

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 25, 2022

**HUGHES:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Pastor J.J. Jackson from Omaha, Senator DeBoer's district. Please rise.

**PASTOR JACKSON:** Father, God, almighty creator of all of us here and everything that is, we welcome you into today's legislative process. Thank you for the health of everyone gathered here and providing for their safe-- safety in arriving here. As these representatives have assembled to reach decisions for the benefit of the people of Nebraska, may you, Lord, be present in their thoughts and motivations. Please remove all pride and selfish ambition and guide them in choosing the ways and means which honor you. Lord, your plans are not to harm us, but to prosper us, to give us hope in the future. And our-- when our plans are subject to your will, your people will indeed prosper. Let us remember that everything that we do here today will be remembered by you. And that a few short words of epitaph left for the world will be nothing compared to the eternal memories you'll have of us. Lord, bless these members assembled here, as well as their family members both near and far. We ask this in Jesus' name. Amen.

**HUGHES:** Thank you, Pastor Jackson. I recognize Senator Lowe for the Pledge of Allegiance.

**LOWE:** Please join me in the Pledge of Allegiance. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**HUGHES:** Thank you. I call to order the thirty-second 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.

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

**CLERK:** I have no corrections.

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

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**CLERK:** Mr. President, series of reports received filed on the legislative website available for member review and the lobby report as required by state law. That's the only items I have, Mr. President.

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

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. I want to give you a brief update as we go into the weekend and head into next week. As a reminder, next week is our last week of half-day debate before we go into all-day debate and then we very quickly thereafter go into evening debate. So next week's schedule: on Monday, we will have consent calendar. It'll look very similar to what we had this prior Tuesday. It will be Select, Final, and General for consent. And on Thursday, we will continue with the practice that I had last year, which is at the end of the week, I'll try to schedule more of the Christmas tree committee bills. Next Thursday, we will have both LB707 as well as LB863, which are the two Banking Committee Christmas tree bills. I would note on today's agenda both LB1173 as well as LB1236 are committee Christmas trees as well. For Tuesday and Wednesday of next week, what I intend is to schedule-- get a little more volume through the system, so I'm going to schedule bill-- priority bills that are in my estimation will require less debate. We had several filibusters on half days and as you know those can take several days of the week so-- bless you-- I'm going to do my best to get through as, as many priority bills next week as I can. The last thing I would say with the ending of committee hearings next week, I'm going to ask all the committee chairs to try to schedule some time for Exec Sessions, not only to get priority bills to the floor, but also as a reminder, we have a consent calendar deadline of March 8. That deadline is the date by which the committees have to have those consent calendar requests reported to the floor. So with-- that's all I have going into the weekend. Everyone have a great weekend. We'll see you on Monday. Thank you, Mr. President.

**HUGHES:** Thank you, Speaker Hilgers. Senator Kolterman would like to recognize Dr. Pat Hotovy from York, Nebraska, who is serving as the family physician of the day on behalf of the Nebraska Academy of Family Physicians. Dr. Hotovy, if you would rise to be recognized by your Nebraska Legislature. Thank you, Doctor, for being here. Mr. Clerk, we'll now proceed to the first item on the agenda.

**CLERK:** Mr. President, first item is the report chair-- from the Committee on Committees, Chaired by Senator Hilkemann. The report was presented yesterday, Mr. President, regarding the appointments of Senator Jacobson to the various standing committees.

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**HUGHES:** Senator Hilkemann, you're welcome to open on your motion.

**HILKEMANN:** Thank you very much. We, we met as a committee yesterday and we unanimously asked Senator Jacobson to fill the three positions that, that Senator Groene is presently filling on, on a committee. He's accepted those, and so we will-- he will be serving on Government, on Natural Resources, and, and Ag will be the three committees for him. There is a position in the 3rd District that is now open on the Committee on Committees that Senator Groene had served. We're going to-- that will be a position that, if necessary, will be filled by that caucus if we need to have another meeting of the Committee on Committees. Thank you, Mr. Chairman, for this time. I'd accept-- I'd move that we accept that recommendation from this committee.

**HUGHES:** Thank you, Senator Hilkemann. Debate is now open on the motion from the Committee on Committees report. Seeing no one in the queue, colleagues, the question before us is the adoption of the Committee on Committees report. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 39 ayes, 0 nays on adoption of the Committee on Committees report.

**HUGHES:** Committee on Committees report is adopted. Next item, please.

**CLERK:** LB767A by Senator Kolterman. It's a bill for an act to appropriate funds to implement LB767.

**HUGHES:** Senator Kolterman, you're recognized to open on LB767A.

**KOLTERMAN:** Thank you, Mr. President. Good morning, colleagues. LB767A is the A bill that goes along with the Pharmacy Benefit Manager bill. If you look at the A bill, it will tell you that we would be using General Funds and cash funds. That is incorrect. There will be an amended A bill on Select File, but the-- we've been working with the Department of Insurance. They deal in cash, their cash accounts and so everything will be coming out of the cash funds. They will be needing some additional employees to monitor and administer this program, but it will be handled within the, within the Department of Insurance. So with that, I would ask you to advance the A bill.

**HUGHES:** Thank you, Senator Kolterman. Debate is now open on LB767A. Seeing no one in the queue, Senator Kolterman, you're welcome to close. Senator Kolterman waives closing. Colleagues, the question before us is the advancement of LB767A to E&R Initial. All those in

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favor vote aye; all those opposed vote nay. Have you all voted?  
Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays on the advancement of the A bill, Mr. President.

**HUGHES:** LB767A is adopted. Mr. Clerk, we'll move to Final Reading. Members, please return to your seats in preparation of Final Reading. Mr. Clerk, the first bill is LB685.

**CLERK:** Mr. President, LB685 is on Final Reading. Senator Cavanaugh would move to bracket the bill until April 20 of 2022.

**HUGHES:** Senator Cavanaugh, you're recognized to open on your bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. LB685 is a Executive Board bill, so I thought it was an appropriate time to revisit the conversation from the beginning of the week about process and-- it's funny, nobody's listening. Like nobody. It's OK, I'll wait. I mean, three gentlemen are literally standing in front of me. I can't even talk to the people of Nebraska because you're-- cool. So I guess they're not going to move. So I'll continue on. We have found that there is a serious problem with our processes in this body, and it-- while I appreciate the attention that everyone gave to those of us that spoke on Tuesday-- and I appreciate everyone who spoke on Tuesday. I know that that was very difficult for every single person. And I, I appreciate you all for doing that and participating, but there's so much more work to be done. I-- my office is working on a resolution to create a special committee. It would be an ethics investigative committee of the Legislature. Of course, I would like it to be a permanent special committee, but obviously we should start with a-- just a short-term special committee that then can do the work that needs to be done right now and do it in public. Have everyone in this body and everyone in the state know who's on the committee. Have a normal committee-appointing process like we have for all of our other committees, have a Chair and a Vice Chair of that committee, and have an equal number of men and women on the committee, which I think is really important. And I am completely open to, but I don't know what, what precedence there is for having staff on the committee. This body has shown to me over four years that there is not a lot of respect for process. There's not a lot of respect for your colleagues who are women. There's not a lot of respect for women. There's not a lot of respect for people of color. There's not a lot of respect for poor people. And I am here to work on that. I am here to try to

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improve us collectively, myself included. I'm a work in progress. I have made mistakes and I will make mistakes again in the future. But I'm not going to stop trying to improve and I'm not going to stop trying to improve this body. So I have this resolution. And I see nobody's in the queue, so I'll probably just let us vote on this bracket motion. I'm not going to take up time if people don't want to contribute to the conversation. So thank you, Mr. President. That's my opening and I guess it's my close.

**HUGHES:** Thank you, Senator Cavanaugh. Discussion is now open on MO148 to bracket. Seeing no one else in the queue, Senator Cavanaugh, you're welcome to close on your bracket motion. Senator Cavanaugh waives closing. Colleagues, the question before us is the adoption of the bracket motion. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 1 aye, 39 nays, Mr. President, on the motion to bracket.

**HUGHES:** The bracket motion fails. Now proceed to Final Reading on LB685.

**CLERK:** [Read LB685 on Final Reading.]

**HUGHES:** Thank you, Mr. Clerk. All provisions of law relative to procedure having been completed [SIC] with, the question is, shall LB685 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Jacobson, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Wayne, and Williams. Voting nay: none. Not voting: Senators Bostar, Day, Morfeld, Walz, Wishart. 44 ayes, 0 nays, 5 excused not voting, Mr. President.

**HUGHES:** LB685 is adopted. Mr.-- the next item.

**CLERK:** Mr. President, next bill on Final Reading.

**HUGHES:** The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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**CLERK:** 34 ayes, 5 nays to dispense with the at-large reading.

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

**CLERK:** [Read title of LB700.]

**HUGHES:** All provisions of law relative to procedure having been completed with-- complied with, the question is, shall LB700 pass with the emergency clause attached? This does require 33 votes. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Jacobson, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, and Williams. Voting nay: none. Not voting: Senators Lowe, Bostar, Day, and Wishart. 45 ayes, 0 nays, 1 present not voting, 3 excused and not voting, Mr. President.

**HUGHES:** LB700 passes with the emergency clause attached. We'll now proceed to LB900-- LB906.

**CLERK:** Mr. President, with respect to LB960 [SIC--LB906], I have a motion. Senator Hunt would move to return the bill to Select File for a specific amendment, AM1925.

**HUGHES:** Senator Hunt, you're welcome to open on your motion 1925 [SIC--AM1925].

**HUNT:** Thank you, Mr. President. I'm just pulling up that AM. My main problem with LB906 is that it's unnecessary and it's putting something into statute that we don't need to do in Nebraska. And that also opened up a lot of conversation that led to sharing of vaccine misinformation, that led to a lot of COVID denial and misinformation on the floor, and I don't think that that's a healthy thing for a body to do and a good place for us to be in. I have opposed this bill the entire way along the line, and it came up so early in session that I feel like it sort of got away from us. Like, like we all just wanted to do something nice and feel like we did something and move something along and Senator Ben Hansen watered it down enough that, that it became palatable to some people who had been opposed and maybe some deals were made or something in order to get some other support. I

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don't know, but I, I have a problem with this kind of thing being passed, and, and the big reason I have a problem too is the hypocrisy underlining the purpose of the bill. The introducer has historically opposed any kind of LGBTQ workplace protections. He has opposed-- he, he originally opposed protections for people with natural hairstyles, particularly black women. And in his own words, this was on the debate on anti-discrimination laws for LGBTQ people, Senator Hansen said: All right, so I guess it's my turn to play devil's advocate, and I've mentioned this before during committee hearings, when we're trying to make a law, when we're trying to increase government control is I just need more specifics on a lot of things. And so these are just some of the questions I might maybe have to help kind of ease my internal issues a little bit. I think I should lead with some comments here that my colleagues have said. One of the things Senator Morfeld said, which bothered me a little bit yesterday, being a business owner myself, he mentioned because businesses make a profit or because they make money, they're obligated to do certain things, treat people a certain way. And just because a business makes money does not mean it's obligated to do anything beside the law. It's in their interest and moral standing to treat people with respect and dignity, but not through obligation. So he's saying that businesses should choose to not be disrespectful to LGBTQ people, but that the government should not mandate that businesses serve these people. He goes on. Also, he mentioned the number one problem in our state is keeping young talent here. I don't believe that's the case. I think the number one problem we have right now is property taxes. I'd like to spend more time talking about that. Another thing maybe our colleagues kind of mentioned, which created a gray area with me was right now everything going on good in the cities and the businesses that are doing their own anti-discrimination policies. And we're seeing more and more, we're seeing a growing trend of that. And sometimes I wonder why we need government to step in and make laws when things are already on the right path. So here Senator Ben Hansen is saying there are cities and municipalities that are already passing anti-LGBTQ discrimination measures. And also, there are businesses that are choosing to put those measures in place without government intervention. So why does the state need to come in heavy-handed, pass a bill to mandate support for LGBTQ workers? Colleagues, why can't we say the same thing for a bill like LB906? There are already municipalities and cities that are deciding what they want to do about masks, deciding what they want to do about vaccines. Of course, no city or town or village in Nebraska has mandated vaccines. No business is able to mandate vaccines unless it's a healthcare business, which is what the bill says. So to me, there's just a really strong intellectual and philosophical disconnect

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between the goals of the introducer, which is, you know, historically keeping government out of small business, keeping government out of, of private business unless we're talking about something like vaccines. But when we're talking about somebody's, you know, the essence of their being, things that should be protected from discrimination anyway, the introducer doesn't want the government to get involved. So he says: Government to me a lot of times this means we get in the way of things. One of the things my other colleagues mentioned, Senator Blood mentioned right away, was that we should not talk about religion, that it has no place in this discussion. Otherwise we can talk about all kinds of things pertaining to religion. And so I think anytime we're going to make a law, I think it's OK to discuss religion because it is. There are a lot of beliefs out there for different people, just the same argument we're having right now with discrimination against homosexuality and gender identity. So he's saying that homosexuality and gender identity or whatever is a belief, that it's like a religious belief. And so for that reason, we shouldn't allow businesses to-- or we shouldn't allow government to mandate that businesses accept or affirm or hire or not fire LGBTQ people because of who they are because to him, it's akin to a religious belief. So on LB906, I think that based on testimony, based on transcripts, based on the record, we can surmise that Senator Ben Hansen's opposition to vaccines is based in religious belief. So again, colleagues, when we're talking about consistency on the floor, consistency in policy, always ask for who? It's a tax break for who? It's a benefit for who? It's an exemption from a mandate for who? Which religion is favored? Which ideology is favored? And are we talking about choices or are we talking about the things people can't help about themselves? This is my overall problem with this bill. I'm, I'm disappointed and perplexed and kind of like, why about the way this body has moved this bill along and accepted it and gone, oh, it's not that bad. Maybe it's fine. Let's give Ben Hansen something. It's just not the mood I have. It's not what I'm here to do. A bad policy is a bad policy, regardless of who's introduced it. I have spoken against policies introduced by people in my party. I think if it's not something necessary for us to do, and especially if it's morally inconsistent with the views of the introducer and the other types of things that we're doing in this body, it extra doesn't make sense. I don't support LB906. I've, I've made this motion and filed this amendment because I would like it to be defeated. That's up to all of you. I don't expect you to vote with me, but I would not feel good if I didn't stand up and, and point that out to Nebraskans and, and make that argument again. Thank you, Mr. President.



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**HUGHES:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President. I just wanted to let everyone know that my resolution is currently being three-parted. It should be delivered to my desk by the time we get done with Final Reading. And so it will be sitting here if you want to read it or if you want to read it and sign it. I welcome everyone to come and it's not meant to be any sort of penalization of any sort. It's a-- something that I think is necessary to help fix just one part of the problem that we have here. It is an eight-person committee. It's not by region, it's by gender, equal representation. I'm not doing it because I'm trying to get on the committee. Oh, it's here. Never mind. You can come anytime now, I guess, except for we're on Final Reading, so I really do encourage people to come take a look before it's submitted. I'll submit it before we adjourn today. Thank you.

**HUGHES:** Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Hunt, you're welcome to close on your return to Select File.

**HUNT:** Sure, thank you, Mr. President. There's a lot of testimony and conversation in the record from proponents of LB906 who have opposed protections for other groups of people. And, and there's a lot of inconsistency between where we stand up for the people, where we stand up for the rights of people and the rights of workers and where we don't. And the fulcrum on which that seems to turn is always religion, but it's not religion in general. It's fundamentalist Christianity. And that's not the, the guideline by which we should be making policy in Nebraska. Whenever we pass an abortion ban, that's guided by fundamentalist Christianity. That's not anything that's guided by science. It's not guided by other religions because in Judaism and Islam, that is not against their religion to terminate a pregnancy. When we're talking about support for people with natural hairstyles, it took years here in Nebraska before we were able to pass a bill like that against strong objections from proponents of LB906. We still haven't passed workplace protections or accommodations protections for LGBTQ people in Nebraska and bills like that have been blocked by proponents of LB906. So I ask for some ethical consistency. I think that many people in this body think that they are above that and that the ethical consistency that, that they are unable to provide will have no impact on their reelection or the level of power they have. Because the things we do in this body are never about the effect. It's never about causing something to happen. It's all about power. And the thing that we can do most with power is take time on this floor. In the Nebraska Examiner today, after apparently weeks and weeks and

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weeks of corroboration and, and reporting and, and research, reporter Aaron Sanderford, who many of you might know because he's been reporting in the Capitol for a long time, he's a veteran reporter. He's very talented. I enjoy his writing. He published a story in the Nebraska Examiner titled-- well not titled, the headline is Herbster was schmoozing with the Trump team January 5-6 as they detailed plans to overturn the election. Text messages show what happened in his own words. And this was published today, February 25 at 5:45 a.m. Some of the most-- I, I encourage all of you to read this article and I might pass it out. But the lead is: Three minutes after rioters pushed past police lines west of the U.S. Capitol last January, Charles Herbster received a text from a campaign staffer in Nebraska telling him the Capitol was locked down. Thank you, Herbster replied at 2:14 p.m. Eastern Standard Time from a Secret Service motorcade near the White House. A minute later, he wrote, I was expecting as much. This article is full of text messages between Charlie Herbster and his staff and Theresa Thibodeau, who's also running for Governor, just establishing his role in the January 6th insurrection at our Capitol and some context about how much the people around him knew about what was going on that day.

**HUGHES:** One minute.

**HUNT:** Thank you, Mr. President. It should concern every Republican. It should concern every patriot. It should concern every supporter of law enforcement in this country to see the erosion of moral consistency that has taken over your party. Whether that's denying the validity of the presidential election, whether it's siding with Russia in, in these years-long campaigns of misinformation, or whether it's just the moral inconsistency of saying for me, but not for thee. I want my rights because I don't want to have to get a vaccine and I want to be able to keep my little favorite job. And I don't want to have to go find a different job, which I'm totally able to do. But you, if you're LGBTQ, if you're a black woman with natural hair, the rights don't extend to you.

**HUGHES:** Time, Senator.

**HUNT:** Thank you, Mr. President.

**HUGHES:** Thank you, Senator Hunt. Colleagues, the question before us is the adoption of AM1925. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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**CLERK:** 4 ayes, 34 nays, Mr. President, on the motion to return the bill.

**HUGHES:** AM1925 is not adopted.

**CLERK:** Senator Hunt, I have AM1927 as well as AM1926, which one would you like? Withdraw? I have nothing further on the bills, Mr. President.

**HUGHES:** Mr. Clerk, now returning to LB906.

**CLERK:** [Read LB906 on Final Reading.]

**HUGHES:** All provisions of law relative to procedure having been complied with, the question is, shall be-- shall LB906 pass with the emergency clause attached? This does require 33 votes. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Bostelman, Brandt, Brewer, Briese, Clements, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Jacobson, Kolterman, Lindstrom, Linehan, Lowe, McDonnell, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Walz, Wayne, Williams, Wishart. Voting no: Senators Cavanaugh, Cavanaugh, Matt Hansen, Hunt, Lathrop. Not voting: Senators Blood, DeBoer, McCollister, McKinney, Vargas, Bostar, and Day. 37 ayes, 5 nays, 5 present not voting, 2 excused not voting, Mr. President.

**HUGHES:** LB906 passes with the emergency clause attached. We will now proceed to LB848.

**CLERK:** Mr. President, returning to General File. LB848 is a bill by Senator Halloran. It relates to the Animal Health and Disease Control Act; it changes powers of the Department of Agriculture and duties of the owners or custodians of dead animals relating to catastrophic livestock mortality or euthanization. Introduced on January 6 of this year, referred to the Agriculture Committee, advanced to General File. There are committee amendments pending by that committee, Mr. President.

**HUGHES:** Thank you, Mr. Clerk. Senator Halloran, you're welcome to open on LB848.

**HALLORAN:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. LB848 is brought, brought in consultation with our

state livestock organizations as a means to be diligent in our efforts to be prepared in the event of a significant event that leads to large-scale livestock mortalities. The COVID-19 pandemic emergency resulted in recurring episodes of closures and diminished processing capacity of livestock processors. This disruption in the meat processing chain, in turn, imposes an economic impact on producers, the livestock industry and public and private animal health community, including costs to deal with animals that led to be depopulated through euthanization. While Nebraska was fortunate to avoid the level of related depopulation that other states experienced, the potential for additional processing sector disruptions as the pandemic continues presents a novel and ongoing catastrophic livestock mortality risk. While the COVID emergency was a catalyst that drew attention to this issue, it emphasized a need to ensure planning, capacity, and preparedness to respond appropriately. LB848 amends statute 54-2940 of the Animal Health and Disease Control Act which enumerates authorities assigned to the Department of Agriculture. LB848 inserts a new subsection (8) authorizing the department to assist local emergency authorities in catastrophic livestock disease, emergency planning, and responses. It also amends statute 54-2946 of the Animal Health and Disease Control Act, which assigns a duty to livestock owners to timely and properly dispose of dead animals. LB848 adds express authority for transport to a disposal site designated by a local emergency authority in the event of a disease, natural disaster, or other events that result in a large, large number of livestock deaths or necessitates wide-scale depopulation. The revision to this sector is intended to remove any potential conflict of this section with emergency disposal plans. LB848 is introduced in conjunction with LB970 pending before the Appropriations Committee, which seeks ARPA funds to support the activities expressly authorized by this bill. However, regardless of the outcome of that bill, we believe that authorization in LB848 are worthwhile. I will end my opening and talk a little bit more on the topic and the discussion of the committee amendments, Mr. President.

**HUGHES:** Thank you, Senator Halloran. As the Clerk stated, there are amendments from the Agriculture Committee. Senator Halloran, as Chair of that committee, you're recognized to open on your committee amendments.

**HALLORAN:** Thank you again, Mr. President. The committee amendment is a technical amendment. First, the amendment revises the new provisions added to statute 54-2940 to remove the, the specifications that the department was limited to assisting local emergency planning. The amendment more generically authorizes planning and assistance with

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catastrophic livestock mortalities to encompass state, state-level activities, as well as cooperation and coordination with local emergency managers. While readiness for a catastrophic mortality event includes advising local authorities and preparing plans assisting with training of local personnel, we would anticipate that the Department of Agriculture would lead incident management, as well as providing resources at a state response in addition to augmenting local efforts. The amendment also corrects a drafting error in Section 2. The authority to transport animals to a designated disposal site was intended to be an option exercised only with written permission of the department under subdivision (1)(g), not a general permission as its own subdivision. In the hearing on LB848, the state livestock organizations agreed that the state is underprepared to deal with a sizable livestock mortality or depopulation event. Having the capacity to respond appropriately and quickly entails the need for acquisition of euthanizing equipment, potential stockpiling of carbon resources for use in burial and composting, training personnel to use and maintain equipment, portable truck-washing equipment, and securing other services that might be needed. Our Department of Agriculture has made progress in improving our readiness. In 2020, the department received \$200,000 to the National Animal Disease Preparedness and Response Program, a competitive grant funding through USDA authorized by the 2018 Farm Bill. The grant will improve capabilities and capacity in Nebraska for mass animal depopulation in the event of a large-scale swine or poultry disease outbreak in Nebraska. It includes developing depopulation plans, purchasing equipment, developing standard operating procedures, and training responders. LB848 is intended to help focus attention to an often overlooked aspect of animal health management. I ask for your support of the amendment and the advancement of LB848, Mr. President.

**HUGHES:** Thank you, Senator Halloran. Debate is now open on AM1626. Senator Brandt, you're recognized.

**BRANDT:** Thank you, President Hughes. Thank you, Senator Halloran and the Ag Committee for bringing the bill. I serve on the Ag Committee. Hopefully, this is something that we never see. There's a \$7 million ask of ARPA funds for this in the state of Nebraska to professionally and humanely dispose of mortalities in the horrific event that the state of Nebraska contracts African swine fever, BSE, hoof and mouth disease. There's a whole litany of bad things that can happen out there. And so I fully support the amendment and the bill and would urge all my colleagues to do likewise. Thank you.

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**HUGHES:** Thank you, Senator Brandt. Seeing no one else in the queue, Senator Halloran, you're welcome to close on AM1626. Senator Halloran waives closing. Colleagues, the question before us is the adoption of AM1626 to LB848. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 43 ayes, 0 nays on adoption of committee amendments.

**HUGHES:** AM1626 is adopted. Debate now continues on LB848 as amended. Seeing no one else in the queue, Senator Halloran, you're welcome to close on LB848.

**HALLORAN:** Thank you, Mr. President. Thank you, Senator Brandt, for your comments on the, the need for being prepared for a high-mortality incident in the state of Nebraska. It's not a question of if it will happen, it's a question of when it will happen. And this bill is a, is a bill that helps prepare the state so that we don't-- we aren't flat-footed when it does happen. So I encourage your vote for LB848. Thank you.

**HUGHES:** Thank you, Senator Halloran. Colleagues, the question before us is the advancement of LB848 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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

**HUGHES:** LB848 is advanced. Colleagues, Senator Flood would like to announce 25 high school students from Norfolk Senior High School. They are seated in the north balcony. If you would please rise to be recognized by your Nebraska Legislature. Thank you for coming. Next item, Mr. Clerk.

**CLERK:** Mr. President, LB1037 is a bill by Senator Arch. It's a bill for an act relating to the Department of Administrative Services; requires an evaluation of the state's procurement practices. Introduced on January 13 of this year, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. There are committee amendments pending, Mr. President.

**HUGHES:** Thank you, Mr. Clerk. Senator Kolterman, you're welcome to open on LB-- excuse me, Senator Arch, you're welcome to open on LB1037.

**ARCH:** Thank you, Mr. President. Good morning, colleagues. LB1037 is my personal priority bill for this session. The bill comes out of a

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recommendation of last session's special LR29 committee and is cosponsored by all nine members of the LR29 committee and all seven members of the Health and Human Services Committee. I'd like to thank those cosponsors, as well as thank the members of the Government, Military and Veterans Affairs Committee as the committee that advanced this bill unanimously. LB1037 directs the Department of Administrative Services to contract with an outside consultant to complete an evaluation of the state's procurement practices and report the results of that evaluation, including recommendations for improvement, to the Legislature and the Governor by November 15 of this year, 2022. Most of you are aware of the background behind the LR29 committee, but I'll give you a brief recap. The LR29 committee was formed last session to investigate the state's contract with Saint Francis Ministries, a Kansas-based organization hired to manage child welfare cases in the Eastern Service Area. In 2019, Saint Francis proposed a five-year case management contract for 40 percent less than the bid of the longtime incumbent contractor, PromiseShip. After DHHS and DAS announced their decision to award the contract to Saint Francis, PromiseShip filed a protest. PromiseShip's protest argued first that Saint Francis' bid was unrealistically low, and second, that it proposed a caseload ratio that was inconsistent with Nebraska law. When DHHS and DAS inquired about compliance with caseload ratio, Saint Francis said it would need an additional \$15 million and the state denied the request, and both entities came to an agreement that Saint Francis would be able to meet its contractual requirements under the original bid. However, just a few months into the contract, DHHS's projections showed that Saint Francis was spending at a rate that would exhaust budgeted funding before the end of the fiscal year. In October 2020, Saint Francis announced it was suspending its CEO and COO pending investigation into financial mismanagement. Their internal investigation revealed that Saint Francis had improperly bid the contract. As a result of Saint Francis' financial instability, DHHS was forced to negotiate a new contract with Saint Francis to enable the organization to continue providing case management and avoid disruption to the children and families in the Omaha area. By January 2021, just one year into full implementation of the contract, the state finalized a 25-month emergency contract that exceeded PromiseShip's bid by \$3.7 million and reimbursed Saint Francis' past expenses of \$10.5 million. So we're now talking about a contract that is more than \$80 million over the original bid. Despite the additional funding, Saint Francis continued to struggle significantly and on December 21, DHHS announced it was ending the case management contract with Saint Francis and assuming responsibility for case management in the Eastern Service Area. After the LR29 committee was formed last spring, we spent many months

looking at what happened with the Saint Francis procurement, and what we heard from both DHHS and DAS was the procurement process was followed and the process resulted in the award to Saint Francis. So one of the things we looked closely at was the procurement process, obviously, and what we found was that the process is not consistently supported, has not consistently supported good decision-making in procurement, and the Saint Francis procurement is simply one example where the process has not yielded a positive result. In 2007, Medicaid Management Information System procurement resulted in award to a company with little track record, which was ultimately unable to deliver the system despite being paid more than \$6.8 million. The state terminated the contract in July 2009, making an additional settlement payment of \$4.75 million. In 2014, the state awarded an \$80 million contract for the development of a modern Medicaid eligibility enrollment system. DHHS terminated the contract in 2018, stating that there was no evidence to support completion of any part of the contract, despite having paid the contractor \$6 million in state funds and \$54 million in federal funds. That contract is now the subject of ongoing litigation. The history of these decisions span multiple administrations and directors of departments. The names changed, but the pattern continued. As I said, the LR29 committee looked at the procurement process and I could point to a few different areas where we see that there is room for improvement. For example, having a process in place to evaluate the reasonableness of bids that are a significant deviation from industry standard and requiring additional due diligence into bidders' financial stability. We apparently question high bids very closely, but don't apply equal scrutiny to low bids. However, one of the things that the LR29 committee was conscious of was not making any rash changes to our procurement system. We didn't want to tie the hands of those who are making these difficult procurement decisions, but we do want to establish a procurement, a procurement system that supports good decision-making. I want to acknowledge that these large contracting decisions are incredibly important. The subject matter can be extremely complex. There's a lot of money at stake, and the state has an obligation to ensure wise use of taxpayer funds. I do want to address the fiscal note, which is the cost of the consultant to assist with evaluation given the potential impact of reforming procurement. Hiring a consultant with expertise in procurement and knowledge of other states to come in and help DAS and their user agencies is a good use of funds. If we are, if we are going to make major changes to our procurement process, we want to do it right. And when you look at the millions of dollars that are on the table with these big contracting decisions, I firmly believe this is a good investment. I want to recognize Senator Mark Kolterman and his



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efforts with this issue. The work he has done and his knowledge of the procurement process really helped the LR29 committee understand how complex it is. I also want to note that Jason Jackson, the director of DAS, supports this bill, and I look forward to the Legislature and the department working together to improve the process. That concludes my opening on the underlying bill. I'll make a few comments with respect to the committee amendment after Senator Brewer opens, but otherwise it's a bill with big implications and opportunities to improve, and I encourage your green vote. Thank you.

**HUGHES:** Thank you, Senator Arch. Debate is now open on-- excuse me, we have an amendment from the Government Committee. Senator Brewer, you're welcome to open on AM1887.

**BREWER:** Thank you, Mr. President. I'd like to start by thanking Senator Arch and the committee for their hard work in sorting out the issues with Saint Francis. With that, the Government Committee heard LB1037 on--

**HUGHES:** Excuse me, Senator. Colleagues, could we keep our conversations to a minimum, please? Thank you.

**BREWER:** Yeah, thanks for that. They were way too noisy. All right. The same day that we heard LB1037 on February 10, we heard Senator Arch's LB1064. So these are close numbers. Keep in mind as we walk through this. LB1037 is committee bill, LB1064 is Senator Arch's bill. Both of these bills will improve our state contracting procedures. For that reason, our committee thought the bills should be as a package. The committee amendment adds LB1064 to LB1037. The Government Committee voted 8-0 to advance the bill with the amendment. I think we all appreciate the hard work that has gone in by everyone on this issue. The legislation will do two very important things. It helps the state of Nebraska deliver better services to the public and make sure that we're getting the best deal for the taxpayers' money. I encourage you to vote green on AM1887 and on LB1037. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Brewer. Debate is now open on AM1887. Senator Kolterman, you're recognized.

**KOLTERMAN:** Thank you, Mr. President. Good morning, colleagues. I rise in support of LB1037 and AM1887. I appreciate all the hard work that my colleagues and especially Senator Arch did on the LR29 committee this past summer. We left no stone unturned. I will tell you that I've been working on the procurement issue for several years and, and it is a wreck. The current system is not working. We've wasted a lot of

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money as a result of awarding bids that just shouldn't have been awarded. I have a bill in Government from last year that's a carryover bill. It's LB61. I actually have been encouraged to try and get that bill out of committee, and I've asked them to hold it simply because the work we did this summer will take care of the problem if we, if we follow through and I believe we will. My bill, LB61, dealt with only one aspect of the procurement process, and that was the appeal side of things. This bill, LB1037, and, and evaluating the whole process from the front end, going through the whole process is really what needs to take place. We haven't upgraded our procurement process for over 20 years. We had people from the Heineman administration come and talk about the need to change things. We've had law firms talk to us about the need to make changes. We've had companies come to us and say, hey, if you're not going to allow us to-- if you're not going to give us a fair shake on these bids, we're not going to continue to do-- put the bids together. We're talking about multimillion-dollar bids that we're working on. And in fact, we have a huge contract coming up this summer with the, the procurement of, of the Medicaid providers. And so I think this is a large improvement if we can get this done. It will set the tone for a more efficient government going forward, a more fair government so that people will want to bid on our contracts. And hope that we can advance this, get our job done this summer, and then I'm relying on Senator Arch to bring back a bill next year with a procurement process that will be agreeable to the body and get it done. So with that, again, I would encourage you all to support AM1887 as well as LB1037 and let's, let's, let's update our procurement process once and for all. Thank you.

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

**M. HANSEN:** Thank you, Mr. President and good morning, colleagues. Colleagues, I rise in support of Senator Arch's bill and the committee amendments. I don't have much to add, especially after-- let me just second much in all of what Senator Arch and Senator Kolterman have said so far. I was one of the Government Committee members who got the opportunity to serve on the special investigative committee. And obviously, looking at both halves, the actual child welfare system, as well as the state contracting system, raised a number of concerns. I think there's been, you know, a decent amount of awareness and scrutiny and understanding of that. Moving forward, specifically on this contracting side, I just have to say as a member who sat through some of those hearings and having some of the questions that were asked of to just get a baseline understanding of the current state contracting process, you know, it was kind of concerning to see, in my

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mind, that it was often very directionless or unclear or frankly hard to even just get a handle of how it actually works on a day-to-day basis. And I don't think that's in a system that produces good outcomes, as we've seen by the Saint Francis contract and by a number of contracts. I think this is a system that's going to require probably a lot of updates and a lot of scrutiny going forward to get it back on a better path, which is why I'm so appreciative that Senator Arch has made this his personal priority and that we're going down this path. So I'd ask you to join me in supporting the bill and the amendment. And with that, thank you, Mr. President.

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

**WAYNE:** Thank you, Mr. President. First, colleagues, I appreciate all the work that Senator Arch has done on this and the Government Committee. I do have an amendment that I'm holding to-- I just gave it to Senator Arch this morning. So I'm not going to drop it on him, but we're gonna try to work through this on Select. There's two fundamental issues I have with the current bill. The first one is the report goes to-- or the, the consultant is being hired by DAS. DAS is the person or the entity that caused the issue. So we're actually going to have them hire a consultant through the same procurement process that caused the first issue. So they can hire the consultant that wants to come back and tell them everything is perfect. Then we're still back at ground zero. So I think as being a part of the special investigative committee, either investigative committee, which I don't really want to go there, but at least the consultant should be hired by the Exec Board to look at the procurement issues and the procedures and give a report back to the Exec Board so at least we know there's some unbiased to the whole process. The second thing is, no matter what process we come up with, the only way you ensure government is doing procurement right is to give disgruntled bidders, i.e., the ones who did not get the bid, the right to sue. That way you let the market take care of itself. If they go into district court and they can prove to a judge or jury that they should have gotten the bid or the state did something incorrectly, then we're back to the drawing board at least from a bidder perspective. I know this because I did a little couple of lawsuits regarding disgruntled bidders to the city of Omaha and to the state in my past life. And you always get either dismissed because we don't have a liberty interest or what they call a liberty interest in the contract itself so you don't have standing to really sue. But if you look at what the genesis of our biggest issues, whether it's a HR system or a IT system that costs billions of dollars that went to a group of six people who could not perform after a year of us spending hundreds of millions of dollars or with Saint Francis

issue, all of those could have been corrected just by the legal system themselves because all the disgruntled bidders in those situations have tried to sue but could not sue because we don't give them a right. So a couple of years I've introduced a bill on that, Senator Kolterman introduced a bill on that. So I think ultimately that has to be part of the solution. But this is a step in the right direction of having somebody look at the procurement process. But my, my biggest issue is it shouldn't-- DAS who created the issue, who's going to actually hire the consultant through the same procurement process that ended up with the negative review of Saint Francis is going to hire the consultant. So I'd rather have the Executive Committee do an RFP or an RFQ, let us-- let them review it, have the report come back to them so it's truly an independent report being, being brought to this body to make changes in legislative action. So I'm going to be present not voting on this. Not that I'm against the idea, I will vote for the underlying amendment. But I would like to sit down with Senator Arch-- and he's committed to do that from General to Select-- to figure out which one is the best pathway forward, going back to DAS or going to this body for the changes. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Wayne. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following LBs: LB685, LB700, and LB906. Returning to debate. Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. Speaker. I appreciate Senator Wayne's comments and, and his thoughts on this. We certainly will sit down and, and talk about this. My, my, my concern, and it could go either way, my, my concern is that we have, in somewhere in this mix, we have some subject-matter experts in, in procurement so that, so that in our selection of the consultant, we, we really understand the subject matter itself. But we can, we can work through that either way. I want to talk a little bit about the amendment because I think it's, I think it's worth discussing just a little bit. It, it -- this AM1887 adopts provisions of another procurement bill that I introduced, as Senator Brewer mentioned. It was brought to me by the Department of Administrative Services and represents a first simple step in improving our procurement process. As was, as was explained, the bill establishes a funding structure for the DAS Materiel Division to obtain an electronic procurement system. The system is being paid for by providing the system provider with a percentage or portion of transactions collected from the contractors and bidders in, in their fees. And so it's not a-- it doesn't have General Fund impact where we're actually purchasing the system. Nebraska is one of only 11 states that has not yet adopted an electronic platform for its

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procurement process. So every bid in the state of Nebraska is still done through a myriad of paperwork. The hassle of filling out all that paperwork by hand deters bidders, particularly smaller businesses. DAS estimates that switching to an e-procurement system will be revenue neutral, if not save the state money through a more efficient system that attracts more competitive bidding. This is a first step towards modernization and, and improvement of our procurement process. When they-- when, when DAS brought this idea to me and brought-- and we started discussing it, I was frankly surprised that we were still in a paper world with our procurement process, that we hadn't gone to an e-procurement platform. And so again, a lot of work to do in our procurement, in our procurement system. And I think Director Jackson, in one of his testimonies to the committee, the LR29 committee, said that we really have not looked at this for about 20 years. And so it's time and this, this amendment of AM1887, a revenue neutral or a cost neutral, is a good first step in the process, so thank you.

**HUGHES:** Thank you, Senator Arch. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues. I strongly support LB1037 and AM1887, and I'd like to commend Senator Arch for the great work he's done on this particular bill and also his rendition of what happened with Saint Francis was masterful. So as we move forward with this bill, I think it's going to save the state considerable money. And once again, I commend LB1037 for your green vote. Thank--

**HUGHES:** Thank you, Senator McCollister. Seeing no one else in the queue, Senator Brewer, you're welcome to close on AM1887. Senator Brewer, you're welcome-- Senator Brewer waives closing. Colleagues, the question before us is the adoption of AM1887 to LB1037. All those in favor vote aye; all those opposed vote nay. Have you all voted?

**CLERK:** What did you say? Did-- you pressed Senator Blood's button, Senator, by mistake? OK, got you.

**HUGHES:** Record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays, Mr. President, on adoption of committee amendments.

**HUGHES:** AM1887 is adopted. Debate resumes on LB1037. Senator Machaela Cavanaugh, you're recognized.

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**M. CAVANAUGH:** Thank you, Mr. President. I just wanted to briefly say that-- thank you to Senator Arch and Senator Kolterman for their exceptional work on this issue. It has been a very long road and I appreciate your dedication to fixing a problem. So I hope everybody votes green. Thanks.

**HUGHES:** Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Arch, you're welcome to close on LB1037 as amended.

**ARCH:** Thank you. So this was, this was one of the large bills that came out of this LR29 committee. We're going to, we're going to hear a second bill later on the agenda that is a, that is a committee bill. We couldn't get this to be a committee bill because it needed to go over to Government for referral. But, but with the child welfare system itself, as well as the procurement, were really the two big issues that came out of that LR29. So you'll hear the second one shortly. With that, please vote green on LB1037.

**HUGHES:** Thank you, Senator Arch. Colleagues, the question before us is the advancement of LB1037 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays on the advancement of the bill, Mr. President.

**HUGHES:** LB1037 does advance. Next item, Mr. Clerk.

**CLERK:** Mr. President, LB717, a bill by Senator Morfeld. It's a bill for an act relating to the In the Line of Duty Compensation Act; it changes the amount of compensation under the act. Introduced on January 5 of this year, referred to the Business and Labor Committee. The bill was advanced to General File. I have no amendments to the bill at this time, Mr. President.

**HUGHES:** Thank you, Mr. Clerk. Senator Morfeld, you're welcome to open on LB717.

**MORFELD:** Thank you, Mr. President. Members of the Legislature, it's my honor to present to you LB717, a bill that amends the In the Line of Duty Compensation Act and raises the compensation for public safety officers who die in the line of duty from \$50,000, which it is currently at, to \$250,000. LB255, which was introduced and passed by Senator Matt Hansen, created the act, which allows \$50,000 to a beneficiary of a first responder who dies in the line of duty. I introduced LB717 because I truly believe while \$50,000 is laudable, it isn't nearly enough for the death of a public safety officer whose duty it is to protect all of us. In many cases, does, does not come

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even close to covering the medical bills and funeral costs, let alone to ensuring the surviving family and spouses are compensated for the loss of income and their pain and suffering. These people put their lives on the line on a daily basis for all of us to keep us safe, to save our lives, to do their jobs, and so that we may do theirs-- our jobs and keep our families safe. These past three years, their jobs have been especially difficult for these fine people. LB717, like LB255, includes paid and volunteer firefighters, emergency medical services and law enforcement, along with Corrections workers as well. LB717 would allow for a one-time payment of \$250,000 indexed for inflation to the designated beneficiary of the person who died in the line of duty. The way it works is like this: if there's a death, a claim will be made to Risk Management and if approved by the claims board, it is presented to the Legislature as a part of the annual claims bill. Appropriation would be provided in the approved claims bill. LB717 was heard before the Business and Labor Committee on January 24, had no opposition and was voted out unanimously. I want to thank Senator Patty Pansing Brooks for prioritizing this important piece of legislation, and I urge you to support our public safety officers and their families and give them some peace of mind that if the unthinkable happens, they will be taken care of by the state of Nebraska. And with that, I would like to yield the remainder of my time to Senator Pansing Brooks.

**HUGHES:** Senator Pansing Brooks, 7:45.

**PANSING BROOKS:** Thank you, Mr. President, and thank you, Senator Morfeld. I-- good morning to everybody here. I applaud Senator Morfeld for bringing such an important bill forward, and I am incredibly grateful to be able to use my own priority designation on LB717 to hopefully get-- help get it signed into law this session. LB717 intends to change the amount of compensation under the, quote, In the Line of Duty Compensation Act, end quote. This would increase compensation for public safety officers killed in the line of duty from \$50,000 to \$250,000. Raising this amount will allow families of these fallen heroes to obtain a larger monetary compensation following a devastating tragedy. It is the least we can do as a state to honor those who are killed in, in the line of service and by keeping our Nebraska citizens safe and well. I was particularly interested in this-- in using this priority on this bill since my dad died when I was 14 years old. It wasn't in the line of duty, but fortunately, my mom had the insurance necessary to be able to continue our lives. When I think of the families of the first responders and the fear with which they live every day as their parent goes off to work, not only the fear of the potential death of that parent, but also the fear of

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their economic viability after their parents-- their parent dies. In 2021, Senator Matt Hansen introduced and passed into legislation LB255, which created the In the Line of Duty Compensation Act to provide a one-time death benefit to the family of a firefighter, law enforcement officer, EMT, or other-- or a Corrections officer who dies in the line of duty. LB255 established the compensation amount at \$50,000. Senator Morfeld's bill elevates that amount and continues the commitment to honoring fallen service members and their families in the best way we can. Like, like LB717, LB255 includes paid and volunteer firefighters, emergency medical services, and law enforcement. LB717 was heard before the Business and Labor Committee on January 24, had no opposition and was voted on-- voted out of committee unanimously. Let's support our public safety officers, their families, and give them some peace of mind that if the unthinkable happens in their service to us, that they will be taken care of. I urge you to vote green on LB717. Thank you.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator Albrecht.

**ALBRECHT:** Thank you, Mr. Speaker. I rise today, as I did last year when they passed the \$50,000. I don't believe that anyone is looking at the full and total package. While I so much appreciate all of our volunteers, all of our law enforcement throughout the state of Nebraska, my father served for 35 years as a volunteer. We all had, you know, a, a very nice funeral for him when he passed, and all of the different fire departments and, and surrounding areas came. There were over a thousand people there. It is a brotherhood. But you know what? Again, I say the same thing that I said last year. I'm not running for any other elected office. I care about the people. But to me, this is a political move to give more money. They get federal dollars, 400-some thousand dollars in the line of duty. They get whatever the cities provide for them or the counties or-- I'm sorry, I cannot stand and in good conscience continue to, to give more for this particular bill. I just-- it's kind of like property tax. How much more do we keep continuing to, to give? When do we say no? People can have life insurance policies and most do. They can be protected by their cities, counties, whoever is paying them, the state. But I'm sorry, I might be the only lone ranger on this bill, but I don't believe that it's being fiscally responsible with the tax dollars that we have. Again in my community, if we have someone that is fallen, our communities come together and raise money for those families like no other. And again, the families take care of those families for years to come. Our community is still taking care of our family. I'm just telling you, I don't believe that, that this needs to be something that we continue to do every year, just-- it's just not something I



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can support. And this will be the last time on the mike, but I don't believe that we need to be doing something like this. Thank you.

**FOLEY:** Thank you, Senator Albrecht. Senator Friesen.

**FRIESEN:** Thank you, Mr. President. Would Senator Morfeld answer some questions, please?

**FOLEY:** Senator Morfeld, would you yield, please?

**MORFELD:** You bet.

**FRIESEN:** Senator Morfeld, could you go through and, and explain just who a public safety officer, who this all includes? Is this-- we're getting into fire department people, volunteers, everyone. Who is a public safety officer?

**MORFELD:** Yeah, so I'll, I'll read it from the current statute here. So public safety officer means (a) a firefighter, (b) a law enforcement officer, (c) a member of Emergency Medical Services ambulance squad operated by a political subdivision, by a private nonpro-- or by a private nonprofit ambulance service, but excluding any employee of a private for-profit ambulance service. So essentially nonprofit or a political subdivision ambulance service. And then--

**FRIESEN:** Do you know how many--

**MORFELD:** --and then one more, sorry, a correctional officer.

**FRIESEN:** Do you know how many people this involves then? What is the number of, of people that need to be insured?

**MORFELD:** So I don't know what the number across the state is for these first responders. The fiscal note notes that they estimate on average, anywhere from one to three people per year would be covered by this.

**FRIESEN:** And these are on-duty, in-the-line-of-duty deaths?

**MORFELD:** Yes, they have to be in the line of duty, on duty at the time. Yep.

**FRIESEN:** OK, and they-- OK, good enough. Thank you.

**MORFELD:** Yep.

**FRIESEN:** Again, I-- if I remember our conversation from last year, too, I think there are, there are departments, there are cities, there

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are counties that do offer pretty good, extensive death benefits. Some don't. It varies across the state. But I'm questioning, I guess, the need to do this. I'm-- it's including a lot of people. We just increased it last year. I don't know that-- if had the effect of getting more people to volunteer for their local fire department. I think if I recall right, they're, they're-- they do have workers' compensation when they're on call. So there is a lot of coverages out there and it would be interesting to learn a little bit, I guess, what kind of coverage that are available in some communities. I think in the larger communities, I would assume that there's probably a pretty extensive list of death benefits. I'm not sure. I have not seen that data this year. I remember from last year I thought that it varied a lot across the state. So again, I'm questioning why the state needs to step up because some of these are-- they're very local issues. If they want to do this in their community, they can budget for it. They could write short-term policies. I just think that at this point when the state starts getting involved in some of these things, I think it gets to be excessive and it doesn't take into account some of the other benefit packages that are out there currently and it just doubles down on what we might be doing and without further numbers, I'm reluctant to support this. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I'm also reluctant to approve this jump in such a short time from-- \$50,000 was a moderate amount last year, but 250 jump in one year does look excessive to me. And the-- I haven't looked at the line of duty, but I'm not sure who decides whether you're in the line of duty or not. That could be subjective. And is there an age limit? We got some people who are just very much part time, not doing very much, and there doesn't appear to be that there's any age limit where this would discontinue. I'm sure there's no mandatory age limit. My understanding is that those who are in paid departments with contracts, they have union contracts that already have benefits. And I think they would be getting a larger amount of coverage than those with smaller departments that don't. The one thing I was thinking about was if you're going to have \$250,000, perhaps we should subtract a certain amount if you have, already have other benefits. And so that small departments with low benefits, they would get \$250,000, but the people that already have that much, do they really need-- if they already have 250, do they need to double it? So it is probably not something that I can support at this time. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Senator McDonnell.

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**McDONNELL:** Thank you, Mr. President. Good morning, colleagues. Thank you, Senator Morfeld, for bringing this bill, Senator Patty Pansing Brooks for bringing this bill; the work they're doing on it and the reasons why. Now when you look at a fiscal note, a fiscal note can just be extremely cold. It can be extremely just, hey, these are the numbers. That's what a fiscal note supposed to do. It's just a, it's a paper that says this is how many dollars it's going to cost us. And I want to read from the fiscal note: From 2015 to 2021, there has been, on average, according to the Officer Down Memorial website, one law enforcement officer killed in the line of duty each year in the state of Nebraska; and on average, according to the firefighters fatalities in the United States website, one firefighter killed in line of duty each year in the state of Nebraska. For Emergency Medical Services, the fatality rate is similar to both police and firefighters according to the National Library of Medicine website. Pretty cold. But it's factual. So what we do is on a daily basis, we ask people, can you please volunteer for your communities? Can you please take an oath to protect life and property? And you know when you take that oath, the reality is that you might answer that call and never go home to your family. Now we as the state of Nebraska have a \$5 billion budget, and a third of it comes from the federal government. So we're talking about increasing this now, the death benefit for people that take that oath, lay down their life for their fellow citizens, and it's coming down to just numbers. It's coming down just to dollars. The idea of this as a recruiting tool? No. People aren't going to volunteer because we increase the death benefit. They step up and serve because they want to help their communities. That is just a fact. We could increase this to an unbelievable number. It's not about the people that are serving. They're going to serve regardless if we take this down to zero. It's about their families that they left behind because now that breadwinner is gone. Some have health insurance. Some have a benefited-- death benefit in their insurance plan and through their work. But they didn't die doing their job possibly as an accountant, they answered the call based on being a volunteer firefighter, for example, and now their family has lost that parent and that breadwinner. I, I think we're missing the point of the benefit. The benefit is for the family. Those people that volunteer and do these jobs would do it regardless of what we do here today based on the number, the amount of money. But they sure do appreciate it. They sure do appreciate that they know that we are taking care or trying to at least help their families after they make that ultimate sacrifice. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McDonnell. Senator Erdman.

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**ERDMAN:** Thank you, Mr. President. Good morning. I listened to what Senator McDonnell had to say there, and I was wondering if he would yield to a question or two?

**FOLEY:** Senator McDonnell, would you yield, please?

**McDONNELL:** Yes.

**ERDMAN:** Senator McDonnell, I heard what you said. I listened to what you said. I understand it. Wouldn't it make more sense if we had a life insurance policy for these people rather than the state getting into life insurance business?

**McDONNELL:** I believe in a life insurance plan for all public servants. And yes, I would, I would, I would support that and I've worked on it in the past. We have not been successful up to this date, but I'm going to continue to work on that plan for the whole state of Nebraska.

**ERDMAN:** Did you bring a bill of that-- in that nature before?

**McDONNELL:** Yes, and I've not been successful so far since I've been working on for the last six years.

**ERDMAN:** Did you have trouble getting it out of committee?

**McDONNELL:** Yes.

**ERDMAN:** OK, because I, I had never seen it. I had never heard that. But in your, in your opinion as you've worked on it, would you consider the premium that we would have to pay to be less than the \$600,000 or \$700,000 the state's going to be obligated to do under this proposal?

**McDONNELL:** I can get you those numbers that we've looked at based on what does the local, for example, fire district, if we're using firefighters, what would they be responsible for, the amount? What would the, what would the individual be responsible, the department? And I can get you those numbers that we've presented in the past, but it is more expensive. It's more expensive than this.

**ERDMAN:** More expensive than this?

**McDONNELL:** Yes.

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**ERDMAN:** OK. All right, thank you for answering that. It, it, it seems like what we're doing here is we're getting in the insurance business. And I'm not arguing against the point that Senator McDonnell made about those volunteering and putting their life on the line. I appreciate that. But I think there are other ways that we could do this, same-- give the same protection, but maybe take the state out of being a life insurance company. So we'll see where the debate goes here. But just so Senator McDonnell knows, I would support an effort if he would bring an effort to provide life insurance rather than this method. I would sure support that. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Blood.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I sincerely had not planned on, on talking on this bill until I heard Senator Albrecht, who I've known actually for several decades and I respect. So I want to throw that in. I stand in full support of this bill. And for those of you that have known me from Sarpy County, you know I've been involved for decades with our first responders and there's a reason I support our first responders and others who commit to a life of service. But I want to talk a little bit about one of the reasons that I feel so passionate about bills like this. There was a movie on Netflix called Worth, and if you haven't seen it, I encourage everybody in this body to see it, because Worth is the true story of how they decided what a life is worth. To the families that lost loved ones on September 11th, this group had to decide what is a life worth? How do we build value in who you are as a person and make sure that your family is fairly compensated? What a hard question, and they did struggle with it. And that's what we're struggling with right now. We're talking about taxes. We're talking about how it's local control. And by the way, sometimes when people talk about local control in here, those are the same people that support us trying to do the government overreach bills telling local government how they should do business. I, I always think it's quite the quandary when we just say what we say when it suits us. But I'm telling you, friends, what this bill is about is us deciding what is a life worth and what we're offering isn't enough. It is not enough when we're talking about somebody who has commit a life to service because they gamble their own health, they gamble their own personal safety and sometimes the safety of their families, by the way. Think about the, the physical, the social, the psychological tolls that some of these jobs take on people. Look at the suicide rates. Look at the drug and alcohol rates. There is a reason that that is true. These are hard jobs. There aren't big waiting lists for a lot of these jobs that we're talking about in this bill and other things that pertain to first responders. These

people had the fortitude. They had the perseverance to stay strong and then go back for more. Heck, we don't even have that sometimes in this body, and we're not running towards danger. Well, it depends on whose coffee you drink, but we're not running towards danger. We're talking about today, what is a life worth and whose lives should be considered when we're talking about a bill like this? I say that when you commit to a life of service that makes our world a better place, a safer place, a great place to live like Nebraska, then we need to support bills like this. And it isn't about pennies. I can think of so many ways that we can save pennies, but this is not one of them. And then I also want to be really cautious. You know, half of this body runs for reelection every two years. It's our job to stand up and fight for or against bills. And we have to be really careful not to be the peanut gallery and saying, I'm not running for reelection, I'm not running for election. This person's running for election so that's probably why they're talking, because we could do a lot of finger-pointing on this floor and that's not a benefit to our body. We need to be cautious with our words.

**FOLEY:** One minute.

**BLOOD:** It's as ridiculous as the fact that our Executive Board doesn't allow us to send newsletters out to our constituents when we're running for reelection. So we're not allowed to inform our constituents of what we're doing. I'm more worried about things like that. That doesn't seem right. But today I stand in full support of this bill. It is for the right reason, and I respectfully disagree with the senators who have opposed this bill. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Blood. Senator Friesen.

**FRIESEN:** Thank you, Mr. President. You know, we mention volunteers a lot, but I do believe this covers everyone; salaried, volunteers, whatever. It covers a broad spectrum here. You know, if we want to talk about people who put their life on the line, maybe it's our construction workers that have to work on the interstate or on the road system in Omaha when they're redoing a street project and get hit by a truck. They go out there knowing it's hazardous. They don't shy away from it. They're getting paid to do a job. I don't know if we have insurance on them, if they have a life insurance policy on them. I'm not sure. Cities might carry something. I know my fire department that I served on for 18 years, they did have a policy. But again, I was doing it for a volunteer reason, for no other reason, didn't expect any more. It was one of those jobs that I took that I was

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giving back to my community instead of serving on a church board or a school board. I served 18 years there. We had a lot of people that served there for a good cause, and they were willing to put their life on the line and expected nothing in return. Sure, it's nice that we do things. But what is a life worth if? Is it worth \$1 million? If somebody is going to rush into a burning building, \$1 million doesn't sound like much. Family of four waiting at home for him, no, he's just worth \$250,000. It's all we can get today. Next year, we'll bump it up to \$300,000. I'm kind of looking at the, the bigger picture of is this something we need to be doing? If, if we feel our law enforcement officers or our ambulance service workers, if they need policies to cover them, maybe we mandate that they have those policies in place. I'm sure there's insurance companies that would write that policy and we wouldn't have to be dependent on the state to have to go through that process to give them a mere \$250,000 for someone who lost their life in the service of firefighting or EMTs out there. I've got a lot of volunteer departments that go out on the interstate all the time, you get out in a blizzard and there have been some serious accidents. They go out there because they're volunteers and they're doing it for a reason. I'm not arguing that they don't deserve it. I'm arguing that, is this the state's responsibility? Is this where we go? Because now we can look at our highway department and we send those guys out there on the interstate and we know good and well the death rate of a highway construction worker is a lot higher than it is for any of the other public safety officers. The odds are a lot greater and they never know when it's going to happen either. They never know when that drunk driver is not paying attention. The truck driver that's half asleep runs into their construction crew. Totally unexpected. I as a firefighter when I went into a burning house, I knew what I was getting into. There was nothing unexpected there. Law enforcement is different. Those calls that they make for domestic disturbance, they have to assume it's going to be the worst. I get that. But then do we compensate them enough for what they do in the first place? Why do we just want to give them money when they're gone? Maybe we should be paying them more while they're here because they're the ones that are willing to step into that role. I'm not.

**FOLEY:** One minute.

**FRIESEN:** The way we have treated law enforcement in these last few years is despicable. And yet we still really maybe don't want to compensate them anymore, we've talked all over the country about defunding the police, but, no, we can pay him a little extra when they die. I think most of them would like to have it while they're alive. Thank you, Mr. President.

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**FOLEY:** Thank you, Senator Friesen. We'll pause the debate for a moment. Items for the record, please.

**CLERK:** Thank you, Mr. President. New resolutions: LR304 by Senator Murman and LB305 by Senator DeBoer. New A bill, Senator Bostar, LB1273A. It appropriates funds to implement LB1273. An amendment to be printed: Senator Geist, LB750. Senator Wayne to LB1037. Explanation of vote from Senator Day. And bills read on Final Reading this morning [LB685, LB700, LB906] were presented to the Governor at 10:24 a.m. Mr. President, the Revenue Committee will have an Executive Session at 10:00 or 11:00, excuse me, 11:00, south balcony. Revenue, 11:00. That's all that I have. Thank you.

**FOLEY:** Thank you, Mr. Clerk. Continuing discussion on LB717. Senator McDonnell.

**McDONNELL:** Thank you, Mr. President. Pick up where Senator Friesen left off and to thank him for his 18 years of service. I believe he, he made the-- my point for me is that Senator Friesen didn't serve as a volunteer based on a death benefit that his department had because he would have served regardless. The death benefit wasn't for Senator Friesen, it was for his family that he was going to leave behind if he made the ultimate sacrifice. Now-- and he's also correct on the fiscal note. The fiscal note does not take into account if you're a volunteer or paid. It just takes into account that you were serving your community and you made the ultimate sacrifice. Also, I think he's correct that we should have the discussion if John Doe is out there today and, and he's repairing our roads and he's a state employee and based on whatever happens and, and he no longer or she no longer is with us, whoever that person is, we should have that discussion. How do we, how do we compensate them? How do we make sure that we're trying to help their families? Because they were, they were also serving the state of Nebraska. This is about service, but it's not about the people that are making that ultimate sacrifice. It's about their families that are being left behind and, and there's not enough money. And, and for us to have that debate and say, OK, what would be the, the right X-- \$1 million, \$2 million, \$3 million? We just can't fill that hole. We will never be able to fill that hole in that family. Now, again, having this, having this amount of money coming towards them is going to help them in a small way. But the idea that that mother or father, that spouse is no longer there, we can't, we can't change that and we cannot take care of that family to a point where we-- I know we'd all want to. And right now in the state of Nebraska, you have different communities that will step up and they truly care. To what level can they step up, and for-- and this is also



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the reality-- for how long do they step up? Because based on the idea of someone making the ultimate sacrifice, our hearts go out to them and we want to reach out to their families and we want to be there. But I've seen it, it doesn't last. Because we all have our lives to live. We do truly appreciate their sacrifice, but we focus more on them and they're gone, than their spouse and children that they left behind. And I think this is what this bill does, is tries to help in a small way the people that are left behind from that person that made the ultimate sacrifice. Senator Morfeld, would you yield to a question?

**FOLEY:** Senator Morfeld, would you yield, please?

**MORFELD:** Yes.

**McDONNELL:** Why did you bring this bill?

**MORFELD:** I brought it because I thought \$50,000 was too low for folks that gave their life in the line of duty to the citizens of Nebraska. And I thought that last year and I still think that this year and I'm fulfilling what I said I was going to do last year.

**McDONNELL:** I'll yield the remainder of my time to Senator Morfeld.

**MORFELD:** Thank you.

**FOLEY:** Senator Morfeld, 1:30.

**MORFELD:** Thank you, Senator McDonnell. I, I really appreciate your support and also your perspective as a first responder yourself. Just a few different things that I wanted to bring up, and I won't belabor it or, or punch my light again after this. But, you know, this is only for folks that are in the performance of their duties. So I think one senator brought up earlier like, well, if they're 65 or older, they could just die off duty or something like that. That's, that's not what this covers. They have to be in the performance of their duties. And so it, it covers folks that are in the performance of their duties, and it's limited to that. So I, I also don't want to put an age limit or anything like that because I think a 67-year-old who rushes into a burning home is just as worthy as a 30-year-old who does the same thing. So I, I don't think an age limit is, is a good idea. In terms of the \$250,000, I've worked a lot on some healthcare issues here and just knowing what the, the cost not only of the funeral, quite frankly, but also the medical bills. I mean, there are some folks when they die, they're left-- their families are left with \$200,000 in medical bills and they have to pay another 50 or so

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thousand dollars in the funeral bills. And so that's why I arrived at that number. It wasn't some willy-nilly number or anything like that. The other thing that I want to note out-- note is that the federal benefits that were brought up, that's only for the spouse or the children. And in some cases--

**FOLEY:** That's time, Senator.

**MORFELD:** Thank you very much.

**FOLEY:** Thank you, Senator Morfeld. Senator Kolterman.

**KOLTERMAN:** Thank you, Mr. Lieutenant Governor. Good morning, colleagues. I rise in support of LB717. I wasn't going to talk on this bill because I thought it would just sail right through, but obviously there's some disappointment from me hearing the remarks that are coming out today. I was a volunteer fireman in my community for 14 years, both in Seward and Utica, where I started. And you don't do it for the money, but the people that volunteer on these departments, they're not high-paid employees. They don't make a lot of money usually. They're the hardworking, blue-collar community members. How many of you have gotten up at 1:00 in the morning to go fight a fire where maybe somebody's whole house is on fire and you run the risk of maybe pulling somebody out of that? You go-- you walk into the building with fire equipment on and a mask that gives you oxygen. You do that because you want to help your fellow citizen. When I was doing this, I was doing it in the-- at the start of my career in the insurance business, and I will tell you that I had two little girls at home and I often wondered what if I don't get home? I could afford to buy the life insurance. I bought a lot of life insurance and I believe in life insurance, but we're talking about possibly three people a year that the state would provide money to families to help them survive. That's \$750,000 we're talking about. We give more money than that away every day in this body. These are people that put their life on the line for us. You know, we heard in Appropriations this week, we're not providing enough equipment for these people. We had a young lady that served on the Waco Volunteer Fire Department, went out in a snowstorm, she was, she was in an ambulance and she got hit by a semi, ended up in intensive care. She's probably 30, 35 years old, ended up in intensive care, fought for her life, fought for her life for over a year and then got rehabilitated. They moved from Waco to, to Valparaiso. You know what she did? She joined the volunteer fire department in Valparaiso because that's how dedicated she was. And she had kids at home as well. This will not help the person doing the job. This will help the families that survive when they lose that loved

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one, whether it's, it's a male or a female. Think about it, folks, \$250,000. I, for one, have had the opportunity to deliver checks to families that have lost loved ones because that's what my business was for 40 years. I sold life insurance. I'm going to tell you something. If you're, if you're young and you've got three or four kids at home and your wife dies or your-- you lose a spouse, how much do you really think 200-- how far do you think \$250,000 is going to go in raising those children? This is nonsense to be arguing about this in this way.

**FOLEY:** One minute.

**KOLTERMAN:** As far as the insurance aspect, we could-- I don't know how we would buy insurance policies on everybody that's in the-- that's a volunteer. It, it wouldn't be cost effective to do that. We as a state have an obligation to take care of the people that take care of us. I can't imagine why we would vote against something as simple as this. So I would encourage you to give a green light on LB717. And for those of you that are out listening, you volunteers, we are here to support you. Thank you very much.

**FOLEY:** Thank you, Senator Kolterman. Senator Pahls.

**PAHLS:** Thank you, Mr. President. For those of you who know, when I'm up here, usually I'm sitting listening. And that's, that's when I'm on the floor and I've been listening today and I'm recalling my past experiences here. I can remember my-- one of my first bills when I came-- was down here several years ago was to help the firemen. And I was debating with a senator who was really into ethanol, and he kept squeezing my numbers down, which were not significant because he said we should be thinking about ethanol and that kind of stuff. Why about the firefighters? And then I went into my line, but he kept squeezing the number down. The interesting thing about it I found out later on, that person was investing into ethanol. So it depends on what side you're looking at. I can still remember how he was-- kept pressuring. That's the reason why it-- that ran home to me. What I'm going to request you start doing is looking what's coming out of the Revenue Committee, which I chair, and right now I'm supposed to be sitting over there because we have an Executive Session. But I-- it's really interesting and I support these bills, but we've been talking about veterans and we're trying to help them out. Because this is an emotional issue, and it should be because the majority of us have not served in the services during time of war, so we don't know what that's about. So in our hearts, we think maybe we should be helping those people, sort of like that fireman and that police officer who is out on duty. It's really interesting. But here's another thing I'd

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like to have us think about and it's because it was brought up earlier that this is a political thing. My goodness, I don't think totally always political. I got another part of my life to live. It's called living, and I understand those people who are running for office. I get it. I've done that, but not to the extent that some people have here. But what I found interesting last year-- and I fought internally with this, but I did vote for this. But out of Revenue, we thought it was appropriate for a stillborn child, to give those parents tax credits. Where do you start and stop? That's the part that is interesting to me. Fireman, yes. Policeman, no. Construction, yes. I mean, we can do that, but start, start looking at what's coming outside of Revenue. And I vote it out. Reflect. And I must leave you now because I have to go the Exec across the, the aisle for a-- if they have already not made the decisions. Thank you.

**FOLEY:** Thank you, Senator Pahls. Senator Friesen, you're recognized for your third opportunity.

**FRIESEN:** Thank you, Mr. President. So-- sorry, I was distracted over on the side in Revenue. I'm-- again, let's talk a little bit about this body and how we're supposed to do business here. Is it-- we get emotional topics here. We get tremendously emotional topics. You get into HHS and you talk about the issues we have to talk about, there are serious issues. This isn't about emotions. I understand what Senator Kolterman-- I've met with that woman. You can-- if you want to base everything on our emotions of the day, we're going to try and solve everybody's problem, and that sometimes isn't our business. We need to base it on fact. We can let emotions enter into these decisions, we're going to, we're going to be very conflicted. Our job is to make decisions, what is best for the state, what is best for its workers. Are we choosing some workers that have more value than other workers? When we base things on emotions, I mean, they run rampant in here sometimes, and there are some really tough issues we talk about. But if we're going to base them on emotions, there is people that are going to pay a dear price when we're talking about judicial issues in Judiciary. When somebody murders someone or a violent crime, do we just throw them in jail? Emotion of the day, throw them in jail forever. They're never going to do that again. Let's take some of the emotion off of this. Let's look at the facts, and to me, let's decide this based on the facts. Is this something we need to do? Is this where we should be venturing? Because I think we can go a lot further if we want to go down this road. To say that some group of people, some group of state volunteers or paid, we don't differentiate. We picked one group of workers and said they're very important. And when somebody dies in the line of duty, we should give them \$250,000. As

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one of those volunteers, I would have rather taken some pay and some money up front. Who's next? Which group of workers should we compensate? If you look at the occupational safety, which fields are the most dangerous, these are not even listed amongst the top 10, 15. We have all sorts of industries that are far more hazardous. And these people too choose to do that line of work. We have people that have-- there's occupational deaths occur all across the spectrum. Let's look at the facts. Who are we trying to help and why are we doing it? Should we pay them more in the first place? Are we not paying them enough? Should we require an insurance policy? What if they're disabled? Do we help those families then or just when they die?

**FOLEY:** One minute.

**FRIESEN:** Are they eligible for workmen's comp completely? Does that cover them if somebody is permanently disabled? Is that family held hold in? I think there's more firefighters that I know, at least, that were disabled or seriously hurt. Those are issues we can talk about here, but when we talk about it in an emotional manner, I want to inject some facts back in it. What should the state be doing and who should we be looking out for? Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Before proceeding, Senator Hughes would like us to recognize 20 fourth graders, 2 teachers, and 7 sponsors from the Perkins County Schools in Grant, Nebraska. They are all with us in the north balcony. Students and teachers, please rise so we can welcome you to the Nebraska Legislature. Senator Morfeld, you're recognized to close on LB717.

**MORFELD:** Thank you, Mr. President. Colleagues, I appreciate the good debate this morning. You know, in terms of emotion, I, I don't know, I guess Senator Kolterman brought up a constituent that he knew, Senator McDonnell talked about his personal experience. I don't think there's really any big emotions going on, on the floor here. I think that what we're talking about is making it so that we try to, and you can't even do it with \$250,000, but we try to make the family and the survivors whole somehow. And as I noted in floor debate last year, while I appreciated Senator Hansen's work increasing it to \$50,000, I thought it should be a lot more. Because if you look at the medical bills, you look at the funeral costs, sometimes, quite frankly, you get up to \$100,000, \$150,000, depending on what happens at the hospital and all sorts of other things, and then you have just a little bit of money left over for the family to be able to take care of themselves. And so I think it's really important to, to bring it up to \$250,000. I think it's the least we can do for these individuals. And listen, folks, if

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you want to expand it to state highway workers, then, you know, I won't be around next year, but some of you will be. That's a debate that you can have. I think that's a legitimate discussion to be had. I wouldn't oppose it. I'll, I'll write a letter from my house supporting something like that. But in any case, colleagues, I think this is the least we can do. I appreciate everybody's support. I appreciate people bringing up personal stories. And I appreciate those folks that also had some concerns. I urge your advancement of this legislation, and I hope that you'll vote for it. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Members, you heard the debate on LB717. The question before the body is the advance of the bill. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please. Record please.

**CLERK:** 32 ayes, 6 nays on the advancement of the bill, Mr. President.

**FOLEY:** LB717 advances. Proceeding now to the next bill, Mr. Clerk.

**CLERK:** Mr. President, LB1241 is a bill by Senator Lathrop. It's a bill for an act relating to law enforcement training; it changes provisions relating to law enforcement officer training and certification; provides duties for the Nebraska Police Standards Advisory Council. Introduced on January 20 of this year, referred to the Judiciary Committee, advanced to General File. There are committee amendments, Mr. President.

**FOLEY:** Senator Lathrop, you're recognized to open on LB1241.

**LATHROP:** Thank you, Mr. President and colleagues, good morning. I'd like to thank Senator Hilgers and Senator Pansing Brooks for signing on as co-introducers of LB1241, and I'd like to also thank Senator DeBoer for making this bill her personal priority. We worked with the League of Municipalities and law enforcement on LB1241 to make some additional improvements in the way Nebraska trains, educates, and certifies our state's law enforcement officers. The bill had no opposition testimony at the hearing and advanced on an 8-0 vote. The bill makes three changes to the current practices. The first would streamline the process for qualified officers from other states to become certified in Nebraska. The second would provide some additional flexibility to work together to increase the capacity and availability of law enforcement training across the state. And the third would clear up an unintended interpretation of the current statute that requires retiring officers to complete significant amounts of continuing education just prior to retirement. It is our intent-- we

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had a hearing in Judiciary Committee on a series of bills and the purpose of that, as we sometimes do, we have themes over in Judiciary Committee. This was officer retention and recruitment day. This bill is about law enforcement recruitment. If you are trying to recruit an officer from outside of the state, the hoops they have to jump through to become certified law enforcement officers in Nebraska were unnecessary and they impeded the ability of Nebraska agencies to recruit from outside the state. This bill streamlines that process and makes it easier for an officer certified in another state to come into Nebraska and be part of the law enforcement community. We also heard a bill from Senator Clements, and that provides an incentive for officers, primarily an incentive, a financial incentive for them to come into or to stay in and be retained in smaller communities. That's a bill that we-- Senator Clements is working through right now. We hope to move that out on the floor and have that available to you for-- as an amendment on Select File. But what the two bills will do when brought together in an amendment on Select File will take law enforcement and give them tools to attract officers from outside of the state and for smaller communities. And smaller communities have a particular problem, the bigger communities poach the smaller communities' law enforcement and this is going to-- Senator Clements' bill will provide an incentive for them to be recruited and retained in smaller communities. So I look forward to that amendment. I'm giving you a preview about Select File on this bill. This bill is a, is a League of Municipalities bill, and I would appreciate your support. I'm happy to answer any questions on this and the amendment I'll introduce momentarily. Thank you.

**FOLEY:** Thank you, Senator Lathrop. You may continue with the Judiciary Committee amendment.

**LATHROP:** LB1241 makes three changes. The major change is located-- pardon me, AM1898 makes three changes to LB1241. The major change is located in Section 4 and relates to the reciprocity process for certifying law enforcement officers in Nebraska that have completed their training and certification in another state. As amended by AM1898, an officer certified in another state would apply for reciprocal certification if the training program in the other state is approved by the Nebraska Police Officers Standard Advisory Council [SIC], also known as PSAC, and the officer is eligible for admission to the training academy, passes a physical fitness test, and passes a reciprocity test approved by PSAC. The original bill contained provisions that limited eligibility to officers that received their certification in other states within the last four years and also allowed officers to receive reciprocal certification without

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completing an approved training program if they'd been working as a law enforcement officer in the last four years. These provisions were removed by AM1898. The amendment also adds provisions to require PSAC take action on the completed application of someone trying to come into the state within 45 days. And also that they publish a study guide for those wanting to come into the state and take the test and complete that study guide by July 1 of this year. The second change in Section 1, which revises the definition of training academy to include facilities operated by multiple agencies pursuant to an interlocal government agreement. Current law already allows individual agencies to operate their own training academies with training that meets or exceeds the curriculum of the training center. And third is the change in Section 3 that would allow an officer to retire in good standing without completing all of their continuing education requirements for the calendar year in which they retire. This change was included in LB1241, but is reworded for clarity in AM1898. And with that, I would encourage your support of both AM1898 and LB1241, and I'm happy to answer any questions you may have.

**FOLEY:** Thank you, Senator Lathrop. Debate is now open on LB1241 and the pending Judiciary Committee amendment. Senator DeBoer.

**DeBOER:** Thank you, Mr. President. Colleagues, I wanted to indicate to you why I thought this was an important bill for my personal priority designation. It's a series of-- I've been working on a series of different workforce development and retention bills throughout the various professions and areas that have seen some trouble coming back after COVID and for a number of other reasons. This is one of the, the bills that would address law enforcement and making sure that they have the best possible candidates to choose from when they're having to pick which officers they will recruit and making sure that they are able to retain those officers, not just in the rural areas, but also in the urban areas, but really help out our rural neighbors who sometimes have trouble with recruitment. Over the interim, we heard an interim study hearing in Judiciary on training and making sure that some rural areas had the ability to do the training that they needed to do. This bill will help with that, and as Senator Lathrop mentioned, we also are looking forward to adding on Select File an amendment which includes some portion or version of Senator Clements' bill that it looks like he'll talk to you about in a minute. But I'm happy to sort of bring these all together and create our law enforcement retention/recruitment package as we're looking for ways to help out those professions across the state that we want to help with their workforce issues. So I appreciate Senator Lathrop's bill,



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Senator Clements' bill, and thank you for having the opportunity to prioritize these.

**FOLEY:** Thank you, Senator DeBoer. Senator Slama.

**SLAMA:** Thank you, Mr. President. Good morning, colleagues. I just wanted to briefly rise in support of LB1241 and AM1898 and follow up on some of the things that were said in the open and have been said on the mike. I think that this bill is a good bill and it's got the potential to be a really great bill if we combine some of the bills like Senator Clements', parts of my own LB942 that would really incentivize growing our rural police departments, giving them the resources and the manpower they need in order to adequately protect and serve our communities. So I'm hopeful that we'll see that amendment come on Select File. But for now, I am a green vote on LB1241. Thank you.

**FOLEY:** Thank you, Senator Slama. Senator Clements.

**CLEMENTS:** Mr. President. I just wanted to rise since the bill that I had introduced has been mentioned. It's LB1270. It's a law enforcement retention bill. If you read the green copy, it's going to talk about \$1,000 retention bonus for being there one year and \$2,000 for five years with a \$10 million request. Well, it has been-- I've been working with the Fraternal Order of Police who brought me this bill and we are-- it's going to be a smaller amount of money, but a little bit larger awards. The way it works out, we're going to be talking about a one-year retention bonus, then a person that stays three years and then a person that stays five years getting a little bit more to try to retain the law enforcement personnel and to reduce some of the turnover. But if you're interested, I thought I'd better mention it. It's LB1270, but it's not-- it wasn't quite ready for General File. The amendment will hopefully be coming out on Select. And I also appreciate LB1241. I'm in support of that and the amendment. I think it's good for us to be able to attract nonresidents coming from out of state to Nebraska if they want to move here. My understanding was it was taking six months for them to be qualified to serve in Nebraska law enforcement, and this would hopefully bring it down to a month or so. So I thank you, Mr. President. That's all I had.

**FOLEY:** Thank you, Senator Clements. Senator Pansing Brooks.

**PANSING BROOKS:** I-- at the risk of this becoming a love fest, I rise in support of AM1898 and LB1241. The, the information we heard and the testimony we heard from law enforcement, everybody from PCAN to the

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Police Officers Association of Nebraska, Nebraska Sheriffs Association, the Fraternal Order of Police, and PCAN, of course, is the Police Chiefs Association of Nebraska. Everyone came in supportive of this bill and the Omaha Police Officers Association as well. I just-- we heard such amazing testimony about how difficult it is to get the training. And I think we should even do more than this to make it more robust. But I am so grateful that Senator Lathrop brought this bill and that Senator DeBoer prioritized it because we are having difficulties in the rural areas getting the training that they need. We actually heard of an officer, an officer that was going to retire. I think he was a chief, a police chief that was going to retire, and because he hadn't finished the, the course load that he was supposed to get done, they didn't let him retire in good standing after 40-some years of service. So that is a complete glitch in what should be going on. The other main part of this is to let people take the test in a place other than Grand Island once, once they have the test certified by the Grand Island center. And best of all, is the reciprocity portion. Maybe not best of all, but as importantly, it is important, the reciprocity standard, to be able to bring people in from outside the state and help grow our law enforcement. I'm, I'm grateful for their work, for their service. We've had a couple bills here to help protect our first responders, and this is just one more of them. And I'm grateful to Senator Lathrop and I'm grateful to our, to our police and law enforcement who help us protect our communities and keep them safe. OK, with that, I give the rest of my time back to the Chair-- to Lieutenant Governor.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator-- I see no further discussion. Senator Lathrop, you're recognized to close on the committee amendment.

**LATHROP:** Thank you, Mr. President. And I like a good love fest, and I don't want to ruin it by keeping-- keep talking. But I do think it's important that as the Chair of the committee and someone that was at the hearing on sort of recruitment and retention day for law enforcement that I share some of the, some of the things that we learned during our day of hearings. And what we're, what we're finding is that law enforcement across the state is having trouble recruiting and retaining, and the recruitment piece may be as easy to understand. Sometimes that's a pay issue. A lot of it is, do I really want to do that kind of work? I'm hopeful that Senator Clements' bill will help with that as well. But being able to recruit from outside the state is going to be one place where we can get people into law enforcement in Nebraska. But the other thing that we, we heard that was maybe most impressive in this process is the challenge the small departments are

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having getting people to not just come there, but to stay there because it's a little bit, a little bit like the small community hires somebody, they send them to the academy, they come back to work and then the next bigger city poaches them. So now there's a vacancy in the small town. It's filled a spot and-- I'm going to make something up and not accuse Grand Island of something, but Grand Island now has a law enforcement officer, but somebody from Grand Island will leave to go to Lincoln or somebody from Papillion will go to Omaha. So there's a lot of challenges in keeping law enforcement. I'm hopeful that Senator Clements' bill, which really will compensate law enforcement for staying in the smaller communities. These two bills put together, and this will happen on Select hopefully, these two bills will help us retain, recruit them from out of state, recruit them as we need to, to fill many vacancies, particularly in smaller communities, and then keeping them there. So I'm very hopeful that LB1241 will go a long way towards that end. I appreciate the love fest and your support of LB1241 and the amendment, AM1898. Thank you.

**FOLEY:** Thank you, Senator Lathrop. Members, you heard the debate on the Judiciary Committee amendment, AM1898. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 46 ayes, 0 nays on the adoption of committee amendments.

**FOLEY:** The amendment is adopted. Any further discussion on the bill as amended? I see none. Senator Lathrop waives closing. The question before the body is the advance of LB1241 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 45 ayes, 0 nays on the advancement of the bill.

**FOLEY:** LB1241 advances. Proceeding now to General File 2022 committee priority bills. Mr. Clerk.

**CLERK:** LB1173 introduced by the Health and Human Services Committee. It's bill for an act relating to child welfare; states findings and intent; creates a work group and strategic leadership group for child welfare system reform; provides duties for the Department of Health and Human Services. Introduced on January 19 of this year. Referred to the Health Committee for public hearing, advanced to General File. There are committee amendments, Mr. President.

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**FOLEY:** Thank you, Mr. Clerk. Senator Arch, you're recognized to open on LB1173.

**ARCH:** Thank you, Mr. President. LB1173 is the Health and Human Services Committee's child welfare package that I mentioned in a previous bill, one of the committee's priority bills for the session. As I'll explain when we get to the committee amendment, the package includes LB1173, along with three other child welfare related bills. The goal of the vehicle bill, LB1173, is to set the stage-- is, is to set the state on a strategic path for child welfare in Nebraska. LB1173 is based on two recommendations from the LR29 report. As many of you know, the LR29 committee was formed last session to investigate the state's contract with Saint Francis Ministries. One of the recommendations that came out of the work on LR29 was to convene a work group to develop a shared strategic direction for child welfare in Nebraska. That recommendation was based on observations from our hearings, which was in summary, child welfare stakeholders, including DHHS, judiciary, providers, and others, do not have a shared and concrete vision and understanding of how best to serve vulnerable families in Nebraska. One of the things that we did in our work on LR29 was to look back at the history of child welfare, especially the history of privatization in our state beginning in the early 2000s. If you remember, some of that history when what you can see is that there has been a rapid evolution of how we've been providing child welfare services in our state, but much of that change has been reactive and driven by urgency rather than strategic planning. It was clear that the privatization initiative suffered from lack of planning from the outset. We privatized only service coordination, then we changed that into privatization of case management. Along the way, we had private lead agencies requiring additional funding, going bankrupt, terminating their contracts, turning responsibility back over to DHHS. Eventually, as we know, we were left with privatized case management only in Douglas and Sarpy County, the Eastern Service Area, and that relationship with PromiseShip continued with relative stability until-- in spite of some challenging parts of the relationship, but until then, of course, Saint Francis received the bid. To be clear, LB1173 is not about continuing privatized case management. Rather, it is about thinking strategically about how we do child welfare in Nebraska. What roles do we expect private agencies to do? How are we using data to guide our approach? What's working in other states? How can we incentivize innovation? So LB1173 would establish a work group including, but not limited to, representatives of DHHS, the Department of Education, the courts, the Indian tribes, and task the work group with developing a practice and finance model for child welfare in

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Nebraska with consultation from key stakeholders, including private providers and individuals with lived experience in child welfare. The practice model would include, among other things, a statewide vision and mission for child welfare, values and practice priorities, statewide program goals, engagement strategies to support community involvement, strategies that strengthen relationships across the court system, probation, executive branch agencies, Department of Education, community partners, opportunities and financial mechanisms for providers to pilot innovative solutions and a strategy for data collection and outcome monitoring. So that's the strategic planning part of it. LB1173 also includes a second recommendation from the LR29 report, which is to evaluate Nebraska's IV-E claiming efforts and determine what steps may be appropriate to optimize federal reimbursement. According to a Child Trends report based on 2018 data, Nebraska is far behind other states in its use of federal reimbursement. Currently, 81 percent of Nebraska's child welfare funding comes from state and local sources, General Funds, compared to the national average of 55 percent. This is just one piece of the strategic planning we are asking the work group to take a look at. So the work group will provide a monthly update to a child welfare strategic leadership group with representation from the three branches of government. There are-- actually already is a three-branch group that meets each month, including the Chairs of the Legislature's HHS and Judiciary committees, the Chief Justice, and the CEO of DHHS. So this group will provide oversight of the strategic planning process. There is a fiscal note attached with the consultant and that this bill would authorize DHHS to hire-- to assist with developing the written framework for the practice and finance model. I've spoken with the CEO of DHHS about the need for a consultant. We agree that having an outside consultant with expertise in child welfare will be extremely beneficial to this process. When you consider the importance of getting our child welfare system on the right track, I think this is money well spent. I've talked to Senator Stinner, the Appropriations Committee about my intent to use ARPA, state and local fiscal recovery funds to pay for costs associated with the consultant. Youth and families in the child welfare system were disproportionately impacted by the, by the pandemic, and the state also learned some valuable lessons about serving this vulnerable population throughout the pandemic. I expect the work group to incorporate these lessons, improve how we are serving and supporting this impacted population as they recover from the impacts of the pandemic. In light of both the pandemic and the significant recent shifts in our child welfare system, now is an appropriate time to take a hard look at how we're serving these children so I'd encourage your support for LB1173. And

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with that, I would address the committee amendment as, as well if I could do that. So AM1959 is a committee amendment for LB1173, and it incorporates the provisions of three other bills into, into this, this master bill. So LB491, LB491 is a bill that was introduced last session by Machaela Cavanaugh, and it strikes the, the statutory authority for the Department of Health and Human Services to enter into a contract with a private entity for the case management in the Eastern Service Area, which consists of Douglas and Sarpy Counties. As many of you know, the ESA is the only area of the state where statute allows for privatized case management under a, quote, case management lead agency model pilot project. This pilot project was enacted in 2012. So approximately ten years after the state's disastrous efforts to privatize child welfare statewide, it was under this authority that PromiseShip, eventually Saint Francis, served as case management contractors for the state. So one of the recommendations of the LR29 committee was to end the pilot project at the end of the Saint Francis contract. That recommendation was based on our finding that under a privatized case management contract, there's always going to be a certain amount of instability as contracts expire and are rebid. As we saw with the transition from PromiseShip to Saint Francis, contracts turning over can cause significant upheaval and delay permanency for children and families. By the way, I would say that all, all research shows that the stability of case managers is the single predictor of outcomes for, for foster care children, and so we need to provide for that stability. Additionally, last session, the Legislature commissioned a study by a public consulting group to look back at the last decade of privatization. What that study found was that the state hasn't received any measurable benefit from privatization. In fact, the average cost of successful outcomes in the Eastern Service Area under privatization was 20 percent-- 27 percent higher than the average of all others. So we are recommending to end privatization as a pilot, to strike that language from statute. LB541, the second bill included in the committee amendment, is an amended version of, of this bill. LB541 was introduced by Senator Walz last session, makes a couple of changes to expand and standardize caregiving levels and treatment options for Nebraska's highest-needs youth in out-of-home care. First, it requires DHHS to implement additional statewide tiers of foster care reimbursement for specialized care giving with standardized rates by October 1, 2022. Second, it requires DHHS develop a plan to implement treatment family care services and implement those services by October 1, 2023. Under current department practices, there are three levels of standardized rates for out-of-home care, depending on their level of need. But there are a number of youth who have significant needs and in order to find

placements for these high-needs youth, the department is having to enter into special reimbursement agreements called Letters of Agreement to reimburse caregivers. An independent evaluation by the Stephen Group last year found that the Letter of Agreement process has morphed into a crisis-driven system where placement providers have driven up rates by billing agencies against one another, terminating placements when their rate demands are not met and resisting licensing requirements that would bring in federal funding to improve the overall child welfare system. By implementing additional tiers of standardized rates, the department can require more accountability from these placement providers, including licensing requirements, and draw down additional federal funding that is being lost out of-- lost out on under Letters of Agreement. Additionally, the provisions of LB541 would require DHHS to develop and implement treatment family care services. Treatment family care is a service in a home-like environment intended to divert youth with high treatment needs from being placed in congregate and out-of-state placements, which are a higher cost placement. These are the youth with a history of trauma in addition to complex mental health or substance use disorders. The adoption of a treatment family care model would provide a rate structure to allow for this intensive care to be provided by trained and supported treatment parents in an effort to keep these youth out of costly congregate placements and improve permanency and outcomes of high-needs youth. And the last bill, LB5-- LB854 is included in the amendment. It was introduced by Senator Day. It simply requires one division of DHHS, the Division of Children and Family Services, to notify another division of DHHS, the Division of Public Health, when it receives a report of abuse or neglect in a childcare facility. The Division of Public Health is the division which handles licensure of childcare facilities. The goal here is to really improve communication so that when one arm of DHHS is investigating child abuse in a childcare facility, that division that licensed for the facility is aware of it and can take the proper steps to ensure safety and well-being of children in that facility. In conclusion, I'll just note that all four bills included in the committee amendment were advanced unanimously by the Health and Human Services Committee. And I encourage you to support AM1959 as well as the underlying bill. Thank you.

**FOLEY:** Thank you, Senator Arch. Before proceeding, Senator Linehan would like us to recognize 33 11th and 12th graders from Elkhorn South High School. If those students and their two teachers could please rise, we'd like to welcome you to the Nebraska Legislature. Mr. Clerk.

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**CLERK:** Mr. President, Senator Arch would move to amend the committee amendments with AM2058.

**FOLEY:** Senator Arch, you're recognized to open on AM2058.

**ARCH:** Thank you, Mr. President. AM2058 makes two changes suggested by the judicial branch. First, in Section 2, it removes court and probation services from the definition of child welfare system. The judicial branch is willing and happy to be included in the strategic planning process for child welfare. However, understandably, they want it to be clear that the goal is not a reform to court and probation practices, but rather an improvement in how agencies from across the three branches can work together to serve children and families in Nebraska. Second, in Section 3, the amendment clarifies that the representative of the Supreme Court on the work group is not a Supreme Court justice, but rather a representative of the judicial branch to be appointed by the Chief Justice. The intent was to include someone like an administrator from juvenile probation, not a Supreme Court justice so this amendment simply clarifies that intention. Corey Steel, the State Court Administrator, testified in support of LB1173 at the hearing on February 9, indicated the judicial branch's willingness to be part of the strategic planning effort. They are an important partner in this work, so I appreciate your support of AM2058 to resolve these small concerns. Thank you.

**FOLEY:** Thank you, Senator Arch. Debate is now open LB1173 and the pending amendment. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. I rise in support of LB1173 and the underlying amendments. I want to put a pin in one other thing that I hope will be added to this bill on Select File. An investigation done by NPR and The Marshall Project found last year that the state of Nebraska has been identifying foster children in its care and finding out which of those children are eligible for federal Social Security funds and then applying for the money on their behalf and then using that money to pay for their care. The problem with this is that in Nebraska, we can't be asking foster youth to fund the cost of their care that the state is responsible for, and we are taking Social Security benefits from the most vulnerable kids in our system. To be eligible for Social Security, you have to have either lost a parent or have a disability and so these are some of the most vulnerable people that we have. On average, these kids would be eligible for \$700 to \$800 a month, and the state of Nebraska is taking that money away from them without their knowledge, without any due process, without anybody caring for them, having any awareness that



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this is happening. And so I introduced a bill this year, LB932 to address this, and I'm working on that bill with Senator Arch and the Health and Human Services Committee and trying to find something that will be agreeable to PRO and to HHS-- to DHHS. And I just wanted to make you colleagues aware of that. And hopefully that will be something that we can add to this very important package on Select File. Thank you.

**FOLEY:** Thank you, Senator Hunt. Is there any further discussion? I see none. Senator Arch, you're recognized to close on the amendment, AM2058.

**ARCH:** Thank you. I, I, I, I appreciate it and I'll use this as a close for all of these, all of these, this-- the two amendments, as well as the underlying bill. As I mentioned, this was, this was one of two big findings of the LR29. This one really is. We, we, we have not had a good strategic direction with our child welfare services for a number of years. I really appreciate the department engaging in this, having the judicial branch engaged as well, because what we see is we see these same children moving between the judicial branch and, and foster care and mental health issues. And it, it really is-- it-- it's a, it's a group of children that we need to focus on and we all need to be at the table to develop that strategic direction. Provider stakeholder input, we have a number of, a number of other organizations that want very much to participate in this. So this one is going to actually go through not only this year, but it will, it will continue through next year as well. So the report is due at the end of '23 on this particular effort of, of LB1173 and the other underlying bills, as I mentioned, all came out of committee unanimously and we, we strongly support all of these votes. Thank you.

**FOLEY:** Thank you, Senator Arch. The question before the body is the adoption of AM2058. Those in favor of the amendment vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 45 ayes; 0 nays on the adoption of the amendment to the committee amendments.

**FOLEY:** AM2058 has been adopted. Any further discussion on the bill or the pending committee amendment? I see none. Senator Arch has waived closing. Question before the body is the adoption of the committee amendment, AM1959. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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**CLERK:** 45 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

**FOLEY:** Committee amendment has been adopted. Any further discussion on the bill as amended? Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Colleagues, I will be brief. I just wanted to thank Senator Arch and all of the staff in the HHS Committee, the lawyers and the HHS legal counsel and the outside counsel that we've had in the joint committees. This has been a very large endeavor and it has been handled with diligence. And I just appreciate so much everyone's efforts to come together and make real change for the children of Nebraska. So thank you to Senator Arch and his staff and thank you to the joint committees. And I hope everyone gets to vote for this today. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Any further discussion? I see none. Senator Arch has waived closing. Question before the body is the advance of LB70-- LB1173 to E&R Initial. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 45 ayes, 0 nays on the advancement of the bill, Mr. President.

**FOLEY:** LB1173 advances. Next bill, please.

**CLERK:** LB1173A by Senator Arch. It appropriates funds to implement LB1173. Senator Arch, I do have pending AM2051.

**FOLEY:** Senator Arch, you're recognized to open on LB1173A.

**ARCH:** Thank you, Mr. President. So LB1173A is the, is the bill that would appropriate funds for the consultant. I now would like to speak to the amendment, AM2051. This, this reflects the intent to use ARPA state and local fiscal recovery funds so we, we amended LB1173A to reflect that. And the ARPA treasury guidance notes the meaningful strain that the pandemic played on the child welfare and foster care system so we believe that this qualifies. With that, I'll close on AM2051, encourage your adoption of the amendment on the underlying A bill.

**FOLEY:** Thank you, Senator Arch. Any discussion on the bill or the pending amendment? I see none. Senator Arch waives closing. Question before the body is the adoption of AM2051. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 46 ayes, 0 nays on adoption of the amendment to the A bill.

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**FOLEY:** AM2051 has been adopted. Any further discussion on the bill as amended? I see none. Senator Arch waives closing. Question before the body is the advance of LB1173A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 44 ayes, 0 nays on the advancement of the A bill, Mr. President.

**FOLEY:** LB1173A advances. Mr. Clerk.

**CLERK:** Mr. President, items: LR306, new resolution by Senator Walz; LR307, new resolution by Senator Cavanaugh. Series of name adds: Senator Vargas to LB717; McDonnell, LB783; Jacobson, LB788; Friesen, LB1180 and LB1207. Announcements: Natural Resources will hold an Executive Session today following-- I'm sorry. What?-- Natural Resources Committee will have an Executive Session now under the south balcony. Appropriations Committee, an Exec Session at 12:15 in Room 1525 and Health and Human Services, an Executive Session following their hearing this afternoon in Room 1510. Senator Wishart would move to adjourn the body until Monday, February 28 at 9:00-- at 10:00 a.m., 10:00.

**FOLEY:** Members, you heard the motion to adjourn till 10:00 a.m. Monday morning. Those in favor say aye. Those opposed say nay. We are adjourned.