

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 17, 2021

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

HILKEMANN: Good morning, Lord. Today, as we enter this time of reflection, the time that we call Lent, the time from the imposition of ashes, time of waving palm branches, to the culmination of celebration we call Easter. During this time, I call on each of us to reflect. To some of us, it will mean giving up something. To others, we may add a Bible study or a discipline or an act of service. However we approach this, Lord, let us reflect on our role as legislators, on our role as community and state leaders. And as a body, Lord, we need to work together for the good of our community, our state, our country, and world. Come, Lord Jesus, come. Amen.

HILGERS: Thank you, Senator Hilkemann. Senator Lowe, you're recognized for the pledge.

LOWE: 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 Lowe. I call to order the twenty-eighth day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: There are, Mr. President. Your Committee on Government, Military and Veterans Affairs reports LB242 to General File with amendments, LB250 to General File with amendments. And Transportation reports LB78 to General File, LB343 to General File, and LB616 to General File with amendments. I have notice of hearing from the Health and Human Services Committee, the Appropriations Committee, and the Executive Board. A Reference report regarding certain gubernatorial appointments. And finally, amendments to be printed to LB484 from Senator John Cavanaugh; LB504, also Senator John

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Cavanaugh. New resolution: LR43 by Senator Stinner congratulating Starr Lehl for receiving the Rising Star Award; LR44, Senator Stinner congratulating the Panhandle Public Health District; LR45 by Senator Stinner congratulating Billy Estes on the Visionary Super Star Award. That's all I have at this time.

HILGERS: Thank you, Mr. Clerk. Senator Moser would like to recognize Dr. Kip Anderson of Columbus, who is serving as our family physician of the day. Dr. Anderson is seated under the north balcony. Please rise and be recognized by your Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR40 and LR41. Turning to the first item on the agenda, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB106A by Senator Friesen. It's a bill for an act relating to appropriations; to appropriate funds to carry out the provisions of LB106, One Hundred Seventh Legislature, First Session, 2021. The bill was introduced yesterday and is on General File, Mr. President.

HILGERS: Thank you, Mr. Clerk. Senator Friesen, you're recognized to open on LB106A.

FRIESEN: Thank you, Mr. President and colleagues. This LB106A is just the A bill that is following LB106 that we did yesterday. This just appropriates the money that was raised to be spent on the new licensing system. So with that, I'd appreciate your green light on LB106A. Thank you, Mr. President.

HILGERS: Thank you, Senator Friesen. Debate is now open on LB106A. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I talked to Senator Friesen. People might have been confused yesterday and I was when I just read the written-- the new language. I assumed it was on license plates. But this bill is about the lic-- the records.

HILGERS: Groene, hold on.

GROENE: --of the-- of the drivers.

HILGERS: Senator Groene, excuse me. Colleagues, we're having-- we're having debate. Go ahead, Senator Groene.

GROENE: I've learned not to use the S word, so thank you for using the gavel. But-- so I want to clear that up to the public that this

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imply-- this covers all driver's records, their speeding tickets, all that. Insurance company can get that information. I see nothing wrong with that, the \$3 fee, and the right people are paying for it. I don't think people with a good-- good driving record should be charged a higher fee when they get a license. So-- but I do disagree with the \$4.50. It is confiscatory. It's a little concerning to me that we have reached a place in this country where we will raise fees by \$5 million on-- on an industry, on people without much debate. That's not Senator Friesen's or the committee's fault. Because of COVID, people are not paying attention. And I think this body owes those people debate on these issues, more than what we got the other day, on a \$5 million increase. I have real concerns about it looking at the fiscal note. According to the statute, they're going to create a new fund, cash fund, Operator's License Services System Replacement and Maintenance Fund. And the money is going to go into there. I don't know how DMV accesses that money. Is it a piggy bank that they can just go in and get it? Are they going to have to bring another bill back to this body and explain to us how the-- the bidding process is on this new system, computer system? Or do we just turn them loose like we did HHS and the money they wasted on-- on computer systems that were faulty, \$12 [million], \$15 million? History says we need to be involved. I-- I can't make a clarity here. The fiscal note says the agency will have increased expenditures related to the development and implementation of the new system. However, those are not yet known and will be handled through the budget request process. So how did we come up with \$4.50 if we have no idea what the system costs or when it will be implemented? They've got ten years. I don't think this is good government. I understand they brought it to the committee, but I want more details before I vote this thing on select committee. There's a lot missing here. This is a lot of money, folks. We're talking \$5.6 million the first year, times ten. Well, as Senator Hansen said the other day, there's no sunset on this thing. Where does it end? How much is this computer program cost us? So, Senator Friesen, I said I'd ask you a question.

HILGERS: Senator Friesen--

GROENE: Could you explain how the money moves, what you were told, because there wasn't any testifiers basically, how the money moves from the Operator's License Services System Replacement and Maintenance Fund to the DMV?

HILGERS: Senator Friesen, would you yield to a question?

FRIESEN: Yes, I would.

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GROENE: Thank you.

FRIESEN: So the way they came up with the number and this was in committee testimony, which you'll be able to read when it-- the transcripts become available, but their estimated cost if they had purchased that program today was--

HILGERS: One minute.

FRIESEN: --around \$30-35 million. And so what-- what Director Lahm has looked at is that their cost of maintaining the old system also was increasing, you know, exponentially. They were looking at a 65 percent increase, which is about \$350,000 a year just to maintain their old legacy system. So 50 cents of that \$4.50 was credited towards that account, which will maintain their legacy system while they're working on this one. The remaining money, the \$4, would go into a fund so that in the next four to five years, they'd have enough money in the cash fund to show that they could actually purchase a system when they were ready. So they'd issue an RFP at that time for the company that would come in and--

GROENE: Thank you.

FRIESEN: --design the system for Nebraska.

GROENE: Will that request come back through-- through the--

HILGERS: Time, Senators.

GROENE: --you'll probably be gone and I will too.

HILGERS: Time, time, Senators. Thank you, Senator Friesen and Senator Groene. Senator Wayne, you're recognized.

WAYNE: Thank you. Thank you, Mr. President. Colleagues, I-- I do have concern on how we're operating when I'm looking back at the bills that we did yesterday, including my own bill, that we're-- I don't want people to think this is just the way it is, that we are going to do bills that are going to cost \$5 million or change policy to limit liability, grant immunities, make it harder for those to defend their property by awarding attorney fees without real debate. And I'm looking at the schedule. It's 9:19 a.m. and we got about ten minutes. This bill doesn't move, it has to go to another day. And it's the factor of all-day committee hearings, the factor of COVID. I don't think our committees are necessarily getting a true showing of what people think about committees or what they think about bills due to

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various reasons. So I am going to push my light a couple more times. We just need to slow down. I think we need to slow down. And-- and I'm going to yield the rest of my time to Senator Friesen if he's here; if not, to Senator Groene to finish this conversation, because \$5 million, whether it's a \$1 fee increase or not, all that matters. And why-- why it matters is because for four years for the colleagues who came in with my class, for four years, we wouldn't let bills out of committee that had a fiscal note of \$100,000. Our first year, we cut \$1 billion dollars out of the budget. And then we were told for the next three years, if you have a \$20,000 fiscal note, you can't bring it to the floor. I've seen bills that went to people who were in need die because the fiscal note, we didn't have money in appropriations, even though there was money on the floor later that year. So I won't, I mean, I don't have a lot of time, but I took a little more time than I thought, Senator Friesen, but I would like to yield the rest of my time to Senator Friesen to answer Senator Groene's questions.

HILGERS: Senator Friesen, 2:50.

FRIESEN: Thank you, Mr. President. And thank you, Senator Wayne. So, again, the DMV will still go through a process when-- when they do this purchase. But again, this is the committee doing its work. This bill came out of committee 8-0. We asked questions, but I don't mind the discussion. Maybe every fiscal note should be discussed to this great depth. But again, you have a system that's approaching 50 years old and at some point we have to maintain our systems or else they just will not be viable in the future. So, I mean, I think from the DMV's standpoint, they've been very fiscally responsible in how they approach this. It's not as though they're wasting money here. They've-- they've run the system as long as they can. And as more states drop off using this legacy system, maintenance costs will increase continuously. And so they don't know in the next four to five years what their maintenance costs will be, much less what new systems may cost. Their estimate today was that \$30-35 million. But by the time Nebraska issues its RFP to bring this program online, those costs could be much higher. But again, Transportation and Telecommunications is always monitoring. They're in charge of watching DMV, but we're not micromanagers. We have to trust our directors to do their job. And if they don't, we'll look at it. But right now, I feel from the committee's standpoint that they did answer all of our questions. We sent it out 8-0 and we feel that they're doing a very responsible job of replacing this system. The users are going to pay, which is typically how we look at things here and fees so that the rest of them don't have to.

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HILGERS: One minute.

FRIESEN: So it is a user-based system. Thank you, Mr. President.

HILGERS: Thank you, Senator Friesen and Senator Wayne. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. I have notice of committee hearing from the Revenue Committee. An announcement that the Natural Resources Committee will hold an Executive Session in Room 1301 at 1:30 p.m. this afternoon. Senator Hughes would add his name to LB4. And priority motion, Senator Blood would move to adjourn until Thursday, February 18, 2021, at 9:00 a.m.

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