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Floor Debate
February 27, 2018

[LB68 LB158 LB256 LB439A LB439 LB743 LB750 LB775 LB936 LB1121A LR327 LR328]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the thirty-fourth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Les Parmenter of Trinity United Methodist Church in West Point, Nebraska, Senator Brasch's district. Please rise.

PASTOR PARMENTER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Parmenter. I call to order the thirty-fourth day of the One Hundred Fifth Legislature, Second Session. Senators please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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

ASSISTANT CLERK: No corrections this morning.

PRESIDENT FOLEY: Any messages, reports, or announcements?

ASSISTANT CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB743 as correctly engrossed and placed on Final Reading. A series of reports from the Government, Military and Veterans Affairs Committee. New resolution, LR327 by Senator Hughes. That will be laid over. And new A bill, LB1121A by Senator Larson. (Read LB1121A by title for the first time.) That's all I have this morning. (Legislative Journal pages 771-773.) [LB743 LR327 LB1121A]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Doctor of the day and visitors introduced.) Proceeding now to the agenda, we have a lengthy list of confirmation reports. Mr. Clerk.

ASSISTANT CLERK: Mr. President, this morning we have two reports from the Natural Resources Committee. The first is for Michelle Bucklin to the Environmental Quality Council. (Legislative Journal page 699.)

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PRESIDENT FOLEY: Senator Hughes, you're recognized to open on the first confirmation report.

SENATOR HUGHES: Thank you, Mr. President, and members of the Legislature. I present for your approval the reappointment of Michelle Bucklin to the Environmental Quality Council. Ms. Bucklin came before the Natural Resources Committee on February 14. The Environmental Quality Council was created by the Legislature in 1971 as the public body that adopts rules and regulations for the Department of Environmental Quality to administer. The council consists of 17 members who are appointed by the Governor to serve in staggered four-year terms. Ms. Bucklin lives in Omaha and is employed as an environmental engineer at Cargill, a food manufacturing company. Ms. Bucklin is a licensed professional engineer in Nebraska and a licensed Level IV wastewater operator in Nebraska. In addition to serving three terms on the Environmental Quality Council, she is also a member of the Nebraska Industrial Council on the Environment. She looks forward to continuing her service in the food product manufacturing role on the council. The committee advanced Ms. Bucklin's appointment on a 7-0-1 vote with one committee member absent. I ask for your confirmation of Michelle Bucklin to the Environmental Quality Council. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on the confirmation report. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, once again, Senator Hughes brings something that I can support and I will. However, since these confirmations usually go through without comment, I will make some of my other or extraneous comments while we deal with these matters which are of no particular moment to anybody except the people named. Then when we get into the legislation that we're going to consider, I'll make a determination at that time. But what I want to make clear, if it were not for the fact that I hold such low esteem among people in this state, I would refer to Senator Krist as a friend. But not wanting to harm him in any way, I'll not use that word. But I'll read a short item in the newspaper that I read this morning which pleased me immensely and showed that Senator Groene's political party is full of cow chips. It's the party of most of the senators in here, and I figure that that party represents them, even when it does stupid things like filing complaints against people with the commission that looks at election laws. So I'm going to read into the record this that appeared in this morning's World-Herald on page 2B. Headline: Commission rules that Krist didn't violate ethics laws. "Gubernatorial candidate Bob Krist broke no campaign ethics laws when he commissioned a poll last year, the Nebraska Accountability and Disclosure Commission has ruled. The Nebraska Republican Party," I said the Nebraska Republican Party, "in October filed a complaint against Krist, a state senator challenging Republican Gov. Pete Ricketts." The Republican Party has nothing better to do because they have very little on their mind. This is why they often go after Democrats because there's more substance to the name of

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the specific Democrat than there is to everything that party deals with. Continuing, "The NADC oversees campaign finance and ethics. The Oct. 25 complaint, from state GOP Executive Director Kenny Zoeller, said that Krist improperly advanced his gubernatorial campaign, including commissioning the poll, before he switched his campaign committee from a legislative to gubernatorial committee." Now, the "Repelican" Party has a guy named Spray. I think he's a lawyer. And he does some very stupid things. I'll tell you how I remember his name. He was the one who kept obtaining delays in action involving former Senator Kintner because the Republican Party and Governor Ricketts wanted that scumbag to stay in the Legislature for the session coming up at that time to do the Governor's dirty work. Then when it became too heavy a burden...and I wrote many rhymes. I talked about it on the floor consistently, insisently. I got congratulations and thanks from the Republican Party, whatever they call a branch of it, down there where Kintner is for taking this principled stand which nobody else in the Legislature would do on a consistent basis.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: Then what did the Governor do? He did what all "Repelicans" do when a little heat is on. He got going and he threw Kintner under the bus. And here's how I remember Spray's name. There's a certain squat beast that has a white stripe down its back who sprays. And I think there is quite a connection between that beast and the individual carrying that name. I have more to say, but playing by the rules, my time at this point is up. So I will cease, to take an interregnum, but I'm not quitting.

PRESIDENT FOLEY: Thank you, Senator Chambers. You may continue on your second turn.

SENATOR CHAMBERS: Thank you, Mr. President. That party is very upset about the fact that Senator Krist is running against their Governor, their Governor who says some of the dumbest things that can be said, but then he is a "Repelican." He is a Catholic. He's a man of faith. He's a flunkey and a worshiper of Donald Trump. So what do you expect from the Governor? What do you expect from the party that supports the Governor? But for a party which is confident that the Governor is impregnable, they certainly are showing a lot of concern. I will continue with the article. "In an opinion, NADC executive director Frank Daley said that does not violate the state accountability and disclosure law." Brothers and sisters, friends, enemies, and neutral, and included in "brother" is especially "Brother" Murante, if they've got a lawyer and he can read English, and "Repelicans" are very upset about people who they say don't speak American--no, not speak, don't talk American--well, if he can read American, he would know that Senator Krist did not violate any law. But they thought that the NADC is under the control and thumb of the Governor in the same way that a lot of people on this floor are under the Governor's thumb. Mr. Daley definitely is not. He has integrity. He takes his work very seriously, and he does it very

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well. Zel-ler (phonetically) is the way I will pronounce this guy's name. "Zoeller said in a statement that the Republican Party will continue to hold Krist accountable." Continue? The Republican Party is going to hold Senator Krist accountable? What kind of stupidity is that? The Republican Party is going to hold Senator Krist accountable. That's their job? I have another colleague in here who is accused of bribing all the people in her district because she allowed them to go see a movie and they said that by those people going to the movie, she had enticed them into a conspiracy to violate the law and get involved in bribery. That's what this stupid party, to which most of this...the members of this body belong. I better understand now why that claue of 27 behaved...they did two years ago on that first day and we got some of the people as Chairpersons that we have. When you look at what's at the top, it poisons the well. It poisons everything that comes out of the well. And the people on this floor carry on the nonsensical activities of that party. They do not read legislation. They think they can hold other people accountable, and they are not even accountable for their own conduct. And the only one who will deal with it is me because although I am a descendant of people who were held in slavery, I'm the freest person on the floor of this Legislature, perhaps the freest person in this universe. There is nobody who has shackles on me or my mind. Nobody will dictate to me...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...and nobody will tell me what I can say or indicate what I better not say. Continuing...I guess I should say concluding. I got to read that paragraph again, it is so hilarious. "Zoeller said in a statement that the Republican Party will continue to hold Krist accountable." How? By misreading the law? By making false charges? By holding up his party and its members to ridicule and scorn? Last paragraph, "Krist, a Republican-turned-Independent-turned-Democrat, called it a 'frivolous, meritless complaint.'" And so did I. But when has frivolity ever stopped that "Repelican" Party? That's all I will say on this nomination, Mr. President. I do support it.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hughes, you are recognized to close on the confirmation report. He waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 773-774.) 37 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Next report, Mr. Clerk.

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ASSISTANT CLERK: Mr. President, the second report from Natural Resources is for Scott Cassels to the Game and Parks Commission. (Legislative Journal page 699.)

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on the second confirmation report.

SENATOR HUGHES: Thank you, Mr. President and members of the Legislature. I present for your approval the appointment of Scott Cassels to the Nebraska Game and Parks Commission. Mr. Cassels came before the Natural Resources Committee on February 15. The Game and Parks Commission is charged with stewardship of the state's fish, wildlife, and state parks and outdoor recreation resources. The commission is also charged with issuing state hunting licenses, fishing licenses, and boat registration. It conducts public education programs for hunting and boating safety and also provides other resources for those who wish to learn to enjoy the outdoors. The agency is governed by a board of nine commissioners. Each member is appointed by the Governor to a six-year term. Eight commissioners serve each of eight districts across the state and the ninth serves an at-large role. Commissioners serve in a voluntary capacity and meet at the various locations across the state approximately every two months. Scott Cassels lives in Omaha and is a new appointment to the commission as the at-large representative. Mr. Cassels has more than 30 years of construction experience at Kiewit Corporation where he is currently the executive vice president and also the president of Kiewit's Infrastructure Group, the company's largest business unit. He has leadership roles in other organizations including serving on the Aksarben Foundation Board of Governors, the board of directors of the American Road and Transportation Builders Association. Mr. Cassels is also active in the U.S. Chamber's Let's Rebuild America Committee. He has degrees in construction management and business from Washington State University. In addition to his membership and leadership roles, Mr. Cassels is an avid outdoorsman and that is how his interest in the Game and Parks Commission began. The committee advanced Mr. Cassels' appointment by a 7-0-1 vote with one committee member absent. I ask for your confirmation of Scott Cassels to the Nebraska Game and Parks Commission. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on the second confirmation report from the Natural Resources Committee. Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I would like to ask Senator Hughes a question or two.

PRESIDENT FOLEY: Senator Hughes, would you yield, please?

SENATOR HUGHES: Of course.

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SENATOR CHAMBERS: Senator Hughes, I listened to what you said and you said that this individual is an outdoorsman. What does that term embrace, not every single detail, but in general what does that refer to? Does it mean that he's homeless?

SENATOR HUGHES: In my opinion, an outdoorsman means someone who enjoys the...being outdoors in not an urban environment.

SENATOR CHAMBERS: But it doesn't mean he's homeless.

SENATOR HUGHES: I did not ask him that in the interview process, but I do not believe he's homeless.

SENATOR CHAMBERS: What I want to make clear...that's all I will ask Senator Hughes. My attitude toward the Game and Parks Commission and its incompetency does not splash over on to this person who has had nothing to do with it. But because evil companions corrupt good manners, I expect that he will become contaminated once he's been around them for a while. But in order not to make a prejudgment and act on that basis, I'm going to withhold any judgment that I would cast, and I will certainly vote for his confirmation as I did the earlier one. And I will continue using Senator Hughes's time to make a comment or two which may seem extraneous, but I think it goes to the essence of what happens on the floor of the Legislature. I was listening, as I often do when I turn on my little television set down there, when the prayer was given. It wasn't a member of the Legislature and I didn't get the name of the person, but I think he may have been a pastor which means he more or less runs a church. And he was telling God what the legislators do, and as I told you all, I'm kind of a surrogate of or for God. And God said, now, Ernie, I want you to listen real closely to the rest of this because I have a message that I want you to deliver to your colleagues. So I listened. And the gentleman was talking about the various things that he hoped God would have the senators do and remember and realize that they are not just representing their district, but all of the people throughout the state, all the platitudes that are stated by all the people who come up there and pray over you all. And then this was a message that came to me from on high. The fervent prayer of a righteous man availeth much--then there was a caveat--presuming, assuming, that the one praying is a righteous man. He dropped his money purse when he started by saying he invited the senators to pray with him. And whereas without giving a judgment--to me, anyway--of whether or not that minister was a righteous man offering a fervent prayer, which according to formula in the "Bible" would avail much, on the other hand, inviting a lot of people who obviously are unrighteous, there was kind of an eraser effect. Everything that that preacher said dragging these senators along behind him, erased it. So that's why none of these prayers are answered. They are either not fervent, the person praying is not righteous, or those down here...

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PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...who join in nullify. So on the right hand it says yea, on the left hand it says nay, so nothing results and we're right back where we started from before all the praying. Now there was one point where he asked God to help you all as you ponder and plan. What he meant to say, or what he would have said were he more knowledgeable, is as you pander. You don't ponder. You pander. I have my light on and I'll continue at that point. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. You may continue on your second turn.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I don't understand why you all engage in such vain activities. You're not impressing God. You're not impressing each other. This is why your rituals don't mean anything. You certainly, and you don't care about that, are not impressing me. Oh, wait a minute. I'm getting a message. Am I free to repeat it as it comes to me? Okay. Let your light so shine before men that they may see your good works and glorify your father which is in heaven. Did you all hear? Did you get that? Let your light so shine before men that they may see your good works and glorify your father which is in heaven. Now, that's straight from the big man, the boss. And I'm not talking about that guy who sings and they call him "The Boss." I can't even think of his name now. I think he might be from Philadelphia or somewhere. Bruce Springsteen. And there were a lot of voices throughout the congregation that assisted the elderly gentleman whose memory is slipping. All right. The boss told you all that. Where are those whose light, whose good works are going to shine and light the path of those of us who are walking in darkness? Where are they? They're not on this floor. I hear people stand up here every now and then. Senator Groene fulminates. Not light, he brings a lot of heat, but not light. I would suggest that he read an essay written by Jonathan Swift. As I've said, three of my favorite writers are Irish: Jonathan Swift, Oscar Wilde, and the fella who wrote Pygmalion. I like to leave something for people to guess at. And this essay dealt with heat and light, heat versus light. Those kinds of writings are of value to those whose minds are receptive to information that has content. Unfortunately, on this floor, we do not often have contact with the kind of discussion or the kind of ideas that cause the mind to expand and grow. We hear the platitudes, we hear the slogans, we hear the cliches, and that's why nobody listens. But as I told you all, I'm developing a following outside of this Chamber and I'm going to talk to those people. I represent not just those in my district who are intelligent enough to send me here, but were cruel enough to me to continue doing it because I'm foolish enough to keep offering myself to be elected. But be that as it may, what is, is, and I am what I am, and that's all that I am.

PRESIDENT FOLEY: One minute.

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SENATOR CHAMBERS: Because I use Senator Hughes's time and will invoke his name, it does not mean I carry any animosity towards Senator Hughes. The thing that Senator Hughes achieved that set me off in the first place could not be achieved by him alone. But since he was the tip of the spear, he is the one that I talked about, that I invoke. And that spear tip is blunted. If it struck a target, it would glance off to the side. But, nevertheless, damage can be done with a lance or a spear that has a blunted tip. Sometimes all it will do is provoke rather than slay.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hughes, you are recognized to close on your confirmation report. He waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 774-775.) 37 ayes, 0 nays on the adoption of the report, Mr. President.

PRESIDENT FOLEY: The confirmation report is adopted. Moving now to the Transportation Committee. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first report from the Transportation Committee is for Eric Bigler to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 701.)

PRESIDENT FOLEY: Senator Friesen, you're recognized to open on the first of your confirmation reports.

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. Members of the Legislature, I recommend confirmation of Eric Bigler to the Motor Vehicle Industry Licensing Board as a member representing the used car industry. Mr. Bigler is president of Bigler Motors in Lincoln where he resides. He's been in the used car business since 1998 and he would be a new member to the board. He appeared before the committee and the committee unanimously recommended his appointment. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on the confirmation report from the Transportation and Telecommunications Committee. Senator Chambers.

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SENATOR CHAMBERS: Thank you. Mr. President, I support this nomination. And I really am enjoying myself this morning because I do more talking than anybody else, so obviously I can be considered the leader. And so far, I'm batting a thousand. All of those votes that were taken were unanimous of those who voted, no negative votes. So when I really want to get things moving, you can call me "ex-lax." Some of you all who are young don't know what that is. I heard something on the news that just made me laugh and I couldn't believe that it was really being said. So I knew that an article in a newspaper would come out from which I could read because if I said it, you all would think I didn't have any basis for saying it other than I have...than the fact that I have contempt for that blundering, blithering nincompoop who sits in the White House going farther and farther off the deep end. People he appointed are steadily leaving him. Why, there was even a woman, a friend of--what's her name, "Manilla," his wife?--"Manilla" Trump, her friend. And "Manilla" had the Trump campaign give her \$26 million, and she was an adviser to the nincompoop. That information became public. Then I read on the television screen as it scrolled across the bottom that that person was no longer an adviser to the pumpkin man. This that I'm reading comes from an article in the World-Herald this morning, on page 6A, a reprint from The Washington Post, headline: Trump says he would have rushed into Florida high school during shooting. Trump says he would have rushed into the Florida high school during shooting. Let me tell you something about this fool that your Governor worships, that your Governor panders to, the man who ridiculed and crowed, as it's called on the street, Trump's...I mean Ricketts' mama and his daddy. Ricketts' mama was against Trump being selected as the candidate to represent the "Repelican" Party. She ran a PAC, a P-A-C. Trump treated them like a p-a-c-k of jackals. And he said the Ricketts--he didn't make it "e-s," he didn't realize that "Ricketts" is a plural form of a word, so when he said the Ricketts, he meant the Rickettses, the Rickettses who have "cricketes" on this floor--had better be careful because the Rickettses have a lot to hide. And there was shaking throughout, throughout the Rickettses' kingdom, and they got quiet. Not only quiet, but they came to a screeching halt, turned around, reversed their direction, and gave tens of thousands of dollars to the man that "Mama" Ricketts had said was unfit. And this person, her son, was sitting up there listening when his master, Trump, said he would have run into that school...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...even if he didn't have a gun. I'm going to complete this part of my dissertation the next time I'm recognized. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. You may continue on your second opportunity. You may proceed, Senator Chambers.

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SENATOR CHAMBERS: Oh, thank you. Members of the Legislature, before I read this, I let you all know that when I was young like these young people in the front, my brain cells were coated with Velcro. You put something within an inch of it and it would draw it and hold it and not let it go. But now Teflon: Everything just slides away and I forget everything. In fact, what am I doing here? Why am I here and why are you here? Who are you people? Oh, I recognize that gentleman sitting over there waving at me. He one time sang a song to me, unless I'm imagining it, but I think that I have...talking about me, that I have a friend and that he would be my friend. And a person who doesn't have much of something that is good appreciates it even more because there's such a small amount of it. Abraham Lincoln said he was like the boy who loved gingerbread so much because he had so little of it, but liked it so much. What I was going to say because it's coming back to me now, there's a lady named Megyn Kelly. She used to work for the Fox network. She might have had a powerful mouth that she'd shoot off, but she didn't have a gun. When Trump was running for the presidency and they were having what they call debates, Megyn Kelly was the moderator. And she was not afraid of that overblown, buffoonish bully, and she dealt with him the way he should have been dealt with. Then you know what happened? That coward turned tail and ran and he would not show up for the next debate. Here is a man who ran from a woman who was not even going to attack him physically. All she did was carried out her function as a moderator. And she terrified that bully so much that he took off running and if you would have drawn a picture, all that hair, such as he's got, would be sticking straight behind him as he fled. Then this coward who ran from a woman, ran away from a woman. I want to read to you what he said in front of your Governor. And as I told you, Elvis Presley predicted his coming. Elvis Presley was practicing and he was singing the song: Are you lonely tonight? And he sang in a different way than this, but I can approximate the tune. And after Senator Clements and Senator Brasch had enough courage to sing, I'm going to try it. (Singing) Does the chair in your parlor seem empty and bare? Do you gaze at your bald head and wish you had hair? Then he goes, ho, ho, ho, ho. And as I told you before, look it up on your gadget under "laughing Elvis." Now I'm going to read you what the paper said about this man that these "Repelicans" on this floor and your Governor and the "Repelican" Party worships. "President Donald Trump claimed Monday that he would have rushed into the Florida high school during the mass shooting," February 14, "that killed 17 people. 'I really believe I'd run in, even if I didn't have a weapon,' Trump said during a White House meeting with governors from across the country, adding that he thinks the governors assembled also would have rushed into..."

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: "...Marjory Stoneman Douglas High School... 'You never know until you're tested,'" Trump added. I think he remembered what he did in running away from Megyn Kelly. And as for these governors who were assembled, and he saw old "Baldie" sitting out there and he remembered how his whole family took off running from Trump as soon as he said they had something to hide, so he started realizing that he made a boo-boo, as they say. Who in here

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thinks that Trump would have run into that building when they were shooting even if he didn't have a gun? The only way he would have done that: if he got his directions straight and thought he was running away and happened to run the wrong way into that school. And you all tolerate this stuff from him. You don't say anything about it. But it's viewed by people around the world and they see that you have a person who is mentally deficient.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: You may continue, Senator Chambers, on your third opportunity.

SENATOR CHAMBERS: And I have to wrap this up. I saw on the news this morning where the top diplomat that Trump had in his cabinet, who has been working with North Korea, tendered his resignation. I believe this man, being a high-level diplomat and having occupied that position for years, having established a credible and creditable reputation in the ambassadorial community, the diplomatic core, as sometimes they're referred to, did not want to see his reputation tarnished by having to carry out and reflect simpleminded things that a person who is President does not realize ought not be articulated by the person holding the highest position in this country. He was not pleased when your President referred to Kim Jong-un as "Little Rocket Man." Kim could have used some much harsher language about your President because, as you know if you read the item that I handed out this morning, there was a police officer who placed his hands where no man should put his hands, and Trump boasted about doing that. The President boasted about doing it. He ridicules people who have physical deformities, as they might be called. He used one of the worst obscenities that could be used to describe the continent of Africa and Haiti. And this is the man who wants people who have a reputation that means something to them to throw it all out the window. So another one said, no more. He didn't say what I'm saying on the program that I saw. I'm supplying words. I'm giving my speculation. I know what it means now from personal experience to have a reputation. But to lighten the mood, people, when they meet me, I tell them, if you've heard anything, I know that my reputation went before me and it's very bad. I said, that's not true--pause dramatically--it's worse. It is worse. But I'll tell you one thing. No other man can make me degrade and debase myself for him. Today he says yes. Tomorrow he says no. The next day he says, I did not say yes or no, I did not even discuss it. A woman had quoted him--quoted him--and when he heard the quote that she gave, he said the words were a lie, not realizing she was quoting what he had said. Just this morning in the paper, the World-Herald, they have what they call a fact-checking column every now and then. And what your President had said because he's very ignorant, that they've got to do something about these countries selecting people in those countries, the worst people, to send

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over here. And the fact checker pointed out that that's not how this thing works. The government of the United States makes those selections. This man who sits as President...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...condemned President Obama because when President Obama was President, in Britain, the British moved the American embassy to another location. Trump said not only was it stupid and incompetent, but he didn't even get a good deal in purchasing the property. And the British government pointed out that the British government made the move for security because they purchased a building around which there was a moat. This man hates President Obama so much that he lies constantly. And I think that's all I should say on Senator Friesen's time. He's a cool operator. Listen to his name: Friesen, the one who freezes. I'm going to chill out now. Thank you.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Friesen, you're recognized to close on the confirmation report. He waives closing. The question before the body is the adoption of the confirmation report from the Transportation and Telecommunications Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 775.) 31 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. (Visitors introduced.) Mr. Clerk for an announcement.

ASSISTANT CLERK: Mr. President, the Natural Resources Committee will hold an Executive Session at 10:00 a.m. in Room 2022.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Next confirmation report.

ASSISTANT CLERK: The second report from the Transportation and Telecommunications Committee is four appointments to the Board of Public Roads Classifications and Standards. (Legislative Journal pages 701 and 702.)

PRESIDENT FOLEY: Senator Friesen, you are recognized to open on the confirmation report.

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SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor, and I will have four members to be appointed to this board. Members of the Legislature, I recommend the confirmation of Barbara Keegan to the Board of Public Roads Classifications and Standards. Ms. Keegan is a highway superintendent for Box Butte County. She resides in Hemingford and is being reappointed to the board by the Governor. Ms. Keegan has also had experience in southeast part of the state when she worked as a city street superintendent in Table Rock before moving out west. She appeared before the committee by teleconference and was unanimously supported for confirmation. The next is Mick Syslo. Mr. President, I would recommend confirmation of Mick Syslo to the Board of Public Roads Classifications and Standards. Mr. Syslo is a reappointment to the board. He is employed by the Nebraska Department of Transportation as a materials and research division engineer. He appeared before the committee and seemed very knowledgeable about the board and its duties and the committee voted unanimously to approve his appointment. The next member is James Litchfield. I recommend the confirmation of James Litchfield to the Board of Public Roads Classifications and Standards. Mr. Litchfield is a reappointment and is currently serving as a city administrator and public works director for the city of Wakefield. He is a native of David City, has worked for the village of Hampton and the city of Central City in the public works area. He appeared before the committee and was recommended unanimously. The next confirmation is Ed Wootton. I urge the confirmation of Ed Wootton to the Board of Public Roads Classifications and Standards. Mr. Wootton is being reappointed to his fourth term on the board. He appeared before the committee and told us that he is now retired from his position as Sarpy County highway superintendent. Before that, he was the city of Bellevue's street superintendent. Mr. Wootton has great experience and clearly should be reappointed and the committee voted unanimously to do so. I ask for your confirmation of these gentlemen and ladies. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on the second confirmation report from the Transportation Committee. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, earlier when I made comments, I would read from an article. I made a comment about the President, so I think instead of just letting my paraphrase and maybe some extrapolation stand, I will read the article. It was in this morning's World-Herald on page 3A under the heading: Fact Check. President Donald Trump says he is looking to stop foreign countries from picking out troublesome people to put in a lottery of those chosen for entry into the United States. Speaking to Fox News this weekend, he said, "I mean we actually have lottery systems where you go to countries and they do lotteries for who comes into the United States. Now, you know they are not going to have their best people in the lottery because they're not going to put their best people in a lottery. They don't want to have their good people to leave. ... We want people based on merit. Not based on the fact they are thrown into a bin and many of those people are not the people you want in the country, believe me." I'm departing from the article. He should not have put those two words at the end, "believe me." You

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cannot believe him. Either when he says something he's outright lying or he's expressing words based on total ignorance. Now let me continue with the article. The facts: That's not how the Diversity Visa Program works. They even gave the proper name of it. That's not how the Diversity Visa Program works. It's run by the U.S. government, not foreign governments. Other countries do not get to sort through their populations looking for bad apples to put in a "bin" for export to the U.S. Citizens of qualifying countries are the ones who decide to bid for visas under the program. The program requires applicants to have completed a high school education or have at least two years of experience in the last five years in a selection of fields identified by the Labor Department. Out of that pool of people from certain countries who meet those conditions, the State Department randomly selects a much smaller pool of winners. Not all winners will have visas ultimately approved because they still must compete for a smaller number of slots by getting their applications in quickly. Those who are ultimately offered visas still need to go through the background checks like other immigrants. The lottery is extended to citizens of most countries except about 20. The primary goal is to diversify the immigrant population by creating slots for underrepresented parts of the world. And this dumbbell gets on Fox News and makes those idiotic statements and his so-called base picks that trash up and spreads it like a virus throughout similarly uninformed, ignorant people, and the truth is never presented. Lies move with the speed of wind. The truth moves at the pace of a glacier. It seldom can overtake the falsehoods, but we are elected representatives of the people. We are supposed to be informed.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: We pretend when we're running for office that we will study the issues, and don't even know what the issues are. The way some people comport themselves on this floor indicates they couldn't care less about the issues that are before us and what it is we're supposed to be doing. And I'm going to keep taking time like this to prod you, to irritate you, to try to stir your minds. Some of you, at some point, are going to get tired of these monologues and will challenge what I'm saying. My seatmate gave an opinion yesterday which could be interpreted as being in opposition to what I was saying and what I was doing. I didn't get angry at her. I was glad to see somebody break away from the pack and show some thought, some spunk.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Friesen, you're recognized to close on your confirmation report. He waives closing. The question before the body is the adoption of the confirmation report from the Transportation and Telecommunications

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Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 775-776.) 32 ayes, 0 nays on adoption of the report.

PRESIDENT FOLEY: Confirmation report is adopted. Move to the Agriculture Committee, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the Agriculture Committee reports favorably on the appointment of Richard Rasby to the Climate Assessment Response Committee. (Legislative Journal page 710.)

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on the confirmation report.

SENATOR BRASCH: Good morning, Mr. President. Good morning, colleagues. I stand today reporting that the Agricultural Committee reports favorably upon the question of the confirmation of two of the appointees to the Climate Assessment Response Committee. I do believe we need to vote separately on these is what I was told. The committee voted favorably 8-0 on each recommendation. The first report is for Richard Rasby who fills the position representing the UNL Cooperative Extension Service previously held by Rick Koelsch. The position has been vacant for some time, although Mr. Rasby has attended the CARC meetings as an observer for the UNL Extension after Mr. Koelsch was unable to serve after a reassignment within the university. Mr. Rasby is the associate dean for Extension programs at UNL and also teaches courses in animal science. He earned a two-year degree at Mid-Plains Community College in North Platte and was awarded a master's and doctoral degree at Oklahoma State University in beef cattle and nutrition management. Mr. Rasby appeared in person for the confirmation hearing held February 20 and responded to the committee's questions. The committee felt he was well prepared to carry out his duties on the Climate Assessment Response Committee. Just a little background on this committee, it was established in 1991 through the enactment of LB274. The committee serves as a planning and information-gathering entity for adverse climate events, particularly drought response and mitigation. It also serves to collect and assess data regarding damages and losses from severe and extreme weather events and to evaluate vulnerability of economic sectors to adverse weather developments. The CARC is administratively housed within the Department of Agriculture and the Director of Agriculture traditionally serves as the chair for CARC. I am asking my colleagues this morning to vote favorably in the confirmation of Richard Rasby. Thank you, Mr. President.

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PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on the first confirmation report from the Agriculture Committee. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, having been at the committee hearing where these two gentlemen spoke, I can speak in a different way on this particular confirmation report. As Senator Brasch pointed out, they were very forthcoming, direct in their presentation. They answered the questions without any attempt to evade or obfuscate. And since I had expressed my appreciation of the way they had presented themselves, there's no way I could not have a word to say on the floor in support of their confirmation. Thank you.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Brasch, you're recognized to close on the confirmation report. She waives closing. The question before the body is the adoption of the confirmation report from the Agriculture Committee. Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 776.) 25 ayes, 0 nays on the adoption of the report, Mr. President.

PRESIDENT FOLEY: The confirmation report has been adopted. Next report, please.

ASSISTANT CLERK: Mr. President, the second report is for Carl Sousek to the Climate Assessment Response Committee. (Legislative Journal page 710.)

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on your second confirmation report.

SENATOR BRASCH: Thank you, Mr. President. And once again, colleagues, this is for the second confirmation for Carl Sousek who was appointed to fill the position on the committee representing grain producers. Mr. Sousek is a self-employed farmer near Prague, Nebraska, and is a graduate of Prague High School. He is a member of the board of directors of the Nebraska Corn Growers Association and lists other current or past board memberships and advisory board memberships, including the Bank of Prague board of directors, Saunders County Extension Board, UNL Ag Research and Development Center community liaison committee, UNL Extension climate change response group. He was a member of the Nebraska LEAD class and Mr. Sousek also appeared in person. He responded very well to every question asked of him and the committee again voted 8-0 on recommending his confirmation. I move that the body adopt the committee report. Thank you, Mr. President. Thank you, colleagues.

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PRESIDENT FOLEY: Thank you, Senator Brasch. The debate is now open on the second confirmation report from the Agriculture Committee. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, rather than repeat what I said on the first part of the presentation, I'll just say ditto. And when I noticed how slowly that vote crept up to 25, I hope the fact that I spoke favorably for these individuals and did not go into extraneous material did not lead some people to hesitate because they find something wrong with the candidates. I assure you that these are competent, capable individuals, and were it otherwise, I would say so. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Brasch, you're recognized to close on the confirmation report.

SENATOR BRASCH: Mr. President, I move that this body approve this. As I look through the Chamber here, we may be very close to 25 able to turn on their green lights. We'll try it. I may ask for a call of the house.

PRESIDENT FOLEY: Thank you, Senator Brasch. Members, the question before the body is the adoption of the confirmation report from the Agriculture Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 777.) 27 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Moving on to the Business and Labor Committee, Mr. Clerk.

ASSISTANT CLERK: Business and Labor reports favorably on the appointment of Johnie Girmus to the Boiler Safety Code Advisory Board. (Legislative Journal page 729.)

PRESIDENT FOLEY: Senator Albrecht, you're recognized to open on the confirmation report.

SENATOR ALBRECHT: Thank you, President Foley, and good morning, colleagues. First confirmation report from Business and Labor Committee is the appointment of Johnie Jason Girmus to the Boiler Safety Code Advisory Board. Mr. Girmus testified in person during the public hearing on Tuesday, February 20, and was unanimously supported for the confirmation by the members that were present at the hearing. The Boiler Safety Code Advisory Board consists of seven members appointed by the Governor with approval by the Legislature. Except for

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appointments to fill a vacancy, members serve a four-year term. Their duty is to advise the Commissioner of Labor on rules and regulations for methods of testing equipment, construction, and installation of new boilers required to be inspected by the Boiler Inspection Act. Mr. Girmus is a boiler service technician from Ithaca, Nebraska, and has been working on boilers full-time for 26 years. Mr. Girmus recently took over his father's business, Girmus Enterprise, Inc., which specializes in boiler sales and service. Mr. Girmus and Girmus Enterprise have started up around 85 percent of the ethanol plants in the Midwest. Mr. Girmus and his company has worked on power plants internationally and in multiple different states. Mr. Girmus is extremely qualified for the position, Business and Labor Committee, to serve on this board. The committee supported his confirmation and I would ask for your approval for this appointment. Thank you.

PRESIDENT FOLEY: Thank you, Senator Albrecht. Debate is now open on the first confirmation report from the Business and Labor Committee. Seeing no discussion, Senator Albrecht, you're recognized to close. She waives closing. The question before the body is the adoption of the confirmation report of the Business and Labor Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 777-778.) 26 ayes, 0 nays on adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Next report, please.

ASSISTANT CLERK: Mr. President, the next appointment is for two appointees to the Commission of Industrial Relations, Joel Carlson and Patricia Vannoy. (Legislative Journal page 729.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Albrecht, you're recognized to open on your second confirmation report.

SENATOR ALBRECHT: Very good. Thank you, Mr. President and members of the Legislature. The second confirmation report from the Business and Labor Committee is the appointment of Patricia Vannoy to the Commission of Industrial Relations. This would be a new appointment. Ms. Vannoy testified in person during the public hearing on Tuesday, February 20. Ms. Vannoy is a partner at Mattson Ricketts Law Firm where she represents employers and employees in labor and employee disputes. She has been there since 2009 and in that time she served as a financial industry regulatory authority arbitrator. She has worked with various mediators, judges, arbitrators, and local and national attorneys. She received her juris doctorate degree with distinction from the University of Nebraska College of Law. Everyone present at the committee

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hearing unanimously supported her confirmation and I would ask that you approve this appointment to the commission. Thank you.

PRESIDENT FOLEY: Thank you, Senator Albrecht. Debate is now open on the second confirmation report. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Burke Harr a question if he would respond.

PRESIDENT FOLEY: Senator Burke Harr, would you yield, please?

SENATOR HARR: Yes, I will.

SENATOR CHAMBERS: Senator Harr, have you spent time on the Business and Labor Committee in the past?

SENATOR HARR: Six years.

SENATOR CHAMBERS: Are you aware of there having been a female on that commission prior to this appointment?

SENATOR HARR: Yes.

SENATOR CHAMBERS: How long ago?

SENATOR HARR: How long ago was she appointed?

SENATOR CHAMBERS: Roughly, uh-huh.

SENATOR HARR: I think four years ago. The replacement for this one or...yeah.

SENATOR CHAMBERS: So is this person replacing the one you're referring to?

SENATOR HARR: Yes.

SENATOR CHAMBERS: Thank you. Are you aware of any others?

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SENATOR HARR: No.

SENATOR CHAMBERS: That's all I have to ask you. Thank you. Members of the Legislature, you have heard me criticize the Governor. I don't know what he was imbibing of when he made this appointment, but he got it right and I'm pleased. And I'm pleased that the Chairperson, at least today, is also a female. There are times when I think issues that might be uncomfortable to be discussed must be talked about. Attention must be focused. And in the same way that black people, members of any racial, ethnic, or other type of so-called minority, whenever their children are being lectured to, taught, encouraged to make the world a better place and the things we tell young children, it helps when they see somebody who looks like them, who has actually made progress; otherwise, it fits the category of the comic strip characters Donald Duck, Goofy, Porky Pig, Petunia Pig, and the rest of them. When you read the comic books, they're amusing but no child will look at those comic books and take any of those characters as models or paradigms for themselves. So there has to be a situation where those in positions to appoint women should do so. And I'm saying it should be done consciously to appoint women to incorporate and include those who have been excluded even though they comprise a majority of the population. This country cannot have any strength, cannot have any credibility when such a large percentage of the population is systematically excluded, and when they're not excluded, they are abused, they're misused, they are ill-treated. Women are going to have to stand up, though, and despite what appear to be overwhelming odds, overcome that reluctance, maybe it's fear--whatever it is, it's probably justified--and decide that a path has to be cut and somebody has to be the first one willing to do it. Often the first one to get her head above the water is going to be condemned, excoriated. You can...if you read history, have any interest in it, you can look at the women who have made progress and see how they were condemned, the opposition they faced at the time they made a move or tried to. Now some of them are like heroines. There's going to be a ceremony in Thurston County, I believe I read, recognizing a Native American woman, La Flesche,...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...if I'm pronouncing her name correctly, which had not been done before. There is a bust of her out there in that corridor where they place people. But we need more than bronze statues; we need more than marble statues, more than portraits. We need living, breathing women that these young girls can see and model themselves after. You know I support...if you don't, I support this nomination. Thank you.

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no further discussion, Senator Albrecht, you're recognized to close. She waives closing. The question before the body is the

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adoption of the confirmation report from the Business and Labor Committee. Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 778.) 27 ayes, 0 nays on the adoption of the report, Mr. President.

PRESIDENT FOLEY: The confirmation report is adopted. Next confirmation report, please.

ASSISTANT CLERK: Mr. President, the second appointment to the Commission on Industrial Relations is for Joel Carlson. (Legislative Journal page 729.)

PRESIDENT FOLEY: Senator Albrecht, you're recognized to open on the confirmation report.

SENATOR ALBRECHT: Thank you, President Foley. This is a second confirmation from Business and Labor. Joel Carlson, he's testified in person on Tuesday, February 20. His would be a reappointment. Mr. Carlson is an attorney at Stratton, Delay, Doele, Carlson and Buettner in Norfolk, Nebraska. He received his juris doctorate degree from the University of Nebraska at Lincoln. He currently serves on the Commission of Industrial Relations and has presided over the...several cases. Mr. Carlson takes his role on the commission very seriously and believes it plays an essential role in upholding the law on public employment disputes. Mr. Carlson is qualified to serve on the commission and has done a good job serving his last term. All committee members present at the hearing supported his confirmation and I would ask that you support his appointment to the commission as well. Thank you.

PRESIDENT FOLEY: Thank you, Senator Albrecht. Debate is now open on the confirmation report. Seeing no discussion, Senator Albrecht, you're recognized to close. She waives closing. The question before the body is the adoption of the confirmation report from the Business and Labor Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 779.) 26 ayes, 0 nays on the confirmation of Mr. Carlson.

PRESIDENT FOLEY: The confirmation report is adopted. Moving on to the Government Committee, Mr. Clerk.

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ASSISTANT CLERK: Mr. President, the Government Committee would report favorably on three appointments to the Nebraska Tourism Commission, Starr Lehl, Ashley Olson, and Sarah Sortum. (Legislative Journal pages 729-730.)

PRESIDENT FOLEY: Senator Murante, you're recognized to open on the confirmation report.

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. On February 21 the Government, Military and Veterans Affairs Committee unanimously approved the appointments of Starr Lehl, Ashley Olson, and Sarah Sortum to the Nebraska Tourism Commission. Starr Lehl is the economic development director for the city of Scottsbluff. She currently serves on the Small Business Citizens Advisory Committee. Ms. Lehl will bring 20 years of experience to the Tourism Commission. She's a lifelong Nebraskan and will continue to serve our state well in this capacity. Ashley Olson is the executive director of the Willa Cather Foundation. In that position, Ms. Olson spearheaded the redevelopment of the Moon Block in downtown Red Cloud. The Moon Block is where the Willa Cather Center is housed. Ms. Olson has also been active in the Red Cloud community, service on various foundation boards, and as the president of the Heritage Highway Scenic Byway. Sarah Sortum is a rancher and an ecotourism provider at the Calamus Outfitters in Burwell. She has worked in the tourism industry for 16 years. Her business offers ecotours throughout the Sandhills of Nebraska. Outside of her tourism experience, Ms. Sortum serves as the vice president of the Loup County Board of Education. She will also be a tremendous asset to the Nebraska Tourism Commission. These appointments were, again, approved unanimously by the Government, Military and Veterans Affairs Committee and I encourage your approval of them today. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Murante. Debate is now open on the confirmation report. Seeing no discussion, Senator Murante waives closing. The question before the body is the adoption of the first confirmation report from the Government, Military and Veterans Affairs Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 779-780.) 34 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Next report, please.

ASSISTANT CLERK: Second report from the Government, Military and Veteran Affairs is six appointments to the Nebraska Tourism Commission, Darrin Barner, John Chapo, Roger Jasnoch, Roger Kuhn, Barry McFarland, and Debra Nelson-Loseke. (Legislative Journal page 730.)

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PRESIDENT FOLEY: Senator Murante, you're welcome to open on your second confirmation report.

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. On February 15, the Government, Military and Veterans Affairs Committee unanimously approved the appointments of Darrin Barner, John Chapo, Roger Kuhn, Roger Jasnoch, Barry McFarland, and Deb Nelson-Loseke to the Nebraska Tourism Commission. Darrin Barner is a national recruiting specialist at Heritage Homes in Wayne, Nebraska. He also serves as the head coach of the Wayne State rugby team and has been named the USA Rugby male coach of the year. A Wayne native, Mr. Barner helped form the club in 2001 and has been a driving force in its success for well over a decade. He was instrumental in helping Wayne and the surrounding area recover from the devastating tornado that ripped through the heart of Nebraska in 2013. He is a driven, nationally known individual who has promoted the sports of rugby, rock bands and boxing nationally. I have full confidence that he will serve our state tremendously as a member of the Tourism Commission. John Chapo is the president and CEO of the Lincoln Children's Zoo. He has held that position since the zoo opened in April 1986. Prior to opening the Lincoln Children's Zoo, Mr. Chapo worked in various capacities at the Pottawatomie Zoo in South Bend, Indiana. All told, Mr. Chapo has 40 years of experience in zoo operations. With his experience at one of Lincoln's great tourism attractions, Mr. Chapo will be an invaluable voice on the Nebraska Tourism Commission. Roger Kuhn has served on the Tourism Commission for last five years. He is also the regional parks manager at the Nebraska Game and Parks Commission. With over 32 years of experience working in state parks, Mr. Kuhn has had great opportunity to learn what will attract tourists to Nebraska. He will be a great asset to the Tourism Commission. Outside of his work, Mr. Kuhn also coaches youth football and basketball. Roger Jasnoch is the executive director of the Kearney Visitors Bureau. He has had that role since 1986. Mr. Jasnoch served as the president of the Kearney Chamber of Commerce from 1992 to 2007, and the North Platte Chamber of Commerce from 1981 to 1986, and the York Chamber of Commerce from 1976 to 1981. With his extensive experience in both the tourism and business communities, Mr. Jasnoch will serve the Tourism Commission well. Barry McFarland is the owner of Mac's Creek Winery in Lexington. Prior to starting the winery, Mr. McFarland was an elementary school principal and was Nebraska's national elementary principal of the year in 2011. As a small business owner and former educator, Mr. McFarland knows why vibrant tourism industry is so important to Nebraska and he'll bring a unique perspective to the Tourism Commission. Deb Nelson-Loseke has served as the Tourism Commission...has served on the Tourism Commission since 2013 and she currently serves as the chair. Currently, Ms. Nelson-Loseke is the director of the Platte County Convention and Visitors Bureau. Her leadership on the Tourism Commission will continue to be a valuable asset. Again, these appointments were unanimously confirmed by the Government, Military and Veterans Affairs Committee and I encourage your adoption of them today. Thank you, Mr. President.

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PRESIDENT FOLEY: Thank you, Senator Murante. Debate is now open on the confirmation report. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask "Brother" Murante a question or two.

PRESIDENT FOLEY: Senator Murante, would you yield, please?

SENATOR MURANTE: Yes.

SENATOR CHAMBERS: My brother, will you tell me again the name of the individual who had done work in the sport of rugby?

SENATOR MURANTE: Yes. That was Darrin Barner.

SENATOR CHAMBERS: Varner with a "V"?

SENATOR MURANTE: "B."

SENATOR CHAMBERS: Oh.

SENATOR MURANTE: "B" as in boy.

SENATOR CHAMBERS: Oh, Barner?

SENATOR MURANTE: Um-hum.

SENATOR CHAMBERS: Senator, this is not a part of a clandestine liberal conspiracy to replace Scott Frost as coach of the Nebraska football team with this Barner person?

SENATOR MURANTE: I can honestly say that I have never participated in a liberal conspiracy, Senator Chambers.

SENATOR CHAMBERS: Not that you participated...you see how he chose his words? I said, is it a part of such a conspiracy?

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SENATOR MURANTE: If the liberals are conspiring, I have no evidence of that, Senator Chambers.

SENATOR CHAMBERS: Thank you. I can rest easy and I'm sure all of the people in Nebraska can now sleep well tonight. Thank you.

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no further discussion, Senator Murante, you're recognized to close. He waives closing. The question before the body is the adoption of the confirmation report from the Government, Military and Veterans Affairs Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 780-781.) 36 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Moving to the Education Committee, Mr. Clerk.

ASSISTANT CLERK: The first report from the Education Committee is three appointments to the Coordinating Commission for Postsecondary Education. (Legislative Journal page 732.)

PRESIDENT FOLEY: Senator Groene, you're recognized to open on the confirmation report.

SENATOR GROENE: Thank you, Mr. President. The first three appointments are to the Coordinating Commission of Postsecondary Education. Nebraskans amended the State Constitution in 1990 to create a new Coordinating Commission for Postsecondary Education which increases duties...would increase duties and responsibilities. Those duties and responsibilities now include: creating and putting into action a comprehensive statewide plan to guide Nebraska's higher education system; helping low-income Nebraska students attend college by awarding need-based financial aid and developing state financial aid strategy; and administrating the Community College Gap Assistance Program which offers financial aid to students who want to work in high-need fields; ensuring the efficient use of taxpayer funds by approving or disapproving postsecondary construction projects that rely on tax funds; approving or disapproving academic programs based on specific criteria; assembling and analyzing statewide data and publishing reports tied to the state's higher education goals; protecting Nebraska students who attend for-profit institutions in the state by administering the Guaranty Recovery Cash Fund; administrating state appropriations to Nebraska's six community colleges; helping teachers and underserved populations through the administration of federal education

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grants; and saving Nebraska colleges and universities thousands of dollars through the administration of a nationwide distance learning agreement on behalf of the state. There are three reappointments to the Coordinating Commission. The first reappointment is Dr. John Bernthal of Lincoln, Nebraska. Dr. Bernthal is a retired professor of communication disorders at the University of Nebraska-Lincoln. He received his bachelor's degree from Wayne State College and his Ph.D. from the University of Wisconsin. This would be Dr. Bernthal's second term on the commission and the committee voted 8-0 to appoint him. The second reappointment is Dr. Deborah Frison of Omaha, Nebraska. Dr. Frison received her bachelor's degree from Nebraska Wesleyan and her master's of science and doctor of education from the University of Nebraska-Omaha. This would be her second term. Dr. Frison currently serves as deputy commissioner of education and has a distinguished history of public service. The committee voted 8-0 to reappoint Dr. Deborah Frison. The third reappointment is Dr. Joyce Simmons of Lincoln, Nebraska. Dr. Simmons is a retired orthodontist who has served two terms on the commission and was also twice elected as chair of the commission. Dr. Simmons received her bachelor's of science from Chadron State College and her postsecondary degree from UNMC College of Dentistry. During her time on the commission she has served on all subcommittees and demonstrated a passion for work on the commission. The committee voted 8-0 to reappoint Dr. Joyce Simmons. Please vote green on the appointments of John Bernthal, Deborah Frison, and Joyce Simmons to the Coordinating...Postsecondary Education Coordinating Commission. Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Debate is now open on the confirmation report. Seeing no discussion, Senator Groene, you're recognized to close. He waives closing. The question before the body is the adoption of the confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 781.) 32 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. (Visitors introduced.) Next confirmation report, please.

ASSISTANT CLERK: Mr. President, the next report from the Education Committee is for Robert Kobza to the Board of Educational Lands and Funds. (Legislative Journal page 732.)

PRESIDENT FOLEY: Senator Groene, you're recognized to open on your second confirmation report.

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SENATOR GROENE: Thank you, Mr. President. The next appointment is to the Board of Educational Lands and Funds. According to Nebraska Revised Statutes, this board consists of five members charged with the administration of educational lands of the state of Nebraska held in the school trust. The land has produced millions of dollars of income for public schools. During the 2016-17 biennium, the gross revenues attributed to K-12 schools totaled \$75,728,000. Robert Kobza of Bellwood, Nebraska, is the new appointee to the board. Mr. Kobza received his associate's degree from Southeast Community College and a real estate certification from Lincoln's Larabee School of Real Estate. He's farmed in David City from 1986 through 2002 and worked after that as a salesperson in Kobza Auction and Realty and Kobza Ag and Home. He was first appointed for a short appointment during the interim and now is being appointed to a full term. The committee voted 8-0 to appoint Mr. Kobza. Please vote green on the appointment of Robert Kobza to the Board of Educational Lands and Funds.

PRESIDENT FOLEY: Thank you, Senator Groene. Debate is now open on the confirmation report. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Groene a question or two.

PRESIDENT FOLEY: Senator Groene, would you yield to a question, please?

SENATOR GROENE: Yes.

SENATOR CHAMBERS: Senator Groene, that prior nomination, what position was that for and all those...

SENATOR GROENE: The prior, the three members?

SENATOR CHAMBERS: Yes, all those. They had a doctor.

SENATOR GROENE: The Coordinating Commission for Postsecondary Education.

SENATOR CHAMBERS: Did you happen to remember or can you recall how many of those people had doctorates?

SENATOR GROENE: All three of them.

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SENATOR CHAMBERS: Now, the term DD is doctor of divinity. DDS is doctor of dental surgery. What is the DDSG that many legislators hold?

SENATOR GROENE: What was that again?

SENATOR CHAMBERS: DDSG.

SENATOR GROENE: I have no idea, sir.

SENATOR CHAMBERS: Didn't do so good.

SENATOR GROENE: It didn't apply to me, that's why I didn't know it. (Laughter)

PRESIDENT FOLEY: Thank you, Senators. Seeing no further discussion, Senator Groene, you're recognized to close on the confirmation report. He waives closing. The question before the body is the adoption of the confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 781-782.) 28 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Next report, please.

ASSISTANT CLERK: Final report from the Education Committee is for Lisa May to the Educational Telecommunications Commission. (Legislative Journal page 732.)

PRESIDENT FOLEY: Senator Groene, you're recognized to open on your third confirmation report.

SENATOR GROENE: Thank you, Mr. President. The final appointment is to the Nebraska Educational Telecommunications Commission. The Nebraska Educational Telecommunications Commission was created by the Educational Television Act adopted by the 1963 Legislature. In 1984, the Legislature changed the commission's name and broadened its scope to include all educational telecommunications. The commission promotes and provides noncommercial educational telecommunications throughout Nebraska. This commission has, pursuant to Nebraska Revised Statute 79-1315, as members: the Commissioner of Education is a designee; the president of the University of Nebraska is a designee; a representative to the state colleges; a

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representative of the community colleges; a representative of private educational institutions in Nebraska; and six members of the general public who...not affiliated with any of these institutions. Our appointment is Lisa May of Kearney, Nebraska, who will serve as a member of the general public. This is a reappointment as she has served on the commission since 2014. Ms. May received her bachelor of arts in speech communication from the University of Nebraska-Lincoln and is a small business owner in Kearney operating a daycare since 1995. She has a strong interest in cultural education and would like to continue to do so. The committee voted 8-0 to reappoint Ms. May. Please vote green on the appointment of Lisa May to the Nebraska Educational Telecommunications Commission. Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Debate is now open on the confirmation report. Seeing no discussion, Senator Groene, you're recognized to close. He waives closing. The question before the body is the adoption of the confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 782.) 30 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Moving now to the Health and Human Services Committee, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the Health and Human Services Committee would report favorably on two appointments to the Nebraska Child Abuse Prevention Fund Board. (Legislative Journal page 766.)

PRESIDENT FOLEY: Senator Riepe, you're recognized to open on the confirmation report.

SENATOR RIEPE: Good morning, Mr. President, colleagues, and Nebraskans. I rise to present one appointment and one reappointment to the Nebraska Child Abuse Prevention Fund Board, Mr. Todd Bartee and Dr. Paul Nelson. The Nebraska Child Abuse Prevention Fund Board was created in 1986 and is made up of nine members appointed by the Governor. The board members demonstrate knowledge in the area of child abuse and neglect prevention and, representative of the demographics composition of this state, are representative of all the businesses in the community, the religious communities, the legal community, professional providers of child abuse and neglect prevention services, and volunteers in the child abuse and neglect prevention services. Todd Bartee is a professor at the University of Nebraska at Kearney and has served on the board for three years. He has a master's degree in health studies and a doctorate in health education and health promotion. Dr. Paul Nelson is a new appointee to the board. He received his

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medical degree in 1969 and specializes in pediatrics. He is currently an adjunct volunteer instructor in the Department of Pediatrics at the University of Nebraska Medical Center. Both individuals were advanced from the Health and Human Services Committee on a 7-0 vote. With that, I ask for your green vote. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Riepe. Debate is now open on the confirmation report. Seeing no discussion, Senator Riepe, you're recognized to close. He waives closing. The question before the body is the adoption of the confirmation report from the Health and Human Services Committee. Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote, Legislative Journal page 783.) 26 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Moving to the second report, Mr. Clerk.

ASSISTANT CLERK: Second report is two appointments to the Commission for the Blind and Visually Impaired. (Legislative Journal page 766.)

PRESIDENT FOLEY: Senator Riepe, you're recognized to open on your confirmation report.

SENATOR RIEPE: Thank you, Mr. President, colleagues, and Nebraskans. I rise to present two reappointments to the Commission for the Blind and Visually Impaired. The Commission for the Blind and Visually Impaired was created in 2000 and is made up of five members appointed by the Governor. The five members are tasked with employing a director of the commission. The commission helps blind and visually impaired Nebraskans achieve full and rewarding lives by providing training, counseling, and resources to those individuals. The first nominee that I have is Becky Rieken, is a vision consultant in Dakota City. She teaches students who are blind or visually impaired and has served on the commission since 2015. The second nominee is Mr. Robert Newman who has worked with the commission 37 years before retiring and being appointed to the board. He served as a placement counselor, a vocational rehab counselor, district superintendent, and assistant director of vocational rehab services. Both individuals were advanced from the Health and Human Services Committee on a 7-0 vote and with that, I ask for your green vote. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Riepe. Debate is now open on the second confirmation report from the Health and Human Services Committee. Seeing no discussion, Senator Riepe, you're recognized to close. He waives closing. The question before the body is

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the adoption of the confirmation report from the Health and Human Services Committee. Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote, Legislative pages 783-784.) 27 ayes, 0 nays on the adoption of the report, Mr. President.

PRESIDENT FOLEY: The confirmation report is adopted. Items for the record, please.

ASSISTANT CLERK: Mr. President, a report on a confirmation report from Natural Resources Committee. New resolution, LR328 by Senator Kolowski, that will be laid over. An amendment to be printed to LB439 from Senator Wishart. That's all I have at this time. (Legislative Journal pages 784-785.) [LR328 LB439]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll move on to your General File appropriation bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB439A, introduced by Senator Wishart. (Read title.) [LB439A]

PRESIDENT FOLEY: Senator Wishart, you are recognized to open on your bill. [LB439A]

SENATOR WISHART: Good morning, colleagues. I'm here today to introduce the A bill for my previously discussed LB439. First I want to thank Chairman Riepe and Kristen Stiffler, who is the Health and Human Services committee counsel, as well as Liz Hruska with the Fiscal Office for their help on this A bill. I also again want to thank Senator Kolterman for his prioritization of this important legislation. As a reminder, LB439 changes the Assisted Living Facility Act to allow registered nurses hired by assisted living facilities to work within their already licensed scope of practice. Keeping people in a lower-cost level of care by simply allowing nurses already hired by these facilities to do tasks as simple as dress a wound will, in the long run, save the state money. The A bill for LB439 takes the cost estimated by the department for the additional nursing service surveyor out of the Health Care Cash Fund for the first two years, then moves the cost into the department's budget moving forward. And again, I want to thank this body for their support on General File of LB439. [LB439A LB439]

PRESIDENT FOLEY: Thank you, Senator Wishart. Debate is now open on LB439A. Seeing no discussion, Senator Wishart, you're recognized to close. She waives closing. The question before the body is the advance of the bill, LB439A, to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB439A]

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ASSISTANT CLERK: 27 ayes, 0 nays on the advancement of the A bill. [LB439A]

PRESIDENT FOLEY: LB439A advances. Moving on the agenda, General File, 2018, senator priority bill. Mr. Clerk. [LB439A]

ASSISTANT CLERK: Mr. President, LB158 was introduced by Senator Pansing Brooks. (Read title.) The bill was considered by the Legislature yesterday. Committee amendments have been offered. And I had a priority motion pending from Senator Groene to bracket the bill. [LB158]

PRESIDENT FOLEY: Thank you, Mr. Clerk. As the Clerk noted, the bill was on the floor yesterday for discussion. Before we continue with the debate, Senator Pansing Brooks and Senator Groene, if you would like a minute or two each to refresh us, you are welcome to take that. Senator Pansing Brooks. [LB158]

SENATOR PANSING BROOKS: Thank you very much. Well, here we are again, and I'm excited because I think we have the opportunity to do some really wonderful work today. As a reminder, I have 34 votes to go forward on this. We're on the 34th day with 26 days left. I would say that we need to go forward and get moving on this and have a vote. So I feel really positive about it. I'm going to pass out an article. Yesterday, Senator Groene said that he hasn't heard from anybody. Actually this past year there was an article in the Grand Island Independent by a young woman who said, and I'll just...since I don't have much time: I know why it's important that the Legislature passes LB158 to guarantee youths constitutional right to counsel. In my youth, I was involved in two cases, one in which I had an attorney and another where I did not. When I did not have an attorney, I was scared and nervous. I was in a room of adults who were staring at me and who expected me to understand everything being spoken, even when I did not. I didn't think my voice would make a difference. In comparison, having an attorney was so beneficial in my other case. Having her on my side, I knew my voice was being heard and she communicated with me about all aspects of my case. She fought for me for what I believed in and what was right; she counseled me on the advantages and disadvantages of certain positions which helped me realize what would help me in my life going forward. This is a constitutional right, my friends. It's Amendment VI of the constitution. Again, we believe in the constitution. We don't graze through rights and pick and choose which ones we're going to support. Thank you, Mr. President. [LB158]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Groene, would you like a couple of minutes? [LB158]

SENATOR GROENE: Thank you, Mr. President. I have done a little bit more research, folks. What was it, 1787 the constitution was ratified? We have not, for all those years, across the

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country, taken away the right of individuals...the individual right to either use their right or to deny it. I've had some people looking into it. Of the surrounding states, Kansas has something similar to this; Colorado does not; Wyoming does not; South Dakota does not; Iowa does not; Missouri does not. This is not a common practice across the country. And if you want me and give me the time, I'll check every...50 states. This is a tax increase, folks. It is a...we pay now \$49 in fees for every court case of traffic, every criminal case, criminal and traffic. This is a \$1 tax increase. And as we get into the debate, I will explain it to you. I don't know when I have asked you guys, on votes, that I stood up here and told you, you told me 35 people and you better stay with me. That is why we have this debate, folks. And we will have a debate and you will learn more facts, and then you will represent, as individual, as I do, my district. Thank you. [LB158]

PRESIDENT FOLEY: Thank you, Senator Groene. We'll now open debate on LB158, the Judiciary Committee amendment, and the bracket motion that is pending. Senator Larson. [LB158]

SENATOR LARSON: Thank you, Mr. President. I just had a few questions, as I try to go through this. Would Senator Pansing Brooks yield to a question? [LB158]

PRESIDENT FOLEY: Senator Pansing Brooks, will you yield, please? [LB158]

SENATOR PANSING BROOKS: Be happy to. [LB158]

SENATOR LARSON: All right. I guess one of the things that I saw while I was watching yesterday, or maybe it was last time this bill came up, I can't remember, but you talked about how that like no taxpayer dollars fund this, correct? [LB158]

SENATOR PANSING BROOKS: We...the last time that it came up, there...we didn't have taxpayer dollars supporting this, and so...and people were upset that it was going to be taxpayer dollars. And so what we have now is a fee on court costs, \$1. [LB158]

SENATOR LARSON: Okay. So you're saying now with the amendment that there's no taxpayer dollars. [LB158]

SENATOR PANSING BROOKS: What I'm saying is now it's going to be paid for--we're going to create the Juvenile Indigent Defense Fund--with \$1 fee on filings in the courts. [LB158]

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SENATOR LARSON: Okay. And I guess that's...when I hear about court filings, I guess that's kind of where I start to get...in terms of tax dollars funding court filings, because who pays the filing fees in criminal cases? [LB158]

SENATOR PANSING BROOKS: Who pays the...this is going to be paid for all cases and creates a juvenile defense fund. [LB158]

SENATOR LARSON: I understand it's all cases. But, I guess, that's my question. Who specifically...because you talked about... [LB158]

SENATOR PANSING BROOKS: Everyone who uses the courts will pay \$1. [LB158]

SENATOR LARSON: So who is the first person that pays...not even person, entity that pays filing fees in criminal cases, what entity is that? Is it the... [LB158]

SENATOR PANSING BROOKS: In criminal cases? [LB158]

SENATOR LARSON: Yeah, in criminal cases. Is it the county? [LB158]

SENATOR PANSING BROOKS: If the county chooses to file a case, they have to pay for it anyway, yes. [LB158]

SENATOR LARSON: Okay. So, essentially, this extra \$1 would increase the cost for each county, correct? [LB158]

SENATOR PANSING BROOKS: Not at all. [LB158]

SENATOR LARSON: Because if the county is paying a filing fee... [LB158]

SENATOR PANSING BROOKS: No, the county is not paying a filing fee; the counties aren't filing this. We...this is... [LB158]

SENATOR LARSON: No, no, no, no, the...in a criminal case though. So in a criminal case the... [LB158]

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SENATOR PANSING BROOKS: No, that's not how it works. So you're welcome to go back and talk to Corey Steel. That's not how it works. They don't...they don't file... [LB158]

SENATOR LARSON: So in a criminal case, the county doesn't pay the filing fees? [LB158]

SENATOR PANSING BROOKS: I will have to check on that, but I don't believe that's so. [LB158]

SENATOR LARSON: Okay, well, I'll check on it, because that was my understanding of this is when a county files criminal charges, that county pays the filing fee. So, essentially, this would be an extra dollar for the county to pay. Now, it was also my understanding that many times a judge may say that if a person is found guilty they may have to...try to pay those fees back, but if they're going to jail or whatever else, those fees very rarely do get paid back. So I guess...that was a little bit of...that...just my hesitation in the sense of...and as I have learned a little more, and, obviously, I don't pretend to be an expert in this field, but when we talk about no taxpayer dollars being used, if we are increasing our cost for the counties to file, then, obviously, that would be the case and... [LB158]

SENATOR PANSING BROOKS: With this amendment, there's no problem. [LB158]

SENATOR LARSON: And actually...no questions anymore, I appreciate your time. Thank you. [LB158]

SENATOR PANSING BROOKS: The county has said no problem. [LB158]

SENATOR LARSON: No, I don't have...thank you. [LB158]

SENATOR PANSING BROOKS: Oh, you don't want the facts. Okay. [LB158]

SENATOR LARSON: So as I continue on, I guess that is a concern. And then as I dive a little bit more into Agency 94, which is the Commission on Public Advocacy, I see we raised...we...specifically Program 426, the Legal Services/Aid Fund, and I understand that has a \$6.25 fee currently and that it's mostly geared towards offering grants to specific entities and those entities then... [LB158]

PRESIDENT FOLEY: One minute. [LB158]

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SENATOR LARSON: ...offer services, and I kind of look at this as why don't we, instead of adding another \$1 on to our court costs, maybe just use 426 as the Legal Services/Aid Fund to fund LB158 instead. That way we're not adding an extra fee. I'll double check on the counties filing...if they have to pay those filing fees with Corey Steel moving forward. But yeah...and like I said, I don't necessarily...I'm not trying to derail LB158. I just had a few questions on that, and whether what I was hearing from the counties, that was the case. So I'll double check on that. Thank you. [LB158]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Chambers. [LB158]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, there is an essential issue here which should not be allowed to be obscured by the smoke that is being presented by people who are trying to conduct, I guess, a filibuster and have trouble doing it. Children mean something to me. I demonstrate that. There are other people on this floor who say it and they don't mean it. Senator Groene makes a lot of positions...a lot of comments that could sound like he's a highly principled man, but when we deal with actual human beings, there's a certain meanness that makes me think it can only be there because of something that may have happened that soured him on life. I'm telling what I see. And if he can stand on this floor and say children are not entitled to representation, as a man, he ought to be man enough to listen to what is said and then respond to it and then I'll in turn respond to him. But I'm not going to stand on this floor quietly and watch our children deprived of what every adult is entitled to have. And for him to say that judges are going to take care of it shows he doesn't know what is going on in the courts. I'd like to ask Senator Groene a question. [LB158]

PRESIDENT FOLEY: Senator Groene, would you yield, please? [LB158]

SENATOR GROENE: Yes, sir. [LB158]

SENATOR CHAMBERS: Senator Groene, to your knowledge, when was the last time a judge was publicly reprimanded by the Nebraska Supreme Court for any purpose? Within a range, about how long ago? [LB158]

SENATOR GROENE: Well, there was the...I don't know if she was reprimanded, the one in Douglas County; I think we had one out in North Platte who was giving too many personal opinions in his Opinions, but I can't name him. [LB158]

SENATOR CHAMBERS: Okay. I'm not asking for the name. I just asked when. And the one in Douglas County, by coincidence, was reprimanded the same day that the Supreme Court justice

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resigned. Now here's the question. What was that Douglas County judge reprimanded for, if you know? It's not a trick question. [LB158]

SENATOR GROENE: Oh, I assume it was something that this whole bill came from, because one bad apple, one person who's a little stern...was a little too stern in their comments to the defendants. [LB158]

SENATOR CHAMBERS: Thank you. Members of the Legislature, when people speculate they often get it wrong. Judge Lawrence Barrett--I keep up with these things--Judge Lawrence Barrett was the judge who was reprimanded publicly because he accepted a guilty plea from a grown woman who was too intoxicated to know what she was doing. Now, this judge allowed a person who under the constitution and court rules and every principle of Anglo-Saxon jurisprudence would not allow a plea to be given to a criminal charge. The judge allowed her to do that when it was obvious that she was totally intoxicated. Senator Groene is going to say what is not going to happen with children. It happens with adults. I pay attention to what happens in the court system. I'm trying to get a rotten judge disbarred. Senator Groene has never done such a thing as that. He has never filed, to my knowledge, a complaint against a lawyer for misbehaving. I take seriously what happens in the courts and in the criminal justice system and the justice system in general, whether criminal, civil, juvenile, even arbitration, even negotiation, wherever the rights of people are involved and people need somebody who is going to watchdog that system... [LB158]

PRESIDENT FOLEY: One minute. [LB158]

SENATOR CHAMBERS: ...and that person is not Senator Groene. And I've documented for you all the numbers of cases where I have gotten judges suspended, reprimanded, removed, and disbarred. And he is going to stand up here and say these children don't need legal representation. You didn't hear him stand up and tell us why he will not dump his legal counsel with that committee, did you? Because he doesn't know enough without that lawyer and his rights are not at stake. He is not facing incarceration. He is not facing a fine. But he's got a lawyer, paid for by the taxpayers and given to him because he's a committee member by the rules of this Legislature. He's got a lawyer. I'd like to ask Senator Groene another question if he'd answer. [LB158]

PRESIDENT FOLEY: Time's expired, Senator. Senator Groene, you are recognized. [LB158]

SENATOR GROENE: Yes. [LB158]

SENATOR CHAMBERS: Senator Groene... [LB158]

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PRESIDENT FOLEY: Senator Groene...excuse me, Senator Chambers, your time had expired. Senator Groene, you're next in the queue. [LB158]

SENATOR GROENE: Thank you. I apologize to the judge in Douglas County who is stern, which I happen to believe we should be sometimes with youth. And I did read the story that Senator Chambers talked about; forgot about that one. And don't ever assume I did not help get a judge removed from the bench. I did, and I did it in the way of writing editorials, getting people to vote against him, and then the chief judge asked him to retire. I have. There are \$49 fees already. There's the traffic and waivable criminal docket fee of \$14. This is on your common speeding tickets or parking ticket, too, folks...not parking, but traffic ticket--stop sign and all those. The judges retirement fee is \$6; Law Enforcement Improvement Fund is \$2; legal services fee is \$6.25; automation fee is \$8; education fee is \$1; dispute resolution fee is 75 cents; and indigent defense fee is \$3; uniform data analysis fee is \$1; Civil Legal Service fee...Fund is \$1. We're going to go to \$50. We're going to go to \$50 with this one. Seventeen dollars of that \$49 can't be waived; \$2 of it is the Legal Aid/Service; court automatic fee of \$8, then the uniform data fee of \$1; and the judge retirement fee, which is very important, of \$6; \$17 is sent to the county. Now, the judges can waive which one they wish to waive. They can't waive all of them if they don't want to, a few of them. So this will be a tax increase to the county. Property tax will pay for this. My county commissioner informed me that because of what we passed in LB854, I believe it was, in '16, and boy did I get hoodwinked--I've learned better to read the bills and not listen to what the reasoning is--of all those increased in juvenile court appointments. A public defender budget has gone up--he's supposed to be e-mailing me, I haven't got the amount of money--because more juveniles were given...are giving (sic) judges for probation violations and a few other things, that now they had to renegotiate with the public defender, his contract, because he only did adults in the past. But now he agreed to take on some juveniles and add another lawyer. The cost has already gone up because of our interference in local judiciary actions. Remember what I said about how many states around us do this. Are we the most liberal nanny state of any around us? Is that who we are? Rural areas are not asking for this. To correct Senator Chambers, if the offense for a juvenile is a fine or incarceration, they have to appoint a lawyer. There's a claim out there that this is not forcing somebody to get a lawyer. It is. A lawyer is appointed, if you don't...you like it or not, for the arraignment. And then they say, well, you...then after that you don't need them. So I asked an individual who told me that. I said, if I hire a lawyer for my grandson and at the arraignment he continues to be my lawyer until what happens? I fire him. This court-appointed lawyer remains the lawyer until the juvenile fires them. They have to tell them they don't need them anymore. That lawyer is appointed,... [LB158]

PRESIDENT FOLEY: One minute. [LB158]

SENATOR GROENE: ...appointed for everything unless they are fired. So don't believe that one, folks. Our court charges \$100 an hour...pays \$100 an hour, plus travel. And I'll go into the

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availability of criminal attorneys in rural Nebraska. This is bad legislation. This is feel-good legislation. This takes away your civil rights of children, of juveniles. It isn't a right unless you can refuse to use the right. If not, it's a mandate. Thank you, Mr. President. [LB158]

PRESIDENT FOLEY: (Visitors introduced.) Continuing discussion, Senator Lowe. [LB158]

SENATOR LOWE: Thank you, Mr. President. And thank you for bringing the children here today. You know, this is an important issue because we're taking the rights away from parents. It's the parents and the children who should decide whether or not they need an attorney, not the court system, not us. We see our civilization going down a path where government tells the parents what to do with their families. That's not the way we should go. Our families should be the most important thing in our lives and we make it that way. I don't believe that the government should tell a parent that they have to have an attorney. And that's what this bill does. Our...my...I've talked to the attorneys back home, the one especially who happens to be my cousin, and he says we don't need this. All youth, matter of fact, everybody is guaranteed an attorney. And if the judge sees a young person that doesn't want an attorney, he will ask him and he'll make recommendation that he probably does need an attorney. So we don't need this. This is law that was put into effect for Omaha and Lincoln to help out the metropolitan areas. And I don't know if western Nebraska needs it. Western Nebraska is a little bit different than metropolitan areas. We still deem family values as very important. And part of that is allowing the family to make the decision for its child. Now, if an attorney is present for a child, does that mean that he may not be able to go to diversion class? And basically the judge gives him a pass--do this and we will forget this discretion (sic). You know, I just don't know if I could go along with this at all. I respect Senator Pansing Brooks for bringing this and for caring for the children, but I believe our family values should come before anything that we do here as a government. Thank you, Mr. President. [LB158]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Wayne. [LB158]

SENATOR WAYNE: I rise in support of the...thank you, Mr. President. I rise in support of the underlying bill, however, I'm not supporting the amendment. And I am being consistent with what we did last year, when last year I stood on this floor during the budget hearing and consistently said we're increasing the NFC contract--now it's called PromiseShip--and we're taking money away from rural to supplement Douglas County. We are doing just the opposite in this. Right now, Douglas County spends \$3.7 million a year on juvenile outside counsel, people like me. And those only occur when there's a conflict. So they go to the public defender's office first and they say, okay, there's a conflict, either they represent a friend or a family member, so we have to appoint outside counsel. So on that theory alone, Douglas County is spending almost \$7 million a year on juvenile counsel by itself. What this juvenile fund does is creates a fund in

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which Douglas County will never be able to, based off of how it's calculated, unless there's a substantial increase in Douglas County fees--I mean Douglas County juvenile filings--they will never be able to get money from this grant, yet Douglas County has the highest number of cases filed. So the most fees that will be collected for this fund will come from Douglas County and Sarpy County, yet they'll never be able to recoup any money out of this general fund. And again, I'm being consistent. I said the same thing last year about the NFC contract and the budget. We should not be putting rural versus urban. And I'm also consistent when it comes to a fundamental right, such as the right for counsel. I believe voting should be state-owned. We should pay for every voting across the state and that right should be treated the same no matter where you are. Last year, I got beat up on LB68 because I believe fundamental rights, even the right to bear arms, should be consistent across the state. The right for counsel should be consistent. And if my county, as a taxpayer in my county who are paying property taxes to Douglas County, is funding the juvenile defense fund for our county to pay for juveniles to have the right for counsel, then Scotts Bluff should be doing the same. Now I can take an extreme position and take off my senator hat where I have to balance each side, I can take extreme positions and be an advocate and say, you know, this bill doesn't go far enough because if we really wanted to solve the issue, we would move all the entire court staff underneath the Supreme Court. Tell me why a bailiff or a court reporter reports to the county instead of the judge. I have no idea why that makes any sense. And I can take an extreme position saying if you're 19 and below you can't sign a contract, but yet you can waive your right for counsel. You can waive your right for counsel when you're 14, underneath this bill, but in Nebraska you can't even drive a car until you're at least 16. Those are extreme positions. Or I could put on my senator hat and balance them. I don't know what I'm going to do on the underlying bill with those extreme positions because it's important that a 14-year-old not be able to waive counsel. I think a parent or a guardian ad litem should have to waive counsel, because in no other industry or no other sector of life can a 14-year-old make that fundamental decision except for when it comes to right for counsel. But this is a pragmatic approach. And when you take pragmatic approaches, you shouldn't have extreme positions. So I'm not in favor of the amendment because it puts Douglas County, Sarpy County in an extremely unfair disadvantage and we're starting to create urban versus rural. The underlying bill, it's a fundamental right to counsel, I have some procedural problems with it, but I can look those aside... [LB158 LB68]

PRESIDENT FOLEY: One minute. [LB158]

SENATOR WAYNE: ...because I think the right for counsel is that important. But again, that's me having my senator hat on, not an advocacy group hat on. I think it's important on all these issues we remind...that we take a balanced and pragmatic approach. When we start being advocates in this body and take extreme positions in this body, we lose doing what is best for our state. But as it relates to the amendment, again, this puts Douglas County, and Douglas County, Senators, you need to contact Dan Esch, who will quote you at \$3.7 million, that does not

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include the 12 or 13 full-time public defenders who do juvenile law...juvenile cases. They won't receive any of this, yet we are funding the entire state for their juvenile defense right for counsel. I don't think that's appropriate, I don't think that's fair, and I'll make the same argument again when the budget comes up regarding NFC's contract. [LB158]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Schumacher. [LB158]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I rise out of somewhat of a sense of obligation having been a county attorney back in the 1980s. And I have a feel for, I think, what's going on here. But before I get to the general observations, I want to point out what I think is a problem in the approach to the solution. The amendment...or this law proposal says that if the judge finds the parent or the guardian is able to pay, he will order them to pick up the tab; and if they don't, he'll put them in jail or something for contempt of court. We don't, in any other thing, require the guardian to pay. If a juvenile has funds, we require things to be paid out of the juvenile's funds: medical care, necessary legal care, clothing, whatever. But to have a guardian be personally liable, I think, will deter people from wanting to be guardians. They don't have to be...they're not personally liable now. This says if you're a guardian, you're stuck for the kid's bills, legal bills. I think that's a problem. I think at the very minimum we should consider looking at saying if the juvenile has funds on deposit with the guardian, but you shouldn't stick somebody who is doing the parents, perhaps deceased parents, a favor of being a guardian for the kids with their legal bills. Now that being said and that issue being raised, here's some general observations with regard to this. Juvenile court was an attempt to take care of kids in need or kids who were misbehaving, kids under 18 years old. It was a diversion program for the kids that were misbehaving so that they wouldn't go to adult court, they wouldn't have an adult record, they...records would be sealed when they graduated out of the system; that was one part it. And the other part is if they were in a home that was a mess or they were in social need, the judge could step in and supervise their life and get them back on track. In both cases, a judge acted sort of as a godfather of the kid. And the kid, once under the jurisdiction of the court, was under the jurisdiction of the court until he aged out or the judge cut him loose. Things...on the criminal side or the misbehavior side it was a big diversion program, but things got complicated quick. We all of a sudden had to appoint counsel, counsel for parents, guardians ad litem. We had CASA workers coming in, probation officers reviewing it, and all of a sudden it mushed up into a big expensive thing, justified in some cases where the misbehavior was serious, not so much justified in the case of a kid with a can of beer. So then in counties where things were big enough, where the county could afford a diversion program, and I'm told that my main county, Platte County, has done this at this point, diversion programs were created to divert people from the diversion program of juvenile court and just get them off to the side before they ever get messed up with what is a kind of messed-up, stuck-up system, and so we have a diversion program. As I read through this bill, this is trying to say let's encourage diversion programs so

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that these counties out there in the hinterlands that don't have them have a reason to go and create a diversion program... [LB158]

PRESIDENT FOLEY: One minute. [LB158]

SENATOR SCHUMACHER: ...to divert the kid from the diversion program. And if that's the object of this game, to create this overhead so that they are encouraged to do diversion programs, then you got to look at the practicality. Most of these situations, you have a part-time county attorney in a remote county. They don't have the staff, and for a low number of cases, they can't create a whole diversion program. It's just really not practical, and they're doing fine now with the kids with the can of beer. They're just doing fine. So if we really want to create a uniform fair diversion program to divert kids from the diversion program of juvenile court, then let's take this \$300,000 and subsidize those counties that are too small to do it on their own, create some state super-duper diversion office. [LB158]

PRESIDENT FOLEY: Time, Senator. [LB158]

SENATOR SCHUMACHER: Thank you. [LB158]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Krist. He waives the opportunity. Senator Schumacher. [LB158]

SENATOR SCHUMACHER: Let me pick up. The whole idea of court-appointed attorneys, obligations for diversion programs, and things like that are...sticks in the craw of a lot of rural communities and maybe even bigger communities because they feel this is a state obligation. And if you're going to do it uniformly, you should do it statewide so nobody gets stuck with a probate lawyer out in one county that has to travel in from a distant county because there's no other attorney available without a conflict of interest in the first county. It should be a state function and the state should underwrite the tab for criminal defense, not the counties. I could go along with a proposal like that for property tax relief where you say, okay, this is a function we have imposed by virtue of our membership in the United States and some provisions of our own constitution, this is an obligation we've imposed upon the counties and it's really not fair that that be lifted by the property taxpayer. And so let's bite the bullet. Let's implement a tax on soda pop or candy bars or cigarettes or something and take the money and let's fund with that money the bulk of the county's...what now is paid by the county for attorneys, for diversion programs, for that part of the justice program. And I think that would be fair. And that's the kind of thinking a legislature should do in trying to figure out solutions to all these problems. We know we can't have wide-scale property tax relief, it's not going to happen. But we can do something like this that will result in some lessening of property tax burden and probably imposition of a sales tax or

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some other type of tax on something that we've granted an exemption to. That would be good policy. And it'd also, in this particular case, give all children or juveniles or misbehaving kids the opportunity to have some type of a competent system that is representing it. We don't have to divide into a group of "let's go with some nice, feel-good legislation," or some "well, by gosh, we don't need this, we're doing fine out in the sticks." We can find middle ground. But it's something that this Legislature has not been good at doing, nor previous Legislatures. You got to look at the big policy question here. And the big policy question here is not a spat over what has come up in some seminar or something as being a great idea for an optimal juvenile system, but some common sense. I think there's room to do it. But once we go down these roads and we start creating these programs and committing ourselves and making overhead to make them all work, it's really hard to start over again. And there's an issue here that has been raised. I would think there's a better way to do it and to meet the needs that would be satisfactory to the property tax people, to the counties, to the juvenile justice people. And I'm very frustrated with this particular bill because I know it has the best of intentions, but I don't know if it has the best of practicalities or uniformity across the state, or fairness. And perhaps we should have taken a step back and a bigger picture of it. Thank you, Mr. President. [LB158]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Krist. [LB158]

SENATOR KRIST: Thank you, Mr. President; good morning, colleagues; good morning, Nebraska. I would love to ask certain people questions on the mike to put them on the spot this morning, but I'm not going to do that. I'm simply going to say that if you want parental rights, if you want to be the person who says this is what I want to have happen with my child, then don't take them to a courtroom, because the judge already has the prerogative to order an attorney right now. And who pays for that? We're talking about who pays for what in the county? This bill would at least give some reimbursement, if you will. Judicial independence and judicial prerogative tells the judge he or she lives in that robe to do what's best for the person who is in front of them. So take parental rights and discount the whole process, because once your child becomes entangled with the system, the judge can take the child out of the home, the judge can make you give them medication, the judge can put them into detention, the judge can remove all kinds of parental rights, if there's a reason. Next argument--detention or diversion is too expensive. It's happening all over the state. Chief Justice Heavican, in his eyes...Through the Eyes of the Child, has initiated through the judges, through the judiciary these processes that are best for our kids. And when they look at the constitution and they look at an Opinion by the Supreme Court, they don't say: I wonder if they really meant it. I wonder if the Supreme Court really meant it when they said that every child should be represented. It's kind of the same philosophy we have here. We say this is what needs to happen, and then some agency, some department, or the executive branch says, no, we're not going to do that, and we have to come back and say we really meant it when we said this. Pretty much been around the state the last six months and I can tell you this is not one of the big issues because the judges are already doing it

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and a smart parent will not try to defend their child. Let's just say hypothetically, theoretically, some beautiful young woman is attracted to or is brought into the trafficking world out there. How would you address that if she or he were your child? Do you know that there's immunity provisions for someone who is a victim of human trafficking? Are you going to go in and plead guilty just to get the child out of court to save yourself money? Senator Wayne said that, I believe, that this is going to be a problem with Douglas County, Lancaster County, Sarpy County. We passed that bill several years ago. Senator Schumacher stood up here and said we need to make it uniform across the state. We tried to do that several years ago. And instead, it was a carve-out. And you know what's happening in Douglas and Lancaster County right now? Ask the juvenile court judges. Ask Judge Heideman because he came in and testified this program... [LB158]

PRESIDENT FOLEY: One minute. [LB158]

SENATOR KRIST: ...getting a child the proper...getting the child the proper attention and assigning them a lawyer early in the process saves time, saves money, and is in the best interest of the child. So we don't have to pass this. What we need to have is the people in the black robes just tell you what is in the best interest of your child. I'm happy with that, because I trust the judiciary will make sure that our kids have the proper representation. I will not vote for the bracket motion. I will vote for the amendment and the underlying LB158. Thank you for your attention. [LB158]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Groene, you're recognized. I believe this is your third opportunity, Senator. [LB158]

SENATOR GROENE: Thank you, Mr. President. The other day Senator Chambers said I was a mean and an old man. I don't know which one of them insults I take more personal. But I did go to the chiropractor, so I'm no longer walking like an old man, as I was that day. No, I'm not mean. I wish all of us, when we sin or make a transgression, we would come in and we'd slap you on the wrist and you'd go about your way, you would do your penitence, say your prayers, and change your life. The justice system does not, in a civilized society, exist to punish people. It exists to protect that civilized society from the outliers. I'm a fiscal conservative. Vengeance is expensive. I have no vengeance in me. But when my sheriffs say certain individuals need to spend time in jail to keep them away from innocent society, I agree, when my judges tell me that. When a young person strays, I happen to think you're not worth your salt unless you're a young man who got in trouble once or twice, but our society forgives and forgets. All juvenile offenses are sealed. We heard about human trafficking. We're not talking about those cases. Those individuals get an attorney. Even the pimp who trafficked the young girl has a right to an attorney. The young girl did not create an offense. We changed that law, remember? Prostitution

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is no longer a crime as long as you have a pimp. So there's no offense there. As I said, justice is costly. It's to protect society. That is why we're here. We are talking about MIPs; vandalism, we just had some kids get caught breaking some windows out of cars, vandalism; petty theft; shoplifting; throwing eggs at somebody's house; getting in a fight in school. That's a crime nowadays, by the way. That's what we're talking about here. Diversion? Most of our kids go to diversion, but less and less, by the way. We're raising a group of children who are so lazy that when the county attorney offers them to go wash a few police cars, they do one car, half of one, and they go back and say I'd rather be fined. It's happening more and more. But justice should be affordable too. And we are to the point where it's not affordable anymore to the taxpayer. In rural counties, less and less cases are being heard because the county attorney has no budget; the public defender has no budget, and we're going back to the old days. Sheriff stands there and they rake the courthouse yard. We are pricing justice to the point it's not affordable to society. Pretty soon we're going to open the gates and let people out of jail. Hey, like I said, vengeance is expensive. I would rather do that than build a new jail. I don't live in those neighborhoods. When I was younger, I did. And by the way, Senator Chambers, felony is an equal-opportunity employer. In Lincoln County, they're Caucasian. Sixty-some percent of all felons in the prison are Caucasian. There's no racism here. [LB158]

PRESIDENT FOLEY: One minute. [LB158]

SENATOR GROENE: It's an equal-opportunity employer, the occupation of felony. So don't try to tie it to racism. We're all capable of committing crimes, and society has to defend itself and civilization against it. That's the purpose of the justice system. It isn't revenge. It isn't being mean. This thing adds another tax, takes away a right from our juveniles between the age of 14 who happen to throw some eggs at a house, because some goodhearted people think they know what's best. I have no faith in our public education that these kids don't know how to reason and make a decision for themselves. This is not good. Thank you. [LB158]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Hansen. [LB158]

SENATOR HANSEN: Call the question. [LB158]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor of calling the house vote aye; those opposed vote nay. Record, please. [LB158]

ASSISTANT CLERK: 23 ayes, 2 nays to go under call. [LB158]

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PRESIDENT FOLEY: The house is under call. Senators please return to your desks and check in. The house is under call. Senator Groene, if you could check in. Check in, please. Senator Clements, if you could check in, please. Looking for Senator Geist, Senator Murante. Please return to the floor and check in. Senator Hilkemann, if you could check in, please. All unexcused members are now present. The question before the body is whether or not to cease debate. Those in favor of ceasing...Senator Hansen. [LB158]

SENATOR HANSEN: (Microphone malfunction.) [LB158]

PRESIDENT FOLEY: Thank you, Senator Hansen. Roll call vote on whether or not to cease debate. Mr. Clerk, reverse order, please. [LB158]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 785-786.) Vote is 31 ayes, 5 nays to cease debate. [LB158]

PRESIDENT FOLEY: Debate does cease. We're still under call. Senator Groene, you're recognized to close on your bracket motion. [LB158]

SENATOR GROENE: Thank you, Mr. President. This is a bad bill, as I said earlier. It adds another straw on the camel's back of property tax and tax increases to the citizens of Nebraska. It's not necessary. I stand corrected. I got the numbers. There's 66 percent of the female population is white of the state prison right now, and 51.5 percent...black is 29 percent; Hispanic is 4.1 percent; and then others, Native American, .08. The reality is, it's still an equal-opportunity employer, felony is. In my county it's 98 percent white who go through our court system. So there's no racism here. But I would hope you would bracket it. We got to send a message to Nebraskans that we just can't keep adding more cost to how we run our government. No juveniles are denied a lawyer if they wish one. No juvenile is denied a lawyer if they show any symptoms of not being stable. The parents can ask for a lawyer. The juvenile can ask for a lawyer. We have one of the highest barriers to denying your right for a youth right now on not accepting your right of an attorney because we added it to 13-year-olds, we added a bunch of areas. What discourages me, the proponents of this keep bringing up felonies where they will be appointed a lawyer. They will not be allowed in front of the judge without a lawyer. We are talking about the common pranks and things that kids get involved with--toilet papering a house, even as bad as slashing a tire, vandalism. You have a right to not have a lawyer. If I was a judge listening, a learned judge who by the way gets...has to get approved every so many years by the electorate, and heard some of the claims that we can't trust them, do you really believe there's judges out there in the modern world that don't want what's best for our kids? One of the things they think is best is to not give them a crutch; do not enable them. Senator Pansing Brooks said the young lady was trembling. Good. She didn't say if she got treated badly with her verdict, did

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she, versus having a lawyer, not the lawyer? We want that experience that these youths have in our courthouses to be a deterrent, not an opportunity to have an excuse. It's good they stand in front of a judge when they get in trouble for a misdemeanor or small felony. It's good. Why would you deny them that opportunity to learn that civics lesson about their consequences to behavior? This is a bad bill. Six of our surrounding states don't have it. I will find out nationally how many do this. Is that who Nebraska is? Is that why we're the second highest taxed people in the nation behind Illinois... [LB158]

PRESIDENT FOLEY: One minute. [LB158]

SENATOR GROENE: ...because we have nannies? We deny rights. The government steps in and takes care of you. You don't have to pay for your mistakes or your decisions; the government will do it; the taxpayer will do it. That's what this is. This is the expansion of government into our personal lives and our personal rights. Senator Lowe mentioned parents, but also the teenager, they lose their right. They lose the right to sit in a room with their parents and decide what to do, or with their friends or a confidant, because that lawyer is going to be sitting there. They lose the right to not have a lawyer unless they fire that lawyer after the arrangement, otherwise he comes to the next hearing. Personal rights, individual rights are not a right unless you have the right to not use it. We're taking the right away from them. I would encourage a... [LB158]

PRESIDENT FOLEY: Time, Senator. [LB158]

SENATOR GROENE: ...green light on the bracket motion. [LB158]

PRESIDENT FOLEY: Thank you, Senator Groene. Members, you heard the debate on the bracket motion. The question before the body is the adoption of the motion. Those in favor vote aye; those opposed vote nay. We are still under call. Have you all voted who care to? Have you all voted who care to? Record, please. [LB158]

ASSISTANT CLERK: 10 ayes, 27 nays on the motion to bracket the bill. [LB158]

PRESIDENT FOLEY: The bracket motion is not adopted. Items for the record, please. [LB158]

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB256, LB750, LB775, LB936 all on Final Reading. (Legislative Journal page 786.) [LB256 LB750 LB775 LB936]

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In addition to that, Senator Thibodeau would move to adjourn until Wednesday, February 28, 2018, at 9:00 a.m.

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