

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 4, 2021

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

ARCH: Thank you. Let's pray. This is a prayer this morning from Pastor Jim Haack of Beautiful Savior Lutheran Church in La Vista. Sovereign Lord, you've established civil government for the good of all as an extension of the authority you grant to parents. We give you thanks for this means of providing order to society. Look with favor upon this legislative body that all we do would be guided by your wisdom. In your mercy, bring an end to the pandemic and the devastation it has brought. Heal the deep divisions that threaten the unity of our nation, our state, and our communities. Teach us to love and serve one another sacrificially, even as you oh, Lord, serve us. We pray these things in Jesus' name. Amen.

HUGHES: Thank you, Senator Arch. I recognize Senator Aguilar for the Pledge of Allegiance.

AGUILAR: I pledge allegiance to the flag of the United States of America and to the republic for which, which it stands, one nation under God, indivisible, with liberty and justice for all.

HUGHES: Thank you, Senator Aguilar. I call to order the thirty-eighth day of the One Hundred Seventh Legislature, First Session. Senators, please report to your presence. Roll call. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: There are, Mr. President. Your Committee on Business and Labor gives notice of public hearing. Committee on Enrollment and Review reports LB297 and LB177 both to Select File. Announcement that various agency reports have been filed electronically and are available through the Legislature's website, as well as the report of registered lobbyists for the current week as required by statute. A series of gubernatorial appointment reports from the Judiciary Committee. In addition to that, your Committee on Judiciary reports

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LB124, LB355, LB386, LB444, LB471 all to General File and LB333 to General File with amendments. In addition, a report from the Ag Committee on a gubernatorial appointment and a report that LB572 has been reported to General File. Finally, Government Committee will hold an Executive Session on Thursday, March 4, following their hearings. Natural Resources will hold an Executive Session-- excuse me-- at 9:30 in Room 1525. Business and Labor will hold an Executive Session on Thursday, March 11 at 10:00 in Room 1524. That's all I have at this time.

HUGHES: Thank you, Mr. Clerk. Colleagues, Senator Albrecht would like to recognize Dr. David Hoelting from Pender who's serving the family-- serving us as family physician of the day on behalf of the Nebraska Academy of Family Physicians. Dr. Hoelting, would you please rise and be recognized by your Nebraska Legislature? Mr. Clerk, we will proceed to confirmation reports.

ASSISTANT CLERK: Mr. President, the first report this morning from Government, Military and Veterans Affairs Committee is Kate Sullivan to the Accountability and Disclosure Commission.

HUGHES: Excuse me, Mr. Clerk. Speaker Hilgers, you're recognized for an announcement.

HILGERS: Thank you, Mr. President. Good morning, colleagues, and happy Thursday before a four-day weekend. I've got a lot to cover here this morning. I do have three memos that I'll be passing out. I encourage you to read all three of those memos very carefully. I'll try to hit the high points here this morning. First of all, today marks the last day for all of us, except for our friends and colleagues on the Judiciary Committee, of all-day hearings, which is an exciting day I know for many of you. Thank you for all of your work through the last couple of, couple of months in all-day committees. I know it's been a burden on you and your staff. It's been, I will tell you, critical and instrumental for us to be able to get through our work without suspending and so I'm very personally grateful for all of your work. The good news also is we don't have any makeup committee hearings, so next week we have reserved some afternoons for Exec Sessions and potentially makeup committee hearings. We won't have that, so that's, that's good news as well. So next week, we-- the schedule is we will start debate on the 9th in the morning and the 10th and the 11th. Those will all be morning debate sessions. The 12th will just be a check-in day. The reason we're doing that is, one, we want to give the Judiciary, the Judiciary Committee time on the 12th for an all-day hearing to complete their bills, but we also want to make sure everyone has

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enough time for Exec Sessions as we get into priority bills and we have priority bill deadlines, we have content calendar, which I'll talk about here in a second. So every committee Chair, every committee should be having an Exec Session next week. Some committees are further along than others, but everyone should be really utilizing the afternoons next week and then on the 12th to really complete as much of their work as they possibly can. A reminder on deadlines next week, on the 10th, that is the deadline, by adjournment, to get a letter to my office requesting a Speaker priority designation. That's March 10. That's Wednesday by noon, by adjournment. On the 11th is the deadline for your own priority bills and committee priority bills, so next Thursday, the 11th. By the way, I've asked committee Chairs to prioritize their work and their Exec Sessions next week on priority bills and consent calendar. So the 10th is deadline to me, 11th is your own deadline. On the 17th, the following Wednesday, I will announce Speaker priority designations. What we will be doing substantively next week, we will start priority bills. So as of yesterday, I had three bills that were designated priorities that were passed out of committee and were reported to the Clerk. Reported means the paperwork is to the Clerk. It shows on Chamber Viewer being on General File. That, that's what that means. Those three will be the early bird division and we will hear those-- we will start those next week. Those three are LB14, which is Senator Blood's audiology and speech-language pathology interstate compact bill-- it's also her priority bill-- LB387, which is Senator Brewer's bill for-- relating to taxation on military retirement-- that's Senator Gragert's priority bill-- as well as LB389, Senator Sanders' bill on teaching certificates and permits to military spouses. That's also her, her priority bill. I don't know if that will be Tuesday or Wednesday. I, I do anticipate some worksheet-order General File next week and we probably will get into other priority bills. I just have to see what's been reported out today. I know in the last couple of days, I've had a number of senators tell me that they have been, they have been making their, their priority designations, which is great. Once those are reported out to me, we can start pulling together and, and having that schedule. So I do anticipate by next week, we'll, we'll have a-- start to have a better idea of what the priority bills will be taken up. And then certainly by the end of next week-- at the end of next weekend, going in the following week, once the-- all the, all the priority bills are-- have been designated from senators and committees at least, we will have a really good sense of how those will be coming up. Consent calendar. I've had a lot of questions of consent calendar. I've told you I'm going to have consent calendar and the first one is going to be scheduled at the end of this month. The deadline-- or I will start to receive requests on March 15. So a

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week from Monday, March 15, for the first consent calendar. Please do not send a request unless the bill has been reported out of committee. As I mentioned, that means to the Clerk and, and it shows on, on Chamber Viewer that it's on General File. The deadline for the first round is the 18th, which I believe is that Thursday. So Monday the 15th, you can send me requests. The 3rd-- the 18th, Thursday the 18th, I believe is the deadline for the first round. And my intent will be the beginning of the week, not every week, but we'll have shorter consent calendars in the mornings at the beginning of the week. It's a good time, I think, to slot in consent as we kind of get into our work for the, for the week. As we see what the volume of consent calendar bills, all-- what that, what that looks like, I'll have a better sense of how many of those we'll have, how many bills we'll take up. The memo that we are passing out has the criteria for consent substantively, so please review that very carefully. It looks very similar to years prior, looks very similar. There's a-- it's been, it's been broadened slightly because we haven't gotten to as many worksheet-order bills, so I at least want to enable-- give myself some room if we want to have more worksheet-order bills that maybe in years past had not been consent worthy, but we just have to see what the requests look like. So please look at the consent calendar very closely by the 15th and 18th. The 18th is not the final deadline for consent calendar. We will have more consent calendars and I'll have additional deadlines as we proceed further. The last memo I have for you is on points of personal privilege, so this is not on the schedule. This is on points of personal privilege as we get into debate. This is something I've previewed to the body before. I've had a number of conversation with Chairs and individuals, both this year and frankly, in years prior, for the use of points of personal privilege. And so we are going to have a new process and procedure that I believe will help make our, make our work more efficient, really keep the things that people want to talk about, enable people, give people a vehicle to do that. And also really, I think, hew very closely to the letter and spirit of the rule. That memo lays it out in detail, but I will describe to you generally how this will work going forward. I think the primary use of points of personal privilege that I've observed have been for personal announcements: anniversaries, birthdays, something positive in someone's district. Those are all really, really good things. They aren't, in my view, points of personal privilege, so what I intend to do is to give the members of the body a vehicle to continue to do those things. So after the messages, reports, and announcements that the Clerk reads on-- every day on the agenda, I will have an opportunity for members to have their own personal message and announcement. What I ask of you is to give me those, to my office the

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day before. So if it's your birthday or someone's anniversary or something great happened in your district, get those to me the day before. We're going to reserve up to six minutes, so either a minute or two depending on how many we get to enable members to be able to speak. I think that's an important thing. It sets the day off to the right tone and we're-- so we're going to allow a vehicle. I will be very explicit and candid that I will reserve the right maybe to not have them that morning if we're-- if we have other pressing business. We get to the end of session, we may not be able to. That really leaves point-- true points of personal privilege, I think. We will be-- going forward, if you have one-- and I'll look-- we refer to the rule in the memo, so look at the rule. Look at it and, and that'll help explain what, what our-- what falls under, I believe, the letter and spirit of the rule. If I'm in the chair, I would encourage you, if you can-- you can't always do this, I understand sometimes things happen in the moment, to come and ask me about that before you have-- before you go up to the mike for a point of personal privilege so that we can talk through and see whether or not it really falls into the rule and whether you'll be ruled in, in order or out of order. If, if you don't have the opportunity to do that and you just-- and you want to have a point of personal privilege, you will be asked-- whether it's me in the chair or someone else is in the chair, you'll be asked a screening question just so we can understand is this truly a point of personal privilege or not? My sense is with the new procedure and letting people have the opportunity to speak on these positive announcements and with floor debate coming up where people can speak about a whole bunch of issues, including policy issues, which is really the right vehicle for a lot of this, I expect-- I can't predict, but I do expect that, that we will have far fewer of those points. As this goes, we'll see how it works. If we have to make modifications, we will, but my goal is to try to conserve and make efficient use of our floor time, which is limited and is very important to the work that we do, and I think this will help in that regard. If you have any questions, please let me know. I have socialized this with a number of different members. I'm not saying it is, it is, it's perfect, but I do think it's a good step in the right direction. I do have one last memo that I won't go into any great depth. It's on mote-- floor motions, not filibuster-- I've already covered that. There are other floor motions that, that are addressed in this memo. And I haven't-- just to be clear, I haven't made any changes to that from prior years, at least my time in the body under Speaker Scheer. So take a look at those three memos. We got a consent calendar memo, point of personal privilege memo, and a floor motion memo. We will begin our floor debate next week and as-- we'll slowly ramp it up into all-day floor debate the following week and I look

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forward to that transition to the next stage of our process. So thank you all for your great work. Thanks for listening to me drone on this morning and have a wonderful four-day weekend. Thank you, Mr. President.

HUGHES: Thank you. Speaker Hilgers. Senator Kolterman, you're recognized for an announcement.

KOLTERMAN: Thank you, Senator Hughes. Good morning, colleagues. I'm going to be the first to utilize this new announcement policy. I would be remiss in telling you that we missed an important date yesterday. Yesterday was Patrick's birthday, so I think we ought to wish him a happy birthday.

HUGHES: Thank you, Senator Kolterman. Mr. Clerk, we'll proceed to confirmation reports.

ASSISTANT CLERK: Mr. President, the first report this morning from the Government, Military and Veterans Affairs Committee, Kate Sullivan to the Accountability and Disclosure Commission.

HUGHES: Senator Matt Hansen, you are recognized.

M. HANSEN: Thank you, Mr. President. At a public hearing on Thursday, February 11, the Government, Military and Veterans Affairs Committee heard from two people appointed to the Governor for positions of state service. The first in this appointment is our former colleague here in the Legislature. Kate Sullivan was reappointed to the Accountability and Disclosure Commission. After the hearing in Executive Session, our committee voted unanimously to recommend the confirmation of this appointment. I'd urge you to please vote green on this appointment. Thank you, Mr. President.

HUGHES: Thank you, Senator Hansen. Is there any discussion on the report? Seeing none, Senator Hansen, you're recognized to close on the report. Senator Hansen closes-- or waives closing. The question is the adoption of the report offered by the Government, Military Affairs Committee [SIC]. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of the report.

HUGHES: Report is adopted. Mr. Clerk.

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ASSISTANT CLERK: Mr. President, the second report from the Government, Military and Veterans Affairs Committee is Erin Bond to the State Personnel Board.

HUGHES: Senator Matt Hansen, you're recognized to open on the confirmation report.

M. HANSEN: Thank you, Mr. President. Also at our hearing on Thursday, February 11, the Government, Military and Veterans Affairs Committee heard from Erin Bond, who had been appointed to serve on the State Personnel Board. After the hearing in Executive Session, the committee also voted unanimously to recommend Ms. Bond-- her, her appointment. We would encourage you to vote green on this appointment for Erin Bond to the State Personnel Board. Thank you, Mr. President.

HUGHES: Thank you, Senator Matt Hansen. Is there any discussion on the report? Seeing none, Senator Hansen, you're recognized to close on the report. Senator Hansen closes-- waives closing. The question is the adoption of the report offered by the Government, Military Affairs Committee [SIC]. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of the report.

HUGHES: Mr. Clerk, proceed to the next confirmation report.

ASSISTANT CLERK: Mr. President, the Education Committee would report favorably on Gene Kelly to the Coordinating Commission for Postsecondary Education.

HUGHES: Senator Walz, you're recognized to open on the confirmation report.

WALZ: Thank you, Mr. President, members of the Legislature. This appointment is to the Coordinating Commission for Postsecondary Education, which was established in 1991 by a constitutional amendment. The purposes of the commission is to develop an ongoing, comprehensive statewide plan for the operation of an economically sound, vigorous, progressive, and coordinated system of postsecondary education. This is an 11-member commission and the appointed members serve a term of six years. Gene Kelly from Papillion, which is Senator Arch's district, is being appointed as the 4th District representative to the commission. He is currently retired, but previous, previously had a 35-year business career that included farm and factory work, financial analysis, systems engineer, Air Force officer, and much more. His background in education includes a

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bachelor's degree in quantitative methods from the University of St. Thomas and a master's of science in information systems from the Air Force Institute of Technology School in engineering. He has also served 12 years on the Papillion La Vista Board of Education. The Education Committee advanced his nomination unanimously. Thank you for your time and I would appreciate your support for the confirmation of Gene Kelly. Thank you, Mr. President.

HUGHES: Thank you. Senator Walz. Is there any discussion on the report? Senator Arch, you're recognized.

ARCH: Thank you, Mr. Speaker. I just want to say thanks to Gene Kelly for volunteering to do this. We have a lot of appointments to a lot of commissions and a lot of committees that are voluntary and we need good people and want to thank Gene for stepping up and doing this. Thank you.

HUGHES: Seeing no one else in the queue, Senator Walz, you're recognized to close on the report. Senator Walz waives closing. The question is the adoption of the report offered by the Education Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays are the adoption of the report.

HUGHES: The report is adopted. Items, Mr. Clerk. Items, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. New A bill: LB166A by Senator Geist. This is a bill to appropriate funds to carry out the provisions of LB166. The General Affairs Committee has chosen LB561 as a priority bill and also LB274 as the second General Affairs priority bill. Committee on General Affairs reports LB274 to General File with committee amendments attached, as well as LB295. New resolution: LR54 by Senator Gragert and others recognizes the legacy of Andy Hoffman for his love of his family and dedication to fighting pediatric brain cancer. Name adds: Senator DeBoer to LB39, Senator Sanders to LB263 and LB442. Finally, priority motion, Senator Halloran would move to adjourn until Tuesday, March 9, 2021, at 9:00 a.m.

HUGHES: Colleagues, you've heard the motion to adjourn. All those in favor say aye. All opposed say nay. We are adjourned.