

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2022

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

DeBOER: Colleagues, today marks the festival of Epiphany in the western Christian church liturgical calendar, the day which celebrates the Matthew 2 visit of the magi to Jesus following a star. Please join me in prayer. Aba, father, God, today we ask for the wisdom of the magi. Grant us the wisdom of science, like the magi who were able to study the stars to find Jesus. Grant us the wisdom of inspiration that helped them understand the star would lead them to a new kind of king. Grant us the courage of wisdom that told them not to do the politically expedient thing, but the right thing, as they defied King Herod's orders to find the babe and return to him. Grant us the wisdom of a generous heart, which compelled them to bring expensive gifts to a child born into a manger to a-- nobody powerful in and out of the way place. As we embark on this new year, grant peace and mercy to all in this building and give these 49 senators the wisdom of your magi to put what is right above all else. In the name of the creator of all the stars, the one who was heralded by the stars, and the one who reminds us each year of that sacred story of God with us, amen.

HILGERS: Thank you, Senator DeBoer. Senator Lowe, you're recognized for the Pledge of Allegiance.

LOWE: Please join me in the Pledge [RECORDER MALFUNCTION]

HILGERS: Thank you, Senator Lowe. I call to order the second day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call.

LINDSTROM: Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

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

CLERK: I have no corrections.

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

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CLERK: Mr. President, acknowledgment of reports from the various standing committees regarding, regarding interim study resolutions and results from those. Priority bill designations: Senator Clements, LB310; Senator Brewer, LB773; Senator Linehan, LB364 That's all that I have, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. Speaker Hilgers, for an announcement.

HILGERS: Thank you, Mr. President. Good morning, colleagues. As I previewed yesterday, I wanted to give everyone a little bit of an update on a couple of different topics here this morning. I'm going to start with a memo that's going to be-- is, is in the process of being handed out, which is an update on the floor procedures for this session. You will find in that memo that almost everything, including the filibuster rule, is identical to what we did last year. So the filibuster rule, as you recall, we had eight-four-two. That worked very well last year. There are, there are, however, two slight modifications I want to give the body notice of now. They're not material, but they're important to give everyone notice. The first one, it relates to Final Reading time limits. So if you recall, it was eight-four-two, but I had incorporated a rule last year in which, if there wasn't a motion for cloture that had been adopted on a particular bill at General File or Select File, then the, the time limit on Final Reading was not two hours, it was four hours. And the reason I had done that was to avoid any kind of sandbagging on Final Reading, to make sure if there was a real substantive debate on a particular issue, that we would have enough time to debate that issue. That being said, in this session, we don't have a lot of time. And we actually didn't really see that come up last year and so we are-- the first modification is we're going to do eight-four-two and it will be two hours, regardless of whether there had been a motion for cloture successfully adopted on either of the prior two stages of debate, with the, with the exception that if there is a last-second substantive filibuster that really feels like a sandbag, we will go to four hours. But the default should be two. We really haven't seen that in my time in the Legislature, so I actually am not concerned about that, but I want to be very crystal clear in the notice that I'm providing the body. So that's change number one. Change number two is a-- is to the time limits for A bills. So in my time in the Legislature, we have never really specially treated A bills. We have had eight hours, say, or three hours on the-- prior-- before I was Speaker, on a particular underlying bill, and then we would also have the same amount of time on an A bill. When we're dealing with this session and the limited amount of time that we have-- and we have,

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after today, only 58 days. We have over 100 priority bills that we anticipate coming, plus work that we have left over from last year, plus the budget bills that we know are coming. We simply do not have the time to have eight hours on General File for a, for a bill and then an additional eight hours on the A bill. So we will not change the rule for the underlying, underlying bill, the, the substantive bill, it will be eight-four-two as I mentioned, but A bills will be just one hour, with the exception if it is a-- if it actually is a somewhat complicated A bill, we will do two hours. But in my experience in the Legislature, there has not been an A bill that I can recall that on the substance ever required more than an hour to talk through. That hopefully will save us a little bit of time as we go into next-- into this session. So you can look at those-- that memo. It lays it all out. In addition to the floor procedures, that memo also includes a little bit about what we have got coming up this year. And as I just mentioned, we know we have some really big issues coming: the budget, of course. We have two budgets that will be coming we think in February, March, that timeframe. That's going to take up a lot of time. And we have a number of other of your priorities that we want-- my job is to ensure that we get as many of those heard as we possibly can. It's going to take a lot of coordination between the Chairs, my office, and you to make sure we're strategically taking care-- advantage of every single day that we have a floor debate here in the Legislature. Otherwise, there's a high likelihood we will not get through all the priority bills this year. There simply is not enough time for us to be able to do that unless we're all working together. As we approach debate this year-- and by the way, next week, floor debate, we'll be in all-day floor debate next week. We're going to get started right away. Here-- and this is in the memo, but it's important and I'm-- emphasize. My priority in terms of scheduling bills will be as follows: first, it will be 2022 priority bills. I already have had four priority bills designated for '22, 2022 priority bills. A few of those are going to be debated next week and I'm going to talk about that in a second. That's number one. Number two is 2021 carryover priority bills. So those are not bills that were designated as priorities and then didn't have a motion for cloture adopted or failed on General File or the like. Those are bills that, you may remember, by the, the-- at request of the introducer, were held over. There are a number of those bills that are at the end of the memo that I've handed out. Please take a close look at those. Those are my next priority. And then the third is worksheet order. So those are the priority-- those are the orders I will be scheduling things; 2022 priorities, 2021 priorities, and then worksheet order. All of that is in the memo. I

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do want to point out for scheduling, as we go into next week, we will be-- so the bills that we're looking at potentially for next week, the second memo, as I sort of go into my second memo, which lays out the entire schedule today and tomorrow, is, is bill reduction. As we go into next week, I want to highlight a couple of things. We last year tried as much as possible, and I think with-- with a large amount of success, to ensure that the body had as much notice in advance of as many bills as we, as we could, especially difficult bills that we thought would draw a filibuster. That worked well last year, in my estimation. We're going to continue to do that. However, this first part of the session, I'm asking for as much flexibility and understanding from your perspective because, as we get in and have a number of new priorities designated and as new bills are getting introduced but they're not through committee process yet, the first week or two are going to be far more in flux than I would like, but it is the reality of the circumstances in front of us. So I'm going to do my best to give you as much notice about the issues that I'm-- that are coming, but we all have to be nimble working together because if I get, as an example, a-- a 2022 priority designation on a bill on General File tomorrow, that goes to the top, top of the line and we may be working on that next week. So I'll give as much advance notice as possible, but at least for these next couple of weeks, it will be more difficult for me to say next Wednesday we'll be dealing with this issue, next Thursday morning we'll be dealing with this, this other issue. I will do my very best to do that. How-- I do have, as I mentioned, four bills that have been designated '22 priorities. One of them was just introduced, and so it will not come up next week. There are three others that are on General File now that have been designated as priorities. The first one is LR14, which is Senator Halloran's convention of states resolution; the second is LB310, which is Senator Clements' bill relating to inheritance tax; and the third-- what's the number?-- Senator-- is Senator Linehan's scholarship tax credit bill. As you know, a bill that failed on General File or any stage of debate in 2021 or this year, in fact, can come back if it is reprioritized. So those are the three. I have a fourth, again, as I mentioned, but it was just introduced, and so it's not relevant for next week. I don't know precisely what day that those will come up, if they come up next week. I anticipate probably all three of those will be coming up next week. Those are the three bills that I've got. More likely than not, I have to work with Senator Halloran, but I think the convention of states will come up Monday. That's my best projection today. As we go into next week, the schedule is Monday we start at 11:00. The reason we're starting at 11:00 is at 10:00, we have a really important tutorial on the public

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comment system. As I've mentioned a couple of times on the mike, we introduced that last year. It was a new system. It was new for the public, it was new for you, it was new for your staff. It actually worked out very well as a new system. We had thousands of comments that came in. We actually had a number of people who found it very valuable. We've made a number of iterations and improvements to that. We're also broadening its use to be the new mechanism for position statements. So we're doing it as a broader, more accessible, accessible system for the public. But we're also-- really want to ensure-- we've done some things internally on the Uninet that the-- you all and your staff have an opportunity to really utilize that to its fullest degree. So next Monday at 10:00, there will be a tutorial from our IT staff and our new IT director, Jayne Scofield, is going to be sending out an email scheduling that. So please look for that and make sure, if you can't make it, that your staff is there. I found the comment system to be incredibly valuable and helpful to get really real-time feedback from the public as we proceed. The schedule next week will be 11:00. As I mentioned, we'll end at 5:00. On Tuesday, we will start at 9:00 and end at 5:00. On Wednesday, we'll start at 9:00 and end at 5:00. And on Thursday, the Governor has the State of the State. We will check in at 9:45 and end no-- he-- his State of the State will be at 10:30-- or 10:00, I'm sorry, and we will end no later than 1:00. So that's the schedule for next week. The week after that, we will start committee hearings and we'll have half-day debate. We are not doing a full-day committee hearings. I think you all know that, but it's worth again repeating that. Big picture schedulewise, March 3 is the end of our committee hearings. March 8 is the beginning of full-day debate. March 14, the very next week, we will start late nights. I cannot overemphasize to you how important it is to be strategic about the first half of this session because there is almost no time after committee hearings to get done with all the work that we have to get done, including the budget bills and all the priorities. And I-- if-- there's almost no better example for you to see that in real time than to say we only have one week, only one week of full-day debate before we go to night debate. So the rest of the memo has all my-- all the other deadlines. It has the deadlines for Speaker priority designations requests, for your designation-- your priority, your committee priority designation requests. It also as a tentative deadline for-- I believe it's in there-- on consent calendar. I will do a consent calendar similar to what I did last year, where it's a few-- once we get going, maybe four or five, seven consent calendars Monday morning. We will generally start Mondays, after next week, at 10:00, but that's only for the first couple of months. The back half of the schedule, we're

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going to be here on the floor as much as we possibly can to get as much work as we possibly can get done. I think those are the primary announcements I have this morning. I will update you if I can tomorrow with a little bit more clarity on next week's schedule, but at least those three bills, you should be thinking, are very likely to, all three of those, come up, and look at the carryover priorities on the back of the memo that I sent. Please look at those two cal-- those two memos really closely and at a minimum, please have your staff look through the, the second memo that has all the dates and times, because there are a lot of different dates in there, including this-- the judiciary-- State of the Judiciary address from, from the Chief Justice and a number of other scheduling deadlines that I think are really important to an effective session. So I appreciate in advance all of your good work and cooperation and coordination as we strategically approach the session so that we can get as much done as we can for the people of Nebraska. Thank you, Mr. President.

LINDSTROM: Thank you, Speaker Hilgers. Senator Machaela Cavanaugh would like to recognize Dr. Joe Miller of Omaha, serving as physician of the day. Thank you for coming. We will continue with introduction of new bills.

CLERK: Mr. President, new bills. LB802 is a bill by Senator Hughes; it's a bill for an act relating to Nebraska Wheat Resources Act; it changes powers of the Nebraska Wheat Development, Utilization, and Marketing Board. LB803, bill by Senator Hughes, a bill for an act relating to games [SIC] and parks; redefines a term; it changes provisions relating to limited permits for deer, antelope, wild turkey, or elk. LB804, by Senator Hughes, a bill for an act relating to the Nebraska Power Review Board; it changes the compensation for certain board members. LB805 is by Senator Hughes, relating to the Noxious Weed Control Act; it changes provisions relating to prioritization of applications and intent to appropriate funds. LB806, Senator Bostelman, relates to drainage; changes a provision relating to drainage by a landowner. LB807, by Senator Brand, it's a bill regulating the county government; changes provisions relating to tax levy and county funding for nonprofit county historical association or society. LB808, Senator Morfeld, related to the Uniform Controlled Substances Act; changes provisions relating to the schedules of controlled substances; and harmonizes provisions. LB809, Senator Moser, it's a bill for an act relating to water; changes provisions relating to the use of Land Acquisition and Source Water Loan Fund. LB810 is by Senator John Cavanaugh; it's a bill for an act relating to juvenile facilities; it changes provisions relating to room confinement of juveniles and required reports. LB810-- excuse

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me, LB811 is by Senator Dorn; relates to the Nebraska Real Estate License Act.; it changes provisions relating to auctioneers of real estate. LB812 is by Senator Hilkemann, a bill for an act relating to the Pharmacy Practice Act; it provides for vaccine administration by pharmacy technicians. LB812-- or LB813 is Senator Hilkemann. It's a bill for an act relating to appropriations; it states intent relating to fund transfers and appropriations for trails. LB-- thank you-- LB814, Senator McKinney, it's a bill for an act relating to Legislature; it states findings; provides for racial impact statements for the Legis-- for legislation. LB815, Senator McKinney, it's a bill for an act relating to public health; it adopts the Diaper Changing Accommodation Act. LB816, Senator McKinney, a bill for an act relating to the Nebraska Treatment and Corrections Act; it requires collection of certain data upon admission of persons committed to the department. LB817, Senator Linehan, a bill for an act relating to revenue and taxation; changes provisions relating to examination of financial records and certain reporting requirements. LB793, by Senator McCollister, it's a bill for an act relating to the Election Act; it provides for ranked-choice voting for certain city or village offices. LB794, Senator McCollister, relating to the Election Act; it provides for nonpartisan election of State Treasurer and Auditor. LB795, Senator Flood, a bill for an act relating to the Nebraska Uniformed Pursuit-- Prudent Management of Institutional Funds Act; changes provisions relating to the release or modification of restrictions on the management, investment, or purpose of an institutional fund. LB796, Urban Affairs Committee, a bill for an act relating to the Community Development Law; it changes provisions relating to requirements. LB797, Urban Affairs Committee, relating to the Community Development Law; provides for removal of substandard and blighted area designations. LB798, Urban Affairs Committee, relates to the Community Development Law; it changes provisions relating to extremely blighted areas. LB799, Urban Affairs, a bill for an act relating to the Municipal Density and Missing Middle Housing Act; updates a federal reference. LB800, by the Urban Affairs Committee, it's a bill for an act relating to cities of the metro-- metropolitan class; it amends numerous sections of law. It changes provisions relating to city officers, elections, powers, duties, public improvements, subdividing and platting, consolidation of cities and villages, ordinance, planning and zoning, fiscal management, city departments, claims and award, bridges, parking facility-- of landmark [INAUDIBLE]; it eliminates provisions relating to municipal code [SIC] yards. LB801 is a bill by Senator Hughes; it's a bill for an act relating to the ImagiNE Nebraska Act; it redefines qualified location.

HILGERS: Mr. Clerk, for new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB818, by Senator Linehan, it's a bill for an act relating to the Sports Arena Facility Financing Assistance Act; to define and redefine terms; to authorize the use of state assistance to pay for nearby parking facilities; change provisions relating to limitations on state assistance; harmonize provisions; repeal the original sections. LB819, by Senator Linehan, a bill for an act relating to revenue and taxation; to eliminate provisions relating to a tax study; and to outright repeal Section 77-3,115. LB820, by Senator Matt Hansen, it's a bill for an act relating to municipalities; to change the population threshold for cities of the metropolitan class and cities of the primary class; to harmonize provisions; and repeal the original sections. LB821, by Senator Hansen, it's a bill for an act relating to municipalities; to adopt the Aid to Municipalities Act; create a fund; change provisions relating to the budget limitations; provide a duty for the Revisor of Statutes; and repeal the original sections. LB822, Senator Matt Hansen, a bill for an act relating to the Motor Vehicle Operator's License Act; change provisions relating to the reinstatement fees for an operator's license; repeal the original sections. LB823, by Senator Ben Hansen, it's a bill for an act relating to the Administrative Procedures Act; to prohibit state agencies from imposing annual filing and reporting requirements on charitable organizations as prescribed. LB824, by Senator Ben Hansen, it's a bill for an act relating to personal care services; to include bathing as an activity of daily living; and to repeal the original sections. LB825, by Senator Lindstrom, it's a bill for an act relating to revenue and taxation; change provisions relating to the taxation of benefits received under the Federal Social Security Act; and repeal the original section. LB826, by Senator Lindstrom, it's a bill for an act relating to the Public Funds Deposit Security Act; to redefine terms; repeal the original section; declare an emergency. LB827, Senator Lindstrom, a bill for an act relating to revenue and taxation; to allow income tax deduction for the cost of certain property and for certain research or experimental expenditures as prescribed. LB828, by Senator Briese, it's a bill for an act relating to elections; provide a violation and a penalty for unlawful manipulation of certain elections as prescribed; harmonize provisions; repeal the original sections. LB829, Senator DeBoer, it's a bill for an act relating to offenses against animals; to change penalties and sentencing provisions as prescribed; change a deadline for filing a hearing application relating to seized animals; and repeal the original section. LB830, by Senator DeBoer, a bill for an

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act relating to children and families; change provisions relating to cash medical support; repeal the original sections. LB831, by Senator Machaela Cavauagh, it's a bill for an act relating to criminal procedures; to name an act; provide for caregiver diversion programs; provide for conditional release of pregnant and postpartum inmates; to harmonize provisions; repeal the original sections. LB832, Senator Machaela Cavanaugh, it's a bill for an act relating to revenue and taxation; change individual income tax brackets and rates as prescribed; to harmonize provisions; and repeal the original sections. LB833, by Senator Pahls, it's a bill for an act relating to civil procedure; change the statute of limitation on certain civil actions for sexual assault of a child; and to repeal the original sections. LB834, by Senator Hunt, a bill for an act relating to the Wage and Hour Act; amends Section 48-1202; redefine terms; and repeal the original sections. LB835, by Senator Hunt, it's a bill for an act relating to the educational savings plan trust; to define and redefine terms; change powers and duties; harmonize provisions; repeal the original sections. LB836, by Senator Hunt, it's a bill for an act relating to the Community Development Act [SIC]; to require the review of substandard and blighted area designations and extremely blighted area designations as prescribed. LB837, by Senator Hunt, it's a bill for an act relating to the Nebraska Energy Code; to require the Director of Environment and Energy to provide information to the Legislature as prescribed. LB838, by Senator Kolterman, it's a bill for an act relating to the State Department of Education; provide for an aid program; declare Intent to appropriate funds. LB839, by the Government Committee, it's a bill for an act relating to truth and deception examiners; to change provisions relating to truth and deception examinations; repeal the Licensing of Truth and Deception Examiners Act; to provide a duty for their Revisor of Statutes; and to repeal the original sections. LB840, by Senator Brewer, a bill for an act relating to legal notices; to change provisions relating to publication and rates; and to repeal the original sections. LB841, by Senator Brewer, it's a bill for an act relating to the Election Act; provide for the registration to vote and application for ballots for members of the Nebraska National Guard; provide for application for ballots for emergency response providers; harmonize provisions; repeal the original sections. LB842, Senator Brewer, a bill for an act relating to Civic and Community Center Financing Act; defined and redefine terms; to authorize grants of assistance to tribal governments as prescribed; to harmonize provisions; and to repeal the original sections. LB843, by Senator Brewer, it's a bill for an act relating to elections; to define and redefine terms; change provisions relating to petitions, filing,

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mailing, voting deadlines, appointment of election workers, voter registration, registered voter list, confidential records, primary election ballots, polling places, assistance for voting, replacement ballots, poll watchers, county canvassing board, election costs, recall election, initiative and referendum petition, electioneering; to eliminate certain filing requirements; provide requirements for distribution of application for voter registration and request for ballots for early voting; provide requirements for ballots for early voting; provide for canceling elections as prescribed; to harmonize provisions; and to repeal the original sections. LB844, by Senator McCollister, a bill for an act relating to the Legislature; provide requirements for filling vacancies in the Legislature. LB845, by Senator Slama, it's a bill for an act relating to boycotts; to adopt the Anti-Discrimination Against Israel Act; and declare an emergency. LB846, by Senator Slama, it's a bill for an act relating to the Nebraska Banking Act; to change provisions relating to an annual audit; and to repeal the original sections. LB847, by Senator Wishart, it's a bill for an act relating to the Political Subdivisions Construction Alternatives Act; to redefine political subdivision to include certain utilities and power districts; and to repeal the original sections. LB848, Senator Halloran, it's a bill for an act relating to the Animal Health and Disease Control Act; change the powers of the Department of Agriculture and duties of owners or custodians of dead animals relating to catastrophic livestock mortality or euthanization; to harmonize provisions; repeal the original sections. LB849, by Senator Bostar, is a bill for an act relating to the Election Act; provide a penalty for certain violations relating to recall elections; and to repeal the original sections. LB850, Senator Bostar, it's a bill for an relating to property taxes; change provisions relating to cancelation and extinguishment of certain delinquent taxes; and to repeal the original sections. LB851, by Senator Wishart, it's a bill for an act relating to crimes and offenses; change enforcement procedures relating to certain crimes involving animals; to harmonize provisions and repeal the original sections. That's all I have at this time, Mr. President.

HILGERS: Thank you, Mr. Clerk. Mr. Clerk, new bills.

ASSISTANT CLERK: Thank you, Mr. President. New bills: LB852 by Senator Day; provide for behavioral health points of contact; provide duties for the State Department of Education, the Division of Behavioral Health of the Department of Health and Human Services, and school districts. LB853, by Senator Day, it's a bill for an act relating to revenue and taxation; provide a homestead exemption for

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certain disabled veterans as prescribed; harmonize provisions; repeal original sections. LB854, by Senator Day, a bill for an act relating to reports of child abuse or neglect; to require notice as prescribed; and repeal the original sections. LB855, by Senator Day, it's a bill for an act relating to the Medical Assistance Act; harmonize coverage provisions with federal law; and repeal the original sections. LB856, by Senator Day, it's a bill for an act relating to the Aging and Disability Resource Act [SIC]; to define terms; change provisions relating to reimbursement for services; to harmonize provisions; and to repeal the original sections. LB857, by Senator Day, it's a bill for an act relating to the Medical Assistance Act; to require the Department of Health and Human Services to implement express lane eligibility; state intent regarding appropriations; to harmonize provisions; and to repeal the original sections. LB858, by Senator Clements, it's a bill for an act relating to the Election Act; amend Section 32-101; to restrict funding for elections; to harmonize provisions; and to repeal the original sections. LB859, by Senator Clements, it's a bill for an act relating to the public health departments; to require city-county health departments to obtain the approval of the Department of Health and Human Services in issuing directed health measures; to harmonize provisions; and to repeal the original sections. New resolutions: LR268CA, offered by Senator Briese, is a proposed constitutional amendment to provide for a recall of the Governor and members of the Legislature as provided by law. LR269CA, by Senator Hunt, a proposed constitutional amendment to provide for the appointment of a commission on redistricting; to draw and recommend to the Legislature the boundaries for election districts. LR270, by Senator Gragert and others, would express condolences to the family of former Senator "Cap" Dierks; that will be laid over. Priority bill designations: Senator Machaela Cavanaugh, LB376. A motion from Senator Hunt to indefinitely postpone LB781 to be printed in the Journal. Name adds: Senator Slama to LB643, Senator Brewer to LB783, Senator Walz to LB792, Senator Flood to LR14. Finally, a priority motion to adjourn until Friday, January 7, 2022, at 11:00 a.m.

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