

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 18, 2021

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

ERDMAN: Father, we thank you for this day and this opportunity to serve in the position which you've called us to serve. We pray that you would give us direction and wisdom. We thank you, Lord, for those who have been working diligently to keep our lights on and our heat working. We thank you for the first responders who work in the cold, for those in agriculture who continue to take care of their animals and work in the cold. We pray that you will bless them as well. We thank you for this season, which we're in, in which you sent your son to die on the cross to pay a debt he did not owe. We thank you for that. Help us to be aware of that. We thank you that he has offered to us each one the opportunity to have eternal life if we only trust in him. We thank you for the blessings you have given to us. Now we pray that you would bless us this day and help us to accomplish our purposes according to your will. In Jesus' name, amen.

HILGERS: Thank you, Senator Erdman. Senator Ben Hansen, you're recognized for the pledge.

B. HANSEN: 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 Hansen. I call to order the twenty-ninth day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: There are, Mr. President. Communication from the Department of Health and Human Services concerning appointments to the Nebraska Stem Cell Research Advisory Committee. Additionally, a communication from the Governor concerning the director-- an appointment to the director of the Nebraska Department of

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Transportation. Additionally, notice of committee hearings from the Health and Human Services Committee. Your Committee on Business and Labor reports LB660 to General File file with committee amendments. The Urban Affairs Committee reports LB99, LB151, [SIC LB161], LB265, LB405, LB9, LB156, LB162, and LB332 to General File, some having committee amendments. The Banking Committee reports LB487 to General File with committee amendments. That's all I have at this time, Mr. President.

HILGERS: Thank you, Mr. Clerk. Senator Albrecht would like to recognize Dr. David Hoelting of Pender, who is serving as our family physician of the day. Dr. Hoelting is seated again under the north balcony. Please rise and be recognized by your Nebraska Legislature. While the Legislature is in session incapable of transacting business, I propose to sign and do hereby sign LR38 and LR39. First item on the agenda, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first item. LB106A introduced by Senator Friesen. It's a bill for an act relating to appropriations; appropriates funds to carrying out the provisions of LB106. The bill was considered yesterday and it is still on General File.

HILGERS: Thank you, Mr. Clerk. Senator Friesen, would you like to take just 15 seconds and refresh us on where we are?

FRIESEN: Thank you, Mr. President. Colleagues, this is just the A bill that followed the bill a couple of days ago, LB106, which increased the fees on records requests from the DMV. And so one of the biggest, for instance, the biggest users of the system is LexisNexis Risk Solutions. They have by far the most requests. This is raising the fee on those records requests in order to update-- update DMV's motor vehicle licensing system. 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'll just pick up where I left the other day. As I told Senator Friesen, I'm not filibustering this. I'm making a point about good government. Imagine a county commissioners-- county sheriff come and says I need new police cars. And they say, all right, when do you need them? Well, I need them in over the next ten years and I want to put in my budget \$1 million for the next ten years. Well, the sheriff decides he wants a Lexus or he wants a Mercedes for his personal car. And how does that work? That's what we're doing here. We are appropriating money and the fiscal note, there is no mention and that's not Senator Friesen's fault, that's the

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fiscal. They should have got at least an estimate in the fiscal note of what this new system is going to cost the people of Nebraska. It's not in there. As Senator-- another senator mentioned, there's no sunset in here. If \$4 of the \$4.50 is meant to buy a new computer system and update it, once it's purchased, why does the fee continue? And we don't know the date of the purchase. One year, two years, three years, four years, five years. When is this going to happen? It's going to be in the cash funds, I guess, is what I understand. And then the Appropriations Committee, I guess, DMV will go directly to Appropriations when they need the money and the Transportation Committee will never have a say again. This isn't good government. We just don't respect money anymore in this country. We throw it around like it has little value and it apparently doesn't anymore. But to some people who work hard for their money and pay their fees and pay their insurance and their license fees, it-- money means stuff-- something to them. That \$4.50 or 100-- what is that, 125 percent increase of a fee from \$3 to \$7.50? You don't think the insurance companies are going to eat that? That will be passed on to the consumer. That's just good business. I'm not criticizing insurance companies. If you're in business, you pass on your cost to your customers. So anyway, I'm going to leave it at that. I might have an amendment on a sunset or something, talk to Senator Friesen. Probably won't go anywhere, but it's going to make a point and the people of Nebraska at least will know what's going on if they're watching today and they watch on Select. Things are coming out of committees too fast. Very little testimony, as Senator Wayne said the other day, and I've seen this over and over again. I've only been here-- [INAUDIBLE] my fourth session, but stuff coming out early, conjugality [SIC] gets rubber stamped. And I admire Senator Williams and those committee chairs who know that, and they get their bills out quickly because we're all nice the first three weeks and then the bills later in the session start to get examined a little closer. We need to examine bills early from day one and what I seen the other day, that wasn't happening. So thank you, Mr. President, and that's all I have to say today.

HILGERS: Thank you, Senator Groene. Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Mr. Speaker. Good morning, colleagues. So, Senator Groene, I agree with you. Might-- I don't think he heard that, but I agree with you, Senator Groene. We do need to take the time to look things more closely. I supported this bill. I supported it out of committee. I support it now, but I think that this is an important opportunity for us to have a conversation about A bills and fiscal notes. Anybody who's been paying attention to the HHS committee the

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last week or two, the department has come and testified in opposition to pretty much every single bill and they've done it based on fiscal notes. And their fiscal notes have been audacious, to say the least. If their fiscal notes are true, which I hope that they're not, but also that is terrible if they're not true, but if their fiscal notes are true, we have the worst-run administration in the country because every single thing that we try to do requires 20 to 100 staff to be hired every single time. My fiscal note for today requires 60 new employees to be hired, plus 9 supervisors of those 60 employees, which means each supervisor would have 7 people that they are supervising. Seven. How does that make any sense to anyone? Now, that's for my bill in the afternoon on developmental disabilities, trying to give families more supports in the state, something that I would think people who-- who tout being a pro-life state would come in support of and try and find a way to make it work. These are our most vulnerable people and we are constantly saddling them with death by fiscal note. We have the same thing with the childcare subsidies. We have \$90 million in a TANF slush fund. Nobody's paying attention right now, so I'll just keep saying it, \$90 million in a TANF slush fund. We have \$90 million in a TANF slush fund that the department feels they have complete autonomy to use. And we have acquiesced that power to them. We as the Legislature have said, fine, it's not our job to hold the purse strings. You've got \$90 million. You won't tell us what you're going to do with it. You send us a spreadsheet every year that has no information and the slush fund grows and the slush fund grows. But apparently no one here is very upset about that. Meanwhile, we have \$90 million sitting in a slush fund. We have a waiting list of 1,500 people for developmental disabilities. We aren't maximizing childcare subsidies in this state to help low-income families be in the workforce and put their kids in a safe place. We don't maximize federal dollars for SNAP. We're subsidizing other states' SNAP. But again, apparently we're OK with that. We are the most fiscally irresponsible legislative body in this country if we're OK with these things. It is our job. It is our duty to take care of the people of Nebraska and we are not doing it.

HILGERS: One minute.

M. CAVANAUGH: Thank you, Mr. President. Saint Francis Ministries-- and I'll hit my light again because this is-- this is going to take some time, people. Saint Francis Ministries has been a blight on our state. It is a disaster, it is atrocious, and we're letting it happen. We are letting a state agency continue to negotiate in bad faith. We as a state were defrauded by Saint Francis Ministries. They admitted that to us in a public hearing in January and a week later, one week later,

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the Department of Health and Human Services signed a 25-month new contract with more money--

HILGERS: Time, Senator.

M. CAVANAUGH: --plus-- yes, I'll hit my light.

HILGERS: Thank you, Senator Machaela Cavanaugh. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker, and good morning. I listened to what Senator Groene had to say this morning and I've listened to him yesterday as well. For the life of me, I'm trying to figure out how a computer program can cost \$30 million. If you do the math and we have a million-two people that have driver's license or have contact with the Department of Motor Vehicles, that's \$25, \$30 a person. I have never heard of such a thing. So I'm wondering if Senator Friesen would yield to a question.

HILGERS: Senator Friesen, would you yield?

FRIESEN: Yes, I would.

ERDMAN: Senator Friesen, thank you. And don't-- don't take this as it's personal, but I'm having trouble understanding how a computer program can cost that much. Do you have an answer for that?

FRIESEN: I do not, other than that when the Director Lahm came before the committee, she explained, and there were a lot of questions asked and this is off-the-shelf program that a lot of other states used and so what she did was get a price that if she bought it today, the cost would be around that \$30 million. And then what you do when you purchase it, then you have that company come in and they modify that program to fit what we want. You know, and I don't know-- you know, each state is different and what kind of information they track and all those types of things, so she just was using what current-day prices would be. She did not add to that. She's just saying it should cost around \$30-35 million and that would be a program that lots of other states are using. That's an off-the-shelf product, it's not--

ERDMAN: Thank you. I can understand that but until they come with an itemized list of what this is going to cost for FTEs or whatever they're going to do, this is absolutely exorbitant. And I don't know that there's any way we can vote to advance \$30 million to something we may get later or whatever it may be. I don't know. This is-- I'm

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baffled by this and I'm not in favor of approving this kind of money for something we don't know what it is. Thank you.

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

WAYNE: Thank you, Mr. President. I'm actually asking my colleagues, does anybody have a bill in Government that is not going to move anywhere that I can have a hearing on to gut it? And the reason I'm asking that is because I think we have to have a hearing on a bill that would limit agencies' testimony to neutral position. And if their fiscal note-- if they have a fiscal note, they have to show up to justify their fiscal note. And the reason I say that is because it sends the wrong message to the-- this body and to the community we represent when we are the body who passes the laws and agencies are underneath the executive branch and they are supposed to enforce the law. And if they come and testify negative on a bill, what faith do we have and what faith does the committee have, or what faith does the community have that they will actually enforce the bill properly that we are asking them to-- to do? And more importantly, I think this idea of death by fiscal note, and I was here when Senator Burke Harr used to always bring this issue up, I think agencies have to come and testify and they can only testify in the neutral because they carry out the duty, but more importantly, they need to answer some of the questions on the fiscal note. I think it's just important not to be able to send a letter and send a \$10 million fiscal note and say have at it. My freshman year, I did a tax-free zone in front of Government and I had a \$1.6 billion fiscal note. And it was crazy because underneath the theory that I was going to create that many jobs, we probably would have all got statues in north Omaha because they were saying that we were going to create a \$100,000 job and we were going to create 10,000 of them within two years. That's what the fiscal note said. So we really couldn't do anything with the bill because of the fiscal note. And what they did is they took the entire Nebraska Advantage Act and applied it to 42nd-- east of 42nd Street, which is where my bill was kind of geographically located in what we were doing, east of 42nd Street, north and south Omaha, we were going to create 10,000 jobs and they were a \$100,000 jobs each. We all know that can't happen. So I don't know what all happened to-- to transpire because I wasn't on the floor with Senator Cavanaugh, but if any of my colleagues has a bill in Government that you're OK with gutting, I will write an amendment. We will have a hearing on making sure all agencies can only testify in the neutral and if they produce a fiscal note, they have to come before the committee and at least explain how they got there. I think that's a reasonable bill. It's a great idea, I think. So, thank you, Mr. President.

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

ASSISTANT CLERK: Thank you, Mr. President. New bills. LB113A by Senator Albrecht. It's a bill for an act relating to appropriations; appropriates funds to carrying out in the provision of LB113; and declares an emergency. LR46 by Senator Gragert congratulating the Wausa Public Schools for receiving the 2021 NebraskARTS Award. That will be laid over. LR47 introduced by Senator Sanders, extend sympathy to the family of Robert Holts. That will be laid over. Reference report from the Executive Board referring certain gubernatorial appointments. Additionally, the Revenue Committee will meet today, Thursday, January 18, 2021, in Executive Session immediately following their 9:30 a.m. committee hearing in Room 1525. Revenue, 1524-- excuse me, 1524 after the 9:30 hearing. Series of name adds: Senator Hughes to LB4; Senator Lowe to LB141 and Senator Kolterman to both LB542 and LB579. Finally, Mr. President, priority motion. Senator Williams would move to adjourn the body until Friday, February 19, 2021, 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.