

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 23, 2021

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

DORN: Good morning, colleagues. Would like to read a prayer today from my pastor, Nathan Metzger, who is a pastor at American Lutheran Church in Adams. Almighty God, Lord of Nations, you set government in place to preserve justice, ensure freedom, and to help life flourish as well as it can on this side of paradise. As this day's session comes in order, I give thanks for these people who have answered your call to take up the important task of government. Guide these, your people, by your spirit. Help those gathered here to see each other as you see them, people made in your image, here to serve constituencies made up of people also made in your image. Grant wisdom, strength, patient [SIC] and compassion in this session and sessions to come. Help us work for the well-being of all in this state as best we can. Should any of these virtues fray, grant the grace needed to restore them. I pray also for the state of Nebraska as a whole. Inspire respect for those gathered here for the sake of the work they are doing. Grant this state what outward prosperity may be your will. But above all things, grant us living faith in you that our state may bring glory to your name by sharing its blessing with all people. In your name we pray. Amen.

HILGERS: Thank you, Senator Dorn. Senator Williams, you're recognized for the pledge.

WILLIAMS: 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.

HILGERS: Thank you, Senator Williams. I call to order the thirty-first 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?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 23, 2021

CLERK: There are. Enrollment and Review reports LB363, LB373, LB25, LB44, LB159, LB163, LB4, LB248 to Select File, some having Enrollment and Review amendments. Natural Resources Committee, chaired by Senator Bostelman, reports LB507 to General File with amendments. Education Committee, chaired by Senator Walz, reports LB243 to General File and LB587 to General File with amendments. Confirmation hearings, reports from Natural Resources, from the Education Committee. And I have a series of notice of hearings from the Agriculture Committee, the Government Committee, the Natural Resources Committee, and the Health and Human Services Committee. Mr. President, I also have an amendment to be printed, Senator Kolterman, LB147. And Senator Blood has selected LB14 as her priority bill. That's all that I have, Mr. President.

HILGERS: Thank you, Mr. Clerk. Senator Machaela Cavanaugh would like to recognize Dr. Joe Miller of Omaha, who is serving as our family physician of the day. Dr. Miller is seated under the north balcony. Please rise and be recognized by your Nebraska Legislature. First item on the agenda, Mr. Clerk.

CLERK: Mr. President, bills on Select File, Senator McKinney, LB1. I have no amendments to the bill, Senator.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to-- I move that LB1 be advanced to E&R, engrossing.

HILGERS: Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. And thank you a lot, because I don't remember voting on a rule change that we couldn't talk on Select File. I just wanted to make the point on this bill that we are changing the language of a people's initiative and that they just voted on it last November. I understand it's-- there was no hearing. I found out something I didn't realize, because never been on Exec of my first six years, that a Revisor bill goes-- is referenced directly to General File. That's why when you look, there's no hearing date on the Chamber Viewer. There's no committee statement because I don't know what the vote out of committee was. But that isn't Senator Hughes's fault. This is what we've done always, I guess. But on this one, it concerns me somewhat because we are changing language to an initiative. If you agree with the initiative or not, that was just voted on by the people last November. And just a reminder to all of you, in order to do that,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 23, 2021

no matter what we do-- do, if we dot an "i" or put a comma in, it takes 33 votes to change the language of a statute that was put on there by the people. So on Final Reading, it will take 33 votes to pass this. I don't know what the people who sponsored this bill, if they agreed with this because there was no hearing; the people who voted for it, if they agreed with it. I have no idea what the people who were against the initiative because there was no hearing on it. That's fine. And I'm not opposing the bill. I-- nobody's contacted me on it. I just wanted to make the point we are-- this is serious business. We are changing the words of the people when they changed our statutes. Thank you, Mr. President.

HILGERS: Thank you, Senator Groene. And to be clear, the vote on this on Final Reading would be-- need to be 33 votes. You're correct. Senator Briese.

BRIESE: Thank you, Mr. President. Good morning, colleagues. And-- and I agree with Senator Groene. Any time we're changing what the people have done, we should not do so lightly. But this is more of a technical cleanup in this situation. So, Senator Groene, I would agree with you entirely in most circumstances. But here, the circumstances, which suggests that we do this, it's important that we get that LB538 language back into this provision. What the people did on the ballot, they inadvertently bypassed the language of LB538. And to get this language back in I think is important. And getting the-- getting this language back in is really consistent with what the people have done. So I think this is something we clearly need to pass. And I would urge your support, but I appreciate Senator Groene for pointing that out. Thank you, Mr. President.

HILGERS: Thank you, Senator Briese. Seeing no other discussion, colleagues, the motion before us is the motion to advance LB1 to E&R for engrossing. All those in favor say aye. Opposed say nay. The-- the bill is advanced. Next item, Mr. Clerk.

CLERK: Mr. President, next bill, Senator McKinney, LB288. I have no amendments to the bill.

HILGERS: Senator McKinney for a motion. Senator McKinney for the motion.

McKINNEY: OK. Mr. President, I move that LB288 be advanced to E&R, engrossing.

HILGERS: Senator Groene, you're recognized.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 23, 2021

GROENE: Thank you, Mr. President. I spent six years on the Education Committee. I'm very happy I'm not on it now. My blood pressure is less. But those six years I spent there, this bill, a similar bill to this was always brought at the request of the-- of the Appropriations Chairman. Because of budgetary issues, there might need to be a-- a tweak to the state aid to education formula. Senator Stinner, could I ask you a question?

HILGERS: Senator Stinner, will you yield?

STINNER: Yes, I will.

GROENE: Senator Stinner does-- do you-- I should say your committee and the Governor's budget both recommend fully funding TEEOSA this year, this next biennial budget?

STINNER: Yes, we do.

GROENE: Did you ask the Commi-- Education Committee to bring this bill?

STINNER: No, we did not this year.

GROENE: Thank you. Thank you. There's no reason for this bill, folks, absolutely none, unless there's something coming out of the Education Committee where they are going to cut state aid to education. But I doubt that. I haven't heard of a bill that's going to increase, hopefully not, education spending. It's absolutely unnecessary. So far in the CARES Act, schools have been given \$342 million in Nebraska, federal money. And if you look at the list of things they can use it for, it's pretty open. If you look at the Biden proposal, there's \$130 billion in that for public education. Proportionally, Nebraska will get another \$540-some million. That's darn near \$2,800 per K-12 student in the state of Nebraska. If anybody can document to me that they needed that much money, it's a windfall. It's a windfall, unnecessary, most of it. So there is absolutely no reason for us to tweak the TEEOSA formula with LB323 or anything else. Any abnormalities in their spending or their budgets or their cost, that is what the federal funding-- funds are for, to fill those holes in. The TEEOSA formula should stay as is and this bill is completely unnecessary. I'd like to make a point to the freshmen. You can listen or not. I guess on the other day somebody made the comment, by golly, if you voted something out of committee, you need to stand behind it on the floor. That is phony, false, especially this year. When things are moving so fast in hearings, people can't come in and testify and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 23, 2021

you vote for something out of committee because maybe you-- you-- you doubt, are not sure if it should be heard, but you want it on the floor. But meanwhile, somebody contacts you, somebody knowledgeable about the situation contacts you, and then on the floor you change your mind. You have absolutely every right to do that as a senator. Sometimes you'll vote a thing out of committee, hopefully, because you know it needs to be debated by the whole state. You know there's some conflict. But when you hear the debate on the floor, you change, you decide not to vote for it. That is absolutely proper to do so. But to say this is a city council meeting at a mid-sized city and you all got to make a deal in the back room and vote 8-0 and then stand by it to the public is hokey.

HILGERS: One minute.

GROENE: That's not collegial. It's not democracy. It's not in the Greek tradition of-- or Roman tradition of debate. If you wanted something out of committee because you want to help somebody have a wider debate, do so. But you're not held to support it on the floor. That's what the debate is for. That's why we debate each bill. Let's all go home. Let's just rule by committee then. And make them even more than that, the committee Chair is king. We don't need debate on a bill because we're set how we're going to vote. We should never reach that point in a deliberate body like the Unicameral. But this bill is absolutely unnecessary. The school should be assured of their funding already. We don't need to wait till June 10 to do it. There should be no changes to TEEOSA.

HILGERS: Time, Senator.

GROENE: Thank you.

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

ERDMAN: Good morning. Thank you, Mr. Speaker. Senator Groene, I appreciate your comments. You're exactly right on what they can spend that money on. I looked at those qualifications and it's like 12 things and I don't know what would exempt it. It means they can use it on about everything. So the department came in last week for a view of their budget. And the question was asked, what did you do with the \$346 million of CARES money? And then Senator Dorn asked the question he would like to see an audit of where that money went. So if you are correct that they get another \$550 million plus the \$346, that's \$900 million-- million and their annual contribution from TEEOSA is about \$3.3 or \$4 billion. So here we are at 75, 80, 90 percent of the normal

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 23, 2021

annual budget in the form of the CARES Act money. And they need more money? So what I think we ought to do, I think we ought to take about \$300 million out of the funding for TEEOSA. We spend ten millions to solve-- \$10 million to solve Senator Dorn's issue over in his county and then we use the rest of the money to do whatever we want, and maybe build a new prison if we need to, and those kind of things. So I don't know why they continually think that because there was a pandemic and the schools were closed, all of a sudden we need more money. They haven't proven to me what they did with the \$4-- \$346 million that we gave them before. And I would probably make an educated guess they won't tell you what they're going to do with the next \$550 million either. And so I do agree with Senator Groene that this bill is totally unnecessary. And we've tweaked, tweaked the TEEOSA formula 20, 30 times since its initial adoption. And that's what we do here. We keep tweaking it. And so this is not the time to do that. And I'll be voting against LB288 and I encourage you to do the same. Thank you.

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

CLERK: Yes, Mr. President, thank you. Revenue Committee reports LB38 to General File, LB6, LB10, and LB74 and LB318 as indefinitely postponed. And, Mr. President, Senator Wayne has filed a motion with respect to LB373. He would move that LB373 be re-referred. That motion will be laid over at this time.

HILGERS: Senator Hughes for an announcement. Senator Hughes, you're recognized.

HUGHES: Yes, thank you, Mr. President. This-- and I would point out to my colleagues, this is not a point of personal privilege or this is not a point of order. But this is just saying happy birthday, Senator Flood.

HILGERS: Thank you, Senator Hughes. Mr. Clerk.

CLERK: Mr. President, some announcements: The Education Committee will have an Executive Session today following their hearings this afternoon; Health and Human Services Committee, an Executive Session in Room 1510 following their morning confirmation hearings; and then again a confirm-- or a Executive Session following their hearings on Friday, February 26. Urban Affairs will hold an Executive Session following their hearings this morning. Name adds: Senator Halloran to LB40; Hunt, LB154, LB158; Erdman, LB188; Hunt, LB217, LB278, LB332; Kolterman, LB594; Halloran, LB613; Hunt, LB652; J. Cavanaugh, LR2CA;

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 23, 2021

Hunt, LR2CA; Hunt, LR18CA; Wayne, LR47. Mr. President, the-- Mr. President, priority motion, Senator Moser would move to adjourn the body until tomorrow morning at 9:00 a.m.

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