necessary, although it might be appreciated. So, not trying to throw

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

anybody under the bus there, but I do think the fiscal note would be a little bit smaller than what is anticipated on there, but it primarily goes to FTEs.

**ERDMAN:** OK. So you say a handful of, of FTEs for \$1,059,000. We should be able to hire more than a handful. Can you define a handful?

**DUNGAN:** I don't remember off the top of my head how many it was. I want to say it was maybe 12 employees. Five-and-a-half FTEs, I believe, is actually what it was. So we have about five-and-a-half full-time employees that are working there. And so my understanding is the finances are going to go towards their training as well as their continued payment working with these youth.

**ERDMAN:** All right. Thank you. So when these bills come up like that-- stay there. I may have more questions. When these bills come up like they have and you don't have a chance to understand and take a review of them, it's difficult to understand the fiscal notes. So, Senator Dungan, please tell me, how many youth are we going to add-- or, how many more youth are we going to help that we need 10 or 12 or 5, whatever number, employees?

**DUNGAN:** My understanding from speaking with the juvenile probation office is that there is a-- they estimate, 50, 50 youth that, but for this program, would be homeless after they age out of the system and if they have access to the Bridge to Independence Program would not be homeless. So 50 is how many they estimated.

**ERDMAN:** OK. So why would it take-- even, even if you hire 10 new employees, FTEs, why would they only be able to supervise 10? That seems like an exorbitant amount of employees for 50 new additional people.

**DUNGAN:** Well, all I know is, in speaking with that-- speaking with DHHS, my understanding is the bulk of the money's going to go towards that. There is also a certain amount of the finances that go towards a monthly stipend that are given to the caseworker that they can dole out to assist the youth in paying for items if they want. So some of the money you're also talking about is the monthly stipend that we currently give youth who are in the Bridge to Independence Program because one of the aspects of it is learning financial literacy.

**ERDMAN:** So what are they currently doing now?

**DUNGAN:** The Bridge to Independence Program?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**ERDMAN:** Yeah. What does the program do now?

**DUNGAN:** Right now, when youth are in the foster program-- so if they're foster youth-- and they hit the age of majority, rather than just turn them out into the world without any assistance of learning adulthood, given that they don't have a family they can work with, they get into the Bridge to Independence Program who works at them between, I believe, the ages of 19 and 21, providing them with supervision, life skills, and a, a stipend and classes. The youth have to continue to be under the supervision of the program and be compliant with a really stringent set of rules. And if they violate those rules, then they are removed from the program and no longer receive the services.

**DORN:** One minute.

**DUNGAN:** So currently, it's working with foster youth. What this seeks to do is add in youth who are aging out of the probation system, specifically youth who are doing a good job on probation and are being successful with probation but are unable to go back to a house or a home because they're-- they don't have a family they can go back to.

**ERDMAN:** OK. All right. Thank you.

**DORN:** Thank you, Senator Erdman and Senator Dungan. Senator von Gillern, you're recognized to speak.

**von GILLERN:** Thank you, Mr. President. Senator Dungan, I may have a question here for you. I'm not sure. But I just wanted to comment. I've, I've been a part for a number of years of supporting an organization in Omaha that impacts human trafficking and, and helps to receive-- this organization is in particular geared towards women, but there are other organizations that help young men also with the issue of human trafficking. And it's a well-known and well-documented truth that, that kids graduating out of the foster care system are ripe for-- to be drawn into human trafficking. It's one, it's one of the, the largest sources that traffickers pursue because these kids graduate and they've got no support system. They've got nowhere to go. They've got no money. They may not have a job. They may have a, a blemish on their criminal record. So-- I don't know a lot about the Bridge to Independence Program, but I do know that this is a, an, an extremely vulnerable time for both young men and young women to get drawn into human trafficking. And I see human trafficking is a, is a pro-life issue. It's an important issue how we protect our youth and how we protect our young people. And anything I can do to help, to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

help prevent that I would certainly support. So I would ask Senator Dungan a question if he would yield.

**DORN:** Senator Dungan, will you yield to a question?

**DUNGAN:** Yes.

**von GILLERN:** So what I've just described, is that, is that similar to the facts that, that you know about youth leaving the foster care system, and would the Bridge to Independence Program impact that problem?

**DUNGAN:** I apologize. I was talking to my LA, so I missed some of the facts. But based on your brief analysis there, I do believe-- yeah. The people that are in the, the juvenile justice-involved system are oftentimes impacted the same way that foster youth are when it comes to trauma, substance abuse, trafficking, and things like that.

**von GILLERN:** OK. Thank you.

**DORN:** Thank you, Senator von Gillern and Senator Dungan. Senator Bosn, you're recognized to speak.

**BOSN:** Thank you, Mr. President. I mostly wanted to clarify because I was asked a question earlier about individuals getting good time. And my-- I was asked the question then cut off before I got the chance to answer, which I never think is fair. Individuals are given good time. That is in statute. I'll look it up. It is Section 83-1,107. A prisoners' statutory right-- statutory right-- to good time may not be taken away from him or her without following minimum appropriate due process procedures. So the question I was asked is whether or not individuals are automatically given good time. And I answered yes, because they are. Can they have it taken away is a very separate and distinct question. And the answer to that is also yes. But that's after the minimum appropriate due process procedures. The case for that-- because I think facts are important-- is, Wolff-- two F's-- v. McDonnell-- probably no relation to Senator-- from 1974. So I asked someone, what's an example of a time when an inmate lost-- recently lost what's being called as good time? And I was told, yes, it can be taken away if you misbehave or break the law while in the system. They looked up a case most recently where a inmate at the Department of Correctional Services assaulted a guard. Also a felony. Assaulted a guard. And what did they lose in terms of this good time? Do we want to take a guess? 180 days. Assaulted a guard. Can't imagine why no one wants that job. They only lost 180 days of good time. And here's where

it gets really dicey. 60 days of television restriction. 60 days of television restriction. Yeah. So, good time. Yep. You're given that good time. Can you lose it? Sure. But the question I was asked is whether you're given it, and the answer to that is, yes, you are. The-- I'll be honest, the amendments on this did come out 8-0. I supported the amendments. I think we know where the concerns that I have lie with this package that's being handed out. So I think it's important to understand that there are a lot of good things. And so individuals that are voting in favor of this, that is-- I do not want to be the winner. This is not about who wins and who loses. And I think even Senator Wayne would agree with that. The fact of the matter is there's a lot of good in here, and there's also some things in here that I don't think anybody likes all of it. And so when deals get made, deals get made. And so that's where we are with this latest amendment getting added on to the now LB50. With that, I will-- I don't-- you don't yield time, I learned from Senator Bostar. So, thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. Senator Bostelman, you're recognized to speak.

**BOSTELMAN:** Thank you, Mr. President. I was just looking at my email and I saw an email from-- I think it's Patrick Condon-- about the amendment that was just approved. It's interesting because we're talking about a bridge program and comments were made about sex trafficking. They're prone for it. And the amendment, according to Mr. Condon, it says, significantly weaken the habitual criminal enhancement. Even under the latest amendment from Senator Wayne, the enhancement would not apply to serious crimes, including kidnapping, robbery, burglary or arson, certain assaults, pandering, certain crimes of child abuse, sex trafficking, human trafficking, child pornography, drug distribution, strangulation, assault of an officer, and other serious crimes. This habitual crime enhancement in current law is important to hold the most serious offenders accountable. I stand opposed to the current amendment and LB50. Thank you, Mr. President.

**DORN:** Thank you, Senator Bostelman. Seeing no one else in the queue, Senator Ibach, you're recognized to close.

**IBACH:** Thank you, Mr. President. As I mentioned in my opening, this amendment speaks to those four bills, and Senator Wayne has supported them. And I would just like to thank him and tell him we appreciate his support of these four. As you've heard from each of these authors of these bills, you now know what they're about. And this amendment

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

strengthened-- strengthens LB50. And we will appreciate your green light. Thank you.

**DORN:** Colleagues, the question before the body is the advancement of AM1980. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Mr. Clerk, record.

**CLERK:** 37 ayes, 6 nays on adoption of the amendment, Mr. President.

**DORN:** AM1980 is adopted. Mr. Clerk for items.

**CLERK:** Mr. President, Senator John Cavanaugh would move to amend with AM1955.

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

**J. CAVANAUGH:** Thank you, Mr. President. I would like to pull that amendment.

**DORN:** Amendment is withdrawn.

**CLERK:** In that case, Mr. President, Senator Halloran would move to amend with AM1986.

**DORN:** Senator Halloran, you're recognized to open.

**HALLORAN:** I wish to withdraw that amendment, please.

**DORN:** The amendment is withdrawn. Mr. Clerk.

**CLERK:** I have nothing further to the Enrollment and Review amendments, Mr. President.

**DORN:** Colleagues, the motion is on the adoption of the Enrollment and Review amendments. All those in favor say aye. Opposed, nay. They are adopted. Mr. Clerk for another item.

**CLERK:** Mr. President, Senator Blood would move to amend with AM1923.

**DORN:** Senator Blood, you're recognized to open.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I'm going to try and be as concise as possible so we can keep moving forward. I have a handout going out. This bill was previously LB11, and what it does is it provides clarification for household pets and domestic abuse protection orders. In Nebraska, an estimated 1.4 million people experience some sort of gender-based violence in their

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

lifetime. While domestic violence is often perceived as physical violence towards a victim or survivor, it can also include various forms of power and control. One way that perpetrators exercise this control is by threatening to harm or kill a household pet, making it increasingly difficult for someone to leave an abusive situation. It is critical that Nebraska clarifies protections for household pets in instances of domestic violence to provide assurance of safety for the pet and reduce a barrier for survivors seeking to leave an abusive situation. What this bill actually does is it explicitly includes protection for household pets on domestic abuse protection orders. It will provide a box that they can check, amongst other options, in the application for the court to include in the order. Some other options include prohibiting the respondent from contacting or communicating with them, ordering the respondent to stay away, things such as that. But this one would be specifically for household pets. We had a lot of stories that they came and told us in Judiciary. It was voted out 8-0. We had no opposition. We did have a concern that we corrected and changed the language, which is what is in front of you, amended. Friends, this is a small bill that had our Speaker's support. It was originally a Speaker's priority, which, of course, did not exist this year. I ask that you please vote green and we can move this forward.

**DORN:** Thank you, Senator Blood. Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. I was wondering if Senator Blood would yield to a question.

**DORN:** Senator Blood, will you yield to a question?

**BLOOD:** I will.

**ERDMAN:** Senator Blood, I see in the fiscal note was \$10,000. And I didn't have an opportunity to read through that. Do you know what that was for?

**BLOOD:** So when they print the written forms, which they're going to have to do anyway, so whether they had to make this change or not, eventually, they would print that and it would be \$10,000.

**ERDMAN:** Wow. OK. So I noticed that the, the attorneys were against this or there was one at least. What was-- did you mention that in your opening, what was his objection?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**BLOOD:** I did. I said that there was some concerns. They didn't come out against it. They came out neutral. We worked with them. We changed the language and refined it better. And that's what's in front of you.

**ERDMAN:** OK. So the problem you're trying to solve is what?

**BLOOD:** The problem we are trying to solve is to make sure that we remove every hurdles possible for victims of domestic violence to make sure that they can leave safely, not only for themselves, but also with their pets.

**ERDMAN:** So in other words, there's an issue with one person wants to claim the pet and another person does, and then they will decide which one gets the pet. Is that the situation?

**BLOOD:** No, no. You're talking about an ownership issue. This is in reference to violence. It's not, it's not about people arguing about who gets a pet and who doesn't get a pet. It's about things-- like, we had a, a husband who cut off the dog's ears and mailed it to the woman and said he would kill the dog if she didn't come back. Those types of things.

**ERDMAN:** So is there, is there a penalty for that, what they do?

**BLOOD:** There is a penalty, but that has nothing to do with what we're talking about. So if indeed they do torture the animal or hurt the animal, that has nothing to do with what we're talking about. We're talking about protection orders, not a divorce decree, not a property issue. We're talking about somebody utilizing a pet--

**ERDMAN:** OK.

**BLOOD:** --as a reason to keep a woman from-- or a man-- from leaving a, an abusive relationship.

**ERDMAN:** OK. Thank you.

**DORN:** Thank you, Senator Erdman and Senator Blood. Senator Bosn, you're recognized to speak.

**BOSN:** Thank you, Mr. President. So I was asked earlier some information about recidivism rates. And so, thankfully, my LA found the information that I believe we were looking for, talking about the Department of Correctional Services' quarterly population summary from January to March of 2023. This is an informative chart, so I would encourage anyone and everyone to find it and print it. It is in color,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

though, so you have to do it at home. When you look at the recidivism data chart, which is on page 2, it characterizes that daily population by crime type, and that's a pie chart, which is quite telling. It breaks it down into six categories, the first being crimes against persons. So I would submit that that is homicides, sex offenses-- well, I guess it doesn't. Sex offenses is separately categorized. But it's, it's, you know, assaults, things that are not good. That is 2,607 individuals on a daily population average. That's 46 percent of the prison population. Then you go down to sex crimes, which is 938 individuals on an average daily population. That's 17 percent. Then you go down to property crimes, which is 536 individuals, with 9 percent. Then you go down to the drugs category, which everyone has really been concerned about, that is 778 individuals at 14 percent. And again, remember, that is not just your low-level drug users. Those are your drug users, your drug manufacturers, your drug distributors, your drug dealers, those who pimp women to get them to use drugs and to sell drugs on their behalf. All in that category, right? Then you have other-- which is never helpful-- but other is 14 percent of the adult daily population on average from January to March of this year. 14 percent. And then your safe keepers. I don't know what that means, but it's apparently 24 people. This recidivism data includes not only those who were returned to the Nebraska Department of Correctional Services' custody as the result of a supervision violation-- so that means parole or probation violation. So these numbers are only those who were caught, first of all. Second of all, violated their terms of parole or probation-- or on a new offense after discharge from their original sentence. OK? So these are recidivism rates. Senator Kauth asked about that. Recidivism is calculated based on returns to the Nebraska Department of Correctional Services' custody. The graph shows the percent of total releases that returned to the Nebraska Department of Correctional Services. Arrests, as well as convictions for minor offenses that do not result in incarceration, are not included in these counts unless they result in a parole or postrelease supervision violation. So the numbers on this chart that are-- that you're seeing are ones that don't include assaults-- or, excuse me-- arrests for minor offenses unless they resulted in a parole or PRS violation. So if you get a minor slap on the wrist and you're told now you got to do an extra 10 hours of community service, you're not even counted in this recidivism rate. So the numbers of recidivism rates are even higher than what this chart reflects. OK? So looking at the most recent three-year recidivism rates, that would take us back to fiscal year--

**DORN:** One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**BOSN:** Thank you, Mr. President-- 2019. The rates for prison discharge-- who were, who were discharged from prison-- recidivism rates are about 5 percent. The parole violations for a new felony after discharge, new felony after discharge, is another 5 percent. The dis-- the recidivism rates for those on parole with a new felony while on parole. So these are the individuals that have had the chance on parole-- this, this 80 percent that's really going to fix the problem-- who got a new felony while on parole. That's another 4 or 5 percent. Then we have those who had a technical violation on parole. That's approximately, oh, 10 percent. Then we have those who had a--

**DORN:** Time.

**BOSN:** --relapse-- thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. And you are next in the queue, so you're recognized to speak.

**BOSN:** Excellent. Then we have the-- those individuals who committed another violation or, you know, were sent back on postrelease supervision. So that's that LB605-- LB605 that applies only to Class III's, Class IIIA's, and Class IV felonies-- who were returned for a repeat offense. And then we have those that were returned while under postrelease supervision. And those-- together, those are roughly 10 percent. So 29.79 percent of individuals had another return trip in 2019. So these are the numbers of individuals that we're giving parole and it's not working. So giving them more parole isn't going to fix that problem. You can want-- there's, there's two different things here. You can want more programming. You're not getting that required out of this bill. That's not mandatory under this bill. You can get more postrelease supervision if you add more felonies to the list of those who are-- have mandatory postrelease supervision. But you're not getting that under this bill. There's no requirement-- for those individuals who are now parole-eligible, under this bill, there is no requirement for them to comply with programming. Now, they may do it. They may be told, listen. Your chances of getting out are better if you do it. But that's not included language as a mandatory provision under this bill. I think it's important that everyone understands when we talk about why the county attorneys and some of the individuals that are opposed to this, where they're coming from. This isn't because we don't want to work on the problem or that we don't want to come to the table. This is because this isn't the best route to get there. And we worked on getting there and we tried to get there and we're just not in agreement as it stands right now. These individuals that we're talking about releasing are individuals who have committed

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

violent crimes, individuals who have been sentenced by a-- or, excuse me-- have been found guilty by a jury of their peers beyond a reasonable doubt. That's the highest burden of proof. They go into prison-- and we need more programming. Sure. We need mandatory programming. Sure. We need supervision before we just dump these individuals back into the communities. Sure. But what we incent-- there's a difference between incentivizing someone to participate in the programming and letting them out early. One is letting them out early, and one is saying, here's a period of time to go out into the community having done programs, having done all these things, and we will supervise you so that you may be successful in the community. And when you're working on these cases and you're dealing with the victims who say, how long am I going to be protected? Can we just keep that person in until my kids graduate from high school so they don't have to see this again? Can we keep this person in so I can be safe just a little bit longer? And you literally have to stand up at sentencing and say, judge, the victim would like me to ask you to take into consideration that her children graduate in eight years. So if you could fashion a sentence of 16 years or more so that this individual can feel like her kids will graduate from high school--

**DORN:** One minute.

**BOSN:** --before he's released. These things happen. These are factual cases. Individuals who are told, if you don't deal these drugs for me, you can't have more drugs, and they do it. Or, if you don't sleep with this person, I won't give you your next fix. Those are crimes that we are dealing with. And without some serious reform, this is not going to make us safer. This is not going to make them better either. We have got to be able to get to a place where we can say together this is conservative, good policy changes. Thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. Senator Blood, you're recognized to speak.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, this was one of my favorite bills this year because it was a small thing that we could do to help victims of domestic violence. From the very beginning, we talked about including this in LB50 and other options that we had. But because LB50 has become a bit contentious, it's my understanding that now since the Governor's Office has not vetted my amendment, that I have been asked to pull it and that we're going to address it tomorrow. So with that, I would ask that you please pull my amendment.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**DORN:** So ordered. Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB50 be advanced-- Mr. President, I move that LB50 be advanced to E&R for engrossing.

**DORN:** That is a debatable motion. So Senator Bostelman, you're recognized to speak.

**BOSTELMAN:** Thank you, Mr. President. [INAUDIBLE] I wasn't going to get to. Since I had my light turned on quite a while [INAUDIBLE] in the queue quite a while ago. Would Senator Bosn yield to a question?

**DORN:** Senator Bosn, will you yield to a question?

**BOSN:** Yes.

**BOSTELMAN:** Thank you, Senator Bosn. I've been sitting here listening-- which I hope other people on the floor have been listening to what you've been telling us and what you've been speaking about. I want to understand a little bit more about your background, if you don't mind answering the questions along those lines. Have you had any opportunities to practice law as a trial attorney or in the courts?

**BOSN:** Yes, I have. So I was-- I have been a practicing attorney since 2009. I've worked in county attorneys' offices as a prosecutor since that time.

**BOSTELMAN:** And have you-- during that time, have you worked with-- obviously, you prosecuted cases-- but have you been-- worked with victims? Worked with those who we're speaking about now? Could you tell us a little, a little bit more about that?

**BOSN:** Sure. So when I started with the county attorney's office, I was assigned to the juvenile docket. I handled child abuse neglect cases there, juvenile law violations [INAUDIBLE] cases, uncontrollable youth cases, things of that nature. I routinely worked with parents who felt like they were at their wit's end. I routinely worked with children who had been victims of child abuse, counselors, Department of Health and Human Services workers, law enforcement officers, defense attorneys, diversion officers. You name it. Then I transitioned to the domestic assault docket, which I handled misdemeanors all the way up to felonies. I handled attempted homicides on victims. I've handled strangulation. I've handled strangulation with a bungee cord. I've handled cases where victims were so under the control that they testify they punched their own tooth out and swallowed it. I've handled all of those cases.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**BOSTELMAN:** And have you taught some law classes? Have you taught at the university? Have you taught classes there?

**BOSN:** Yes, I have. I taught at the University of Nebraska College of Law. I've taught trial advocacy there, which is a class designed to help students prepare for real-life courtroom experience. And I also coach the trial team there-- or, did coach the trial team and teach there.

**BOSTELMAN:** Thank you, Senator Bosn. Colleagues, I think she knows what she's talking about. I think she's laid out that pretty well. And when she stands up here and says there's issues with LB50 that we need to be concerned about, when I hear from county attorneys saying there's issues with LB50 that we need be concerned about, I don't even need to pay attention. If we're going to-- my understanding, they're not opposed to reform. Senator Bosn is not opposed to some reforms, but we need to be-- make sure what we do do not harm others. We need to make sure we don't leave those crimes out that I spoke of before. We need to make sure we do due diligence on this. And I've heard so much from her and her experience behind that. And I respect Senator Wayne and, and what he's trying to do, trying to get this bill passed. But I don't think it's ready. I think we need to listen.

**DORN:** One minute.

**BOSTELMAN:** And I will continue to stand opposed to LB50. Thank you, Mr. President.

**DORN:** Thank you, Senator Bostelman and Senator Bosn. Senator Bosn, you are recognized to speak.

**BOSN:** Is this my last time? No. OK.

**DORN:** This is your first on this motion.

**BOSN:** OK. I want to be clear where we are. So I stood up here three days ago or two days ago, and I said-- I asked all of you to vote in support of the bill on General so that we could work out the language. And it's my understanding and my belief that I came to the table and that Senator Wayne came to the table work-- trying to get there. I proposed 85 percent. Perhaps I should have started at 90 percent. Maybe we would have ended up at 85 percent. I don't know. Lesson learned. And now we're at 80 percent. And again, I hate that this is being characterized as this is just 5 percent. Can't you just wiggle? What if we did 82 percent? It's not, it's not just the 5 percent. We've got to have principles and we've got to have policies that we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

can stand behind that makes sense. And there's more questions than there are answers with what this does. If we don't have some way of saying these individuals are going to do the programming before they're even eligible for the parole-- we don't require that. If there isn't someone that's going to come in and say this is what's going to be required before it's even a discussion. We don't have that. We are voting today to increase parole eligibility. And over and over, people have said, isn't that the same as letting them out? Where-- what is the difference? Having a, a good, solid policy that I'm happy to continue working on, if we could, of what's going to be required of individuals before we release them on parole, what's going to be required of the parole board before we release them on parole? Where we started with this was we were mad at the parole board for not doing the things that we wanted them to do. We suddenly forgot about that because now we've got the 80 percent. We were all worried about the prison and how there isn't enough room to do any of the programming. No one can do the programming because there is no room in the prison. The prison's overcrowded. This doesn't fix that. We're still going to be offering no programming because the prisons are still too full. We've-- I get it. I want-- I-- we were there on LB50 and then we added things to it and that changed. And we negotiated in good faith. I understand where Senator Wayne is coming from. I respect that the Governor supports this. I respect that the Attorney General is not opposing this. I certainly respect law enforcement. But I also respect the county attorneys. These individuals need supportive services, and the victims in these cases deserve our support in requiring those things. That is not a huge ask, and it should not be a huge ask. We're, we're talking about people who have committed a crime and been found guilty of a crime. And we're talking about how and why and under what circumstances we're going to release them earlier than what the judge said.

**DORN:** One minute.

**BOSN:** Thank you, Mr. President. And the judge in these cases gave a sentence and did that knowing what the good-time expectations would be. Sure. Somebody commits another violation, they may lose some of it. The fact of the matter is they base those calculations based on good time. And now what we're saying is that vi-- that calculation is going to take into consideration a new factor that the judges didn't know about, an additional 80 percent-- 20 percent being time that they're parole-eligible. I'm sorry that we added good bills to this.

**DORN:** Time. Thank you, Senator Bosn. Senator Lowe, you're recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**LOWE:** Thank you, Mr. President. Once again, a reminder: on behalf of the Douglas, Sarpy, and Lancaster County Attorney's Office, we write to convey our serious concern about the opposition of LB50 because the serious risk of harm it would pose to public safety. While some wish to diminish the role of prosecutors in this debate, voters have elected county attorneys in all 93 counties across the state to, to enforce the law. And we play a unique and vital role in upholding public safety and ensuring justice for crime victims. We understand the latest amendment from Senator Wayne is being presented as a compromise. County attorneys are more than willing to support reasonable criminal, criminal justice reform and have offered and agreed in good faith to concessions on both items. Unfortunately, the amendment being filed by Senator Wayne this afternoon continues to be too far-reaching and would have serious negative impacts on public safety. Under the newest amendment from Senator Wayne, LB50 would significantly weaken the habitual criminal enhancement. Even under the latest amendment from Senator Wayne, the enhancement would not apply to serious crimes, including kidnapping, robbery, burglary, arson, certain assaults, pandering, certain crimes of child abuse, sex trafficking, human trafficking, child pornography, drug distribution, strangulation, assault of an officer, and other serious penalties. This habitual criminal enhancement in current law is important to hold the most serious offenders accountable. Make offenders parole-eligible much sooner. Under current law, offenders are already released after serving only half of their sentences. This often is overlooked in the aspect of criminal sentencing, is one that prosecutors are challenged by daily, as we explain the impact of any given sentence to crime. Offenders already only have to serve one-half of their original sentence. Under the new amendment, criminals sentenced to 30 years for a serious felony would become parole-eligible-- eligible in 12 years. Someone sentenced to 50 years would be parole-eligible-- eligible in 20. I don't know if I want somebody who committed that serious a crime who was sentenced to 50 years to be out that soon. LB50 in its current form would deny justice to victims. The provisions apply retroactively and would not impact victims whose perpetrators are currently behind bars. County attorneys support respon-- responsible criminal justice reform and support LB50 as introduced-- this bill is not as it was introduced-- as well as several other bills and provisions that have been negotiated in good faith. Unfortunately, LB50 as amended by AM1796 represents a serious breach of confidence and trust, as it is far-reaching and a harmful proposal that would seriously threaten public safety. For these reasons, we ask you now to oppose LB50. That's a strong statement from the three county attorneys. A very strong statement from Lancaster County Attorney, from Douglas County

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

Attorney, and from Sarpy County Attorney. I do believe we ought to listen--

**DORN:** One minute.

**LOWE:** --to the county attorneys. Thank you, Mr. President. I do believe we ought to listen to the county attorneys and not support LB50 at this time. I believe they need to renegotiate and talk about this and bring it up again next year when it can be well looked at and not given a three-hour time period. Thank you, Mr. President.

**DORN:** Thank you, Senator Lowe. Mr. Clerk.

**CLERK:** Mr. President, Senator Wayne would move to invoke cloture on LB50 pursuant to Rule 7, Section 10.

**DORN:** Senator Wayne, for what purpose do you rise?

**WAYNE:** Call of the house, roll call vote, invoke cloture.

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

**CLERK:** 35 ayes, 6 nays to place the house under call.

**DORN:** 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. All members are present. Mr. Clerk, call the roll.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting no. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard not voting. Senator Blood voting yes. Senator Bosn not voting. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements not voting. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen not voting. Senator Hardin voting no. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman not voting. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting yes. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 35 ayes, 9 nays, Mr. President, to invoke cloture.

**DORN:** Cloture has been invoked. The question before the body is the advancement of LB50. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 30 ayes, 7 nays to advance the bill.

**DORN:** LB50 is advanced. The call is raised. Mr. Clerk for items.

**CLERK:** Mr. President, some items quickly. Your Committee on Enrollment and Review reports LB562A, LB705A as correctly engrossed and placed on Final Reading. Additionally, amendments to be printed from Senator Hunt to LB367, LB383, LB93 [SIC-- LB393], LB405, and LB443. New LR: Senator Hansen to LR273. That'll be laid over. And a report from the Nebraska Retirement Systems Committee on the appointment of Jackson Hayes as director-- excuse me-- Jason Hayes as the director of Nebraska Public Employees Retirement Systems. That's all I have this time, Mr. President.

**DORN:** Speaker Arch for announcement.

**ARCH:** Colleagues, the Legislature will now stand at ease until 6:00 p.m. Thank you.

[EASE]

**KELLY:** Legislature will now resume. Mr. Clerk.

**CLERK:** Mr. President, Final Reading: LB138. First of all, I have a series of motions: Senator Hunt would withdraw MO320; Senator Slama, withdraw MO1096, MO1097, MO1098, MO1099, MO1100, MO1101, MO1102. Mr. President, next item on the bill: Senator Hansen would move to return the bill to Select File for a specific amendment, that being AM1975.

**KELLY:** Senator Hansen, you're recognized to open.

**HANSEN:** Thank you, Mr. President. I've communicated with many of my colleagues on the floor already about what my intent is here with LB138. And I first want to thank Senator Bosn for giving me the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

go-ahead to at least allow me to attempt to put AM1975 onto her bill as a vehicle. As many of you know, AM1975 is my priority bill for the year, LB91, what is otherwise known as the helmet law. Many of you are also very familiar with this law. Thanks to Senator Wayne, I got to update everybody a little bit earlier on the helmet law and what it entails, but I would like to do that again if I could real quick. The helmet laws, according to the LB91, which is my bill, anybody above the age of 21 will now have the option to wear a helmet while riding, riding a motorcycle or not-- wear a helmet or not wear a helmet. Residents must have completed a safety course and have submitted proof of completion of the course to the DMV. Proof shall be in a manner approved by the DMV. Current riders who have taken the course previously would have to present the certificate, certificate of completion to the DMV in order to get it added on the record. So people who have previously taken this course-- and this is a course that is done throughout the whole state of Nebraska. You might-- anybody who's been to a Harley-Davidson store or, or the like might have seen some of their parking lots with cones out there and people driving around motorcycles. Those are the safety classes they do. This teaches them defensive driving, which is where the majority of accidents on people with motorcycles come from. Is defense-- as learning defensive driving is one of the best ways to prevent an accident. And that's what they teach here with this. And this was actually one of the things that was recommended by a lot of the motorcycle riders in the state of Nebraska, is what they can do to ensure that they're doing their part when it comes to safety. The DMV also shall modify their system by January 2024 to be able to add the date of completion of the course on the person's record. And also, eye protection is required. And if eye protection is not available, they can also use the-- a protective face shield attempt-- attached to a protective helmet or a windshield on a motorcycle or a moped that protects the operator and passenger's horizontal line of vision in all operating positions. And like I mentioned before, most, most states-- and we're one of the-- we're becoming one of the few that has a complete helmet law-- most of them are about 20 years or younger. A lot of them are 17 years and younger. And so it's usually about 17 years or 20 years. And by the look of it, most of them are 17 years. And they have no other stipulations. This bill is different. We want to make it more conservative in nature so we can make sure that we are doing our extra due diligence to protect those people as best we can but also give them the freedom, the liberty to choose to wear a helmet or not. I appreciate Senator DeBoer working with me on this bill. She did help craft some of the language with me when it came to enforcement of the law. And so we, we drafted up some language that's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

very similar to the seatbelt offense when somebody is caught not wearing a helmet when they should be if they haven't taken the class, so. Those are the bullet points of the helmet law version. It's not too complicated. That's the majority of what this bill entails. Again, we literally are, are one of the very few states now-- and I can hand this out-- every state around us, almost within two states around us, is about 20 or 17 years and younger with no other stipulations. And so-- and we're seeing more and more states move towards bills such as this, and none are going the opposite way. So I know usually one of the arguments is that we're going to see more fatalities, there's going to be other insurance-- issues with insurance, but that is just not the case, and the, and the data does not point that out. If that was the case, we'd start seeing states go the opposite way. So with that, I would, I would appreciate your green vote on AM1975 and allow it to be attached to LB138. And I'll do my best to answer anybody's questions. Thank you very much, Mr. President.

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

**BOSTELMAN:** Thank you, Mr. President. Good evening, Nebraska. I just want to put some context on this amendment. I do, I do stand opposed to the return to Select File. I served on Transportation and Telecommunications Committee now for seven years. This bill or parts of this bill has been in front of our committee for those-- that time. And we have heard testimony from a large number of people in opposition to this. The bill this time, some of the opposition was the National Safety Council of Nebraska, Nebraska Medical Association, Nebraska State Volunteer Firefighters Association, Nebraska Fire Chiefs Association, CHI Health, Nebraska Emergency Nurses Association, Creighton University Medical Center, Bergan Mercy Trauma Department, Nebraska Safety Council, Nebraska Insurance Federation, Nebraska Nurses Association, Madonna Rehabilitation Hospitals, Nebraska Hospital Association, Joshua Wilderman, Gary Hausmann, Dr. Scot Adams, Nebraska Association of, of Trial Attorneys. Our EMS folks come in, emergency room, room folks come in. Madonna, as I said. Many nurses, riders themselves and family members of riders. I just want to put on the record or let folks know that there was-- there, there has been a significant amount of opposition to the bill [INAUDIBLE] come across. I believe it come out maybe 6-2 with this amendment coming out. It did not come out before. Things that we heard from family-- from those who were, who were-- lost legs, that can't walk, those type of things that were in motorcycle accidents with helmets on came in and testified in opposition to the bill. I appreciate what Senator Hansen is trying to improve upon the bill, but I would still stand opposed to the, the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

bill and the return to Select File because it is an issue that we've had-- although this year, we probably didn't have the, the riders or the family members come in as much, the ABATE folks come in-- and I appreciate the ABATE folks coming in and the testimony that they provided and how they provided it. They did a good job doing that. And part of the thing during the hearing too, I want to make sure we had both sides represented, understood, and fair questions were asked. And I think we-- I tried to do that and we did that in the, in the hearing. But one thing to consider is, is states, once they pass a law removing helmets, the number of deaths and significant injuries goes up. So those are just things to consider as we look. I just wanted to put it on the record and let folks know that when these bills-- we've had these for a number of years-- where the opposition is for this. Our, our medical facilities, our doctors, those who, who work with the patients, those who see the folks and treat the folks both at the accident scene or when they get in the emergency room and then long-term care are involved with that. Not everybody. And there are some really good riders out there. And a lot of times, it's not the rider's fault. It's a guy, gal, person that's in the car that causes the accident. So it's one of those things I think we just need to think about and consider on it. I know there's support in the body for that. And part of the argument was, well, it's a big helmet and that-- well, size of helmets, as long as they're approved, are, are different sizes-- and, and I don't know that really comes into play. But I do respect Senator Hansen and the ABATE folks that come in that testified on this and want this change and want this amendment. But I would still want to echo what we've heard over the years from those who are riders that have been injured, their family members who have lost riders, as well as those who care for the individuals and the rehabilitation. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Good evening. Senator Hansen, I appreciate your stick-to-itness to bring this bill again. I appreciate it a lot. We have heard for the last seven years all of those things that Senator Bostelman just spoke of and all the opposition and all the reasons why. But when you really look at the statistics of the other states who don't have the helmet law, it's no different than ours. Those people who are what they call in the nursing home because of brain damage or whatever, all those things, they use that information to try to tell us that when you take away the helmets, everybody's going to wind up in the hospital. What this is about is freedom. And Senator McDonnell has a saying, is, let those who ride

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

decide. OK? It's about freedom. So where I live, in my district, we have people that avoid our state, the panhandle, because we don't have-- because we have a helmet law. I'll give you an example. A couple years ago, I delivered sweet corn to Torrington, Wyoming. After delivering the sweet corn, I needed to get some gas. I pull into the co-op in Torrington. There were 40 motorcycles gassing up. So I visited with them, where they were from, where they were going. I knew where they were going, going to Sturgis. And I said, there, there's a closer route. There's a shorter route that you could have taken to get to Sturgis instead of going through Wyoming. And they said, yeah, we would do that, but they have a helmet law in Nebraska and we're not doing that. So, we talk about economic development and tourism all the time here and promoting Nebraska. But you have to remember, Nebraska is not for everybody, and especially those people who ride motorcycles that don't want to wear a helmet. And so we have fought this fight for seven years, Senator Brewer. Very similar to your constitutional carry. And eventually, you should get over the hump. Eventually, people should start understanding the real numbers and stop listening to those paid lobbyists that come in and lobby against bills. This is about freedom. So if you like freedom and you think others should have the freedom to do as they wish, then you need to vote for Senator Hansen's bill. I am in strong support of returning this bill from Final Reading to Select for the amendment. I am in strong support of AM1975. It is the right thing to do. We've been doing this for a long time. It's the right thing to do to help with tourism in the state of Nebraska because there are thousands and thousands of motorcycles that go around the state that could go through the state and spend money here. And I live on one of those highways that leads to Sturgis. And when it gets to be the first part of August, I think most of them drive by my house-- at least those who wear helmets. So it's a chance for us to give freedom to others and let them decide. And so I don't believe that, all of a sudden, all these people are going to be making insurance claims and are going to be in intensive care. All that information doesn't--

**KELLY:** One minute.

**ERDMAN:** --stack up with the facts. And I think Senator Hansen has some of those facts about what happens in other states that don't have the helmet law. So the testimony in opposition don't stack up with the numbers. So please return this bill to Select and advance AM1975. Thank you.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**RIEPE:** Thank you, Mr. President. I want to comment. I've dealt with the helmet law for a number of years. It's my fifth year here. My piece would be coming from a hospital administrator for nearly 40 years, young guy like me. And I can tell you that I have personally visited intensive care units where a number of bikers have been there. They were on the road to Madonna Place, and there were probably going to cost-- because most of them would result in being on Medicaid, so they would cost the Nebraska taxpayers millions of dollars before, you know, they would be taken home. So that's a very concerning piece to me. I also think that it's a terrible example for kids to see the people out on motorcycles, and all of a sudden they have to ride on their little bikes with-- but they have to have their helmets in place. I think if we pursue this piece, we should take a look to it. If it's a restriction of freedom, then we need to look at the freedom that we have-- we require children to be in car seats. Maybe that's something that we need to challenge. Maybe we need to challenge our own situation of having to wear safety belts ourselves. And if you really want to wrap it up, maybe the interstate between here and Omaha or here and Seward should become the-- America's answer to the German autobahn of-- I think we have to have some responsibility, and too many of these people end up being at the expense of taxpayers. So I will be opposing the bill. I've shared that with Senator Hansen, my Chairman, and we, we agree to disagree. So, thank you.

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

**BLOOD:** Thank you, Mr. President. I stand opposed to the return to Select File. And I just want to make a statement. I do support the underlying bill for Senator Bosn. You know, when I was growing up, my dad, every time he'd see a motorcycle-- and my dad had his own motorcycle-- and I have a scar in my leg from an accident we had on it to show you. Not while on the floor-- that, even though he loved his motorcycle, he had an Indian. And he still loves motorcycles. Every time he would see a motorcycle, he would say, kidney donor. Organ donor. And I always thought that was kind of funny and-- but I always thought it was kind of a joke. But as I got older and I started crafting laws that pertain to things like that, I wanted to know if that was really true. And if you look at the stats, you'll see that organ donations resulting from fatal vehicle incidents increase by 20 percent when states repeal these laws. So-- I don't know. It's funny. We worry about certain freedoms. Like, it's OK to take away parental rights when we don't agree with something. But then now we're worried about freedom when it comes to a motorcycle helmet. So I guess we get to check-- pick and choose-- it's a long day. I can't talk-- we get to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

pick and choose what freedoms we like and what we don't like. I personally-- you know, if they want to be who they are and not wear helmets, that's up to them. But I'm not sure that I want them to be able to do it here in Nebraska. I want to protect those people. I'm sure organ donors would love to have more organs because we have a lot of people on waiting lists. I guess that's the upside. But we also know that when you have the helmet laws, you have 33 percent fewer head injuries than the states that don't have helmet laws. So I saw who went and, and opposed it. One of them was Rob Bell. I'm sure that that affects our insurance rates as well. We know that when we do things that are going to cause our insurance costs to rise, that our insurance rate-- rates will also rise. I haven't looked that up yet, but I'm pretty sure and pretty confident that that's indeed what's going to happen. So it will cost people who need motorcycle insurance and probably our healthcare as well. Those rates will go up. So at this time, I stand opposed. I may be just be not voting because I'm kind of torn. I really do feel that people want to do things that are going to hurt themselves-- it's their bodies, their choice, their business. But I also know that there's going to be an overall cost to other Nebraskans if they are injured, especially long-term medical costs, and, and that falls on our shoulders. And, and having a son who had serious brain issues as a result of brain tumors, I can tell you that having to deal with people that have brain injuries for the family is a lot. So don't just think about the motorcycle riders. Think about their families in case they're injured. And I know that that's not our problem. But if we're to make laws about it, it is our business. So with that, I would yield any time I have back to you, Mr. President. Thank you.

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

**DeBOER:** Thank you, Mr. President. This has not been my favorite bill at any point in the last five years I was here because I see both sides. The first thing I want to say is: to everyone in Nebraska, if you are a motorcycle rider, you should ride a-- wear a helmet every single time. You are safer. You should wear a helmet every single time. That being said, I don't think it's our government position to tell people what they should do. I have been very consistent about that throughout this entire year. The government should not be involved in these personal decisions. So I support this bill even though I know more people will die, which sucks because we need people to wear their helmets. The helm-- helmets save lives. So, I will support the bill because I don't think the government should be in the way of that decision. But I will also very strongly encourage everyone

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

who's making that decision to wear a helmet every single time. When I first came back to Nebraska after practicing law in Kansas City, I worked part time at a law firm doing some appellate work for them. And they did a lot of personal injury work. And I saw pictures of motorcycle accidents of people who did not wear helmets. And it was not pretty. So to every person in Nebraska who rides a motorcycle, please well your-- wear your helmet. At the same time, it is not our responsibility, nor is it our place as your government, to make that kind of decision for you. We can strongly encourage it, as I am doing now, but that should be a decision that you make yourself. So I support this bill reluctantly, worried that people in Nebraska won't wear helmets and will get injured as a result. But because the government should not be this aspect of your life, I will support this bill. Thank you, Mr. President.

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

**MOSER:** Thank you, Mr. President. I was one of the members who voted not to bring this out of committee. I understand the want to have the wind blow through your hair and, and ride your motorcycle without a helmet. But I have had two good friends who had accidents and they both wore helmets. But nonetheless, one of them got sideswiped by a car changing lanes and he crashed. And he was in the hospital and in a convalescent home for at least three months, I think maybe six months. And he's pretty much normal today. He can walk and think. And, and he survived. The other friend was wearing a helmet, but it was one of those little salad bowl helmets that you just kind of hold on with an elastic strand underneath your chin. I think it was mostly just to look like a helmet. He was sitting, waiting for a light to change, and some truck came up behind him and smashed him up against the car in front of him right in the middle of town. And he was in the hospital three months, six months. I don't know. A long time. And he's never going to be right. He, he's never going to be 100 percent. So, you know, I didn't want to be the one to repeal that and have somebody else have more serious problems than even that. Government tells us to wear seatbelts. Government tells us to obey the speed limits. They tell us to obey stoplights, you know. I mean, government tells us what to do all the time. I-- you know, I'm not going to filibuster it. I just don't think it's, I just don't think it's a smart thing to do. I think the temptation to be wild and crazy is high and-- even so, not everybody wears a helmet. I understand that. But I think we as legislators should encourage people to wear helmets by making it a requirement. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

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

**JACOBSON:** Thank you, Mr. President. I'll be very brief here. I just want to rise in support of the motion to return to Select File for the amendment. I am supportive of this bill because I think it has been well thought out. I think that, as was laid out by Senator Hansen, this is for people over 21. So let's be consistent here. As we've talked-- well, I think a lot of us have talked for a long time about this. We're not dealing with minors here. We're dealing with people that are 21 who are able to make the decisions for themselves as to whether they want to wear the helmet. I think that's key. I think it's also we need to recognize that riding a motorcycle by itself is dangerous. I, I don't ride myself, but I will tell you that-- I remember my younger years. I rode occasionally. Riding a motorcycle is dangerous and-- in its own right, but we don't require them to wear a seatbelt on a motorcycle. And if you look at many motorcycle accidents, it's not all head injuries. It's a lot of other injuries that occur when you're riding out in the open air like that down the interstate at that high speed and/or you get hit. I think people-- I would agree with Senator DeBoer that, that I would encourage anyone who is riding a helmet-- or, riding a motorcycle to wear a helmet at all times. But that should be a personal choice. And I think we need to leave that to them. I also think that, as Senator Hansen laid out, there are significant economic development effort-- benefits here. And also, as Senator Erdman laid out, we lose a lot of traffic across western Nebraska and across the entire state of Nebraska, people riding to Sturgis that avoid the state of Nebraska. There are other states that are doing this. A lot of the other states are allowing this and they're allowing it at much lower ages. I think we're being consistent that you need to be 21 years old to be able to do this. You need to wear eyewear. But let's face it, riding a motorcycle in itself has its own set of dangers. And I think that ought to be a personal choice. So I'm going to vote in favor of the return to Select and also in favor of the underlying bill. Thank you.

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

**BRANDT:** Thank you, Mr. President. And thank you, Senator Hansen and the TNT Committee for voting this out. I represent a rural area. I hear a lot from my riders, and they want the option of not wearing a helmet. Most of the time-- most of them say, when they're riding around our small towns and getting gas and just sort of putzing around town, they probably would not wear a helmet. But when they go down the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

highway or the interstate, they say they will wear a helmet because they see the, they see the danger in that. And I think they have the ability to distinguish the difference, you know, between, between riding in their local areas where they feel pretty safe and then going out into other areas where they don't know what they're going to encounter. This bill explicitly says you need to be over 21, take an approved safety course in order to not wear a helmet. So there are conditions attached to it. And then I guess, finally, as a farmer who rides an ATC myself, in the summer, we ride it every day to irrigate or, or go after cattle, I do not wear a helmet, and I guess I feel others should have the same choices. I support LB138 and AM1975, and I would encourage you to do also. Thank you.

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

**IBACH:** Thank you very much, Mr. President. I rise today in support of AM1975, Senator Hansen's bill. And I also rise as the aunt of two nephews who were both killed on motorcycles. One-- or, they were both wearing-- or, not wearing helmets. One was wearing a helmet, one was not. And do I support wearing a helmet? Absolutely. Please wear a helmet. Do I think we should mandate wearing helmets in their memory? I say no. My friends at ABATE 12 in Imperial last summer, when I was campaigning, kind of took me under their wing and we got acquainted. Salt of the Earth people, as Senator Hansen would say. I absolutely adore them. So my vote will be for my friends at ABATE 12 in Imperial. Thank you.

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

**HUNT:** Thank you, Mr. President. I just want to say that all of you who are supporting this amendment who also supported the abortion ban that went on LB574 and supported the ban on trans healthcare are massive hypocrites. Massive, massive hypocrites. What if at 22 the driver is pregnant? Should we then require her to wear a helmet to protect the preborn baby? Should we require pregnant women to wear helmets or to-- if they don't want to wear a helmet, should we require them to watch a video of a pregnant woman in a motorcycle crash so they can be adequately informed about their choice before they do that? You guys are massive, massive hypocrites. We let people under 19 drive motorcycles. Should we start requiring parental consent for that? I believe in government staying out of people's own medical choices. This is, to me, is not a helmet bill. It's a halo bill. If you want to go meet your maker, then don't wear a helmet. I ride a Vespa and my

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

son rides it with me a lot, and we wear helmets every single time and it's still dangerous even just riding in the city. And we know that. But you're all massive hypocrites, and you should be embarrassed. Thank you, Mr. President.

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

**LOWE:** Thank you, Lieutenant Governor. I stand in support of AM1975. Back when I was in college, a year before I graduated, a friend talked me into buying a motorcycle and we were going to leave Kearney and go right up and down the West Coast. We thought that sounded like a good time. So I bought my motorcycle, and the next day he sold his. I started out by myself that way. Got stuck in a blizzard out in Colorado. Got stuck for a week out there. And I came back after a week and a half and sold my motorcycle shortly after that. I figured out a, a convertible is a much better way to travel, with four wheels underneath me and a top and a heater. It also kept the rain off me. But I'm standing here in support of this because as a motorcycle rider at one time, I would have to leave the state to go ride without my helmet. And what happens if I have an accident outside the state and my brain is damaged, as it has been said here? Do I stay in Wyoming or Missouri? North Dakota? Iowa? No. I come home. You would come home and you would get the care here. So it doesn't matter that we have a helmet here-- helmet law here. If you get brain damage because you're riding outside the state, you still come back to Nebraska and you still get treated here in Nebraska. The state of South Dakota doesn't pick that up. The state of Iowa doesn't pick that up. It still is the state of Nebraska. And we lose our freedoms. I carried this bill my freshman year and we come-- we came one vote shy. One member of the Legislature was called into court that day. At this time, we would have been riding motorcycles for almost six years. We would have had better data by now on whether or not this works. I believe this works well. Thank you, Mr. President.

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

**MURMAN:** Thank you, Mr. President. I am in support of AM196-- AM1975, I guess it is. Don't have my glasses on, sorry. I have had two serious motorcycle wrecks in my life. I guess the first one was the last day of high school. Several of us seniors rode out of school on motorcycles. Fortunately, we were all wearing helmets. We had dirt bikes at that time. Went to Hastings. The Brickyard Park there at that time was a big hole in the ground and-- where the mined the clay for

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

the bricks, I guess. And went down into that hole and came back out. And I thought when I rode back up out of the deep hole, I thought it was flat ground on the other side just like where we went in. Well, it was flat ground for about 10 feet and then straight down on the other side again. So, of course I went right over that cliff. And I was wearing a helmet at that time. I ended up-- the motorcycle was above me. And I think my helmet was the first thing that hit the, the rock or dirt and, and had a big gash in the helmet. So that helmet may have saved my life, or at least serious injury at that time. So, thankful for that. The other time, I was about 40 years old-- and it's about the last time I rode a motorcycle-- riding back from the farm into town where I lived at the time, just a couple miles. It was getting dark. And, just going along about 60 mile an hour. Next thing I knew, there was a deer right in front of me, so I broadsided that deer. Ended up rolling, flipping down the highway. But that time, I wasn't wearing a helmet, and I guess I was just lucky. But I do think it's a matter of personal freedom. I, just like Senator DeBoer, I highly recommend wearing a helmet. Like I said, after that happened, I-- the motorcycle was parked in the shed. My son, you know, 20 some years later, asked me-- or, 20 or so-- asked me if, if he could get that bike out-- it's a little bit bent up-- if he could try and straighten it out and ride it. And I told him, I'd rather you wouldn't do that. So, he didn't. Fortunately, he did listen to his dad that time. So I, I do highly recommend if you wear-- if you're riding a motorcycle, wear a helmet. Just like Senator Brandt said, farming, we often don't wear helmets, especially on four-wheelers. So I do think it's a matter of personal freedom. And I do support the amendment. Thank you, Mr. President.

**KELLY:** Thank you, Senator Murman. Senator Hansen, you're recognized to close on your motion to return to Select.

**HANSEN:** Thank you, Mr. President. Well, I would just keep it pretty short and sweet. I encourage my colleagues to vote green on AM1975 and return to Select File then for the underlying amendment, and then for the underlying bill as well, LB138. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hansen. Members, the question is the motion to return to Select File. All those in favor vote aye; all those opposed, nay. Record, Mr. Clerk.

**CLERK:** 30 ayes, 5 nays on adoption of the motion, Mr. President.

**KELLY:** The motion is adopted. Senator Hansen, you're recognized to open on your amendment. And waived. Seeing no one in the queue,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

members, the question is the adoption of AM175-- AM1975. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 30 ayes, 5 nays on adoption of the amendment, Mr. President.

**KELLY:** The motion is adopted. Senator Ballard, you're recognized for a motion.

**BALLARD:** Mr. President, I move that LB138 be readvanced to E&R for reengrossing.

**KELLY:** Members-- there's been a request for a machine vote on Senator-- on the motion to readvance LB138 to E&R Engrossing. Mr. Clerk. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 34 ayes, 4 nays to advance the bill, Mr. President.

**KELLY:** The bill is advanced. Mr. Clerk for the next item.

**CLERK:** Mr. President, next item: engrossed LB1-- or, excuse me-- LB227. Senator Vargas would move to return to Select File for a specific amendment, that being AM-- excuse me, Mr. President. Apologies. There's a priority motion: Senator Hunt would move to recommit the bill. It's my understanding Senator Cavanaugh is authorized to open on that motion.

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

**M. CAVANAUGH:** Thank you, Mr. President. I'll withdraw the motion.

**KELLY:** It is withdrawn. Mr. Clerk.

**CLERK:** In that case, Mr. President, Senator Vargas would move to return LB227 to Select File for AM1989.

**KELLY:** Senator Vargas, you're recognized to open.

**VARGAS:** Thank you very much. Thank you, President. Thank you, colleagues. I'll be brief. And I know when we get to the amendment, I'll talk about this a little bit more. This amendment, AM1989, is my priority bill, which is LB570. LB570 also includes LB5-- LB75 and LB419. LB419's Senator Wishart's bill, extending the postpartum coverage care; and LB75, updating maternal and child health. And I'll talk a little bit about these very briefly. And I know we'll get into them a little bit more. All three of these independent bills came out

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

of HHS Committee on a 7-0 vote, unanimous, and were packaged together in a committee amendment. Quickly, LB570 would adopt the Overdose Fatality Review Teams Act. It creates a regulatory framework for establishing county-level, multidisciplinary teams in Nebraska to collect data related to opioid overdose deaths in Nebraska. Through LB570, these teams can bring together a variety of representatives in the healthcare sector. This is going to make sure that communities can identify missed opportunities. There's no clear mechanism for it right now in statute. No counties are required to do this. This is creating a framework for them to be able to do it and make sure that we are protecting privacy protections in place. I want to thank the committee again for their work and their 7-0 vote on that bill and also making sure that we're doing everything we can to protect the privacy. And thank you on that. LB75 is a maternal and child death review team's update. It is expanding the maternal and child death review team's ability to make sure that they are reducing severe maternal morbidity. These are preventable things that we can actually identify. Under our state statute, we need to make sure that we have coverage for liability. This is a-- another bill that was voted out 7-0 from HHS. And it's a, a bill that we've been working on with maternal and child health for years with the committee, and I want to thank them again for this. And LB419 was introduced by Senator Wishart, previous things worked on from Senator Machaela Cavanaugh in the past, that would expand Medicaid coverage for postpartum women for 60 days to at least six months. The original bill had it till 12 months. But what's happening here and I think what we've heard is there's a need to continue to make sure that we're supporting the entire family unit: women, children and their long-term health. And I want to thank all the people that have cosponsored Senator Wishart's bill. It has, I think, all the cosponsors of the female members on the floor and 20-plus additional members of the Legislature as a commitment to maternal and child health. I want to thank again Chairman Hansen for supporting this package and, and all the members that voted on this and making sure we're doing everything we possibly can to support maternal and child health through this package. And that's what we're going to be moving to return to Select. Thank you very much.

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

**HANSEN:** Thank you, Mr. President. I am in support of AM1989 from Senator Vargas and the entirety of it and everything that he has on there, and also Senator Wishart. I think a lot of this comes from when I've listened to constituents-- in my district, anyway-- one of the underlying things I hear from them is whether it's-- whether they are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

pro-life or whether they are pro-choice-- is what are we doing to help take care of those who are having babies in the state of Nebraska? And I think this is a big step forward to address that concern. And so I am in favor of this. I know a lot of my colleagues are as well. So I encourage everybody to vote green on AM1989 and then also for LB227, my committee HHS bill. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hansen. Seeing no one else in the queue-- and you just closed. Members, the question is the motion to return to-- Senator Vargas waives the closing. Members, the question is the motion to return to Select File. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 45 ayes, 0 nays on adoption of the motion.

**KELLY:** The motion is adopted. Senator Vargas to open on AM1989.

**VARGAS:** Thank you very much. Again, I'll be brief. This is a committee package, committee amendment to my priority bill, LB570. I want to thank Chairman Hansen and all the members of the committee for voting this unanimously out. There are three bills within this LB75 that focuses on allowing maternal and child death review teams the ability to conduct reviews on instances of severe maternal morbidity. The reason why this is important is to make sure that we can continue to have the statutory regulations in place so that these review teams can do what they're necessarily-- in statutory able to do, guaranteeing them the liability protections for privacy and records so that we can continue to realize what are we seeing at a, at a state level and a local level in terms of maternal and child deaths and morbidities. LB419, as I mentioned earlier, was Senator Wishart's bill and something that was worked on previously by Senator Machaela Cavanaugh. It would expand Medicaid coverage for postpartum women from 60 days to at least six months. The previous bill was for 12 months, or one year, and we cut it down to 6 months in collaboration-- in conversations with Senator-- our Chairman Hansen and the committee. This is making sure that we're doing everything we possibly can to support mothers, their whole entire families, and the little ones. And this is something that we have worked on in these recent couple of days. But I want to particularly thank all those senators that have worked on this in the past several years, getting it to this point, and, again, the leadership of the Chair. And then simultaneously, the last bill, which is LB570, which is working on establishing a regulatory framework for the opioid review teams at the county level, which does not require any counties, but allows them the ability to create these teams. This is a good package that focuses on maternal and child health. And we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

absolutely need to do everything we possibly can in a pragmatic and fair way to do so. Thank you very much. And I urge your adoption of AM1989. Thank you.

**KELLY:** Thank you, Senator Vargas. Seeing no one else in the queue, you are recognized to close. And waive. Members, the question is the adoption of AM1989. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays on adoption of the amendment.

**KELLY:** The amendment is adopted. Senator Ballard, you're recognized for a motion.

**BALLARD:** Mr. President, I move that LB227 be readvanced to E&R for reengrossing.

**KELLY:** Members, you have heard the motion to readvance LB227 to E&R Engrossing. It's a debatable motion. Senator Wayne, you're recognized to speak. And waived. All those in favor say aye. All those opposed to advancement say nay. It is advanced. Mr. Clerk.

**CLERK:** Mr. President, next bill. I have, first of all, a motion from Senator Machaela Cavanaugh to recommit that she wishes to withdraw.

**KELLY:** It is withdrawn.

**CLERK:** In that case, Mr. President, Senator Slama has AM1767 with a note she wishes to withdraw.

**KELLY:** It is withdrawn.

**CLERK:** Mr. President, Senator Slama would move to return LB92 to Select File for a specific amendment, that being AM1984.

**KELLY:** Senator Slama, you're recognized to open.

**SLAMA:** Thank you, Mr. President. And good evening, colleagues. This is a very simple, technical amendment. The day that LB92 came up on Select File, Senator McDonnell and I got our wires crossed with who was going to drop the amendment that cleaned up Fiscal's concerns with the bills with regards to his CHIPS portion of the bill. So this simply includes that very quick cleanup language request-- requested by Fiscal that eliminates the General Fund impact in the short term for his bill. It also cleans up a technical language change on LB68 that, since we have the chance to return the bill to Select File, we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

cleaned up. But I'd ask for your green vote on this and a green vote on the amendment itself. Thank you, Mr. President.

**KELLY:** Seeing no one in the queue, Senator Slama, you're-- waiving your closing. Members, the question is the motion to return LB92 to Select File. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays on the motion to return, Mr. President.

**KELLY:** It is returned. Senator Slama, you're recognized to open-- and waive on AM1984. Members, the question is the adoption of AM1984. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays, Mr. President, on adoption of the amendment.

**KELLY:** The amendment is adopted. Senator Ballard, you have a motion.

**BALLARD:** Mr. President, I move that LB92 be readvanced to E&R for reengrossing.

**KELLY:** Members, you've heard the motion to readvance LB92 to E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

**CLERK:** Mr. President, next bill: Select File. There are no E&R amendments. Senator Slama would move to amend with AM1929.

**KELLY:** Senator Slama, you're recognized to open on the amendment.

**SLAMA:** Thank you, Mr. President. This amendment to the A bill is provided by Fiscal, reflecting the changes that we just adopted to LB92, therefore eliminating the fiscal impact that raised some questions on the first round of debate because we actually passed the technical cleanup that Fiscal requested that we do. So I'd ask for your green vote on this amendment to the A bill so that the A bill accurately reflects what LB92 is going to cost. Thank you, Mr. President.

**KELLY:** Thank you, Senator Slama. Seeing no one else in the queue, you're recognized-- and waive closing. Members, the question is the adoption of AM1929. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

**KELLY:** The amendment is adopted. Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB92A be advanced to E&R for engrossing.

**KELLY:** Members, you have heard the motion to readvance LB92 [SIC-- LB92A] to E&R Engrossing. All those in favor say aye. All those opposed, nay. It is advanced. Speaker Arch, you're recognized for an announcement.

**ARCH:** My, my understanding is that we'll be receiving the Governor's vetoes here shortly, and so-- so that we can read those across before we adjourn for the evening, we're going to stand at ease for 10, 15 minutes, something like that, so. At this point, we'll just stand at ease and-- just for the purpose of receiving the, the vetoes so that they could be read across. Thank you.

[EASE]

**KELLY:** Mr. Clerk.

**CLERK:** Mr. President, communication from the Governor: Mr. President, Mr. Speaker, members of the Legislature. With this letter, I am returning LB814 and LB818e with my signature but with line-item reductions. Our economy is incredibly strong, as evidenced by the overcollection of tax receipts compared to the funds necessary to provide essential services to our citizens. Hardworking taxpayers in Nebraska are demanding that their money be returned. The Legislature is on the verge of passing transformative tax relief measures that will lower the burden of income, business, property, and Social Security taxes. We must continue to fight against excessive governmental spending to deliver dollars back into the pockets of Nebraskans. Delivering transformational tax relief has not stopped us from ensuring that no kid is given up on. The Education Future Fund is established with \$1 billion in fiscal year '23-24 and \$250 million every year thereafter to finance public K-12 education. This will increase education aid by nearly 30 percent annually to ensure the state is adequately financing public education while driving down the reliance on property tax dollars. We will ensure that every student has at least \$1,500 in foundation aid while also guaranteeing that our special education students are funded with state resources. To balance our budget, I have line-item vetoed Medicaid reimbursement rates to provide for a 3 percent increase in fiscal year '23-24 while holding, while holding rates flat in fiscal year '24-25. This will reduce funding by \$15.3 million in general funds and \$29.9 million in federal

funds for fiscal year '24-25. Hospitals have seen record profits preceding and throughout the pandemic, but rising costs have begun to eat into those margins. Funding for reimbursement rates will not address any of the systematic workforce shortages and will provide only a Band-Aid to hospitals' bottom line without providing any relief for healthcare costs paid by everyday Nebraskans. Healthcare institutions must adapt by developing a sustainable healthcare model that addresses both near and future challenges. I have also vetoed a child welfare rate increase of \$6 million in general funds in fiscal year '24-25 related to the replacement of one-time federal funding from the American Rescue Plan Act, ARPA. Replacement of temporary federal funding with permanent state funding is a practice that will severely harm the state financially. The department is currently conducting a rate study as part of LB1173 to better inform reimbursement rate decisions and potentially revisit this budget program in the mid-biennium process to address possible rate adjustments. I have also reduced \$900,000, \$900,000 in general funds in fiscal year '23-25-- '23-24 and '24-25 related to the expansion of home visitation care that would boost the existing program from \$1.1 million to \$2 million a year. Currently, the Department of Health and Human Services use-- is utilizing Temporary Assistance for Needy Families funds to provide for this care and will continue to address needs with this fund source. Additionally, I vetoed additional funding for a CEDARS housing facility of \$1 million in general funds in fiscal year '23-24 intended for housing, pregnant, and parenting homeless youth. Financing operations of this facility is a TANF-eligible expense and will be handled administratively instead of utilizing general tax fund dollars-- General Fund tax dollars. My veto includes a General Fund reduction of \$250,000 in each year-- each year of the biennium related to the expansion of court-appointed special advocates aid. Without this reduction, the program grows from \$500,000 to \$750,000 each year, or a 50 percent increase. I have also a line-item reduced \$2.2 million in general funds in fiscal year '24-25 for the Legislative Council related to the 15 percent legislative salary increases. The continuing trend of underutilizing appropriation demonstrates there is more than enough resources to accommodate these increases. Additionally, I have vetoed a total of \$309,461 in general funds in fiscal year '23-24 and \$539,242 in fiscal year '24-25 related to the new State Auditor positions and salary increases. The Auditor has existing resources to cover necessary positions and pending salary increases to fulfill the office's constitutional duty. I've also vetoed \$470,164 general funds in fiscal year '23-24 and fiscal year '24-25 for the Nebraska Historical Society. Over the last four years, the agency has underspent general funds by an average of \$900,000. My

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

veto will rightsize the agency's funding without impacting their day-to-day operations. Additionally, I have line-item veto \$107,252 in General Fund appropriations in fiscal year '23-24 and '24-25 for a position within the Deaf and Hard of Hearing Commission to fund a full-time sign language interpreter that is not necessary based on current workload. I have line-item vetoed \$950,000 in General Fund appropriations in fiscal year '23-24 and '24-25 for additional funding to the Supreme Court-- including \$500,000 per year to assume additional ex officio clerk services and costs on behalf of county district courts-- \$200,000 per year to increase funding for court interpreters, and \$250,000 per year for additional public guardianship services. The Supreme Court has enough funding to manage potential increases of demand for these services. I vetoed \$300,000 in General Fund appropriation increases in fiscal year '23-24 and fiscal year '24-25 for interstate water litigation within the Attorney General's Office. Existing funding is sufficient to meet the state's needs for this purpose. Additionally, requested trial preparation coordinator position was a lower priority for the Attorney General, and I have vetoed General Fund appropriations by \$102,917 in fiscal year '23-24 and \$107,840 in fiscal year '24-25. I have line-item vetoed the \$7 million General Fund appropriation in '23-24 to the Department of Environment and Energy for providers grant assistance for a rural drinking water project in Cedar/Knox County. This project, project has already seen sufficient investment from the state, which is utilizing ARPA and Drinking Water State Revolving Fund funding, which exceeds \$300-- \$32 million. To preserve our cash fund, I vetoed \$10 million in cash fund appropriations in fiscal year '23-24 and '24-25 for the rural workforce housing and \$10 million cash fund appropriation in fiscal year '23-24 and '24-25 for middle-income housing. This will preserve our reserve funds and avoid flooding the housing market with government subsid-- subsidation. We have invested more than \$200 million in affordable housing over the past three years, and Nebraska housing developers are busy leveraging this substantial investment to build up our supply of affordable housing in the state of Nebraska. I am reducing the additional Shovel Ready Capital Recovery and Investment Act funds from \$90 million to \$70 million in fiscal year '23-24 and eliminating funding of \$10 million related to the site and building development funding of-- to Kimball for a ground-based nuclear deterrence project. I stand behind Kimball in securing funding from the federal government to ensure this area can continue to thrive in the future, and we will continue to assist that effort in any way possible. I'm also vetoing the \$5 million appropriation from the Nebraska Health Care Cash Fund, fiscal year '23-24 and '24-25, and the related intended transfers in the following three years from the Cash

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 24, 2023

Reserve Fund for the pilot program related to gun violence. Over \$500 million has already been devoted to economic recovery over the last two years, focused mainly in north and south Omaha. Investing in our core mission of providing quality services to the citizens of Nebraska while delivering transformational tax relief is a must. We must cut government spending. We must cut government red tape. And we must lead the charge in investing in our next generation. Over four years, my veto reductions will save the General Fund \$94.2 million; Health Care Cash Fund, \$10 million; and the Cash Reserve Fund, \$87 million. This session has the makings of being truly transformational, and I am writing to you to stand up to the special interests who stand to gain from growing government spending and deliver the money back to hardworking Nebraskans. I urge you to sustain, sustain these votes. Sincerely, Jim Pillen, Governor. Additional items, Mr. President: amendments to be printed from Senator Hansen to LB227A. Senator Wishart would add her name to LB570. The Appropriations Committee will meet in room 1307 at 8:00 a.m. tomorrow morning. Finally, Mr. President, a priority motion: Senator Machaela Cavanaugh would move to adjourn the body until Thursday, May 25, 2023 at 9:00 a.m.

**KELLY:** Senators, you've heard the motion to adjourn. All those in favor say aye. Those opposed, nay. We are adjourned.