

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

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

**KOLTERMAN:** Good morning, colleagues. Please join me in prayer. Blessed are the poor in spirit for theirs is the kingdom of heaven. Blessed are those who mourn for they shall be comforted. Blessed are the meek for they shall inherit the earth. Blessed are those who hunger and thirst for righteousness for they shall be filled. Blessed are the merciful for they shall obtain mercy. Blessed are the pure in heart for they shall see God. Blessed are the peacemakers for they shall be called children of God, and blessed are they who are persecuted for righteousness sake for theirs is the kingdom of heaven. In Romans, it says for all have sinned and fall short of the glory of God and all are justified freely by his grace. Amen.

**HUGHES:** Thank you, Senator Kolterman. Senator Lowe, you're recognized.

**LOWE:** 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.

**HUGHES:** Thank you, Senator Lowe. I call to order the fiftieth day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call.

**HILGERS:** Mr. Clerk, please record.

**ASSISTANT CLERK:** There's 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. Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. Additionally, committee reports from the Revenue Committee reporting LB214, LB292, LB291, LB466, LB521, LB644 and LB181 to General File, LB292 and LB181 having amendment-- committee amendments. Additionally, amendments to be printed from

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Floor Debate March 25, 2021

Senator Wayne, AM716 and AM715 to LB22. That's all I have at this time, Mr. President.

**HILGERS:** Thank you, Mr. Clerk. We are about to begin Final Reading, so please return to your seats. The first bill, Mr. Clerk, is LB14. The first vote is to dispense with the at-large reading. Colleagues, as a reminder, this vote takes 30 votes. If it does not-- if this vote is not-- the motion is not adopted, that means the Clerk has to read every word of the bill. We have some bills that are dozens of pages long. So as a reminder, it takes 30 votes. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 37 ayes, 7 nays to dispense with the at-large reading.

**HILGERS:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [READ TITLE OF LB14 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB14 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senator Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, John Cavanaugh, Machaela Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, excuse me, Groene, Halloran, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB14 passes. Colleagues, pursuant to the agenda, any bill with the motion return to Select File for a specific amendment will be passed over. There is such a motion on LB22 so we will turn to LB35. Mr. Clerk.

**ASSISTANT CLERK:** [READ LB35 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB35 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Not voting: none. Excused: Senators Brewer and Ben Hansen. Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB35 passes. We'll now proceed to LB66E. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 33 ayes, 8 nays to dispense with the at-large reading.

**HILGERS:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [READ TITLE OF LB66 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB66E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. This vote takes 33 votes. Record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Not voting: none. Excused and not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB66E passes with the emergency clause attached. We will now proceed to LB93.

**ASSISTANT CLERK:** [READ LB93 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB93 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB93 passes. We will now proceed to LB94.

**ASSISTANT CLERK:** [READ LB94 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB94 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB94 passes. We'll now proceed to LB113E. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 35 ayes, 9 nays to dispense with the at-large reading, Mr. President.

**HILGERS:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [READ TITLE OF LB113 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB113E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB113E passes with the emergency clause attached. We will now proceed to LB113AE.

**ASSISTANT CLERK:** [READ LB113A ON FINAL READING]

**HILGERS:** All provisions relative to procedure having been complied with, the question is, shall LB113AE pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB113AE passes with the emergency clause attached. We will now proceed to LB148E. First vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 37 ayes, 7 nays to dispense with the at-large reading.

**HILGERS:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [READ TITLE OF LB148 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB148E pass with the emergency

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB148E passes with the emergency clause attached. We will now proceed to LB163. The first vote is-- is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 36 ayes, 5 nays to dispense with the at-large reading.

**HILGERS:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [READ TITLE OF LB163 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB163 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Brewer and Ben Hansen. The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB163 passes. We will now proceed to LB177.

**ASSISTANT CLERK:** [READ LB177 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB177 pass? All those in favor

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Groene, Brewer and Ben Hansen. The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

**HILGERS:** LB177 passes. We will now proceed to LB297.

**CLERK:** [READ LB297 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB297 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Brewer and Ben Hansen. 47 ayes, 0 nays, 2 excused and not voting.

**HILGERS:** LB297 passes. We will now proceed to LB337.

**CLERK:** [READ LB337 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB337 pass? All those in favor vote aye; all those opposed vote nay. All those voted who wish to? Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

Stinner, Vargas, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Walz, Brewer and Ben Hansen. Senator Walz voting yes. 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB337 passes. We will now proceed to LB368.

**CLERK:** [READ LB368 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB368 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting, Senators Machaela Cavanaugh, Morfeld, Brewer and Ben Hansen. Senator Morfeld voting yes. 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

**HILGERS:** LB368 passes. We will now proceed to LB369.

**CLERK:** [READ LB369 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB369 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Machaela Cavanaugh, Brewer and Ben Hansen. 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

**HILGERS:** LB369 passes. We will now proceed to LB389.

**CLERK:** [READ LB389 ON FINAL READING]



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB389 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Bostelman, Brewer and Ben Hansen. 46 ayes, 0 nays, 1 present and not voting; 2 excused and not voting, Mr. President.

**HILGERS:** LB389 passes. We will now proceed to LB509 and the first vote will be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 36 ayes, 7 nays to dispense with the at-large reading.

**HILGERS:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [READ TITLE OF LB509 ON FINAL READING]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB509 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senators Brewer and Ben Hansen. 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB509 passes.

**HUGHES:** Senator Hilgers-- Speaker Hilgers for an announcement.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. Wanted to give you my end-of-week announcement. A couple of things to talk about

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

this morning. One is consent calendar. Attached to today's agenda on a blue sheet are the seven bills that I've chosen for next week's consent calendar. Now, I want to be really clear. I've had a couple of people ask me already. I've chosen more than seven of the initial requests that I've received. So this is not the sum total of all the ones. But I'm going to have multiple smaller consent calendars throughout the next several weeks and so this first seven is our first opportunity to have a consent calendar this year. So I chose fewer, but there will be others and I anticipate probably having a next-- another one, the first day of at least the next week. So that would be the next Tuesday after we come back from the break. I will be-- I will be accepting additional consent calendar requests through April 7 at 3 o'clock in my office. That likely won't be the last time you can request a consent calendar. If you have requested a consent or if you requested a Speaker priority, you do not need to request another-- another consent designation from me. But if you have had a bill that's come out of committee and now is eligible for consent, you can send a letter and I will be considering those on a rolling basis for future consent calendars. As a reminder, the policy up through until the vote of-- on a particular bill, three senators if they sign a letter can request that consent-- that a bill comes off consent. I am asking and encouraging and requesting that if the-- please look at this list. It's small, it's meant to be small for a reason this first time around. If anyone sees an issue with any of the bills that are on consent, please give me a call. And hopefully, you could give me a call before you send a letter, if that's something you think you might do. So I would encourage everyone to do that before Monday or even Monday morning. In addition, next week we still have a few bills from this week that will carry over to next week. I did want to give you an update of the bills that I'm going to be putting on the agenda. As a reminder, this is not the order in which they'll come on the agenda. There's no guarantee any of them-- all of them will be heard. And it is also true, and you've seen it already this week, as we get through the agenda and as we have to be nimble throughout the week, there are additional bills that-- that have been prioritized that are on General File that we will add to this list. So it is not true and you've seen it, but just want to be really explicit that what we have had on the agenda that's still to be done this week, plus these bills, is not the sum total of what we might address next week. As always, though, especially for what I think might be bills that will take longer to debate, I'll try to give the body as much advance notice as possible in order to accommodate that. So, again, these bills are going to be on the list. This is numerical order, not necessarily the order in which they will appear: LB152, Senator Slama's bill regarding

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

fireworks; LB260, Senator Hunt's bill relating to changing provisions relating to good cause for voluntarily leaving employment; LB338, Senator Bostelman's bill providing powers and do-- relating to the provision of powers and duties for the Public Service Commission regarding redirection of funding for broadband services; LB451, Senator McKinney's bill relating to the inclusion of characteris-- characteristics associated with race, culture and personhood within the definition of race; LB500, Senator Geist's bill providing for venue for prosecution of certain offenses when committed using electronic communication device; LB583, Senator Murman's bill relating to electronic prescriptions for controlled substances; and LB650, Senator Flood's bill, the adoption of the Nebraska Geologic Storage of Carbon Dioxide Act. In addition, and we didn't get to these last week, but we're going to have Christmas tree bills today and it will be my practice reserving rights to change this practice, but it will be my practice going forward to have Christmas tree scheduled for the last day, including Final Reading, so you can have some expectation of when those are going to come up. I will add to the Christmas tree list for next week, two bills. One is LB501, which is Senator Flood's bill relating to uniform-- it's-- it's a uniform law Christmas tree. And then LB428, which is one from the Health and Human Services Committee. So those will get tacked on. I believe we've got LB507 and LB528 that are already on the list and we'll be dealing with LB320 right now. So if you have any questions about next week's agenda or any bill on Select File, please let me know. I'm happy to discuss any issues or questions that you might have. Otherwise, everyone have a wonderful weekend. Thank you, Mr. President.

**HUGHES:** Thank you, Speaker Hilgers. Mr. Clerk, we will proceed to General File, LB320.

**CLERK:** Mr. President, LB320 is a bill introduced by Senator John Cavanaugh. It's a bill for an act relating to Uniform Residential Landlord and Tenant Act. It defines terms. It changes provisions relating to landlords and tenants rights and duties regarding violent criminal activity upon premises. It provides the release of a victim of domestic violence from rental agreement. Introduced on January 13 of this year, referred to the Judiciary Committee. The bill was advanced to General File. I do have committee amendments, Mr. President.

**HUGHES:** Thank you, Mr. Clerk. Senator John Cavanaugh, you're recognized to open on LB320.

**J. CAVANAUGH:** Thank you, Mr. President. I rise today to introduce my priority bill, LB320. LB320 is the result of the efforts of many community stakeholders, housing advocates, fellow senators and the work of the Judiciary Committee to update our Landlord Tenant Act to make the system more just and provide certainty for landlords and tenants alike. LB320 with the committee amendment, AM450, contains provisions of LB320 as originally introduced, as well as parts of LB45 and LB46, LB246, LB402, LB277 and LB268. LB320 provides important protections for victims of domestic violence. Current law allows for a landlord to evict a tenant on five days' written notice for criminal activity on the premises by the tenant or any other person under the tenant's control or on the premises with the tenant's consent. There is a limited exception for activity that is committed by a person other than the tenant. If the tenant seeks protection order or reports the activity to law enforcement, for many reasons this protection is often inadequate and provides victims of domestic violence and-- and may place them in-- the victim in greater danger. There's a handout that was circulated, I would just call your attention to, that references from the Women's Fund the most dangerous time for a survivor of domestic violence and highest risk time for homicide is when the abuser feels a loss of power and control and thus escalates the violence. What LB320 does is two things. First, under current law, the victim of domestic violence cannot be evicted if they report the assault to the police or if they seek protective order. LB320 adds: Seeking services from a qualified third party, a tenant or household member make-- can avail themselves of the eviction protection by seeking a protective order, reporting to law enforcement, or receiving a certified-- certified-- certification from a qualified third party domestic violence service provider using a process set forth-- forth under the Violence-- Federal Violence Against Women Act. Second, LB320 allows a tenant who is the victim of a crime of domestic violence to be released from the rental agreement under certain conditions. A tenant can obtain a release from a rental agreement by obtaining a protection order or receiving certification from a qualified third party. Household members such as children, for example, are also afforded protection under LB320. The tenant victim so released would still be responsible for the current month's rent. Additionally, the tenant victim would be-- would have to provide at least 14 days' notice to the landlord. I would just call your attention again to the handout from the Women's Fund on the backside, which references economic stability is a primary barrier to leaving an abusive relationship, and additionally states that one of the ways that abusers continue to abuse victims is by accumulating debts in the survivor's name. And I would just tell you, as an aside, while this--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

this bill has been pending, I have been contacted about a particular situation where this was happening where a victim left a residence and was unable to get out of the lease and their victimizer continued to live there and not pay rent, thus adversely affecting the victim's credit and standing. And so this bill would address those specific types of situations. The bill does not allow the perpetrator of domestic violence to claim any of these protections and it does not prevent the landlord from taking action to evict the tenant for any other legitimate reasons, such as nonpayment of rent. The Apartment Association of Nebraska and the Nebraska commercial property owners testified in support of the original bill and had no opposition at the hearing. We have worked together to clarify some of the language and I'll address that in my amendment and the changes negotiated in the committee amendment and AM676 have removed the opposition to the bill is included here. Senator Lathrop will go into more detail about the committee amendment, but I want to briefly touch on the package of bills. This represents the outcome of a negotiation between senators, housing advocates, property owners. I want to especially thank Senator DeBoer for hard work on the language to address the concerns of the landlords and coming to a compromise in this that works for everyone. I'd ask for your green vote on LB320 and its amendments. Thank you, Mr. President.

**HUGHES:** Thank you, Senator John Cavanaugh. As the Clerk stated, there are amendments from the Judiciary Committee. Senator Lathrop, as Chair of the committee, you are recognized to open on the amendments.

**LATHROP:** Thank you, Mr. President. Colleagues, good morning. AM540 [SIC], the Judiciary Committee's amendment to LB320, is a white copy amendment that combines seven bills introduced this year regarding landlord-tenant issues. LB320, LB268, LB246, LB46, LB45, LB277 and LB402 were heard by the Judiciary Committee on January 12 and February 4, this year. Both the committee amendment and the advancement of the bill were on 7-0 votes, with one member abstaining. Senator Cavanaugh has provided the basics of LB320 in his introduction, the base of this package of bills. Changes to the green copy of LB320 include adding a new subsection that clarifies that these protections do not apply to the perpetrator of domestic violence. The provision of LB320 can be found in Sections 2, 3, 5 and 6 of the amendment. LB268, introduced by Senator McCollister, would require 24 hours' written notice to the tenant prior to the landlord entering the property and requires that the notice, including the reason for the entering and the time frame the landlord anticipates making the entry, is provided to each individual unit and not posted on a common area. The committee amendment strikes a provision in the green copy that requires consent

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

from at least one of the tenants. The provisions of LB268 are found in Section 4 of AM450. LB246, introduced by Senator DeBoer, adds a provision that the eviction complaint contain the statutory authority for the complaint. The committee made no changes to the provision of LB246, and it can be found in Sections 7 and 13 of the amendment. LB46, introduced by Senator Matt Hansen, sought to repeal a statutory section that allowed an alternative service of process for an eviction proceeding summons. AM450 restores that section, but requires that the summons be posted on the dwelling unit's front door and a first-class mailing to the tenant's last-known address. This provision can be found in Section 8 of the amendment. LB45 was also introduced by Senator Matt Hansen. That section would have repealed a section that allowed-- pardon me, only allowed a request for a continuance of an eviction proceeding in extraordinary circumstances and required a deposit of rents that have been accrued or will accrue. AM450 restores the section, but allows either the landlord or the tenant to request one continuance for good cause shown and subsequent continuances may only be requested for extraordinary reasons. The amendment also removes the deposit requirement. The changes to LB45 can be found at a-- pardon me, Section 9 of AM450. LB277 introduced by Senator Hunt makes changes to the Mobile Home Landlord Tenant Act regarding security deposits to make the policy comparable to the Residential Landlord Tenant Act. Changes include providing any security deposits to the former tenant's last-known address, including a statement outlining any deposit amount withheld. The green copy of LB277 also contained provisions for damages if the landlord willfully or illegally retains the deposit, as well as allowing the landlord to terminate the agreement after seven days for unpaid rent rather than the current five days. AM450 adds language mirroring LB3-- pardon me, LB532, which was signed by the Governor last week that provides that if-- if a deposit is undelivered and remains outstanding for one year, it is deposited with the State Treasurer as unclaimed property. The provision of 277-- LB277 can be found in Section 10 through 13 of AM450. And finally, LB402, introduced by Senator DeBoer, provides that beginning in 2022 the Supreme Court will provide reports on evictions by county twice a year. The report will include the number of proceedings filed, the number of landlord and tenants represented by counsel, and the number of evictions granted. AM450 makes no changes to the green copy of LB402 and can be found in Section 14. Colleagues, I just want to make a comment here before I close on my introduction of the amendment. This bill or this committee amendment represents some old school work done by Senator Cavanaugh, Senator DeBoer, brought together the interests of the tenant groups and with COVID, we've seen the emergence of-- and understandably, certain tenant

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

groups and as well as the landlord groups who are interested in that industry and represents really good work, in my judgment, with respect to bringing the parties together to craft an amendment that moves the ball down the field but does so in a thoughtful way. And with that, I would like to thank you for your consideration of this amendment, and I would urge you to vote green on AM450 and to advance LB320 to Select File. Thank you, colleagues.

**HILGERS:** Thank you, Senator Lathrop. Mr. Clerk for an amendment.

**CLERK:** Mr. President, Senator John Cavanaugh would move to amend the committee amendments with AM676.

**HILGERS:** Senator John Cavanaugh, you're recognized to open on AM676.

**J. CAVANAUGH:** Thank you, Mr. Speaker, and thank you, Senator Lathrop, for the introduction of the committee amendment. AM676 makes a couple of changes to the committee amendment based on the negotiations with the property owners. First, it provides for more detailed definition of qualified third party within the context of domestic violence protection-- protections in the bill. The new language reflects existing definitions of the protections from Domestic-- Domestic Abuse Act. This language has been agreed to by the domestic violence advocates and the landlords. And the second changes, it changes the continuance provision under LB45. As in the committee amendment, the standard for continuance will be good cause for first continuance and extraordinary cause for each subsequent continuance. But it also allows for subsequent continuance to be agreed to by the parties and allows for a court to require deposit of the rents if the subsequent continuance extends into the next rental period. The compromise language has been added to address the concerns of the landlords. As I noted, these changes and the changes in the committee amendment have been addressed-- address the concerns of the landlords, property owners, and realtors. The Nebraska Commercial Property Owners, Apartment Association of Nebraska, Nebraska Property Owners Association, Nebraska Realtors have said that AM676 would remove their opposition to this package. I ask for your green vote on AM677, the committee amendment, and the underlying bill. Thank you.

**HILGERS:** Thank you for your opening, Senator Cavanaugh. Debate is now open on AM676. Senator DeBoer, you're recognized.

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. First, I want to thank Senator Cavanaugh for prioritizing this bill and playing host to some other bills within it. There are two DeBoer bills in this

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

piece of legislation, so there's really some very good legislation in there. I thought I would give you a little background on the process we took to assemble the bill, because I know sometimes people get a little concerned about how Christmas trees are put together. And I should also note that in order to be more seasonally appropriate, I think we should call it an Easter basket rather than a Christmas tree. Colleagues, the Judiciary Committee heard 15 bills on the area of landlord-tenant law. And what you have before you are seven pieces of those bills. After the hearings, we went through the bills to look for what portions of each of the bills looked to be the most widely acceptable to all groups and to work with stakeholders to amend and craft those to get the opposition to neutral with-- which with the amendments, both of the amendments that you see on the board, we have done. And together we have put together some little but meaningful adjustments, some harmonizing language and other things which makes our laws stronger and better for all sides. I would say that the-- the AM676 is a good amendment, which I thank John Cavanaugh for working on, and together makes the bill even stronger. I'm happy to answer any questions that you have, but in the meantime, I would ask for your green light on both the John Cavanaugh amendment, the committee amendment, and the underlying bill. Thank you, Mr. President.

**HILGERS:** Thank you, Senator DeBoer. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President, and good morning, colleagues. As you can see in the committee statement for this bill, you may notice that I was the one member of the committee that was abstaining from voting on this package at the time of the committee vote. However, Senator Cavanaugh has worked out a technical amendment, AM676, that addresses my technical concerns with this bill, and I intend to vote green on AM676, AM450, and LB320. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Slama. Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. Speaker. I have one question regarding the underlying LB268, and I believe that was Senator McCollister's bill, so I would-- I would like to ask Senator McCollister a question.

**HILGERS:** Senator McCollister, would you yield?

**McCOLLISTER:** Yes, I will.

**ARCH:** Thank you, Senator McCollister. So my question is, this requires notification before accessing. Are there-- are there any provisions for any emergency access, water pouring down through the ceiling,



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

something like that? What-- what kind of emergency provisions would that be?

**McCOLLISTER:** Yeah, there's provision for that. Landlord has the absolute right to go into a tenant's apartment to take care of those kinds of problems, absolutely.

**ARCH:** So what-- what-- what would you foresee notice being required for then? What-- what type of situation would they-- would it require notice?

**McCOLLISTER:** Well, if there's some problem with the apartment or the complex itself, changing filters, damage to the apartment building, a tree falls on the roof, something of that nature, you know, the-- the landlord has the right to enter the tenant's premises.

**ARCH:** OK. Thank you very much.

**HILGERS:** Thank you, Senator McCollister and Senator Arch. Senator Hilkemann, you're recognized.

**HILKEMANN:** Thank you, Mr. Speaker. I had my light on after reviewing this, and I think maybe my questions have been answered, but I would like to ask Senator DeBoer a quick question.

**HILGERS:** Senator--

**HILKEMANN:** And this is that-- this is from what I see, this is-- this is your Easter basket here is full of seven bills, am I correct?

**HILGERS:** Senator DeBoer, would you yield?

**DeBOER:** Yes, that is-- that is correct, portions of seven bills.

**HILKEMANN:** OK, and I noted that on, I think three of the seven bills there were rather-- there were a rather long list of opponents on those bills. And now I understand from what came up, this-- the LB676 amendment was introduced after I put my white light on-- my light on and so you were able to get these-- all these groups to agree that with this amendment, this whole package is fine with them, is that correct?

**DeBOER:** Yeah. So, for example, Senator Hilkemann, in the McCollister bill we were just talking about, the original bill had a notice and consent requirement and there were many groups that spoke in opposition to the consent portion. They didn't have a problem with

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

changing the notice from one day to 24 hours, which is the change we made in this bill, but the consent portion was troubling to them. That portion didn't make it into the committee amendment. So there were many instances like that where the committee amendment took a portion of the bill that was not unacceptable to those groups and put those together into one bill. So my understanding is that all the groups now are, in fact, neutral.

**HILKEMANN:** And I understand that from Senator Lathrop's introduction here, that this-- that you were the person that kind of put this whole package together, is that correct?

**DeBOER:** Well, I certainly had some help from our committee counsel and from Senator Cavanaugh and others.

**HILKEMANN:** Well, Senator, I want to congratulate you on being able to put seven bills together with three of them having a list of opponents and to coming up-- this is the type of legislation and the type of work that we need and I congratulate you on your work. And with your answering these questions, I plan to support the amendment and I will support the underlying bill. Thank you very much, Senator DeBoer. Thank you, Mr.

**HILGERS:** Thank you, Senator DeBoer and Senator Hilkemann. Senator Albrecht, you're recognized.

**ALBRECHT:** Thank you, Speaker. I just have a quick question, I think for Senator Matt Hansen.

**HILGERS:** Senator Hansen, would you yield?

**M. HANSEN:** Yes, I would.

**ALBRECHT:** OK, I just-- I opened up your bill, number 45, LB45.

**M. HANSEN:** Uh-huh.

**ALBRECHT:** In Senator Lathrop's opening, he said that the judges would get one continuance. Is that-- is that somewhere else? Because in your bill, it does not say they get any continuances.

**M. HANSEN:** Yes. So my bill was one of the bills that was negotiated and changed a fair amount. So under current law, tenants have to prove extraordinary cause. And under the current amendment, tenants get one continuance for reasonable cause and then the second continuance has

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

to be for extraordinary cause. So that's the change in the-- the Cavanaugh amendment.

**ALBRECHT:** OK, very good. I just looked at the bill and it did not reflect that, so I wanted to ask, so thank you. Thank you, Speaker.

**HILGERS:** Thank you, Senator Hansen and Senator Albrecht. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I also-- would Senator Matt Hansen yield to a question?

**HILGERS:** Senator Matt Hansen, would you yield?

**M. HANSEN:** Yes, I would.

**CLEMENTS:** I'm also curious about the continuances in the extraordinary clause. Why do we need to prohibit continuances?

**M. HANSEN:** Personally, I-- my original bill was to make continuances the same as every other civil lawsuit, including commercial tenants. That was something the landlord groups were opposed to and that was one of the key negotiations that Senator Cavanaugh worked on. So I would be in favor of making them more expansive, but that was one of the concessions we made to make the landlords neutral.

**CLEMENTS:** And the extraordinary clause, I didn't catch what is-- what's being changed with the extraordinary language?

**M. HANSEN:** Sure. So right now for a tenant to get a continuance, they have to show extraordinary cause in all situations. And that is an incredibly high barrier and frankly, tenants-- we don't-- we don't have any good evidence that tenants ever meet that standard, so we're changing it to one continuance. The first continuance can be for reasonable cause and then after that-- and reasonable cause is the same standard for, you know, a divorce case, any other civil matter, you know, a car crash, you know, lawsuit. And so we're changing it to one instance of reasonable cause just like every other lawsuit. And then after that, we kind of go back to the old standard of extraordinary cause.

**CLEMENTS:** Thank you, Senator Hansen. And let's see, I was looking at, I think-- who's LB402? Is that Senator DeBoer? Would you answer a question, please?

**HILGERS:** Senator DeBoer, would you yield?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**DeBOER:** Yes.

**CLEMENTS:** I see a lot of reporting needing to be done by the court, and I don't see that the court testified against this. Is this new reporting or have they already been doing some or what is the purpose of this, please?

**DeBOER:** Yeah. Thank you, Senator Clements, for that question. Yeah, the data is mainly available, just not aggregated at this current time. So they have access to it because of the JUSTICE, the way the-- the online filing and all of that works. So this is data that, for the most part, they already could just run a little report and get. There is one piece that they will have to add. But one of the problems that we're finding when we're trying to understand what the housing situation is like in Nebraska throughout the state is there are advocates and others who are able to piece together basically what happens in Douglas, Sarpy, Lancaster, those kinds of counties. But if we talk about what does it look like for evictions in other parts of the state, we just don't have that much information available so the idea is to provide that information.

**CLEMENTS:** Now then, my main concern was it has to be provided by county and I was concerned that every county court is going to have to do some extra work. What's your response to that?

**DeBOER:** So the Supreme Court will be the one who's in charge of doing it and because they have access to this database, they'll just be able to run it through and-- and provide the report.

**CLEMENTS:** Do the counties already report this data to centrally to the Supreme Court then?

**DeBOER:** It's-- it doesn't have to be-- it just has to be mined, not reported. Right. It already exists in the computer. It just has to be mined.

**CLEMENTS:** It's already exist at the Supreme Court location and it's not requiring additional county level work?

**DeBOER:** No. And I think-- and I can look back at this again and talk to you off the microphone, but I think it's not that it's so much that the counties have to report it, but that it should be reported by county.

**HILGERS:** One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**DeBOER:** So on a county level, so that the information, which is already sort of statewide, will then be distilled by county. I'll--

**CLEMENTS:** All right. And so the-- all of these different topics, number of evictions and the statutory authority claimed is on a record somewhere already?

**DeBOER:** That's the one piece that's different is the statutory reasoning, which is because until we put in another fix from another bill that I have in this package, that doesn't exist until then. So it will, going forward after we pass this bill, be possible to sort for that, but it is not currently.

**CLEMENTS:** All right. Thank you, Mr. President. I think we'll talk off the record.

**HILGERS:** Thank you, Senator DeBoer and Senator Clements. Senator Groene, you're recognized.

**GROENE:** Thank you, Mr. President. I-- I understand the human compassion that drives a lot of the legislation for having a roof over your head, but I also have to look at the other side of it. The landlord is a business. They're business people and they have to pay their bills. I've thought of this, maybe sometime we ought to put an amendment on some of these bills that says, no legal fees can be paid to an attorney until the rents are caught up. I wonder if that amendment would pass because lawyers are also business people. And I'm tired a little bit, once in a while hearing how these landlords are bad characters. They are businessmen and women. When you have a business that our property taxes are so high that the first three or four months of your rents that you receive go to pay property taxes, it's not a very lucrative business in the first place in a lot of instances. So my concern is when I see this many bills at once on the last day of the week, I don't like Christmas trees. Any time I can bear them is when the committee has a committee amendment. When a committee decides to start creating Christmas trees outside of their committee amendments, committee priorities, it's getting a little bit out of hand. All of these bills could have come forward. All of them could have been put on. The rest of us are trying to get our bills on consent calendar, trying to get-- decide which one we're going to prioritize. But certain people, if you send it to the Judiciary Committee, by golly, you can get it Christmas treed somewhere. Two or three committees doing too much of that. Now, that said, I have a question for Senator Cavanaugh, and I told him ahead of time I was going to ask him a question, if he'd take it,

**HILGERS:** Senator Cavanaugh, would you yield?

**J. CAVANAUGH:** Yes.

**GROENE:** Senator Cavanaugh, I asked you off the mike, at the end of the day if this bill passes, will landlords have a greater risk of having bad debt?

**J. CAVANAUGH:** Well, I guess that's not exactly how you phrased the question off the mike, but I appreciate the question.

**GROENE:** Well, the bad debt to me is that you didn't collect your rent.

**J. CAVANAUGH:** Right. I-- the AM676 is to address landlords' concerns about just what you're talking about, which is some money is going forward that they're going to be uncollectible. And so that's-- that's the concern that we addressed in AM676, which means that for continuances that are going to go into the future, that the foregoing rents are going to have to be placed through the court. And that's-- that-- that was the change that we made that eliminated the concerns of the landlord groups and so that is--

**GROENE:** So we'll be discussing that when the amendment comes up.

**J. CAVANAUGH:** Well, we're on that amendment right now.

**GROENE:** All right. Sorry, I guess we are. I looked at the board.

**J. CAVANAUGH:** But-- but yeah. So that's exactly the concern that the landlords had and that-- that we were conscious of and which is why we're willing to negotiate around that issue and to make that change, because AM676 satisfies what the concerns of the landlords are, but it also satisfies the concerns of the tenants.

**GROENE:** Thank you. I wanted to comment on a couple of other things. The underlying bill is a good bill. I mean, it makes sense if you have a joint--

**HILGERS:** One minute.

**GROENE:** --and one of the partners, or whatever we want to call them nowadays, harms the other person, then one of them should be able to get out of their lease agreement. And if they're-- even I believe if they're a single tenant and they're assaulted by another person living in the apartment complex, they ought to be able to get out of it-- out of that lease. But-- but then now, as a senator, I got to try to sort

through on the morning before we go home for the weekend, seven bills. It's hard enough the way we operate around here to study and take note and check on one bill at a time. But this Christmas tree stuff, put it on consent if you got a good bill, just bring it out and put it on General File. All right. Thank you. I will vote-- I trust Senator Cavanaugh's judgment if he says they're-- the landlords are OK with this--

**HILGERS:** Time, Senator.

**GROENE:** --overall bill to get his done, I'm fine with it.

**HILGERS:** Thank you, Senator Cavanaugh and Senator Groene. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. I'll just be real quick. As pointed out, my bill was changing the continuance standard in currently for landlord-tenant, which is currently a special standard that only applies to tenants in landlord-tenant cases. I appreciate the landlords working with us such that we have one-- one for reasonable cause, one is the same standard for everybody else, every other civil case, you know, small claims, car crashes, divorces, what have you. I do want to say for a legislative record and for intent by leaving extraordinary cause in there, extraordinary cause is a standard that has to be met occasionally. It cannot be an absolute barrier to all continuances. In my mind, the classic example would be in the hospital, you know, have verifiable, in the hospital, cannot leave your hospital bed. That's got to, at minimum, be the extent of extraordinary cause. And that courts, as we've said, can still require debt to be paid in to ensure the landlord has a secured interest in that rent and that's a concession we were willing to make, but we cannot let extraordinary cause continue to be an absolute barrier. It has to be a standard that is at least met in some circumstances. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Hansen. Seeing no one else in the queue, Senator Cavanaugh, you're recognized to close on AM676.

**J. CAVANAUGH:** Thank you, Mr. Speaker, and thank you, colleagues, for the discussion about this. Just to reiterate, I think Senator Hansen tied a nice bow around the changes we made in AM676 to the portion of continuances. But to be clear, this is a relatively minor change, but it makes the courts work better for all parties concerned. It's going to allow as part of this negotiation, we contemplated how both sides in a-- in an eviction would negotiate settlements that would allow for

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

perhaps a vacation of the property, but still paying some amount of rent or getting back on track. And that was not really allowed for on-- it's not allowed for under the current law. And so this change will allow for more flexibility in how these cases are resolved, which is going to get a better resolution for all concerned. So I'd ask for your green vote on AM676, for-- on AM450, and on LB320. Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. The question before the body is the adoption of AM676. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**CLERK:** 36 ayes, 0 nays on adoption of the amendment to the committee amendments.

**HILGERS:** AM676 is adopted. Continuing debate on the committee amendment. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I want to continue with-- could I ask-- would Senator DeBoer yield to a question?

**HILGERS:** Senator DeBoer, would you yield?

**DeBOER:** Happily.

**CLEMENTS:** All right, back to the LB402 reporting. Who is the report going to?

**DeBOER:** To us, the Legislature, so it will be reported to the Clerk who will then report it out publicly.

**CLEMENTS:** And what-- who would be looking at that and what action could be taken regarding it?

**DeBOER:** Thank you for that question. Yeah, so who will be looking at it? Senators, for one thing. I think it will help the Judiciary Committee, as we're looking at, you know, sort of what the-- the landlord-tenant real estate, you know, the world looks like. And I think it will help others in this body as they're thinking about housing and those sorts of questions as well. But also advocates who work in the area say, actually maybe in whatever county, Otoe County, there's a disproportionately high number of evictions for lack of payment, maybe we should work with tenants there, see if there's some housing assistance or something that needs to be done there. So there will be other groups that will be able to use this data to say, how can we do a better job in Nebraska for folks who need housing?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**CLEMENTS:** Oh, I see. So it will come to the Legislature, but be available to general public and interested parties. All right. Well, that's-- that was all I had on that. Thank you, Mr. President.

**HILGERS:** Thank you, Senator DeBoer and Senator Clements. Seeing no one else in the queue, Senator Lathrop, you are recognized to close.

**LATHROP:** Just briefly, colleagues. I appreciate the debate on the floor this morning-- the dialogue. I am going to close just by thanking Senator DeBoer, Senator Cavanaugh, for the work that they put in, also legal counsel. But oftentimes you have these groups. We had 15 bills that we heard over two days, so we had 150 bills in total in Judiciary Committee, 10 percent of them were landlord-tenant. So today we are bringing as a result of their work and the willingness of-- there's a number of landlord groups out there that have an interest in this subject matter who came to the table, as well as groups that represent the tenants. And you might imagine they were very far apart. The list of things the tenants wanted to see done was extensive. There were 15 bills. The landlords stayed there nevertheless. Instead of just saying no, they came together through the efforts of Senator DeBoer and Senator Cavanaugh, and with the help of legal counsel, Neal Erickson, brought you this amendment in what I would describe as a very old school way to approach the legislative process. And we can celebrate that today with moving AM450 and LB320. Thank you.

**HILGERS:** Thank you for your closing, Senator Lathrop. The question before the body is the adoption of AM450. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**CLERK:** 40 ayes, 1 nay on the adoption of committee amendments.

**HILGERS:** The committee amendments are adopted. Returning to debate on LB320. Seeing no one in the queue, Senator Cavanaugh, you're recognized to close on LB320.

**J. CAVANAUGH:** Thank you, Mr. Speaker, and thank you, colleagues, again, for the discussion here. And thank you to Senator DeBoer and Senator Lathrop, and I'm glad Senator Lathrop mentioned Neal Erickson for his work on this as well. And he's right that this bill is a representation of how we should do legislation here. There are a lot of issues that were brought before the Judiciary Committee and they were distilled. This bill has parts of many other bills, not the whole-- not the entirety. It has all of the good parts. And it has many of them are changed in substantive ways to make them interact

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

with each other appropriately, to make the laws of Nebraska more just, more fair, and to work better for everyone involved. So I'd ask for your green vote on LB320 and I appreciate your discussion today. Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. The question before the body is the advancement of LB320 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:** 42 ayes, 3 nays on the advancement of the bill.

**HILGERS:** LB320 advances. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following LBs: LB14, LB35, LB66E, LB93, LB94, LB113E, LB113AE, LB148E, LB163, LB177, LB297, LB337, LB368, LB369, LB389, and LB509. Turning to the next bill on the agenda, Mr. Clerk.

**CLERK:** Mr. President, LB507 is a bill originally introduced by Senator Bostelman. It's a bill for an act relating to the Ethanol Development Act. It amends Section 66-1330, prohibits the production of alcohol-- agricultural ethyl alcohol under certain circumstances. Introduced on January 19 of this year, referred to the Natural Resources Committee, advanced to General File. There are committee amendments, Mr. President.

**HILGERS:** Thank you, Mr. Clerk. Senator Bostelman, you're recognized to open on LB507.

**BOSTELMAN:** Good morning. Thank you, Mr. Speaker. Morning, colleagues, and Nebraska. I appreciate the opportunity to rise today to introduce LB507, which is the first priority bill for the Natural Resources Committee. LB507 would prohibit the use of treated seed corn in the production of ethanol if the resulting byproduct, which is commonly known as wet cake or distiller's grain, is unsafe for livestock consumption or land application. I introduced this bill after being made aware of at least one ethanol plant in this state using treated seed corn to produce ethanol. The byproduct that resulted from this process cannot be fed to livestock or applied to land due to the chemical residue that remains and has become a further environmental concern. The material currently stockpiled on ethanol-- the material is currently stockpiled on the ethanol plant's property. Several seed companies' labels for these-- for their treated seed corn state that excess treated seed corn can be used in the production of ethanol only, and I want to underscore only, if the byproduct--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

byproduct is not fed to livestock and no measurable residues of pesticides remain in the byproduct. After conducting tests by-- of the byproduct and discovering measurable levels of pesticide, the Department of Environment and Engineer [SIC] classify it as-- it as a special waste and must be disposed of at a lined landfill. Using treated seed corn to produce ethanol is not environmentally safe, nor is it commonly used for production in Nebraska or anywhere else. Therefore, I ask for your green vote on LB507 and if the Speaker would allow, I could open on the committee amendment.

**HILGERS:** As the Clerk noted, there are committee amendments. Senator Boselman, as Chair of the Natural Resources Committee, you are recognized to open on those amendments.

**BOSTELMAN:** Thank you, Mr. Speaker. The hearing on LB507 was heard on February 3, 2021. It had testimony and support from five individuals. There was no opposition and one per-- person testifying in the neutral position. The bill, as amended, was advanced from the committee on a unanimous vote. The committee amendment, AM256, was unanimous-- was unanimously advanced by the committee and adds LB191, LB190 and LB395 as amended to LB507. So Sections 1 to 4 contain an amendment version of LB395 by Senator Hughes, which is to authorize-- designate-- dess-- designating special depredation seasons and permits for taking of antelope in addition to the current allowable deer when there is evidence that damaged crops or other property is being caused by the wildlife. It also allows nonresidents to hunt during those special depredation seasons. And I'll correct myself, it was introduced by Senator Gragert. Hearing LB395 was held on January 28, 2021. There was no opposition. It was included in LB507 on a 7 to 0 vote with one member present, not voting. And Section 5 contains the provisions of LB191 of Senator Hughes, which amends the Irrigation District Act to allow otherwise qualified nonresident landowners or leaseholders within an irrigation district or fewer than 2,000 acres that borders another state and has more than one-half of its landowners to be qualified as an electors. The hearing on LB190 was held on January 27, 2021. There was no opposition. It was included in the committee-- committee and LB507 with a vote of 7 to 1. And Section 6 contains an amended-- amended version of LB190 by Senator Hughes, which prohibits the Legislature from making any transfers or withdrawals from the Water Sustainability Fund beyond those approved by the Department of Natural Resources. It was amended to clean up language and clarify the intent. Hearing on LB190 was held on January 27, 2021, and there was no opposition. It was included in LB507 by the committee unanimously. Section 7 through 8 contain the original provisions of LB507, which was introduced by myself and contains an emergency clause. With that,

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Floor Debate March 25, 2021

I would ask for your green vote on LB507 and its amendment. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Bostelman. Mr. Clerk for an amendment.

**CLERK:** Mr. President, first of all, Senator John Cavanaugh, Senator, I had AM323, but I have a note you want to withdraw that.

**HILGERS:** Without objection, it is withdrawn.

**CLERK:** OK, good. Thank you, Senator. Mr. President, Senator Hughes would move to amend the committee amendments with AM365.

**HILGERS:** Senator Hughes, you're recognized to open on AM365.

**HUGHES:** Thank you, Mr. President. AM365 is just a cleanup for my portion of LB507. One of the bills in there was originally my LB190. If you look at the bill on page 6, line 29, Section 6 is where that bill starts. And this is just a clarification because the Department of Natural Resources wanted to make sure that the intent of the bill met their requirements. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Hughes. Debate is now open on AM365. Senator Gragert, you're recognized.

**GRAGERT:** Thank you, Mr. President, and members of the Legislature. LB395, as amended, is part of the committee amendments to LB507. LB395 expands the authority to designate a special deer depredation season or extend an existing deer hunting season to also include antelope and elk. Such seasons are designated when there is an excessive property damage. LB395, the depredation season under LB395, the depredation season is open to nonresidents as well as residents. The fee for the nonresident special depredation season permit shall not exceed more than \$75. The fee for resident permits remains at not more than \$25. Under LB395, landowners and lessees will be charged no more than \$10 for such permits. By charging a minimal amount, it allows the commission to maximize federal funding available per permit. The permit holder must own or operate 20 acres for deer and antelope permits and 80 acres for elk permits. LB395 increases the number of landowner, antelope and elk permits in each management unit for-- from 50 percent to 75 percent of the regular permit authorized, granting the landowners 43 percent of the total permits in the management unit, where they currently get 33 percent. Finally, LB395 establishes an earn a buck program-- earn a bull, excuse me. The private landowner to increase antlerless-- this will provide the private-- to increase antlerless elk harvest. Landowners or lessees

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

will report annually the number of antlerless elk harvest on their property in order to qualify for a free landowner elk permit. The intent of this program is to provide an incentive for landowners to allow access to antlerless elk hunting on their property. I want to point out that these provisions of LB395 do not affect a hunter's eligibility for regular permits. LB395 gives the Game and Parks more flexibility to do their job, allowing them to work more quickly with landowners and hunters to control crop damage. It is reinter-- it reiterates one of the commission's guiding principles that public hunting and harvesting of wildlife is preferred method of managing and controlling wildlife. LB395 encourages but does not mandate landowners to allow hunting on their property. I think this is a right approach to take. No one testified against LB395 at public hearing and the Natural Resource Committee voted 7-0 to-- to include the committee-- in the committee amendments to LB507. I ask a favorable vote for adoption of AM256 and the advancement of LB507. Thank you.

**HILGERS:** Thank you, Senator Gragert. Senator Hughes, you're recognized.

**HUGHES:** Thank you, Mr. President. Good morning again, colleagues. I just want to give you a brief explanation of my two pieces that are in AM256 and ultimately a part of LB507. And I do appreciate Senator Bostelman and the committee allowing this to be-- these two bills to be added and giving it a committee priority. The first portion of my part is on page 3, line 25, begins on Section 5 and it removes the requirement for certain surface water irrigation districts that the electors have to be residents of the state of Nebraska. What has happened back-- before the turn of the century, I believe, in the very southwest corner of Nebraska on the Republican River, there was a surface water irrigation district that was developed that straddled the Colorado-Nebraska state line. Since that time, the Colorado side of that irrigation district, those water rights have been bought out so that water can flow to Nebraska to meet the Republican River Compact. But the Nebraska side of the line, there is still a small portion of that, less than 2,000 acres, that is still viable. The state of Colorado has still guaranteed Nebraska that a certain amount of water will travel to Nebraska. The state of Colorado has to maintain that ditch in order for the water to get to Nebraska, but the challenge is, it's less than 2,000 acres and as land has changed hands and farms have gotten larger, the local landowners no longer have a majority of that property and it's belonging to out-of-state landowners or is being leased to out-of-state individuals. And the locals have been served as on this board-- board for the irrigation district for decades and they're getting old and they want to retire,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

move to Arizona. So this was brought to me because if the surface water irrigation district doesn't have board of directors that meet the criteria, then it goes away. They lose their water right. The value of their land drops by two-thirds and we lose productivity in southwest Nebraska. So that's the reason why that bill is important. The second portion, the second bill that's in my part of LB507 is-- begins on page 6, line 29, Section 6. It deals with the Water Sustainability Fund. And we want to make sure that when we have a budget shortfall, the state cannot come in and sweep the interest on that fund to backfill state budgets. There is money contributed to that fund. Most years, I think a maximum of \$11 million, a significant portion is dedicated to Omaha to their sewer project and the rest of it is for grants to NRDs, cities, grants and cost share for water projects. We just want to make sure that the Department of Natural Resources, who is in control of that fund and make sure that the interest can be used according to the rules and cannot be taken away when we have a state budget shortfall. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. Speaker, and good morning. I-- I'm having a little trouble making the connection how depredation of wildlife fits into ethanol, but so be it. So I was wondering if Senator Gragert would yield to a few questions.

**HILGERS:** Senator Gragert, would you yield?

**GRAGERT:** Sure.

**ERDMAN:** Senator Gragert, when will this special season, the depredation season, start?

**GRAGERT:** That would be up to the director and/or secretary of the Game and Parks. He can set the-- he or she can set the season whenever they feel they need to address the issue.

**ERDMAN:** OK, do you have a copy of the amendment, AM256, there?

**GRAGERT:** Yes, I do.

**ERDMAN:** OK, on the bottom of page 1, if you'll look at that line 27, it says the depredation season may commence not less than five days after the first public announcement that the depredation season has been established. That's the current law, correct?

**GRAGERT:** Yes, I believe that-- that is the current law.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**ERDMAN:** OK. So if they already have in statute an opportunity to do a depredation season, why do we need to designate another season for depredation?

**GRAGERT:** Well, this is another, too, in addition to the depredation season. That-- OK, you know, the depredation season stands on its own, but this is in addition to that-- that season. So this-- this is-- this would be more of a geographical area of what LB395 is bringing versus the one you just talked about being, well, we already have a depredation season. Well, that is-- that is the one that would be set for a particular farm producer that is having issue individually.

**ERDMAN:** So then what you're saying is we're going to have-- we can have this depredation season that's already been in statute before and now we're going to create another depredation season beyond that? Is that what you're saying?

**GRAGERT:** That's correct. And in what the depredation-- the new one will be is more flexibility. It won't-- it would not only be right after five days after, but the director would be able to say, well, during-- after the existing hunting season, they didn't harvest enough animals or, you know, at that point, he could extend that by the amount of crop damage that happened to happen that fall.

**ERDMAN:** OK. So later on down in the bill, it talks about the amount of-- or the amount of animals that can be harvested. And it used to say 50 percent of the regular permits authorized in such an area, elk management unit. And you changed that to 75, is that correct?

**GRAGERT:** That's correct. They increased that.

**ERDMAN:** So let me run through this scenario with you. In the-- in the public hearing that we had for their budget and other hearings that we had with Game and Parks, assistant manager or Director McCoy testified that there were 2,500 elk in the state. And-- and then when Commissioner Douglas-- when Director Douglas came in, he said 3,500. So I don't really have a clue and they don't have a clue how many there is. But they only issue 510 permits statewide.

**HILGERS:** One minute.

**ERDMAN:** And let's-- let's say in my-- in my unit that I have 10 permits and 75 percent of those is seven head. So if we have a thousand elk in that unit, which I'm sure we do, and they're going to allow another seven permits, that's really going to make a difference, right?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**GRAGERT:** Well, it's going to be a start. But I truly believe, you know, there's not a silver bullet to this-- to this issue or circumstance. I believe what's going to have to happen in addition to this one tool is that the Game and Parks, the producers, the owners, and-- and even hunters will have to work together to come up with steps further as far as the crop damage continues to--

**ERDMAN:** So you're making an assumption that Game and Parks wants--

**HILGERS:** Time, Senators.

**ERDMAN:** Thank you.

**HILGERS:** Thank you, Senator Gragert and Senator Erdman. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. Senator Bostelman, would you yield to a question?

**HILGERS:** Senator Bostelman, would you yield?

**BOSTELMAN:** Yes.

**HUNT:** Thank you, Senator Bostelman. Does this bill have an E clause?

**BOSTELMAN:** I'm sorry.

**HUNT:** Does this bill have an E clause, LB507?

**BOSTELMAN:** LB507 for the AltEn portion, yes, it does.

**HUNT:** OK, thank you.

**BOSTELMAN:** You're welcome.

**HUNT:** How many-- between AM256 and AM365, how many other bills are included in this package?

**BOSTELMAN:** I believe there's three.

**HUNT:** Three total between both of the amendments?

**BOSTELMAN:** Let me look. So we have LB191, LB193, LB195 and LB507, those four bills total.

**HUNT:** So it's five?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**BOSTELMAN:** Four.

**HUNT:** Four, thank you.

**BOSTELMAN:** LB191-- LB507 is the primary bill. LB191, LB190 and LB395 are amended into it by the committee.

**HUNT:** OK, thank you so much. That's all, Mr. President, thank you.

**BOSTELMAN:** You're welcome.

**HILGERS:** Thank you, Senator Bostelman and Senator Hunt. Senator Bostelman, you're next in the queue.

**BOSTELMAN:** Thank you. A couple things. And if Senator Erdman would like to speak off the mike, I'd sure be glad to talk to him about it. A couple of things on the amendment and they're on the depredation. This includes-- this adds in antelope and elk, also adds in quota numbers, also adds in areas, also adds in some landowner incentives as far as earned landowner tag and some other things in there. So what it does, it really broadens the opportunity for depredation to happen in regions within the area where there are problem areas-- has been problem areas. So it really tries to expand the opportunity to do the exact thing that Senator Erdman is talking about is reducing the number of animals in problem areas. And it opens it up to animals, the deer and elk-- or elk and antelope in addition to deer. I do support this amendment, these amendments, and I urge your green vote on AM365. Thank you.

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

**ERDMAN:** Thank you again, Mr. Speaker. Let's continue where we left off. Senator Gragert, will you yield to a question?

**HILGERS:** Senator Gragert, would you yield?

**GRAGERT:** Sure.

**ERDMAN:** Senator Gragert, you and I have had conversations about the solution, and I have indicated that I thought the solution was landowners, Game and Parks, and hunters. Did I share that with you?

**GRAGERT:** You sure did.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**ERDMAN:** OK. The problem that we have and it is obvious by my experience over the last 15, 20 years with Game and Parks, they are not interested in negotiation with anyone. So you're coming today leading us to believe that they're going to change their attitude and be negotiable. Would you agree that they're going to be negotiable?

**GRAGERT:** I'm not-- I'm not sure I'm coming to you today to tell you what Game and Parks is going to do. I-- I guess I come in with this bill, with this is the way I feel or my opinion how, you know, crop damage can be not only in the short term, but long term, be addressed by--

**ERDMAN:** OK.

**GRAGERT:** OK, sorry.

**ERDMAN:** I appreciate that. So, and thanks for answering that. So let me make a few comments about what has been happening over years of mismanagement. Following up on the comment I made about the amount of elk that the two Game and Parks officials say they have, they don't have a clue how many they have. But using Mr. Douglas's estimate of 3,500, and I asked the question, if we have 3,500 elk, how many are females? And the answer was 60 percent. So that's about 2,100. If you use the analysis or the estimate that 80 percent of those 2,100 have a baby, have a-- have a calf, that's 1,680. And then you make an assumption that only about 70 percent of those will survive. That's 1,200. And as I mentioned earlier, we have an annual permit allocation across the state of 510, according to Mr. McCoy, but Mr. Douglas said it's 400-and-something. So I don't know if they even know, but anyway, let's assume it's 500. And we had 1,200 new elk this year and we shot 500. Now they issue 500 permits, but not everyone that gets a permit shoots an elk. So if they completed 75 percent of those hunts, they're in that 375 range and we increase the population by 1,200. So tell me how that controls the elk population when we have another 800 head this year than we had last year, that's using 3,500. I contend there's an excess of 5,000 or more because there are three landowners in my district that have 625 alone, just those three-- those three landowners. And so the point is this. They have had a tool in their toolbox for the last 30 years to manage these wildlife, manage it well and that's called permits-- hunting permits. And they choose not to issue enough permits to even keep up with the increase in population. So we come here today and we say we're going to give Game and Parks another tool to put in their toolbox. They haven't even opened the lid of the toolbox to use the tools--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**HILGERS:** One minute.

**ERDMAN:** --they currently have. And so I'm in support of having a depredation season, but I'm more interested in having proper management of the current wildlife we have with the tools they currently have. They do a very poor job and that's a compliment. It's even worse than that. We have thousands of antelope, thousands, and they issue like 70 permits. So increasing the antelope by 75 percent is really going to help with the antelope population. But you see, they're not interested in controlling the population. They're interested in growing the population by the number of acres they buy every year to set aside more land to raise more wildlife. And then they will whine that the reason we have all this damage is because these farmers are now planting corn where it used to be grass. Well, let me tell you something. Before--

**HILGERS:** Time, Senator.

**ERDMAN:** Thank you.

**HILGERS:** Thank you, Senator Gragert and Senator Erdman. Senator Halloran, you're recognized.

**HALLORAN:** Thank you, Mr. Speaker. I will yield my time to Senator Erdman so we can have some more discussion about the toolbox, if he wishes the time.

**HILGERS:** Senator Erdman, 4:50.

**ERDMAN:** Thank you. Thank you, Senator Halloran, I appreciate that. So then they say, well, these people are raising crops where there used to be grass. Well, here's the truth, ladies and gentlemen. Before 1986, there were no elk in my area. Before 1986, there wasn't any elk and there was an enclosure in the Wildcat Hills, a 8-, 9-, 10-foot fence and they had elk in there. And one day the elk were in the fence and the next day they're gone. Where did those elk go? And you can talk to the rancher out there, the farmer, his name is Knaub [phonetic] and they just started getting elk once those elk disappeared from the enclosure. And so, don't have them come and tell you that it's all these farmers' fault because they're raising corn in places where they never before, when, in fact, they introduced those elk to that area. They have had plenty of opportunity to control the wildlife in the manner that we have given them. I have no confidence, zero confidence that they will manage wildlife any different after we give them the depredation permit season. And here's the reason. In

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

2018, they issued-- was '19 maybe, they issued a depredation permit to a rancher in my district to shoot 50 elk. They got so much pushback from the-- from the hunters that in '20 he wanted them to do it again and they wouldn't do it because they had too much pressure from-- from the hunters. So we're bringing an opportunity to the Legislature for them to have another tool when, in fact, the mismanagement of wildlife continues and they had plenty of tools to do it before. They are not cooperative. I'll give you an example. At Lake McConaughy they put in new restrictions this year on how many campers can be at the lake and they say they have been working with the committee there. Their definition of working with the citizen committee there and my definition are totally different. There are two golden rules. You know, the one that says treat others like you'd like to be treated. That's one. And then there's another one. He who has the gold makes the rules. That's the one that Game and Parks functions under, he who has the gold makes the rules. So there are going to be appointments or reappointments to the Game and Parks Commission. There will be two of them, one is a reappointment, one is a new appointment. I've never filibustered an appointment of a Governor before, but this could be the first time. So that person that currently serves on that commission need not order any more letterhead that says Game and Parks Commissioner, because I want to tell you right now that the buck has to stop somewhere. And so I've introduced several pieces of legislation this year dealing with Game and Parks and one of them was to make them a code agency. And the other one was to make those directors be appointed-- be elected by the voters. We have no control over Game and Parks, none. You would think after the pressure that I have applied to them by taking money from their cash fund and all the other things that I've done, that they would come to reason and say, we need to negotiate. We need to understand what he's asking us to do. But I am not going away and Lord willing, I'm back here next year, we'll be at it again. And we will contin--

**WILLIAMS:** One minute.

**ERDMAN:** Thank you. And we will continue to have this discussion until this is fixed, whatever it takes. So here's the deal. It's either going to be Director Douglas or the board members or both. That's a fact because I'm not giving up on this. And Senator Gragert, I appreciate you bringing that bill. I understand what you're trying to do. I'm not against what you're trying to do. The point is they don't have enough permits issued to do us any good. And I have zero confidence that they're going to even do what they said they're going to do because they haven't done it yet. So I'll close with that until my next time. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**WILLIAMS:** Thank you, Senator Erdman and Senator Halloran. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. Colleagues, I-- I'm not sure if I'm in support of AM256 and AM365. I don't-- I don't really like hunting, but I also don't know a lot about it in terms of the, you know, conservation aspects and things like that. That's what I would call not in my wheelhouse and something I'm still learning about. And I don't know about allowing nonresidents of Nebraska to serve as electors in Nebraska in this irri-- in this Irrigation District Act. So I'm-- I'm still learning about that and thinking about that. But I can't say what's typical in this body because I've only been here for three years. But I can-- I can speak to what's typical from my experience in the short time that I've been here in the Legislature. And when there's a big crisis happening in our state, it's typical for somebody to take some time on a bill and talk about that. Because not only are we creating a legislative record, we're speaking to the people of Nebraska as elected leaders of Nebraska. And part of that responsibility to me includes acknowledging the pain and the struggle and the achievements and the great things that happen in our state, too. But what's happened in Mead, Nebraska, that the underlying bill, LB507, seeks to address, it really could have been Nebraska's Flint, Michigan, crisis in our state. It could have been an environmental crisis at the scale of really destroying our ecology, polluting our water, polluting our soil. And as an agricultural state, that would have been so devastating to our economy in a time when we're focusing so hard on rebuilding not only our-- growing our urban parts of the state, but also, you know, energizing our-- our rural and agricultural parts of the state. An article in The Guardian summed up really well what happened with the situation in Mead, Nebraska, where AltEn has been processing seeds that are coated with fungicides and insecticides, and people in Mead and the surrounding area have been getting really sick and people are reporting eye irritation and throat irritation. People have been diagnosed with cancer. And, of course, we can't at this time draw a direct causal relationship between what's happened at this AltEn plant with them in what they're doing to the seed to turn it into ethanol. But that's something that needs to be studied. Colonies of bees have died, birds have died. There's wildlife all over the area that's died because of what has happened at this plant. And this plant has profited immensely from this business arrangement where they get free seed, they convert it into ethanol, but then the byproducts of all that pesticide go into the water. They go into the earth. And the consequences of this are really serious. So I think not only do we need LB507, but we probably need a study going

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

forward. And that's not something that I feel the Legislature is really best qualified to draft. I think that the Legislature should provide oversight into that kind of study to study the effects of the pesticides that have been put into our water and into our ground because of this company and corporation. But I think that's something that we should be working with the University of Nebraska on and their researchers and scientists to study the effects of this over the next decades, honestly. Because once we pass LB507, the problem is still going to be with the people of Nebraska. People are still going to be suffering the effects of this pollution potentially for decades. And we need to make sure not only that we pass this bill to do something now, but that we have a contingency plan in place to study how this is--

**WILLIAMS:** One minute.

**HUNT:** --affecting people down the road. Because we don't know if-- if this is going to be tied to diseases in the future and what kind of liability the state could have around that for failing to act and what kind of liability this company could have. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hunt. Senator Erdman, you're recognized and this is your third time to speak.

**ERDMAN:** Thank you, Mr. President. And this will be my last time. I-- I don't want to leave this without saying this. Senator Gragert, I'm not opposed to your bill. I'm not opposed to your amendment. All right. I agree that we need to give them every tool that they need. And so I'll be voting for the amendment because if we give them this tool, they should have absolutely no excuse in not controlling the wildlife. I don't believe that'll be the case, but I'm going to give them a chance and I'm going to vote for-- for-- for your amendment and we'll see what happens. Thank you.

**WILLIAMS:** Thank you, Senator Erdman. Seeing no one wishing to speak, Senator Hughes, you're recognized to close. Senator Hughes waives closing. Members, the question is, shall the amendment to the committee amendment to LB507 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

**ASSISTANT CLERK:** 37 ayes, 0 nays on the adoption of Senator Hughes's amendment.

**WILLIAMS:** The amendment is adopted. Mr. Clerk for an amendment.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

**ASSISTANT CLERK:** Next amendment, Mr. President, Senator Cavanaugh would offer AM567.

**WILLIAMS:** Senator Cavanaugh, you're recognized to open on your amendment.

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, colleagues. First off, I'd just like to say thank you to Senator Bostelman for bringing the LB507, original bill, which would prevent the use of treated seed corn in the production of ethanol. My amendment, AM567, that I worked on with Senator Bostelman as well as industry partners to-- to more clearly define what treated means. So it includes a definition of treated that we have defined under the statute already, but additionally expands to all treated seed and not just limited to corn. The reason I brought this amendment is at our hearing on this issue, which we had testimony from individuals affected by what's going on in AltEn, there was some evidence that this AltEn plant had not only solicited treated corn, but treated seeds of all kinds. It's my understanding that that's uncommon for other types of seeds to be used in the ethanol process. However, I think we would have all believed that no one was using treated seeds of any kind prior to the discovery of what was happening at AltEn. So this is a bill I appreciate Senator Bostelman working with me on this. I think it just makes the language a little bit clearer and captures trying to head off issues in the future. I would just reiterate what Senator Hunt was saying is that we do have a big issue here in Mead what was going on at AltEn. I think that we have just-- just beginning to grasp what has happened there and the fallout from the actions of this company. And I think that this bill is a good first step to prevent actions like this in the future to clarify, prevent this company from starting doing this process again after they deal with the department, but I do think that further action is required as it pertains to this. I agree with Senator Hunt that I think we need to look into the downstream effects, the groundwater, the animals, the bugs, the plants. And I would certainly join her in-- in pursuing a study going forward about this. But I would ask for your support on AM567 and the underlying LB507. Thank you.

**HILGERS:** Thank you for your opening, Senator Cavanaugh. Debate is now open on AM567. Senator-- Senator Brandt, you're recognized.

**BRANDT:** Thank you, Mr. Speaker. I'd like to thank Senator Cavanaugh for bringing AM567 and Senator Bostelman for bringing LB507. As a Nebraska corn farmer, ethanol is vital to Nebraska; 40 percent of our corn crop goes into ethanol in the state. Most of the components

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 25, 2021

coming out of that are used in the state. It's unfortunate that we had a bad actor in the industry. I think the corn growers and the ethanol industry have stepped up and worked with Senator Bostelman and Senator Cavanaugh to draft this language to keep this incident from ever happening again. So with that, I would encourage your green vote on AM567 and LB507. Thank you.

**HILGERS:** Thank you, Senator Brandt. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. Chair. Yes, I want to thank Senator Cavanaugh and others. We worked on this amendment. This is a friendly amendment. I do encourage you to vote for AM557, LB256, and then LB507. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Bostelman. Seeing no one else in the queue, Senator Cavanaugh, you're recognized to close. Senator Cavanaugh waives closing. The question before the body is the adoption of AM567. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 41 ayes, 0 nays on the adoption of the amendment.

**HILGERS:** AM567 is adopted. Returning to debate on the committee amendments. Seeing no one in the queue, Senator Bostelman, you're recognized to close. Senator Bostelman waives closing. The question before the body is the adoption of AM256. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the adoption of the committee amendments.

**HILGERS:** The committee amendments are adopted. Turning to debate on LB507. Seeing no one else in the queue, Senator Bostelman, you're recognized to close.

**BOSTELMAN:** Thank you, Mr. Speaker. Just a couple of comments to make up. I thank everyone for your votes here. This is a very important bill in several different areas we have. On the-- on the LB507 itself as we're speaking, with this, I want you all to know that we continue to work in that area. There is follow up being done outside of-- of DEE as well, so we are monitoring. There will be continued monitoring and some other studies or research being done in those areas. So the-- I do know that the folks in the area in Saunders County and Mead and surrounding area are very thankful that this bill gets passed, but



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Floor Debate March 25, 2021

also that, as you know, there was a pipe rupture out there and that's been cleaned up. And also the monitoring of all surface and groundwater and air quality is being done. And there will also be done additional monitoring that's going to be done, I believe by UNMC. So there's a lot of work that we're working on in that area out there. I think the committee is going to continue to look at the regulations and statutes on DEE and if there are things we need to do to improve their action ability. With that, I ask for your green vote on LB507. Thank you.

**HALLORAN:** Thank you, Senator Bostelman. The question before the body is the advancement of LB507 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.

**ASSISTANT CLERK:** 43 ayes, 0 nays on the motion to advance the bill.

**HILGERS:** LB507 is advanced. Mr. Clerk for items.

**ASSISTANT CLERK:** Series of items, Mr. President. New A bill, LB630A by Senator Bostar. It's a bill for an act relating to appropriations; to appropriate funds to carry out the provisions of LB630. Committee Report. Your Committee on Revenue reports LB364 to General File with committee amendments attached. New resolutions: LR78 and LR79, both by Senator Geist. Those will be laid over. The bills that were read on Final Reading this morning were presented to the Governor at 10:50 a.m. [Re: LB14, LB35, LB66E, LB93, LB94, LB113E, LB113AE, LB148E, LB163, LB177, LB297, LB337, LB368, LB369, LB389, LB509.] An amendment to LB528 from Senator Walz. Name adds: Senator Pansing Brooks to LB306, Senator Blood to LR5. An announcement: the Appropriations Committee will hold an Executive Session upon adjournment in Room 1301. And finally, a priority motion. Senator Geist would move to adjourn until Monday, March 29, 2021, at 10:00 a.m.

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