

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 10, 2021

**HILGERS:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-fifth day of the One Hundred Seventh Legislature, First Session. Our chaplain for today is Senator Williams. Please rise.

**WILLIAMS:** Good morning, colleagues. Just a quick reminder to everyone here. It is going to be cold this weekend, but Valentine's Day is Sunday. So, guys, you're warned. Would you please join me in prayer. Lord, we thank you for today and we thank you for all days, especially day 25. We pray that you will lead us and guide us during these long and sometimes difficult days in the Legislature. Please be with each senator and our staff keeping us safe, keeping us focused, and keeping us united in our efforts. Lord, we continue to open our eyes with words of promise, words of possibilities, and words of encouragement. As we approach Valentine's Day, help us to focus on your greatest gift, the gift of love. You created us to love. You created us to express that love to others and to receive that love for ourselves. The Bible is full of references to your great, enduring, and abundant love. Encourage us to use this special holiday in a manner to show love to family, friends, neighbors, and more. It is your love that passes all understanding. Let us continue to use our combined wisdom, our independent imagination, and our abundant compassion to find opportunities in the obstacles we face in the Legislature. With your guidance and with your love, we will be successful. Amen.

**HILGERS:** Thank you, Senator Williams. Senator Sanders, you're recognized for the Pledge of Allegiance.

**SANDERS:** Please join me in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**HILGERS:** Thank you, Senator Sanders. I call to order the twenty-fifth day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** I have no corrections.

**HILGERS:** Thank you. Are there any messages, reports, or announcements?

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**CLERK:** There are: your Committee on Business and Labor reports LB169 and LB255 (and LB37) placed on General File; Education Committee offers a confirmation report. Series of notice of hearings: the Urban Affairs Committee, the Health and Human Services Committee, the Business and Labor Committee [SIC], the Appropriations Committee, and the Health and Human Services Committee. New resolutions: Senator Aguilar and others introduce LR41. Mr. President, that'll be laid over at this time. That's all that I have.

**HILGERS:** Thank you, Mr. Clerk. Senator McCollister, for what purpose do you rise? Senator McCollister.

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues--

**HILGERS:** Senator McCollister--

**McCOLLISTER:** --and friends all, to borrow a phrase.

**HILGERS:** --Senator McCollister, I'm sorry, what purpose do you rise?

**McCOLLISTER:** A point of personal privilege, Mr. President.

**HILGERS:** Please proceed.

**McCOLLISTER:** Colleagues, I want to talk to you about the attachment that I left on your desks. Ohio makes leaps forward on criminal justice changes. I'm going to keep passing out these documents to you when they come across my desk, because I think we need to do the same thing in Nebraska. And the fact that we aren't is going to cost us unnecessarily-- unnecessary money and waste human potential of people just sitting in prison. We need to make some changes. Read the document and I'll be talking about this further as we go along in the session. Thank you, Mr. President.

**HILGERS:** Thank you, Senator McCollister. Senator Brandt would like to recognize Dr. Jason Bespalec of Geneva, who is serving as our family physician of the day. Dr. Bespalec is sitting under the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Lowe, for what purpose do rise?

**LOWE:** Point of personal privilege.

**HILGERS:** Please proceed.

**LOWE:** I got an email-- or a text yesterday from a fellow in Kearney by the name of Dick Cochran, who started Hot Meals USA to help feed those in times of disaster, whether it be the people that are in the

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disaster or the first responders that show up. And over, well, from March 17 until the end of the summer, he served over a million meals out of the back end of his trailer and trucks. But he sent me a text yesterday. It's-- and the text read: Yesterday, the food pantry wanted to cancel delivery of 1,200 boxes of food in Kearney and I asked them to give me a day to find a warm place because it was so cold. They used the fairgrounds in Kearney but the building is not heated. One call to Paul Younes, and many of you know Paul Younes, he owns the Younes Conference Center, and the problem was solved. We're using his ballroom at the convention center. He is a great asset to us all. We now have 50 semi-loads of food coming to Nebraska from the areas of Scottsbluff to Omaha. That's a little over 1,200,000 meals coming home for Nebraska. We now have become the largest food distributor in the state. The power of Kearney is strong. And I'd just like to recognize the two men, Dick Cochran and Paul Younes, for the dedication to the people of Nebraska. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Lowe. Mr. Clerk, first item on the agenda.

**CLERK:** Mr. President, LB288 by Senator Walz. It's a bill for an act relating to the Tax Equity and Educational Opportunities Support Act. It changes the determination and certification date relating to distribution of aid, certification of certain budget limitations. The bill was introduced on January 12, referred to the Education Committee, advanced to General File. I have no amendments to the bill, Mr. President.

**HILGERS:** Thank you, Mr. Clerk. Senator Walz, you're recognized to open on LB288.

**WALZ:** Thank you, Mr. President and members of the Legislature. LB288 simply changes the certification dates for the TEEOSA this year and this year only from March 1 to June 10. These dates are for certifying state aid bud-- state aid budget authority and applicable allowable reserve percentages. This change of date is necessary so that we don't reach the March 1 deadline before the Legislature has a chance to consider introduced legislation that modifies the TEEOSA formula. For example, LB323, introduced to make necessary notifications to reflect pandemic-related impacts to the formula. This change of certification date will allow the Legislature to make those decisions before we expend resources on certifying the formula, only to have to redo it. The change of certification was done last year with LB880 and in years prior. This is standard practice-- practice when we have a situation that includes possible adjustments to TEEOSA. It was advanced unanimously by the Education Committee. Thank you for your time and I ask for you to advance LB1131 [SIC--LB288]. Thank you, Mr. President.

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**HILGERS:** Thank you for your opening, Senator Walz. Debate is now open on LB288. Senator Wayne.

**WAYNE:** Thank you, Mr. President and colleagues. That was a nice shock. Colleagues, these are one of these bills that come every year and I guess with all day committee hearings and we're not really having a lot of floor debate, this bill is going to sail through. But my question to the body is for-- since I was on the school board in 2013, a bill like this has happened every year. And I really don't know why we just don't make a permanent change. Every year there's going to be a bill. TEEOSA was tweaked 25 out of the 26 years it's been around. I think now it's been 27 years. That means there was a bill on the floor that adjusted TEEOSA every year. So every year there is a delay or we change some type of certification every day just to do so. And so I don't know why, and I guess on Select File we'll have a longer conversation because I know we have committee hearings, but these are just bills that we continue to do every year instead of just adjusting it to June in the first place. It's a-- it's a waste of a hearing. It's a waste of having a motion and a-- and a go through three times and signed by the Governor. Every year it's tweaked. So if we're going to be down here, let's look at ways we can make permanent changes to actually advance what we're doing. But to me, this is a waste of resources and time on the-- on the-- on behalf of the Education Committee, although I'm not on there, because I've seen it every year since 2013, since I've been on the school board. So I just want us to think about that. I am going to work with Chairwoman Walz and legal counsel to figure out when this hasn't happened and if it has happened, why don't we just make a permanent adjustment going forward. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Wayne. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. Speaker. I appreciate it. Good morning. Senator Wayne, I appreciate you bringing this up. And I'm not exactly sure why we have to continue to make those adjustments but maybe this is an idea that needs to be considered. Perhaps it's because you're working with the Department of Education in the state of Nebraska. That organization or that agency has a tendency to put things off. They have a tendency to drag things out. They have a tendency to make things more difficult than they need to be and perhaps we need to do a complete review of the Department of Education to see why things don't happen on a timely manner. So I'm looking forward to the discussion about that as well. Thank you.

**HILGERS:** Thank you, Senator Erdman. Senator Wayne.

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**WAYNE:** I just want to clarify-- thank you, Mr. President. I just want to clarify, for those who don't know, this isn't a Department of Education issue. The issue is, we as a body introduce bills that affect TEEOSA. For example, I have a bill on virtual learners that was heard this year. So if that bill were to pass and we certify in March, then there's a disconnect of my adjustment on my bill versus the certification. My point is, every year there's a TEEOSA bill or some nuance of how we're going to change it. It's actually the body who is causing this to happen by introducing changes to TEEOSA. And at some point, we just need to make a permanent change, because if we know every biennium a budget comes out in March or April, we won't pass it till April or the 45th day of the body. Then we know that TEEOSA or any education funding is going to be impacted after that if there is money on the floor, because we have bills that we hold up until Final Reading and know if there's money or not. It just doesn't make sense for us to come back every year and do one of these bills. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Wayne. Seeing no one else in the queue, Senator Walz, you're recognized to close. Senator Walz waives closing. The question before the body is the advancement of LB288 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**CLERK:** 41 ayes, 0 nays, Mr. President, on the advancement of LB288.

**HILGERS:** LB288 is advanced. Next item.

**CLERK:** I have nothing further other than readings, Mr. President.

**HILGERS:** Please-- please proceed.

**CLERK:** Mr. President, hearing notices from the Banking, Commerce and Insurance Committee. Name adds: Senator Groene to LB4; Senator Erdman, LB4; Senator Ben Hansen, LB4; Albrecht, LB40; Blood, LB390. Mr. President, Senator McCollister would move to adjourn the body until Thursday morning, February 11, at 9:00 a.m.

**HILGERS:** Thank you, Mr. Clerk. Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. We are adjourned.