

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 14, 2022

HILGERS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-fifth day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Pastor Brian Loy of O'Neill United Methodist in O'Neill, Nebraska, which is Senator Gragert's district. Please rise.

PASTOR LOY: Good morning. Let us pray. Almighty God, in recent days and weeks, you, you've rebuilt-- reminded us beautifully of your sovereignty. You indeed are the lord of creation, as you've allowed the gift of life to be sprung upon this state. Father, with a world filled with hatred and anger and resentment, racism and hurt, in this great state, we see compassion, empathy, and love being expressed in ways that many thought could only be dreamt. Father, where so much devastation looks overwhelming throughout the world, people are finding beacons of hope to push forward and move on. Father, we give thanks to you for your bountiful blessings. Lord, today, I see great men and women begin a task of furthering the work set out before them. We ask your blessing upon each one, upon their families that they're separated from, upon the decisions that we made here in this Chamber this morning, this afternoon, and days to come. Father God, your almighty and holy hand enlighten their hearts, and firmly guide them as they seek to preserve and promote the dignity and life of all of our people that choose to call the straight-- state, great state of Nebraska their home. Lord, be this body of legislatures-- always recognize it as their sworn vocation to assist you in administering your benevolence over our state. Thus creating an atmosphere of true peace and liberty, so that it may prevail not only in our state, but leading to our country and ultimately throughout the world that we live in. Father, we ask this grace, as we do all of our quests in your loving son's most holy and precious name, and the one who taught us to pray together: Our Father who art in heaven, hallowed be thy name. Thy kingdom come. Thy will be done on Earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For thine is the kingdom, and the power, and the glory, forever and ever. Amen. Now, may God, the father, and his son, Jesus Christ, bless each one of you as you serve him by serving your fellow man. God bless you.

HILGERS: Thank you, Pastor Loy. Senator McDonnell, you're recognized for the Pledge of Allegiance.

McDONNELL: Everybody, please join me in the pledge. I pledge allegiance to the Flag of the United States of America, and to the

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Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

HILGERS: Thank you, Senator McDonnell. I call to order the twenty-fifth day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: Mr. President, on page-- what's going on here? On page 549, after the words "Final Reading," insert "President signed LB310." That's all that I have.

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

CLERK: A series of appointment letters from the Governor, appointments to the State Board of Health, to the Commission for the Deaf and Hard of Hearing, Public Employees Retirement Board, the Nebraska Motor Vehicle Licensing Board, Nebraska Rural Health Advisory Commission, and the Board of Public Roads Classifications and Standards. Mr. President, Senator Kolterman, an amendment to be printed to LB838. And that's all that I have, Mr. President.

HILGERS: Thank you, Mr. Clerk. Senator Vargas, you're recognized for a personal announcement.

VARGAS: Yes, thank you very much. So one, I want to say Happy Valentine's Day to everybody. And the way that I want to share the Happy Valentine's Day is-- and some of you have been here for this, some of you may not have been here for this-- but today is my daughter's birthday. Ava Kaye Vargas was born three years ago. She turns three today. It was a bit of a rush when she was born. We were in hearings, and I was actually in Senator Linehan's-- or Chairwoman Linehan's Revenue Committee rushing to send her a note saying-- and this is right the day before-- that my wife is going to be going into labor. So a big thank you again to Senator Linehan for making accommodations that day. But I just wanted to say happy birthday to Ava Kaye Vargas. She's my firstborn. She was a premature, and was such a fighter and is such a fighter. She is the light of our lives, and Luca is just another light in our lives. But being our firstborn, she just reminds me so much about the hope and pride that we should have, not only in our loved ones and our family, but our neighbors and our

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communities. And I got to make her pancakes this morning. We got to give her some gifts. So it's been an extra special day already. So there's some cookies being handed out from Eileen's Cookies in honor of my daughter's third birthday. So if we can-- you can enjoy these cookies and thank you for helping me celebrate Ava's birthday today. Thank you so much. I love you, Ava.

HILGERS: Thank you, Senator Vargas. Colleagues, we're going to turn to consent calendar. One note, I've had a couple of questions. I've spoken to Senator Linehan. We're going to pass over LB434 when we get to it for today. So we'll go from LB567 to LB749. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR291 and LR292. Mr. Clerk, we will proceed to the first item on this morning's agenda.

CLERK: Mr. President, LB847, a bill originally introduced by Senator Wishart. It's a bill for an act relating to the Political Subdivisions Construction Alternatives Act. It redefines political subdivision to include certain utilities and power districts. Introduced on January 6, referred to the Government Committee, advanced to General File. I have no amendments to the bill, Mr. President.

HILGERS: Thank you, Mr. Clerk. Senator Wishart, you are recognized to open on LB847.

WISHART: Thank you, Mr. President. Good morning, colleagues. This bill marks the latest step in a multi-year effort I took over from Speaker Hilgers to continue providing the option of design-build for certain public entities in the state of Nebraska. LB847 seeks to update the design-build process to include metropolitan utility districts, public power, and public power and irrigation districts. I was approached by these entities last year, shortly before the hearing on LB414. But it was my concern that amending that bill on the floor, floor would hurt its chances on consent calendar. As you may remember, design-build is a method of project delivery in which one entity works under a single contract to provide design and construction services. One entity, one contract, one unified flow of work from initial concept through completion. The goal is to save money and time through a more efficient process. This is a simple addition to those who would already be able to utilize this more efficient and cost-saving tool in the construction for water, wastewater utility or sewer construction. This bill has no fiscal note. It was voted out of Government, Military and Veterans Affairs Committee unanimously. Thank you. I'd appreciate your green vote.

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HILGERS: Thank you, Senator Wishart. Debate is now open on LB847. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. So I'm going to talk generally about every consent calendar bill today, so I'm not going to pick and choose between whose bills I like and whose bills I don't. But we'll talk a little bit about design-build and why-- design-build is a very interesting area for me as having it to-- used to have a construction company and understand this area. Design-build, while it may save the political subdivision time and money, oftentimes small and minority contractors are left behind. They're left behind because a design-build typically involves a team that's already together. They typically only use people that they've already started working with prior to, or had a history with. It's really not an open bid, open, fair process in that regards. And oftentimes, historically underutilized companies or businesses are completely left behind. So in this particular one, section (3), Design-build contract means a contract which is subject to the qualification-based selection between a political subdivision and the design-builder to furnish (a) architectural, engineering, and related design services for the project pursuant to the act and (b) labor, materials, supplies, equipment, and construction services for the project pursuant to the act. So that's what design-build contract means. And if you go down to the design-builder, which is (4), the design-builder means the legal entity which proposes to enter into a design-build contract which is the subject of the qualification-based selection pursuant to the act. It's the qualification-based selection pursuant to the act, oftentimes where small proprietors, small companies, particularly minority or women-owned companies, are left out. There's not a set criteria within the sections of the law. There's not really a set criteria for each political subdivision. So when Senator Vargas and I were on the Omaha Public School Board, we hired Jacobs at the time-- and I say we-- OPS hired Jacobs at the time to make sure we included an inclusion plan, but not every political subdivision has to do that. And if, and if what I recall, Senator Vargas-- and you could help me-- our goal was around 12 percent. So out of \$450 million project, 12 percent were going to go to the historically underutilized businesses to make sure that it was a fair shot. Out of that, I think OPS ended up around 14 to 15 percent. So we're talking hundreds of millions-- not hundreds-- but millions of dollars that went to areas for jobs that actually helped. But one of the most interesting things about construction projects-- particularly bond work-- in Omaha Public Schools is after a \$450 million injection of construction and then three years-- four years later, they voted on another \$400 million bond, which was

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passed, poverty rates continued to go up. So if you think about that, we have injected over \$800 million in construction into Omaha Public Schools over the last ten years, but poverty rate has continued to go up. So then where are those jobs going? Who's actually getting the jobs? Who's actually employing the people? Who's actually working at these jobs? Well clearly, it's not people from the community in and around those schools because poverty rate has continued to go up. So that's part of the problem. I support this bill. I have no problem with this bill. But I'm making sure I take a little time to talk about some of the areas that I think causes problems in all of these bills, not to change the bill or make somebody vote negative, but to raise awareness about some of the issues. So performance criteria number (6) means any persons licensed or organizations issued a certificate of authorization to practice architecture or engineering pursuant to the Engineers and Architects--

HILGERS: One minute.

WAYNE: --Regulation Act, who is selected by the political subdivision to assist political subdivisions in development of the project performance criteria, request for proposals, evaluations, evaluation of construction under design-build contract, adherence to the performance criteria and any additional services requested by the political subdivision to represent the interests in relation to the project. Now here in (7) is where the change is, which is actually a good change and I support. Political subdivision means city, village, county, natural resource district, metropolitan utilities district, public power-- public power district, and irrigation district, school district, community college, and a state college. Now I have no idea why those left out before. Will Senator Wishart yield to a question?

HILGERS: You have eight seconds left, Senator Wayne, but you are next in the queue so we'll just continue through your time. Senator Wishart, would you yield?

WISHART: Yes.

HILGERS: And you're now on your next time, Senator.

WAYNE: Thank you. Now why was this mis-- how did this mistake occur and why did this happen, that we left out these critical entities in our state?

WISHART: Well, last year I brought the bill on behalf of Lincoln, who wanted the ability to use the design-build process for water

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infrastructure projects. And by the time it was voted out-- when MUD came to me and public power-- because we wanted it on consent calendar last year, I told them I'd come back this year with a bill.

WAYNE: And you have another consent calendar, right?

WISHART: Yes.

WAYNE: Great. All right. Thank you, Senator Wishart. So again, there's not really a strong objection to this bill per se. There's a strong objection to consent calendars in general. But I often vote for them anyway, and I'll vote for this bill too. But I do think it's important that we have this conversation about design-build and construction. In the state of Nebraska-- believe it or not-- we don't have a African-American owned engineering firm. We oftentimes have to go to St. Louis, Dallas, or Chicago to get one. And if you think about the number of projects that have happened-- and in fact, with OPS, we brought in a firm from St. Louis called KAI. They are a national firm. They've actually done great-- a lot of work with Dallas and St. Louis. But we brought them in and they've tried to grow their business here, and they couldn't. It wasn't because they weren't good. It wasn't because they did something wrong. They actually did very well. They redid Northwest. They redid a couple of other OPS schools. They actually did a little work for the Med Center. But there still seems to be this barrier. And the problem I have with design-build in general is-- the barrier is you work faster and more efficiently, I agree, but that's because you work with people you already know and who are already qualified, and you don't open the door up for other people. So generally, that's the problem when we do either RFPs or RFQs or requests for services, but we don't know how to do a full outreach to make sure the community is, is informed and businesses are informed. One of the things I also take pride in, that Senator Vargas should take pride in is because of Jacobs and what we did, there were multiple solicitations. We even created a Jacobs academy that took small contractors to help them scale up. And what they did is, they would go through a series of weekly and monthly courses to take a sole proprietor who maybe doesn't have the best accounting, maybe doesn't have the best legal, maybe doesn't know how to bid, but they are really good at their craft. And we scaled them up to create more jobs and more businesses. It's, it's unfortunate that when Senator Vargas and I came down here, that program went away. Jacobs is still heavily involved in OPS, but I don't think the aggressiveness was the same as it was before. And that was primarily because the board put a lot of emphasis on growing small and minority businesses, and particularly women-owned businesses, in the, in the area of construction. One thing

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I am still proud of and OPS is still doing is using their academic pathway, such as Benson High School, to create more electricians and work with Metro. I do think it's important. We have Omaha North, which is one of the best engineering schools in the, in the country, that actually go out and help produce livable and actual projects. One of their projects they've got to do every year is they got to design and build sheds or a small, tiny house for actual production. And they actually do that. So there's some pretty interesting things going on, not just in Omaha Public Schools, but across the city. Section (8): "Project performance criteria means the performance requirements of the project suitable to allow the design-builder to make a proposal." Performance requires include the following, if required by the project: capacity, durability--

HILGERS: One minute.

WAYNE: --standards-- what did you-- I'm sorry, Mr. Speaker.

HILGERS: That was one minute.

WAYNE: OK, thank you. Durability, standards, ingress/egress requirements, description of the site, survey, soil, environmental information concerning of sites, interior space requirements, and there's a list of other things that you could read. What I always found interesting is I introduced a bill multiple years for historical underutilized businesses. And as [INAUDIBLE] went to government and every year, NDOT and a lot of people would come and oppose it. And finally I think last year-- it might have been the year before with redistricting. The years have kind of blurred-- there was a question asked, I believe by Senator Hunt, which was, has there-- because I guess let me back up. I got time. So in NDOT, there's a federal requirement that you have DBE, which is disadvantaged businesses. And for some reason, Nebraska has always historically put it at 4 percent--

HILGERS: That's time, Senator. Senator, you're next in the queue, although I want to note there's only 3:30 left under Rule 5 for this particular debate so you have 3:30 left.

WAYNE: --thank you-- although NDOT was-- has what's called disadvantaged business entities. So Senator Hunt asked them, well has anybody who started in disadvantaged business program entity, in that particular program, ever gone on to be a general contractor or bid outright on contracts? And the DOT director said, yes, this is one of our most successful programs. But yet they won't widen it to make sure

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we create more disadvantaged businesses that are doing well and growing and doing things better. That's just one of the weird things that continues to happen down here, and they always put a fiscal note that's outrageously high, but yet it's successful right now, NDOT, but we don't want to expand it to the rest of our political subdivisions. We don't want to expand it to any other agency although this program has been proven to be successful for creating minority, women-owned businesses and small businesses and helping them grow. I just, I just find that very interesting. So when we think about design-build and we think about this, I think you should just also think about some of the pitfalls. I'm not opposed to this bill because I think it is good for political subdivisions to have some expediency, save some money, and work with engineers and architects, and overall GCs that can do a quality job. But I do think we should all be mindful when we leave this body and go serve somewhere else, or at least are involved somewhere else, that those are some of the pitfalls of design-build is they truly are a closed, closed group and they always don't tend to open up to everybody else to be a part of. And with that, I would ask your green vote on this bill. Thank you, Mr. President.

HILGERS: Thank you, Senator Wayne. Seeing no one else in the queue, Senator Wishart, you're recognized to close. You have a-- Senator Wishart waives closing. The question before the body is the advancement of LB847 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on the advancement of the bill.

HILGERS: LB847 advances. Next bill, Mr. Clerk.

CLERK: LB567 was a bill originally introduced by Senator-- or, excuse me, by the Business and Labor Committee. It's a bill for an act relating to the Employment Security Law. It changes provisions relating to the maximum amount of benefits. Introduced on January 19 of last year. At that time, referred to Business and Labor, advanced to General File. There are committee amendments, Mr. President.

HILGERS: Senator Ben Hansen, you are recognized to open on LB567.

B. HANSEN: Thank you, Mr. Speaker. LB567 was a Business and Labor bill introduced on behalf of the Nebraska Department of Labor during the first regular session in 2021. This bill was advanced by the Business and Labor Committee with no dissenting votes. No one testified in opposition on the bill, and both the Nebraska Chamber and the National

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Federation of Independent Businesses submitted written testimony in support. The bill requires the Department of Labor to focus its adjudications on the individual's most recent separation from employment, the separation that caused the claimant to become unemployed, rather than adjudicating each separation in the base period, even if a separation had nothing to do with the claimant becoming unemployed. LB567 would make permanent the relevant provisions of Executive Order 20-26, which streamlined the unemployment application process in response to the COVID-19 pandemic. The committee amendment was adopted in order to further streamline the unemployment process when state and federal benefits are available. During the pandemic, the federal government passed legislation that created new federal unemployment compensation programs in addition to the existing state unemployment insurance model. The amendment would allow the department to defer the payment of state unemployment benefits and pay the individual under the federal program if the federal program would pay a higher benefit amount to the individual. The federal pandemic unemployment programs gave states the authority to prioritize the payments of benefits so that the individual was paid from the state or federal program that provided the highest benefit amount if the state law allowed. NDOL was granted temporary authority to do this under Executive Order 21-03, but the executive order is not permanent law. NDOL now seeks to codify the provisions of EO twenty--EO21-23, and pay an individual unemployment benefit from the state or federal program that provides the individual with the highest benefit amount. If they pay equal amounts, federal benefits will pay first. Paying federal benefits prior to state benefits reduces the tax burden on Nebraska employers. LB567 truly benefits the state as a whole, and I respectfully request your advancement of the bill. Thank you, Mr. Speaker.

HILGERS: Thank you, Senator Hansen. As the Clerk noted, there are committee amendments. Senator Hansen, you're recognized to open on those amendments.

B. HANSEN: Yeah, AM301 is the second part of the opening that I had, which pretty much streamlines the unemployment process more and helps kind of clarify which one gets paid first and the highest between federal and state unemployment benefits. Thank you.

HILGERS: Thank you, Senator Hansen. Debate is now open on AM301. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Will Senator Hansen yield to some questions?

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HILGERS: Senator Hansen, will you yield?

B. HANSEN: Yes.

WAYNE: So is this federal dollars we're getting? I guess I'm just trying to figure out where the money comes from.

B. HANSEN: Federal unemployment.

WAYNE: Federal unemployment? And why do we get federal unemployment?

B. HANSEN: Well, it's-- from my understanding-- historically, it's not very common. They typically do it during times of recession, which is maybe about three or four times.

WAYNE: So we're still getting federal unemployment for-- because of COVID, or is this just general?

B. HANSEN: This one is specifically for COVID-19.

WAYNE: So this would continue the COVID-19 federal unemployment for a little longer?

B. HANSEN: This wouldn't continue it. It would just-- it helps clarify if they end up paying more than we do as a state, we can actually use that money first.

WAYNE: So people are still unemployed from COVID? Well, the reason why I'm asking is the Governor's Office came in to a hearing last Friday and said that assistance is supposed to end-- that we shouldn't do any more rental assistance. And specifically, Mr. Will from the Governor's budget office said, well, how long are we going to keep this assistance up? So what I'm trying to figure out, why is this on consent calendar if it's assistance dealing with COVID, when clearly the Governor said that we shouldn't provide any more assistance any more?

B. HANSEN: Good question.

WAYNE: I mean, it was just a random thought, you know, just thinking out loud. So, so kind of tell me like the, the-- if I'm a person and I'm on unemployment, how would this change what, what I would do if I have to go apply for unemployment? Does this change anything from my perspective?

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B. HANSEN: Not necessarily. It just helps provide the unemployed person with the higher benefit that they're eligible for. We had that under executive order, but we didn't really have it in state law. So now we're making it state law.

WAYNE: So the executive, the executive order was our Governor or are we talking about executive order from the President?

B. HANSEN: The President.

WAYNE: So we're changing state law to match federal law so we can make it easier for us as a state?

B. HANSEN: In a way.

WAYNE: OK. How much-- do you know how much money-- and this is a totally unfair question because I didn't tell you I was going to do this ahead of time. So anybody who has a bill up, I'm going to ask you a question today, OK? I'm just-- here goes your warning. Anybody who has a bill up, I'm going to ask you a question about your bill. Do you know how much money we actually get from the Feds when it comes to unemployment?

B. HANSEN: Not off the top of my head, but I can get that for you.

WAYNE: OK. Will Senator Hunt yield to a question?

HILGERS: Senator Hunt, would you yield?

HUNT: Yes.

WAYNE: Senator Hunt, I notice on the committee statement, you were present, not voting. You hardly ever do that. So I thought maybe you had some questions we can ask Senator Hansen today on the mike to clarify anything.

HUNT: Let me revisit the text of the bill and I can tell you why I was thinking that. A couple of people have come up to me this morning and asked me questions about their bills, and I was just talking to Senator Arch about one of my bills. And so-- you know how when we're in here, you've got like 12 bills swimming around in your head and it's like, I don't even know what I was thinking at the time. Let me see.

WAYNE: We got time. We got 15 minutes on each, each bill.

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HUNT: OK. I'm pulling this up.

WAYNE: Well, I'll just say what confused me-- it says for any benefit beginning in the year of-- October 1, 2021. So will Senator Hansen yield to another question?

HILGERS: Senator Ben Hansen, Senator Wayne?

B. HANSEN: Yes.

WAYNE: Yeah, Ben Hansen.

HILGERS: Senator Hansen, will you yield?

B. HANSEN: Yes.

WAYNE: So is this retroactive? Because your, your line-- on line 3 says October 1, 2021. I just want to make sure I understand.

B. HANSEN: I'm not sure. I can check on that with the department and get back to you.

WAYNE: Thank you. Well, the reason why this is important to me, colleagues, is because--

HILGERS: One minute.

WAYNE: --I'm going to, I'm going to vote for this bill. I think it's important. I think we should make it easier on our employees who are working in DOL to be able to process claims and do things easier. But the reason why this is important is because, again, last Friday, the Governor's Office was adamantly opposed to rental assistance. And they kept saying that assistance should end. But here we are, passing law to make sure unemployment still continues if it's from COVID. But we're putting people out of their houses, or homes, and rental properties because we don't want to apply for a hundred and something million dollars of rental assistance. But as you read through this bill, the chamber was in support, the National Federation of Independent Businesses-- and so currently, the Department of Labor is required to look at all employers within the base period when determining the applicant's maximum unemployment and benefits and reduction. The base period is the first--

HILGERS: That's time, Senator.

WAYNE: Thank you.

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HILGERS: Thank you, Senator Wayne. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President. And I'll yield my time here in a second. I did want to say, this is a bill that I've looked at and have had people question me and I do support. The piece that Senator Wayne was just about to ask or describe, that's actually a benefit to both the Department of Labor and the citizen or the employee who's applying for unemployment insurance. Because if you envision a scenario in which you, say, get fired for cause, but then get a new job, and then get laid off, the-- your most recent unemployment is the only one the Department of Labor should really look at because that's the reason you're unemployed at that moment. If you got fired for cause but got a new job and then got laid off, only the most recent one really should matter for the department. So it both is less paperwork for the department to process, and in my mind, also a fairer process for the unemployment applicant because you're only needing to verify one loss of work, not maybe multiple ones if you moved multiple jobs in between. So if that's the case, with that, it is a bill I support. With that, I will yield the balance of my time, Mr. President, to Senator Wayne.

HILGERS: Senator Wayne, 3:55.

WAYNE: Thank you. Again, this was a-- the maximum-- a base period is the first four of the five completed calendar quarters. And so this is really interesting in construction because they always go back because it's hard to meet those requirements. This would remove that base period. Now, does it only remove the base period forever, or just as it relates to COVID? That's a good question, and we should find out. But when I read it, I think it removes it forever, and so we will collectively all open up our green copies or turn to it. And I think, I think it removes it forever, that we're making a permanent change off of a federal-- yeah, I don't, I don't see a, when COVID is over with. This seems to be a permanent change. So that's pretty interesting that we're, we're making it better and making it a little better. It's a permanent change? Yes. I was just told by Senator Hansen that it is a permanent change. So we're making a permanent change to make things better. And I think we should all read this together to make sure we understand it. I don't have the amendment, so I'll pull it up here on my laptop. Senator Hunt, would you yield to a question?

HILGERS: Senator Hunt, would you yield?

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HUNT: Yes.

WAYNE: Did you have anything you wanted to say? I saw you over there. I just wanted to make sure you have time.

HUNT: No I, I looked through the bill. I remember, because this was last year, and I remember my concern at the time was that it could potentially result in people not getting the same amount of unemployment. And I had a lot of questions with that. And Senator Matt Hansen did too, and we talked to the Department of Labor for a long time. At the time, I was also frustrated with the Chair of Business and Labor because he wouldn't schedule Senator Vargas' priority bill, and he wouldn't select a committee priority. And so I might have just been being a pain in the neck. So I had questions about the bill. It wasn't like my favorite thing, but I have no problems with this bill now. Yeah.

WAYNE: OK. Thank you. So except in section (4) of this section, each eligible individual who is unemployed in any week shall pay with respect to such-- a benefit in the amount equal or, equal to his or her full weekly benefit amount if he or she wages payable to him or her with respect to such equal to one-fourth of benefits. Now here is why I really want to talk about unemployment. So if you look at the figures, although we are, as a state, doing pretty well, there are pockets in north and south Omaha where unemployment is 12 to 20 percent. And you may say, how is that? Why is that? Well, there's a real problem with COVID. COVID is still actually going on in our community, and most employers are requiring people to stay home or be at home for their quarantine period. Even if you're vaccinated, it's still-- supposedly you are just supposed to--

HILGERS: One minute.

WAYNE: --wear a mask and go. You said time or one minute?

HILGERS: One minute.

WAYNE: Oh, thank you. But if your kid-- here's the real issue we are running into-- if your kid catches COVID, they oftentimes don't have a babysitter or a daycare, so they stay home too, and they miss work. And then they're let go of their job, or their job says, hey, we, we reduced your hours. So that's been a huge issue that we've been finding in our community is that because schools are-- well, one, your kid is sick. They shouldn't be in school. There isn't an alternative to send them to. And so they stay at home with their, with their

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child. And then they ended up losing their job-- not directly because they got COVID, but they, but their kid got COVID. Then how that works is it compounds, right? They can't, they can't go down and pay their rent. And when their rent is behind, they get further behind. If they have anything that happened, like the spike that we had in our bill-- utilities bills the last couple of weeks. I don't know where that spike came from, but I've-- maybe I took more showers--

HILGERS: That's time, Senator. You're next in the queue. There is 2:30 left in this debate.

WAYNE: OK. I'll yield my time to Senator McKinney.

HILGERS: Senator McKinney, 2:20.

McKINNEY: Thank you, Mr. Speaker, and thank you, Senator Wayne. I just kind of wanted to continue the conversation about unemployment and the unemployment rates in our state because I think it's a topic that gets looked over a lot. We always hear that our state is one of the best as far as our unemployment rate, but there's, there's pockets of our, our state and communities where the employment rate is horrible. And that needs to be identified, especially in north and south Omaha, which is, you know, a whole reason why me and Senator Wayne decided to work together over the interim to work on the North Omaha Recovery Plan. Because we, we've, we've known forever that the unemployment rate in our community is not the greatest, hasn't been the greatest, and if we don't do something like the North Omaha Recovery Plan, that unemployment rate probably won't change. And that's something we should pay attention to when individuals have questions about our plan, and the number, and things like that. It wasn't some, like, sit-down me and Senator Wayne had and said, Oh, we're just going to ask for this number. No, we decided to put together that plan because we, we understand this issue is something that needs to be addressed. And I, and I just wanted to put that on the table, or put that on your minds that whenever--

HILGERS: One minute left.

McKINNEY: --the, the recovery plan comes to the floor, think about, you know, unemployment rates. That's, that's a factor that can't be overlooked, especially when the federal funds are for qualified census tracts that have had negative impacts because of COVID. We had a horrible unemployment rate prior to COVID and just, you know, the, the pandemic exacerbated that even further. So that's something you guys should pay attention to when you get up and say, no, you shouldn't

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have this, or what-- you guys are asking for too much, or you're trying to rob the bank. That's not what it is. We're trying to address the negative impacts of COVID-19 and, you know, decrease those horrible unemployment numbers in our community. Thank you.

HILGERS: Thank you, Senator McKinney. Colleagues, with 15 minutes on debate of this bill, under Rule 5, we'll now take a vote on the committee amendments. The question before the body is the adoption of AM301. All those in favor of vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

HILGERS: Committee amendments are adopted. Next vote is the advancement of LB567 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of the bill.

HILGERS: LB567 is advanced. Senator Geist would like to recognize Dr. Charles Smith of Lincoln, who is serving as our family physician of the day. Dr. Smith is seated under the north balcony. Please rise and be recognized by your Nebraska Legislature. Next bill, Mr. Clerk.

CLERK: Mr. President, LB749 is a bill introduced by Senator Friesen. It's a bill for an act relating to the Motor Vehicle Certificate of Title Act. It changes an identification inspection provision. Introduced January 5 of this year, referred to the Transportation Committee, advanced to General File. I have no amendments to the bill.

HILGERS: Senator Friesen, you're recognized open on LB749.

FRIESEN: Thank you, Mr. President. LB749 is a bill to correct an oversight that was created when we passed LB343 last session. In 2019, we enacted LB80, which significantly improved the motor vehicle title inspection process for vehicles that are brought into Nebraska from other states. LB80 allowed franchised new motor vehicle dealers working with their local sheriff to establish a process for the inspection of out-of-state vehicles in the dealer's inventory. Rather than the sheriff physically inspecting the vehicle, the sheriff may establish a process where the dealer provides the inspection fee, documents, evidence of the trust transfer, and vehicle information such as the make, model, VIN number, odometer reading, and images of the vehicle to the sheriff. The sheriff then conducts the inspection

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using the documents provided and authorizes the vehicle to be issued a Nebraska Motor Vehicle Certificate of Title. This process has worked very well and has made compliance with the title inspection requirements for both franchise dealers and sheriffs more efficient and effective. This was good legislation. Last year, the Legislature enacted LB343, which was intended to extend the title inspection process and its efficiencies to all licensed vehicle dealers. However, as passed, it made a very subtle change. Rather than having a process that can be utilized to inspect vehicles in the inventory of the licensed dealer, it was changed to read the inspection process could only be used to inspect the vehicles sold from the inventory of the dealer. LB749 does one thing, the bill corrects this oversight and restores this process that it created in 2019. It applies to vehicles inspected that are in the inventory of a licensed dealer, new or used, not vehicles when they are sold from the dealer's inventory. Thank you for your attention, and I ask you to support the advancement of LB749. Thank you, Mr. President.

HILGERS: Thank you, Senator Friesen. Debate is now open on LB749. Senator Wayne, you're recognized.

WAYNE: Thank you. Will Senator Friesen yield to some questions?

HILGERS: Senator Friesen, would you yield?

FRIESEN: Yes, I would.

WAYNE: Is this a problem in rural Nebraska or all over Neb-- I'm just trying to figure out what, what we are actually trying to solve here.

FRIESEN: Well, I think what came to everyone's attention is they've been kind of using this law not as, as it was written, and it was as it is intended. And so Lancaster County here actually noticed that the wording was different, so they wouldn't let dealers in Lancaster County title these vehicles until after they were sold. And so it's really caused a problem, whereas all the other counties have just been doing it the way it was intended, not as the law was written.

WAYNE: So you're helping out the urban?

FRIESEN: Yes.

WAYNE: I, I just think it's important because you don't always get credit for helping out the urban and I want you--

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FRIESEN: I mean, it was a mistake made. We should have caught it. I will even say that I should have caught it in Final Reading or somewhere. That subtle word change changed the whole intent of the bill and we missed it.

WAYNE: OK. So will this make it easier or harder for law enforcement to track down stolen cars? Or not, or not anything to do with that?

FRIESEN: It doesn't make it easier or harder, but it does give the sheriff-- I think it takes less time for them to do this. Before, they had to go out to the dealers and actually physically inspect each vehicle. This just creates a process where they can do it electronically, and it's up to the sheriff to create the program. If he doesn't want to do it, he doesn't have to.

WAYNE: So it could actually save them a little bit of money.

FRIESEN: Yes.

WAYNE: But who-- is anybody ever going to have to inspect the vehicle?

FRIESEN: They, they always have to have vehicles from out-of-state inspected--

WAYNE: But what about--

FRIESEN: --before they get a Nebraska certificate of title.

WAYNE: What about here, though?

FRIESEN: If they're in the state already, they do not. If I buy a vehicle in Iowa, it has to be inspected before it's given a Nebraska title.

WAYNE: OK. Will Senator Clements yield to a question?

HILGERS: Who, Senator Wayne?

WAYNE: Clements.

HILGERS: Senator Clements, would you yield?

CLEMENTS: Yes.

WAYNE: Usually I wear a red coat on-- sometimes to be, you know, red coat day. But I wasn't sure if there was a particular reason why you wore red, and, next time, let me know. I'll wear my red one.

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CLEMENTS: Well, it's Valentine's Day, and I just wanted to wish everybody Happy Valentine's Day.

WAYNE: No problem. Thank you. Again, I think even on consent calendar-- thank you, Senator Clements-- on consent calendar, we should go through and make sure we, we look at these bills and understand what they do. And in, and in this bill, in particular-- in the green copy, they delete a whole bunch of things. And that's why I was asking Senator Friesen about what this bill was actually doing. Because sometimes when you, you write bills, you have some intent that is-- you think the intent is going to be carried through, and then sometimes things like that don't happen. Will Senator Friesen yield to another question?

HILGERS: Senator Friesen, would you yield?

FRIESEN: Yes, I would.

WAYNE: How's your Transportation Committee going this year?

FRIESEN: Well, you know, at times I think it's dysfunctional, but you know, that's just my opinion.

WAYNE: Is that, is that, is that a leadership issue?

FRIESEN: Yeah, it must be a leadership issue--

WAYNE: OK.

FRIESEN: --because, that, that's the issue here right now. But otherwise we're doing fine. We're going to have our hearings done on time or a little early even. So we free up hearing room space and we have some afternoons off. So things are running well.

WAYNE: Good. Good, good. Do you say that about all the other committees you're on?

FRIESEN: I, I think this year, I think we're all going to be a little dysfunctional.

WAYNE: Urban Affairs is going really well. You talk to Senator Arch, we have not missed a beat. We are, we are rocking and rolling. And in fact, if you want to send some--

HILGERS: One minute.

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WAYNE: --bills over to us, we'll Exec on them and kick them out for you. We have no problem helping you out.

FRIESEN: That's good to hear.

WAYNE: Yeah. I know Senator Arch sent me a couple-- some of his committee bills from HHS. We Execed, we kicked them out. He-- it's going really well.

FRIESEN: Do I have any bills in your committee?

WAYNE: No, you don't. I know, I tried to get a couple of your bills to come to my committee, but you just--you won't, you won't let broadband out of your committee. I mean--

FRIESEN: We're very territorial.

WAYNE: Yeah. See, Urban Affairs, we're not. We'll take any and all bills. We, we, we want to diversify our, our, our stock of bills. Thank you, Senator Friesen. So going back to this bill, I think it's important that we always get an update, and we look at bills, and we continue to look at bills because sometimes we pass bills that just don't work out the way we intended them to. I'm going to-- am I-- how much time do I have left?

HILGERS: Five seconds.

WAYNE: OK. I'll wait till next. Thank you.

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

ERDMAN: Thank you, Mr. President. I appreciate that. I see Senator Wayne is for a better-- lack of a better definition, wasting time this morning, so I thought I would help him. I hate to see him the one being on-- doing all the talking. So Senator Friesen has brought this bill, and I have bought numerous vehicles outside of the state of Nebraska and always have to have them inspected by the county sheriff. And this may give us an opportunity for the dealer to notify the county sheriff if he has the proper equipment set up that I wouldn't have to do that. So I appreciate that. The other issue that I thought I should talk about today was I seen the latest economic benefit of the University of Nebraska to the state of Nebraska. And the recent information says that they contribute \$5.8 billion to the state's economy, \$5.8 billion-- pretty significant number. That's up significantly from the last time they did that. The University of Nebraska gets about 70 percent of their money from taxes. So when you

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get tax dollars as a university, and then you use those dollars to what they call economic development, those dollars were already in somebody's pocket before they got them. And so then they redistribute those to somebody else. And there's a definition for that, taking money from somebody and giving it to somebody else, and I won't use that, but-- so I think what we should do is give all the state's money to the university because if they can return \$9 for every dollar invested, we could just make one motion to give them all our money, and we wouldn't have to even be here. And they could solve all of our issues because if they can get that kind of return, that's all-- absolutely amazing. But I want to tell you folks this: If we, the state of Nebraska, goes away, the university goes away. But if the university goes away, we'll still be here. We were here before the University of Nebraska, the state was. So we're going to sing the praises of the university for the next month or two, and we'll probably give them more money because they're able to return \$9 for every dollar invested that they got from you, 70 cents came from you in taxes. And I'm not opposed to the university, but what I am opposed to is they spin it as it's like the salvation of the whole state and it's not. OK? So look at some of our sports teams, see how well they're doing. They're really doing well. I won't mention which teams are doing so well, but we're going to waste time, I would guess-- I'm going to make a guess, Senator Wayne, that we're going to waste time on the next bill, and the next bill, and the next bill because we're going way too fast. So I want to ask Senator Wayne a question if he would yield.

HILGERS: Senator Wayne, would you yield?

WAYNE: Yes.

ERDMAN: Senator Wayne, is it your opinion we're still moving too fast?

WAYNE: No, I don't think necessarily we're moving too fast. I just think we need to, we just need to read the consent calendars and, so we get a clear picture of what these bills do.

ERDMAN: OK, so do you know how many bills we've actually passed since we started in January?

WAYNE: We actually haven't passed any bills. We just moved them from General to Select and Select, we-- I think we had-- no, I thought we had one Final Reading. We had one Final Reading.

ERDMAN: Did we, did we pass Senator Clements' inheritance bill?

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WAYNE: Yeah, we've had-- that was the one on Final Reading.

ERDMAN: Did we pass Senator Halloran's LR bill?

WAYNE: Yeah, that's not a bill, but yeah.

ERDMAN: OK, so maybe two?

WAYNE: Maybe two.

ERDMAN: OK. That's, that's pretty good. What day is this? This is like 26 or something?

WAYNE: Yes.

ERDMAN: So that's pretty good, 2 bills in 26. So if we go on that same pace, we got what, 34 days left?

WAYNE: Correct.

ERDMAN: We'd get all the way up to seven bills.

HILGERS: One minute.

ERDMAN: That's, that's moving pretty quick. And so I would, I would make a guess-- and you can answer if you'd like. Are you going to speak on the rest of these bills?

WAYNE: Most likely.

ERDMAN: Yeah. Most like-- OK. And I may also. All right.

WAYNE: We could talk about your consumption tax. I have--

ERDMAN: We could.

WAYNE: --no problem.

ERDMAN: We could talk about that and we probably will.

WAYNE: But you know--

ERDMAN: Thanks for your time.

WAYNE: No problem.

ERDMAN: Thank you, Mr. Speaker.

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HILGERS: Thank you, Senator Erdman and Senator Wayne. Senator Wayne, you're recognized. There's 3:20 left in this debate.

WAYNE: Thank you. We're just gearing up for later on. I figure everybody should practice. So it's like my practice to gear up for the full eight hours-- loosening up, getting my voice ready. But what's interesting, Senator Erdman, is usually I hear from conservatives if we just didn't pass any bill, we'll be better off. So, you know, me taking time is kind of helping out the conservative part of our body because we normally don't want to pass any bill. With that, we got about three minutes left. I'll yield my time to Senator McKinney.

HILGERS: Senator McKinney, 2:45.

McKINNEY: Thank you, Senator Wayne. Thank you, Mr. Speaker. I just wanted to get up because, you know, Senator Erdman was mentioning the economic impact of the university system has on our state. And I just want to ask him probably a couple of quick questions if he will yield.

HILGERS: Senator Erdman, would you yield?

ERDMAN: Yes, I would.

McKINNEY: Senator Erdman, if I told you there was a plan that could potentially have an 800-- almost a billion-dollar impact on our state, would you support something like that?

ERDMAN: An \$800 billion?

McKINNEY: 800-- close to a billion-dollar impact on our state-- a plan.

ERDMAN: If I supported the plan, knew what it was, made sense, probably.

McKINNEY: All right. Because-- I mentioned this because the North Omaha Recovery Plan could potentially have almost a billion-dollar impact on our state and I just wanted to put that on the minds of the body as well.

ERDMAN: I'd have to look at the bill, make sure that it makes sense, but we'll have that discussion.

McKINNEY: All right. Thank you.

ERDMAN: Thank you.

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McKINNEY: And I just wanted to get up and mention that because I think it's important when we talk about economic impact and what could something do, and how does this, how would this help the whole state? I think we need to frame it in that context of, you know, it's not just a plan for just north Omaha. It's a plan that could have a positive impact on the state as a whole. I know there was comments last night we need to be senators for the whole state of Nebraska. And if we have a plan that could impact the whole state of Nebraska in a positive way, I think the whole body should get behind that. Get behind that as far as helping the state, but also helping a community that--

HILGERS: One minute.

McKINNEY: --has been economically impoverished for forever. And in doing so, you know, you help a community, and you also help the state as well. And I think that's just smart policy on, on us as a state to, you know, support things that have positive economic impacts for the whole state. It also alleviates historical issues with poverty and other things. Thank you.

HILGERS: Thank you, Senator McKinney. Colleagues, we reached 15 minutes on the debate on LB749. We'll turn-- under Rule 5, we will turn to a vote on the advancement LB749 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk. Hold on, Mr. Clerk. One second. Please record.

CLERK: 43 ayes, 0 nays on the advancement of the bill, Mr. President.

HILGERS: LB749 advances. Next bill.

CLERK: LB704 is a bill by Senator Williams. It's a bill for an act relating to public health and welfare. It amends sections 38-1414, 38-1416. It changes education requirements of funeral directing and embalming licensure. It eliminates reporting requirements relating to caskets. Introduced on January 5, referred to the Health and Human Services Committee, advanced to General File. I have no amendments on the bill, Mr. President.

HILGERS: Senator Williams, you're recognized to open on LB704.

WILLIAMS: Thank you, Mr. President. Good morning, colleagues. I know this is the bill you've all been dying to hear this morning. I'm here today to introduce LB704, which would amend the number of college credit hours required to become a funeral director and embalmer. LB704

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also repeals Nebraska Revised Statute Section 71-609. LB704 was heard by the Health and Human Services Committee on January 21, 2022. There was no opposition at the hearing, and the committee advanced LB704 unanimously, 7-0. I want everybody to know that I'm dead serious about passing this bill. The funeral industry is struggling with the same workforce shortages as other businesses in the state and country. The number of actual funeral directors will not likely be replaced in the foreseeable future. Contrary to popular belief, this is not a business that people are dying to get into. LB704 is designed to deal with the workforce shortage through changes in the postsecondary education requirements for funeral directors. The bill lowers the overall number of college credit course hours requirement from 60 hours to 40 hours. Those 40 hours must include 6 hours of English, 12 hours of business, 4 hours of chemistry, 12 hours of biological sciences related to the human body, and 6 hours of psychology or counseling. Importantly, the bill does not change the requirement that candidates successfully complete a full course of study at an accredited school of mortuary science, as well as engage in and successfully complete a 12-month apprenticeship program. Nor does the bill change the licensing requirement that a candidate pass the national standardized examination for funeral directors. LB704 also makes one other substantive change. Currently, Nebraska Statute 71-609 requires that funeral directors report all casket sales to the state of Nebraska. Through work that the Funeral Directors Association has done with the state, it has been determined that there is no longer a need for this reporting requirement. Therefore, LB704 simply removes this requirement from statute by outright repealing that section. LB704 is an attempt to creatively deal with a growing workforce shortage in the funeral industry by making small adjustments that will hopefully provide incentives for people to enter the field. The bill also aligns with the priority of reducing barriers for licensing. I would encourage your vote, your green vote on LB704. If you have any grave concerns, I would be happy to answer your questions. Thank you, Mr. President.

HILGERS: Thank you, Senator Williams. Debate is now open on LB704. Senator Wayne, you're recognized.

WAYNE: Thank you. Will Senator Williams yield to some questions?

HILGERS: Senator Williams, would you yield?

WILLIAMS: Yes.

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WAYNE: In no way does this diminish the value of the education for, for these individuals. Can you tell me by lowering it to 40, what real impact that will have on the quality of services they provide?

WILLIAMS: I don't think it will have any difference in the quality of services they provide by the testimony that we had. It, it's simply clear that not everyone is cut out to be a funeral director, but it's a living.

WAYNE: So it's-- I mean, that's one of those areas that you probably want to try it a couple of times before, like, you jump all the way in, I mean-- anyway. Why did this go to DHHS? I was just kind of curious on that. Do you know the thoughts behind the Exec Board on why it went there?

WILLIAMS: I think because of the licensing requirements that deal with it, and it's the Department of Health and Human Services that oversees those licenses.

WAYNE: And the only fiscal note is about \$654, I mean \$645? Is that what you, you said that--

WILLIAMS: Something like that.

WAYNE: And they would absorb it? I've never--

WILLIAMS: Yeah.

WAYNE: --seen that detail. Thank you, Mr.-- Senator Williams, Mr. Williams, Senator Williams. I know a lot of Williams. I apologize for calling you mister instead of Senator. But I think this is interesting when we start talking about lowering requirements and barriers into the, to the field. I do think it's interesting it's not all lowering. They upped from 6 semester hours to 12 semester hours of business and deleted accounting and lowered four-- from eight to four semesters of, of chemistry. So I just thought that was kind of interesting they're doing a little bit of both to match the market. And I think we should probably do that a little bit more on all of our license requirements throughout the state. We have some really, really barriers to entry, especially in the teaching professions. I know a lot of teachers who are-- who have been teaching for years in other school districts out of the state and want to come back home, but don't meet the requirements. And that's been a huge burden for many people in the teaching field that I often deal with. So what's -- people are probably asking, what's going on today? Why am I taking time? It's called practice, Senator Erdman. I know we're going to get-- sooner or

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later, we're going to start getting-- I'm not going to filibuster the income tax bracket or tax thing. I'm just not going to support it. But there's enough of my colleagues who will probably take care of that one. But I'm just-- I haven't talked a whole lot this year and I got to, I got to get my voice ready, got to get the standing on my feet ready, and I just, just practicing. And so I can do great 15-minute increments-- take a break, get some water, come back. And so I'm just, I'm just practicing. So this was me just gearing up for-- we, we're still going to pass bills today or pass the first round. But me gearing up for the, the big debates that are going to come up, and I thought it was a good day for me to do some practicing. And so we're going to practice a little bit. It's practice, as Allen Iverson says, it's practice. It's just practice. Oh, my phone is talking to me. I don't know what happened there. Thank you. So we're going to spend a little time talking about north Omaha a little bit more. I think it's important that we should talk about. I think every senator actually should get up and talk about their district. I just think that's something we don't do enough of because people don't know the, the ins and outs of everybody's district. But Senator Erdman, will you yield to a question?

HILGERS: Senator Erdman, would you yield?

ERDMAN: I'd be happy to.

WAYNE: How's, how's Appropriations going this year?

ERDMAN: It's good. We have 123 bills.

WAYNE: And they're all asking for money?

ERDMAN: Yes.

WAYNE: Is anybody trying to give back money?

ERDMAN: No, but I have a plan on how to decide who gets the money.

WAYNE: Tell me about that plan.

ERDMAN: Well, I passed out the official rules about a week ago in Appropriations, and it was the official rules to rock, paper, scissors; best two out of three.

HILGERS: One minute.

WAYNE: Best two out of three. Can we go best three out of five?

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ERDMAN: We thought it would take too long.

WAYNE: Good answer. So tell me how would that-- how would you work? You just put the bill up and then you go rock, paper, scissors and then that would be it?

ERDMAN: Senator Dorn is going to bring in two of his grandkids that are very good at rock, paper, scissors, and they're going to choose up one with the other, the proponent and then the committee, and then the one that wins two out of three, bill passes or fails.

WAYNE: So like, I have a bill today in the committee. Do I get to pick which grandkid or--

ERDMAN: I think you're behind one to nothing already.

WAYNE: How am I one-- how did that happen?

ERDMAN: We tried a trial run.

WAYNE: And it happened to be my bill that was a trial run?

ERDMAN: That was-- that's the one.

WAYNE: Well, can I switch grandkids and have the other one who won-- who beat me be the one who represents me this time?

ERDMAN: Oh yeah, you can do that.

WAYNE: So where-- do I send an email to you? Or how do you want me to--

ERDMAN: Senator Stinner.

WAYNE: Senator Stinner?

ERDMAN: Yeah.

WAYNE: OK. I will, I will send the email today to Senator Stinner to tell him I want to switch, switch my rock, paper, scissors.

HILGERS: That's time, Senators. Thank you, Senator Wayne, Senator Erdman. Senator Erdman, you're next in the queue.

ERDMAN: Thank you, Mr. Speaker. So I heard Senator Wayne talk about AI, Allen Iverson. And I don't know if you've seen that interview when he was being interviewed after a practice and the reporter was asking

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him about practice and he said practice, practice, we're talking about practice? Well, Senator Wayne, it's always been said that practice makes perfect. That's not really a true statement. It's perfect practice makes perfect. And so what you're doing is you're trying to hone your skills so that you get to be perfect when you get ready to do your filibusters. But I understand what this is all about. This is, this is about not passing any legislation that may use up some of the funds that may be available from the Appropriations Committee brings to the floor, ARPA money. I understand that. And so we will have a robust discussion about how that money is distributed. Last year it was a short, short session and we had 40 bills came to Appropriations last year. Long session, excuse me. And this year we have a short session. We have 123. So we're meeting at noon, we start at noon, and then we sometimes go late. And some of the committee, for some reason, I don't know why, they ask a lot of questions. And if they wouldn't ask so many questions, Appropriations wouldn't last near that long. And I think the Chairman has discussed that with that person that asks all those questions and said, it's your fault, we're so late. But I guess that's OK. But Senator Williams tried to make a couple of, couple of-- I don't know what he was trying to say there when he made his opening that he's, he's dead serious about this bill. And, and, you know, it was-- I got it. I mean, some people didn't get it, but I got it. But, you know, I always wondered-- this is a question I've always had. You know, you drive by a cemetery and there's a fence around it. And so the people who are not in there can't get in there, and then the people who are in there, they can't get out. So why do they have a fence? That just-- it's strange. But that's the way we do it here. But I'm going to, I'm going to support your bill, Senator Williams. I'm going to vote yes. And I believe that Senator Wayne will vote yes as well. But it's just, it's part of the process. So it's, it's like, AI says, it's practice. Thank you.

HILGERS: Thank you, Senator Erdman. Senator McKinney, you're recognized. There's 4:18 left in the debate.

McKINNEY: Thank you, Mr. Speaker. I'm rising because LB704 kind of piqued my interest, especially seeing that the body is open, open to, you know, lowering education requirements because of workforce shortages. This is important because we have a, a, a teacher shortage on the horizon in our state, and there's bills in the body that have come to the Education Committee to either eliminate the Praxis tests or make some adjustments to lower those requirements because it's a barrier to entry for a lot of individuals. And it's also expenses-- expensive as well for some of those individuals. Senator Blood, would you yield to a question?

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HILGERS: Senator Blood, would you yield?

BLOOD: Yes, I'm happy to yield.

McKINNEY: Can you explain why it's important for us to look at lowering the requirements for the Prax-- Praxis test because of the potential teacher shortage that we have in our state?

BLOOD: Well, there's actually several reasons. One of the reasons would be the data, which the data shows us that Praxis has been an especially big hurdle for many minority groups. We've also found that there are people-- for instance, we have a male gym teacher shortage. And what we're finding is a lot of them-- the, the male gym teachers can't get the, can't pass the Praxis. But it really has little to do with what they're going to do in our schools. And so it's multiple things. It's people who may be straight A students and make the dean's list every semester, and they're really smart people, but they don't test well. And because of that, they can't pass the Praxis, and you saw that in the hearing. So it's just like-- and not to hog your conversation, but it's just like so many other things that we've seen. That's why we do interstate compacts. That's why we remove hurdles to, to other types of licensures and certifications. We have a shortage of teachers and other skilled workers. And if we're going to address something that we've known was coming for ten years, by the way, we have to find ways like eliminating the Praxis or making the Praxis an either/or thing based on, on, on what you're being hired for. So hopefully that answered your question, Senator.

McKINNEY: It did. Thank you. I appreciate it.

BLOOD: All right. My pleasure.

McKINNEY: And hopefully, you know, LB704 passes because I think it sets a precedent that the body is open to adjusting education standards because of workforce retention and shortages as well. So I just wanted to bring that to the attention of the body as well. Thank you.

HUGHES: Thank you, Senator McKinney. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Good morning, Nebraska. I, I wanted to stand up because some comments have been made disparaging the University of Nebraska, and I wanted to stand up and talk about just a few things about how fortunate and lucky we are to have that main institution here in our state, that flagship. And I just--

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HUGHES: One minute.

PANSING BROOKS: Oh, good. We have so many different connections to the college of law. About 12 or 13 people in my family graduated from the University of Nebraska Law School. My husband and I have done corporate business and real estate work since the beginning. We've helped businesses thrive. If you look at the annual impact and social impact of the University of Nebraska, \$9 are returned for every dollar invested by the state. There's \$5.8 billion generated in economic impact in fiscal year '21, \$164 million generated in state and local tax revenues. One out of seven working Nebraskans are educated by the Nebraska, by the Nebraska University. One out of 27 are employed directly or indirectly. So I just wanted to point that out. Senator Stinner had a couple of things to say too. We didn't realize how little time-- we may have to come back, so--

HUGHES: Time, Senator. Colleague, that completes our 15 minutes on LB704. The question before us is the advancement of LB704 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of the bill.

HUGHES: LB704 is advanced. Next item.

CLERK: LB786, a bill introduced by Senator Groene. It's a bill for an act relating to the Nebraska Political Accountability and Disclosure Act. It changes information required for a statement of financial interest. Introduced on January 5, referred to the Government Committee, advanced to General File. I have no amendments to the bill.

HUGHES: Senator Groene, you're welcome to open on LB786.

GROENE: Thank you, Mr. President. The purpose of LB786 is to clarify the Nebraska Political Accountability and Disclosure Act to amend Section 49-1496 to define in law that any real property used as a residence is not subject to the reporting requirements of the statement of financial interest. This will harmonize the statute with the interpretation in a recent ruling by the Nebraska Accountability and Disclosure Commission, and instructions on the accountability form. If you look at-- right now, the statute says, the nature and location of all real property in the state used as a residence of the individual-- real property in the state, except the residence of the individual. What has hap-- well, let me go on. There was no opposition, of course. Committee was 8-0; no fiscal note. Frank Daley,

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the executive director of the Accountability and Disclosure Commission, testified in favor. What I found through personal experience is I did not report my residence here in Lincoln, a small condo that my wife and I have because we have to transfer-- because I read the law, and I understood the definition in Black's Law Dictionary of what a residence is: "A factual place of abode. Living in a particular locality." And a New York appellate court is cited for the following legal conclusion: As domicile and residence are usually in the same place, they are frequently used as if they had the same meaning. They do not. But they are not identical terms, for a person may have two places of residence, as in the city or the country, but only one domicile. Our law says residence. With-- to, to tell you the absurdity of it, if I were to own a ski lodge in Aspen, or a retirement home in Florida, or a fishing cabin in, in Minnesota, I would not have to, as elected official, report it because the present law says in the state of Nebraska. So any property-- any, any elected official from the Governor on down has to report property in the state of Nebraska, not out of state. And we all know with the political climate that sometimes we don't want folks to know where we reside or abode here in the Lincoln area. But anyway, it's a good bill. It just clarifies-- I don't have any, any contention with telling people where my banking account is and who I owe money with, and which the-- but a residence is a residence. And the purpose of a residence is to live somewhere where, where you have to be to fulfill your duties. So all this does is clarify in the statute and adds the sentence, The nature and location of all real property in the state except any such real property used as a residence of the individual. To clarify, that as long as it's your residence, you do not have to report it on the financial-- Nebraska financial accountability statement. So thank you and I'd appreciate a green vote. It's a good bill. It just clarifies what the Accountability and Disclosure now has decided the definition of residence is. Thank you.

HUGHES: Thank you, Senator Groene. Senator Stinner, you're recognized.

STINNER: Thank you, Mr. President. I stand in support of this bill, but I did want to enter into the record some clarifying points as it relates to the University of Nebraska. Right now, the state of Nebraska provides about \$616 million of support to the general fund of the University of Nebraska. General fund is what runs the University of Nebraska. It's the teachers. It's the curriculum. It's those types of things. That's about a \$1 billion fund. So it's about 60 percent is what we actually, as a state, are providing for that; \$4.5 billion is the total budget. So the rest is really research, economic development-oriented type of activities that the university engages

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in. And those are funded by various grants and different, different resources fund that, not the state funds. So you're at 60 percent, not 70 percent. And if you want to actually tie back to the \$5.8 billion, take \$600 million divided into \$5.8 billion; it's nine to one. So if you're doing the calculation, it's \$9 of impact for every dollar that the state spends. Do you understand that-- the math of that? \$5.8 billion was cited by an independent consulting firm. That's the impact on a \$4.5 billion budget, of which we support \$600 million. And if you want to do the calculation, nine times six is 54. That's \$5.4 billion. Pretty good investment, folks. Pretty good investment. Thank you, Mr. President.

HUGHES: Thank you, Senator Stinner. Seeing no one else in the queue. Colleagues, the question before us is the advancement of LB786 to E&R Initial. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Blood. Senator Blood voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh. Senator Clements voting yes. Senator Day voting yes. Senator DeBoer not voting. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting yes. Senator Friesen. Senator Geist voting yes. Senator Gragert voting yes. Senator Groene voting yes. Senator Halloran voting yes. Senator Ben Hansen voting yes. Senator Matt Hansen voting yes. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Kolterman voting yes. Senator Lathrop. Senator Lindstrom. Senator Linehan voting yes. Senator Lowe voting yes. Senator McCollister voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Morfeld not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls voting yes. Senator Pansing Brooks not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Stinner voting yes. Senator Vargas voting yes. Senator Walz not voting. Senator Wayne not voting. Senator Williams voting yes. Senator Wishart. 37 ayes, 0 nays, Mr. President.

HUGHES: LB786 advances. Next item, Mr. Clerk.

CLERK: Mr. President, LB791, Senator Lowe. It's a bill for an act relating to county government. It changes provisions relating to county surveyors, engineers and highway superintendents. It changes a county population requirement. Introduced on January 5, referred to

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the Government Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

HUGHES: Thank you, Mr. Clerk. Senator Lowe, you're welcome to open on LB791.

LOWE: Thank you, Mr. President. Today, I'm happy to introduce LB791. LB791 is a very easy bill and should not need hardly any discussion today. This bill moves the population thresh-- threshold, dealing with county surveyors from 60,000 to 100,000. This bill was requested by the Hall County Board and was supported by the senators who represent Hall County. Hall County is the only county who currently benefit from this piece of legislation. The only other county who is likely to benefit from this change in the next several decades would be Buffalo County. Buffalo County is also very supportive of LB791, with Hall County and Buffalo County both supporting this bill. LB791 is a very simple example of local control. With that, I urge you to support this bill.

HUGHES: Thank you, Senator Lowe. Debate is now open on LB791. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Colleagues, so Senator Erdman brought up practice, but-- and Allen Iverson. So there's a little backstory. This is where I think the news media-- where I agree with some people about some fake news and some interesting biases. So Allen Iverson got a lot of flack for saying, we talking about practice. And he was not down-putting practice, but there's actually a story behind that story of why it was so important-- why practice to him at that moment wasn't important. Actually, a childhood friend who grew up with him was just murdered the day before and so he had missed that practice. And then it was right on the, I mean, on the eve of a big game. And this commentator basically-- or sportswriter kept basically asking, you missed practice. And he got mad and said we're talking about practice, you're talking about practice. And he said it 22 times. And his point wasn't practice is important. He's just, like, I lost one of my best friends. And you think I'm just going to have to come to practice the next day, when it's just practice? Like, this is a childhood friend who I grew up with who was murdered and I can't think about practice or a game when this is somebody I considered my brother, my loved one. But that story was never told until ESPN did an article, I think in 2020, about the '23-'24-- I think it was '23-- I mean, 2004-2005 season, I think it's when it was-- so some 15 years later, about the real backstory of practice. So for years, Allen Iverson was ridiculed and talked about him not ever caring about practice. But if you ever

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talked to any of his teammates, like, he loved the process of practice. He was six-- supposedly 6'3, but I've stood next to him; he's really about 6 foot. Little guy who would go in there and bang with the biggest guys around, and he really enjoyed it. So I say that to say, not everything you read in the media is always true, and not everything you hear about is necessarily true. There's always two sides to the story. And, and that's about it. Now let's see, 15 minutes-- 11:45, we can get through two more. Nah, I'll get through three. With that, I'll yield the rest of my time.

HUGHES: Thank you, Senator Wayne. Seeing no one else in the queue. Colleagues, the question is the advancement of LB791 to E&R Initial. All those in favor of vote aye; all those opposed vote nay.

HILGERS: Have all those voted to wish to? Please record, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of the bill.

HILGERS: LB791 advances. Turning to Select File consent calendar. Mr. Clerk.

CLERK: Mr. President, LB592. Senator McKinney, I have no amendments to the bill.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance LB592 to E&R for engrossing.

HILGERS: It's a debatable motion. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Will Senator Stinner yield to a question?

HILGERS: Senator Stinner would you yield?

STINNER: Yes, I will.

WAYNE: Can you give me a refresher on what, what this is?

STINNER: This is a-- it came to me by the vets' home, and we want to go co-locate some medical dispensing equipment. Co-- co-located-- it already is located and approved by the Medical Act [SIC], the Pharmacy-- Medical Pharmacy Act [SIC] is already approved for long-term care. This would be co-located for assisted-living.

WAYNE: Thank you. Colleagues, we have about five consent calendar bills that we can get through all the rest of this day. I can keep

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taking time-- and people at home are probably wondering what's going on. Not a whole lot. We are, we're actually-- I do-- some of these bills, like the last one, LB786, I wanted to take time on, but I literally was on the phone. Because I think that might have, have some problems with it. Most of these bills don't really have a lot of issues with it. But I do think we should not just go through consent calendar and pass a lot of bills when there are bills and issues that need to be brought to the floor and need to be talked about and, and need to be addressed before we kind of move forward. So I'm not going to say anything else the rest of this morning. I'm let-- finish out. But I will say that I am looking strongly at making sure that we don't have any more consent calendar. For those who don't know the rule, it's three senators. You need three senators to write a letter or sign a letter. And where I'm at right now is in a, in a good place. I'm fine. But I'm just telling everybody I, I'm having some real concerns about some, how things are going and how much money we're spending on the floor before some certain areas of our-- really some bills aren't, aren't even out on the floor to talk about. But we have an income tax bill that over the next four years will spend a half a billion dollars. And I just-- it's really concerning to me that we're throwing out a lot of money before some of the hardest-hit areas have been addressed. Thank you, Mr. President.

HILGERS: Thank you, Senator Wayne. Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. LB592 is advanced. Next bill.

CLERK: LB754. I have no amendments to the bill, Senator.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance LB754 to E&R for engrossing.

HILGERS: Colleagues, you've heard the motion. All those in favor, say aye. Opposed say nay. LB754 is advanced. Next bill.

CLERK: LB758, Senator. I have no amendments to the bill.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance LB758 to E&R for engrossing.

HILGERS: Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. LB758 advances. Next bill.

CLERK: LB892. I have no amendments to the bill, Senator.

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HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance LB892 to E&R for engrossing.

HILGERS: Colleagues, you've heard the motion. All those in favor, say aye. Opposed say nay. LB892 is advanced. Next bill.

CLERK: LB708, Senator. I have no amendments to the bill.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance LB708 to E&R for engrossing.

HILGERS: Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. LB708 is advanced. Next bill, Mr. Clerk.

CLERK: Mr. President, LB685 on Select File. No E&Rs. I do have a bracket motion from Senator Machaela Cavanaugh. Senator Cavanaugh is excused at this time, Mr. President.

HILGERS: Is anyone authorized to open on Senator Cavanaugh's motion? I see no one on the floor authorized. That motion will be carried over to Final Reading. Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance LB685 to E&R for engrossing.

HILGERS: Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. LB685 advances. Next bill.

CLERK: Mr. President. LB767. I have E&R amendments first of all, Senator.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to adopt the E&R amendments to LB767.

HILGERS: Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. The E&R amendments are adopted.

CLERK: Senator Kolterman would move to amend AM1753.

HILGERS: Senator Kolterman, you're recognized to open on your amendment.

KOLTERMAN: Good morning, colleagues. AM1753 is a technical amendment that was requested by Bill Drafters to help clarify Section 11, subsection (3), by adding in the phrase "Pharmacy Benefit Manager

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Licensure and Regulation Act" on page 12, line 19 of the E&R amendment. Bill, Bill Drafters requested I introduce this amendment because in subsection (2) of Section 11, the bill references the Insurance Examination Act, so they wanted to bring a little more clarity and felt that this change would fall outside the E&R process. With that, I would ask for your green light on AM1753.

HILGERS: Thank you, Senator Kolterman. Debate is now open on AM1753. Seeing no one in the queue, Senator Kolterman, you're recognized to close. Senator Kolterman waives closing. The question before the body is the adoption of AM1753. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Kolterman's amendment.

HILGERS: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance LB767 to E&R for engrossing.

HILGERS: Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. LB767 is advanced. Next bill.

CLERK: Mr. President, LB906. There are E&Rs, first of all, Senator.

HILGERS: Senator McKinney for a motion.

McKINNEY: Mr. Speaker, I move to advance-- no, no, I move to adopt the E&R amendments to LB906.

HILGERS: It's a debatable motion. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. Speaker. I don't want to have this bill fly by without lodging some opposition on the record and to tell you and Nebraskans I'll be voting no on LB906 on Select File. On General File, I was not voting, but this is a bad bill and it's not one that would improve the lives of Nebraskans or the culture of our state by passing it. For one thing, the original intention of LB906 has been really watered down with the adoption of the committee amendment. And I don't think that it any longer addresses the concerns of the anti-vaccine or pro, you know, independent responsibility, or whatever they identify

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as-- the people who were original supporters of LB906. It is no longer as strong as they really wanted, and what the bill does retain is a mandate on employers that (a) I don't think is right or necessary and (b) is completely hypocritical in the scope of other things that supporters of LB906 and the introducer has advocated for in the past. For example, I pointed out that supporters of LB906, including the introducer, opposed workplace protections for workers with natural hairstyles, so mainly black women who were experiencing discrimination in the workforce. The introducer did a long speech when we were just debating that, talking about how we couldn't get in between the rights of the employer and allowing them to run their business the way they want. The introducer made the same argument when we're talking about protections for LGBTQ employees, saying, you know, government has to stay out of the way. We can't tell the employer how to run their business. One thing the introducer said about the, the black hairstyles bill was that if employees didn't like working for a certain company, they should just quit. They should make a stink about it on social media. They should say this place is insulting my values. It's not a place where I can work. They weren't thoughtful about my concerns. And they should just quit and let the market sort it out. So I would ask supporters of LB906, how come we want the market to sort it out when we're talking about things people can't control about themselves like the texture of their hair or, you know, their sexual orientation and sexual identity? Or in the case of many kids in private schools, the identity of their parents because we've heard cases of kids getting kicked out of private schools who have gay parents. But these are never instances that supporters of LB906 want to interfere in. It's only when we're talking about vaccines. There is nothing-- you know, I'm not doing anything this year, nobody is, about requiring somebody to get a vaccine. Nobody in Nebraska is required to get a vaccine except healthcare workers under the, the federal mandate for businesses. Of course, the Supreme Court struck down, the Supreme Court struck down the mandate for federal, federally funded businesses, but it upheld the mandate for healthcare workers. And so this would not apply to healthcare workers if LB906 passes. But what it would do is it would apply to businesses like mine. And I would ask all of you colleagues-- I run a little stationery shop in my district and if I wanted to say to my employees, look, we have a really small space here, there's only a couple of us working. Honestly, if I lost one or two employees--

HILGERS: One minute.

HUNT: --it would really impact my ability to do business because I don't really have a big staff. It would probably shut my business down

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until I could find someone else to hire and that's on me. But there are two ways that I could lose staff under LB, you know, LB906, regardless of what happens because of the way the market works. Either I tell my employees, I need you guys to be vaccinated because we're in a small space and I want to protect our community, and those are my values as a business owner, so please get vaccinated. They can either quit and say, I don't want to work here because I don't want to get vaccinated. And I'd say, OK, deuces, let me know if you want help finding another job. Good luck. Or they would end up getting COVID, potentially from working with an unvaccinated coworker, and then I'd be out a coworker, you know, I would be out an employee and that would be really rough on my business. And so all of the arguments that proponents of LB906 apply to bills like LGBTQ workplace protections--

HILGERS: That's time, Senator, but you are next in the queue. You may continue.

HUNT: --thank you-- anti-discrimination protections for black women and people with natural hairstyles, all of the logic and, and convoluted reasons that you are all giving about why we couldn't interfere in the employer-employee relationship at that point, why don't you apply it the same way to LB906? People can't help who they love and they can't help what their hair looks like, but they can help if they decide to get vaccinated or not. And when we're talking about a sincerely held religious belief or any other aspect of, of something that would make you part of a protected class, like your nationality or your race, these aren't things that people can control. And we always protect those rights until one is posing a physical threat to the safety of others. Until someone is posing a physical threat to the safety of others, those are rights that we always protect. But that raises the question, well, what about the rights of employees to work in a safe environment? What about small businesses in Nebraska who say, look, I can't afford to lose you guys to COVID and I also can't afford to lose customers? You know, I'll say that in District 8, in my district, people are very receptive to masking, to vaccination. People in my district have taken the pandemic really seriously. And before we had the mask mandate in Omaha, I was requiring masks in my business for workers and for customers. And I got a lot of really good feedback about that. People liked it. And so it really behooves me as a business owner in the market that I work in to say, we are going to require masks; we are going to require vaccines. I'm not requiring vaccinations of my customers, but of my workers and in my market where I work, I've been rewarded for that. And that is exactly, colleagues, how the free market is supposed to work. I, as a business owner, take the risk of making the investment and starting a business, and all of

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the sacrifice that comes with that. And I make choices that are sometimes risky, like, will I require masks or not? Will I require vaccines or not? What kind of benefits while I provide? What kind of pay will I give my workers? It's all kinds of choices, right, that we make to build the value of our company that we decide to run in our communities. But what this bill does is it would take that choice away from me. So it doesn't make sense to me that supporters of LB906 are happy to take the choice away from employers when we're talking about people's vaccination status of, of the workers that they hire. But they will not intervene when we're talking about qualities people have that are outside of their control. Another interesting thing about LB906 that I was thinking about earlier today is we're starting to see a couple of businesses in Omaha that are requiring vaccination for customers to enter. I spent a lot of time over the interim traveling. My partner was working in California and so I went to visit him a couple of times and I went to go visit family in another state. And it was very, very common to go to a restaurant or a bar or anywhere around and they require vaccination to enter. So you not only have to show them your card, but you have to show them your ID to show that, like, you are the person who's vaccinated. They're very, very firm about it. And I was surprised that I'd never seen anything like that in Omaha--

HUGHES: One minute.

HUNT: --for all the talk of Omaha being the blue dot and how liberal and progressive we are and everything. And I hadn't experienced that in Lincoln, either. So there are now a couple of businesses in Omaha that are requiring vaccination for customers where, when you come in, you have to show your vaccine card and your ID. And if you can't do that, then you're not allowed to enter. I remember a story about Alexander Payne, who's, like, the, you know, the famous Oscar-winning director from Nebraska. And he went to a gallery opening and he didn't have his vaccination card and they didn't let him in. So it's really on the business to decide how they're going to run it. How are they going to decide to balance the decision between protecting their community, protecting their staff, and protecting their customers and wanting to run an enterprise that makes money and is successful? These are the risks that we have to take as business owners and balance them all the time. And I would take-- to take the argument--

HUGHES: That is time, Senator.

HUNT: Thank you.

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HUGHES: You're next in the queue and this is your third opportunity.

HUNT: Thank you-- to take the argument of proponents of LB906, all of those things around how you're going to run your business; are you going to require vaccination for customers? Are you going to require vaccination for workers? Those should all be a decision made between the employer and their employees. If a business in Lincoln required vaccination for us to enter, I know there's a lot of people in this body who would just never go there again. If Billy's, the place where we all go drink after work, if they started requiring vaccination to sit at the bar, I would never see any of you guys there again-- a lot of you. But I think that you would say that's the choice of the business. You'd say, well, I'm going to exercise, you know, my right and my part of the free market and I'm just going to go somewhere else. I'm going to go eat somewhere else, drink somewhere else, whatever. We have to be consistent and apply that same argument to workers and employees in Nebraska too. To take Senator Ben Hansen's argument, if you don't want to work for a company that's homophobic and hates gay people and thinks it's a sin and thinks you are going to hell and is telling you that every day, just get a different job. The government is not going to step in and offer any protections for you. If you run a wedding cake, you know, business, a bakery, and a gay couple wants them to make a cake for you and you don't support their union, you can tell them to take a hike and go find another place to make their cake. That's something the introducer supports. But when we're saying, OK, to prevent like an extremely contagious virus from infecting the public, putting other people in danger because of choices other people have made, that's when the introducer puts his hand up and says, no, no, no, no. We've got to get the government going here. We've got to step in between the employee and the employer. We've got to do some government interventions. And this is the person who's always talking about individual responsibility, about erring on the side of freedom, on the side of the individual. I get that you think that you're doing that with LB906 by having all your anti-vax friends and saying, look, you're not going to have to quit your job. But it's not morally consistent and it's not ethically consistent and it's not consistent with the values that have been shared on the record on this floor. I read-- on General File, I read many minutes of testimony from supporters of LB906 who were arguing against government intervention when we were talking about discrimination for black women, for LGBTQ people. They said if the employer doesn't do what you want them to do, you just need to find another job. That's the market at work. That's the invisible hand. But when it comes to vaccines, they don't have that same ethical

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consistency. Before we move on, I think it needs to be said and it needs to be pointed out because that's something that supporters of LB906 should sit with and ask themselves why it is that they have these inconsistent views. There's also a question if you can still fire somebody for not complying with your business policy. The bill is silent on that, so I assume you can. But fired employees could also sue using this bill as justification. But LB906 doesn't include any kind of remedy or any kind of penalty for businesses, so I would question also how it's enforceable. We don't have to pass every bill just because it's someone's priority. Trust me, y'all have never done that for me.

HUGHES: One minute.

HUNT: I've never heard-- had anybody in this body go, but it's Megan's priority and, you know, she really worked hard on it and-- so, you know, I think that we give different people special treatment in this body, just as we are inconsistent with our values and giving special treatment to anti-vax people, but sweeping aside people like black women with natural hairstyles and LGBTQ people who we never intervene to help. And these are people who haven't even made choices like the choice to not get a vaccine. Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. Mr. Clerk, for items.

CLERK: Thank you, Mr. President.

HUGHES: Senator McKinney, for a motion to-- or colleagues, the motion is the adoption of E&R amendments. All those in favor say aye. Record vote has been requested.

CLERK: And we've got to do a machine vote.

HUGHES: We have to have a machine vote and the motion, or the-- what we are voting on is shall the E&R amendments be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: Voting aye: Senators Albrecht, Arch, Bostar, Bostelman, Brandt, Brewer, Clements, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Lindstrom, Linehan, Lowe, McDonnell, McKinney, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Walz, Williams, and Wishart. 32 ayes, 0 nays on the adoption of the E&R amendments.

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Floor Debate February 14, 2022

HUGHES: The amendments are adopted. Senator Clements, you're recognized.

CLEMENTS: I support LB906 and I think there is a difference in what we're asking employees to receive a injection in their body of a foreign drug. There-- I have a relative who had a serious medical reaction to a COVID shot and I think it's documented that there have been serious complications from the shot. As an experimental drug, it has more side effects than standard drugs and that's why I support LB906. Thank you, Mr. President.

HUGHES: Thank you, Senator Clements. Mr. Clerk, for items.

CLERK: Mr. President new resolutions: LR294 and LR295, Senator Kolterman, both calling for interim studies; LR296 by Senator Stinner, that will be laid over. I have a Reference report referring gubernatorial appointees to the standing committee for confirmation hearings. Priority bill designations: Senator Bostelman, LB1099; and Senator Hunt, LB121. Amendments to be printed to LB906 by Senators Groene and Friesen. Name adds: Senator Briese to LB902; Senator Sanders to LB1006; Senator Murman to LB1270. Announcement that the Education Committee will have an Executive Session following their hearings this afternoon. Government Committee will have an Executive Session tomorrow at 10:00 under the south balcony. Government Committee tomorrow. Mr. President, Senator Bostar moved to adjourn until Tuesday morning, February 15, at 9:00.

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