

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate June 1, 2023

Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-eighth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Dean McPherson, First United Methodist Church, Louisville, Nebraska, Senator Clements' district. Please rise.

CHAPLAIN MCPHERSON: It's a privilege to be with you here today. Will you please join me in prayer? Almighty God, we thank you for the gift of this day and for the rain. And we pray that there will be many more rains during this growing season. As our Unicameral gathers for the last day of this session, we ask that you would give our senators wisdom for the tasks before them. Help them to find ways to work together to enact legislation that will benefit the state of Nebraska and its citizens. Amen.

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

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

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

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

KELLY: Thank you. Are there any corrections for the Journal?

CLERK: I have no corrections this morning.

KELLY: Are there any messages, reports or announcements?

CLERK: Mr. President, a report of registered lobbyists from May 31, 2023, will be on file in the Journal. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website.

KELLY: Senator Moser would like to announce that the physician of the day is Dr. Dan Rosenquist of Columbus. Please stand and be recognized by your Nebraska Legislature. Senator Linehan, you're recognized for an announcement.

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LINEHAN: Thank you, Mr. President. I want to take a moment to recognize and thank a young man named Zach Eckert. I met Zach several years ago when he came to Nebraska to help us advance policies to improve educational outcomes for children. His organization, the Foundation for Excellence in Education, was pivotal in providing guidance on how to improve reading outcomes and provided support for K-3 reading bill. Zach also cared deeply about expanding educational opportunities for children. He was smart, passionate, respectful, unassuming young man who gave full deference to the local advocates and was a joy to work with. His work helped improve educational outcomes for children across the country, especially in his home state of Indiana, where he worked as a staffer in the legislature while attending law school. I know from my conversations with lawmakers in Indiana that Zach was a kind of team member on staff we would all be blessed to have and many of us do have. Sadly, Zach passed away suddenly in December 2021. We were thinking of him on Memorial Day. And I want to let his family and loved ones know that his legacy will deliver a brighter future for kids in Nebraska and for generations to come. Thank you very much, Mr. President.

KELLY: Senators, please find your seat. We're on Final Reading. Members, the first vote will be to dispense with the at-large reading on LB92 with the emergency clause. All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

CLERK: 39 ayes, 2 nays, Mr. President, to dispense with the at-large reading.

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

CLERK: [Read title of LB92.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB92 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern,

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Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Machaela Cavanaugh, Day and Hunt. Vote is 46 ayes, 0 nays, 1 present not voting, 2 excused not voting, Mr. President.

KELLY: LB92 passes with the emergency clause. Mr. Clerk, next item on the agenda.

CLERK: [Read LB92A on Final Reading.]

KELLY: All procedures of law relative to having been complied with, the question is shall LB92A pass. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB92--

CLERK: Vote is, vote is 45 ayes, 0 nays, 2 present not voting, 2 excused not voting, Mr. President.

KELLY: LB92A passes. Mr. Clerk, next item.

CLERK: Mr. President, Final Reading, LB157e.

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

CLERK: 42 ayes, 3 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB157.]

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KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB157 pass with the emergency clause. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Day and Hunt. Vote is 47 ayes, 0 nays, 0 present not voting, 2 excused not voting, Mr. President.

KELLY: LB157 passes with the emergency clause. Mr. Clerk, next item.

CLERK: Mr. President, Final Reading, LB227e.

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

CLERK: 41, 41 ayes, 5 nays to dispense with the at-large reading, Mr. President.

KELLY: The large rating is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB227.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB227 pass with the emergency clause. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Day and Hunt. Vote is 47 ayes, 0 nays, 2 excused not voting, Mr. President.

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KELLY: LB227 passes with the emergency clause. Mr. Clerk, next item.

CLERK: [Read LB227A on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB227A pass with the emergency clause. All those in favor vote aye; all those opposed to vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Wayne, Walz, Wishart. Voting no: none. Not voting: Senators Dey and Hunt. Vote is 47 ayes, 0 nays, 2 excused not voting, Mr. President.

KELLY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB92, LB92A, LB157, LB227 and LB227A. Mr. Clerk, next item.

CLERK: Final Reading, LB531, Mr. President.

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

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

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

CLERK: Excuse me, Mr. President. Apologies. Priority motion, Senator Hunt, I understand, wishes to withdraw motion 148.

KELLY: It is withdrawn.

CLERK: [Read title of LB531.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB531 pass with the emergency

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clause? All those in favor vote aye; all those opposed vote nay.
Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Frederickson, Hansen, Holdcroft, Hughes, Jacobson, Kauth, Linehan, Lippincott, McDonnell, McKinney, Moser Murman, Raybould, Sanders, Slama, Vargas, von Gillern, Walz, Wayne-- excuse me. Walz, Wishart. Voting no: Senators Albrecht, Bostelman, Clements, Erdman, Halloran, Hardin, Ibach and Lowe. Not voting: Senators Riepe, Wayne, Day and Hunt. Vote is 37 ayes, 8 nays, 2 present not voting, 2 excused not voting, Mr. President.

KELLY: LB531 passes with the emergency clause. Mr. Clerk, next item.

CLERK: [Read LB531A on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB531A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay.
Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hansen, Holdcroft, Jacobson, Kauth, Linehan, McDonnell, McKinney, Moser, Murman, Raybould, Sanders, Slama, Vargas, von Gillern, Walz, Wishart. Voting no: Senators Albrecht, Bostelman, Clements, Erdman, Halloran, Hardin, Lippincott and Lowe. Not voting: Senators Hughes, Ibach, Riepe, Wayne, Day and Hunt. The vote is 35 ayes, 8 nays, 4 present not voting, 2 excused not voting, Mr. President.

KELLY: LB531A passes with the emergency clause. Mr. Clerk.

CLERK: Mr. President, first item, LB272-- excuse me, LB727, series of withdraws. Senator Linehan, I've got FA117 motion 1047, both with notes to withdraw; Senator Bostar, I've got AM1750 with a note to withdraw that; and Senator Conrad, motion 812 with a note to withdraw. In that case, Mr. President, there's nothing further.

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

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CLERK: 41 ayes, 3 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB727.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB727 pass with the emergency clause. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators DeBoer, Day and Hunt. Vote is 46 ayes, 0 nays, 1 present not voting, 2 excused not voting, Mr. President.

KELLY: LB727 passes with the emergency clause. Mr. Clerk, next item.

CLERK: [Read LB727A on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB727A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wishart. Voting no: none. Not voting: Senators Wayne, Day and Hunt. Vote is 46 ayes, 0 nays, 1 present not voting, 2 excused not voting, Mr. President.

KELLY: LB727 passes-- LB727A passes with the emergency clause. Mr. Clerk, next item.

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CLERK: Mr. President, Final Reading, LB50. First of all, I've got a motion from Senator Hunt with a note that she wishes to withdraw motion 214.

KELLY: It is withdrawn.

CLERK: In that case, Mr. President, Senator Clements would move to return to Select File for a specific amendment, that be to strike the enacting clause.

KELLY: Senator Clements, you're recognized to open.

CLEMENTS: Thank you, Mr. President. And the reason I am standing up here is because of the process. I am object-- objecting to the process used to advance this bill. LB50 is regarding sentencings in justice reform; came from the Judiciary Committee. And Rule 3, Section 17, regarding report of a bill to the Legislature, it said, in reporting a-- reporting a bill to the Legislature, a committee shall vote by a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Senator Geist, on Judiciary Committee, resigned April 6 and then left an open seat for a day. Senator Bosn and was seated the next session, April 11. But that one day when there-- Senator Geist's seat was vacant, there was an exec session held to report LB50 to the floor. And that vote was four yes, two no and one not voting. So this bill came to the floor with four votes out of an eight-person committee, which surprised me. I talked to the Speaker about it at that time, that it-- all the other times on an eight-person committee, you need five votes to advance a bill. And so, I filed this motion just as an objection to the way this was done. It was one day of a vacant seat-- was taken advantage of, rather than going through the entire committee process. On General File, the bill had 27 votes-- the, the different votes. And then there was another 27 votes, then 28 votes. It was just barely making it. But on General File-- and there was objections to some of the provisions. And I heard, well, we'll go ahead and vote for this. We'll fix it on Select and we'll be willing to negotiate. I believe the negotiations were reported to me to be one-sided and not equally weighted. On Select, I see that it had votes of 34, 37 and 35 with different amendments. The last vote to move this bill from Select to Final Reading was 30 votes. And there was, there was much contention on the Select File debate. The county attorneys were not in support of the last version and-- but evidently, there were enough positive items that law enforcement wanted that they did support it. And so it was a split of interest and support on whether LB50 should move ahead. One

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of the provisions on page 84 says, if the committed offender is a qualified offender, as defined in Section 50 of this act, the committed offender shall enter into streamlined parole contract is provided in such section, and at least one parole board member is not in favor of the streamlined parole contract provision. That means that the offender doesn't have to meet with the full pardons board [SIC]. It can meet with two board members and receive parole, is the way I understand it. But no-- none of the victims of that offender would be present in that meeting. And it's not a full Parole Board hearing. And that, I think, could, could be a weakness in the bill. Then, on page 82, a lot of discussion was on the 80 percent rule for a committed offender serving a maximum term of 20 years or less, two years prior to the offender's mandatory discharge date is, is one provision. And then if you're serving more than 20 years, the offender has served 80 percent of the time until the offender's mandatory discharge date, then they're eligible. And I think the 80 percent was not-- that was probably one of the big sticking points is-- from the county attorneys, as I recall. And I do respect the decision of a judge in a courtroom on the time that should be served and the, the 80 percent, I'm not sure if that's a standard, you know, provision in other jurisdictions, but that definitely did cause contention. And I am not willing to vote for LB50 because I don't think the process was properly used. And I am asking for your red vote on this, on this bill, on Final Reading. Thank you, Mr. President.

KELLY: Thank you, Senator. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB531 with the emergency clause, LB531A with the emergency clause, LB727 with the emergency clause and LB727A with the emergency clause. Senator Wayne, you are recognized to speak.

WAYNE: Thank you, Mr. President. Colleagues, let me just start off by saying Senator Geist resigned April 6. Senator Bosn-- I mean, April 5. Senator Bosn was appointed April 6. Two weeks went by before the Committee on Committees met, net to put her on the actual committee. So I talked to the Clerk, I talked to leadership of this body and I talked to other committee chairs. And per pract-- past practice-- this is past practice, when there is no-- when there isn't a full member sat, full member sat, the majority is the majority of the members. And I stand by that. And you can have a conversation with the Clerk and the Speaker if you choose to or any other committee chairs that I talked to and said this is allowable. Second thing: so there was two weeks of delay and I couldn't delay it. The other, other, other reason is-- the reason we kicked it to the floor was to force the

conversation. And to say that it was one-sided, Senator Clements, let me tell you who was in the room. Lieutenant Governor, Governor's staff, Attorney General, Attorney General's staff, two prosecutors, law enforcement, law enforcement lobbyists and myself. I don't know how that's me outweighing and me overstacking the other people in the room, when clearly, I was the minority on the side of passing LB150-- LB50. And to me, that's besides the point at this point, because we worked with the parties. Second, I need to clarify the AG's Opinion, just to be transparent. During that morning we were all in the room and they all agreed. I took that as support, so I'm falling on the sword. The AG has removed his opposition and is in neutral, not support. For those who know the difference between that, one means that they're neutral, one means that they support. When I left the meeting, I was under the impression that he was fully support. And it wasn't till after we moved forward he was like, now we're more neutral. So I, I will stand by and correct that for the AG because I appreciate Mike Hilgers and what he's done to move this along. I also handed out, that everybody should have got in their email, from the Omaha Police Officers Association of why they support the bill. I handed it out. There was a mixup on the back page, so you might not have got the back page, so, so read your email. But I just want to quote one part. We firmly believe that LB50 represents a significant step towards a more effective criminal justice system. It's a provision-- this-- its provisions tackle crucial issues while promoting rehabilitation, victim support and public safety. As an organization, we are proud to support this bill and urge your continued support. Again, from day one and this was about public safety, I wanted to make sure that the front-line people and the front-line individuals had a voice and make sure they were heard. And their concerns were slightly different than the county attorneys. At the end of the day, they wanted to make sure we create a framework, which I think we're doing now with the committee, to move forward and look for a more effective and efficient criminal justice system. I don't like the word reform. I'm not trying to reform anything. I want to make sure it works. I want to make sure our taxpayers are getting the bang for their buck, that if we have to build two additional prisons, we at least understand the data and the reason why behind it. Right now, we are literally building a prison that we know will be overcrowded the first day. And so, we are put in a framework with this committee to do that. The last thing I will say is in this bill is Senator Brewer's bill that makes sure every correction officer has a Kevlar vest to protect from being stabbed. Why is that important? Because yesterday, 5-7 correction officers were assaulted and stabbed.

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This is critical to help them to make sure that they're being protected on the inside. So this bill is a combination of multiple bills that were introduced. We brought them all together and we put a plan together and we negotiated everybody in good faith to get to where we are today. I can go into--

KELLY: One minute.

WAYNE: --more detail about 85 versus 80, but to me, that isn't the issue right now. If it comes up, I'll, I'll be happy to answer any questions. But I wanted to address Senator Clements' concern directly, that now, on Final Reading, is a concern, that this was done per our Rules within our Rules. And at the end of the day, you also heard multiple committee members stand up and say they support the amendment. So to me, that's water under the bridge. But it was within our Rules and per our Rules. Thank you, Mr. President.

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

BOSTELMAN: Thank you, Mr. President. Good morning, colleagues. Good morning. Nebraskans. I do support Senator Clements' motion to return to Select File. I did oppose this bill previously. I continue to oppose this bill for a number of reasons. One of them is I don't believe that this is a bill that you can put enough good things in to make it better. So a number of bills were put in here to get votes in order to pass the bill, which I think has some significant issues. I think Senator Bosn had spoke about it on the mike last time, on Select File. I think there was an agreement when it went from General to Select that these things would be worked out and I don't think they were fully. And my biggest concern with this, is, is what I have talked with my county attorney-- attorneys and as well as what we see received from the county attorneys themselves, with their concern of and I'll read again, from their letter, that talks about the-- significantly weakened the habitual criminal enhancement. Even under the latest amendment from Senator Wayne, which now is a bill, the enhancement would not apply to serious crimes, including kidnaping, robbery, burglary, arson, certain assaults, pandering, certain crimes of a child abuse, sex trafficking, human trafficking, child pornography, drug distribution, strangulation, assault of an officer and other serious felonies. This habitual criminal enhancement as current law is important to hold the most serious, the most serious offenders accountable. Make offenders parole eligible much sooner. Under our current law, offenders are already released after serving

only one-half of their sentence. This often overlooked aspect of criminal sentencing is one of that prosecutors are challenged by daily, as we explain the impact of any given sentence to a crime vict-- to a crime victim. Offenders already only have to serve one-half of their original sentence. Under the new amend-- the bill, a, a criminal sentenced to 30 years for a serious felony would become parole eligible at 12 years. Someone sentenced to 50 years will be parole eligible in 20 years. Currently, in the letter, it says the provisions apply retroactively and would impact victims who perpetrators are currently behind-- perpet-- perpetrators currently behind bars. When I spoke to my county attorneys on the phone and in an email, their concern was and is and remains, that there will be serious offenders, serious crimes that will not be able to be prosecuted because of the language-- the current language in the bill. If you don't think sex trafficking and human trafficking is an issue in Nebraska, I've got news for you. It is. It's serious. We have serious problems in this state with that. And law enforcement and our county attorneys and our Attorney General's Office are working hard at stopping these offenses of sex trafficking and human trafficking in this state. I don't want to see anything lessened, reduced or allowed these habitual crimes or criminals to not to be charged and prosecuted accordingly for these serious crimes. That is im-- the most part of why I am opposed to this. Again, when you put enough good bills into a bad bill, it doesn't make it a good bill. We can take this, next year and we can, I'll say fix it next year. I don't know if it's a fix, but we can correct it next year, so that we're--

KELLY: One minute.

BOSTELMAN: --we make sure that those habitual criminals of serious, serious crimes are included, are being able to be prosecuted accordingly. And right now, I do not believe that that is the case. And that is a-- to me, it's a serious flaw within the bill and why I do oppose this-- the motion to return to Select. And I would urge you to support that and vote no on LB50. Thank you.

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

LOWE: Thank you, Lieutenant Governor. And I stand in favor of FA200, from Senator Clements, to return to Select File. I stand opposed to LB50, again and still. The-- I was at the memorial service at the Kearney Cemetery this last Monday and I was speaking there. And after I got done speaking and the service was over, a fellow walked up to me

that I didn't recognize, because I recognized most everybody that was there. And he, he thanked me for the speech. And then he goes, please don't do anything like what Colorado is doing. They're giving the, the convicted felons more rights than they are the victims. And I said, funny you happen to say that. We are discussing that bill right now on the floor of the Legislature. And I have been standing up opposed to that bill. He says, I'm considering moving back to Nebraska because Colorado is not safe anymore. And he pleaded with me to not to let this bill pass. I've been talking to a fellow from the Parole Board out in the lobby. And he says the numbers that we're given to get this bill this far were wrong. It said that there were 829 unsupervised releases that were done in 2022. Well, 468 of those 829 unsupervised releases weren't going to be supervised anyway. They were just released, because that's the way the law is already written. So this won't help that many people. The Parole Board stands by itself. It is not under us. It's not under the Govern-- Governor. It stands by itself and that's the way it should be. To protect themselves and to protect other entities, it, it falls on their shoulders. This bill affects them. That's not right. It's, it's going to put an undue--due burden on them. I talked with the, the fellow, the Parole Board member, and he said that some of their hearings for a single parolee or a, a person that's up for parole will last an hour and a half. So it's not a very quick thing. We need to think about how we're doing this. I mean, already, if you get a 20-year sentence, you're only going to serve 10 years and then you get good time on top of that. So as a victim, you think, OK, that guy is going to go away for 20 years. No. He'll be out by the time your daughter is out of high school. We need to protect the citizens of the state. And for these people that have gotten the felonies, they need to serve their time. We need to protect the people of the state of Nebraska that are innocent, that have become victims.

KELLY: One minute.

LOWE: Thank you, Lieutenant Governor. It is our job to do that. It is our job to either pass a bill or keep a bill. So today, I believe we need to keep LB50 and return it to Select File, so we can have more discussion on this next year. I believe that is the right answer. So I'm going to vote yes on FA200 and no on LB50. Thank you, Lieutenant Governor.

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

HOLDCROFT: Thank you, Mr. President. And I rise in favor of LB50 and opposed to the return to Select File motion. And I, I was par-- I am a member of the Judiciary Committee and I was there for the exec, where the-- where, where it was for-- the bill was forwarded five, two and one. And I was one of the two opposing. But I have to tell you that after that event, the committee continued to meet on LB50 and included 7 hours of exec on LB50 to try and, and shape it back to something that, that was acceptable to the Governor and the AG and the, and the county attorneys and the law enforcement. And I think we got very, very close. I would like to go back to the letter that Senator Wayne mentioned and read a little bit more about it, because I think it has a nice summary of the good things that are in LB50. And again, this-- you should have received this, this morning by email. But I'd like to read it for the audience. It says, Dear Senator, the OPOA, the Omaha Police Officers Association and the Nebraska State FOP proudly support LB50, an important piece of legislation that addresses various facets of our criminal justice system. This bill embodies our organizations' core values and aims to enhance public safety, promote fairness and foster rehabilitation. The following key provisions make this bill a key step forward for our criminal justice system, assisting our organization in creating a safer environment for the law enforcement officers and the public we serve. And I'm just going to read the bullets, not the full content. But the bullets say: this bill includes expansion of problem-solving courts, improved law enforcement access to probation information, increased funding for probation programming, a pilot program for assistant probation officers, prioritizing restitution payments to victims, task force for sentencing guidelines and criminal justice issues and finally, parole eligibility hearing at 80 percent of sentence. We firmly believe that LB50 represents a significant step towards a more effective criminal justice system. Its provisions tackle critical issues which-- while promoting rehabilitation, victim support and public safety. As an organization, we are proud to support this bill and urge your continued support. Sincerely, Anthony Conner, OPOA President. Thank you, Mr. President.

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

IBACH: Thank you, Mr. President. I agree that this bill was brought out of committee in a very unique fashion and I've mentioned that before. But I think we've worked through a lot of those issues on the floor. People have had really good discussion about it. Ironically, when I arrived at the Capitol this morning, my-- county judge from Dawson County was sitting or standing outside my door and-- Judge

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Doyle. And I respect him very much. I've shadowed him at the courthouse in Lexington a couple times and I respect his opinion very much. And I visited with Senator Wayne after his-- he actually was meeting with Senator Wayne. But I was able to sit down with him and discuss the, the bill a little bit more intensely. And his comment to me was, I think you should vote for it. Let's not get perfect, get in-- let's not let perfect get in the way of good. And so after my conversation, my discussion with him, I would urge support of LB50 because it does have a lot of good things in it that make sense for Nebraska. Thank you, Mr. President.

KELLY: Thank you, Senator Ibach. Seeing no one else in the queue, Senator Clements, you're recognized to close on the floor amendment.

CLEMENTS: Thank you, Mr. President. As Senator Wayne mentioned, five staff were attacked by inmates at RTC yesterday. And public safety is the number one job of corrections. I don't want this bill to cause violent offenders like those to be released before they're really ready and endanger public safety. In my opinion, there are enough objectionable provisions to stop LB50 now and to come back next year. I agree with Senator Bostelman. Thank you to him for his comments. And so I would ask for your green vote on FA200 to return to Select File. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Members, the question is the motion to return to Select File, FA200. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 15 ayes, 31 nays on the motion to return, Mr. President.

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

CLERK: 40 ayes, 8 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB50.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB50 pass? All those in favor of vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Blood, Bostar, Brandt, Brewer, Cavanaugh, Cavanaugh, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hansen, Holdcroft, Hughes, Hunt, Ibach, Jacobson-- excuse me-- Ibach, Kauth, Linehan, McDonnell, McKinney, Raybould, Riepe, Sanders, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: Senators Albrecht, Ballard, Bosn, Bostelman, Briese, Clements, Erdman, Halloran, Hardin, Jacobson, Lippincott, Lowe, Moser, Murman, Slama. Vote is 34 ayes, 15 nays, Mr. President, on advancement of the bill.

KELLY: LB50 passes. Mr. Clerk, next item. With the-- Mr. Clerk, next item.

CLERK: [Read LB50A on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB50A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Blood, Bostar, Brandt, Brewer, Cavanaugh, Cavanaugh, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hansen, Holdcroft, Hughes, Hunt, Ibach, Jac-- Kauth, Linehan, McDonnell, McKinney, Raybould, Riepe, Sanders, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: Senators Albrecht, Ballard, Bosn, Bostelman, Briese, Clements, Erdman, Halloran, Hardin, Jacobson, Lippincott, Lowe, Moser, Murman, Slama. Vote is 34 ayes, 15 nays, Mr. President, on adoption of LB50.

KELLY: LB50A passes. Mr. Clerk, for the next item.

CLERK: Mr. President, a single item quickly. Senator Day, an explanation of the vote will be filed in the Journal. Next item on the agenda, Mr. President, LB514, from Senator Brewer. Senator Slama would move to recommit the bill to the Government Committee, motion 1092.

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

SLAMA: Thank you, Mr. President. And good morning, colleagues. I'm going to give the all-call here, of if you want to go check out and have a two-hour long lunch, like, please feel free. When I make a promise on the mike, I-- one of my biggest pet peeves is when somebody makes a promise to filibuster or, or go after a bill and then they don't follow through with it. I'm really honest in-- when I say I'm going to filibuster this bill every step of the way, even if it's the last bill on the last day, which I'm pretty sure that was for a

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reason. I am going to take this 2 hours. I'm going to take it to cloture. The Speaker does have a choice here, in that if he wants to invoke cloture after 15 minutes rather than 2 hours, I'm cool with that. I won't object. But we'll put that on the Speaker as to how long this is going to last, because I'm ready to go for 2 hours with procedural motions and floor amendments just to make sure we've got time for the full two. And I'm going to pull these as I get to the closing so there won't be any votes. I'm going to be-- continue to be consistent on that front of yes, if you decide to check out and go have lunch, you're not going to miss a vote. I've got you here, but I am going to spend whatever time I have left talking on this bill with the clear constitutional and administrative issues that we're, as a body, probably going to end up passing with LB514. And I'd like to start and frame this with the two documents that I've turned in to the Attorney General's Office, outlining my concerns that I am hoping he will review and get feedback to us on. So my first one was sent a few days back. Attorney General Hilgers, I'm requesting an Attorney General's Opinion on the constitutionality of LB514, as it stands amended by AM1801. Specifically, I'm concerned with the language surrounding-- and the use of the term, quote, reasonable impediment, end quote. The use of that term in the statute without definition, while also mandating terms on the certificate that may or may not limit what qualifies as a reasonable impediment, will cause the certification to be ambiguous, confusing and contradictory. Therefore, the bill will fail, fail a rational basis test. And that's with a citation to the on-point Missouri case, *Priorities USA v. State*, 2020, out of the Missouri Supreme Court. Please let me know your findings at your earliest convenience. Thank you for your consideration. And then the second letter that I sent in yesterday, it was just based on the more fleshed out review I was able to have on the mike for 4 hours on the last time this was up on the floor. And that says, Attorney General Hilgers, I'm writing to add to my request for an Attorney General's Opinion of LB514 on May 30, 2023. In addition to the issues raised herein, it has come to my attention that the early voting envelope form required by Section 16 of the bill may also fail a rational basis review. Specifically, Section 16 requires an early voting envelope to ask the voter to provide their Nebraska driver's license or state identification number, provide a photocopy of a valid photographic identification or provide a reasonable impediment certification. That's AM1801, so the final form of LB514, Section 16. The voter must declare, under penalty of election falsification, that if they have not provided an identification number, they have enclosed a photocopy of a valid identification or a reasonable impediment form.

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Nebraska Revised Statutes 32-1027(4) (a-c) are unchanged by the bill, meaning that under those circumstances, an election official would not be able to consider whether an ID number or an ID had been provided, in determining whether an early vote should be counted. So we're saying that our county election officials can't even check. And this is doubled down in Section 19, subs(a-e), that no matter what's on that card, the county election official cannot verify that ID number and that ballot must be counted. Further. Nebraska Revised Statute 32-1519(1) (b) makes it a misdemeanor for an election judge-- so your county clerks, your county election officials-- to accept a ballot from, quote, from any person who refuses to answer any questions which is put to him or her in accordance with the Election Act. That's Nebraska Revised Statutes 32-1519(1) (e), which makes it a misdemeanor for an election judge to refuse or reject a ballot from, quote, any registered voter at the place where such registered voter properly and legally offers to vote, end quote. It would be difficult to imagine how Section 16's requirement to provide an ID number or a photocopy of an ID would not qualify as quote, question put to him or her in accordance with the Election Act under 32-1519(1) (b). Therefore, any election judge that accepted a ballot for counting without one of these pieces of required information would be guilty of a misdemeanor, Class III. However, 32-1027(4) (a-c) clearly lay out the required information for an early ballot. An ID number or ID is not one of them. Therefore, it would appear certain an election judge who rejects a ballot that does not have one of these but otherwise complies with 32-1027(4) (a-c) is violating 32-1519(e) because the voter is quote, legally offering to vote according to the requirements of 32-1027(4) (a-c). Therefore, the statutory scheme requires a voter to provide this information on their identification envelope, while also not requiring it to determine the acceptance or rejection of their vote. In fact, by limiting consideration to other items with the language quote, shall be accepted for counting without further review if, end quote, it bans the consideration of whether such information was even provided. At the same time, it tells election officials that they cannot accept envelopes that do not have this information, but must accept envelopes that do not necessarily have this information. And if that sounds confusing, it's because it is. Those sections contradict each other. This statutory maze, which does not appear resolvable, would certainly place an undue burden on the right to vote and may also be void for vagueness, in terms of criminal enforcement against both voters and election officials. While the principle of constitutional avoidance could potentially be employed to interpret 32-1027(4) (d) as applying to all early ballot, as the new language in

32-318.01 requires all voters to present an ID. That is inappropriate here for three reasons. First, such an interpretation would render 32-1027(4) (a-c) superfluous. Second, the statute provides no direction of how an election official would or could know that such an ID had been presented. Third, it would set up an equal protection issue, where a voter who votes in person has until the Tuesday following the election to cure the failure to present an ID, but a voter who votes early only has until the close of the polls on election day. So we're saying there's two different approaches: whether you vote by mail and end up provisional or if you vote in person and end up provisional. If you vote by mail, you only have until the end of the day on election day to cure. And if you vote in person, you only-- you have a week after election day to hear. So you can't have those two separate standards. If you compare those sections, it pretty well outlines it. Therefore, rather than avoiding a constitutional question, such an interpretation raises another one. In addition to the issues raised in my letter of May 30--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- May 30, 2023, I'm requesting you address this issue, as well, in your Opinion of LB514. Sincerely, Julie Slama. And I'm reading these because I think it's really key to outline. And I'm genuinely surprised NACO hasn't looked at this and engaged. Because if you review the reasonable impediment language present in Sections 10, 11 and then 17-19, the contradictory and ambiguous language is setting up county clerks to be committing Class III misdemeanors when they're just trying to do their jobs. I don't want to stand here and do something that I believe violates the Constitution and puts our county election officials at risk of criminal liability when they're just trying to do their job. It's hard enough to recruit election volunteers. This adds another layer to it. And I'll spend as much time as I have. Again, the Speaker is free to do cloture 15 minutes in. That's fine.

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

KELLY: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB50 and LB50A. Senator Slama, you're next in the queue.

SLAMA: Thank you, Mr. President. And I'm just going to reiterate again, for the good of the cause, if you want to go get lunch, totally fine. We've got time. Leaving it up to the Speaker as to whether he wants to invoke cloture at 15 minutes in or 2 hours in. That's up to him. I'm fine with either, but I will be taking this bill to cloture, because I look at the provisions in LB514 and I see a voter ID framework without voter ID. We had hundreds of thousands of Nebraskans vote in favor of a constitutional amendment, through Initiative 432, to add a CA to the Nebraska State Constitution. That's a strict voter ID language. It's strict-- you can't really work around it. There are other states that play fast and loose when it comes to voter ID. They have an entirely different framework in place. If you look at the language in the Nebraska State Constitution, we can't have the same loopholes. We can't have the same workarounds that other states who have voter ID-lite get to have. This is voter ID without the voter ID. And along with it comes very confusing language that's going to end up putting our county election clerks at risk for criminal liability. And so, I'm going to hop in and just re-outline my concerns with the constitutionality of LB514. And I've just been sticking to my concerns about the constitutionality of LB514. I could go for another 20 hours on the problems on the administrative side, much as I touched on with the Attorney General's letter of how there's conflicting language that makes it impossible for a county election commissioner to have a clear idea of what they need to do in order to properly run elections. And a lot of that falls to the ambiguous language that we find with the reasonable impediment catchall, that essentially says any Nebraskan who checks the reasonable impediment box doesn't have to show their ID in order to vote. So I'm going to start off with Section 5 of LB514. And if you're interested, I mean, please feel free to follow along in LB514. And if you want to engage and disagree with me on any of these points, I'd love to hear it. Because right now, I know what the numbers are going to be, but we have to build the legislative record. And I would love for somebody to challenge me, so that when the courts look at this, it's not just me very clearly rattling off obvious constitutional issues with this bill. I'd love to get the other side involved and directly address these concerns. And again, this isn't anything personal against the Government Committee or anybody in here for voting for this. The language of this bill lies at the feet of the person who wrote it. And that's Secretary of State Bob Evnen. So when you're wondering why we have voter-- a voter ID constitutional framework passed by the Legislature, without any real voter ID, that lies at the feet of the Secretary of State, not anybody here. Because everybody here was told this is a clean bill by the Secretary of

State's Office. Of course, that happened before the Attorney General was even able to review the amendment. So that raises some questions in itself. So back to my constitutional concerns with this bill. So we'll start with Section 5, which violates the National Voter Registration Act, the NVRA. Secretary Evnen said that he would use Section 5 of his amendment when people register to vote so as to prevent non-citizens from getting on the voter rolls in the first place. That is simply not what his amendment does. Section 5 of the Evnen AM states: and the Secretary of State shall develop a process to use the information in possession, in possession of or available to his or her office to match and verify the citizenship of the corresponding registered voter.

KELLY: One minute.

SLAMA: Thank you, Mr. President. So the key two words here are the use of the term registered voter rather than applicant or some other term. But it clearly shows that it only applies to somebody who is already registered to vote. Removing someone who is already registered to vote is a clear violation of the NVRA. And that indicates that a registered voter can only be removed from the voter rolls in four very specific situations. I will come back to those on my next turn on the mike. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Kauth has guests under the north balcony. They are Bob and Bonnie Kauth, her parents; Collin Kauth-Fisher, a son; Brendan Kauth-Fisher, a son; Aiden Kauth-Fisher, a son; and friends, Rachel Raasch and Cailin Tabbert. Please stand and be recognized by your Nebraska Legislature. Senator Slama, you're recognized to speak.

SLAMA: Outstanding. Is this my last time before the close?

KELLY: This is your last time before your close, yes.

SLAMA: Outstanding. Thank you very much. And if anybody wants to hop in and yield me time, that's fine too. I don't necessarily need it, but it would be great to not have those breaks in between and save Brandon a lot of back and forth. So back to Section 5 of LB514 as it's amended by the Secretary of State's amendment, it violates the NVRA in using the term registered voter as someone who's going to be automatically removed from the voter rolls without any sort of due process. When we're looking at the NVRA, it indicates that a registered voter can only be removed from the voter rolls in four very

specific situations: the voter requests to be removed, the voter died, the voter moved and certain criteria were met or the voter was convicted of a crime that disqualifies them from voting. A simple citizenship check utilizing DMV data prior to removing a person from the voter registration rolls does not fall into any of these very specific and limited categories. That is why my amendment requires investigation and a conviction before you eliminate somebody off of the voter rolls. An investigation must be had to properly ensure that the voter is in fact someone that needs to be removed from the voter rolls and an investigation by the Attorney General's Office only after enough evidence has been discovered to confirm that the individual being removed has committed voter falsification. Secretary Evnen's amendment is a clear violation of the National Voting Registration Act. And it's outlined why Section 5 is a problem. I'd like to outline two separate scenarios. First, I have a wonderful father-in-law. His name is David La Grone. He works for the U.S. Army Corps of Engineers. And if anybody knows what my relationship with the U.S. Army Corps of Engineers is like, it's not pleasant. But he's a wonderful human. He's very kind. The problem that he has faced is there is a David La Grone that's not him, that has a tendency to commit a lot of felonies. So that David La Grone is on the no fly list. Every time my father-in-law, David La Grone, tries to fly and this happened for like 10 years, his name would pop up and he gets shuffled away to a room and questioned until he could prove that he's not the David La Grone who commits a ton of felonies on a very regular basis. We have a lot of people in the state of Nebraska with the same names. It goes without saying that a person by the name of Jim Smith or some other, like John Doe or whatever generic name you might want to have, might be convicted of a crime that automatically removes them from the voter rolls. Now, when you do the DMV information search, there's no real different-- differentiation between Jim Smith 1 and Jim Smith 2. So you could very easily be in a situation where some unassuming person with a generic name-- like, there's like three Julie Slamas in the state of Nebraska, so we're not even talking about really generic names-- to where one of those people could be removed from the voter rolls without due process, not being notified that they were removed from the voter rolls without any further investigation into having them prove that they are who they say they are and then, show up to the polls on election day to vote, accidentally vote without their name being on the voter rolls and commit a felony. We're saying under the language in Section 5 here that we're not going to give anyone due process to prove up that they are who they say they are. And we're lining them up for criminal liability, just--

KELLY: One minute.

SLAMA: --for going to vote and happening-- thank you, Mr. President-- and happening to have a name that's similar to somebody else that should, that should have been kicked off the voter rolls. Another example that we're going to run into here is with new immigrants to the state of Nebraska. I'm very pro-legal immigration and I want those who choose to go through the process and become citizens in the United States to enjoy all the freedoms that we have here. Like, God bless the people who decide to go through the system and make it through the legal way. The problem is with this check, that person who becomes a citizen in the interim, like they show up on a green card or something and a few years later, they get granted citizenship, their name is not going to pop up when they try to-- when they register to vote. They're going to be removed. We're going to be removing these new citizens if they don't line up with the DMV motor voter data. There's no way to check that this person is legitimate or not within the system that Secretary Evnen has lined out. So we're liter--

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

KELLY: And you are recognized to close on the motion to recommit.

SLAMA: Outstanding. So this new immigrant that's come to Nebraska, who's been sworn in, who has all of the freedoms of anybody else who's a citizen of the United States, can be removed from our voter rolls. I mean, as soon as I-- every new immigrant that I've talked to, as soon as they're sworn in as a citizen, one of the things that they're most excited for is gaining the ability to vote. Because odds are, they came from a country where the right to vote is a, is a tough thing to get, whether they came from an oppressive government, they didn't really have the choice to vote in elections. Overwhelmingly, people who are newly sworn-in citizens of the United States are most excited to vote. So they get sworn in. They're citizens of the United States. They register to vote. But they're going to ring up, after they've already registered to vote, on the DMV's data as likely having a driver's license of somebody who has a green card who's not eligible to vote. Of course, this new citizen of the United States isn't going to be notified of that and won't be able to produce any evidence to the contrary that they've become a citizen. And they're going to show up because they know nothing of this going on and end up committing a felony, because in this Section 5 language, we're not giving them any

due process. We're not giving them any chance to prove up that they're a legal citizen who's rightfully entitled to vote in the United States. This is bad news not only for those voters, but for our county election clerks, as well. Because if they refuse to let this new citizen come in and vote, they're in violation of 32-1519 and they themselves could be committing a Class III misdemeanor through no fault of their own, through only the fault of the framework that we're putting forward in LB514. So that's why this Section 5 language is so problematic. It's a clear violation of the National Voting Registration Act. Now, next up and I think the real meat of the problems with LB514, lie in the reasonable impediment language, the thing that's intended to be a catch-all for anybody who doesn't want to show an ID in order to vote. So that's encompassed in my objections to Sections 10 and 11. And if 10 and 11 are stricken, that objection runs into my Section 12 objections, which is if somebody with a religious belief that means that they cannot be photographed. And it also stands in clear conflict with Sections 17-19. So 10 and 11 stand in clear contrast to Sections 17 and 19 and again, put our county clerks in a bad position, put our voters in a terrible position and create a gray area that's going to be insurmountable, because of its ambiguity, because of its contradictory terms, because of everything else that the Missouri Supreme Court looked at in *Priorities USA versus-- its Priorities USA versus--* sorry. [INAUDIBLE]. OK. It was the state of Missouri. In 2020, that was struck down because it failed to pass a rational basis test. Now, when I'm talking about rational basis test, I mean the lowest standard of review, of review for the courts. And we have a case on point, from 2020, Missouri Supreme Court, that outlines a very similar approach to reasonable impediment in affidavit language that failed to even pass the rational basis test when the Missouri Supreme Court looked at it, because it's clearly ambiguous and contradictory and confusing to both the voters and the county clerks. So before we get into that, that's going to take a full 10 minutes--

KELLY: One minute.

SLAMA: --I think. So I just would like to remind anyone that Speaker Arch is free to invoke cloture at, seriously, any point of this, whether it's 15 minutes or 2 hours, I really don't care. But also, I was the one who, on General File, was like, all I need is a commitment from the Speaker that we would look at these constitutional issues between General and Select. And I went 4 hours without an answer there, so I'm really not expecting an answer here. So buckle up, go

get yourself some lunch and we'll carry on. And I'd like to withdraw that motion. Thank you, Mr. President.

KELLY: It is withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator Slama would move to return the bill to Select File for a specific amendment, that being FA132 to strike the enacting clause.

KELLY: Senator Slama you're recognized to open.

SLAMA: Thank you, Mr. President. And like, here's the crazy thing of the layout of this debate in that, procedurally, I've always had control of this bill as to whether or not amendments could be attached. And the powers that be knew that and especially the Secretary of State's Office were not willing to negotiate in good faith. So even if they were to bring something that they thought would fix the issues, I've seen the compromise amendment that's been put up on Final Reading. To that end, it doesn't address those problems. And moreover, it wasn't achieved in negotiations with me. Like, I have so many amendments filed on this for Final Reading. I had so many amendments filed on this on Select File, all the motions. Like all you have to do is get on the Nebraska Legislature's website and go, well, gosh, maybe we should negotiate with the person who was the chair-- who was the spokeswoman for voter ID, not only because she was the one carrying the baseline bill, that we've now cut out of the process, but also, she's the one who gets to decide what gets attached to this bill now. Because she was quicker to the punch in filing the motions, the amendments and I've done this all without taking gratuitous votes, without bringing up a reconsider, without doing some of those procedural games. I was never hiding the ball. I've spent the last 12 hours on this bill saying, let's work together to solve these problems. I've pitched a bunch of different ideas, ideas. I've negotiated in good faith. And honestly, I think, over the Memorial Day weekend, I thought we were getting somewhere. We were within like one issue of me getting on board with, that everything would have been fine. I then found out that once we got to that single issue that we were negotiating in the compromise amendment, that the Secretary of State's office added, at the last second, a laundry list of other demands. Like the Secretary of State can totally add that laundry list of demands if they have control of the bill. And they don't. So that's where we are-- where we're at today. And I just wish, in my heart of hearts, that it didn't have to be this way. It never, ever had to be this way. But during this process, the powers that be decided to work

with, exclusively, the groups that have been opposed to voter ID and the implementation of voter ID every single step of the way. They've decided to cut out people like me and Senator Erdman, who brought strong voter ID bills, to cut us two out of the process and to rely entirely on the Secretary of State's Office, who, mind you, is batting 0 percent when it comes to defending the constitutionality of something at the Nebraska Supreme Court, as Secretary of State. Like he's 0 for-- when taking to court to challenge or support the constitutionality of something that either is a ballot initiative or something passed by the Legislature, 0 for 3. But yeah. Let's take legal advice from him. Enough of that. I, I digress. And let's get back to Sections 10 and 11 of LB514. So Sections 10 and 11 of LB514 place undue burdens on the fundamental right to vote. Sections 10 and 11 of Secretary Evnen's amendment are unconstitutional because the affidavit requirement it creates is both confusing and ambiguous and fails even a rational basis review under United States constitutional law. So as I've told you time and time on the floor again, like when something fails rational basis, you know it's real bad. Like the courts give so much leverage, they will bend over backwards to try to save your law when you're just operating at rational basis. But if you get struck down through a rational basis analysis, it's like the court sending you a direct message to go directly to jail, do not pass go, do not collect \$200. It really takes a lot to fail a rational basis review. And somehow, Nebraska, in drafting this Evnen amendment language, failed to take into account the lessons learned just a few years ago in Missouri, about what happens when you have ambiguous language in an affidavit that voters have to sign. So let's get into specifics as to why the amendment fails to pass muster for rational basis. Under both the United States Constitution and the Nebraska State Constitution, voting has been found to be a fundamental right. Burdens on this long-recognized, fundamental right to vote are subject to two different levels of scrutiny, depending on the burden imposed on the voter. The level of review that is relevant here is rational basis review. And we can say it's rational basis review. There might be a debate that it has to go up to strict scrutiny, but I'm analyzing this on the basis of rational basis because of the Missouri case, which found we don't even have to determine which level we have to analyze this under, because lowest level doesn't even pass muster here. So I'm, I'm analyzing Sections 10 and 11 by the lowest possible level, level, because it doesn't even pass that. We don't have to worry about strict scrutiny because we can't even pass rational basis tests with this language. So in the case I'm talking about, directly on point, *Priorities USA v. Missouri*, the Missouri Supreme Court found

that a confusing and ambiguous affidavit file-- failed rational basis review and was therefore unconstitutional. Let me re-emphasize that. On a case directly on point, as in a case with fact patterns nearly identical to our situation here, a court disregarded an affidavit because it was unconstitutional. So in the legal field, we call this a cattle case like it is the case of dreams. Like, law school students, associate attorneys that are stuck doing research for partners, like, this is the case of dreams for them. Because all you have to do is print this off and wave it in the air and go, look, the court has already ruled on this point, very clearly, with a fact pattern that's nearly identical to ours. So we don't have to look very far or wait for a court to decide on an issue like this, because they already have. Now, let me go further into the details on why the Evnen amendment and the affidavit found in Sections 10 and 11 of the Evnen amendment are unconstitutional. The Evnen amendment, on the affidavit, says that a voter who has a reasonable impediment to voting does not have to show an ID, but it does not define what a reasonable impediment is. The voter has to fill out an affidavit claiming a reasonable impediment. The affidavit restricts the voter to three possible reasonable impediments in the statutory language. But a voter may legitimately believe that their circumstances qualify as a reasonable impediment under the amendment language, but not listed on the affidavit. If the amendment wanted to limit reasonable impediments to those listed on the affidavit, it should say so, both in the text of the amendment and on the affidavit. So that's like saying we need to set a ceiling rather than a floor. The language of Sections 10 and 11 say that the affidavit shall include the following three bullet points: religious objection to being photographed, disability or illness and-- gosh-- one other one. Let me see if I can find it real quick. I'm spacing on the third one. But that's setting a floor, it's not setting a ceiling. So that creates ambiguity and confusion as to what counts and what doesn't. So because we're setting a floor rather than a ceiling, the affidavit is ambiguous and confusing to the voter. Under the logic of the Missouri Supreme Court then, it fails rational basis review. And here's another area where county clerks could find themselves in a misdemeanor. If they're working with a voter who says they have a reasonable impediment and the county clerk says, OK, here are your three options for reasonable impediment. And the voter goes, well, I'm not disabled, I'm not ill, I'm-- don't have a religious objection to being photographed and the county clerk goes, no, it's fine. Just check one of the boxes and you're going to be fine. Well, that's just opened that county clerk up to criminal liability because of the ambiguity of this language.

KELLY: One minute.

SLAMA: Thank you, Mr. President. While the Missouri Supreme Court case is not controlling, a Nebraska court or a federal court would analyze the amendment under that same standard. Therefore, we can be confident that this amendment places an undue burden on, on the fundamental right to vote under both the United States Constitution and Article I, Section 22 of the Nebraska Constitution. I will continue this discussion of Sections 10 and 11 on my next turn on the mike. But again, this is Speaker Arch's choose your own adventure as to when he wants to do cloture. So thank you, Mr. President.

KELLY: Thank you, Senator Slama. And you're next in the queue.

SLAMA: Sweet. So Section 10 and the associated sections of Secretary Evnen's amendment, which, a quick aside. When I say it's Secretary Evnen's amendment, I'm saying that Secretary Evnen not only wrote the amendment, but then had his Deputy Secretary of State for elections in the original Government Committee executive session, for this vote. So this qualifies very much as the Evnen amendment, no matter who wants to push back on that. He's the one who wrote it. He's also the one who had his chief deputy sit in on the Government Committee's executive session the first time around and give a sales pitch as to why his amendment is preferable, which is super handy for me, because it was able to get that executive session thrown out and give me a little bit more time to counter the points that were raised in that executive session that I had no idea was coming. So Section 10 and associated sections of Secretary Evnen's amendment violate Article I, Section 22 of the Nebraska Constitution, by failing to actually implement the voter ID provisions required by that article. Before casting a ballot in any election, a qualified voter shall present a valid photographic identification in a manner specified by the Legislature to ensure the preservation of an individual's rights under this Constitution and the Constitution of the United States. It requires the Legislature to pass a law that says how, how someone can show an ID, not whether they can show an ID. At the same time, the hierarchy of laws demands that this provision be passed-- that passed by the voters, be interpreted as consistent with the United States Constitution. In Crawford v. Marion County Election Board, the United States Supreme Court found that under the U.S. Constitution, there are only select groups of individuals that may receive special accommodations under voter ID laws. They include elderly persons born out of state who may have difficulty obtaining a birth certificate, persons who, because of economic or other personal limitations, may find it difficult either

to secure a copy of their birth certificate or to assemble the other required documentation to obtain a state issued identification, homeless persons and persons with a religious objection to being photographed. That's that Crawford case from 2008. When you take that with the Nebraska constitutional amendment-- oh, and that was Supreme Court, so it's directly on point here. Taken with the Nebraska constitutional amendment, what this means is that the Nebraska Legislature must pass a law implementing voter ID that only one, makes an exception for those with a religious, a religious objection to being photographed and makes accommodations for all other groups mentioned by the Supreme Court. If we cannot make accommodations for those groups, then they, too, would be exempt. However, the text of our constitutional amendment requires that anybody outside of these groups show a valid ID. There's no room for a catchall, like used in Sections 10 and 11 and 17-19, of reasonable impediment. And when you have that umbrella language, you're already in violation of Article I, Section 22. So the Evnen amendment, Section 10 and related sections go far beyond this, by allowing somebody to vote if they're sick or they don't have a birth certificate. This last category is very concerning because the United States Supreme Court has explicitly said that having to go acquire the appropriate documents to get an ID is not an undue burden on the right to vote. Therefore, the Evnen amendment violates the Nebraska Constitution and betrays the will of the voters that everybody shows an ID. My amendment, on the other hand, which again--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- I'm not pitching here. I haven't pitched it since General File, where it was voted down. I get it, understand it and accept it. But this is just to show you that we don't have to take this route. We don't have to continue down the path of having a completely unconstitutional bill that's going to get laughed out of court because it can't even pass rational basis review. My amendment, that was considered by the body, made accommodations for all the groups while requiring everybody outside of those groups a way to get the necessary documentation to have the proper ID in order to vote. The Secretary of State is to aid these individuals in obtaining the necessary documents to get an ID. If they cannot, the Secretary of State can provide them with an exemption or provide an ID for them. This is one where the Secretary of State-- oh, I'm going to run out of time here. I'm going to turn on my light real quick. Thank you, Mr. President.

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Floor Debate June 1, 2023
Rough Draft

KELLY: Thank you, Senator Slama. Mr. Clerk, for items.

CLERK: Mr. President, bills read this morning on Final Reading were presented to the Governor at 11:35 a.m. Name adds: Senator DeBoer, name added to LR229. Finally, Mr. President, a priority motion. Senator Wishart would move to recess the body until 1:00 p.m.

KELLY: Members, you've heard the motion to recess until one. All those in favor say aye. All those opposed, nay. We are in recess.

[RECESS]

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

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

KELLY: Do you have any items for the record?

ASSISTANT CLERK: Mr. President, one item, a communication from the Executive Board regarding the appointments to the LR178 Select Interim Committee. That's all I have at this time.

KELLY: Thank you. We can proceed to the first item on the afternoon's agenda, Mr. Clerk.

ASSISTANT CLERK: Mr. President, continuing where we left this morning, Senator Slama had offered FA132.

KELLY: Senator Slama, you're recognized to speak and this is your final time before your close.

SLAMA: Fantastic. Well, welcome back, just about everyone. I appreciate that you've returned to hear this riveting conversation, which I think has about an hour 15 left. I went for a walk over the lunch hour and was revetting a bunch of the language on LB514. And I really hadn't got much feedback or pushback on the floor for any of the constitutional issues I was raising. So then I got on Twitter to see what constructive criticism was there. And once I got through all the really colorful comments about me being fat and ugly and whatever, there was one that I definitely wanted to address. It was somebody who thought that I was saying that under Section 10 and 11 with the reasonable impediment language that the Priorities USA case from the

Missouri Supreme Court from 2020 is not controlling in Nebraska, which I've said that about seven times. The Priorities USA case is not directly controlling in Nebraska, but it is extremely helpful because the court, the Missouri Supreme Court, is looking at a poorly worded, ambiguous and contradictory affidavit a voter has to review in order to vote. They looked at it, chose rational basis review, the least strict of the two different types of review we could have, and ruled that it was unconstitutional because it was ambiguous and contradictory. Now that case is relevant, even though it's the Missouri Supreme Court, because our Nebraska Supreme Court, or even the U.S. Supreme Court, will be looking at either that low level of scrutiny with a rational basis test or the higher level of scrutiny. So the Missouri Supreme Court case is relevant because it has a very similar fact pattern, and a very similar line of analysis that our own courts would be using in determining whether the reasonable impediment language was, in fact, constitutional. So just to respond to the person on Twitter, I am not saying that the Missouri Supreme Court case is at all controlling. I, in fact, say in my script here, while the Missouri Supreme Court case is not controlling-- so just to clarify that, to make sure that we're getting the facts straight. I would like to wrap up my concerns with Sections 10 and 11 on this turn, because Section 10 and 11 is very key. It conflicts with Sections 17 through 19, and it's an even larger problem because if you take out the reasonable impediment language, if it's ruled unconstitutional, it's so pervasive within the language of the bill itself that no matter what kind of severability clause you have, and if you get in and you start cutting the references to reasonable impediment, you're going to lose the entire bill. And if you start cutting those references from section 10, 11, and 17 through 19, not only do you lose the point of the bill, but you also run into constitutional issues with Section 12, because the reasonable impediment language outlines the religious, the religious exemption language. And the religious exemption language is something that you have to have for your bill to hold up. So if you get rid of the reasonable impediment language, you're rendering Section 12 unconstitutional on its face. So Section 12, I have an issue with it. It violates the religious objectors' fundamental right to vote as outlined by the United States Supreme Court. Because Section 10 and Section 11 are unconstitutional and will be struck down, section 12 would automatically and subsequently become unconstitutional under Crawford because there would no longer exist any exemption for those that have a religious exemption-- a religious objection. Now, just a refresher, that Crawford case outlined the very specific--

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KELLY: One minute.

SLAMA: Thank you, Mr. President. The various specific exemptions and accommodations you have to make for different groups of people, and any bill that we pass here has to follow that federal ruling. So if you're compromising the religious, religious objectors exemption by cutting out the Section 10 and 11 language, you're rendering Section 12 unconstitutional because there would be no more religious objection to being photographed language. And moreover, on Section 12, even if you say that Section 10 and 11 will stand, we're saying under Section 12 that somebody who has a religious objection to being photographed, they're going to have to call up the Secretary of State's Office, the county clerk, and confirm that they still believe that they have a religious objection to be-- to being photographed. Every single election cycle, they're going to have to do that. I mean, how many people out of the handful of people in the state of Nebraska who have a religious objection to being photographed really need to be checked in on every year--

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

KELLY: And you're recognized to close on your motion to return.

SLAMA: Thank you very much, Mr. President. And to finish my point on Section 12, those with a religious objection to being photographed holds that beliefs so firmly they're not going to be changing their minds with every election cycle. It's really an undue burden to place on somebody with a religious objection to being photographed, to reach out to their county clerk and confirm, yep, I still have my religious objection to being photographed, which is what Section 12 mandates. So it's a problem on one side, if you keep the language, it's a massive problem on the other side to where if the reasonable objection language is rendered unconstitutional as well. And that takes me to my analysis of Sections 17 to 19. And I would just like to remind everyone, like, this is a choose your own adventure filibuster. I'm totally chill with sitting down if cloture is invoked here in the next, next turn on the mike, or an hour 15 from now. Like, I've put that out there, of this can be as long as the speaker would like. This is really the last bill of this session when it comes to precedents or anything like that. I think we all anticipate that the cloture rules will be changed over the interim, like God willing, because we've seen them used very masterfully to bring the business of the Nebraska

Legislature to a halt. So I'm just putting it out there. If Speaker Arch wants to get a kick start on a different approach to handling cloture, I'd be more than happy to sit down in the next five minutes so long as cloture is invoked. But otherwise we're going to keep reviewing the constitutional problems with the voter ID bill that doesn't have any voter ID in it. So section 17 through section 19, you have to look at this reasonable impediment language as either violating the fundamental right to vote, or violating equal protection and the equal protection clause as articulated by the United States Supreme Court. We've got case law directly on point. It also violates the amendment passed by voters allowing nonexempt, as defined by the United States Supreme Court, persons to vote without showing a valid ID. So there's two different routes you can go with sections 17 through 19. One is that no one would check to see if the voter actually had a reasonable impediment to vote, thus not actually requiring anybody to show an ID. So as, as we've already talked about in sections 10 and 11, this would fly in the face of the voters and would clearly violate the Nebraska Constitution. The other interpretation would be that the election officials in each county, so your county clerks, your county election officials, would be left to interpret whether an individual has a reasonable impediment. With the fact that Nebraska has 93 counties, at a minimum 93 different election officials would be making separate determinations of whether a reasonable impediment existed. An election commissioner in Scotts Bluff County might interpret someone's cold as a reasonable impediment, while an official in Otoe County might say that it's not. Even more so-- and I mean, I, I appreciate our county election officials to no end. They do one heck of a job with ensuring that our elections in the state of Nebraska remain safe and secure. But when we're sticking this undefined, reasonable impediment language in our election statutes, it puts them in a horrible position because you're either saying, one, you can't check for reasonable impediment at all, it can be anything you want, which is clearly unconstitutional under Article 1, Section 22, or you're sticking our county election officials without a clear guide as to what a reasonable impediment is. Election days are a very crazy time. I don't care if you have the most rural county in the state, a county election official is being pulled in 20 different directions throughout the day. So you could not only run into different standards--

KELLY: One minute.

SLAMA: --between. Thank you, Mr. President. Different standards within the 93 counties. But within those counties, running into different

interpretations of what a reasonable impediment is. So like when we're talking about somebody cold in Scotts Bluff County, you could, as an election commissioner go, OK, this person's coughing, hacking up a lung, it's just a cold, but we're going to call that a reasonable impediment. And somebody else comes in with a cold and they're sniffing because they took a sufficient amount of DayQuil and their symptoms are relatively under control. They have the same disease, but an election official might go, you're more than capable of voting, like you're fine. Go home and get your ID, it's OK. So you're setting our election officials up to where they have to track every single reasonable impediment exception they filed on Election Day, file it as they go on the craziest day of the year, and then force them to be consistent with the decisions they made without having any knowledge--

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

KELLY: Now sir-- It is withdrawn. Mr. Clerk.

ASSISTANT CLERK: In that case, Mr. President, Senator Slama would offer FA182. Specifically, that would be a motion to return to strike section 35.

KELLY: Senator Slama, you're recognized to open.

SLAMA: Peachy, thank you very much, Mr. President. And again, I'd like to preface this with I'm not doing this because I have any problem with the Government Committee or how they've operated. I don't have any problem with anybody who's voted to advance this through cloture in the last couple of rounds. This is nothing with anything I have to do with anything in the body, anyone in the body, besides just a couple select people, in Colonel Brewer is not one of them. He's a wonderful friend, and I think he's absolutely been operating in good faith throughout this process. But back to this Section 17 through 19 set of problems. So on one hand, we're saying reasonable impediment counts for anything a voter could say is reasonable. We're not going to track the reasons, everything's okay. On the other hand, because you're not defining reasonable impediment, each county election official is going to be stuck on Election Day, tracking every single reasonable impediment that comes through the door. In my view, this is the busiest day of the year. They're running around with their hair on fire the entire day. And I respect the heck out of them for the work that they do. But under the language of LB514, we're going to be

sticking them with documenting every single reasonable impediment request that they have, documenting what it was specifically, why they decided that it was a reasonable impediment, or not, because if you're going this route, the possibility of this would violate the equal protection clause of the 14th Amendment as outlined by Bush v Gore. Now, I do appreciate the back and forth I had with Senator Conrad on the breadth of Bush v Gore. She takes a more narrow approach to it. I take a more broad view of if you're setting different standards for how and whether a vote will be counted based on the interpretation of the reasonable impediment language, if you have differing standards from county to county, you're actually disenfranchising voters from different counties. But I really did enjoy that exchange. So in other words, if we're going with the interpretation that you do need to, as a county election official, track and provide the reasonable impediment exemptions yourself, this amendment would turn all of our elections potentially into the fiasco that was Florida in the 2000 presidential election. Now, you might have a question of well, it doesn't say in the bill that we have to track who was granted a reasonable impediment exemption and who wasn't. Yeah, that's correct. However, it's going to be best practice to do so, because if we end up in a situation where there's a court challenge to those reasonable exemptions-- reasonable impediment exemptions, the county clerk is going to have to prove up why they made the calls that they did, whether a cold was severe enough, or whether somebody's dog ate their ID was sufficient enough, to qualify as a reasonable impediment. Now you need to write all of this down, which is a huge pain on the busiest day of the election year, because you could be creating different standards within your own county. And you're going to have to have that paperwork to show and cover yourself to where if there's a lawsuit, and it's a close enough election, you're going to have to show why or why you didn't grant those reasonable impediments. And if you fail to document that, or adequately defend it, you could run into a misdemeanor through the 32-1519 statutes that says that you cannot keep somebody from voting who's legally entitled to vote. So this puts a massive amount of work on our county clerks if they're going to be approaching this the right way, which I don't think is fair at all to them. So my objection to Sections 17 through 19 don't just stop there. So when you look at this as a whole, we're not just talking about the 93 separate county clerks, county election commissioners in the state of Nebraska. So we're also requiring three different election entities, the election official, the receiving board and the counting board to make potentially separate decisions on an individual's reasonable impediment. There is a possibility that we could have at

least 279 different interpretations, and issues with inconsistencies within those interpretations, as to whether a certain claimed reasonable impediment counts. So a good thing to picture when you're talking about that is the severity of somebody's cold. So in Scotts Bluff County somebody is hacking up a lung, they have COVID. OK, cool, that's a, that's an illness that's sufficient enough for you not to have to show your ID. Another person comes in. They have COVID, they're asymptomatic. Do they get a reasonable impediment exemption as well? That-- therein lies the problem with leaving this ambiguity to our county election officials to figure out for themselves, and that they're going to be left on an island documenting this on the busiest day of the year, and then have to defend each and every single one if a lawsuit is filed in relation to any of the elections that happened under their purview. And that leads me into Section 23. That's my last one that I have real constitutional concerns with. Obviously I have more concerns on the administrative side with things like section 15 and ballot harvesting. But Section 23 is one I do have a problem with. So when you take it with the rest of the Evnen amendment that has become LB514, section 23 violates the privileges and immunities clause of the 14th Amendment. The United States Supreme Court has held that a state cannot discriminate against a person based on where they're from as it relates to exercising a constitutionally protected right. That's referencing the Bolton Supreme Court case from 1973. Voting, as I've already stated, and there's plenty of case law confirming this statement, is a constitutionally protected right. So this Evnen amendment only pays for documents required to get IDs for people born in the state of Nebraska. If you're born out of state, it doesn't matter-- it doesn't pay for the documents you need to vote. So I represent District one. We're bordered by three different states Iowa, Missouri and Kansas. It's very common for women to go give birth in another state in my district just based on where their family is, what their personal preferences is. You can still deliver babies in Nebraska City. So you have that choice, too. But it's very common where if you have family just across the river to have your baby closer to family. Now we're saying that that baby versus a baby born in Nebraska city, 18 years go by and they figure out that they need the documentation to get an ID in order to vote in the state of Nebraska. That baby born in Nebraska City is going to be able to get the assistance they need for free from the secretary of state's office. On the other hand, the baby born across the river in Iowa, even though they've lived in Nebraska all their lives, besides the moment that they were born, they're not going to be able to get free help through the secretary of state's office to get the documents

necessary to get a voting ID. This is a clear burden on a fundamental right based on the state a person was born in. Thus the Evnen amendment violates the privileges and immunities clause of the 14th Amendment of the United States Constitution. And this gets down to this very core belief I have. Democracy is strongest when every voice is heard. The Evnen amendment is voter ID without voter ID. This is not what the people voted for with the passage of Initiative 432. This allows for exceptions that swallow the voter ID requirement, and blatantly ignores the will of the people and betrays the purpose for which the initiative was passed. And I'm going to take a moment here and just outline again the task that the Legislature has been given by the voters of Nebraska. And also credit to my wonderful staff for putting together this binder for me. It is so handy. I appreciate it very much. It's very well organized, and this wouldn't be possible without my amazing team, so thank you, guys. So the Legislature's task given to it by the people of Nebraska. In Initiative 432, the people of Nebraska passed a new requirement for voting in Nebraska, and that requirement was added--

KELLY: One minute.

SLAMA: --to the Nebraska. Thank you, Mr. President. Was added to the Nebraska constitution with the following language: before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner specified by the Legislature to ensure the preservation of an individual's rights under this constitution and the Constitution of the United States. And I'll pick up where I left off on my next turn on the mike. Thank you, Mr. President.

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

LOWE: Question.

KELLY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 5 nays to cease debate, Mr. President.

KELLY: Debate does cease. Senator Slama, you are recognized to close.

SLAMA: Thank you, Mr. President. And I appreciate Senator Lowe's gusto in calling the question. I have plenty of amendments to come up after

this. So it really doesn't make a difference in terms of timing of the debate because it just takes away 10 minutes. And if I really wanted to, I could take this to a vote, now that we're taking things to a vote, and then file a motion to reconsider and we could be stuck on this amendment and reconsider on this until 2:30 or whenever cloture is. I appreciate the joy with which Senator Lowe brought that calling of the question. But here's the thing. And people have been coming up to me going, well, why don't you just sit down, shut up. That's a fair point. You know, I really don't want to be filibustering for two hours on the last day. And I know everybody's thought is, well, why don't you just sit down and shut up? And that's because we have several more amendments filed behind this. Not all of them are mine. And I promised to take this two hours. I'm a woman of my word, like, if nothing else. Look, I've made it abundantly clear that I'm not going to take anything here to a vote. I'm going to withdraw this. We're going to have a new one up, I'll get a ten minute open, someone will probably call the question, and I'll get a five minute close, like you're only saving seven to eight minutes, because it would be a standard 10 minutes of me having two turns to speak outside of my intro and my close. But then you have to factor in two or so minutes to actually call the question. So it's an interesting approach to take, and I get the problems that you have with me filibustering two hours on the last day. It really does suck. It's a problem. But at the end of the day, the speaker is free to bring cloture, invoke cloture whenever he wants, like he's free to do that. So if you have a problem of me continuing to speak, you might want to go talk to the speaker as to why we're still here. See, I've asked that question several times over. I even said during the first round of debate if the speaker or the Chairman of the Government Committee gets up and says, we're going to consider the constitutional issues that you've raised between General and Select, I'll sit down. So that was four hours right there that I said, hey, here's my olive branch. That applied just as much to Select File. So that was another four hours. And now it applies to Final round. I mean, we're stuck with almost 10 extra hours on debate due to the refusal of people to actually work with me. So yeah, it might be worth asking the Speaker. I understand it's the Speaker's call as to whether or not to invoke cloture. He's been consistent throughout this session in taking it two hours. I'm saying as a person doing the filibuster, I'm totally chill with just doing an hour and a half rather than two hours so we can all get out here. But at the end of the day, like your word is your bond, and I promised to filibuster this. I also took an oath to uphold the Constitution of the state of Nebraska and the United States Constitution. And LB514 does not pass

muster for me. So I'm doing what I feel I am obligated to do, which was taking this bill to cloture. Whether cloture is two minutes from now or an hour and 15 minutes from now, that's up to the speaker. If he wants to decide to be consistent, that's OK. And I don't hold that against him. But in terms of moving forward, that, that decision and that ball is in his court. But I am going to take this to cloture. I appreciate everybody's patience here. I know it's not ideal, but again, I'm not making anybody vote. I'm saying cloture time is probably going to be at 2:37. Go outside, go to a food truck, go get ice cream, go clean out your desks. I'm not going to make you come up here and vote. I'm not going to make you come up here and listen to me. But what I'm doing right now is I'm building a legislative record for when we have an obviously forthcoming court challenge to this bill, my objections, the problems inherent in it--

KELLY: One minute.

SLAMA: Thank you. And the problems inherent in ignoring the will of the people in passing a bill for voter ID that has no voter ID, when the voters of Nebraska spoke very clearly to a tune of like 65 to 35 percent, like a 30 point margin, that they wanted a strict photo ID requirement in order to vote in the state of Nebraska. Now, given that I played somewhat of a leadership role in getting that done, I feel it's my duty, along with the duty as someone who's been sworn to uphold the Nebraska state Constitution, to follow through with the will of the people. And I have tried to be very diplomatic at every part of this process. I negotiated in good faith for months and months. As it turned out, a certain person in the executive branch was not negotiating in good faith at all. And again, that's not due to anybody on the Government Committee, anybody in the body. And that's why we've gotten to this point. This point shouldn't have happened, but we are--

KELLY: That's your time.

SLAMA: --here today. Thank you, Mr. President. I withdraw that amendment.

KELLY: It is withdrawn. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next motion I have from Senator Slama is to return the bill for a specific amendment, that being strike Section 36.

KELLY: Senator Slama, you're recognized to open.

SLAMA: Thank you, Mr. President. And just a preview of future events, like if we keep calling the question, I'll procedurally just let it go to a vote and then file a motion to reconsider so that we're staying on this single amendment request even longer. Like, it, it doesn't make any difference to call the question besides, like giving me a 30 second break while we wait for a vote on whether or not debate shall cease. But yeah, it does make it just a little bit more inconvenient if we are calling the question here, because I've been extremely clear about what I'm doing. I've got enough amendments up on the board where even if you want to call the question after my ten minute opening every single time, like that's fine. But what I'm going to do is I'm going to let this go to a vote, and then do a reconsider motion, have an open and a close on that, and go from there. So, like, I get the frustration, I get the anger, but this one's not on me. It's not on me at all. I made this promise. Those in charge of the schedule decided to make LB514 the last bill on the agenda. I'm sure there was a message there that I should sit down and shut up, which I'm sure everybody else is thinking right now. But I didn't come here to really make friends. Like that's not the duty that district one tasked with me. My task, the thing I swore to, was to uphold the Constitution. LB514, I believe, is in clear violation of that. And given that I've been on-- one of the leads on this issue for years, I will filibuster it whether cloture is an hour from now or earlier than that, it's fine by me. But I will go back to outlining the legislature's task given to it by the people of Nebraska. So in Initiative 432, the people of Nebraska passed a new requirement for voting in Nebraska. That requirement was added to the Nebraska Constitution with the following language: before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner specified by the Legislature to ensure the preservation of an individual's rights under this Constitution and the Constitution of the United States. So that's that constitutional amendment language. That's our task. So a qualified voter clearly means that the requirement applies to all qualified voter, voters. The Legislature only gets to decide the manner in which people show their ID. So this isn't a question of whether-- when we're forming the framework for voter ID, it's not a question of whether a person shows an ID. It's a question of how they're going to show that ID, taking into account the clear exemptions put out there in the Crawford decision. The United States Supreme Court in the Crawford decision has said there are certain groups that must be exempt from showing an ID or have accommodations

to help them get an ID. They are people who cannot get a birth certificate to get an ID, people who cannot afford to pay for a birth certificate to get an ID, homeless individuals who did not have an address to get an ID, people with a religious objection to being photographed. So when we combine the task given to us by the people of Nebraska with the voter ID accommodations required by the United States Supreme Court, a Nebraska voter ID law may only include certain exceptions and accommodations for those four groups. And the Legislature's task is to determine how everyone else will show their ID. So when I look at this language, you have to take it in context with all the other case law, all the other relevant voter ID laws, the language that Nebraskans adopted in their constitutional amendment was a strict voter ID language. There are other states out of the 35 that have voter ID that are more permissive in their language. LB514's problem is it takes and expands on lessons from those non strict voter ID states and expands on it to a point where it doesn't work with the language that was passed in Initiative 432. And it also fails to take into account lessons that we've learned from the other 35 states in previous litigation, in previous debates from other state legislatures, and in previous objections that have already been raised in the state of Nebraska. So I'm hopeful, like hopeful that whatever we pass this year, or even in a special session, which is possible, that it fits what was passed in Initiative 432. Like, I'm eternally optimistic about this. I went through four days worth of negotiations over Memorial Day weekend with the belief that, you know what? Maybe if I compromise on certain things, we're going to get to the point where we need to be. And I'll tell you, one of the key things where we realized negotiations had fallen apart on Monday, is I was willing to move on witness attestation and notary when it came to mail in, which for whatever reason by the Nebraska Examiner, Paul Hammel, that was characterized as extreme. Witness attestation and notarization is adopted by a dozen states, a dozen states who have voter ID language identical to ours. They have that language because you have to present a photo ID in order to vote. That's not extreme language. Over a dozen, a dozen other states have that, including Rhode Island, which requires the attestation of two different Rhode Island voters in order for your mail in ballot to be considered legal and countable. So my own amendment, and again, I'm not shopping my own amendment here. That died on General File. I get it. I'm okay with that. But that's where I was working from in terms of a framework for negotiating like a framework rooted in case law from other jurisdictions. Voter ID is one of the most heavily litigated issues out there beyond like abortion and gun rights. Taking those lessons, taking the language of

Initiative 432 and putting together something that was workable. And like I said before, I was willing to move on witness attestation and notary, so long as that ID number, when presented for a mail in ballot, was verified. You have to verify the ID number that you're showing in order to vote, otherwise for mail in voting, we're saying you don't have to do voter ID. My big problem with Section 17 through 19, especially Section 19, I think it's sub 2(a) through (e) is we're saying not only do you not have to check the val-- the validity of that driver's license number, you have to count that ballot even if the driver's license number line is blank. So all I was asking for on Monday was a check of each of those numbers. And unsurprisingly, that, along with a laundry list of other objections that came out at the 11th hour, were what led to negotiations to stop. So given the fact that we are 49 independent state senators, I am hopeful that we can come to a middle ground, come to an agreement, like I'm going to be hopeful on that all the way up until cloture on this bill. But until then, we are betraying the will of the voters. We are betraying the people of the state of Nebraska who came out in the thousands to help collect signatures during the hottest time of the year. We had a lot of really excited volunteers sitting out in a chair for hours at county fairs where it was 90 degrees, hanging out outside of concerts where it was just as toasty. Getting signatures because this is something they so thoroughly believe in. It's a common sense election security measure, and we are betraying them by passing LB514, especially as it stands today. And I would like to take a moment just to reread into the record the objections I forwarded to the Attorney General, and then I'll outline that 32, that a statute 32-1519 that's going to run into criminal liability for our county election officials and county clerks. Like, if you're a county clerk watching this, I get that NACO has come out in support of this. But read the statutes for yourself, read the bill for yourself, and tell yourself, ask yourself, on Election Day, am I going to have a defined, reasonable impediment definition? Am I going to have a clear outlook for what reasonable impediment looks like for the different issues that can be raised? And do I feel that I'm protected and exempt under 32-1519 from criminal liability if I in good faith--

KELLY: One minute.

SLAMA: --do something wrong and turn someone away from voting who had a reasonable impediment that I didn't think was a reasonable impediment. Think to yourself about the potential criminal liability you could have if LB514 passes. Read through it yourself. It's in black and white. There's no reading in between the lines. Read the

bill itself and tell yourself if you feel comfortable with the reasonable impediment language being clear as mud, and that onus being on you on Election Day to properly interpret or not what reasonable impediment means. So at the end of the day, this, this really isn't for anybody in the body. I know a lot of people made up their minds. This is for the people watching at home and this is for legislative record, but thank you for hanging out with me. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. And you are next in the queue.

SLAMA: Outstanding. I get a bonus five minutes with this one. So I will get back into the requests we've sent up to Attorney General Hilgers. I did sit on doing a formal Attorney General's request because I was very hopeful we could come to a compromise over Memorial Day weekend. But once that clearly fell apart, I wasn't the one who walked away, I crafted and submitted a formal Attorney General's opinion request on especially the reasonable impediment language we find in LB514. Attorney General Hilgers, I'm requesting an Attorney General's opinion on the constitutionality of LB514 as it stands amended by AM1801. Specifically, I'm concerned with the language surrounding, and the use of the term, reasonable impediment. The use of that term in the statute without definition, while also mandating terms on the certificate may or may not limit what qualifies as a reasonable impediment, will cause the certification to be ambiguous, confusing, or contradictory. Therefore, the bill will fail a rational basis test. That cites the Priorities USA case from Missouri Supreme Court in 2020. Please let me know your findings at your earliest convenience. Thank you for your consideration. And then the follow up letter I sent yesterday, dated May 31, 2023. Attorney General Hilgers, I am writing to add to my request for an Attorney General's opinion of LB514 on May 30, 2023. In addition to the issues raised herein, it has come to my attention that the early voting envelope form required by Section 16 of the bill may also fail a rational basis review. Specifically, Section 16 requires an early voting envelope to ask the voter to provide their Nebraska driver's license or state identification number, provide a photocopy of a valid photographic identification, or provide a reasonable impediment certification. The voter must declare under penalty of election falsification, so that's a felony, that if they have not provided an identification number, they've enclosed a photocopy of a valid identification or a reasonable impediment form. Nebraska Revised Statutes 32-1027(4) (a) through (c) are unchanged by the bill, meaning that under those circumstances, so the circumstances in which somebody has decided to

enclose a photocopy of their ID, or enclose a reasonable impediment form, so meaning that under those circumstances an election official would not be able to consider an ID number or an ID had been provided in determining whether an early vote should be counted. So that's the problem of if you have that stuff in the envelope in which your vote is, you can't decide whether or not a person is qualified to vote while their envelope containing their vote has been opened, that ballot has been compromised. So we're saying, and my problem is, that you have to count that vote as soon as that main envelope with their vote is opened. So Nebraska revised statutes 32-1519(1)(b) makes it a misdemeanor for an election judge to accept a ballot from any person who refuses any question which is put to him or her in accordance with the Election Act. Nebraska Revised Statute 32-1519(1)(e) makes it a misdemeanor for an election judge to refuse or reject a ballot from any registered voter at the place where such registered voter properly and legally offers to vote. It would be difficult to imagine how
Section--

KELLY: One minute.

SLAMA: --16's requirement-- Thank you, Mr. President. Section 16's requirement to provide an ID number or a photocopy of an ID would not qualify as a, quote, question put to him or her in accordance with the Election Act under 32-1519(1)(b) Therefore, any election judge that accepted a ballot for counting without one of these pieces of required information would be guilty of a misdemeanor. However-- well, actually, I'll get back into the contradictory language on my next turn on the mike. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. So let's be clear about why we're here in June on this bill. Senator Slama shows up at the hearing when they had a hearing on her bill, and she drops in an amendment that was a white copy amendment that no one had seen. No one had seen it. So it set them back a little, trying to figure out how to deal with a way copy amendment to see if it was constitutional or what it was. And every time they tried to negotiate with her, she'd make changes. And she kept changing things and she kept changing things. So the reason we're here today is because of her unwillingness to work with people and do the things that needed to be done to get this bill here. So she's here today wasting our time for some other purpose. I don't know what it is exactly, but she may get one vote. She was going to get two

before she stood up and did this. And now I'm going to vote for this. What she's done is put two hours of our life to waste for nothing. It's disrespectful, totally disrespectful, for her own personal gain so she can stand up and say, I'm a woman of my word. And I said I was going to hours, I'm going to go two hours. But she has absolutely no consideration for anyone else. None. We've been through a tough session. It looked like it was going to wrap up today with no incidents, and we'd get out of here and we'd be able to go home. So what she has done, thov us-- those of us who live 400 miles from here, she has put me in a position, and others that live that far, to spend another day in Lincoln because we won't be able to make it home today. Total inconsideration. None. The reason LB514 is here today instead of March is because of Senator Slama. Plain and simple. Straight up. I have no idea why she's wasting our time to do this. Maybe she's got other aspirations. But I can tell you right now that this is uncalled for. And you said I can put up other motions and reconsider and I can do all this. That's exactly right. But is that considerate of us? No, it's not. No, it's not. And so what I've said on this mike, there's about 40 people in this room agree, And there's thousands more watching at home that agree that someone needs to stand up and call it what it is. And I've done that. Now, you may think by the sound of my voice, I'm a little frustrated. You're exactly right. Enough is enough. So there's no one else to blame for LB514 being here on this last day except Senator Slama. Thank you.

KELLY: Thank you, Senator Erdman. Senator Arch, you are recognized to speak.

ARCH: Thank you, Mr. President. I just want to explain, and I certainly won't be taking five minutes, but I want to explain this issue of invoking cloture, because it's been it's been referenced. Absolutely correct, I can invoke cloture. I mean, I-- we can, we can do it quickly. But this has been the, this has been the struggle throughout our whole session, where my February 10 memo identified what full and fair debate is. And I have stuck to that throughout the whole session. And so I don't think I want to do that on the last day and change that. And so I, I don't want to step in and invoke cloture. And so I just want to explain that. Thank you.

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

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I actually forgot I was in the queue because I was working. Hey, I, I

just want to stand and give Senator Slama a break. But I also want to say that I find it really concerning that there's been comments that supposedly people have been told to shut up and sit down. And if that's truly something that's been done in this body, this is a tool that no matter what party your people are in or if they're in no party, no matter if they're female or male or how they identify, this is one of the tools that we have available to us. So the only people who should be quiet and sit down are the people that are here listening, because Senator Slama has the right to do what she's doing. So it is what it is. Get over it. Thank you, Mr. President.

KELLY: Thank you, Senator Blood. Senator Jacobson, you are recognized to speak.

JACOBSON: Thank you, Mr. President. To be politically correct here, I'm going to say that I'm rising in opposition to return to Select File the floor amendment. And-- but I thought about a point of personal privilege. But I want to speak briefly. Last week, I got word that a really good friend of mine and a really fr-- great friend to ethanol passed away, Bob Lundeen from North Platte. Bob was president of Mid America Bio Energy, ran the plant in Madrid. Truly a self-made man, someone I had high admiration for. He was a risk taker, he was a hard charger, he was incredibly smart, and he was the epitome of entrepreneurism. Bob was a huge supporter of mine. I remember going and knocking on doors and Bob was wanting to know when I was going to knock on his door. I knew Bob well enough to know that when you knock on his door, you better make it later in the day because he has some really great scotch whiskey. And I knew I wasn't going to leave there without having a scotch or two. And, and he didn't disappoint. But Bob truly was a great individual, and I just thought it was fitting today, with the Governor signing LB562, the E10, or the E15 mandate bill, that it happened during Bob's funeral today. And so instead of being able to be in North Platte today to attend Bob's funeral, I was able to be there and stand for him for the signing of LB562. And I know he is so pleased that that got done because of his support of the ethanol industry. And I just wanted to recognize his wife, Sandy, their daughters, Tina and Jennifer. I'm thinking of you, even though I couldn't be there today. But thank you for sharing Bob with us. And so I really appreciate that. And with that, I will be willing to le-- yield the remainder of my time to Senator Slama. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Slama, that's 2:45.

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SLAMA: Thank you, Senator Jacobson. I appreciate that beautiful tribute to Bob Lundeen. He really was a giant in the state of Nebraska. You know, I've I've tried to be as diplomatic as I can be with this debate in sticking to the constitutional problems I have with LB514. But Senator Erdman, who supposes himself to be a supporter of election integrity, has decided to get on the mike and scold me. First off, there's nothing saying that any senator that doesn't want to be here has to be here. I mean, this vote is going to have plenty of votes for cloture. If you want to hit the road, feel free to do it at any time. There's not much after this that has much importance that's going to be close. And here's the thing. If you say that I'm being disrespectful in this process, in that I'm doing it for my own personal gain, I could be billing hours right now. Like me taking time on this for 14 hours has meant that I can't bill 14 hours. Me prepping for this filibuster also meant that I couldn't bill hours during that time. I have nothing to gain here. I'm a person who is operating as honestly as I can, and you can check out and go home, I genuinely don't care. But we're going to talk about the process and procedure here and what happened behind the scenes as to why we are here today. Because if you want to put it on me, that's fine. But we're going to have a really uncomfortable conversation with the crap that happened behind the scenes to get us to this point. Because you're right, it is--

KELLY: One minute.

SLAMA: --unacceptable that we are here today. But. Now we get to talk about the reasons why we're here today, which I didn't want to bring up out of respect for the process and out of respect for diplomacy. But that's gone out the window because there are a lot of things that I've been biting my tongue about and that I get to talk about now that Senator Erdman, who supposes to be a supporter of election integrity, has decided he'd rather want to go home and pass an unconstitutional voter ID bill without any objection. So, yeah, I'm excited for my next turn on the mike. I am up. But yeah, now's a great time to tune in if you haven't been listening because it's going to get pretty colorful. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. And you are next in the queue.

SLAMA: Outstanding. See, here's the thing. I've been looking forward to this turn on the mike for at least five months because here's the thing. I introduced LB535 in January. Still hadn't heard anything back from the Secretary of State. My office had reached out to him several

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times asking for his input, asking for his thoughts. Because of delays and getting feedback from different agencies, we copied and pasted a non-strict voter ID framework to be our bill, because we were at the end of the ten day deadline, we had to get something dropped. We'd been working on it for months, but we hadn't gotten feedback yet from the Secretary of State's office. By the time the hearing came around for LB535 in February, you're right, we did drop a white copy amendment that was in our hands the day of the hearing. Like it wasn't until the day of the hearing that Bill Drafters (and they're well overworked, and that's on us, we introduced 800 bills this year. We had countless amendments) got together a very complicated amendment, got it in my hands, so I would have something to drop in the committee hearing without feedback from the Secretary of State's office as to the direction in which I envisioned this language to go. And it did have strict notary requirements, just like Missouri does. People drop white copy amendments on bills at hearings all the time. So to pretend like this is some new occurrence, it's fake news. So we get through the hearing in February, and I finally start getting feedback from the Secretary of State's Office. Here are the changes that we need to see made. I started meeting with everybody under the sun, just like I'd done in the months leading into it. I met with people from the nursing homes, met with DMV, met with reps from DHHS, met with university and college reps, so we could figure out a way to include all of the IDs that we needed to do, to make technical changes to a very complex bill. Now, I did that for months. And for months I waited for a couple of different things. First off was an Attorney General's opinion, and I understand that takes time, but I wanted to get an assessment from the Attorney General on the different issues in our bill and where we could move, where we had to move, and where we couldn't. That took time. Something that took more time was getting the Secretary of State on board to even negotiate. And mind you, there are three people who brought voter ID bills, Senator Day, Senator Erdman and myself. Now, this is all during a time where it's been told to me that some members of the government committee were meeting with the League of Women Voters or the ACLU or other groups, Civic Nebraska, who's now calling this bill the least worst option. Like, if you're a supporter of election integrity, you should probably be a red flag for you. But the introducers of the bill weren't invited to that. And over the next several months, I got dribbles of changes that needed to happen here or there. One liners of the DMV, this needs to be changed so that we can adequately share information with the Secretary of State's office. Changes from DHHS of here's how we keep that Medicaid-Medicare information, here's how you can make sure that those in a nursing home

can have those IDs. Having tweaks sent like once a week from the Secretary of State's office of, hey, we need this language changed, or we're not going to do this. So my team-- and here's the thing is when you say that I haven't been operating in good faith, you throw my team under the bus, too, and they work their tails off for not getting paid nearly enough for the amount of effort they have put into this package. So every single time I get a change from the Secretary of State, I'd send it off to Bill Drafters, get it back. If it's not what they wanted, we'd--

KELLY: One minute.

SLAMA: --send it back up. Thank you, Mr. President. And all the while, about once a month, I find out that the Secretary of State has thrown out a new amendment, one that hasn't been worked on by anybody who's worked with voter ID, worked on with a very small amount of people. So every month or so, I'd have to run around and go, this is my bill. Please tell me what's going on isn't happening in bad faith. And time and time again, I would be assured that, no, this is just, this is just a back-up, this is only if you need it. And all the while, the changes that the Secretary of State's office is feeding my bill, which it was made clear to me that that would be the vehicle, were intended to undercut my own bill. The changes that the Secretary of State pointed to that would cost \$20 million were sections of law that they demanded should be included in there. And I'm going to keep talking about this because we've got a lot more of this to go. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I, I wanted to ask Senator Slama a question, but I'm going to yield my time, so I'm going to ask the question and then yield my time. It's 100 percent a gotcha question. Gave you no heads up whatsoever. But a couple of days ago when you were talking on this bill, you mentioned something and I'm going to get it wrong. Cattle case? It's-- OK. And you mentioned it, but you didn't really describe what it was, and I was just intrigued by the name. So I yield my time to Senator Slama if she'd like to explain what that was.

KELLY: Senator Slama, yes, will you yield to a question, Senator Slama? She yielded the time, I'm sorry.

SLAMA: Thank you very much. And thank you, Senator Cavanaugh, for asking that question. A cattle case is like unicorn of the case that anybody conducting legal research can look at and go, yes, this has a similar fact pattern to what I'm looking for; it has a clear decision on the questions that I'm looking at; and it's at least halfway relevant and halfway influential on what my own court might rule in this situation. So it's the case that's directly on point, it's a magical unicorn, and it's just wonderful. And that's what that Priorities USA case is when it comes to the reasonable impediment language. But back to process. So I was in New York towards the end of April, I think it was April 20, and I found out that the Deputy Secretary of State, along with several other proponents of the Secretary of State's approach, had been pressuring county election officials to sign on to a letter, and the letter offered a description of the comparisons between a, a Secretary of State's amendment that I hadn't seen yet and my own amendment. And it spouted a ton of inaccuracies. It was like a wish list of if you supported voter ID, here's how we could reasonably do it on the evidence side, when if you actually looked at the language of the amendment, it wasn't there. It wasn't there. And for the entire weekend, county election officials were being pressured by their peers, by the Deputy Secretary of State for Elections, and I have the emails to prove this if they want to come out and deny it, to sign on to a letter. Not giving the county election officials enough time to read the amendment themselves and consider it, because they're busy doing their jobs, and comparing the two amendments, but saying you need to trust us and sign on to this because we're more powerful as a bloc. And it's at that point that I reached out to the Secretary of State directly, shot him a text, and I'm more than happy to produce screenshots of this of me stating that the Secretary of State's public interference with the legislative process is absurd. All the way back in April, I was done. So I got a call from the Secretary of State going, well, I, I don't know what's going on. I, I have no idea. And which is incredible, because that would indicate that the Secretary of State doesn't know what his Deputy Secretary of State for Elections is doing behind his back. In any case, I was told once again that we're still negotiating in good faith. We're taken back to the Speaker's office. I discovered that Colonel Brewer didn't have anything to do with it. He wasn't directly working to undercut me. And the Speaker was on board with trying to find a compromise. Outstanding, that's great. So for the next month, I kept getting feedback from the Secretary of State's Office, about one line at a time. So that led to a lot of different bill drafts. That's how this works when you have to put in place a complicated

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constitutional framework is that it's never going to be perfect the first time. So I spent five months doing fixes here or there, making shifts here and there, to make every interest group involved at least neutral on the bill. But here in May, the Government Committee had themselves an Executive Session, and I was told that this bill, which was ready to go, it had just had some minor changes from the DMV--

KELLY: One minute.

SLAMA: Thank you, Ms. President. And some minor changes from the Attorney General's office so we could make sure they had the authority they needed. I made sure that that updated amendment was given to the Chair of the committee so we wouldn't have to deal with clean up and fix it amendments on the floor, or push technical changes to the next year, just doing good stewardship. And so the Government Committee goes into this Executive Session where three different amendments are chucked in front of them, the Deputy Secretary of State for Elections is there to give the sales pitch for his amendment and why it's superior, pointing out that my amendment would somehow cost \$20 million with the provisions that the Secretary of State's office demanded that I have. This was a set-up from the start, and I have even more after this to share because it's feels good to get this--

KELLY: That's your time, Senator.

SLAMA: --off my chest. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. Let me share a little information that Senator Slama seemed to misunderstand. First of all, I am for voter integrity. In fact, I introduced a bill that was the solution to voter integrity in its entirety. OK? So don't stand up here and say that Senator Erdman is going to vote for a bill that's unconstitutional because you have no clue whether it's uncons-- unconstitutional because you're not a Supreme Court justice to make that decision. We'll find that out later. So the thing is, if you don't like one lawyer's opinion, get a different lawyer. And we all have one opinion on here, if you look on the board it says Slama one vote, Erdman one vote. So my opinion is just as important as yours. And when I introduced the voter integrity bill that I had, its vote in person on Tuesday on paper, count by hand at the precinct. Now, that solves all the voter integrity issues there is. There's not others

that solves it. So don't stand up and try to tell me that I'm going to vote for something that's unconstitutional, and I'm giving away my idea that voter integrity is important because I'm not. I also introduced a bill that would have put voter ID in place. Common sense, straightforward, would have been the answer. Didn't get a chance. And I'll be going home. Let me explain something to you. I've been here seven years. In seven years, I've missed two days. I've never checked out early. I've never gone home. I've been here to the end every year. I don't plan on leaving today early. So tell me that I can check out and go home is not an option. So if you're giving up billable hours to be here, I suggest you go do that. It works both ways. You can go to billable hours. Or I could go home and I choose not to. And it looks like you choose the same. So don't stand up on the mike and try to tell me what I believe or what I'm voting for. We will find out whether you are correct about whatever LB514 has that you think is unconstitutional. We'll find that out. And we in this body, and the bodies before us, have many times voted for things that are unconstitutional. And it's not unconstitutional till the court says it is. So those are the facts. I'll be here till the end. I'm not leaving early. I'm not checking out. But what I said earlier about being inconsiderate is exactly what I still mean. Thank you.

KELLY: Thank you, Senator Erdman. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I wanted to take a minute to just kind of reaffirm for the body some of the key components in terms of where we are with the issues and the process in relation to this measure. I was actively involved on General File. I think that we made a clear record about how we, the Government Committee, had conducted itself through this process and tried to focus on the key legal policy and practical considerations that we considered that have become a part of LB514. That being said, I respect the right of Senator Slama or any senator to fully utilize the rules as they see fit to advance the issues that they care about as they are in service to their constituents and our state. And if that's the route that she feels she needs to take strategically, that is her right. And that is integral to our institution as a whole no matter who is utilizing the ability to engage in extended debate. But I also want to take a step back and make sure that while there are perhaps personal or political disagreements may be spilling out in this late hour at this last day of session, when people are understandably a bit fatigued, we can't and we mustn't lose sight of the issues that are before us with LB514. Friends, we're talking about implementation of a

new constitutional amendment that was adopted by the people of Nebraska impacting how we conduct elections in Nebraska. And it's important, even for those of us, including myself, who vehemently disagree with voter ID from a principled perspective, that we put aside our personal differences, and we honor the will of the people. And that's exactly what we're trying to do in good faith with LB514. And what the committee process did was what all committees do. We worked with stakeholders in Nebraska, across the state and across the political spectrum to gain insights and information about how to craft the best policy. We took information from front line election officials who work really, really hard to conduct free and fair elections in Nebraska and had great ideas about implementation. We heard from civic engagement groups and we heard from citizens who had a variety of different perspectives when it came to how to implement the voter ID measure or voting rights measures in general. And we incorporated that feedback, and we looked at the boundaries that we have to operate within: constitutional provisions, federal law, state law, a host of different court cases. And it's a, it's a pretty complex endeavor to try and synthesize the public feedback, the different points of view on the committee and that legal framework. But we were able to come together and find a path forward to implement the will of the people without disenfranchising eligible voters, and in time so that we can prepare appropriately for the 2024 elections. And that is what is before you in LB514. And let's also be clear about something else. Voting rights are fundamental rights. They are highly protected as they should be, and they do not belong to any one political party. They belong to all of us. They belong to the people. And when we're talking about fundamental rights, even when implementing the will of the people, we can't do whatever we want to do. We have to safeguard and proceed cautiously to protect the right to vote, which is foundational in a--

KELLY: One minute.

CONRAD: --democracy, and the right upon which many, if not all, of our civil rights rest. So let's take a step back, even though it's late in session, even though it's late in the day. Let's look at the process, which line-- which aligns with our process in Nebraska. Let's look at the issues which have been carefully vetted. And let's do our best to implement the will of the people without disenfranchising eligible voters. If we need to make adjustments in the future, we will. That's the Nebraska way. We'll learn from this experience, and with a robust public education component, hopefully we'll be able to conduct a chaos free election in 2024, which I think that we-

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KELLY: That's your time, Senator.

CONRAD: --absolutely will be able to do. Thank you.

KELLY: Thank you, Senator. Seeing no one in the queue, Senator Slama, you're recognized to close.

SLAMA: Thank you, Mr. President. And can I just take a moment to say that I do appreciate Senator Conrad giving thoughtful feedback rather than taking the opportunity to scold someone. And just for the record, I can stand up on the mike and tell you whatever I'd like. And I firmly believe that with this bill, you are voting for an unconstitutional bill. I get to say that. If you disagree with me on that, you can disagree. But don't try to mansplain and get all paternalistic and say, well, you can't say that because I can. Let's get back into the process and procedure for how we got to where we are today. So this Executive Session that we've discussed ad nauseam occurred in May. I was informed that we would be voting on my amendment. As it turns out, the committee was actually considering three different amendments. And no as it turns out, the Deputy Secretary of State for Elections was there to give the pitch for the Secretary of State's amendment, which I hadn't seen, I didn't even know existed. Again, it was just like this once a month thing where the Secretary of State would pull out their dream amendment and say that it's the route now, and that it was going to be attached to my LB535 without my consent. And I made very clear every time that I wasn't going to let that fly. That happened again in May. And the pitch that was given to members of the Government Committee was this amendment (and it was AM1745. It turned into AM1801 when it was attached to LB514) was that this is a clean amendment and that Slama's amendment costs \$20 million. The provision they pointed out was a provision that the Secretary of State's office demanded be in there. So I, in good faith, raised a challenge saying that a member of the executive branch should not be present at an Executive Session for a committee, because you'd be setting the precedent then of someone like the Governor being able to skip in and provide orders to a committee during the Executive Session in a hearing that's not open to the public, not on the record, not recorded. And thankfully, Colonel Brewer did a new Executive Session after that in which the same outcome occurred. Senator Sanders did switch her vote, which I, I appreciate. But the thing that I requested at that point, after trying to figure out what was going on with this bill was that if we're going to bring a voter ID bill that I believe is unconstitutional, don't force it onto my bill. And, like, that was me just asking out of being

polite, because there's about seven different mechanisms I can use to kill my own bill. And I'm ready, willing and able to do that, this is an issue that's very near and dear to my heart. If we're not going to do it right, we should come back for a special session and do it right. Which I know isn't a popular opinion in the body, and evidently me filibustering isn't a popular opinion in the body. But here's where I stopped caring about the time. A couple of weeks ago I was running around trying to save this bill, talking with anyone and everyone to go, we're running out of time. I get it. But I need an honest take of what the issues with this bill are. I need honest actors, good faith negotiation, because I can see this coming as a problem and I don't want to stick people with it. This is not a clean amendment. It's not a clean bill. This process has turned into a dumpster fire. So I spent two days running around this place talking with anyone and everyone I could to try to raise my objections. The next day I ended up in the hospital with hyperemesis gravidarum. Like this put me in the hospital because I spent two days running around like a chicken with my head cut off trying to--

KELLY: One minute.

SLAMA: --move in as big of a coalition as I could have, and it turns out I forgot to drink water. So, you know, I was in the hospital room with my throat bleeding, hooked up to an IV and every other medication on the-- And I understand that there are members of the floor that have been in and out of the hospital. I'm in no way trying to compare my experiences to them. They are far more seriously ill than I, but I was half conscious, just hanging out in the hospital after not drinking anything for 36 hours trying to save this bill. And I get notice during the LB574 debate that if I don't make it back to the LB574 debate in time, it dying is going to be my fault. And so that's when I really stopped caring about what leadership told me about something, because it was clear that they didn't care about me personally. And I'm sure they ate some humble pie when I came in and could barely walk to hit the button and was actively throwing up on the floor because I still needed to be on an IV and I wasn't. So I gave that up. And I've given up a lot of things to serve in this place. But it is that moment where we really stop caring what leadership thought. Thank you, Mr. President.

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

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CLERK: I do, Mr. President, Senator Brewer would move to invoke cloture on LB514 pursuant to Rule 7, Section 10.

KELLY: Senators, we are approaching a Final Reading. If you'll please take your seat. Senator Slama, it's our understanding you intended to withdraw that motion. Is that correct?

SLAMA: Yes, sir.

KELLY: Thank you very much. Senator Brewer, for what purpose do you rise?

BREWER: Call of the house, roll call vote, regular order.

KELLY: And we are on Final Reading. Senators, please stay in your seats. Mr.-- the vote is on the motion to invoke cloture. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn not voting. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne not voting. Senator Wishart voting yes. Senator Wayne voting yes. Vote is 44 ayes, 1 nay, 2 present not voting, 2 excused not voting on the motion, Mr. President.

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

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CLERK: 38 ayes, 6 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB514]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB514 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye, Senators Aguilar Albrecht, Arch, Armendariz, Ballard, Blood, Bostelman, Brandt, Brewer, Briese, Machaela Cavanaugh, Clements, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Jacobson, Lippincott, Lowe, McDonnell, Moser, Raybould, Sanders, Vargas, von Gillern, Walz, Wishart. Voting no, Senator Slama. Not Voting, Senators Bosn, Bostar, John Cavanaugh, Conrad, Hunt, Ibach, Kauth, McKinney, Murman, Wayne, and Linehan. Senator Conrad voting yes. Vote is 38 ayes, 1 nay, 9 present not voting, 1 excused not voting, Mr. President.

KELLY: LB514 passes with the emergency clause. Mr. Clerk, next item.

CLERK: [Read LB514A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB514A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye, Senators Aguilar, Allbrecht, Arch, Armendariz, Ballard, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Jacobson, Lippincott, Lowe, McDonnell, Moser, Raybould, Sanders, Vargas, von Gillern, Walz, Wishart. Voting no, Senator Slama. Not voting, Senators Bosn, Hunt, Ibach, Kauth, McKinney, Murman, Wayne, and Linehan. Vote is 40 ayes, 1 nay-- Senator Kauth voting yes. Excuse me.

KELLY: LB514A passes with the emergency clause. While the Legislature is in session and capable of transacting business, I propose to sign

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and do hereby sign LB514 with the emergency clause, and LB514A with the emergency clause. Mr. Clerk, for items.

CLERK: Mr. President, next item on the agenda, the General Affairs Committee would report favorably on the gubernatorial appointment of Bryan Botsford to the Nebraska Arts Council.

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

LOWE: Thank you, Lieutenant Governor. Today I bring Brian Botsford, a new appointee to the Nebraska Arts Council. He has been an educator for 23 years, teaching instrumental and vocal music in Lexington, Nebraska. He also works at the Crane River Theater in Kearney, and has had 12 seasons as a professional theater at that location. It's a wonderful venue that we have there at Yanney Heritage Park. He has worked with the Arts Council in the past as a recipient of grant money at the Crane River Theater. He is very excited to have the opportunity to serve on the board. He had no proponents, no opponents, and no one testifying in the neutral about this appointment. So I bring Brian Botsford for the Nebraska Arts Council. Thank you.

KELLY: Thank you, Senator Lowe. Senator Lowe-- and waives closing. The question is the adoption of the General Affairs report specifically for the Nebraska Arts Council. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the report, Mr. President.

KELLY: That report is adopted. Senator Lowe, you're recognized. Mr. Clerk.

CLERK: Mr. President, the Govern-- excuse me, the General Affairs Committee would make no recommendation on the gubernatorial appointment of Trent Loos to the State Racing and Gaming Commission.

KELLY: Senator Lowe, you're recognized to open for the committee.

LOWE: Thank you, Lieutenant Governor. We had a vote the other day underneath the north balcony to bring Trent Loos before the, the floor for the Racing and Gaming Commission. We ended up with a 4-4 vote, and in that case, we had to have another vote. And that vote came out 8-0 as a no recommendation. But I'd like to read here about Mr. Trent Loos. He is a new appointee to the Commission. He was appointed by Governor Ricketts in October of last year. He's a sixth generation livestock producer and says a million animals have been cared for by

him. He has been a resident of Sherman County since 2002 and has spent six years working with the former Governor Ricketts on reducing property taxes. He also serves on the Capitol Commission, representing District 3. He ran as Theresa Thibodeau's, lieutenant governor candidate, as a Republican, even though he is an Independent. She was a Republican. He has a criminal conviction, which he admitted during the hearing, and he pleaded no contest in 2001 to a misdemeanor for sale of cattle by deception. The prosecutors dropped the felony charge and another misdemeanor charge in exchange for the plea. He was sentenced to two years of probation and \$5,000 in restitution and court costs. He admitted all this in his opening. He says he didn't understand that we had branding laws here in the state as it came in from South Dakota. He had one proponent speak on his behalf, Lynne McNally, CEO of Nebraska Horsemen's Benevolent and Protective Association. I have known Mr. Loos for several years now, and he's always been an upstanding fellow with me. I believe he's a, he is a radio announcer, and he is syndicated in something like 28 states also. He speaks on behalf of agriculture and on behalf of livestock and the well-being and how our farmers and ranchers take care of the land and our animals. He speaks well, and has-- he has done well since his appointment in October to the commission, and the commission welcomes him there. With that, I end my close. Or my opening.

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

AGUILAR: Thank you, Mr. President. I rise on behalf of, support of Mr. Loos. I can honestly say I don't actually know the gentleman. I've never met him. But in doing my due diligence, I called Grand Island's Fonner Park, spoke with the management to ask for their opinion of him. They spoke very highly of him. And the main word they used that impressed me was that he was a very fair commissioner. And I think that's what we need on the commission is fair people. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. I stand in strong opposition to Trent Loos's appointment. Those charges that Senator Lowe spoke about are serious. He knew the brand laws. He knew he was selling cattle without a bill of sale. He knew that. And Senator Aguilar, your opinion of him is probably appropriate from the person you spoke with, but he's had other issues since the cattle affair that happened, since

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the issue with the brand. I don't believe that a person with his past experiences and his, what shall I say, unwillingness to abide by the law is a person we need to have on the Gaming Commission. There are other people who could fill that spot who are far more qualified and who have a better history of doing things right. This is a mistake. If you ratify or affirm Trent Loos today, this would be a mistake. So I wonder if Senator Lowe would yield to a question.

KELLY: Senator Lowe, would you yield to a question?

LOWE: Yes, I would.

ERDMAN: Senator Lowe, so your committee recommend-- did not recommend him, is that correct?

LOWE: That is correct. We have a recommendation of no recommendation.

ERDMAN: So how do we vote if we don't want to confirm Mr. Loos?

LOWE: You will vote no.

ERDMAN: We vote no. So in other words, we vote against or for the committee's recommendation of no confidence, right?

LOWE: Well, you're just right now you're just voting on Mr. Loos.

ERDMAN: We have to vote on the committee's recommendation, correct?

CLERK: Senator, if I may.

ERDMAN: Yes.

CLERK: With no recommendation, 25 for-- votes in the affirmative would be the Legislature's approval of this appointment. 25 votes in the negative is disapproval of the confirmation. And no-- and anything less than 25, if there's-- if it's in the middle, then it's also disapproval. So 25 affirmative votes will be needed.

ERDMAN: So 25 green 25 red is not confirmed, correct?

CLERK: Yes, Senator.

ERDMAN: OK. I ask you to vote red on Trent Loos. Thank you.

KELLY: Senator Briese is recognized to speak.

BRIESE: Thank you, Mr. President, and good afternoon, colleagues. I rise in support of the appointment of Mr. Loos. I don't know what happened 20 years ago. I can't speak to that. But I've known him as a constituent and an advocate for property tax relief. And I do believe that he is a committed public servant, and I think he undertakes this responsibility seriously. And I, I base that statement on a conversation that I had with him. Oh, I was out of state, and he called me about something, I think, in the arena of property tax relief. And we were talking about his upcoming role on the commission. And I remember being impressed with his comments about his role and his responsibilities to that role and the sense of responsibility that he was going to take to that role. But anyway, I think he'd be an asset to the commission and an asset to the state, and I'm going to support his confirmation. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I opposed the nomination out of committee. I was one of the no votes that ended up deadlocking the committee recommendation. And, Senator Erdman, to clarify my understanding of the rule is it would take 25 green votes to approve, and anything less than 25 green votes would be a disapproval. So a red vote or a present not voting would suffice. So if you don't want to adopt to-- Mr. Loos, to the Racing Gaming Commission, then you can vote red or present not voting. And that would be my suggestion. And I have a number of issues, and I did-- I'm familiar with the information that Senator Erdman was talking about and that was presented at the hearing. And in addition to other things, Mr. Loos did give one of the more colorful statements to a committee I've seen that was laced with a number of conspiracy theories. That was concerning, but honestly, the reason I'm opposed to Mr. Loos is partly what Senator Lowe talked about. He is appointed to a specific position for a nonpartisan position. He ran last year as a Republican, and then was appointed in that same year by Governor Ricketts to fill a nonpartisan position. He changed his registration after his running mate failed to advance out of the primary. But there's a reason about this sort of separation between the parties on these important boards. And we do put those in there to make sure you're getting people who are not politically enti-- tangled to other people. He was a candidate on the Republican Party in the same year he was appointed as an independent to fill an independent spot in the sport. That's concerning. But the other concern is he was appointed by Governor Ricketts in October of 2022. We are now in June of 2023. We've had a new Governor for almost six

months. New Governor was elected to run this state and to fill these positions. I don't think that we should be confirming people that were appointed by a previous administration this far into the next administration. Governor Pillen has obviously demonstrated his adeptness at running the state so far, and his ability to fill these positions. I have every confidence that if we vote present not voting or no on this confirmation, we will very soon have a qualified applicant proposed by Governor Pillen. And Governor Pillen can do an interim appointment, a recess appointment, just like Governor Ricketts did. That person will serve until confirmed or disapproved by this body. So Governor Pillen could next week, tomorrow, whenever, appoint somebody to fill this position who then serve in that intervening period of time. That person would be appointed by the current Governor of the state of Nebraska to serve in this important position. That person more than likely will not have been a candidate on the Republican ticket last year unless, of course, the Governor appoints Mr. Loos. But this is a nonpartisan position. We should not be filling it with candidates, Republican candidates for office. So I think there are other concerns, as Senator Erdman pointed out, that he has an ongoing lawsuit with the State Fair. But I, I just think that it'd be in our best interest to be a no or present not voting, allow the current Governor to appoint someone that he finds appropriate for this important position. And of course, when he does do that in that interim, again, that we will not lose time on this board. It is important they continue their work, the regulation of standing up this new industry in the state. But I I'm confident that Governor Pillen will be able to fill this position quickly, and that the board will not lose time in that position. In reference to-- I did speak to all of the regulated, or a number of the regulated, industries about this. They are supportive of Mr. Loos, and you can take that I guess, for what you find it to be worth. But I often have hesitation and concern when the industry that we're seeking to regulate is so excited about the person that we're talking about. Of course, we want them to have a good relationship.

KELLY: One minute.

J. CAVANAUGH: Thank you, Mr. President. We want the regulators and the regulated industry to have a good working relationship, but they should not be always happy. There should be some tension in that relationship, because they are regulating them. So that-- I guess you can take their recommendation with however you want to weigh it, but that's how I weigh it. So again, I would encourage your present not voting or red vote on that-- on this vote. And of course, any time

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Senator Erdman and I are on the same side, I think it's worth paying attention.

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

RAYBOULD: Thank you, Mr. President. I, too, am on the Government, Veterans and Military Affairs Committee and-- oh, I'm sorry, this is General Affairs. I'm on that one, too. I did vote in opposition to Mr. Loos's nomination because of his checkered past, and he is quite a character. But I did have an opportunity to discuss his service on the board as he is now serving, and I heard favorable reports. That he is an advocate, he's working hard for horse racing in our state, is a staunch advocate of that. He's a staunch advocate of the casinos in our state. I do believe in redemption. But I know it is going to be up to a vote of this body. But it is my understanding that he is serving fairly in the position that he has been appointed to. Thank you, Mr. President.

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

DOVER: I would encourage people to be present, not voting or no. I think he's quite, he is quite a character as was said a number of times, and I feel much more comfortable with Governor Pilleen appointing that position. Thank you.

KELLY: Thank you, Senator Dover. Seeing no one else in the queue, Senator Lowe, you're recognized to close.

LOWE: Thank you, Lieutenant Governor. I'd also like to say that my legal counsel, Laurie, did some background checking, and she contacted the South Dakota attorney general and also the county where this claim was filed. And neither one have a problem with Mr. Loos. Everything has been settled, and so they're giving a green light to him. The industry is supporting him because of his knowledge of animals and knowledge of the horses. That's why they're supporting him. He's a very well spoken man, and I would call for your green vote on Trent Loos. Thank you.

KELLY: Thank you, Senator Lowe. Members, the question is the adoption of the General Affairs Committee report concerning the appointment of Trent Loos for the State Racing and Gaming Commission. It'll take 25 green votes for a confirmation of that appointment. All those in

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favor, vote aye; all those opposed vote nay. Record, Mr. Clerk.
There's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye, all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Riepe, please return to the Chamber. The house is under call. Senators Armendariz and Brewer, please check in. All unexcused members are now present. Senator Lowe, it's my understanding you will accept call in votes, is that correct? Mr. Clerk. We are now accepting call ins.

CLERK: Senator Riepe voting yes.

KELLY: Record, Mr. Clerk.

CLERK: 19 ayes, 14 nays, Mr. President, on adoption of the report.

KELLY: The report is not adopted. Mr. Clerk.

CLERK: Mr. President.

KELLY: Raise the call.

CLERK: Next item. Your Committee on Agriculture reports favorably on the gubernatorial appointment of three individuals to the Nebraska State Fair Board: Dawn Caldwell, Brett Lindstrom, and Beth Smith.

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

HALLORAN: Excuse me. We're on the Fair Board, is that right, the State Fair Board? Thank you, Mr. President, and good afternoon, colleagues. There should be no drama in this, I hope. The Agriculture Committee has a series of three appointments to the State Fair board. Two of these are reappointments, and one is a first time member of the State Fair Board. In all cases, the nominees appeared in person before the committee on January 31 and were more than responsive to the committee's questions. The committee voted-- vote was unanimous in all cases to recommend approval. The Fair Board is an 11 member board. Seven members are chosen, one each from seven state fair districts, according to the bylaws of the Fair Board. Four of the members are

appointed by the Governor, subject to confirmation by the Legislature, three of whom are chosen to represent the business communities of their respective congressional districts, and one to represent the business community of the host city, Grand Island. The first appointment is Beth Smith of Lincoln, who is a reappointment to continue as representative of the business community of the first congressional district. Mrs. Smith lists her occupation as community volunteer. She serves or has served in board positions in other capacities with a number of community foundations and service organizations. These include Bryan Hospital Foundation, Teammates Mentoring Program, Friendship Home, Sheldon Museum of Art Committee, and Junior League of Lincoln. [COUGHS] Excuse me. She helps operate the family business, Speedway Motors, and is involved in the operation of the Museum of American Speed, which was founded and supported by Speedway Motors. Beth served on the staff of former President George Bush and Congressman Tom Coleman in Washington, D.C., before returning to-- in Nebraska. She earned a degree in business administration from Southern Methodist University. Beth was the first appointed to the Fair Board in 2017 and has completed two full three year terms. She is eligible for the final term. She is a past president of the board, but currently does not serve as an officer. I move adoption of the Ag Committee report for Beth Smith.

KELLY: Senator, we're able to do all three in one vote.

HALLORAN: You can if you wish. Our second Fair Board appointment, Dawn Caldwell, is also a reappointment to continue as representative of the business community of the third congressional district on the Fair Board. Dawn is currently serving as the executive director of Renewable Fuels Nebraska since November 1, 2021. Her previous employment includes as head of government affairs for the Aurora Farmers Co-- Cooperative in Aurora, Nebraska, as an administrative assistant with Deshler Grain and Feed, and as a UNL extension agent for Nuckolls, Thayer, and Fillmore Counties. She is a graduate of Guide Rock High. [RECORDER MALFUNCTION] bachelor's degree in animal science from the University of Nebraska. Dawn was first appointed to the State Fair Board in 2019 and has served one full term. She is currently serving as chair of the Fair Board. She is eligible for this and one additional third-- three-year term. Our final candidate for appointment, though a new appointment to the Fair Board, is one I am certain familiar to all of you. Former Senator Brett Lindstrom is nominated to serve as a representative of the business community in the Second Congressional District. Mr. Lindstrom served as a member of the Legislature representing District 18 for two terms, beginning in

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2015. He lists current employment as senior vice president of Bridges Trust, a financial planning and asset management company and has served with his, with his father in the Lindstrom Group, a financial advisory business. Mr. Lindstrom graduated from Millard West High School in 1999. He attended the University of Nebraska-Lincoln, graduating in 2004 with a Bachelor of Science degree in history. Mr. Lindstrom is appointed to fill a currently vacant seat last held by Kris Kirchner, who completed his third full term December 18, 2021, and was ineligible for reappointment. Mr. Lindstrom would be eligible for this and two additional three-year terms. I move the approval of the Ag Committee report.

KELLY: Thank you, Senator Halloran. Seeing no one else in the queue, you're recognized to close. And waive closing. Members, the question is the adoption of the Agricultural, Agricultural Committee report on the Nebraska State Fair Board appointments. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on adoption of the committee report.

KELLY: That committee report is adopted. Mr. Clerk, next item.

CLERK: Mr. President, next item. The Agriculture Committee would report favorably on the gubernatorial appointment of two individuals to the Nebraska Brand Committee, Marie A. Farr and Steven F. Stroup.

KELLY: Senator Halloran, you're recognized to open.

HALLORAN: Thank you, Mr. President. Good afternoon, colleagues. The Agriculture Committee reports favorably on two new appointments to the Nebraska Brand Committee. In both cases, the nominees appeared before the committee on February 7. And the committee recommendation of confirmation is unanimous. The purpose of the Nebraska Livestock Brand Act is to protect Nebraska brand and cattle owners from theft of livestock through established brand recording, brand inspection and theft investigation. These duties are assigned to the Nebraska Brand Committee, created in 54-191. The agency is governed by a five-member Brand Committee appointed by the Governor and confirmed by the Legislature. The Secretary of State and the Director of Agriculture or their designees are non-voting, ex-officio members of the Brand Committee. The appointed members shall be owners of cattle within the brand inspection area and they shall reside within the brand inspection area and shall be owners of Nebraska recorded brands. Our

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first appointment is Steve Stroup, who will assume the seat previously held by Adam Sawyer, who completed his term and, and chose not to seek reappointment. His term will continue through August 2026. Mr. Stroup, with his family, operated a livestock feed business, Stroup Feeders, located in Benkelman, Nebraska. He and his family also directly market beef products under the Diamond J. Wagyu brand. In addition to feeding, Mr. Stroup also engages in other ranching and farming activities. He also serves as a medical coder for Dundy count-- County. Mr. Stroup graduated from Benkelman High School, the University of Nebraska School of Technical Agriculture and Production Agriculture and Western Nebraska Community College, for a degree in health information management. Mr. Stroup has been active with the Nebraska Cattlemen and Nebraska Farm Bureau. He was a member of the 32nd Nebraska LEAD agriculture leaders class. The second appointment is Ms. Farr. Marie Farr is a self-employed rancher located near Moore-- Moorefield, Nebraska. It is a cow-calf operation she helps operate with her husband and son that maintains a registered Hereford herd and sells breeding bulls. She also lists previous employment with Animal Health International, a supplier of animal health products. Marie has been involved in the Nebraska Cattlemen and is currently chair of the brand and property rights committee. She has also indicated current and past membership service on the Frontier 4-H Council, state and national Hereford breed association and as president of the Nebraska Cattlewomen. She is a graduate of Red Cloud High School and the University of Nebraska School of Technical Agriculture with an associate degree in feedlot management. Marie Farr is appointed to fulfill the remainder of a vacant seat. Her term will continue through August 2025. I move the adoption for the Brand Committee.

KELLY: Thank you, Senator Halloran. Seeing no one else in the queue, you're recognized to close. And waive closing. Members, the question is the adoption of the Agriculture Committee report on the Nebraska Brand Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: The committee report is adopted. Mr. Clerk, for items.

CLERK: Mr. President, next item on the agenda, Senator McKinney would move to withdraw LB5-- LB55.

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KELLY: Senator McKinney, you're recognized to open on the motion.

McKINNEY: Thank you, Mr. President. I would ask for your vote on this. I introduced this bill a couple of years ago. It got to General. I introduced this-- introduced it this year. But after I introduced it, I found out that the Department of Health and Human Services did what I was asking for in the bill, previously. And I just wasn't aware of it and that's why I'm withdrawing it. So I ask for your vote to withdraw. Thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, you're recognized to close. And waive. Members, the question is the motion to withdraw LB55. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on the motion, Mr. President.

KELLY: It is withdrawn. Mr. Clerk.

CLERK: Mr. President, the next item, Senator Dungan would move to withdraw LB418.

KELLY: Senator Dungan, you are recognized to open.

DUNGAN: Thank you, Mr. President. Colleagues, I'm moving to withdraw this. Essentially, I stand by what this bill originally did. I think there's some good things in this bill, but it didn't really accomplish the goal that we were seeking to accomplish with it. So we decided to withdraw it and try again later. So I would appreciate your green vote on my motion to withdraw LB418.

KELLY: Thank you, Senator Dungan. Seeing no one else in the queue, you're recognized to close. And waive closing. Members, the question is the motion to withdraw LB418. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on the adoption of the motion, Mr. President.

KELLY: LB418 is withdrawn. Mr. Clerk, for items.

CLERK: Mr. President, next item. Senator Vargas would move to withdraw LB464.

KELLY: Senator Vargas, you're recognized to open.

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VARGAS: Thank you very much. This is a bill that we introduced. It's a redundant bill. There was something similar that somebody else was working on, so I just decided to pull it and ask that you vote green to withdraw this bill. Thank you.

KELLY: Thank you, Senator. Seeing no one else in the queue, you're recognized and close-- or waive closing. Members, the question is the motion to withdraw LB464. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Mr. President, on adoption of the motion.

KELLY: LB464 is withdrawn. Mr. Clerk, for the next item.

CLERK: Mr. President, next item. Senator Machaela Cavanaugh would move to withdraw LB751.

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

M. CAVANAUGH: Thank you, Mr. President, as this will definitely be my last time speaking this legislative session, I thought I would leave you all with one more educational process thing. So this morning, I got my subject index signed by Carol Koranda. Thank you, Carol. And of course, I am in-- instantly utilizing it. I knew that I wanted to withdraw this bill because other bills similar had been introduced, but I couldn't remember what they were. So, the subject index. You can get your copy in the Clerk's Office, although I think there's only one printed copy left because I took one for former Senator Sara Howard. A tradition we have of asking our dear index clerk, Carol, to sign the book for us, because I am that level of a nerd. But on page 65-- no. Sorry. On page 64 is my bill. Nope. I was right the first time-- 65 is my bill, LB75-- LB751. And Senator Murman had LB701 and Senator Linehan had LB303, all with state aid to public schools. And that was why I filed a motion to withdraw this bill, because it was duplicative. And thank you to Carol for all of her hard work. And colleagues, please vote green for my motion. Thank you.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, you're recognized to close. And waive closing. On LB751-- on the motion to withdraw, members, the question is the motion to withdraw LB751. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 2 nays, Mr. President, on the motion to withdraw.

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KELLY: LB751 is withdrawn. Senator Briese announces some guests under the south balcony, Valerie Kinghorn, Jessica Kinghorn, Tyler Kinghorn and Jaime Kinghorn, all of Lincoln. Please stand and be recognized by your Nebraska Legislature. And to that end, Senator Briese, you're recognized for a point of personal privilege.

BRIESE: Thank you, Mr. President. Colleagues, Nebraska State Patrol Lieutenant Todd Kinghorn will retire in December 2023, after serving the citizens of Nebraska for over 33 years. Lieutenant Kinghorn began his career in September, 1990, with the 36th recruit camp. After graduation, he was assigned to Troop H, which served southeast Nebraska. Lieutenant Kinghorn served in multiple roles early in his career, including uniform patrol and drug and criminal investigations. He was also a member of the Troop H SWAT team from 1996 to 2005. In 2001, Lieutenant Kinghorn was promoted to sergeant in the Sex Offender Registry Division. In 2005, he was promoted to lieutenant in the Internal Affairs Division. Lieutenant Kinghorn also served as a lieutenant in the Field Services Division for Troop H, Lincoln. He spent time as a lieutenant in executive protection under Governors Heineman and Ricketts, before coming to Capitol Security in 2016. Lieutenant Kinghorn is a Nebraska native from Wahoo. He is a graduate of Doane University and also graduated from the prestigious Northwestern University's Center for Public Safety and School of Police Staff and Command, in May 2008. Lieutenant Kinghorn married retired Lincoln Police Department Sergeant Val Kinghorn in 1995. Val currently serves as a veterans service officer for the Nebraska Department of Veterans Affairs. They have three children, Daughter Jessica, who is currently serving full time as a staff sergeant in the Nebraska Army National Guard; son, Tyler, who is Lance Corporal in the Marine Corps Reserve; and daughter Jaime, who is a junior at Creighton University. The Kinghorn family continues to serve our nation and our state daily. On behalf of the Legislature, please join me in thanking Todd for his years of service and wishing him good luck upon his retirement in December. Thank you, Mr. President.

KELLY: Mr. Clerk, for items.

CLERK: Mr. President, bills read this afternoon on Final Reading were presented to the Governor at 2:43 p.m. [Re LB514, LB514A] Additionally, a communication from the Governor. Dear Mr. President, and members of the Legislature, I am writing to confirm that all bills presently on my desk will become law without my objections in the coming days. Signed, Sincerely, Jim Pillen, Governor. Priority motion, Senator John Cavanaugh would move to recess the body for 15 minutes.

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KELLY: Members, you've heard the motion to recess for 15 minutes. All those in favor say aye; all those opposed say nay. We're in recess.

[RECESS]

KELLY: The Legislature will now reconvene. Members, please find your seats and check in. Members, please take your seat and check in. Mr. Clerk, please record.

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

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

BREWER: I move that a committee of five be appointed to notify the Governor that the One Hundred Eighth Legislature, First Session of the Nebraska Legislature is about to complete its work, thank God, and to return with any messages the Governor may have for the Legislature.

KELLY: Senators Dungan, Sanders, von-- you've all heard the motion. All those in favor say aye; all those opposed, nay. Motion is adopted. Will the following Senators retire to the rear of the Chamber to escort the Governor: Dungan, Sanders, von Gillern, McKinney and Wishart. The Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. President, your committee, now escorting the Governor of the great state of Nebraska, Governor Jim Pillen and First Lady Suzanne Pillen.

KELLY: Members, members, please take your seat. And we recognize Governor Jim Pillen.

GOVERNOR PILLEN: Thank you. Let's tone that down. We've been here long enough. Right. Well, thank you very much. President Kelly, Speaker Arch, members of the One Hundred Eighth Nebraska Legislature, friends and colleagues, incredibly honored-- I'm incredibly honored to be here with you in this unbelievable Chamber to mark the conclusion of the-- one of the most impactful sessions in this body's history. Over the last five months, we have all been incredibly challenged. We've worked really hard. We've built strong partnerships and a winning team. And because of your grit and your courage, we have made an incredible difference for all the Nebraskans we serve. Congratulations. Today, I am proud to report that in, in the face of extraordinary challenges, the will of the people of Nebraska has prevailed. We've accomplished together far more than what anyone thought possible. And we did it by working together. Together, we can. Thank you. Serving as the 41st

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Governor of Nebraska, an incredibly humbling honor and let me tell you, it is a privilege that there's no words that can describe it. But I have to tell you this. These last five months have been an incredible personal experience for me and in no small part because of many, many of you in this Chamber. Thank you very, very much. You guys are incredible. Nebraskans very blessed to have you all here. Last November, the people of Nebraska gave us a very clear and overwhelming mandate. They elected us to do big things, to make tough choices, to tighten the government's belt and to make transformational change in areas most important to our future, our kids, our tax policy, our agricultural industry, the backbone of our state, our economy and our conservative Nebraska values. All areas where the vast majority of Nebraskans, people of every background and belief system, agree. We know another term of what media sometimes will characterize as controversial. I think most of us just simply call it common sense. This session, with your partnership, our team has delivered the most expansive package of common sense reforms in the Nebraska's 156-year history. Congratulations. And, and we all started this, shared with our convictions about our kids, that our kids are Nebraska's future and that we can never, ever give up on our kids. They have to be protected. They have to be well-educated and equipped with the best opportunities to succeed, right here in Nebraska. For, for way too long. Nebraska has been one of the only two states out of 50 that have denied educational opportunities to children based on their means. This week, you said no. In partnership with Senator Lou Ann Linehan, a true school choice champion, we signed into law LB753, the Opportunity Scholarships Act. This is landmark legislation for Nebraska, will ensure the doors to educational opportunity are open for all Nebraska's kids. In partnership with Senator Clements, our fiscal conservative champion, we worked with those-- with all of you to pass fiscally conservative budget that prioritizes both tax relief and historic investments in education. We all together said no to unnecessary spending. With Nebraska's Education Future Fund, we are making more than a \$1 billion investment and \$250 million every year thereafter, to ensure Nebraska never, ever gives up on a kid again, wherever they live. I think that's a kudos. We worked with Senator Rita Sanders to make significant reforms to the TEEOSA formula, providing \$1,500 foundation aid to every student in our state from Omaha to Harrison, who is-- to Harrison. We've also been increasing our state commitment to special education students, ensuring they receive the support they need in the classroom. Together, together, this is an over \$300 million investment of additional funding in public education for Nebraska's kids every single year. And we did it

while capping the growth of state spending at just 2 percent, just 2 percent. And thanks to the leadership of Senator Briese, these investments will be accompanied by spending accountability for our school districts. With an annual 3 percent cap on the growth of district spending, our education investments will result in dollar-for-dollar property tax relief. Our budget also strengthened our state's commitment to post-secondary education and training. It ensures the continued success of the University of Nebraska system, our state college system and our community colleges. We'll be continuing to work with Senator Murman to reform community college funding and secure their future. Our community colleges are absolutely essential for all of our kids. To get more teachers into K-12 classrooms, we worked with the Nebraska Department of Education to cut red tape and eliminate barriers to efficient teacher certification. And finally, through our new mentoring grant program, our mentorship initiative for our state's public servants, we are working to give every child in Nebraska access to mentoring. As we've said over and over, not every child needs a member, but every child in Nebraska certainly deserves one. Together, we can. This session, we made one thing crystal clear to the world: Nebraska will protect its children. We will protect babies in their mothers' wombs. We will protect our kids as they grow. And we will not allow a vocal minority to threaten their safety and well-being. Through the leadership of Senator Joni Albrecht and Kathleen Kauth and Ben Hansen, we have secured the most significant victory for Nebraska's social conservatives in a generation. LB574 bans abortion at 12 weeks, protecting God's precious gift of life. The law also ensures our children are protected from irreversible surgeries and other damaging treatments. This victory was hard fought, was hard won. There were tough moments. But when many in the pro-life movement said this fight ended in defeat, my response was no way. We rallied together, we problem-solved, we refused to quit. We overcame obstacles with collaboration, with truth and God's grace. But we have to do more to save the lives of babies in the womb. Make no mistake. Make no mistake at all. We will end elective abortion in Nebraska. We will do all we can to help our kids fulfill God's purpose for their lives and support moms that choose life and love. It's a pillar of why I stand here. When our kids grow up and graduate, we want them to enter the strongest, most competitive economy in America, right here in Nebraska. For way too long, our tax code has prevented Nebraska from realizing this vision. But this year, together, we have made historic strides to take Nebraska from being a high-tax state to being a competitive, low-tax state. We're not in the top ten, but we're pretty close. Through the work of Senator Linehan and Senator

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von Gillern, Nebraska will finally have income tax rates that compete with our neighbors. By tax year 2027, Nebraska will have a top individual and business income tax rate at just 3.99 percent. I'll say it now and I'll say it again on Black Friday, the day after Thanksgiving, we won't lose to Iowa. It is important that we compete at every level and income taxes are just one way of getting government off the backs of Nebraska's families. Partnering with Senator Kauth, we accelerated the income tax exemption of so-- and taxing our so-- seniors on Social Security benefits. Working with Senator Elliott Bostar, we delivered child care tax credits for young families. We've expanded the Property Tax Credit Relief Fund and our budget, with its education investments, will do even more to reduce property tax burden. But we still have lots of work to do on the property taxes. Property taxes are so out of whack, you don't even need to own property in Nebraska. We have to fix it and together, we can. But we can all be incredibly proud that this session, we have, together, secured over \$6 billion, billion of state tax relief over the next six years, \$6 billion. That's \$1 billion a year back into the pockets of Nebraskans. It will make a tremendous difference for our Nebraska families, our seniors, farmers and ranchers and all the job creators throughout our state. Nebraskans' response to everyone in this room will be, thanks a billion, thanks a billion. I hope you enjoy those. And we all agree a rising tide lifts all boats. Prosperity should lift up every community across Nebraska. But too often, for one reason or another, some communities are left behind. This session, we've made great progress to bridge the gaps and lift these communities up. That begins with the investment to better connect our rural communities. We have to equip them with the opportunities of the digital age. That's why, on my first day in office, I signed an executive order creating the Nebraska Broadband Office. By centralizing and streamlining our state's broadband connectivity efforts. The Broadband Office will help complete projects faster, cut through red tape and have greater accountability for our state's broadband investments. Affordable, reliable broadband access must be accompanied by a modern state highway system to transport our world-class goods and our world-class people. With bonding authority, championed by Senator Moser, the Nebraska Department of Transportation will be able to complete critical highway projects on a timeline of years. Not-- number four, not for decades, but not four decades-- some have taken four decades to complete. And with the investments in the Perkins Canal projects, we will secure our rights to water, our state's most precious resource, for all Nebraskans, from Big Springs to right here in Lincoln. These projects are essential to the strength of our

agricultural sector and our state's economy. Now, this one's not fun to recognize, but we have to recognize that every one of our Nebraska communities struggle with the challenges of poverty, mental health and substance abuse. Everyone. But we cannot allow these challenges to crowd out hope and opportunity for our kids and the future of our state. This session, working together with Senator McKinney and Wayne, we've taken steps to create more opportunity for north and south Omaha neighborhoods. With Senator Wishart, we've worked to expand access to outpatient mental health and substance abuse treatment in communities throughout our state. And with our investment in the future of corrections system, we will continue to hold criminals accountable. We will improve their rehabilitation and we will reduce recidivism. And people will have second chances and enter our workforce and be productive citizens of Nebraska and making every community in our state safer. Much of this session has been focused on fixing things: taxes that are too high, a broken school funding system, infrastructure projects that were taking too long. But we've also focused on opportunities to grow the economy in Nebraska. Thanks to Senator Bruce Bostelman, LB565 will help Nebraska become a regional hydrogen hub, creating hundreds of high-paying jobs and attracting billions of dollars of investment in Nebraska. Through the Good Life Transformational Project designation, we've created a structure to more efficiently invest in major development projects that will transform their communities. Through the hard work of Senator Dorn and many others, we will increase access to E15 for drivers throughout the state. Ethanol is a critical product of our agricultural industry. It's good for the environment and it is critical to America's energy security. I am determined that Nebraska will continue to be a leader on E15 and even higher biofuel blends. As we work together to grow our economy and improve connectivity throughout the state, we cannot sacrifice our national security. With LB63, introduced by Senator Bostar, we will continue fighting to get equipment vulnerable to Chinese exploitation off cell towers across our whole state. And that's going to happen now. The last piece of our agenda and the most important to me, is our conservative Nebraska values. Our state has been made great only through a shared set of values that has always guided us: faith, family, freedom, grit, hard work and personal responsibility. These principles are our compass. They're our North Star. We have to fight for love and life. We have to secure our God-given freedoms and we have to get government out of our hair. Thank you. This year, I was incredibly honored, as your Governor, to sign into law, LB77, long championed by Colonel Brewer to secure Nebraska's constitutional carry rights. It's, along with so many bills

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this session, an example of determination and force of will. When we come up short, we keep fighting and competing. I will always fight for our freedoms. I will always fight for our children, including the unborn. And I will always work to defend our Nebraska way of life. I've mentioned some of the tremendous contributions of our state senators this session. And there's countless more, just don't have the time-- I think everybody's ready to get out of here-- to recognize all today. But what I can say is it's countless examples of your vision, your courage, your grace and your grit. I've met with 47 of 49 of you since taking office in January, most of you, many times. And I can tell you this. The more that I get to know each of you, it's an extraordinary, extraordinary privilege to be a public servant with you, each and every one of you. I want to thank Speaker Arch and our constitutional officers, Lieutenant Governor Kelly, Attorney General Hilgers, State Treasurer Murante, State Auditor Foley, and Secretary of State Evnen for their work. I'm also grateful for our team, both in the Office of the Governor and our Cabinet agencies. With the leadership of my partner, Joe Kelly, Chief of Staff Dave Lopez, director of policy research, Kenny Zoeller, and our state budget director, Lee Will, our team has worked tirelessly to help make this session a success, to partner with all of you and I can't thank you enough. I also want to take a minute to state our-- to thank our state's public servants. We have incredible public servants across state government that will be working hard to come together in a systems approach and be able to save our state lots of money and improve our services. I also want to, especially spank-- thank those who put their safety on the line every day to service, to our state troopers, to our National Guardsmen, our correctional officers and protective services staff, thank you for all you do to keep us, keep us safe and free. Thank you. And finally, to our families. I know the sacrifice my family has made. I know the sacrifice your families have made. On behalf of all Nebraskans, I say thank you. Because your work-- this work is hard. Without your family's love and support to give you everything you have, we could not do this work. So hopefully, you can feel, you can feel that. Finally, the people of Nebraska, I just say thank you for the privilege of serving. I've talked to so many in the last two and a half years and, and the five months. I've heard your thoughts and your ideas and answered your questions and felt the unbelievable power of Nebraska's prayers. All the Nebraskans have certainly affirmed one thing we all know to be true, right, there is no place like Nebraska. And there's no people as incredible as Nebraskans. I think we all agree. So, my final words are for Nebraska. Let's keep working together. Let's keep praying. Let's keep fighting

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for this great state we all love. May God bless you all. I'm really proud of you all. May God bless the great state of Nebraska. Thank you very, very much.

KELLY: Will the committee please escort the Governor out of the Chamber? Senators, please take your seat. Mr. Clerk, for items.

CLERK: Mr. President, communication from the Governor. Engrossed LB514e and LB514Ae were received in my office on June 1, 2023. These bills were signed and delivered to the Secretary of State on June 1, 2023. Signed, Sincerely, Jim Pillen, Governor. Mr. President, a motion. Sen-- Speaker Arch would move-- would ask unanimous consent to substitute the motion to suspend the rules for the motion found on Journal page 8-- 1837.

KELLY: No objection. So ordered. Speaker Arch, you're recognized for a motion.

ARCH: Thank you, Mr. President. This motion is one of our traditional sine die motions. It reads, to suspend Rule 6, Section 3 and 5, and Rule 7, Section 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed. And then it lists several bills by number. This motion will suspend the rules and indefinitely postpone all of the bills on General File or Select File whose provisions have been amended into other bills. When I schedule bills next session, I would pass over these bills and not sched-- and not schedule them for debate since provisions of them were passed in another bill this year. By adopting this motion, it will allow us to clean up the worksheet, which greatly helps both my office and the Clerk's Office next year. My substituted motion makes one change that was not brought to my attention until this morning. It deletes LB792 from the motion and thus, the bill will not be indefinitely postponed and available for scheduling next year. LB792 is Senator Wayne's priority bill to provide for a pilot program for assessing and treating post-traumatic stress disorder. The program was included in the budget bill, but then vetoed by the Governor. So I would appreciate a, a yes vote on this motion. Thank you, Mr. President.

KELLY: Thank you, Speaker. Arch. Members, this takes 30 votes. All-- and it's a machine vote. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on the motion.

KELLY: The motion is adopted. Speaker Arch, you're recognized.

ARCH: Thank you, Mr. President. Well, colleagues, the First Session of this One Hundred Eighth Legislature is coming to an end. And I don't think it would be a stretch to say that it has certainly been an unusual and very difficult session for everyone. This session has tested the Legislature on every level: relationships, processes, rules, and our individual commitment to the goal of passing good legislation to govern our state. I stand here today to tell you and though-- and to those listening, we have done the work we were sent to do in spite of all the challenges before us. The messaging I heard from the beginning of this session and throughout it was that the Legislature isn't accomplishing anything. That perception could not be further from reality. The hard work and long hours on the part of all of you, the members of the Legislature and all of the legislative staff, has resulted in historic accomplishments. We have done what we were sent here to do and together, we have passed transformative legislation in many areas that will positively impact generations to come. All of you, senators and legislative staff, should feel a sense of satisfaction for the results produced by your very hard and det-- excuse me-- and determined work. For example, we made major commitments to education with LB583, introduced by Senator Sanders. With passage of Senator Linehan's LB754 and Senator Briese's LB243, we delivered significant tax relief to Nebraskans. We passed Senator Wishart's LB276, which will change the way we deliver behavioral health services across the state, by adopting the Certified Community Behavioral Health Model. We moved the Economic Recovery Act forward to effectuate real change in north and south Omaha with the passage of Senator McKinney's LB531. We were able to address justice reform with Senator Wayne's bill, LB50. We passed the implementation bill for the voter ID ballot initiative. And of course, under the leadership of Senator Clements, we adopted a fiscally responsible budget that provides for the ongoing funding of our state government. At the beginning of this session, I believe the largest question before us was how best to utilize the excess money in our General Fund and in our Cash Reserve Fund. This Legislature answered, answered with a \$1 billion investment in education, significant tax relief and transformative investment in communities throughout the state. Our decisions will have a lasting impact for many years to come. While we weren't able to have a consent calendar, we utilized a different strategy this year and that was the committee packages. My guidance to the chairs of each standing committee was to identify those bills that had committee member consensus that had high impact, were

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non-controversial and had a low fiscal note. Each committee presented its package to the Legislature with those bills they believed fit that criteria. If you take a look at these committee packages and who sponsored the bills in those packages, you will not see any partisan trend, but you will see senators from all over our state putting forth good ideas, good governance bills. These packages all passed with broad support. Thank you to all the committees, their members and their staff. Thank you for working hard to bring forth legislative packages that were nonpartisan and were well worked and broadly supported. Thank you for the personal sacrifices you made to be present and engaged for long hours. In all, listen to these numbers. In all, out of the over 800 different measures introduced at the beginning of this session, when you consider both individual bills and bills amended into the packages, we passed a total of 291 bills. This is essentially the same number of bills passed compared to the average long session. In 2019, 322 bills were passed. And in 2021, 281 bills were passed. This session's number includes 72 out of the 107 personal committee and speaker priority bills. That's nearly two-thirds of priority bills passed. And this session's bills were passed with significant consensus and bipartisan support. According to the last count, only seven bills passed with fewer than 40 votes. In fact, a majority of the bills we passed had the support of no less than 44 supporters and several with many more. With all of the bills passed, including several large transformative bills, I believe that this was one of the most productive sessions and will have a longer lasting impact than any session in modern history. That is a tribute to you, your hard work and your long hours. A majority of the session was embroiled in extreme rancor and division. But if you look at what we have accomplished, particularly during these last few days, the last couple of weeks of this session, you can get a glimpse of what we can do when we work together. I hope we can build on that, on the robust debate we've had these last few days, as we consider the direction we take next session in January 2024. With regards to that division, I want you to know that my commitment to the, to the institution guided my decision-making throughout this session. I know there were some of you from across the political spectrum who did not always agree with my decisions. As Speaker, I worked diligently this session to provide guidance and to influence the culture of our nonpartisan institution. I personally made every attempt to not give into the temptation to make major changes as a result of the challenges. I was asked, at times, begged, on numerous occasions, to change the rules in the middle of the session or to find a new interpretation of existing rules with the rationale, because we can. Except for one rule change

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which did aid us to address substantive issues, I consistently said no, much to the frustration of many. I did not want to make changes to precedent, adopt a new interpretation of rules, nor suppress dissent by the use of my powers. I did not accept that as a strategy because I hoped that this year would be an aberration, not a predictor of the future. There will be a time to consider how we want to govern ourselves in the future. But I believe then and I continue to believe it, it should not occur in the middle of the session in the midst of turmoil. That is not the time for good decision-making. As Speaker, I attempted to hold to the course. And I think it was largely-- that was largely accomplished. But the Speaker alone does not comprise the Nebraska Legislature. Clearly, it will be up to all the members of the Legislature to determine what kind of Legislature we want going forward. A Unicameral Legislature that is focused on approaching governance with a solution-focused, problem-solving mindset will only happen if we all want that. We are 49 out of 2 million residents of Nebraska who have been elected to represent their interests. It's a privilege, but also a huge responsibility. My commitment to this institution, to the members of this body, will be to work with you over the interim to assess the lessons, both good and bad, of this session, learn from them and move forward as we define not only what we do, but how we do it. And now I'd like to take a moment to thank all of those who worked tirelessly behind the scenes. Our sharp divisions put tremendous stress on them and the system. These are people who have a true commitment to this institution and who work tirelessly to help us get our job done. As I say, your name and division, could you please stand up? First, I want to thank and recognize our Clerk, Brandon Metzler. It was her-- it was his first session flying solo. And I think he did a remarkable job. I know I could not have made it through this session without his knowledge and expertise. Thank you, Brandon. Next, Assistant Clerk Dick Brown and the Clerk's staff that are on the floor each day: Carol Koranda, Jenni Svehla, Kennedy Zuroff, Diane Johnson and the rest of the Clerk's immediate office, who are here every night for at least an extra hour after we adjourn and then turned around and were here first thing in the morning. Thanks to our legislative pages who are supervised by Kennedy Zuroff. Way to go Pages. We really appreciated your work. The rest of the Clerk's Office, which includes our Bill Room, our Transcribers, the Unicameral Information Office, our Legislative Technology Office, and, of course, our Sergeant at Arms, led by Burdette Burkhart. Also here late into the evenings and sometimes on weekends are the Legislative Fiscal Office, with director Keisha Patent and the Revisor's Office with Revisor of Statutes, Marcia

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McClurg. If I read your names and you're up there in the balcony, would you please stand and be recognized? Here's some more numbers. In addition to over 800 bills and resolutions introduced at the beginning of the session, senators requested 2,000 amendments with 900 fiscal notes. In addition, over 1,158 motions were filed with the Clerk. The sheer volume of these requests required countless hours late into the evening and over the weekend and holidays. Again, thank you so much. Here's some more of our support staff. And if you are, again, in the balcony, could you please rise? Our Legislative Research Division, led by Ben Thompson. Ben, are you in the balcony? There he is. There they are. Thank you so much-- Legislature's Accounting and Budget Office, led by Shelley Reed; our Performance Audit Division, supervised by Auditor Martha Carter, who will be retiring shortly after the end of the session; our Ombudsman's Office-- that's a, that's a hard word to say-- Ombudsman's Office, led by Ombudsman Julie Rogers. Julie, are you there? There you are. Thank you. Nope, Julie's not there, but thank you very much. Our President and presiding officer, Lieu-- Lieutenant Governor Joe Kelly. He was an enormous help to us by the number of hours he oversaw our proceedings. Thank you, Joe. And of course, all of our committee staff and personal staff. I also want to thank Nebraska Public Media for its gavel-to-gavel coverage of the Legislature so that citizens across the state can watch their government in action. If representatives of Nebraska Public Media are here, would you please stand so you can be recognized? You were here long hours. I think they're running the cameras. And I would also like to thank Cap-- Captain Lance Rogers, Lieutenant Todd, Todd Kinghorn, the rest of the Nebraska State Patrol, for keeping us and this magnificent building safe and certainly, our Capitol security team, who kept order and security so we could complete our work. Thank you very much. And last but certainly not least, I want to personally thank my own team, Laurie Weber, Lisa Johns, Mandy Mizerski. No Speaker can function without a strong, a strong team. I have the best. Well, thank you, again, to everyone, for your hard work. Pause, take satisfaction in your accomplishments for the citizens of Nebraska. Enjoy your interim and your time.

KELLY: Thank you, Mr. Speaker. Mr. Clerk, for items.

CLERK: Mr. President, communication from the Governor. Engrossed LB705e and 705Ae were received in my office on May 30, 2023. These bills were signed and delivered to the Secretary of State on June 1, 2023. Signed, Sincerely, Jim Pillen, Governor. Additionally, engrossed LB3-- excuse me, LB138e, LB138Ae, LB298 and LB298A were received in my

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office on May 31, 2023. These bills were signed and delivered to the Secretary of State on June 1. Signed, Sincerely, Jim Pillen, Governor.

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

WALZ: Oh. Mr. President, I move that the Legislature approve the preparation and printing of the permanent legislative Journal, session laws and indexes by the Clerk of the Legislature and that he be directed to send each member of the Legislature a copy of the permanent legislative Journal and session laws.

KELLY: Members, you've all heard the motion. All those in favor say aye. All those opposed, nay. The motion is approved. Senator Brieese, you're recognized for a motion.

BRIESE: Mr. President, I move that the Journal for the eighty-eighth day, as prepared by the Clerk of the Legislature, be approved. Thank you.

KELLY: Members, you've all heard the motion. All those in favor say aye. All those opposed, nay. The motion is approved. Senator Conrad, you are recognized for a motion.

CONRAD: Mr. President, I move that the One Hundred Eighth Legislature, First Session, of the Nebraska Legislature, having finished all business before it now, at 4:30 p.m., adjourn sine die.

KELLY: Speaker Arch, Speaker Arch, you are recognized.

ARCH: Thank you, Mr. President. I have, I have one more announcement. I wanted to clarify something. On day 9, I did not support Senator Conrad's sine die motion, but I fully support her current motion. Please, please vote yes.

KELLY: Members, you've heard the motion to adjourn sine die. All those in favor say aye. All those opposed, nay. We are adjourned.