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Floor Debate
May 08, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-eighth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Reverend Beverly Melchor-Young of the Riverside Baptist Church in Tekamah, Nebraska, Senator Brasch's District. Please rise.

REVEREND MELCHOR-YOUNG: (Prayer offered.)

PRESIDENT FOLEY: Thank you. I call to order the seventy-eighth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB578A to Select File. Enrollment and Review also reports LB519 as correctly engrossed. And a new resolution: LR131 by Senator Riepe calling for an interim study. That's all that I have, Mr. President. (Legislative Journal pages 1371-1372.) [LB578A LB519 LR131]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we'll now proceed to the first item on the agenda, General File appropriations bills. Mr. Clerk.

CLERK: Mr. President, LB289A is the bill by Senator Pansing Brooks. (Read title.) [LB289A]

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PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on LB289A. [LB289A]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Members of the body, LB289A is the appropriations bill for LB289, which is the Judiciary Committee priority bill, but includes my human trafficking bill that you all passed last week, as well as other bills pertaining to sexual assault and domestic violence. A couple of these bills have fiscal notes attached. These include LB178 from Senator Bolz which authorizes protection orders for victims of sexual assault, mirroring existing protections for victims of domestic violence. It also includes LB191, my bill to establish a process for individuals to refile for protection orders in order to eliminate gaps in those protection orders. The courts filed fiscal notes indicating both bills would contain a one-time cost to update curriculum and provide training and a program test and update the judicial branch's electronic case management system. LB289A appropriates \$10,000 from the Supreme Court Education Fund and \$205,000 from Supreme Court Automation Fund for those purposes which result from court filings. No General Funds are being appropriated, so I ask you to vote green on LB289A. Thank you, Mr. President. [LB289A LB289 LB178 LB191]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Debate is now open on the bill. Seeing no members wishing to speak, Senator Pansing Brooks, you're recognized to close. She waives closing. The question before the body is the advance of LB289A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB289A]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB289A. [LB289A]

PRESIDENT FOLEY: LB289A advances. Next bill, please. [LB289A]

CLERK: LB512A is a bill by Senator Groene. (Read title.) [LB512A]

PRESIDENT FOLEY: Senator Groene, you're recognized to open on LB512A. [LB512A]

SENATOR GROENE: Thank you, Mr. President. This is the A bill that accompanies our omnibus bill, Education Committee LB512. There is a \$46,000, I believe, reduction in spending on the budget. One of the few bills that came forward that has a small reduction. Majority of it is on the Summer Food Program. It was originally in statute that it was supposed to get \$140,000 a year. In its first few years of operation, it never reached over 50,000 in applications. So we lowered it to \$100,000. Appropriations then made some other minor changes to who could apply

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and how much money they could get in a compromise. So anyway, I appreciate your vote on green on LB512 and save a little money in this budget. Thank you. [LB512A LB512]

PRESIDENT FOLEY: Thank you, Senator Groene. Debate is now open on the bill. Seeing no one wishing to speak, Senator Groene you're recognized to close. He waives closing. The question before the body is the advancement of LB512A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB512A]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB512A.

PRESIDENT FOLEY: LB512A advances. Proceeding on the agenda to Select File appropriation bills. Mr. Clerk. [LB512A]

CLERK: Mr. President, LB578A. Senator Wishart, I have no amendments to the bill. [LB578A]

PRESIDENT FOLEY: Senator Wishart, you're recognized for a motion. [LB578A]

SENATOR WISHART: Mr. President, I move to advance LB578A to E&R for engrossing. [LB578A]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB578A advances. Proceeding on the agenda to Select File, 2017 committee priority bill. Mr. Clerk. [LB578A]

CLERK: LB335, I do have Enrollment and Review amendments, Senator. (ER22, Legislative Journal page 792.) [LB335]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB335]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB335. [LB335]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB335]

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CLERK: Senator Howard would move to amend with AM1357. (Legislative Journal page 1373.) [LB335]

PRESIDENT FOLEY: Senator Howard, you're recognized to open on AM1357. [LB335]

SENATOR HOWARD: Thank you, Mr. President. And just by way of a refresher, LB335 is a bill that we discussed previously about the child care subsidy as our Title XX program. The department had come to the Health and Human Services Committee and asked if they could, for a year, disregard the market rate survey that we're required to do every few years. And usually when we do a market rate survey around child care rates, that increases those rates just a little bit to meet the market. In Nebraska, we have a statute that requires us to meet at least 60 percent of the market rate. What the department was asking us to do was disregard that 60 percent requirement for a little while to help us with our budget deficit. This is actually a fair idea. I'm uncomfortable with the idea of us solving our budget deficit on the backs of child care providers. That being said, as most of you know, I like to follow federal guidance to the letter. And so in October of 2018, the feds will require us to be at at least 75 percent of the market rate in our state for child care rates. So that put us in a little bit of a quandary, right? Do we just let them disregard the market rate survey until October? Do we try to leave the rates where they're at? And so in our last debate, Senator Krist was allowed to put an amendment on LB335 that gave us the floor of 50 percent of the market rate and a hold harmless, which meant that whatever you were getting paid as a child care provider last year is what you will be paid as a child care provider this year, as long as you meet a 50 percent floor. What we failed to do was ensure that the department would go back up in October of 2018. So last Friday we got the raw numbers from the market rate survey. It's not finished. It won't be done until the end of May which would obviously be too late for our session but we do want to address this issue now. So what my amendment does is it says in October of 2018, we'll at least go back up to the 60th percentile. Now in my dream world, which I love living there sometimes, I would love to bring us back up to 75 percent. My understanding from Director Weinberg and from the federal government is that as long as we make a good faith effort to go back up to the 60th percentile, they'll see us moving in the right direction and they won't ask us to return the funds from the child care subsidies to the tune of \$30 million. So what my amendment does is it makes our good faith effort to get us back to that 60th percentile. If you read it, it's a little confusing. It says for the fiscal year of July 1, 2018, for the last three quarters of that fiscal year, will go up to the 60 percentile. All that says is that in October 1 of 2018, we'll go up to the 60th percentile for our market rate. I would certainly urge the advancement of AM1357 and I'm happy to try to answer any questions that the body may have. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Howard. Debate is now open on LB335 and the amendment. Senator Riepe, you're first in the queue. [LB335]

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SENATOR RIEPE: Thank you, Mr. President and colleagues. LB335 is one of the budget modifications. First, I want to point out that LB335 does not become law...if it does not become law, we will have a fiscal impact of \$5.6 million. However, if we adopt LB335 as amended by the Krist amendment, it will only be a fiscal impact of \$3.8 million. This amount is included in the mainline budget bill. On General File, we adopted AM703 introduced by Senator Krist, which allowed the department to not adjust the reimbursement rates for children subsidies based on the 2017 market rate survey, except that the rates may not, I repeat, may not be less than the 50th percentile or the rate immediately preceding fiscal years 2016-17. Again, I want to remind the body LB335 currently only has a fiscal impact of \$3.8 million. If LB335 is not approved, the fiscal impact will be a \$5.6 million number. This past Friday a briefing was held as mentioned by Senator Howard and I invited the UNL researchers, Lisa Knoche of the Nebraska Center for Research on Children, Youth, Families and Schools; Greg Welch of the Buffett Early Childhood Institute; and Director Weinberg of the Division of Children and Family Services of the Department of Health and Human Services to discuss the methodology of the forthcoming market rate survey. Liz Hruska also attended and presented the fiscal impact. I have handed out copies of Director Weinberg's letter, as well as the letter from UNL regarding the 2017 market rate survey. The market rate survey has not been completed as noted by Senator Howard. However, the rates have been completed and were presented in the letter from UNL. Based on the document received by the Department of Health and Human Services, the department is almost at the 50th percentile on all hourly rates. The department will have to raise the rates for seven categories to be in compliance with LB335 as amended by AM703. There have been a couple of questions that I have received about the survey and I want to assure you that UNL conducted a statistically valid survey and would be happy to walk through the rate changes off mike with anyone. You may have noticed from Director Weinberg's analysis it appears as though the child care rates in Nebraska are going down since the majority of the previous 2015 and 2016 rates meet or exceed the 60th or 75th percentile of the current market rate survey completed by UNL. My understanding is that the rates have not gone down. However, the previous market rate survey completed by DHHS may have been inflated due to how the data was collected. DHHS contracted the survey to comply with the new federal standards. The survey performed by UNL is unbiased and more thorough, and more recent. While the market rate survey has taken a lot longer to receive than expected, I am pleased they took the time to conduct a statistically valid survey. Please let me know if you have any questions as we consider this budget modification. Thank you and please vote green on AM1357 and also on LB335. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Stinner, you're recognized. [LB335]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I, too, support LB335 and AM1357. I think Senator Riepe and Senator Howard have covered all the detail on this. I just wanted to weigh in on the fact that Fiscal Office did an analysis, PRO met this

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weekend or late Friday, did the analysis, and we do have in the base budget an appropriate amount of money to cover this cost. It will be, as Senator Riepe was talking about, a \$1.8 million cost avoidance as opposed to maybe a cost savings. But if you're avoiding cost, you do save it. But it's in the budget. We don't have to allocate an A bill for it. And just wanted to respond to that. Thank you. [LB335]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Krist. [LB335]

SENATOR KRIST: Thank you, Mr. President. I'll be brief. Thank you, Senator Howard for bringing this amendment. I believe that this is one of those programs that can, if you don't take...if you take your eye off the ball in the Legislature, this is one of these programs that could go away very easily. It is not federally mandated and it's one of those things that we do for people who absolutely have the need to go forward and it's one of those programs that I hope you all will look into in the future and continue to fund at an appropriate level. The reason for my amendment initially, as you know, was to make sure that there was no bottom so the program could not go away legislatively or statutorily. I think we've succeeded in making sure that the right people are getting the right services. Thank you, Senator Howard, for the amendment. Thank you, Senator Riepe for allowing your committee to bring it forward. [LB335]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers. [LB335]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I tried to pen a little rhyme for what Senator Howard did to me. I haven't finished it. I came loaded for bear. Senator Howard brought me to despair. Before I could aim and fire a shot...and I won't put the last line, but in reality, I thought it was gonna be necessary, based on the way things have gone this session, to fight a very hard battle to do something to bring as much stability and rationality to this program as possible. But because of the work that had been done by Senator Howard, Senator Riepe, and the others, I decided I would leave well enough alone. I'm not really disappointed, but I'm sure people who train for something and when the bell rings and you're ready to go and they say it's been canceled, it can be somewhat of a letdown. So in a way this could be a win-win situation. I win by not having to go through what I intended to go through; the body wins by not having to listen to it; Senator Howard wins by showing that even without musical accompaniment, soft words turn away wrath. And if we were talking about music, it says music hath charm to soothe the savage breast, not beast, it says to soothe the savage breast. That means that rather than limiting it to the realm of beasts, it includes any- and everything. And you noticed it didn't say heart. I'm gonna stop now. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Howard, you're recognized to close on AM1357. [LB335]

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SENATOR HOWARD: Thank you, Mr. President. I have been waiting a long time to make it into a Senator Chambers poem, so this is a red letter day for me. I would certainly urge the adoption of AM1357 and I would like the body to note for the record, child care rates, this is the only place, this is the only market where we think it's acceptable for them to accept less than the market rate from the government, right? We're giving them 50 percent of their market rate. And I know that there are child care providers across the state who are receiving this subsidy. And so keep them in mind as you vote and consider AM1357. This has been a really tough bill for me because I hate the idea that child care providers might be suffering and therefore, the children that they're serving might be suffering. And so AM1357 represents a very middle-of-the-road approach and it also shows our federal partners that we have every intention of going back up to the 60th percentile and some day I hope to see us up at the 75th percentile for child care rates. So with that, I would urge your green vote on AM1357. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Howard. Members, you've heard the debate on AM1357. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB335]

CLERK: 45 ayes, 0 nays, Mr. President, on the adoption of Senator Howard's amendment. [LB335]

PRESIDENT FOLEY: AM1357 is adopted. Is there anything further on the bill, Mr. Clerk? [LB335]

CLERK: I have nothing further, Mr. President. [LB335]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB335]

SENATOR WISHART: Mr. President, I move to advance LB335 to E&R for engrossing. [LB335]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB335 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB335 advances. Members, we're now proceeding to five bills on Final Reading. If you could make your way to your desks, please. Members, we're now on Final Reading. First bill is LB328E. Mr. Clerk. [LB335 LB328]

CLERK: (Read LB328 on Final Reading.) [LB328]

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PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB328E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB328]

CLERK: (Record vote read, Legislative Journal pages 1373-1374.) 44 ayes, 2 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB328]

PRESIDENT FOLEY: LB328 passes. LB329E. [LB328 LB329]

CLERK: (Read LB329 on Final Reading.) [LB329]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB329E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB329]

CLERK: (Record vote read, Legislative Journal page 1374.) 45 ayes, 2 nays, 2 excused and not voting, Mr. President. [LB329]

PRESIDENT FOLEY: LB329 passes with the emergency clause attached. The next bill is LB330E. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. [LB329 LB330]

CLERK: 35 ayes, 6 nays, Mr. President, to dispense with the at-large reading. [LB330]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB330]

CLERK: (Read title of LB330.) [LB330]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB330E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB330]

CLERK: (Record vote read, Legislative Journal page 1375.) 41 ayes, 6 nays, 2 excused and not voting, Mr. President. [LB330]

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PRESIDENT FOLEY: LB330E passes with the emergency clause attached. The next bill is LB149E. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, please. [LB330 LB149]

CLERK: 39 ayes, 6 nays, Mr. President, to dispense with the at-large reading. [LB149]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB149]

CLERK: (Read title of LB149.) [LB149]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB149E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB149]

CLERK: (Record vote read, Legislative Journal page 1376.) 37 ayes, 9 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB149]

PRESIDENT FOLEY: LB149E passes with the emergency clause attached. The next bill, LB171E. [LB149 LB171]

CLERK: (Read LB171 on Final Reading.) [LB171]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB171E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB171]

CLERK: (Record vote read, Legislative Journal page 1377.) 44 ayes, 1 nay, 2 present and not voting, 2 excused and not voting, Mr. President. [LB171]

PRESIDENT FOLEY: LB171E passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following five legislative bills: LB328, LB329, LB330, LB149, and LB171. Next item on the agenda: motion to override Gubernatorial veto. Mr. Clerk. [LB171 LB328 LB329 LB149 LB330]

CLERK: Mr. President, Senator Wayne would move that LB75 become law notwithstanding the objections of the Governor. [LB75]

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PRESIDENT FOLEY: Senator Wayne, you're recognized to open on your motion. [LB75]

SENATOR WAYNE: Thank you, Mr. President. Well, colleagues, good morning, and let the fun begin. I guess we stand here today and I look around this body and I'm looking for the miracle Monday. What I mean by that is not necessarily hope or a lottery or a chance at winning a million dollars, but the chance that this body will find courage, courage to stand up to the person who has called many of you four or five times, the person who rather than focus on education, property tax relief, and growing our state, chose to veto a bill that impacts about 7,000 people and has a dark, troubled past. Rather than spending time building a coalition to make sure we do what's best for all Nebraskans around rural and urban tax relief, we decided to argue today about fundamental rights such as voting. And let me be clear, a vote against this override is a vote in favor of a past that is based and founded in racism, exclusion, and fear, a past that modern today says undermines the reentry process, stigmatizes people who are trying to reenter back into society, and goes against what many of us have talked about--accountability and rehabilitation in the criminal justice system. So I want to address a couple issues that I continue to keep hearing, but today is not about the merits of this debate. Today, it's about whether we are a separate body and whether we should do what's best for some of our most neediest people in our society. But I want to address this one thing I keep hearing about the constitutionality of LB75. The reason that's important, because as an attorney, LB75 is constitutional. There is no ins, ands, buts about it. Senator Hilgers, will you yield for a question or two? [LB75]

PRESIDENT FOLEY: Senator Hilgers, will you yield, please? [LB75]

SENATOR HILGERS: I would. [LB75]

SENATOR WAYNE: Senator Hilgers, we've had great debates about this and I just want to ask you a couple quick questions. In the constitution that deals with felons not having the right to vote unless restored by...unless their civil rights are restored, does it explicitly say which body should restore the civil rights? [LB75]

SENATOR HILGERS: That's not in the constitutional provision. [LB75]

SENATOR WAYNE: And according to the Pardons Board, does the Pardons Board section actually mention civil rights at all? [LB75]

SENATOR HILGERS: I don't think so. I'll trust your memory on that. [LB75]

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SENATOR WAYNE: Colleagues, it does not. And in fact, would you, since you looked at some of the case law, would you agree that a pardon, according to the Nebraska Supreme Court, is the restoration of all civil rights? [LB75]

SENATOR HILGERS: If you are pardoned, you would have your civil rights restored, yes. [LB75]

SENATOR WAYNE: All civil rights, correct? [LB75]

SENATOR HILGERS: Yes. [LB75]

SENATOR WAYNE: Thank you, Senator Hilgers. Colleagues, that is exactly the issue here. We are not restoring all civil rights as defined by our Nebraskan Supreme Court. We are restoring one political right and that is the right to vote. The reason I say political, because if you go back and read the floor debates of 1871 and 1875, which I did, they were actually talking about three different rights. And if you look at our founding fathers and the Thirteenth, Fourteenth, and Fifteenth Amendment, they were also talking about three different rights. This in no way is a legislative pardon. And in fact, my understanding, the Attorney General would not even opine on this debate. And I submit to you the reason that he would not issue an opinion is because I am correct about the constitutionality and that being a political office aligns with Governor Ricketts, he would not go against him. So rather than opine an opinion, he decided not to. So let me start by just taking us back to why we are here. 150 years ago, this body tried to become a member of the United States. And the fundamental condition that was rejected by the United States was one of race--the black man being able to vote. And it's a shame that 150 years later we are still having this debate. The reason I say we're still having this debate, because it is clear by the record in the legislative floor debates that to get around the fundamental condition that ultimately which this body approved 150 years ago was to enact disenfranchisement laws. How do I know that? Because it's in our legislative history. When a senator says it is not about whether the black man should vote, but rather the majority should rule, tells you the mindset that happened when they passed these disenfranchisement policies. So we move forward 150 years later and it's still on the books and today is a chance to restore or at least address our troubled past. The facts are during the committee hearing, there was no opposition, none; that the Catholic Conference came in support; former American Probation and Parole Association executive director Carl Wicklund wrote: One of the key factors in success to reentry is the person's identity...a person to identify as a responsible citizen. This identity is built through activities like community engagement, volunteer work, and voting. A 2011 Florida study showed that those who participated in voting had less than three times likely to reoffend, saving millions. And for the Republicans who feel like this is a Democrat-Republican issue, this is not. Texas in 1997 had a two-year ban like Nebraska. Then Governor George W. Bush who later came on to become

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president, signed into law eliminating that two-year provision. Lindsey Graham, Rick Santorum, Rand Paul all believe that when a person has done their time, they should be able to get out and vote and participate in the democratic process. I received tons of bipartisan support to bring this here. And what amazes me is over 36 Senators at one point voted for this bill. And after every one of those votes they received a phone call from somebody not in this body and somehow that vote changed. This isn't about the merits of this bill. This isn't about the thousands of people we can help. This is about politics. And the fact of the matter is no fundamental right should move up or down or whichever way the wind blows based off of politics. And we as a body have an opportunity to change that. So I'm not here ready to debate the merits, although I will. I can cite court case opinions. I can tell you why this is constitutional. I'm here to ask every one of you guys and ladies to look for courage, courage to do the right thing, courage to face political opposition, and courage to stand up to an individual who did not provide tax relief, but rather focused on disenfranchisement. [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR WAYNE: We can do better. We can do better than what we did 150 years ago. 150 years ago we grew a little bit, Nebraska. We grew a little bit by saying we're going to allow everyone to vote. But on the backside we snuck in disenfranchisement laws. Today I'm asking Nebraska to grow a little bit more. Override this veto and make sure all Nebraskans can participate in the political process. Thank you. [LB75]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on the motion. Senator Ebke. [LB75]

SENATOR EBKE: Thank you, Mr. President. I want to thank Senator Wayne for his very passionate and rational advocacy of this bill and of the override motion. I stand in support of the override motion. For me it comes down to this. If it's not unconstitutional for us to do this, then it's purely a policy decision. It's a decision of the legislative body to make and if the Governor wishes to veto it, it's a decision of the legislative body to decide whether or not this is a worthwhile policy decision. Last week on April 27 when the Governor announced his veto, I sent a letter to the Attorney General's Office and I asked for a formal opinion relating to questions arising from this legislation and whether or not there was true question of constitutionality. And on Friday after I'd left and I had one person left in the office, they dropped off their non-opinion, the Attorney General said that they would not address the constitutionality of it because it would ask them to address the constitutionality of the earlier law which called for two years. The problem with that, folks, is that the Attorney General's Office doesn't have a problem issuing opinions, for instance, on LB44 when they believe that something is obviously unconstitutional. And so perhaps this is a sign that they know that it is constitutional. If it's not constitutional, I

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think that the first law would have been challenged already. I appreciate Senator Wayne's comments about this being a separate body. None of us...and I've been on...in the midst of several override debates in the previous two sessions...none of us takes lightly the notion of overriding a Governor's veto. But I think it's important for us to consider our position as a separate body. Is this good policy? I think it is. I think that it's an important message. It's a symbolic message. It's not a big bill. It's one of Senator Chambers' peewee bills in many ways because it's not going to affect all that many people. But I think it's an important symbolic message to send in the context and in conjunction with all of the other work that we're trying to do with respect to criminal justice reform. You know, I was in Indiana this last weekend. I drove out there after session on Friday and I came back yesterday. Spent the day on Saturday and we were talking about some of the legislation. Indiana is, sarcasm noted, a really liberal bastion. Anybody believe that? Indiana has, current system, never takes away voting rights. I talked to some of my friends out in Indiana and they said you take away voting rights for felons? The only thing that we've done is said that we won't create separate voting precincts in the prisons. So you can still vote when you're in prison. You can vote as soon as you get out of prison in that liberal bastion of Indiana. Folks, this is good policy. It's good policy not to take civil rights away from people if they have fulfilled their debt to society. Senator Groene has a bill that was mentioned. I think it's in the article that Senator Wayne talked about. We've given back the right of felons to possess deadly weapons. Okay, good. I think that's a good thing. I think it's also a good thing to tell them, okay, we trust you enough to carry a deadly weapon for hunting purposes or archery purposes or recreational purposes. We also trust you enough to pick up a pencil and mark a box. I urge the override of LB75 and I thank you for your time. If, Senator Chambers, would like to jump in here? I will yield the rest of my time to Senator Chambers. [LB75 LB44]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Chambers, 0:30. [LB75]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Ebke. The one thing I will point out in this few seconds is that the Attorney General's Office has joined legal actions in the federal courts against Colorado because of their pot legislation. They have joined lawsuits against the EPA. And the Attorney General knows this provision is not unconstitutional, that a legislative enactment is presumed to be constitutional... [LB75]

PRESIDENT FOLEY: Time, Senator. [LB75]

SENATOR CHAMBERS: ...and beyond that...you said time? [LB75]

PRESIDENT FOLEY: Yes, sir. [LB75]

SENATOR CHAMBERS: Thank you, Mr. President. [LB75]

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PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Morfeld. [LB75]

SENATOR MORFELD: Thank you, Mr. President and colleagues. I rise in support of the motion to override the Governor's veto for several different reasons. First, I think it's the absurdity of the Governor's argument. On one hand he communicates that the public saying maintain the two years. Maintain the two years. Oh, and by the way, it's unconstitutional to take it down from two years to immediately after they've completed the terms of their sentence. Well, if that's the case, then the act of the Legislature that made it go from a lifetime ban to a two-year ban would have been unconstitutional as well. But yet the Governor is supporting the two-year ban while still in the same breath saying that our ability to change or alter this law is unconstitutional. It makes absolute no sense. And it makes absolute no sense because it is no sense. We have the authority under the constitution to be able to alter this. There is nothing in the constitution that says that we cannot. This is not a full pardon. It does not infringe upon the purview of the Pardons Board. And if it would have infringed on the purview of the Pardons Board, I can guarantee you that many people that were strongly opposed to this many years ago when we knocked it down to two years would have challenged it in court. Also, I think it's important when we're looking at punishments to understand the underlying policy rationale on why we are imposing a punishment. We impose punishments, number one, first and foremost, to alter behavior, to prevent people from breaking the law, to make them think twice about the consequences. When somebody is breaking the law, I highly doubt that they are thinking, oh man, after I spend five to ten years in prison I may not be able to vote for two years after that. This is not a deterrent to crime. It's not a deterrent to crime. And because it's not a deterrent to crime, there is really no reason why we should be imposing this punishment. And not only that, there's been ample studies that have shown, and Senator Wayne has listed off a few of them, that making people after they've served their time still be outcasts in our society actually can cause more crime, because when people feel disenfranchised from our society, they're more likely to commit those crimes. They're more likely to feel like an outcast or not to have all of their rights and then commit crimes against our society. It's important to look at what is the underlying policy rationale for punishment. The underlying policy rationale for punishment is the prevention of crime. It's showing that there are consequences. This is a right that does not prevent those crimes. They do not prevent those crimes. And in fact, it can lead to more crime by keeping people outcasts in our society after they've served their debt, after they've paid their due. I find it unfortunate that the Attorney General would not issue an opinion on this matter. I wasn't aware of that until this morning, being as though that is a function of their office, to provide us that legal counsel and that advice. But make no mistake, colleagues, if you read through the constitution, I have it opened right here. I've looked at the Governor's rationale. Not only is the Governor's rationale illogical... [LB75]

PRESIDENT FOLEY: One minute. [LB75]

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SENATOR MORFELD: ...and contrary to their own statements on the legislation, but it is unfounded by the constitution, by a plain reading of the constitution. I would submit to you that there is not even gray area. Colleagues, I urge you to override the Governor's veto and I urge you to do what's right, is to restore the voting rights of individuals that have served their debt to society. It will benefit our communities and it will make them feel a part of society after they've served their debt and it will make our communities safer. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Vargas. [LB75]

SENATOR VARGAS: Good morning, colleagues. So I stand in support of this motion to override. And it's very simple. I believe we should be doing everything we can to support the civic engagement of individuals and specifically in this case we're talking about individuals that have served their time. It's actually really hard for me to talk about this for a lot of different reasons, one, and I've mentioned this before. The first is I know we always strive to represent the diversity that is in our great state. When we look at the population of individuals that are incarcerated in our state and we're looking at the national statistics around who is actually disenfranchised, we tend to see that people of color are. African-Americans and Latinos and Hispanics are disproportionately incarcerated. These are the same individuals that have served their time and are now reentering society and are trying to do everything they can to be contributing members of our state. And a part of being a contributing member is having certain rights restored and feeling like you are part of the process of the community, that your voice means something. And one piece of that is your ability to vote. We're telling people that have served their time and that are now back in our communities that, I'm sorry, but you cannot decide whether or not if somebody can represent you. You cannot have a say in the things that are happening in your community. And to us, your vote doesn't mean the same. You need to wait. More importantly, you also need to wait an arbitrary amount of time, but you still need to wait. Colleagues, I have mentioned this on the mike before. When we're passing laws, I constantly ask myself, why are we removing some restrictions--and I think there's a lot of good reasons--and then why are we adding statutes? And that there's always a good reason to not do something or to do something, and in this case I still have yet to hear a rationale as to why it's necessary to have this two-year ban. And I would love if a colleague after I get off the mike would come up to tell me a cogent rationale as to why two years is the amount of time that somebody should not be able to vote once they've served their time. And in fact, we have many proof points across the country that are telling us that's just not the case. Republican, Democrat, it doesn't matter what you see in terms of the majority population of a party in states. You're seeing people that have...overwhelmingly statehouses that are doing things to change what we can do to not disenfranchise people, especially individuals of color, especially people from poverty. And those are the individuals we're talking about--people that were more likely in poverty before they entered our corrections or our juvenile justice system and have served their time and are now coming back and we are telling them no, you still can't have this specific right. And we expect

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them to have the motivation and wherewithal and positivity to continue on when they're still being told, just not yet. [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR VARGAS: We continue to see that education plays a huge role in the individuals that are entering the system, that high school dropouts are 10 to 20 times more likely than their college-educated peers to spend time in jail. So we know the population of people that we're disenfranchising here: low-income individuals, people of color that are trying to reenter our system and do nothing more than to exercise their right to vote and have their voice mean something. Colleagues, I am asking you to stand with us on something that we cannot explain why we have a two-year ban. There's not a good reason. And if there's not a good reason that's brought, the ultimate assumption I can make is we have an opportunity here to right that wrong. We have an opportunity here to make sure that every single individual that has served their time, that wants to be a contributing member of our state has a very, very simple right to vote and that we're not further disenfranchising... [LB75]

PRESIDENT FOLEY: Time, Senator. [LB75]

SENATOR VARGAS: ...them. Thank you very much. [LB75]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Blood. [LB75]

SENATOR BLOOD: Thank you, President. Fellow Senator, friends all, I stand in Senator Wayne's motion to override the Governor's veto. I do respect the governor's authority to be able to veto a bill. But with that said, I think it is time for us to stand up as a body and support Senator Wayne. I would ask that Senator Geist yield to a question. [LB75]

PRESIDENT FOLEY: Senator Geist, would you yield, please? [LB75]

SENATOR GEIST: Yes, I would. [LB75]

SENATOR BLOOD: Senator Geist, I noticed that you said to the media that you are against this motion because of the constitution, is that correct? [LB75]

SENATOR GEIST: That is correct. [LB75]

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SENATOR BLOOD: Hasn't that been a wonderful learning experience when we've had so many Senators stand up and challenge many of the bills based on our constitution? [LB75]

SENATOR GEIST: It has been interesting. [LB75]

SENATOR BLOOD: Are you familiar with the Supremacy Clause of the United State Constitution? [LB75]

SENATOR GEIST: I'm sure you can inform me on that. [LB75]

SENATOR BLOOD: I think I will share that with you. It's Article VI, Clause 2 and it establishes that the constitution, federal laws made pursuant to it and treaties made under its authority, constitutes the supreme law of the land. Do you know what that would mean? [LB75]

SENATOR GEIST: Go ahead. [LB75]

SENATOR BLOOD: That is supersedes our state constitution. Thank you, Senator Geist. With that said, my concern is specifically the Eighth Amendment of the constitution prohibits excessive sanctions and calls for punishment that fits an offense. As Senator Morfeld so eloquently stated, we are not trying to punish these ex-felons once their sentences have been served. We have done something a lot this year in the session where the constitution for Nebraska has been used to try and crash and burn bills. But it is clear in the U.S. Constitution that in this case we cannot do it. And so for those that stand at the mike today and say otherwise, I would counter that and say please, not only read the state constitution but also read our U.S. Constitution. With that, again I stand in support of Senator Wayne's motion to override and thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Crawford. [LB75]

SENATOR CRAWFORD: Good morning, colleagues. Thank you, Mr. Lieutenant Governor. I stand in support of the motion to override the veto. Colleagues, you've already heard eloquent arguments about the fact that this is constitutional and rebuttals of the constitutional argument against the veto. One of the other arguments that has been made is that it's important to determine whether or not someone who has committed a felony is committed to be an effective member of their community. And, colleagues, that's what we have probation and parole for. And I just want to make sure everyone on this floor understands that this bill is to restore voting rights after someone has served their time and after they have done anything required of them through probation and parole. And, colleagues, that's the method we use to determine that someone is

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going to be able to be an effective member of their community--probation and parole. That's the method we use. That's a part of our criminal justice system. That's what that is for. An arbitrary two-year window does not do that. There's no check or supervision in this two-year window. We have that through our probation and parole. And, colleagues, LB75 is saying when you have served your time, including any probation and parole, to make sure that we understand that you are willing and ready to be back in your community, we want you to be able to have this basic, fundamental civic...civil right. And that it to be a voting member of your community as well. I urge you to support the veto override. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Pansing Brooks. [LB75]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I stand in support of the override and just want to bring up a couple things. So far I have yet to hear a good argument against this bill. Is there a good argument? I haven't heard it. What passage of this bill does is send a message that we're giving felons a fresh start. We believe in avoiding any sense of double jeopardy. These people have paid their time, they've gone and been subjected to the punishment and the prison sentence that we've imposed upon them. But then the state wants to go farther. The state wants to impose more punishment, and keep them more isolated, and give them a more difficult time when they get out of prison. We know that we have issues with prison overcrowding. And while we could say this doesn't really affect that, in a way setting up arbitrary barriers does affect that. What is magical about two years? Why two? That again makes no sense to me. Voting is a constitutional right. We have people totally confused about what in the world the constitution is saying about voting and felons and what it's not saying. And that's a difficulty because, of course, we have people who are not lawyers stating what is true when in fact it is not. There's discussions about LB75 making...encroaching on the executive powers' ability to issue commutations and pardons and...because the constitution does say that one branch cannot stop another branch from exercising their powers or it cannot limit the powers of another branch. But the Supreme Court has also stated that they've identified two circumstances where the Legislature would encroach on the powers of the executive branch, and that would be if a statute commutes a sentence by substituting a milder punishment, or like a pardon, if it nullifies all of the convictions' legal consequences. LB75 does neither of those things. LB75 would be enacted upon the completion of the sentence, completion of probation, and clearly doesn't have anything to do with our powers versus the executive powers. So I just...I don't get what this feeling about continuing to punish, continuing to say, oh, somebody did something wrong, and so they broke the laws, so they cannot have the rights of the law. That's just not true. If you break the law, you are punished. When you get out, you get to assume your rights as a citizen. Your other rights. Currently not your right to vote. But again, it makes no sense. Do we want to encourage people to be a part of our society, to participate in our democratic process, to learn about what's going on in our society and move forward positively, or do we just want to keep punishing? What other bite of the apple could we take in a way that would allow us to continue to punish? I don't even

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get this attitude of, jeez, you know, we have somebody that's done something wrong, let's just keep at it. Is that how we treat our own children, because I think that is sad if that's how our children are treated. Because that's not how my kids were treated. They did something wrong, they had a consequence, and then we moved on. We didn't continue saying, well now after you've had that consequence, we're going to add some more consequences. [LB75]

PRESIDENT FOLEY: Time, Senator. [LB75]

SENATOR PANSING BROOKS: Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator McDonnell. [LB75]

SENATOR McDONNELL: Thank you, Mr. President. Let's talk about that. Let's talk about take your punishment. Let's talk about as children being taught take your punishment, take your punishment, learn from your mistakes. Move on. As we become adults, hopefully those lessons are embedded in us. And if we make a mistake, we take our punishment. But in this system, you're not going to move on. There's no chance for you to move on. I think everybody in this room can take a step back and think about a friend or a family member that's a convicted felon. I can. I have a family member that's a convicted felon. Took their punishment, and then tried to move on. But no, we're going to keep reminding you. We're going to keep reminding you of your mistake. And we're going to keep punishing you for your mistake. Now let's just say we don't care about that individual. But we care about money. Everything comes back to money. If we're talking about that individual possibly having the opportunity to be the best version of themselves in this state and be productive again, then we're talking about money. Now I've heard \$36,000, \$37,000, \$38,000 to actually incarcerate somebody a year in the state of Nebraska. So it's somewhere in there. We want to do everything we possibly can based on the idea of that individual having the chance to be the best version of themselves, learn from their mistakes and move on because that's the kind of people we are. But also we want to do it because of the finances. We want to save that \$36,000 plus a year. We don't want them to make the same mistakes again. We have to look at this two ways. There is an opportunity to help that person. That person is going to carry that stigma like my family member for the rest of their life of being a convicted felon. That's never going to go away. The only thing we're trying to do is give them one less hurdle to get over, one less hurdle because in employment, when they're out there looking for a job, they're going to be reminded of that felon. And they are not going to be judged at that point totally on their ability to do the work. They're going to be facing people that have the same skill level that they have, but they don't have...they're not a convicted felon. So here we are, we're back to that person being punished again on a daily basis. Then it comes Election Day and they can't vote, not because they're still on probation. No, they've done everything they were supposed to. They took their punishment, like we were taught as children. They did their time.

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They've done everything they were supposed to. But now here comes Election Day and for no reason, it hasn't been two years, there's no logical reason for two years. How about 19 months? How about 27 months? Neither one makes any sense, but neither does 24 months. But here it comes. They're back in society. They're back with their family. They're embarrassed. They have no job now. All their neighbors know they're a convicted felon. And now it comes Election Day and we're going to kick them one more time while they're down. That's just not right. And financially it's not smart. The more we can do to make sure this person never makes that kind of mistake again to where they have to be incarcerated and punished that way, it is better for us as a state of Nebraska. [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR McDONNELL: I will yield the remainder of my time to Senator Wayne. [LB75]

PRESIDENT FOLEY: Thank you, Senator McDonnell. Senator Wayne, 0:55. [LB75]

SENATOR WAYNE: Thank you, Senator McDonnell. Thank you, Mr. President. Well, that's enough time to say that, ladies and gentlemen, go get your deals from the Governor today. He's calling people, calling people out. This is the time to go make your deals because again, 36 people at one point in time voted for this piece of legislation, thought it was a good thing. One of my colleagues said if a person does their time, they do their time. Today I have a feeling that same colleague won't do it, won't vote for it. Same time I have a feeling that many of the other 36 won't do it. Won't vote for it. The only difference is not...the bill hasn't changed. Bill hasn't been amended one time on this floor. The only thing changed is we got a phone call. [LB75]

PRESIDENT FOLEY: Time, Senator. [LB75]

SENATOR WAYNE: Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Chambers. [LB75]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, the other day I gave my appeal to morality and religion. Today I'm going to be practical. Senator Groene's bill to let ex-felons carry, make use of what ordinarily are considered deadly weapons had opposition at the hearing because these implements of archery could be used as weapons, as knives. But we voted it out and the Legislature passed it anyway. As I've stated, the Attorney General has joined other states in filing actions in court. He knows how to do that. When I thought that a city ordinance allowing red light cameras, traffic cameras was unconstitutional, I

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challenged it in court and I won. When I knew that a grand jury report, which attacked me and others without bringing an indictment violated the law, I challenged it. And I won at the Supreme Court level and the law was clearly stated. And not only was that grand jury report undone, it was expunged from the record. I had a speeding ticket. And at that time the speed limit nationally was 55 miles an hour. Nebraska had made its law dependent on what that federal speed limit was. If the federal speed limit raised, Nebraska's speed limit raised. I saw that it was unconstitutional, and I challenged it on that basis in court, and I won. And the prosecutor, he could not change the not guilty verdict on me, but he could have challenged the legal determination by the judge, and that lawyer said that, well, I'm not going to challenge it because the Legislature may do something different, or the federal government may change. All of those things, because I went by the constitution. There is nothing unconstitutional about this bill. It is presumed to be constitutional. If the Attorney General or the Governor thought it was unconstitutional, an action would have been filed. When again I got a law passed in the early days of the federal speed limit, that if a person were speeding 10 miles an hour over the limit or less, there would be no points off the license, no more than a \$10 fine, Governor Exon challenged that in court. That's what Governors do. And I won that one also. I do know the law, even if you all want to pretend that I don't. And I have a history to demonstrate it. This is racist, it is politically motivated, and that's all pure and simple. And the Governor is telling people, I understand, that if you vote to uphold his veto, he will not give money to people who will run against you. Now, that is as corrupt as anything that I can imagine. I didn't say it's illegal, all things are fair in politics if you can get away with it. But this is one of those items which the Legislature should formulate a policy on, which we've already done. That two-year wait period was itself political. To soften the opposition at that time the two-year wait period was put in. It had nothing to do with constitutionality. That's how that original bill got passed. We all understand politics, even these neophytes who want to plead ignorance because they haven't been here very long, but then they'll challenge budget bills, the process and everything else when it goes along with what the Governor wants. [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR CHAMBERS: So I will watch and I will see how people vote. I don't know how Senator Groene can vote against this. After what he said about letting ex-felons get the opportunity to show that they can live law abiding, productive lives. So I hope that we will vote to override the veto. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wayne. [LB75]

SENATOR WAYNE: Well, I just want to take a moment to educate the rest of this body on where this really comes from. Carter Glass, some of you may know who he is. He was a young

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person who went on to become a U.S. Senator and our nation's 47th Treasury Secretary. He went around the country in 1870s and 1865s when blacks and free slaves first began to have the right to vote. And got in front of an audience and started talking about disenfranchisement laws. He said this does not...talking about felons not being able to vote--this does not deprive a single white man of a ballot. But it will inevitably cut from the existing electoral four-fifths of the negro voters. Somebody in the crowd yelled back at him and said will it not be done by fraud or discrimination? Mr. Glass assured, by fraud, no, is his exact quote. By discrimination, yes. But it will be discrimination within the letter of the law and not in violation of the law. This was not a secret. The reason it wasn't a secret, because by 1890 in the southern states, 90 percent of their felons in prison were African-American or newly freed slaves. It is this that has fuelled me bringing this bill forward. That we as Nebraskans, 150 years later, are still supporting policies that are enriched with racism, exclusion, and fear. I wish the balcony were still full of the 4th graders because through their eyes they wouldn't understand how this body would uphold such a policy. In their eyes they will look at us and say aren't we better? Aren't we a place where if we know a policy is deeply rooted in racism, we'll do better? Aren't we better? And I could go back and read and continue to read from our books and our legislative debates, but I don't know what good it does. If we're a body who all they care about is politics, if we're a body who is scared about the next election, then we got a bigger problem as a society. Like I said on the floor the other day, I guess I'm just cut from a different cloth. But I don't know any other way than to run a campaign against the Omaha elite and all the money because every one of my campaigns have been that way. So when people are afraid of somebody running somebody against them, I just don't get it. I just don't understand it. I can be outspent 4-1 in almost all my elections. But I'm still here. And if tomorrow my party decides to run somebody against me or the Omaha elite decides to run somebody against me or the Nebraska elite, I'm going to work hard, I'm going to knock doors,... [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR WAYNE: ...and I'm going to make a difference. So I guess I'm asking my colleagues who are on the floor to dig deep, have the courage, have the courage to stand up. We had the courage to stand up for a gas tax. But we don't have the courage to make sure people have fundamental rights to vote, to participate in the process, to be a part of the process. When I was in law school, there was a quote that always stood out for me: We are a nation of laws, not of men. But do we believe that in this body? Are we here to create laws to hold everybody equal before the law? Are we here to make sure that Nebraska can readdress or address this negative past that brought us here today? That's what I'm going to sit...I'm not going to talk anymore. I'm going to sit back and watch. [LB75]

PRESIDENT FOLEY: Time, Senator. [LB75]

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SENATOR WAYNE: Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Wishart, you're recognized. [LB75]

SENATOR WISHART: Thank you. I rise in support of the motion to override the Governor's veto and I yield my time to Senator Wayne. [LB75]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Wayne, 5:00. [LB75]

SENATOR WAYNE: I appreciate it. Thank you, Mr. President. Thank you, Senator Wishart. I was not planning on talking anymore, but I will take this opportunity to remind this body. And today we'll find out if the Governor believes that felons should have the right for a deadly weapon, today he'll have to decide a veto on that. A deadly weapon, a butcher knife. We can give felons a butcher knife, a sword, as long as they sign up for a recreational permit. And again, I want to remind colleagues that a recreational permit, I could go online and fill out one for you. No background checks. And then...it just made me think about something. This two-year period, this magical two-year period, Senator Lowen Kruse came to the committee hearing and said that two years was picked out of thin air underneath that balcony right over there, the north balcony. It was a political year, coming up. Election around the corner. Two years, that way 50,000 felons didn't come out and vote in the next election. Just a random two-year period. And for everybody who keeps thinking two years is reasonable, well, colleagues, I'm here to tell you there is no earn your vote during that two years. A person can get out, commit speeding tickets and traffic violations every day, commit misdemeanors every day, and after two years can vote. There is no good behavior to vote. I'll give you one better. They can be charged with a felony and if they're an attorney like me who is doing their due diligence, it's going to take a year before we have a trial. Especially if you're in Douglas county, we're not trying murder cases for almost two or three years later. But they can vote. There is no good behavior law. But that's what people want you to believe. Two years is not reasonable because there is no reason behind it, other than, hey, I think we have a vote count, let's get it done. So I am going to sit back and watch, look at the 36 Senators who voted at one time in favor of it and see where they fall. So next year, when I'm working on tax reform and tax packages with the Governor and anybody else, I'm going to remember that vote and say, do they lie with the people, or when things get tough, do they hop on the ship of the Governor? That changes how things operate. At least how I operate. So I'm ready for a vote. I see where people are. I've talked to pretty much everybody in here. So let's have a vote and let's move this body forward. Or depending on the vote, set us back 150 years. Because that's the question before us. Are we ready to move forward, are we ready to go back and have the same floor debates about Chinamen, free slaves, African-Americans and their right to vote? This is a civil rights issue for my community. [LB75]

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PRESIDENT FOLEY: One minute. [LB75]

SENATOR WAYNE: This is a civil rights issue for many of the young people I represent. And why is it that our most urban population in Omaha, seven to eight...eight out of ten African-American young people do not want to stay in Omaha, nor would they recommend Omaha? Because they look at policy debates like this through Omaha and throughout the United States. It's time for us to move forward, it's time for us to make sure that Nebraska treats everyone fairly. And it's time for us to reengage many minority populations. And this is one way, one step on how we can do it. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Hansen. [LB75]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise thinking about this issue. First of all, I rise in support of LB75 and the motion to override the veto. One of my first forays into politics, getting involved with politics, was I got a job organizing youth voter registration, youth vote turnout in the 2008 election. And that certainly was a pretty dynamic election and certainly had a lot of new first-time voters. But as anybody has ever dedicated themselves to some of those efforts, you realize just the hurdles and barriers and whatnot we have to go through just to get any individual random person in the state of Nebraska in order to get registered to vote and actually get to vote on election day. And these are people who don't have barriers such as this. So as part of the training and...I helped organize groups in various counties in Nebraska to become the deputized election registrars and go through the trainings and fulfill all those requirements. One of the things that came up was this. And that's where I first learned about it and it kind of caught me by surprise. And I was surprised at how few people did know about that. And there's been times and times, both for myself and volunteering for other elections, where we talked to somebody on the doorstep or talked to somebody thereabouts and explained the current state of Nebraska law and people are surprised by it. I guess I bring up my voter registration efforts to talk about we don't...it's getting better, I suppose, with online voter registration, but it's not necessarily a straightforward, easy, simple thing to do, especially if you do not have a great relationship or a great understanding of how the government exists. And so if we do have this current law, if we keep current law, if we turn down LB75, we are turning away probably just a select few people who are dedicating themselves to become better citizens and better involved in society. This is not something that happens automatically, this not something that happens, frankly, I would assume, very often. This is something that happens with a select few that we punished as the state of Nebraska, we hopefully gave them some sort of rehabilitative services, and had their punishment help them rehabilitate them and they're coming out the other side saying, you know what, I want to be involved, I want to be a better citizen now. And we're saying, hold on, hold on, hold on, you have to wait a couple years because we're still not sure about you. We're still not sure about your role in society, despite the fact we no longer have any control over you in our corrections system. You have either jammed out or finished

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parole, probation, or what have you. But we're a little unsure of you still. Let's wait. I fail to see the public policy advantage of that. And as such, would support LB75, and it becoming bill notwithstanding the objections of the Governor. And Mr. President, if I have any time left, I will yield it to Senator Wayne. [LB75]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Wayne, 2:00. [LB75]

SENATOR WAYNE: As the balcony begins to fill up, these young students are going to wonder are we in 2017 having a debate about racism? In 2017. When I grow up, will I be able to be treated equal before the law like everywhere else? Thirty-seven states have automatic restoration, 13 have automatic right when you get out, whether you're on parole or not. My bill simply says after they complete their parole, after they complete their supervised release. Yes, LB 605, that this body passed, said that if you do commit a felony and you do one day in jail, one day, you have nine months at a minimum of post supervision. So the two-years that everybody keeps talking about already happens now. It's called post supervised release, that this body passed. And all my bill does is say after they're out, which most of them are a year and a half to two years, after they completed that sentence, they shall have the right to vote. Ninety-five percent of those who commit a felony will be back in our society tomorrow. They are our neighbors, they are people who are in the PTA that you live in. Their kids go to the same schools that you go to. And when you talk to them about making your neighborhood better, you don't know if they're a felon or not. You only know during the election time when you say, hey, are you voting for this person? And they look at you with a sad face, many of them in tears if they're standing in front of their kids, and say I cannot vote. Why do they feel that way? Because a two-year law is very confusing. [LB75]

PRESIDENT FOLEY: Time, Senator. [LB75]

SENATOR WAYNE: Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Quick. [LB75]

SENATOR QUICK: Thank you, Mr. President. I rise in support of LB75 and I thank Senator Wayne for bringing this legislation forward. You know, as I was going door to door, I would come across a felon from time to time. And as I spoke with them, I went ahead and told them all about the issues and that I was...wanted to be a voice for working families. And when we would get done talking, a lot of them would tell me that they wish they could vote. That they wish they could vote for me. And so you know, these people, and they are people, these people have served their time, they have done what they needed to do to make things right. And I feel in order to make them...to help them acclimate and become productive members of society we should pass

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this legislation. I want to read, there was an editorial in the paper, an opinion piece. And it's titled "Legislature should override Ricketts veto." And this is The Grand Island Independent in the middle of the third district. So it's not just Lincoln and Omaha this affects, but it affects the rural Nebraska as well. And the article states, "With Nebraska's continued issues with prison overcrowding, state government should be embracing Senator Justin Wayne's bill to do away with a two-year waiting period for convicted felons to regain their voting rights after they have completed their sentences. LB75 is an opportunity for our state to make a strong statement to convicted criminals that they can leave their lives of crime behind them. If enacted into law, it would tell people who have served their sentences that they have paid their debt to society and are now full members of their communities. This bill has been passed three times by the Legislature, but Governor Pete Ricketts vetoed it last week and now Wayne is seeking to override the veto." An override veto is imminent. "Any step we can take to help people who have served their sentence return to society is worthwhile. The high percentage of criminals who return to prison is a serious problem that Nebraska must continue to work to address. If former prisoners are encouraged to speak their minds about community and state issues, that could help them find their place in society and live law-abiding lives. It's estimated that, if this bill passed, it would affect about 7,800 felons in the state, not counting all the prisoners to be released from state prisons in the future. Nebraska law now requires parole after a prisoner is released with nearly all sentences, and even with this bill, they would still have to complete their parole before being allowed to vote. If LB75 becomes law, the state would become the 25th to restore felons' voting rights immediately after they have completed their parole or probation. Another 13 states and the District of Columbia allow ex-cons to vote as soon as they are released from prison. In vetoing the bill, Ricketts claimed that doing away with the two-year waiting period for felons to vote would be equivalent of giving them a legislative pardon. But that reasoning is flawed. Miriam-Webster defines pardon as 'the excusing of an offense without exacting a penalty.' This bill only applies to felons who have completed their prison sentences and completed any parole to which they were sentenced. They have already paid their penalties, they have been living and working in their communities, but they have no say in the local, state, and federal government. It takes 30 votes in the Nebraska Legislature to override a veto. The three times that LB75 was passed, it received 28, 32, 27 votes. So it can be expected that the votes to override will be close. But each time the bill came for a vote, there were several senators who did not vote. Wayne said Wednesday that he was confident at least 30 Senators would vote to override the veto. Senator Dan Quick of Grand Island and Senator Curt Friesen of Henderson have both voted for the bill. We encourage them and the rest of their fellow senators to stand up... [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR QUICK: ... for this bill that would send a clear message to convicted felons who have completed their sentences that our opinions are valued and they can return to law abiding life. LB75 should become law and the Legislature can make it happen." So I would ask all of you,

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please to vote to override the veto. And let's let the convicted felons know that they have a place in our society, that they can come back and make their lives better and be productive members of society. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Quick. (Visitors introduced.) Senator Krist. [LB75]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Friday, I told you how I stand on this issue. I still believe that it is a civil rights issue. I still believe that recidivism is broken or added to in different ways over the course of what happens to a person who is released from prison or from jail. Sometimes they're affected by the littlest of things and sometimes it's just the reinforcement that they have paid their debt to society and now they are on their own once again, free, with their civil liberties restored. You have heard all the lawyers talk about the technicalities. I had the pleasure of attending a juvenile detention alternative initiative conference about a month ago in Orlando. And there was a gentleman who spoke there about his life as a juvenile and then into the adult correctional system. And the things that he remembers restored his confidence, not just in himself, but the confidence that he felt from those people surrounding him and his city and his state. And one of the things he talked about was becoming active civically and giving back, doing counseling, and voting. That was an extremely influential part of his existence over a period of time of one to two years. And the motivation was there in many different ways to stay out of trouble, out of prison, out of jail, out of the system. That's how I feel about this bill. I voted three times for LB75. I will vote for the override for those reasons. But if you recall, colleagues, several months ago we had some folks visiting us from the medical profession and sitting right in the middle of the north balcony there was a pink elephant. And no, I had not been drinking that day. I didn't imagine it. But it was the pink elephant in the room. Someone dressed up in a costume, looking like a pink elephant. The pink elephant in the room today, folks, is that many of you have been...have had a discussion with the Governor of the state of Nebraska, and he's written you one check and he has threatened not to write you any more checks. And I've heard this directly from one or two of you, you can't afford the lack of support and the lack of funding. I hope the people in Nebraska understand that your vote cannot be bought. And I hope you'll demonstrate that when they look at your next NADC report or the NADC report that is associated with your next election in terms of who funded you and who did not. I have always said that if a lobby concern or any concern wanted to donate to my campaign, I would accept every dollar, but it never bought my vote. And I was very clear with people. When the tobacco people came to me and said, this is dirty money, I said, I don't think so. I think the education you're providing for our kids in trying to keep them away from smoking is as important to me as the product that you sell. Maybe that's twisted. But I do believe...it was contrary to Senator Chambers, I have accepted donations, but it never bought my vote. It never bought my vote. I have always been independent. And in this particular case, I think look at the underlying subject matter. Look at the fact that we are...have already restored civil liberties and that a prior Legislature years ago overrode Governor Heineman's veto and took

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it to two years. That precedent, that law...the precedent has already been set. And now it's up to you to take the next step and defend those that have been...have paid their dues and have all of their civil liberties restored at one point. This doesn't do it all, obviously. This is voting, this is just voting. Think about your vote and think about the record it sets for yourself. [LB75]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Krist. Senator Bolz. [LB75]

SENATOR BOLZ: Thank you, Mr. President. I will yield my time to Senator Chambers, should he choose to use it. [LB75]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Chambers, 5:00. [LB75]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Bolz. I just want to say something about running for office. I don't accept contributions, I don't condemn other people. That's what elections are about. When I ran the last time, the black ministers association was opposed to me, the Democratic Party was opposed to me, most of the black elected officials were opposed to me, the World-Herald was opposed to me. And the only ones who were for me were the people in my district who know what I've done all these years. And every vote that I take is not one I can say that they approved of. There are a lot of black people opposed to rights for the LGBT community, and I let people know you're going to know where I stand based on what I say and what I do. And if you don't think that's the right thing, vote for somebody else. But I will not beg for a vote. And I did not accept any campaign contributions. The last time I ran, there were people who were concerned, so they did some campaigning or whatever it was that they were doing, but I would not have anything to do with it. And I said that I was glad that when these organizations get into action, the candidate cannot talk to them about anything. I never asked anybody for anything. But that's the way I conduct my affairs. And I've always been free to do and say what my mind and my conscience tell me to do. I'm going to tell you all an irony. If you look at those bronze statues out there in what they call the hall of fame, you'll see a man named J. Sterling Morton. He was an out and out racist. He spoke about rights for black people and white people put him in their hall of fame. Some people say he's known for planting trees. The joke in the black community is that, yeah, white people like that because it was more convenient to lynch black people if there were more trees available. That's the bitterness in our community about those you all lionize and make heroes. Now, there are white felons. The one that Senator Groene got his bill for was a white man. Black people are not the only ones affected by this bill. We as a body will be affected by it and I believe that my colleagues are going to do the right thing today, which is voting to override. If you read the newspaper, you will see where the recent vote in Lincoln, a few days ago, was described as disappointing. There are people who can vote now and they won't vote. We've got people trying to rehabilitate themselves who will vote. So why don't you make the vote available to those who want that opportunity to use it? I

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will not slam the door on anybody. I also read where Senator Geist talked about she believes in redemption. But I don't think she means that. See, people say things like that, I believe in redemption, I believe in second chances, but...then she talked about constitutionality. She's not a lawyer. The Attorney General knows this bill is not unconstitutional. Nobody has given a valid argument. If that were the Governor's position, he would have instructed the Attorney General to file an action in court to have it struck down. He knows it's not unconstitutional and he knows that he owns people on the floor of this Legislature. I know he owns people on this floor also. Senator Wayne is indeed a gentleman, he is a statesperson, and he is going to conduct all of his affairs at a high level. [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR CHAMBERS: Which means, not necessarily revenge, he's different from me in that regard. I believe in what old man Joseph Kennedy said to his sons, "Don't get mad, get even." And I would have many opportunities to get even. But this session, you wait until these rural people start talking about tax relief for them. They've got property. They're lucky to have property to pay taxes on. Now they want special consideration from the Legislature, special consideration. It's going to be some rough sledding for the rest of the session, not in every case. You know when I'm involved, when I become involved. I think we ought to do the right thing as we know what the right thing is. And you all know what that is. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Vargas [LB75]

SENATOR VARGAS: Thank you very much, President. I have a quote I want to read. "So long as I do not firmly and irrevocably possess the right to vote I do not possess myself. I cannot make up my mind--it is made up for me. I cannot live as a democratic citizen, observing the laws that I have helped to enact--I can only submit to the edict of others." That quote was from 1957, when Martin Luther King was advocating for equality in voting. 1957. Colleagues, I just want to remind you that we've been having this conversation for decades about civil rights, the connection to voting, people's own volition and ability to ensure that their voice is heard and what voting actually means. Which is that you are having a say in what is happening around you in your community because you are a member of that community. We're not talking about people that are incarcerated, we're talking about people that are outside of our correction system and are currently living as citizens and want and should be able to have the right to vote. They're looking around them, seeing a world where they have no say. And we're saying that they need to wait. This two-year arbitrary number is what we're talking about. Whether or not we want to stand here and say that two years and we should make people way is right or wrong. I think also whether or not when we were elected, we were elected to provide a balance of powers to ensure

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that we are passing policy that is doing everything we can to protect people in Nebraska. And also that we're not afraid--afraid of repercussions. I think that's something that I have heard from Senator Wayne, that some of us have voted before on this and thought it was a good piece of legislation, the right thing to do, but our opinions have changed. And I'm not necessarily hearing from those people on the floor, and that's okay if they don't want to talk about it, but I do urge everyone that is thinking, what is the reason why we're not voting to support a good policy? If the reason is more grounded in fear, then that's not the right reason. If the reason is because of fear of retribution, we know what the right answer is. Now, I know it may be hard, but I have said this before, I believe in every single one of my colleagues on this floor and the ones that are not on the floor. I believe that we were voted here because people believed that we were doing everything we can to represent our state and that we were going to make informed decisions based off of not only our own values, but pragmatic policy decisions that are going to better support Nebraskans. And since we're not hearing a cogent policy decision as to why we need this two-year ban, I'm imploring people to consider to override and support LB75. Because if we're not doing it, and we don't have a cogent reasoning, then why are we doing it? Now, I know it may be hard, I know we live in a reality where we're all running elections, we have to be reelected. There are very big key issues. But in this specific issue, I continue to hear a rationale from people that there is a civil rights component to making sure everybody that is a citizen, that is operating and doing everything they can to get back to their community, deserves that right to vote. And so I'm asking you, colleagues... [LB75]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB75]

SENATOR VARGAS: ...to reconsider the thoughts going on in your mind right now. Whether or not this is worth that vote, worth that sacrifice. Whether that's worth to override the Governor. Because I will tell you this, we do have a balance of powers, but I believe the Governor did exercise that balance of powers and said this is important enough for me as the Executive Branch to say we don't want this law. That is what the Governor said. And I believe in that process and balance of powers. And the question is, whether or not the 49 of us believe that that balance of power, that we have that same say. And we have already gone down that route by voting the way we did. [LB75]

SPEAKER SCHEER: Time, Senator. [LB75]

SENATOR VARGAS: Thank you very much. [LB75]

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SPEAKER SCHEER: Thank you Senator Vargas. Waiting in the queue: Senator Pansing Brooks, Schumacher, Chambers, Smith, and others. Senator Pansing Brooks, you are recognized. [LB75]

SENATOR PANSING BROOKS: Thank you, Mr. President. I rise again in support of LB75 and the override. I am just...we had a really good article in the Lincoln Journal Star, written by Senator DiAnna Schimek, on May 3. And I want to just quote a couple of her sentences. She said, "Only 12 states make returning citizens wait longer, including Nebraska. LB75, introduced by Senator Justin Wayne, eliminates the two-year period and brings this policy to what was intended more than 10 years ago." "In 2012, the Prison Legal News published a study by researcher David Reuter that showed a notable decrease in recidivism among those in Florida who had their right to vote restored compared to those who did not--12 percent and 27 percent, respectively." She went on to say that, "The right to vote is one component of reintegration, not the silver bullet." But a component nonetheless. "Nebraska has invested millions in reintegration programs. LB75 is adding a new tool, civic engagement, to the package with no cost to the taxpayer." She supports LB75 as well. I also want to read a letter that came...that was read during the hearing on LB75, from a woman who had a felony conviction for fighting against her abuser. She got probation and a two-year waiting period. And her name is Darlene Mason: Good morning, my name is Darlene Mason, and I'm 35 years old. I was raised by my mother, who was the third oldest out of 12 children that my grandparents had. However, with four older first cousins, and 21 of us altogether, I was the first to attend school. I was also the first to vote ever. I remember that day very vividly. You see, it was November 7th of the year 2000, the right...the night before my future sister-in-law had gone into labor with my second nephew. We drove from Fairbury to York in a blizzard that night to be there. I was frantic the next day, as I was worried with the weather conditions that I wouldn't make it back in time to get to vote. I drove home anyway, and even though I hadn't a clue about what some of the questions on the ballot meant, the only one that was important to me was marking the box for the next president. I chose President George W. Bush. And he won. Even though everyone laughed at me, I thought my vote had made a difference. So when I received the letter stating my voting rights had been taken away because I chose to finally stand up for myself in an abusive relationship, I was crushed. Reading the words my rights would be returned two years after completing my probation offered some hope, but I couldn't help but think does giving someone the label of felon mean that I am no longer a citizen of the country I was born and raised in for protecting myself against an abuser? I did not take anyone's life, I did not commit treason. So if I live in this country, am I not allowed to decide who will help run it? But yet the label of felon changes everything, from getting a job, to putting a roof over your head. I chose to fight for my life. And in essence, had my life taken away from me for two years. I was released from probation two days after this past election. Maybe my one vote wouldn't have changed much, but I wonder how many others out there are like myself. How many felons are waiting for their two years to be up so they too can make a difference and participate in our community and in our society? Have I not been punished enough? Haven't we all as a nation been punished enough? Show me that you hear me.

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Show me that my one voice can make a difference. Thank you for your time." And that was Darlene Mason. So anyway, my friends, I think it's important for people to, once punished, that we move on. Once punished, it's time for the punishment to be over. Clearly we're in the minority of states that are still doing this. And I just...I don't, you know, the punishment is about rehabilitation. That's the goal of prison and all that we're doing in the criminal justice system. It's all about rehabilitation, not retribution, not revenge. What we're talking about is rehabilitation. And how does making the felons wait two more years help to further rehabilitate the people who have committed a crime and made a serious mistake? How does it help them move on? [LB75]

SPEAKER SCHEER: Time, Senator. [LB75]

SENATOR PANSING BROOKS: Thank you, Mr. President. [LB75]

SPEAKER SCHEER: And I apologize, Senator Pansing Brooks. I forgot to give you a minute warning. Senator Schumacher, you're recognized. [LB75]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. This debate kind of is an interesting debate. And it brings to mind the fact that courts do not just give us their opinion. They don't sit around on a slow morning around a coffee table and say you know, let's page through the law books and see if we can find something that might be unconstitutional in it and we will write a letter to the newspaper saying it's our opinion it's unconstitutional. The only way a court can make a decision and settle a dispute is if there's a case brought before it and it can look at the case and the issues presented and rule. That's how we get straight answers regarding the law and that's how you get a court to rule. And it's the only way you can get a court to rule. Now, this one's interesting because there seems to be all kinds of different opinions on the matter, not the least of which impressed me this morning when Senator Ebke said the Attorney General wouldn't give her a straight answer. On the other hand, the Governor's veto letter seems to make some sense too. And it quotes the constitution saying: no person shall be qualified to vote who has been convicted of a felony under the laws of this state or of the United States unless restored to civil rights. Well, that kind of pretty clear language too. But obviously it must not be as clear as that, because we have a law on the books now that says the Legislature allows voting after a two-year time out. And that hasn't been challenged. What's the difference between a two-year time out and a 30-day time out or a 30-second time out? If we have the authority to do two years, we must have the authority to do as close to zero years as possible, or this bill. So what does the constitution mean when it says you can't vote if you've been convicted of a felony? Are those just common law felonies: a murder, rape, manslaughter, robbery, sodomy, larceny, arson, mayhem, and burglary? Or is it all the new felonies we have added since then? Because we print up felonies faster than the government prints up money, the federal government. Wish we could print up money. So what is really meant by that? Or is the whole

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scheme overwritten by what Senator Blood pointed out was a federal constitutional supremacy with regard to this matter? This is pretty good public policy not to...to let people vote right after they serve their time and fulfilled their debt to society, but is it constitutional? And the only way that we're going to know a straight answer to this is not by withdrawing from this question and just letting it sit where it was, but by asking the courts. And the only way we're going to be able to ask the courts is if we pass LB75 and override the Governor's veto. That will make it ripe for somebody to bring a lawsuit saying, wait a minute, this was unconstitutional. Court, what do you think? And we'll get a straight ruling. And if the court says we read the constitution as the Governor does, then we may have to have a constitutional amendment. Or we maybe don't want to have a constitutional amendment, but that's a bridge to cross later. The only way we bring this tremendous amount of uncertainty, the only way we learn the path forward on this particular policy issue, is to have the Supreme Court tell us. [LB75]

SPEAKER SCHEER: One minute. [LB75]

SENATOR SCHUMACHER: It would be nice if we could waltz across the hall and say, hey, what do you think guys and gal in black? But we can't. This is how we ask. We ask whether or not this particular bill is constitutional and proper by passing it. We know it's presumed to be constitutional until the court tells us otherwise. That's the law. But giving the court an opportunity to tell us otherwise. So it's not whether or not the Governor's right or wrong or Senator Wayne is right or wrong or whether or not a policy is good, bad, or indifferent, it's whether it's constitutional, and the Governor pretty much stakes his case on that. Well, he's not wearing a black robe. And so I think we should ask them. Folks, is this constitutional? Can we do this or not? It's good policy but, you know, we obey the constitution. And the only way we do that is by overriding the Governor's veto and making the question ripe for their decision. Thank you. [LB75]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Chambers, you are recognized. [LB75]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this will shock some of you. There are judges who have restored convicted people's civil rights. There are judges right now in Nebraska who have done that. Judges have done...you didn't know it, did you? There are a lot of things you don't know, because you don't pay attention and you don't study. I had mentioned that old man Joseph Kennedy said, "Don't get mad, get even." I was told that there was an addendum added to that by his son, John: Forgive your enemies, but don't forget their names. That's nice. And it's practical. Now, I think Senator Pansing Brooks mentioned this, people not trained in the law are standing up here talking about this is not constitutional. They don't know anything about the constitution. Somebody told them that. Now,

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the top law enforcement officer, when it comes to the law, the Attorney General, would not venture an opinion because if he told the truth, then he would go against what the Governor did and what the Governor was saying. And he'd also look like a fool to other lawyers if he's going to declare something like this unconstitutional. When the civil rights are restored, that is not taking power from the pardon's board. The pardon's board can mitigate punishments or erase them altogether. To say that a person cannot vote if convicted of a felony, that is a disability placed on that person. But it is not a punishment for a crime in the sense of being put in jail or locked up. And that disability remains in place only until it is restored by an entity with the power to do so. The Legislature has plenary authority to legislate on any and every issue that it is not prohibited by the constitution from doing. There is nothing in the constitution that prohibited the Legislature from restoring the right to vote to felons. The Legislature acted in that regard and the Attorney General knew it, and that's why he has not filed an action to try to have it overturned. The Legislature is not prevented by Nebraska's Constitution from doing what we did. And the Attorney General would look like a fool. He's not that big a fool. So the Governor can say everything he wants to, he can talk to those that he paid...that he purchased them, or whatever you call it when he gives you money, and they'll stand up here like parrots and mimic. And I say what Chaucer said: they, like the parrot, were really quite dense. They repeated the words, but they didn't get the sense. And that's what these senators popping up here saying it's unconstitutional are dealing with. Senator Hilgers, I would like to ask a question, since I see he ambled into the Chamber. [LB75]

SPEAKER SCHEER: Senator Hilgers, will you please yield? [LB75]

SENATOR HILGERS: I would. [LB75]

SENATOR CHAMBERS: And Senator Hilgers, so my time won't run out, I want you to tell me if my statement is correct. The state constitution does not grant power to the Legislature, it limits the power of the Legislature. And anything that the constitution does not prohibit the Legislature from enacting laws on, the Legislature is empowered to act laws on such subjects. Is that right or wrong? [LB75]

SENATOR HILGERS: That sounds correct, but I'm not sure I followed the full train of logic. But that sounds correct, Senator Chambers. [LB75]

SENATOR CHAMBERS: Okay, thank you. He's a man learned in the law, but not logic. And I buy that he's a very honest man. [LB75]

SPEAKER SCHEER: One minute. [LB75]

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SENATOR CHAMBERS: And here's the point I'm making. I'm not trying to trick anybody. But anything that the Legislature is not forbidden by the constitution to legislate on, it can legislate. If the term is plenary, it has plenary power to legislate. We did it and we can do this. We've done it. We ought to override the Governor's veto, maintain our integrity as the branch of government, maintain or get back some of the dignity that has been stripped from us from time to time. So I hope we will vote to override this veto. And thank you, Mr. President. [LB75]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Hilgers. Senator Brasch, you are recognized. I do not see Senator Brasch. Senator Blood, you are recognized. [LB75]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators and friends all, I listened to every person on the floor this morning and they all have one unified message, and that is obviously to support Senator Wayne's motion to override the veto. With that said, there's some observations that I want to share. But first I want to tell you a story. As a young person who was actually rather shy, one of the things that helped me get past my shyness and become more assertive, was becoming a community activist, getting involved with politics. What better way for an ex-felon to come into community and then try to make his community better by being involved as an activist? And part of being involved is to vote. We are fortunate in the United States that we are given the right to vote. It is a privilege that each and every one of us should be exercising with every election cycle. And unfortunately, that is not what happens. We're talking about human beings. And if that hasn't been made clear in the testimony today, then you're not listening. Let's give them the opportunity to be involved and make their communities better. I've heard several senators say that it's unfortunate they can't support this bill, but...you know, when you say the word "but" it pretty well eradicates everything you said before that word. You know, my religion says that I should forgive, but...you know what? We could stand here and quote the Bible back and forth all day long, and since people make sure that they let their voters know whether they're a Christian or not, let's put them on front street and remind them of proverbs. And hopefully Senator Clements can correct me if I have this wrong, but I remember it saying something like a soft answer turns away wrath, but a harsh word stirs up anger. Let us be soft in our answer to these ex-felons, let them know that we do embrace them becoming better people within our community. I look around on this floor, I look at Senator Clements. Senator Clements was the former Cass County GOP chair. He was involved in politics and now he is an elected official trying to make the world a better place. Senator Linehan worked for U.S. Senator Chuck Hagel. Senator McDonnell has been involved in first responder issues. Activists in our community making a difference. Senator Quick, union causes. You're seeing people both that are considered liberal and conservative and moderates. Many of the people on this floor have made a difference in their communities. Why are we not willing to give these ex-felons the same benefits that we have had? Not all of us have come from great backgrounds, some have grown up more privileged than others. Some born with white privilege, some born with financial privilege, some born with the privilege of being male. But the people on this floor and in our communities have

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overcome those hurdles. But many of us have overcome those hurdles because somebody stepped in and gave us the ability to do so. Let's do that same thing for these ex-felons. Let's override this veto. Let's not talk about being Christians, but...let us be compassionate. Let us be supportive. [LB75]

SPEAKER SCHEER: One minute. [LB75]

SENATOR BLOOD: And let us walk out of these Chambers knowing that we did the right thing. Thank you, Mr. President. [LB75]

SPEAKER SCHEER: Thank you, Senator Blood. Senator Brasch, you are recognized. [LB75]

SENATOR BRASCH: Thank you, Mr. Speaker. And good morning, colleagues. This is very interesting. I have been present, not voting. But I am not going to vote to override the Governor, not for political reasons, not for any political future or gain. I have been very thoughtful because, like Senator McDonnell, he said earlier, families, friends, others. And I'm not sure when a felon...how much time have they been incarcerated? I know when you are a felon that you have very limited experience with your community, with your state...it might be through the media, the media is always not accurate. Forgive me, media. It might be through hearsay, through the grapevine. You may have been on work release. But have you actually been out paying the property taxes, paying the rent, driving the streets, knowing what the infrastructure is? Do you know the challenges of the day-to-day living? Do you actually know those candidates or is it by paid advertising? I would say that two years, yes, you do need to get a job. And I would agree, there's obstacles to getting a job, even when you have done your time. That's huge. You need to get a job. I would also wonder how many of these felons were actual voters before they were incarcerated. Because we have nonfelons that we can't get to go to the polls. But I don't think we experiment on a group that has had limited day-to-day interaction with the schools in their area, with the community projects. And I would encourage them and persuade them to go to the town hall meetings once you're a citizen and released. Get involved. Know that candidate, know those issues. Go to the school board, go to the city council. Go to your senators, your elected representatives. You are free to do that. And two years is such a small, fast window of time. Two years goes by like nothing. My 7 years here in the Legislature has gone by like it was yesterday. But I am not saying that we give them a life sentence of feeling bad. And when we look at the recidivism rate, the higher the risk, the felon...there's up to a 30 percent that they may recommit. I hope that we have invested enough in our justice reinvestment system with the millions of dollars we've spent that they are focused on working, on contributing, on learning what the issues are, and being an informed active citizen. That's when you vote. I would like to see our informed citizens participate in voting. But for someone who we don't know what the crime is, but a felony is very serious, because we require it on the job applications. But whatever that may

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be, two years is nothing. Two years goes by so quickly. It would be a two-years well spent with boots on the ground, interacting, meeting those who are voting. This is not politically motivated... [LB75]

SPEAKER SCHEER: One minute. [LB75]

SENATOR BRASCH: ...one way or the other. It's just saying that these individuals have committed a crime, they have done their time, now they can be best utilized by getting to know the candidates and the issues before they go to the polls. Thank you, Mr. Speaker, and thank you, colleagues. [LB75]

SPEAKER SCHEER: Thank you, Senator Brasch. Senator Wayne, you are recognized. You have one more time at the mike, and the close. Would you like to close or have the time at the mike? [LB75]

SENATOR WAYNE: I would like to use five minutes of time on the mike and then close. [LB75]

SPEAKER SCHEER: Senator Wayne you are recognized. [LB75]

SENATOR WAYNE: I just heard Senator Brasch talk about serious crimes regarding felonies. And again, I showed my hand on this, colleagues, when I brought up, when we were arguing about other bills, about how many felonies are actually in our criminal code. And we have what's called a Class 4 felony, Senator Brasch, where the presumption is no jail time. The presumption is, all you do is probation. And there's even Class 4 felonies that you can sign up for diversion, young adult court, drug court, where that felony conviction actually goes off of your record because they remove it if you complete them. So the idea that felonies are always the worst of the worst is just unfounded, when the majority of the people in prison today are serving Class 3s or Class 2s, which are not even the worst of the worst. So I just want to make a point, colleagues, that there are many times felons never serve a day in jail. Never even been inside of a jail. But yet, we still take away their right to vote for two years after their conviction. Underneath the Class 4 you can have probation up to four years to five years. So that means literally never serving a day in jail, a person...many people will not be able to vote for five to seven years. Never serving a day in jail, still cannot vote for five to seven years. So I want to talk a little bit about how we got here. As many of you all know, I am an economic guy. I didn't run on social issues. I truly believe that when people have good paying jobs, 70 to 80 percent of the social issues we as a society...or they face, or us face, go away. Let me repeat that. When people have good-paying jobs, 70 to 80 percent of the social issues we face go away. So I'm all about how to grow the economy. But how we got here today was on March 1st. I had a committee hearing. Does everybody remember March 1, that was the day the Governor came into this Chamber and

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spoke on statehood day. It was ironic that I stood at 9:00 in the Government Affairs Committee talking about how this state was founded on the day that we were celebrating it. And we came in and listened to the Governor speak. And when he spoke, I looked around and most of the committee members, because it was a retelling of what I just told them in the morning of how we got here and how there was a veto and how there was an objection to Nebraska becoming a state until they allowed a fundamental condition, the right to vote. And how the Legislature was creative to use the word "felony" to get around the discrimination. But what was more ironic is, I sat in my office with my staff looking at priority bills before that hearing and I looked at my priority bills and a lot of them had fiscal notes, because it was my first time writing some new legislation about how to grow the economy. Chairman Smith laughed at me one day when I walked in with a huge fiscal note, but promised to work with me over the summer to help that. And that's what we're going to work on. But in that committee hearing at the end, Senator Murante was asked by the reporters, when are we going to exec on this? And he said we will exec soon, because this is one of Justin's priorities. And we talked and laughed after that, because this bill was not going to be my priority until four or five people tweeted it. Those four or five people told the world that this was an issue. [LB75]

SPEAKER SCHEER: One minute. [LB75]

SENATOR WAYNE: And during that issue I have gotten contacted by thousands of people. So I was glad that Senator Murante made that mistake, I was glad that he said it was a priority and the media ran with it, because it engaged my community in a way that I haven't seen engaged. And it reminded me of why we're here today. To make Nebraska better. To move this nation to be a more perfect union. And that's what this vote is about today. This vote is about making sure that we stand on the right side of history. Erase the politics, have the courage to stand up to the politics, have the courage to say we're not moving backwards, but it's time for Nebraska to move forward. Have the courage to look at the voters you represent and say this was the right thing, because when they put this into law 150 years ago... [LB75]

SPEAKER SCHEER: Time, Senator. But you are now able to close on your motion. [LB75]

SENATOR WAYNE: When they put this into law--thank you, Mr. President--150 years ago, the World-Herald came out with an opinion saying, if you put this into law, allowing blacks and frees to vote, free slaves to vote, you will not get reelected. How many of you guys heard that? How many of you heard from voters or another political branch that you will not get elected? Every argument used today was the same arguments used 150 years ago, except for they didn't use the "N word," they didn't call nobody a "Chinaman." The same arguments. And we stood up then, and I'm asking this body to stand up today. Our state's felon disenfranchisement laws and policies are at best profoundly outdated. Or at worst, rooted in racism, fear, and exclusion. Today

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I ask for a miracle Monday. When that vote happens, we'll see if we're going to have a miracle Monday. Or are we going to walk back 150 years? Or are we going to succumb to the political pressures, instead of doing what is right? But either way, I'm reminded of one thing that Chairman Stinner told me: Sometimes it's not the right time, sometimes you pass bills when they are the right time. He wasn't talking about this bill, but it always stuck in my mind. As I look around and see the political pressures that are hemorrhaging this body. So either way, I will be back. If we win today, I won't have to be back. But if we lose today, I will be back with this bill. There will be a day that this body will stop the discrimination, stop hiding away from it, and vote to make sure everybody has access to the ballot box, make sure everybody has access to being a part of the political process. It's time to move. It's time to move forward and send a message that voting is a fundamental right and should never be impaired by the politics, geography, or the lingering effects of flawed and unjust policies. Today is that time. And I know some people want to say, I wish I could be there. You can. You can be there. You can stand up for what's right, you can stand up for the Nebraska values we always talk about, and you can stand up with moving Nebraska out of its dark, troubled past. Colleagues, I urge you to support this override, not for me, but to erase this dark history that's plagued Nebraska. To move forward in a way where we invite people to come to Nebraska, where we can grow our economy, and where we can make a difference. Texas, South Dakota, Kansas, Missouri, all conservative states, have already done this. We are still behind, colleagues. It's time to move forward and it's time to move Nebraska forward. And with that I would ask for a call of the house. [LB75]

SPEAKER SCHEER: 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. Please record. [LB75]

CLERK: 31 ayes, 3 nays, Mr. President, to place the house under call. [LB75]

SPEAKER SCHEER: Thank you, Mr. Clerk. The house is under call. Senators, record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Linehan could you check in, please? Senator Harr, could you check in, please? Senator Albrecht, would you please check in? Senator Watermeier, the house is under call, please return to Chamber. We're all here and there has been a request for a roll call vote. Regular order, Senator Wayne? Regular order or reverse? Reverse order. This motion, colleagues, requires 30 votes. The question is, shall LB75 become law notwithstanding the objections of the Governor? All those in favor will vote aye; all those opposed will vote nay. Mr. Clerk. [LB75]

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CLERK: (Roll call vote taken, Legislative Journal pages 1377-1378.) 23 ayes, 23 nays, Mr. President, on the motion that LB75 become law notwithstanding the objections of the Governor. [LB75]

SPEAKER SCHEER: The motion fails. Mr. Clerk. [LB75]

CLERK: Mr. President, Senator Larson would move to reconsider that vote. [LB75]

SPEAKER SCHEER: Senator Larson, you are welcome to open on your reconsideration motion. [LB75]

SENATOR LARSON: I yield my time to Senator Wayne. [LB75]

SPEAKER SCHEER: I raise the call. Senator Wayne, 9:50. [LB75]

SENATOR WAYNE: Don't get up and leave, colleagues, now that the house is finally full on a fundamental right. We want to talk. Yes, it was empty quite a bit during this discussion of a fundamental right. Thank you, Senator Larson, for this motion to reconsider. The one thing people can understand is I'm good at counting votes. I hope you realize that. And we went from 36 votes to 22 (sic--23). My bill did not change, there was never an amendment. The constitutional argument was there the entire time. The only new fact that we have today was the Attorney General decided not to issue an opinion. Which I think tells me that my constitutional analysis is right, that there's something about issuing that opinion that he did not want to do. So colleagues, today we took a step back. We took Nebraska back. My community will still feel like we discriminate, my community will still feel disenfranchised, and my community will still feel like Nebraska is not "The Good Life" for them. Not because they are a felon, because many of them know felons. Many of them have a family member who is a felon. And when we have a \$2 billion construction boom in Omaha and they're having a hard time finding workers, it's because young people are fleeing this state. They are fleeing this state because of decisions like this and what it represents. It's clear from the legislative history why this bill or why these statutes were enacted. It is clear. Nobody can deny it. In fact, in the committee hearings, Senator Hilgers said this is a horrible past. But today we allow it to continue. Today, for all the good we might do passing the rest of the bills today, there will be a cloud over us. A cloud draped in the past of 1860s. A cloud regarding discrimination, fear, and exclusion. So I will bring this back and hopefully we'll have courage to do something different. And while the miracle on Monday didn't happen today, the cloud of today will remain with this body until we do something about it. I told everybody a couple days ago I will try to be the conscience of this body, where we try to at least be consistent. Today we weren't--36 to 22, nothing changed but a phone call and outside influence. I look forward to working with everyone of you on different issues, but I will not let

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this issue go until we move Nebraska away from this dark past and troubled history. And with that, I'll yield the rest of my time back to Senator Larson. [LB75]

SENATOR LARSON: I will pull my motion, thank you. [LB75]

SPEAKER SCHEER: Without objection, so ordered. Mr. Clerk, for announcements? [LB75]

CLERK: I do, Mr. President. Thank you. Your Committee on General Affairs, Chaired by Senator Larson, reports LB632 to General File with amendments. And also LB541 to General File with amendments. Bills read earlier this morning were presented to the Governor at 9:45 a.m. (Re LB328, LB329, LB330, LB149, and LB171.) Hearing notice from the Health and Human Services Committee, confirmation hearing notice. Enrollment and Review reports LB289 correctly engrossed, LB578A correctly engrossed. Resolutions, LR49 by Senator Murante...LR132, excuse me. LR132 is an interim study resolution. LR133, Senator Erdman; and LR134, Senator McDonnell, will both be laid over. Mr. President, Enrollment and Review reports LB289A and LB512A to Select File. An announcement, Mr. President. The Special Elections Committee will meet upon recess in Room 2102. And Senator Vargas would like to add his name to LB289 as cointroducer. (Legislative Journal pages 1378-1381.) [LB632 LB541 LB328 LB329 LB330 LB149 LB171 LB289 LB578A LR132 LR133 LR134 LB289A LB512A]

Mr. President, Senator Bostelman would move to recess the body until 1:30 pm.

SPEAKER SCHEER: Colleagues, you heard the motion. All those in favor, say aye. All those opposed vote nay. We are in recess.

RECESS

PRESIDENT FOLEY PRESIDING

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

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

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CLERK: Mr. President, a communication from the Clerk to the Secretary of State regarding LB75. And I have a new resolution by...no, I don't, never mind, Mr. President. That's all that I have, thank you. (Legislative Journal page 1382.) [LB75]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we're going to move to Final Reading if you could please return to your desks we could begin. Mr. Clerk, we'll begin with Final Reading. The first bill is LB259. And the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. Have you all voted who care to on the dispense with the at-large reading? Record, please. [LB259]

CLERK: 30 ayes, 7 nays, Mr. President, to dispense with the at-large reading. [LB259]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB259]

CLERK: (Read title of LB259.) [LB259]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB259 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB259]

CLERK: (Record vote read, Legislative Journal pages 1383.) 41 ayes, 3 nays, 2 present and not voting, 3 excused and not voting, Mr. President. [LB259]

PRESIDENT FOLEY: LB259 passes. (Visitor introduced.) Next bill is LB259A. [LB259 LB259A]

CLERK: (Read LB259A on Final Reading.) [LB259A]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB259A pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB259A]

CLERK: (Record vote read, Legislative Journal pages 1384.) 39 ayes, 4 nays, 4 present and not voting, 2 excused and not voting, Mr. President. [LB259A]

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PRESIDENT FOLEY: LB259A passes. Next bill is LB451. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye, those opposed vote nay. Record, please. [LB259A LB451]

CLERK: 39 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB451]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB451]

CLERK: (Read title of LB451.) [LB451]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB451 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB451]

CLERK: (Record vote read, Legislative Journal pages 1385.) 48 ayes, 0 nay, 1 excused and not voting, Mr. President. [LB451]

PRESIDENT FOLEY: LB451 passes. Next bill is LB86. [LB451 LB86]

CLERK: (Read LB86 on Final Reading.) [LB86]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB86 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB86]

CLERK: (Record vote read, Legislative Journal page 1386.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting. [LB86]

PRESIDENT FOLEY: LB86 passes. LB200. [LB86 LB200]

CLERK: (Read LB200 on Final Reading.) [LB200]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB200 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB200]

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CLERK: (Record vote read, Legislative Journal page 1386-1387.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB200]

PRESIDENT FOLEY: LB200 passes. LB204. [LB200 LB204]

CLERK: (Read LB204 on Final Reading.) [LB204]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB204 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB204]

CLERK: (Record vote read, Legislative Journal page 1387-1388.) 48 ayes, 0 nays, 1 excused and not voting. [LB204]

PRESIDENT FOLEY: LB204 passes. LB209. [LB204 LB209]

CLERK: (Read LB209 on Final Reading.) [LB209]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB209 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB209]

CLERK: (Record vote read, Legislative Journal page 1388.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB209]

PRESIDENT FOLEY: LB209 passes. LB274. [LB209 LB274]

CLERK: (Read LB274 on Final Reading.) [LB274]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB274 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB274]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1389.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB274]

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PRESIDENT FOLEY: LB274 passes. LB280E. [LB274 LB280]

ASSISTANT CLERK: (Read LB280 on Final Reading.) [LB280]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB280E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please. [LB280]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1390.) The vote is 48 ayes, 0 nays, 1 excused and not voting. [LB280]

PRESIDENT FOLEY: LB280E passes with the emergency clause attached. LB307. [LB280 LB307]

ASSISTANT CLERK: (Read LB307 on Final Reading.) [LB307]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB307 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB307]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1390-1391.) The vote is 48 ayes, 0 nays, 1 excused and not voting. [LB307]

PRESIDENT FOLEY: LB307 passes. LB318E. [LB307 LB318]

ASSISTANT CLERK: (Read LB318 on Final Reading.) [LB318]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB318E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please. [LB318]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1391.) The vote is 48 ayes, 0 nays, 1 excused and not voting. [LB318]

PRESIDENT FOLEY: LB318E passes with the emergency clause attached. LB320. [LB318 LB320]

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ASSISTANT CLERK: (Read LB320 on Final Reading.) [LB320]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB320 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB320]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1392.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB320]

PRESIDENT FOLEY: LB320 passes. Proceeding now to LB371. [LB320 LB371]

ASSISTANT CLERK: (Read LB371 on Final Reading.) [LB371]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB371 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB371]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1392-1393.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB371]

PRESIDENT FOLEY: LB371 passes. Proceeding now to LB375. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. [LB371 LB375]

CLERK: 37 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB375]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB375]

CLERK: (Read title of LB375.) [LB375]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB375 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB375]

CLERK: (Record vote read, Legislative Journal pages 1393-1394.) 47 ayes, 0 nays, 2 excused and not voting. [LB375]

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PRESIDENT FOLEY: LB375 passes. Proceed now to LB382E. [LB375 LB382]

CLERK: (Read LB382 on Final Reading.) [LB382]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB382E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB382]

CLERK: (Record vote read, Legislative Journal pages 1394-1395.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB382]

PRESIDENT FOLEY: LB382E passes with the emergency clause attached. Next bill, LB406. [LB382 LB406]

CLERK: (Read LB406 on Final Reading.) [LB406]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB406 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB406]

CLERK: (Record vote read, Legislative Journal page 1395.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB406]

PRESIDENT FOLEY: LB406 passes. Next bill, LB458. [LB406 LB458]

CLERK: (Read LB458 on Final Reading.) [LB458]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB458 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB458]

CLERK: (Record vote read, Legislative Journal page 1396.) 47 ayes, 0 nays, 2 excused and not voting. [LB458]

PRESIDENT FOLEY: LB458 passes. Next bill, LB463. [LB458 LB463]

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CLERK: (Read LB463 on Final Reading.) [LB463]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB463 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB463]

CLERK: (Record vote read, Legislative Journal pages 1396-1397.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB463]

PRESIDENT FOLEY: LB463 passes. Next bill, LB476. [LB463 LB476]

CLERK: (Read LB476 on Final Reading.) [LB476]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB476 pass? Those in favor vote aye; those opposed vote nay. Have you all vote who care to? Record, please. [LB476]

CLERK: (Record vote read, Legislative Journal page 1397.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting. [LB476]

PRESIDENT FOLEY: LB476 passes. Proceeding now to LB492. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. [LB476 LB492]

CLERK: 32 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB492]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB492]

CLERK: (Read title of LB492.) [LB492]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB492 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB492]

CLERK: (Record vote read, Legislative Journal page 1398.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB492]

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PRESIDENT FOLEY: LB492 passes. LB508. [LB492 LB508]

CLERK: (Read LB508 on Final Reading.) [LB508]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB508 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB508]

CLERK: (Record vote read, Legislative Journal page 1399.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB508]

PRESIDENT FOLEY: LB508 passes. Proceeding now to LB517. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. [LB508 LB517]

CLERK: 37 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB517]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB517]

CLERK: (Read title of LB517.) [LB517]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB517 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB517]

CLERK: (Record vote read, Legislative Journal page 1400.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB517]

PRESIDENT FOLEY: LB517 passes. Next bill, LB584. [LB517 LB584]

CLERK: (Read LB584 on Final Reading.) [LB584]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB584 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB584]

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CLERK: (Record vote read, Legislative Journal page 1400-1401.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB584]

PRESIDENT FOLEY: LB584 passes. Last bill, LB624. [LB584 LB624]

CLERK: (Read LB624 on Final Reading.) [LB624]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB624 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB624]

CLERK: (Record vote read, Legislative Journal pages 1401-1402.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB624]

PRESIDENT FOLEY: LB624 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills. LB259, LB259A, LB451, LB86, LB200, LB204, LB209, LB274, LB280E, LB307, LB318E, LB320, LB371, LB375, LB382E, LB406, LB458, LB463, LB476, LB492, LB508, LB517, LB584, LB624. Items for the record, Mr. Clerk. [LB624 LB259 LB259A LB451 LB86 LB200 LB204 LB209 LB274 LB280 LB307 LB318 LB320 LB371 LB375 LB382 LB406 LB458 LB463 LB476 LB492 LB508 LB517 LB584 LB624]

CLERK: Mr. President, new resolutions: LR135, by Senator Brewer and others; that will be laid over. LR136 is a study resolution by Senator McCollister. LR137, Senator Pansing Brooks; that will be laid over. I have a hearing notice from the Government Committee; and a confirmation hearing report from the Natural Resources Committee. (Legislative Journal pages 1402-1405.) [LR135 LR136 LR137]

Mr. President, Senator Pansing Brooks would move to adjourn the body until Tuesday, May 9 at 9:00 a.m.

PRESIDENT FOLEY: Members, you've heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.