

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

**FOLEY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-first day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Pastor Peter Sample of the Calvary Bible Church in Neligh, Nebraska, Senator Gragert's district. Please rise.

**PASTOR SAMPLE:** Let us pray. Heavenly Father, creator and sustainer of the universe, the one who was, who is, and who is forever more. We admit that we are a needy people. We are not you. We need wisdom on how to lead correctly and how to make decisions that are right and good for our state and our families. You know that these decisions are not easy to make. We confess that so often we make decisions based on selfishness and pride. We make decisions according to our own imperfect priorities. We make decisions because of what someone else has done for us. Forgive us for these things and teach us selflessness and unity. Teach us the ability to look to the needs of others because that is not natural for us as humanity. Father, we have so much pain in the world. We think of the deaths of the Russians and the Ukrainians, the refugees in Europe, unrest in nations around us. There's pain in our own country. There's pain in this Chamber. And sometimes the pain around us and within us is overwhelming. You've declared yourself to be the God of comfort and the Prince of Peace so grant your peace to those who are hurting today because of their circumstances, family affairs, and health. Grant your peace to those around the world and those in this Chamber today. And through all things, please remind us of your presence, your truth and your love, that we might follow you with our whole heart. And we pray these things in the name of our glorious God and Savior, Jesus Christ. Amen.

**FOLEY:** Thank you, Pastor Sample. Senator DeBoer, if I can ask you to please lead us in the Pledge of Allegiance?

**DeBOER:** Colleagues, 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.

**FOLEY:** I call to order the forty-first 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.

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

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

**CLERK:** I have no corrections at this time.

**FOLEY:** Thank you, sir. Any messages, reports, or announcements?

**CLERK:** Just one item, Mr. President, an amendment to LB1144 by Senator Flood to be printed. That's all that I have.

**FOLEY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following five legislative resolutions: LR313, LR314, LR315, LR316, and LR317. We'll move right to the agenda. General File 2021 Speaker priority bill. Mr. Clerk.

**CLERK:** Mr. President, LB283, a bill by Senator Briese. It's a bill for an act relating to time; it provides for year-round daylight saving time as prescribed. Introduced in January of last year. Referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. At this time, Mr. President, I have no amendments to the bill.

**FOLEY:** Thank you, Mr. Clerk. Senator Briese, you're recognized to open on LB283.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I rise today to present LB283. I first want to thank the Speaker for prioritizing this bill, putting it on the agenda. LB283 would move Nebraska into year-round daylight savings time once two conditions are met. First of all, the federal government will have to authorize such a move by the states. Second of all, the bill would require that three adjoining states also pass similar bills. A growing number of states have implemented legislation allowing for year-round daylight savings time. As of this time three years ago, that number was eight. After the 2020 Legislative Session, it was 14. After the last legislative session, it was 19. So now 19 states have enacted legislation to provide for year-round daylight savings time, including our neighboring Wyoming. And it's my understanding there are currently bills in 28 states now that would do the same thing, bills under discussion. The federal government in 1966 passed the Uniform Time Act. It allowed states to opt out of daylight savings time and go to year-round standard time. But it also gave mandatory beginning and end dates for those states that do wish to participate in year-round daylight savings time-- or in the daylight savings time, excuse me. So

this means that a state's choices are now-- as it stands now, year-round standard time or else changing our clocks twice a year under daylight savings time. It seems everybody in the state hates the idea of having to change their clocks twice a year. The feedback in my office and others have gotten has been overwhelming. The opinions on some Facebook polls suggest 85 percent of respondents don't want to continue changing their clocks, and they're not wrong. The reasons to end the practice of changing our clocks twice a year are numerous from parents calling us to telling us it makes it harder getting their children out of bed in the morning after the change to folks with epilepsy, especially parents of small children with the condition, telling us that it is dramatically more difficult to time their medication schedules to hard scientific data for medical research that the practice actually costs lives to studies pointing to reduced economic activity flowing from standard time. So what about the medical impacts of changing our clocks? Folks with epilepsy and other conditions causing seizures report seeing an increase in the weeks after the change. Heart attacks go up too. A study by the University of Michigan, University of Colorado, and the U.S. Department of Veterans Affairs in 2014 found a 24 percent increase in heart attacks on the Monday following the time change. Other studies have shown statistically significant increases for up to a week after that. A study by Finnish researchers in 2016 showed an increase in strokes of up to 25 percent for the two days following the springtime change. Another study by the University of Colorado of over 700,000 car accidents found a 6 percent increase in fatal car accidents in that week after changing times. An economist with the University of Oregon found a 6 percent increase in workplace injuries among miners. This practice of changing our clocks twice a year is actually hurting and even killing people. And I passed out a handout here with several pieces of information in it, and I've included in that handout some studies that basically contain that information relative to the health risks associated with changing our clocks. But the time change is also costing us money. For example, the workplace injuries I mentioned were estimated to result in a 67 percent increase in lost workdays. A 2012 study published in the Journal of Applied Psychology showed a substantial decrease in worker activity and an increase in the time in the mornings of the days-- in idle time in the mornings of the days following the time change. Between medical costs, sick days from heart attacks, strokes, and car accidents, lost workdays from workplace injuries, and simple decreased efficiency at work, the costs really begin to add up. Furthermore, an economics and analytics company undertook a study entitled Estimating the Economic Loss of Daylight Savings Time for U.S. Metropolitan Statistic Areas, which led others

to create a lost hour index and an interactive map to show the economic cost to businesses. That economics and analytics company estimated that businesses in the U.S. lose over \$430 million of economic activity every year in the days after the time change. So I do think a very strong argument can be made against continuing the practice of changing our clocks twice a year. So what are, what are we looking at here? So right now, we've got two choices. If we don't want to change our clocks, we can go to year-round standard time or we can implement this bill that would put us on the path to year-round daylight savings time and we can go year-round standard time without congressional authorization. With LB283, I've landed on year-round daylight savings time. And why is that? And that really is because of the potential increase in economic activity that could flow from year-round daylight savings time. We talk about growing our state all the time, creating opportunity, creating economic growth, adding employment, adding jobs, and that should always be our goal. And I would suggest that year-round daylight savings time could be a valuable tool in our efforts to grow our state's economy. Commentary suggests a net increase in consumer spending and, hence, economic activity flowing from an extra hour of daylight in the evening. In that packet that I referred to earlier, there's an article from 2009 found in MPR, where one author suggested that daylight savings time, quote, has been a fantastically effective retail spending plan, unquote. That commentator doesn't cite any sources for that. And again, that was in 2009. The last piece in that packet is an article written by former U.S. Senator Orrin Hatch. In it, he makes the case for year-round daylight savings time as a tool to help us recover from the impact of the pandemic, noting it would, quote, encourage shopping and retail sales during the winter months, unquote. I also distributed another article on that packet from CNBC that touted the beneficial impact on the economy flowing from daylight savings time. Now these last two articles, again, the 2009 article didn't quote any sources. That was what he maintained in that article. But the last two articles cite a study from JPMorgan Chase and Company. And I also handed out that study. I believe it's number five in that packet. So what about that study? In it, JPMorgan Chase in November of 2016 undertook to, to assess the economic impact of daylight savings time. They did this by comparing economic activity for the 30-day periods immediately after the beginning of standard time and immediately after the beginning of daylight savings time in three urban areas. They compared that, that activity to the activity found in Phoenix where daylight savings time is not recognized. And so the urban areas they compared to Phoenix included Los Angeles, Denver, and San Diego, and they compared credit card usage during the months of November and again March and April.

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

Essentially, the 30-day period following, following the implementation of standard time, the 30-day period following the implementation of daylight savings time, compared those urban areas to Phoenix where they don't change the clocks. In it, they found an average increase in credit card activity of 1.5 percent for the 30 days immediately following the start of daylight savings time in those other urban areas compared to Phoenix and an average decrease of 3.5 percent for the 30 days following the start of standard time. Now the, the data varied between those cities, the Denver area and San Diego and L.A., but the, but the average was the 1.5 and the 3.5. And that data does raise some intriguing considerations, you know, especially relative to that 3.5 percent decrease in credit card activity following the change to standard time as compared to Phoenix and let's run those numbers. Depending on who you ask, consumer spending in Nebraska equals roughly \$79 billion per year. And for the sake of simplicity, would equate to roughly six point billion dollars a month. Now, now, the Chase study suggested a 3.5 percent drop-off that that first 30 days. Now, what about the entire four months of standard--

**FOLEY:** One minute.

**BRIESE:** --time in the winter? Thank you, Mr. President. The study doesn't provide data on the entire four-month period, we're left to surmise. But if we could surmise that based on the Chase studies year-round daylight savings time would generate a 2 percent bump in economic activity for the four-month winter period, what are we dealing with? We're talking about roughly \$530 million in increased consumer spending. And again, these numbers are admittedly speculative. But what would be the impact of \$530 million of consumer spending? An economist would plug in a, a multiplier to this, might be two to three times that, but we're left to speculate. We are talking about more jobs. You're talking about more investment, you're talking about more income, more state revenue. Again, we're left to speculate. But the point is an extra hour of daylight in the winter evenings can yield extra consumer activity, extra spending and, yes, enhance economic activity in our state. And that's good for Nebraska. So if you're looking for [INAUDIBLE]. Thank you, Mr. President.

**FOLEY:** That's time. Thank you, Senator Briese. Members, you've heard the opening on LB283. Before we get into a discussion of the bill, I recognize Senator Brewer.

**BREWER:** Thank you, Mr. President. Friday was kind of a rough day and not because of the actions in here, but because I, I had some medical stuff. And so after the vote and after everything settled down, I was

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

given this card, which you guys signed. I don't think there's going to be much I keep of all the stuff that lobbyists give us at our evening events. But this one I'll keep. And for the ones that haven't seen it, it just says cancer has met its match and it's signed by everybody. So thank you. I try not to share much about personal issues. I probably would just have no one knew that I had the leukemia fight last June. I spent a good share of it in the hospital. I want to thank Senator McDonnell for coming up daily and bringing me food so that I could survive in a hospital and not have to eat their food. I was also tempted by Senator Lowe, who came to the hospital with DQ blizzards. Thank you for that. We are a body here to pass legislation, but I think sometimes things happen to make you realize that we go beyond that and we have friends for life also. So thank you. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Brewer. Debate is now open on LB283. Senator Erdman.

**ERDMAN:** Thank you, Mr. President. Good morning. It's one of those rare things today. I may be the only one, the only one in opposition to daylight savings time being year round. I was wondering if Senator Brandt would yield to a question?

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

**BRANDT:** Yes, I would.

**ERDMAN:** Senator Brandt, you and I had a conversation earlier this morning about the time, and I had made a comment that God had created time and put the sun in the middle of the sky at 12:00. And you'd made a comment about being able to tell time by the sun. Can you share that with us?

**BRANDT:** Yeah, when before-- way back when I was in high school and you'd be out in the field cultivating or something in an old open tractor, you got pretty good at telling what time dinner time was. And usually it's when the sun was straight up in the sky.

**ERDMAN:** Do you ever have tried-- have you ever tried that on daylight savings time?

**BRANDT:** Sure, the sun's always in the same spot.

**ERDMAN:** But it never seemed-- for me, it never seems to be as close as when the sun was straight up.

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

**BRANDT:** That's, that's probably true.

**ERDMAN:** OK, thank you. So as I listened to Senator Briese this morning, he outlined exactly all the reasons why we shouldn't change the time, and I have no reason to dispute any of that information. What I'm going to share with you is in this time zone in Lincoln, Nebraska, if we pass this, it'll be after 8:00, 8:00 a.m. before the sun comes up in the wintertime, December, January, when the days are short, after 8:00. That is a significant problem for young people going to school and those activities that have to happen before you go do something at 8:00 in the morning. I would be in favor of standard time year round and I would be more in favor of making the state one time zone and that time zone being mountain time. That's my opinion. It will catch very little support, but I will tell you now that changing the clocks is peculiar and it has a long-lasting effect on how you respond for the next couple of weeks until you finally adjust. And so if you want to go golfing in the afternoon, open your business at 7:00 and close at 4:00. But the sun comes up at an appointed time every day irregardless [SIC] of what we say the time is. And if you're OK with it being dark until 9:00, so be it. But we will have to, as Senator Briese mentioned in his opening, have to get other states to agree to this. And then you have to have Congress agree. And I don't know if you're going to get any agreement out of the Congress we currently have. So whether this will happen or not, I don't know. But if there is someone else in this body that stands up and supports standard time year round, I will be surprised. But I can tell you right now, when God created time, he put the sun right in the middle of the sky at noon. And if it's good enough for God, is good enough for me. And I'm not in favor of daylight savings time and I will vote no on this every time. Now, if you want to go standard time, I'll vote with you and it won't make any difference because you probably have significant votes to do this. So it looks like in the queue there we got, like, five or six people that are going to love this thing to death. And so we'll continue to do that until we vote. But I do have a question for Senator Briese that I think he can answer, at least I hope so. Would he yield to a question?

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

**BRIESE:** Yes.

**ERDMAN:** Senator Briese, in the last couple of pages of your handout, there's a heading at the top of the page that says the first ever all electric--

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

**FOLEY:** One minute.

**ERDMAN:** --Chevy Silverado. I read that whole article and it says absolutely nothing about a Chevy Silverado. Why was that included?

**BRIESE:** I saw that too, Senator, and I wondered the same thing, but that was a reference to a different article, I believe. I saw that this morning and I wondered, well, I got the wrong pages in here.

**ERDMAN:** OK.

**BRIESE:** But, no, I think that's just a reference to a different article.

**ERDMAN:** OK. I would-- I made that assumption knowing the thorough, thorough job you do reviewing things, and I had to ask that question. But that's my comments today. Thank you.

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

**MOSER:** Thank you, Mr. Lieutenant Governor. The overwhelming response I get from people is that the change from daylight savings time to standard time is painful both times, fall and spring, and that they would like us to pick one and stick with it. And it sounds like Senator Erdman would rather stick with standard time, and Senator Briese has come up with a bill to stick with daylight savings time year round. You know, time goes back a long way. I mean, you know, the, the moon gets overhead at noon. It's been there-- the moon-- the sun gets up overhead at noon in the middle of the year in this part of the, the country. And we adjusted our schedules, our work schedules, school schedules and everything to that. Then somebody had the bright idea to go to daylight savings time, where we all get up an hour earlier and then we have more time to recreate in the evening. So I think that's kind of how it started. And probably if we go to daylight savings time year round, people will adjust over time and it'll be kind of back where we were before. But nonetheless, I think Senator Briese should be lauded for bringing up a controversial subject, but I get the response from my constituents that they support year-round daylight savings time. So I'm, at this point, I'm supporting Senator Briese's bill. Thank you.

**FOLEY:** Thank you, Senator Moser. Senator Dorn.

**DORN:** Thank you, Lieutenant Governor. You said me? Yeah. Thank you. I'm going to get up and stand in support of this bill also. I, I do agree with some of Senator Erdman's comments, very much the part about



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

and you read some of these articles here as-- especially as we get older, that people 30 and younger, it doesn't-- their internal clock doesn't take near the adjustment as some of the rest of us as we start to get up in years. The older people are very much in favor of having one set time. When I ran four years ago, when I ran for this office, my wife was very supportive and helped me a lot. And when we-- she found out I was elected, she talked to me about-- we talked about bills one night and she says the only thing I want you to visit about or bring up a bill is daylight savings time. And so I was all fired up as a brand new senator, and I came up here, hired my staff, and once we had our staff hired-- most of you know Janet Anderson on my staff and she's been here 30 years, and I brought that up and I said, I want to introduce that bill. I want to bring a bill forward like that. She says, well, Senator so-and-so has ten years ago and somebody did. It's probably been brought up 20 times. And then Senator Briese has brought this up several times also. But this morning my wife and I had a little conversation or yesterday afternoon about this, that she wanted to make sure I was still supporting this bill and I said, yes, of all the things I'll do up here, I'll very much support this bill. But I have a couple of questions for Senator Briese if he wouldn't mind.

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

**BRIESE:** Yes.

**DORN:** Yes, one of the questions I have on here is if we pass this, this is-- goes on forever or is there a sunset time when the body would need to revote on it?

**BRIESE:** No, there's no sunset in this as currently drafted. Again, though, it would hinge on the federal government allowing this and adjoining-- a handful of adjoining states adopting similar legislation.

**DORN:** And the other thing when you in your opening comments, you said there were 20-some states that have passed something or are looking at it?

**BRIESE:** I think there's 19 that have passed is the latest informa-- passed similar legislation is the latest information I have, and I believe there is legislation currently having been introduced in 28 additional states at this time.

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

**DORN:** Twenty-eight additional states. So but nothing in this bill or in as far as you know in any of the other states' bill then requires the federal government to act on this?

**BRIESE:** The federal government, because of the-- I think it's the 1966 Uniform Time Act. I think it's contained in there. They're going to have to authorize this. And there have been multiple bills in Congress to do that. It's my understanding there currently are bills in Congress to allow this to happen. So they're going to have to authorize this before these bills that the other states and hopefully we will have passed to go into effect.

**DORN:** Well, I guess my question is this, though, if 30 or 35 or 40 states pass something, does that require the federal government to act on it?

**BRIESE:** No, I don't believe it would require anything of Washington. But as this trend continues, as more and more states adopt this, that was one of the points I was going to make. It becomes-- I think it becomes more and more likely that the federal government will look at that trend, that overwhelming trend, and they'll be more inclined to act, one would hope, one would think.

**DORN:** OK, thank you very much. Thank you for those answers and I'll yield my time.

**FOLEY:** Thank you, Senator Dorn. Senator John Cavanaugh.

**J. CAVANAUGH:** Thank, thank you, Mr. President. Well, I rise in support of LB283, and I was originally in support of it for the medical reasons that Senator Briese articulated, and he handed out the articles here, which I haven't had a chance to read about the economic impact. So I'm interested in that as well. But ultimately, yeah, I, I agree with, I think, what pretty much everyone is saying here is that the key is consistency and that we've-- daylight saving time or the change, I think has outlived its usefulness. And so I appreciate Senator Briese bringing this bill, and I appreciate the, the attempt to make sure that we harmonize our, I guess, laws with other states as we go forward. Senator-- to Senator Erdman's comments, I don't know, he's around here somewhere. Oh, there is. I, I don't necessarily disagree with you about both of your suggestions of, of picking standard time and mountain time. I think the key is consistency. I think that-- and that's the reason I support Senator Briese's bill, and I think that having a question about which consistent thing to, to undertake is important. But as Senator Briese pointed out, we only

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

have one option at this point in time. So he's advancing this legislation to get us in a position where we could make a, a choice between the two. So like I said, I think that the key here is eliminating the time change. As I actually was sitting here, I was trying to read the articles and I thought, oh, I need to change my watch. My-- looking at the clock right now, 10:33 on the wall and my watch still says 9:33. So I'll take my time off the mike to try and figure out how to change my watch, which I have to do twice a year. And it becomes a hassle because my watch will stay wrong for several days, if not longer, and then I become late or early or off for events. But the big problem for me, being a person with young kids, I took my two oldest kids to school this morning and it was hard getting all the kids up, getting them ready. And it was dark this morning where it had been previously not dark when getting ready, which I understand that this bill would put us in that position where it'd be dark in the morning some other times. But the key, I think, is, again, that my kids had to-- are adjusting to that time change, and it makes it problematic to actually interact and living your life. So I think this is a good bill. I know it's unusual for me to stand up in favor of Senator Briese's bills, but I wanted to make sure and give credit where credit is due and some where we agree with each other and things. That is important. And I do appreciate and I will read these articles, Senator Briese, about the economic impact, positive economic impact of staying-- changing the time or sticking with no time change. And so I will be a green vote on LB283. I would certainly suggest others, including Senator Erdman, I think he should still vote for it even though he wants-- he has a different proposition, but I will yield the remainder of my time. Thank you, Mr. President.

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

**FRIESEN:** Thank you, Mr. President. I stand in full support of LB283. Some of us, takes about 48 hours to acclimate to the time change and we're good. Others take two weeks and it makes life difficult for the rest of us. So I-- I'm in support of just picking a time and let's leave it. And I just have one question for Senator Briese if he would yield to a question?

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

**BRIESE:** Yes.

**FRIESEN:** Senator Briese, in the bill, does it anywhere in there guarantee us 12 hours of daylight?

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

**BRIESE:** No, I'm sorry it doesn't, Senator.

**FRIESEN:** Do we need an amendment to fix that?

**BRIESE:** You can try anything you want.

**FRIESEN:** Thank you, Senator Briese. OK, from, you know, in discussions past, I know people have blamed daylight savings time on farmers and numerous other reasons. But let me assure you that I don't care what time the sun comes up or what time it goes down. I think we still find hours in the day, and tractors these days have really good lights on them. So it doesn't matter to us. We don't care. So my main goal is to just see that we don't change the time twice a year. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Mr. Clerk for an announcement.

**CLERK:** Mr. President, Judiciary Committee will meet now in Executive Session under the north balcony. Judiciary immediately.

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

**ERDMAN:** --Mr. President. I thought, I thought about this for several minutes, Senator Cavanaugh, John Cavanaugh. And in the spirit of cooperation and trying to get along and be negotiable, I had drafted an amendment and I, I showed it to Brandon. He thought it was a great idea, but I haven't introduced it yet. It's, it's the following: I want to split the difference instead of going to daylight savings time once a year and then back is we'll go 30 minutes. We'll adjust our clock 30 minutes. And then that way, everybody can be happy because this may be the first time that I have stood up here and offered a-- an amendment that would be collegial or amendable. So 30 minutes. I think that would be appropriate. Then the sun would still come up in Lincoln before 8:00. And everybody should be happy because even those people who wanted to stay on mountain time don't get everything they want. And those people that want to stay on daylight, daylight savings time didn't get everything, but everybody got something. And I think that's how this is supposed to work here. And so I would assume that three other states around us, Senator Briese, must go to 30 minutes as well. And so that would be, that would be an opportunity for us to lead the way and then people will say, well, you are the only state that is 30 minutes off. And then I would say we are the only state that has a Unicameral. So we can dare to be different. And so I think 30 minutes-- I didn't drop the amendment. I, I may, but looks like there's only one person between the vote and me. So whatever I'm

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

saying here is just stalling the vote to get the inevitable. Probably-- there's probably 47 of us here, so it'll be 47-- 46 to 1. But anyway, that was my thoughts. I thought 30 minutes would be a, a good starter. Maybe we can get some comments about just going 30 minutes. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator McCollister. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues. I traveled to Washington, D.C., this, this weekend, and so the time changes are, are-- is a relevant topic for me. This bill was heard in front of the Government Committee and I thought the way Senator Briese put the proposition was, was the way to go; that if the entire country made a change, that Nebraska could as well. And I think the, the legislation that he's offered is exactly the right way to go. I can't-- wouldn't know how to proceed if Nebraska unilaterally changed the time distance. I think there's one other state in the country that does that. And flying on an airplane and having one state that's an outlier is just a bad idea. So I congratulate Senator Briese, and I think we need to do a more thoughtful approach and not move unilaterally on any kind of time change in the state of Nebraska. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McCollister. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Good morning, colleagues. I was originally really in support of LB283, but I know it's, it's right, you're right, Senator Erdman, like, 8:00 a.m., it being dark out is going to be excruciating to get my children to school. So I'm kind of on the fence, but leaning towards voting for it. I know that there's some concerns about youth sports as well. But it depends on what time we go with. We don't have to go with standard time or daylight savings time, so it, it really is dependent upon which time we go with as to whether or not we're going to have dark mornings or late, or late sunshine or early dark nights. So I stand sort of in the middle at this point in time. I did want to mention because I've had a few people come up and ask me about the agenda and that there's the bills on consent. I did last week put amendments on all of the bills on consent. I did this prior to floor debate on Friday, or at least I started it prior to floor debate on Friday. So it has nothing to do with anything like that. It is about taking time. It is about taking time. Consent bills each take 15 minutes. And so with 20 consent bills scheduled ahead of all of our priority bills, that is five hours. So it will take five hours to get through the

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

consent today. And that's the only reason. I put them on everyone's bills. There's nobody that-- I didn't look at who the introducer was or anything. So I'll take all 15 minutes, all 20 times. But unless other people want to speak, that's fine as well. I won't be offended if you don't want to hear me speak, but I intend to speak for five hours on these. So thank you.

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

**CLEMENTS:** Thank you, Mr. President. I have been here when this bill came up before, and I opposed it. I was just looking up the time when the sun rises in Lincoln, Nebraska, on December 21, which is the winter solstice. That time is 7:46 a.m. on standard time. If we switch to daylight savings time on December 21, it will be sunrise at 8:46 a.m. And my concern was children going to school in the dark when they're-- almost all of them are going to be starting before 8:46 a.m. And I had-- that would be my concern, but I was interested to hear the-- some of the medical reasons. But would Senator Briese yield to a question?

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

**BRIESE:** Yes.

**CLEMENTS:** If we do vote for this bill today, is it still prohibited to make the change by federal statutes?

**BRIESE:** Yes. Yes, Congress will have to act.

**CLEMENTS:** And regarding that, is marijuana a controlled substance and illegal federally?

**BRIESE:** Oh, I'd have to think about that. Go ahead. You know the answer to it.

**CLEMENTS:** Well, I think it is.

**BRIESE:** OK.

**CLEMENTS:** But I think there's states that are enacting laws to legalize marijuana when federally it's still not allowed. And so it really doesn't matter if the federal government prohibits daylight savings time and couldn't we just say that we're going to do it anyway?

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

**BRIESE:** I would be very skeptical of that maneuver. I wouldn't advocate for that. I would want to wait for the Feds, personally. Because again, you want some other states to take this step with you. You don't want to be an island here, and that's why we have it so three adjoining states would adopt it also. And then when we get federal approval, those other adjoining states presumably would also adopt it. So we would be fairly consistent with our neighbors. Going without federal approval, I would predict you wouldn't get other states to go with you on that endeavor.

**CLEMENTS:** Well, thank you. And I believe that leaving marijuana as a controlled substance illegal federally is a good thing to have the state follow as well. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Senator Erdman, your third opportunity.

**ERDMAN:** Thank you, Mr. President. I appreciate it. So it was just brought to my attention that there is a place that doesn't stay on the rest of the time-- like time the rest of us do. Nepal is off 15 minutes, so we wouldn't be the only place in the world that's off a little bit. And some of our neighbors think we're off quite a bit on a lot of things, but that's the way it goes. But I think Senator Clements brought out a very good point about when the sun is going to come up. And we don't take that into consideration a lot of times, and I would think that most of you in this room have in the past several weeks either thought about or made the comment about how light it is earlier, how the time is that the light is getting earlier every day. And I noticed that and I am sure that if we were making this decision the first of January when it was dark at 7:45, we may have a different opinion about daylight savings time than we do today. And I heard Senator Briese said something about the sunset. And I think that happens once a day. I think, you know, towards evening the sun sets, and those are about the only things we can really count on; the sun coming up and the sun going down. But there's a lot to be said for leaving it in standard time. And I'm, and I'm not trying to be facetious here or make a joke. I think that we should stay at standard time, and I, I don't disagree with any of the comments that were made about the ill effects of changing the clock. But I think that we have gotten to the place in our society where we're more interested, we're more interested in recreation, more interested in other things that we believe are vital and important. And in reality, maybe they're not. And so I, I would strongly encourage you to vote no on this, and I'll put an amendment if you would like to change it to standard time because you see, we could go to standard time without any approval

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

from any congressional authority at all. We can go to standard time. Arizona does not change, does not change their time. They stay on standard time. And so it would be an opportunity for us to alleviate all those things that Senator Briese talked about as being negative. And we can stay on standard time, but I understand that the majority of the people believe that daylight savings time is the way to go. And most of those people don't have to work outside to do things in the morning before they go to town, before they go to work like rural people do. And so, so be it. The rest of us will get what you decide we should have and we're very accustomed to that. It's not something that's unusual. It happens every day, all the time because we're so far removed from the action it doesn't make any difference. And besides, there's only just a few of us. And so, so be it. But standard time is what we should be talking about and not daylight savings time. And as, as the President said, this is my third opportunity unless I drop in an amendment. I haven't decided yet whether I'll do that or not, but we need to be on standard time instead of daylight savings time. That's my opinion. Thank you.

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

**WAYNE:** Thank you, Mr. President. I yield my time to Senator Erdman.

**FOLEY:** Senator Erdman, 5:00.

**ERDMAN:** Thank you, Senator Wayne. I was thinking about yielding time to Senator Aguilar, but I don't know that he would accept it. Besides, I can't yield time that's been yielded. But Senator Briese, would you yield to a question?

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

**BRIESE:** Yes.

**ERDMAN:** Senator Briese, have you received any correspondence from anyone asking to stay on standard time?

**BRIESE:** I, I believe I received an email or two to that effect. But I can, I can talk about standard time if you want me to. Otherwise, I'll get in the queue and talk about it.

**ERDMAN:** OK, that would be great. And that may have been my, my brother. I told him to send you an email. But just kidding. Just kidding. But I have had several emails that would, that would request that we stay on standard time. But I have had more-- I will tell you the truth, I have had more to change to daylight savings time, so I'm



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

not, I'm not trying to discredit those, those folks who reached out to me with their opinions about daylight savings time. I understand that. But I think sometimes we think about those things and what the repercussions of those are when we're not being affected by the darkness early in the morning. And I'll tell you, it's a-- that is a serious thing, especially where we live. The bus routes have to travel in the dark and there are some issues that are significant about having it dark when they go to school and the other things that happen. And so before, before we make that decision to go to daylight savings time year round, I think we need to take that into consideration. And I think the overwhelming majority of those people who are writing to us and asking us for daylight savings time may be those who enjoy activities later in the evening and I understand that. I enjoy those as well as anyone. But when I was farming, it didn't make any difference what the clock said. I generally worked before the sun came up and generally was working when it went down and I didn't pay much attention to what time it was. And so as far as agriculture goes, they're going to do whatever they have to do to get the job done, but it'll make a significant difference to those people who live in the urban areas. But let me reiterate, we need to amend this to go to standard time. That's my opinion again. And Senator Wayne, thank you for the yielding of the time.

**FOLEY:** Thank you, Senator Erdman. Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I again rise in support of LB283, but I-- actually, Senator Erdman's conversation made me curious about something. Can I-- would Senator Erdman yield for a question?

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

**ERDMAN:** I'd be glad to.

**J. CAVANAUGH:** So you talked about the-- having the whole state in one time zone. Is that something we can do by statute here or would that be again federal?

**ERDMAN:** No, I, I believe we'd have to have congressional approval to do that. They've drawn the time zones.

**J. CAVANAUGH:** They draw the time zones. OK. I'd be interested in, in that topic as well. But my other question for you is, did you know-- you brought up Nepal, did you know that Nepal also is the only country that has a nonrectangular flag? They have-- their flag is, I think

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

it's two triangles stacked on top of each other, which is-- it's a country that innovates in many ways, I guess. So were you aware of that, I guess is the question.

**ERDMAN:** I was not aware of that. Thank you.

**J. CAVANAUGH:** It's good to bring up fun facts about Nepal. But Senator Erdman's point, I think, is well-taken. And, and one of the things that made me think about it, there are states that are on the line as it were like we are, which is part of our state is in one time zone and one part is in another, and that does present other challenges. It is probably better to have the entire state in one time zone, which is something that maybe would be-- we could contemplate in a future action after resolving this issue. But one of the things Senator Erdman brought up was Arizona is on standard time permanently, and this is probably a broader conversation that we don't necessarily need to have now, but states-- the way the world works physically is that when you're closer to the equator, you get more hours of light on both sides. And so a state like Arizona is further to the south than we are. And so they have different implications as it pertains to what times and time zones. And then they are differently placed within their own time zone. I think they would probably be sort of in the central region of the west. I don't actually know if they are in the mountain or the west time zone, but they're kind of, I guess, on the different location than we are. Which, of course, means that states like Iowa would maybe have a different consideration of whether they want to be in standard or daylight and whether they want to change or not. But I do think that that's one of the good things about this LB283 is it puts us in a context of making sure that we are in, in alignment with neighboring states before we make this change. But again, consistency is the key and that's the virtue that LB283 is pursuing with moving to permanent daylight time. And but, again, permanent standard time would solve the same problem, but we'd still have the issue of the two time zones. I did-- well, I will-- if Senator Erdman wanted more time, I would yield him the remainder of my time if I had any left.

**FOLEY:** Thank you, Senator Cavanaugh.

**J. CAVANAUGH:** Thank you.

**FOLEY:** Senator Erdman, two minutes left.

**ERDMAN:** I, I think-- thank you, Mr. President. I think-- thank you, Senator Cavanaugh. I haven't decided yet. But Senator Aguilar was a

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

little concerned that I was actually going to yield him some time so he's feeling a lot better now because he knows I couldn't yield time yielded to me. But I'll be interested in hearing what Senator Briese has to say about standard time. But if you think about it and you, and you give consideration to what Senator Clements said, all right, December 21, shortest day of the year, December 21, the sun would come up in Lincoln at 8:46, 8:46. And he said at 8:16, it would be twilight. You'd be able to see something, not drive with your lights off, but you could see something. Now think about that. You vote for this-- if you vote for daylight savings time year round in the eastern part of the state, that's what's going to happen.

**FOLEY:** One minute.

**ERDMAN:** And so as you think about the opportunity you're going to have to change that back, it may be impossible, all right, because the overwhelming majority in this room is going to say daylight savings time year round. And 8:46, the sun comes up. But the sun sets later, right? The sun sets later. A lot of golfing, a lot of outside activity you can do on December 21. So I think it's important to have that late afternoon sunshine in December, right? Unless you're an ice fisherman like Senator Gragert then it'd be helpful. But Senator Gragert is going to be able to go ice fishing all the time come next year. A lot to be said for that, Senator. So it looks to me like we should go standard time. And I've said that numerous times, and I'll keep saying that and my vote will be--

**FOLEY:** That's time.

**ERDMAN:** --red on this until we amend it.

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

**ERDMAN:** Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Friesen would like us to recognize some guests today. We have with us 29 fourth graders from Fullerton Elementary School in Fullerton, Nebraska, and three teachers and three sponsors. Those guests are all with us in the north balcony. Please rise so we can welcome you to the Nebraska Legislature. Continuing discussion. Senator Wayne.

**WAYNE:** I'd like to yield-- thank you, Mr. President, I'd like to yield my time to Senator Jacobson.

**FOLEY:** Senator Jacobson, you're yielded 5:00. [INAUDIBLE]

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

**JACOBSON:** Well, thank you, I think. I didn't know that I was in the queue, but I'll take it. I guess my sense is I'm, I'm kind of one of those hybrid senators. Most people know me as a banker for 42 years, but I've also been involved in production agriculture all that time. And I think the agricultural community is probably a little divided on which side of daylight savings time do you stick with. I think there's universal support for going with one time and sticking with it. I can tell you that my sense would be given that we're in kind of a gig economy where people tend to work a day job and then work afterwards, I'm inclined to support Senator Briese's bill just simply because we're in a situation where you're going to have more hours of daylight after 5:00. I think business people, it's a little impractical to move 8:00 to 5:00, that 8:00 to 5:00 workday. We could-- the schools could work with starting school later to accommodate the school children and work from that standpoint. But I do think there's a lot of value in having more hours of sunlight after 5:00. And Senator Friesen, I know your tractors are a later model than mine and they have better lights. But for me, I need to find my way around during the day and my lights aren't as good, so I'm in support of Senator Briese's bill. I do like the idea of picking a time and sticking with it, going through the process. It's not going to change tomorrow. We're going to need other states to approve it, but I'm inclined to vote yes on the bill. So thank you, Senator Wayne, for yielding time.

**FOLEY:** Thank you, Senator Jacobson. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I was going to ask the other Senator Cavanaugh to yield to a question, but I think he's hiding from me. So if he would like it, I'll yield the remainder of my time to Senator Erdman.

**FOLEY:** Senator Erdman, 4:45.

**ERDMAN:** All right, thank you. Thank you, Mr. President. So I listened to Senator Jacobson. I understand what he's saying, but let's think about just for a moment what he said about starting school later. So the parents all go to work at 8:00 and the parents have an opportunity to drop their children off at school. But now they have to wait an hour to take them to school. I don't believe that's going to work. There's not a chance that that'll fly. If I were a parent, I wouldn't like that. I'd have to find a place for my child to go until school opened at 9:00 instead of 8:00 or whatever, 8:30. So I don't, I don't know that that's an option. So if the business people would like to have more light, daylight after work, why don't they open at 7:00 and close at 4:00? That's within their justification to do that or their

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

authority. They could open at 7:00 and they could close at 4:00. I know some businesses that open at 8:00 and close from 12:00 to 1:00 for lunch or dinner, whatever, whatever part of the state you're in, and then open again up at 1:00. So they make that decision. So businesses could do that. They could start at 7:00 and then they could close at 4:00 and then have the same amount of time, but they wouldn't have to deal with darkness at 8:30 in December. And they can make those adjustments to their work schedule. Now I know that my county, that we've-- Morrill County has made a decision that the courthouse is not open on Friday afternoons. They close at 11:00 and they've extended or added time to each day to make up for the four hours they're closed or five hours they're closed after that. And it took us a while, it took us a while at the county level to get used to that, that the courthouse wasn't open on Friday afternoon. But we adjusted to it and we made that change and it seems to be working. At least they continue to do it, so it must be. And so the same thing would happen with the business, business start at 7:00 instead of 8:00, close at 4:00 instead of 5:00. Not a big deal. That's already something they could do without us changing the law. What we can do, what we can do and we're allowed by Congress to do is put it on standard time year round. That is what we should do. And then they decide how much time they want after they get done work by the hours that they're open. That would be-- I know this is going to sound strange, but that would be local control. Imagine that. And we talk about local control all of the time here. Every bill we're going to introduce, that takes away local control. Well, tell me, going to daylight savings time, does that take away local control? Yeah, it does. So why don't we leave it up to the individuals that have a business or whatever they do to set their own time, all right, without us telling them? So the longer this goes, the more convinced I am that standard time is the correct time to be on year round, and there may be a chance I persuaded one or maybe two more. But we'll see, and then we get another shot, this is just General File, so we'll get it on Select and we'll see what happens there. But anyway, thanks for the time.

**FOLEY:** Thank you, Senator Erdman. I see no one in the queue, Senator Briese, you're recognized to close on the advance of the bill.

**BRIESE:** Thank you, Mr. President. I just want to address a few of the comments that were made, and I certainly appreciate Senator Erdman's perspective on standard time and appreciate him bringing that up. But standard time was attempted three to four years ago. Senator Brasch brought a bill. I sat in the Government Committee that time. It didn't get out of committee. It met a firestorm of opposition, and it tended

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

to be the recreational community in the summer that didn't want to lose that hour of daylight in the summer. And I don't think you're ever going to overcome that opposition. That's why there's only two states, I believe, in the country that are on year-round standard time and why there's roughly 19 other states have adopted to, to embark on the endeavor to get to year-round daylight savings time. And the issue of recreation was brought up. But you know, we're, we're talking, we're not going to get to year-round standard time. We're going to have that extra hour of daylight in the summer regardless. We're just talking about what we're going to do here in the winter by talking about year-round daylight savings time. And folks brought up, you know, the downside of it of, you know, kids going to school in the dark. And that is potentially an issue. But I would wager that out in Senator Erdman's district, most kids are going into school in the dark to start with. They're going into the school in the dark now, or at least in the middle of winter they were. And school start times are-- you talk about local control, school start times are a local decision. The local school board can change their start time. They can push their start time back a little bit if they are concerned about the lack of daylight in the morning. But again, I-- we, we need to get off the time change. I think today's a, a prime example of why. And if you're looking for ways to grow our state and we all should be, I would submit to you that going to year-round daylight savings time, based on the data I've seen, is a way that we can help generate economic activity in our state and help grow our state for the future. And I'd urge your support of LB283. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Briese. Members, you heard the debate on LB283. The question for the body is the advance of the bill to E&R Initial. Those in favor of vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 40 ayes, 3 nays on the advancement of the bill.

**FOLEY:** LB283 advances. Moving now to consent calendar bills, first of which is LB779. Mr. Clerk.

**CLERK:** LB779, a bill by Senator Gragert. It's a bill for an act relating to Nebraska National Guard; it eliminates an entitlement relating to tuition assistance. Introduced on January 5. Referred to the Government Committee, advanced to General File. I have no committee amendments. I do have an amendment to the bill, however, Mr. President.

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

**FOLEY:** Thank you, Mr. Clerk. Senator Gragert, you're recognized to open on LB779.

**GRAGERT:** Thank you, Mr. President and members of the Legislature. LB779 removes the ten-year limitation to access the state tuition assistance for members of the Nebraska National Guard. I'd like to thank Speaker Hilgers for adding this to the consent calendar. Members of the Nebraska National Guard are eligible for free tuition at the University of Nebraska, state colleges, community colleges, and certain independent colleges when obtaining a bachelor's degree, an associate degree, diploma, or certificate, and a 50 percent deduction in tuition for graduate degree. Reimbursement for tuition at a, at an independent college cannot be more than what UNL charges. Currently, National Guard members are eligible for this benefit for a period of ten years from the date of their initial membership. This period could be extended up to five years due to deployment. There are statutory caps on the amount of funding, \$900,000, and the number of members, 1,200, that qualify for this benefit during any fiscal year. Members receiving tuition assistance must maintain satisfactory performance with the Guard and agree to serve three years after completion of the courses before the tuition assistance is granted. LB779 would harmonize Nebraska National Guard with the Active Selected Reserve component having no lifetime member-- or no lifetime limit on tuition credit. Last year, Senator Briese introduced LB4, which removed the provision preventing any member of the Active Selected Reserve with more than ten years of military service from using the tuition credit. Currently, if LB779 were to pass, it is estimated that an additional nine members of the National Guard would qualify to use the tuition assistance for graduate school at a projected cost of \$13,800. The National Guard is not seeking an increase in funding to implement LB779, as they feel it is workable within the current funding level. The idea for this bill was initiated due to interest expressed among members wanting to pursue a degree later in life. This could serve as a recruiting and retention tool for the National Guard, as well as provide new level of continuity in highly skilled certification or degree-necessary professions within the Guard. LB779 was heard before the Government, Military and Veterans Affairs Committee. Persons representing the Military, persons representing Military Department and the National Guard testified in support. No one testified against the bill and it was advanced from committee on an 8-0 vote. In summary, LB779 does not increase state costs. It benefits the members of the National Guard, and it may attract more future members. Therefore, I urge your green vote on the advancement of LB779 to the second stage of debate. Thank you.

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

**FOLEY:** Thank you, Senator Gragert. Mr. Clerk.

**CLERK:** Senator Cavanaugh would move to amend with FA99.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I rise in support of LB779 and I am opposed to FA99. What my amendment does is takes a "shall" and makes it a "may." So that would undo some of the intention of this bill. So when I am done talking after the 15 minutes, I will be withdrawing this floor amendment. So I wanted to start with page 34 in the Rules book, Rule 5, Section 6. And for context for people watching, Senator Chambers was very good at keeping us on task with the rules. And if we slipped from following our own rules, we would get a very heavy lecture, usually for days. I don't intend to lecture for days, but I had intended to take the time on the consent calendar bills regardless. So it seems like a good opportunity to use other ways other than telling you my random musings about these bills. So Consent Calendar, Section 6, Rule 5, page 34 if you want to follow along in your bright-colored book: The Speaker shall have the authority to place on consent calendar any bills advanced out of committee with no dissenting votes. The Speaker shall exercise sole discretion in determining both when to implement consent calendar and which bills comply with the requirements of this section shall be placed on it. (b) A bill placed on consent calendar shall be announced on the agenda at least twenty-four hours prior to any action being taken regarding it on consent calendar. (c) Any bill placed on consent calendar shall be removed at the written request of three or more senators. Such requests must be filed with the Clerk prior to the expiration of fifteen minutes of debate, at that stage of consideration, on the bill to be removed. (d) A bill on consent calendar shall be allotted fifteen minutes for introduction and debate. Upon either the completion of debate or the expiration of fifteen minutes, whichever comes first, a vote shall be taken to advance the bill. If there is a pending motion or amendment before the body when either the debate ends or the fifteen minutes expires, a vote shall be taken on the pending matter followed by immediate vote to advance the bill. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original bill-- amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. That's a lot of amendments. So I, I read that, first of all, because we're doing consent calendar, but also because we have followed the process and it's important that we follow the process because without our rules, we have more chaos



than we already have, and our rules are really important to maintaining the integrity of this institution and to maintaining the integrity of the policy that we are passing and to maintain the integrity between our colleagues. If we can't rely on the rules and we can't rely on one another, what can we rely on and what can the people of Nebraska expect from us? I-- someone-- I've, I've told several senators and I did also this morning on the mike that I wasn't going to do anything. I'm taking the 15 minutes on every, every one of these and then pulling the amendment. Now if I wanted to be malicious, what I would do according to the rules-- and it's not necessarily-- if I did it today, it would be malicious. If somebody else did this for other reasons, I'm not saying that this is a malicious thing to do. It's just if I had, and I'm not. But if I were to be malicious today, I would go around and try and convince two of my colleagues to sign on to a letter, and then this would be removed from the agenda. And you can do that up until 15 minutes before. So before we start on whatever one of these there is, if I submit a letter with three signatures, it's pulled. I know this from experience because my freshman year on a late night, that happened to my consent bill on Final Reading of all things. The Speaker at that time had to come over to me in the middle of Final Reading-- you're not supposed to get up during Final Reading-- and tell me that my bill had just-- a letter had just been submitted and we were going to pass over my bill because a letter had been submitted and nobody had the courtesy to tell me, which you don't have to. But that was my freshman year, so. And how much time do I have?

**FOLEY:** Roughly 5:00.

**M. CAVANAUGH:** I have 5:00 left to open.

**FOLEY:** Yes.

**M. CAVANAUGH:** And then what time do we go to on this?

**FOLEY:** Well, we got-- we're down to 6:45 before we vote.

**M. CAVANAUGH:** Oh, OK, great. So and I don't believe there's anybody in the queue that I'm holding up, correct?

**FOLEY:** That's correct.

**M. CAVANAUGH:** OK. All right. So we've got 6:45. Oh, so I should get in the queue again. So this bill is the changing provisions regarding the tuition assistance program for the National-- Nebraska National Guard, and I, I bring that back up because I do think it's important to note

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

that this is an important piece of legislation and it's on consent. And what is the difference between consent and a priority? Consent is something that is considered to be not controversial, doesn't have any opposition, doesn't have a fiscal note, and generally is expected to go quickly, which is why the maximum of 15 minutes of debate. And so then it is put on what we call a consent calendar. This consent calendar today has five hours worth of debate on it, and we have a lot of priority bills that we still haven't had on General File. And we have a lot of-- and we, we don't have a lot of time. But if we have time to do five hours of consent, then I think we should do five hours of consent. If that is how we're going to schedule things, then I am going to show up for that and be here for that and make sure that we get our, our money's worth of our consent calendar. So let's see here, we've got the removal-- OK, a bill placed on consent calendar shall be announced on the agenda at least 24 hours prior to any action being taken regarding it on consent calendar. So I'm not entirely sure, I-- oh, before the-- on the agenda. So I believe that's when in the mornings, the Speaker makes an announcement that he's going to be doing another consent calendar. And so then that is the formal announcement 24 hours prior. I will say another rule is the seven-day notice for a hearing, and I was a little panicked when I got an email, which thank you to the, to the Chairman of Transportation Committee, Senator Friesen. He has kept his word about that bill and we have a hearing scheduled for that amendment. But I thought it was for tomorrow and it was like, well, that's not seven days, but I misread the email and it is for one week from tomorrow so even extra notice. Thank you to our committee clerk for getting that out. So it's another rule. It's an important rule because there are a lot of people that are interested in that specific amendment. And that's the reason that Senator Friesen agreed that if we attached the amendment, we would have a hearing and that gives the people that have opinions about it the opportunity to come and voice their opinions. If we just scheduled it the next day, they wouldn't even have the opportunity to submit written testimony through our official channels. So it is really important, not only for the body but for the public, that we follow our rules and I'm going to move on to another rule. OK, so again, under Rule 5, Section 1, Drafting of Bills: The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to the-- as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section

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

except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing--

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- continuing compilation of sections to which amendments are proposed so to-- so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature. So what I find fascinating about this is that it kind of outlines, like, the job description of a Bill Drafter in our rules. I wonder if we outline anybody else's job description. It's very meticulous about when you shall have-- you shall do things and make a-- so this shall in the drafting of new sections make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice.

**FOLEY:** That's-- Senator, that's time but you got 1:30 on your final opportunity.

**M. CAVANAUGH:** OK, thank you. So the fact that it-- unless Senator Gragert wants to close. Senator Gragert, Senator Gragert, do you want any time to close?

**GRAGERT:** No.

**M. CAVANAUGH:** OK. All right. I will continue then. So this section of the index of bills drafted-- sorry, I lost my space. So I was talking about the fact that we have a shall and how they should do something, but then we actually contradict the shall within the rules. So we say that they shall--

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- they shall in drafting new sections make a paragraph a, a separate section unless they deem otherwise. It's kind of funny. Normally, a shall is very clear. Wonder why we don't have it be they may do this unless they deem otherwise. Well, I'm not a lawyer, so I don't know how that works, the shall telling them that they shall do something, but then also saying, but use your own discretion. That might be an interesting thing for us to look into. The next piece of Rule 5, Section 2 is Content and Form of Bills: A bill shall be designed as Legislative Bill-- and then it has an underscore-- you put in the number. Style of bill. Const. Art. III,--

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

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

**M. CAVANAUGH:** Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. And I understand you wanted to withdraw FA99. Is that correct?

**M. CAVANAUGH:** Yes.

**FOLEY:** FA99 is withdrawn. Members, the question for the body is the advance of LB779 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

**FOLEY:** LB779 advances. Next bill, please.

**CLERK:** Mr. President, if I may, Senator Albrecht would like to have a meeting of the State-Tribal committee underneath the north balcony now. State-Tribal underneath the north balcony now. Mr. President, LB808, is a bill by Senator Morfeld. It's a bill for an act relating to Uniform Controlled Substances Act; it changes provisions relating to schedules of controlled substances. Introduced on January 6. Referred to the Judiciary Committee. The bill was advanced to General File. No committee amendments. I do have another amendment to the bill, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Morfeld, you're recognized open on LB808.

**MORFELD:** Thank you, Mr. President. Colleagues, I am honored to introduce LB808. This is essentially the Controlled Substances Act update that happens every two years. There was no opposition testimony or anything like that. Just to give a very brief summary, what this does is it makes sure that we update the definitions and the types of drugs because what people do in these laboratories is they create new strains, new types of drugs that then are not covered under the Controlled Substances Act. So that means that we're not able to actually prosecute those cases. So just to give you an idea of a rundown, it makes several different changes in Schedule I. New items, 74 through 94 are synthetic fentanyl, none of which are FDA approved and commonly referred to as street drugs. New item number 5 is a stimulant or hallucinogen, commonly referred to as a street drug as well. The item 3 on page 16 is an amphetamine, and then item 4 on page 9 is a psycho stimulant and street designer drug. On Schedule II, item, item on page 13 is currently used by clandestine laboratory

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

operators to create fentanyl. And then for the Schedule IV, there's a new item. It's numbered on page-- I believe, 60, and it's a treatment for ADHD and is similar to FDA-approved Ritalin. I thank you for your consideration of this legislation. And just to repeat, it is the kind of biannual update to our schedules of drugs so that we keep that updated. Thank you.

**FOLEY:** Thank you, Senator Morfeld. Mr. Clerk. Mr. Clerk.

**CLERK:** I'm sorry, Mr. President. Senator Machaela Cavanaugh would move to amend with FA100.

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

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I rise in support of Senator Morfeld's LB808. So my amendment changes "Any" and inserts "All" on page 2 of line 9. It's really semantics, so I will be withdrawing it upon the 15 minutes. I should get my-- OK, so I'm going to go back to, to Rule 5-- sorry, I'm just making sure I know how much time I have. So I was on Section 2 of Rule 5 and (a) A bill shall be designated as LB underscore. (b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections as amended shall be repealed. Now there's still more sections to this, but we do actually amend more than one subject into a bill. We call them Christmas trees. And I actually don't know if that's officially in our rules or not. This is very informative for me. OK, so then we go to Section 2, Rule 5, Section 2(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution. (d) Appropriations bills and "A" bills shall contain the following elements: (1) the phrase, quote, there is a hereby appropriated, end quote; (2) a specific fund type shall be identified and the funds shall be appropriated; (3) the amount to be appropriated from such funds shall be identified; (4) a specific budget program or a specific statement reflecting the purpose of-- for expanding such funds shall be identified; and (5) the time period during which such funds shall be expended shall be identified. OK, so in this-- in, in Rule 5, Section 2, it doesn't say anything about Christmas trees. It only says under part (b) that no bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections as amended shall be repealed.

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

So I guess we'll find out if Christmas trees are in here or we break our own rules. Next, we've got the Revisor Correctional Bills and Preprinting. I'm just, I'm just skipping ahead to preview if there's anything about our Christmas trees. [INAUDIBLE]. Not in Rule 5, there's 15 sections of Rule 5. OK, so Revisor Correctional Bills, Preprinting: Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with the number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session. That's interesting. I didn't know that rule. And then (b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn after the Legislature convenes. I like that it has him or her to the Clerk because we've had the same Clerk for-- I think we have the longest-serving Clerk in the country. Is that right? I'm looking at him. Is that right that we have the longest-serving Clerk in the country? We'll just say it is. I'm putting it in the record. So, OK, but I do appreciate our, our progressive thinking of the poss-- entertaining the possibility that we might have a woman someday. Anything is possible. Section 4-- we're still on Rule 5-- Introdurers Signing Bills: (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. The last name and district shall be-- oh, so I don't-- I do now use my initial, but I didn't-- my first two years, I didn't use my initial and I just did it because my handwriting is unintelligible. But I also would put my district number to make sure that the Clerk's Office knew which Senator Cavanaugh it was. Any member may request to have his or her name added as a cointroducer of the bill but only if the principal introducer has concurred, in writing or electronically, to that request. So that's where we go on our Uninet and sign on to bills. Mine is frozen, but I could, I could go in, in here and request from Senator Morfeld to sign on to this bill. (b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose name shall be on the bill. (c) No bill-- wait I'm going to go back to (b). OK, so

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

you have to-- for it to be a committee-- for the committee to be printed on the bill, you have to have the majority of the committee signing on to the bill. I had never really asked how that happens, but I've signed on to a few committee bills and it's always been the entire committee has signed on when they are committee bills, but it's interesting to know that you just have to have the majority. OK, so that was-- OK, (c), Section 4, Rule 5, (c) No bill shall be introduced after the tenth legislative day of any, any session, except: 1. A, as in appropriations, "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time; and 2. A standing or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill to be placed on each member's desk before introduction of the bill is voted on. So I knew that we could, you know, we can vote to suspend the rules and introduce a bill and all of those things, or suspend the rules and withdraw a bill. I did not know that the Governor could introduce a bill-- we could introduce a bill at the request of the Governor at any time. So the Governor could request that we introduce a bill today. That is fascinating, and we wouldn't have to take a vote. It would just-- if the Governor called me right now-- I'm looking at my phone to make sure it's ringing. If the Governor would call me right now and ask me to introduce a bill and I take that bill and I introduce it, that would be it. We wouldn't take any votes on that. Not saying I disagree with that. I just didn't know. Man, I know a lot of the rules and there's also a lot I don't know. I guess that's why it helps to be here for 40 years. OK, so I was at Governor any time, standing committee, OK, and then 3. The Appropriations Committee may introduce bills--

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- enabling the recommendations of-- what-- oh, one minute on my opening and then how much time is left?

**FOLEY:** It'll be another couple of minutes after that.

**M. CAVANAUGH:** OK. OK, so: The Appropriations Committee may introduce bills enabling the appropriations recommendations contained in the annual report required by Rule 8, Sections 2 and 3. Such bills shall be introduced no later than the fifth legislative day following the presentation of the report as required by Rule 8, Section 3. Well, that's a lot. So you've got to kind of cross-reference. So the Appropriations Committee enabling appropriation [INAUDIBLE] in the

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

annual report required by Rule 8 shall be introduced earlier than the fifth legislative day. Oh, the appropriations recommendations contained in the--

**FOLEY:** That's time, Senator. You're recognized for 2:20.

**M. CAVANAUGH:** Thank you, 2:20?

**FOLEY:** Correct.

**M. CAVANAUGH:** OK. So the Appropriations Committee has to introduce things in the first five days. That's interesting. Specific things, I think. I'm sure I'm not reading this entirely correctly, but. OK. So Section-- Rule 5, Section 4(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this bill. Bills introduced under Rule 5, Section 3(a), Rule 5, Section 4(c)(3), and bills introduced at the request of the Governor will not be included in the limitation. I know we've had discussion previously about limiting the number of bills a senator can bring. I don't support that idea, but I can see why we would want to sometimes maybe have fewer bills to discuss. But I do think that we represent the people and so we need to have the ability to fully represent them through whatever we introduce. OK, and now we are on (e) of Section 4 of Rule 5: The introducers of this bill must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill. I think that's about my time, so I will sit down. Thank you. Oh, I withdraw my amendment. Thank you.

**FOLEY:** FA100 is withdrawn. Senator McDonnell, we've got 26 seconds.

**McDONNELL:** Thank you, Mr. President. I will, I will wait until the next bill.

**FOLEY:** Thank you, Senator McDonnell. The question for the body is the advance of LB808 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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



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

**FOLEY:** LB808 advances. Proceeding to the next bill, please.

**CLERK:** LB1092, a bill originally introduced by Senator Flood. It's bill for an act relating to Nebraska state colleges; it authorizes establishment of the risk-loss trusts; it provides requirements for use of the risk-loss trusts; it provides for applicability. Introduced on January 19. Referred to the Banking, Commerce and Insurance Committee. Advanced to General File. No committee amendments. I do have an amendment to the bill, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Flood, you're recognized to open LB1092.

**FLOOD:** Thank you, Mr. President. Members, I want to thank Speaker Hilgers for placing this bill, LB1092, on consent calendar. This bill would provide the Nebraska state colleges with the authority and requirements necessary to establish risk-loss trusts for the purpose of paying losses and expenses arising out of liability and property claims. I want to make clear this provides only the authorization and does not have an attendant appropriation. As many of you know, liability and property insurance costs have increased substantially and the market continues to experience volatility. During the committee hearing for LB1092, Angela Melton, vice chancellor with the Nebraska State College System, spoke to the rise of insurance costs in Nebraska. Over the past five years, state colleges have experienced a cumulative increase of 138 percent in costs for their liability, cyber, and property coverages. That's an increase of approximately \$485,000 in 2017 to \$1.2 million in 2021, with most of the increase taking place in the last two years. I want you to know that the university system already has in place a risk-loss trust and has had that for several years. Peru State College provides an example of the recent increase in deductibles. In 2019, the college experienced a significant hailstorm causing damage to every building roof resulting in \$2.3 million worth of repairs. In 2019, the deductible for this was \$50,000. Under the current program, the college would have to cover the entirety of the damage themselves as the deductible goes to 5 percent of the building value with a maximum of \$2.5 million. LB1092 would provide the state colleges additional options in structuring their insurance programs to respond to a dynamic market and a mechanism for the state colleges to avoid the significant impacts of substantial deductibles or large claims. This bill mirrors the authority granted to the university system, which currently operates various risk-loss trusts. LB1092 would offer the state colleges the same tools to manage the costs associated with claims, deductibles, and premiums. This bill, LB1092, received no opposition or neutral

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

testimony in committee and was advanced to General File by unanimous consent. I would ask the body for a green vote and the state college system would also appreciate that. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Flood. Mr. Clerk.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to amend with FA101.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I, in hearing Senator Flood's opening, my floor amendment is very problematic because it turns a "may" to a "shall," and that is definitely not his intention. So when I am done speaking, I will absolutely be withdrawing this amendment. I support LB1092. A refresher because I've been asked about this a little bit as to why I am going through the rules. I had intended to take all of the time on General File. At some point last week, I started drafting floor amendments. I think this one I drafted on the 10th, which I believe was Thursday, and the reason that I am taking all the time on, on the consent General File is because consent is supposed to be up to 15 minutes of debate, and I am going to take the full 15 minutes because that-- we have 20 bills listed here on consent, again, ahead of senator priority bills. And so I am going to take the full 15 minutes, which is 5 hours, because that is how it's been scheduled. I do have-- can I yield time to anyone?

**FOLEY:** You may.

**M. CAVANAUGH:** OK. I know Senator McDonnell had wanted to speak and I'd like to yield my time to him.

**FOLEY:** Senator McDonnell, you've got 8:43.

**McDONNELL:** Thank you, Mr. President. I rise to ask Senator Cavanaugh to reconsider, reconsider doing this. And, and one of the reasons is, of course, it comes down to one of my bills and it's LB661. LB661 is a bill that we are-- we proposed last year that is on the agenda today, and it's trying to protect bus drivers, bus drivers who do nothing but report to work, transport the public and on the average are assaulted two bus drivers a week in the city of Omaha. But it's not just the idea of my bill, but concentrating on these, these bus drivers that last year took time off from their jobs, used vacation time, they went to every senator. Some senators disagree with the bill, which I understood, but at that moment in time, there was 39 senators commit to vote for that legislation. These bus drivers again took time off

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

today to be here when we started looking at the agenda based on the idea that we could possibly could get to this legislation this morning, or we should be up based on a normal calendar this afternoon. I don't think it's fair to those individuals. As senators, we understand the process and we understand some of the inner workings and, and some of the people that, that are upset about different issues. But for the people that are watching and the people that are standing in that Rotunda that have put the time and effort into the legislation, came down and testified, then took time off of work to visit with every senator, get the commitments from senators and then hope for their opportunity, which didn't happen last year. But this year, based on the scheduling they have their day and that day could be totally gone here based on the idea of Senator Cavanaugh taking 15 minutes, which is her right, on every one of our consent calendar bills today. So I'm asking her to, to reconsider, not for the members of this body, but for the public, for the people that are in the Rotunda, for the people that are watching that want to see legislation debated on and moved forward. Thank you, Mr. President.

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

**WAYNE:** Thank you, Mr. President. Well, there is a simple solution. We could file a motion to reschedule the agenda. We can hear that motion any time up to the Speaker and we could vote on rescheduling the agenda, just proposing that if people are concerned about what Senator Cavanaugh's are doing, I get it. But I just rose because I've had about seven, maybe eight senators asking me about Juneteenth on the schedule, which is on today. So I have two bills up today, so I understand Senator McDonnell's concern. The bill, the-- read the amendment. The amendment reinstates Arbor Day. So I'm just going to say that right now, so everybody doesn't have to keep asking me, we're not getting rid of Arbor Day. Originally, I proposed to get rid of Arbor Day because if you recall, we couldn't have anything that cost a little bit amount of money. And so if I got rid of Arbor Day and added Juneteenth and it was a wash. But since then, Juneteenth has become a federal holiday, so there is no issue. We reinstate Arbor Day or keep Arbor Day, so I'm not getting rid of Arbor Day. So the eighth senator does not have to come up and ask me if the bill says that. The one-liner is incorrect because we haven't adopted the amendment to just add Juneteenth. Once we adopt the amendment on consent, that one-liner, I hope, changes to just say, add Juneteenth. So hopefully that clarifies so the eighth senator doesn't ask me if we're still eliminating Arbor Day. It's no real cost to the, to the state. And if anybody wants a history lesson on why Juneteenth is important, I'll be happy to give that to you. It is not an African-American thing. It is

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

actually an American thing. I will tell you to go read the transcript. Read the opening of the-- of this bill and you'll see the history on why historically, from an American standpoint, Juneteenth should be celebrated because it was really the first time that we all became somewhat free and started living to the ideals of a more perfect union. So while I just wanted to say that on the record before we broke to lunch and more people came and started asking me afterwards, I will start having a little conversation on the budget. I do think it's important that we just don't read the, the handout provided by Appropriations, but actually read the bills in the actual budget. So that's 10-- I think, LB1011, LB1012, LB1013. Because I think you'll see what's in the Appropriations Committee budget proposal, the, the nicer pamphlet doesn't always tell the true story of what goes on. And that's why I call it a beautiful lie. And I'll just bring up one since I'm already here and I got a little bit of time. The Military Base Development and Support Fund, that sounds like it's all going to Offutt, which, one, I noticed last week there was somebody who voted no against tribals-- tribal organizations or tribes being able to work or, or apply for grants within a certain tax base. But essentially Offutt is its own sovereign nation. They have their own laws. Our, our police and fire typically don't go on there unless it's a catastrophic emergency. We don't-- they don't pay property taxes on there. In fact, there was a bill to try to reduce some taxes that the AG said-- or changing taxes to a fund in lieu of and the AG said that that was unconstitutional. But we have no problem continuing to give Offutt money. But what's interesting about this Military Base and Development Support Fund, if you look on AM20 [SIC] of LB1012, it actually outlines exactly what it can go for. And one of them is a public golf course in Bellevue, Willow Lakes. I don't know about you all, but if I brought a bill saying let's give \$30 million, and part of that was to help a city-owned golf course like Benson in my district, I'm pretty sure that would get voted down. Nevertheless--

**FOLEY:** One minute.

**WAYNE:** --I like the introducer of the bill. I understand what she's trying to do, but track and field stadium improvements, parade-ground walking trail, landscape enhancements, Base Lake improvements, Deterrence Park, Looking Glass Heritage Park, Rooftop Garden. That's the, the outline of what these funds are going to be used for. These are all trails and lakes that we are going to use it for. What's interesting, though, is if this was an ARPA bill, they could do it under ARPA. When it comes to green space and parks, it's like unlimited what you can do with ARPA when it comes to those. But instead, we create a fund, put it in a budget bill, use cash because

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

now we're going to create a permanency program in which you continue to transfer cash down the road. That's why you do it through a cash fund in a budget versus ARPA because we know ARPA is a one-time spend. This allows the committee to continue to put money into parks and everything else. I find it ironic that those two bills equal about \$55 million.

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

**WAYNE:** Thank you.

**FOLEY:** Thank you, Senator Wayne. Senator McDonnell, you're next in the queue.

**McDONNELL:** Thank you, Mr. President. Since we're gonna start talking about the budget here a little bit, to address some of the points that Senator Wayne just made, you know, through the process and, and with the budget-- and I'm not speaking for Senator Sanders, it was, was her bill. But the improvements we need to make to the base, I think that, that should be discussed and, and the need that the people that live and, and defend our country on a daily basis and their families that they leave behind when they're defending our country, what kind of, what kind of living facilities do they have? And is there, is there private money and a large amount of private money coming in to help the base? Yes, there is. Was there the idea of that money was sitting there at \$50 million based on what had been set aside for possibly us getting the, the next project, which we, we did not get the, the STAR WARS or, excuse me, the, the, the project that went to, to Colorado. But we repurposed that money based on three bills that were brought to us this year. And with the-- I was trying to say is the space force project that we did not receive at the state of Nebraska. So we did repurpose that money. But I also want to make sure that people understand that that is for the people that are serving our country on the base that there's been, I think, facilities that have been neglected for years, and I think we should support those, those people that defend our country and their families that they leave behind when they're defending our country. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McDonnell. Senator Machaela Cavanaugh, we've got 1:18.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I appreciate Senator McDonnell's request the previous time on the mike. And so I know that Senator Wayne had suggested a, a motion to reorder the agenda, and I assume that Senator McDonnell would not feel comfortable introducing

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

such a thing. So I have introduced a motion to reorder the agenda so that Senator McDonnell's bill would be up first at 1:30. So I don't know when that comes up. Is that next for debate or no? Just looking up at the front to find out when we're-- we would talk about the motion to reorder. Maybe it'll be after lunch, but I will yield the remainder of my time to the chair so we can vote and I pull my floor amendment.

**FOLEY:** Thank you. Senator Flood, there's 25 seconds remaining if you care to close.

**FLOOD:** Well, I'd ask you to vote for my bill, LB1092. I don't-- I'm not on any level for any reordering of the agenda. And would echo Senator McDonnell's comments that maybe after a good, relaxing lunch, we could pull all these amendments and keep trucking. Thank you very much for your discussion and I look forward to a green vote. Thank you.

**FOLEY:** Thank you, Senator Flood. The question-- oh, the floor amendment has been withdrawn, Senator Cavanaugh. The question before the body is the, the advance of LB1092 to E&R Initial. Those in favor of vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

**FOLEY:** LB1092 advances. Next bill, please.

**CLERK:** Mr. President, LB1204, a bill originally introduced by Senator Briese. It's a bill for an act relating to the Liquor Control Act; it changes provisions relating to application forms and delivery methods for licenses and warning signs. Introduced on January 20. Referred to General Affairs. Advanced to General File. There are committee amendments pending, Mr. President.

**FOLEY:** Senator Briese, you're recognized to open on LB1204.

**BRIESE:** Thank you, Mr. President. I stand today to introduce LB1204, a bill that was brought at the request of the Nebraska Liquor Control Commission. This bill makes several technical administrative changes. It will make the work of the commission easier and more efficient and will make the process of applying for a liquor license less work for the applicants. Changes made by this bill allow the commission to send licenses electronically. It removes the requirement that certain documents be filed in triplicate with the commission and removes the requirement that applications for licenses be signed by a notary

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

public. And this, this doesn't cause any concern because a full background check is run by the commission on any applicant for a liquor license, and it allows the commission to deliver warning signs that they typically send out otherwise through electrical or, excuse me, through electronic means. Thank you, Mr. President.

**FOLEY:** Senator Briese, you can open to the committee amendment if you care to.

**BRIESE:** Yes, we have one small amendment to LB1204, AM1894. This simply clarifies that the commission can send a license to the licensee directly electronically upon confirmation from the clerk of the applicable city, village, or county that the necessary fees and taxes have been paid by the licensee to the clerk. This bill had one proponent testifier, no opposition, and was voted out of committee 8-0. I would appreciate your green vote on the amendment and on the bill. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Briese. Mr. Clerk.

**CLERK:** Mr. President, excuse me, Senator Cavanaugh would move to amend the committee amendments with FA102.

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

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. FA102 strikes on page 3, line 17 "shall" and replaces with a "may." I do not intend to keep that amendment up, and at the end of my time, I will be withdrawing it. So I put in a motion to reorder the schedule because it was clear that Senator McDonnell would like for his bill to be gotten to today. I am taking time on these bills. First of all, because I can. Second of all, because time is the only tool I have. And third, is to prove a point that if you want your bills that are priorities that are actual priorities that you as individuals have identified as priorities to be gotten to, we shouldn't have all these consent bills. We have five hours worth of consent bills ahead of any other priority bills. Now we can reorder the agenda, that's fine by me. But I'm going to continue taking time. Now, the fact that I'm reading about the rules is because we didn't follow our own rules. That's why I'm talking about the rules specifically today. I was always intending to take time today. Time is the only tool that I have and so I'm going to use it. And you don't have to like what I'm doing, but I am following the rules. I am following the rules. And I'm going to follow the rules all day and probably in the days to come. Is there anyone in the queue?

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

**FOLEY:** Yes.

**M. CAVANAUGH:** Is it-- OK, I will-- then I will get in the queue so that others can talk if they'd like to.

**FOLEY:** Thank you, Senator Cavanaugh. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. I'm not going to take all my time, but I am going to respond. Just because you might be-- just because I might be against giving \$50 million to one project and in that project or one particular project but also redevelopment of parks and trails doesn't mean I'm against the military. In fact, the military's budget went up \$10 billion last year from 705, so \$705 billion to \$715 billion in 2022. Fifty million from us, I think, is wrong. It isn't about whether you support the military or not, it's about the trails and the parks and the recreation continuing to be put over the people that I represent. And the fact of the matter is we can talk about ARPA, but ARPA is the federal government giving us money. The state has yet to invest the same from the extra money we've gotten and received this year, which is what the cash transfers represent. Let's, let's be clear, overall trash-- cash transfers represent us moving money out of cash to getting down to \$1.3 billion in the cash reserves to make it OK because we don't want to have more in cash reserves because it triggers other things such as property tax relief, and it just is probably not sound to have \$1.5 billion. I don't think it's even sound to have \$1.3 billion in cash reserves. So it's really buying down the cash reserves and where we're buying it down says what's important to us and what's important to the budget committee as I see are trails, water, recreational, supplanting irrigation districts who, by the way, have their own taxing authority over people, people who have been left behind year after year by this body. Yes, I have a problem with that, and I'm not going to apologize to the public transit drivers out of Omaha if I'm taking time to talk about it, partly because they are driving many of the people that I'm talking about. Partly their job is based on many of the people I talk about, partly because three years ago, I overrode the Governor to make sure we have a more better public transportation system. So it's not about that, but I'm not going to stand up here and be, like, OK, they are projects for people in the military. No, Willow Lakes is played by people like me because I play there, and it's a nice golf course and the trails that are around there I've walked there, rode my bike around there. Those are fairly nice. But tell me, where else are we going to put \$30 million in parks and golf courses that we're going to be OK with? Because that's what it says. And the Base Lake, by the way, there was a contract already bid out on the Base Lake to redo the



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

whole thing last year because I've seen it on my computer and I didn't bid on it. So the Base Lake is already getting upgraded and that overall project is already paid for. So what are we actually doing? Oh, talk about Offutt housing. Guess what? The government made a decision in the '80s to privatize their housing and go read the papers on Offutt housing. There was problems not being kept up because the government decided to privatize their own housing, and now the state is going to help supplement that. I'm not OK with that, and I'm going to spend time talking about that, and I'm going to spend time finding examples and I'm going to file amendments on the budget. I just got up to talk about Juneteenth and while I was up I mentioned the budget because I had to mention the budget because it bothers me. But to say that it's just about the military and those serve our, our country, absolutely, absolutely. And there are people in the military that I represent in my district who are wanting better things in their district that don't, don't necessarily live on base, but drive there every day and have to drive through areas of parts of town that are stricken with poverty that we continue not to invest in.

**FOLEY:** One minute.

**WAYNE:** But by the way, they're looking at prisons in these communities. They're looking at expanding beds in these communities, and we're going to pay for that too. So all my conservatives are saying, what about the broken home? Go read the article, 20 percent of African-American males in certain census tracts are being sentenced. There's your broken family; overpoliced, overcharged. And if you look at the disparity of the same crimes, yes, African-American males are getting sentenced harder and longer. If our budget is a moral document, I got to question what our morals are. That's why I call it a beautiful lie. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Before proceeding, Senator Pahls would like us to recognize 75 fourth graders from Willowdale Elementary School in Omaha, Nebraska. Those guests are with us in the north balcony. Students, please rise so we can welcome you to the Nebraska Legislature. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you. How much time is left?

**FOLEY:** 5:30.

**M. CAVANAUGH:** OK, thank you. So I wanted to speak to some of what Senator Wayne was just saying because this morning when I was reading through the Appropriations Committee budget proposal, I don't know,

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

Senator Wayne, if you caught-- if you have it handy on page 11 under the Military Base Development Fund, I did notice-- and I don't disagree with making the, the facilities nicer, but I did notice that there is \$5 million to fund a documentary about Offutt Air Force Base. I thought that's, that's a very large budget for a documentary. I mean, like a very large budget. I have a lot of family members who work in film, and a lot of movies don't cost \$5 million to make, let alone a documentary. So that is one, one part that I would be concerned about so I just wanted to mention that. And then getting back to the rules. So-- and I'm the only one left in the queue? OK. So I know that this is not comfortable for the body, and it's-- I don't know, I guess maybe it is my intention to make it uncomfortable for the body. There's not really been anybody in here who has been diligent about making sure that we are honoring our rules, following our rules, and then also holding us accountable by taking time, taking time is hard to do. It's not hard to talk about things. Well, sometimes it is, but it's hard to do because you're upsetting people. You're upsetting people that you like. You're upsetting people that you work with on things. And that's really, really hard. It is challenging for me to do this. I had to spend several days thinking about it before I even put in motions and whether or not I should do it. And are people going to be angry? Yes, they are. But is it important? Yes, it is. So it's not something that I did on some sort of whim. It was very deliberative and I, I don't want people to not have their day with their bills. But we have priorities and we, as individual senators, designated what those are and we are putting other things ahead of our priorities. We are prioritizing something else other than our priorities. And if we're OK with doing that, then we should be OK with taking the time to do it. And if we're not OK with doing that, then we should change how we're doing things. I'm not OK with doing it, but I'm going to take the time to do it because that appears to be what the body has consented to, that we are OK with taking the time to go through these bills before we get to our priority bills. So if you're OK with that, then I'm going to do it. And if you're not OK with it, then let's talk about changing how we're doing, how we're doing things. I don't have anything else I can do. All I can do is take time. So how much time?

**FOLEY:** You have 1:28.

**M. CAVANAUGH:** 1:28. OK.

**FOLEY:** And just a few seconds after that for the vote.

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

**M. CAVANAUGH:** OK, and I think he walked away. Senator Briese, do you want any time to talk? OK. So Scheduling of Bills and Priority Bills. OK, this is still Rule 5, Section 5. I think I got through Section 4. Yes, I did, because we ended with statement of intent. OK, Rule 5, Section 5 Scheduling of Priority Bills-- of Bills, Priority Bills.

**FOLEY:** One minute.

**M. CAVANAUGH:** Thank you. Each senator may designate one priority bill as-- one bill as a priority bill. Such priority bill need not be the designator's bill, but the principle introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made. I'm going to stop on that now because I know we'll go to other-- well, I can come back to it. I don't want to be-- so I will withdraw FA102 and yield the remainder of my time.

**FOLEY:** Thank you, Senator. FA102 has been withdrawn. Senator Briese waived the close. Question before the body is the advance-- excuse me, the adoption of the committee amendment, AM1894. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 39 ayes, 0 nays on adoption of committee amendments.

**FOLEY:** AM1894 has been adopted. The question before the body is the advance of LB1204 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 36 ayes [SIC--37], 0 nays, Mr. President, on the advancement of the bill.

**FOLEY:** LB1204 advances. Items for the record, please.

**CLERK:** Mr. President, the Appropriations Committee reports LB977 and LB1163 to General File with amendments. Amendments to be printed: Senator Hilgers, LB1023; Senator McKinney, LB1011. Appropriations will have an Executive Session at noon in Room 1524-- at 12:30, excuse me. Appropriations, 12:30, 1524. Business and Labor Committee will have an Executive Session tomorrow, Tuesday, March 15 at noon. Name adds: Senator Sanders, LB779; Blood, LB829, LB851, LB853, LB856. Senator Ben Hansen would move to recess the body until 1:30.

**FOLEY:** Members, you heard the motion to recess to 1:30. Those in favor say aye. Those opposed say nay. We are in recess till 1:30.

[RECESS]

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

**HUGHES:** Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**HUGHES:** Thank you, Mr. Clerk. Do you have any items for the record?

**CLERK:** I do, Mr. President. Series of amendments to be printed to LB1014 by Senator Linehan. That's all that I have.

**HUGHES:** Thank you. We will proceed to the first item on the afternoon's agenda.

**CLERK:** Mr. President, Senator Cavanaugh, before we proceed to the next bill on consent calendar, would move to change the Speaker's agenda pursuant to Rule 1, Section 16, so as to take up LB661 at 1:30 today.

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

**M. CAVANAUGH:** Thank you, Mr. President. I know that I have ten minutes to open, but I will be brief. This is an opportunity if the body would like to skip ahead of the consent calendar bills that we have remaining, I think there's 16, and move to Senator McDonnell's bill on General File, LB661. So vote however you wish. Thank you.

**HUGHES:** Thank you, Senator Cavanaugh. Debate is now open. Senator Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to the motion. I'd urge you to vote against it. This is a-- this is a motion that is a pretty serious motion under our rule books and it requires 30 votes in order to pass. I would ask you to vote against it, but I do want to provide just a couple of comments regarding consent calendar, priority and what it is that we're trying to accomplish with the remaining days of our session. It's been suggested on the floor this morning that we ought to do priority bills instead of consent calendar. I think we can walk and chew gum at the same time. In fact, for the last 20 years, if not longer, even in short sessions, Speakers have scheduled both consent calendars and priority bills, and most of those sessions have been able to accomplish both. And I think that is appropriate this year. If you look at the content calendar that we have before us today, as well as the previous one, there are a number of important bills that have been requested for consent and that I put on that calendar, including the

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

Juneteenth bill that Senator Wayne mentioned, as well as a number of other bills that we have in front of us. And we're trying to accommodate both those in-- both our priority bills, as well as the consent calendar. As I indicated to the body for weeks now, this was going to be my last General File consent calendar, and that's what I intend it to be. Senator McDonnell did ask me last week if I could schedule LB661 at a time that he could provide advance notice to the individuals who support these bills. These are Nebraska constituents. These are citizens who want to come down and support the bill. In order to do so, they needed some advance notice so that they could take time off of work and come down here, and I worked with him in order to accommodate them. And that's why LB661 is after the consent agenda. We have a senator here this morning who has indicated to the body that they intend to take all 15 minutes for each one of the bills under the rules. I want to be clear to the body that this consent agenda, if we were to focus on the merits, almost certainly would be done by 2:30, maybe 3:00 at the latest. I have not heard one comment yet on the floor this morning or, for that matter, almost on any of the other consent calendar bills that we've had beforehand, actually on the merits of the bill. So the question that I have is what-- what is it that Senator McDonnell would say? What would I say to the constituents who have come down here to hear LB661? Because the calendar and the agenda as we have scheduled it would certainly allow them to do so. And the only argument that I've heard on the floor this morning to do this is that a senator believes that we are running out of time. So therefore, we should have our priority bills scheduled instead of consent and therefore they should take time. And so in doing so, the practical implication, the practical effect of taking time is actually doing the exact opposite of what the senator's stated intention is. We will not get to priority bills today if we take all five hours. So those individuals who have come down to the Capitol on the expectation that this body would focus on policy and talk about the consent calendar bills before them will not have their opportunity to be heard today. Now the other thing that I've heard from the senator this morning is that the only tool she believes she has is to take time. And I think the success stories in this body prove the opposite. I think the success stories in this body show that collaboration and teamwork and working off the mike, working on the mike, trying to find common ground, listening to one another show that we can get big things accomplished, that the only tool we have is not taking time on the mike. It's working through our differences together. And as Speaker, I can point to a number of success stories. I could point to them across ideological or partisan divide. I could just look around the room. Senator Matt Hansen, Senator Wayne, two

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

individuals who have worked with me very closely over the last two years. We haven't agreed on every bill or even many bills in some cases, but I have committed to getting their bill on the rental aid up and in front of the body in time to overcome a veto if this body so chooses.

**HUGHES:** One minute.

**HILGERS:** Senator Wayne has worked with me all year. We've tried to find a way, a path for north Omaha. Senator McKinney, same thing; I've scheduled his bill this Wednesday on LB1024. I've worked with Senator McKinney on LB1112. Senator Morfeld, same thing. It's not Republicans or Democrats. Senator McCollister, I've had great conversations about working together on LB709. Senator Williams, Senator Stinner, Senator Brewer, Senator Clements, Senator Erdman, Senator Halloran, Senator Blood. Every single one, every single senator in this building has a story where working with my office has helped the process, has gotten their bills up, or have had things get accomplished. Here's the deal. We have about 17 days left. We only get so many cracks at this business. We have some amazing senators who are walking out the door in 17 days.

**HUGHES:** Time, Senator. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. I completely disagree with Speaker Hilgers. The only thing this body knows when it comes to a minority voice is time. And I wasn't even going to come up here and talk. I was sitting in my office and I ran up here because that's completely false. I've worked behind the scenes for numerous of months, and the budget reflects nothing from north Omaha. I'm not OK with that when recreational, STAR WARS gets \$200 million. We can work all we want, but at the end of the day, there's two things this body comes down to, and it's never seemed more apparent to me until this year: time and votes. If you got the votes, put it out. If you got the votes, get it done. If you got 25, keep it moving. And time. People don't like to sit here on Fridays. That's why I didn't keep going. People don't like to work late. We're supposed to just go along with to get along. And I'm tired of that. I've taken more heat because my name ends in a W when you go down roll call vote in regular order, I'm always the 33rd. Happened just the other day. I've bent over backwards trying to work with people and giving crumbs is not enough anymore. And if my bill and if LB1024 comes up and doesn't work out and it gets punished because I'm fighting against, that's-- that's just you all saying, go back to your corner little Negro and sit down. I'm tired of it. I'm tired of the lies. This motion is no serious than any other bill that

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

we've put out. Yes, it requires 30 because the Speaker has authority and they want to make sure you just don't hop over the authority. But there's other motions that can be filed. You-- we cannot even get to the agenda if I file motions on correcting the agenda-- I mean, correcting the Journal. And that can be simple as a comma, period. I can go back the last 100 years and correct the Journal any day of the week, and we won't even start getting on the agenda. We'll correct the Journal for a whole day and burn a whole day. When you-- when you get tired of getting stepped on and when people come-- I just had a conversation with a senator said that north Omaha might get \$150 million. I told that senator I would reject it. Have you ever been in business and you get just enough money to fail? That's what that offer is. And in fact, I was offered \$150 million with Senator McKinney in the room, and I said that was disrespectful. The city of Bellevue in our budget cash transfers gets over \$50 million. Omaha and Lincoln are sharing \$20 [million]. And I will go with anybody on Appropriations Committee word for word, budget for budget about cash transfers, which is our extra dollars that we're using to buy down our cash reserves, and where our priorities are. It's trails, it's parks, it's everything but the community that this body has continued to leave behind. And if you don't believe me, look at the charter community banks in the '60s, '70s and '80s who wouldn't lend to black folks. Communities destroyed. If you don't believe me, look at our funding for schools where Omaha Public Schools had to sue this body and this state--

**HUGHES:** One minute.

**WAYNE:** --just to try to get enough money to educate their kids. So you don't have to vote whether to change the agenda or not. But let's not sit up here and act like the only thing the person can do who is in a minority situation is time and trying to get votes. I've seen women in here get rolled and couldn't do nothing because the good old frat boys passed it. I've seen minorities, including myself, get rolled on basic, fundamental necessities that we should all agree on. And everybody in here knows it. That's the sad part. Everybody in here knows that our budget doesn't reflect what we should be doing. And the worst part is some of the people I respect the most are going along with to get along.

**HUGHES:** Time, Senator. Senator Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon again, colleagues. I appreciate Senator Wayne's comments, and that's exactly the point I'm trying to make, which is I've worked with Senator Wayne all year. He has complaints of the budget. He has criticisms with the budget. I've

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

worked with him and committed to him weeks ago that the very first bill that will be heard after the first budget bill, even before the ARPA budget comes out, is LB1024. Senator Wayne is going to have every opportunity to make sure that he can strongly advocate for north Omaha with his bill. And I've committed to him to work with any way that I can to get him what his community needs. And we're going to have those debates because we have the time left to have those debates. We can go one of two paths. We can take time. Everyone in here is entitled to take time. You could do that. But I want to be clear, Speaker, that's not leverage over me. If you take time, that will hurt the body and that will hurt the work that we are intended to accomplish. If you come and you take time and then come to me and say, well, I'll stop taking time only if you do X, Y or Z for me, that's not-- that's not going to work for me. But if we collaborate and work together and are efficient with the time that we have, I'll make sure just like I'm getting LB1024 up, just like I've gotten a number of other consent requests up, just as I've gotten other priority bills up that I'll give the body the opportunity to have that policy debate. That's my goal. And with the senators that are walking out this year and the opportunities in front of us, and Senator Wayne has made a number of powerful arguments on the floor, and I know as these budget bills come up, he's going to make a very strong case to make sure that north Omaha and south Omaha get the funding they need to get their communities jumpstarted. And that's going to be a very good discussion on the floor of the Legislature. And it's my job to ensure that we have enough time to ensure that those priority bills get up and get heard and have their day in court. So I'd ask you to vote no on this agenda, on the motion to change the agenda. I would ask us to get through the consent calendar bills unless there's discussion on the policy and we can move on and do what-- the most that we can with the remaining 17 days we have left. Thank you, Mr. President.

**HUGHES:** Thank you, Speaker Hilgers. Senator Wayne, you're recognized.

**WAYNE:** This is my last time-- thank you, Mr. President-- last time talking about this and I am voting against the motion to change the agenda. Colleagues, I recall Senator Vargas had a bill to create an urban, middle-- middle workforce housing. This body killed it. The next day, we turned around and transferred \$15 million for rural workforce housing. It was two days of us filibustering before Speaker Scheer sat down with people and said, what this body did was wrong. That's just the facts. And then we had to attach it to another one of my bills just to get what rural already got. The power of the-- this, our rules, and if you don't know where they come from, they come from the Mason Manual, not the Robert rules. Our rules is set up for each



individual in this body to have equal power if they know the rules. If it wasn't for those rules to allow us to filibuster, we wouldn't have had that opportunity to have middle workforce-- middle-income housing. And I can go through and count more, example after example. It isn't good enough just to commit to get a bill on the agenda just to die on the floor. We are spending millions and hundreds of millions without a clear vision of where we're going, holding people to different standards of what they've got to prove in order to get it. Tell me what feasibility study has been done on the rail projects for \$50 million. But Senator McKinney and I got to come up with a feasibility study for every one of our projects. That type of double standard is what we're talking about. But lecturing about it isn't going to matter. Getting up here trying to lecture grown folks doesn't matter. What matters is slowing everything down and making everybody and-- and at the end of the day, if we don't pass a bill, we don't pass a bill. I don't envy the job of being the Speaker, never have. It's a lot of work. But unless everybody is giving voices to the minority, however bad it was me, I sat here and listened to Senator Chambers go on and on. Nobody, nobody ever did this. Scheer never did this. It seemed we passed a lot of bills. But nobody wanted to challenge Chambers. But now it's somebody different, we want to. I think that's wrong. There are so many emotions, so many things that one person can do to tie up this every day. Nobody's done that. I remember Senator Chambers on two-- two-- two years in a row, every consent calendar, the 15-minute rule came from that. Our first year, we didn't have 15-minute rule. Then he did it. Then we had the 15-minute rule, and he did every consent calendar bill for a whole year. Not once did somebody get up and say, Senator Chambers, will you stop on the mike? They might have asked him privately, but not once did we try to shame somebody into stopping, not once. You went over and you talked to him individually. The rules are different. I had a lot of stuff that I want to get done, north Omaha being one of them. But I don't know what we're doing anymore as a body. I don't have a clear vision of where we're going. I have no idea what we're doing with all this money except for helping people get richer. Property tax relief didn't help my community, didn't help Senator McKinney's, didn't help--

**HUGHES:** One minute.

**WAYNE:** --most of east Omaha. Look at who owns property and look at who rents. But I-- and I tried to fight it one year, lost, kept it moving. I don't know what we're doing. Somebody tell me what our vision is for this year, what we really hope to accomplish besides water and recreation. Thank you, Mr. President.

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

**HUGHES:** Senator Williams, you're recognized.

**WILLIAMS:** Thank you, Mr. President, and good afternoon, colleagues. And I stand in support of Speaker Hilgers and the comments that he's made. I would like to talk about just very briefly about working together in here, and that is how we get things done. I've got LB1069, which is the update of the rural workforce housing grant program that will be coming on the agenda reasonably soon. And there is an amendment that will be coming that is sponsored by Senator Vargas to include in that the middle-income housing for the urban area, because that's our agreement of working together, and I fully support that amendment. That's what the vision is in here. That's what it's about in here. It's not about everybody standing up and being a victim all the time. Everybody talks about that. It's our job to make things happen. And I think that's what the vast majority of us are here to do, and we work on it every day. We have a vision. We know what is important to us and our constituents, and we work on it every day. I think it's time that we quit this stuff, get back together, and work for our future, not being victims every time we turn around in here. Thank you, Mr. President.

**HUGHES:** Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. As I gleefully count down my days remaining here, I don't mind that anybody wants to take time. If Senator Cavanaugh wants to take the rest of today, I have no problem with that. I won't support overruling the agenda, but as a rural senator who's also a minority, the filibuster is the only tool we have. And we've used it before and we'll use it again, I hope. That's why, you know, I go back to when Senator Chambers-- when there was no time limit on the filibuster. I think we should go back to that. So when we get a bill on the floor, we spend a week on it, maybe, and then we actually get an amendment that either passes or fails at some point. Everybody looks at the clock now and those days of negotiation are gone, so to speak. We do work together once in a while on some things. But you know, I'm-- I've worked to change school funding for eight years and haven't accomplished a thing. But we've got stuff done on property taxes and we'll get stuff done in this body. But if Senator Cavanaugh wants to take 15 minutes today, I fully support that. I've got some bills too, but I've learned not to be married to any of them. They come and go and I've only got a few days left, and we are going to have some good conversations on the budget. But I do not support overruling the agenda, moving somebody forward because I think in the end, by somebody taking time, sometimes they get the attention they want and maybe they get what they want. But when you're

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

a rural senator and you're outnumbered big time, the filibuster is the only thing we have. And I also support Chairman-- or Speaker Hilgers. I think he's done a great job of scheduling. He's worked around all sorts of things. I have never gone to him, I don't think, and asked him to get my stuff on the agenda or take it off. I'm-- he does it. He gets his job done. I appreciate him for it. But in the end, this body will work through this and you can be assured we'll get stuff done. And maybe some stuff won't get done, but maybe it doesn't deserve to get done this year. I fully trust the next body to be able to spend some of the money that we have in ARPA if we don't get that job done. I think there's others that will be very capable of that are coming back and I won't be here. So I am opposed to overruling the agenda and thank you, Speaker Hilgers.

**HUGHES:** Seeing no one else in the queue, Senator Cavanaugh, you're welcome to close on your motion to overrule the agenda.

**M. CAVANAUGH:** Thank you, Mr. President. Again, colleagues, this would be skipping what we have remaining on consent and bringing LB661 up next on the agenda. I-- and I put this up because what I was hearing from people on the microphone was that they wanted to get to LB661. I am not interested in overruling the agenda either, but I knew that nobody else would feel like they could-- were in a position where they could put that amendment up. And since I'm so beloved today, I figured why not just go ahead and do it? I don't know who is claiming to be a victim in here. I'm not a victim of anything. I-- what I am doing is taking time. That's what I'm doing. Nobody's come up and asked me what I want. I haven't gone and told anybody what I want. I'm taking time. That's what I'm doing. If you want to have a conversation with me about what my reasons are or what you can expect in the future, I am here. And with that, vote however you like.

**HUGHES:** Seeing no one else in the queue, colleagues, the question before us is the motion to overrule the agenda. This does take 30 affirmative votes to overrule. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record Mr. Clerk.

**CLERK:** 0 ayes, 45 nays on the motion.

**HUGHES:** Motion to overrule fails. For items, Mr. Clerk.

**CLERK:** Mr. President, Judiciary Committee reports LB833, LB1009, LB1270 to General File with amendments. Senator McKinney, new A bill, LB1112A. It appropriates funds to implement LB1112. That's all that I had, Mr. President.

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

**HUGHES:** We'll proceed to the agenda on consent calendar. Mr. Clerk.

**CLERK:** LB1184, a bill introduced by Senator Geist. It's a bill for an act relating to law enforcement. It changes provisions relating to the duty of the Attorney General to defend the Nebraska State Patrol. Introduced on January 19. Referred to Judiciary. Advanced to General File. I have committee amendments and an amendment to those committee amendments.

**HUGHES:** Senator Geist, you're welcome to open on LB1184.

**GEIST:** Thank you, Mr. President, and I am really glad to finally open on this bill. I'm introducing this bill on behalf of Attorney General Doug Peterson. LB1184 clarifies in statute that a private practice attorney can be hired by a State Patrol officer or employee to represent them when that person, either officer or employee, is the subject of a grand jury or prosecutorial inquiry. This bill also clarifies that the Nebraska State Patrol agency counsel shall not represent individual officers or employees of the Patrol whose actions or omissions are subject of the inquiry by a grand jury or prosecutor. There has been a question in the past as to whether the agency counsel can represent the individual officers or employees in these instances. I believe we need to clarify the duties of the agency counsel in statute. During the hearing, Gary Young from the State Troopers Association testified in favor of this bill. There is a Judiciary Committee amendment that adds additional clarity to the bill, and I believe the Chair will open on that. In the meantime, I urge you to vote green on LB1184.

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

**LATHROP:** Thank you, Mr. President. Colleagues, good afternoon. LB1184 was heard by the Judiciary Committee on February 10, 2022. The committee voted 8-0 to amend the bill with AM1962 and advanced the bill to General File on a similar vote. The amendment would reorganize the original bill and make one substantive change. In a civil action, the Attorney General would continue to represent employees in civil cases. In a criminal action or grand jury, the amendment would clarify that the Attorney General would represent the employee unless there's a conflict of interest. In that situation, the employee would choose a private attorney and fees would be paid for by the state. This, colleagues, is a-- is effectively a cleanup bill, taking care of a conflict of interest. And what do we do with the Attorney General's

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

Office when they can't represent both the agency and an individual state trooper in certain civil actions? And with that, I would encourage your support of both the amendment as well as the underlying bill. Thank you.

**HUGHES:** Thank you, Senator Lathrop. Mr. Clerk, you said there were additional amendments.

**CLERK:** There is, Mr. President. Senator Cavanaugh would move to amend the committee amendment with FA103.

**HUGHES:** Senator Machaela Cavanaugh, you're recognized to open on FA103.

**M. CAVANAUGH:** And how much time do I have?

**HUGHES:** Ten minutes.

**M. CAVANAUGH:** OK, thank you. So FA103 is-- it is an amendment to the amendment. Page 1, line 7, strike "and" an insert "for." I will be pulling this amendment at the end of my time and I will be voting for the committee amendment and Senator Geist's underlying amendment. So before we broke for lunch, I spoke on all of the consent calendar bills and I've explained several times what I am doing and why I am doing it. And I guess I'll just keep explaining it periodically because I'm pretty sure that people aren't listening based on the comments that they're making. So I started filing these amendments last week before some of our more heated discussions transpired. I filed these amendments with the intention of slowing things down. That is my intention is to slow things down. It is intentional. And contrary to what was said on our debate on my motion, time is the only tool that I have. I don't have any other tool, so I'm going to use it. If you have issues with something that's on the agenda, people used to talk to Senator Chambers when he did this. You can talk to me. I'm-- I'm not a, like, mean person. I don't want to, you know, I'm-- if I'm filibustering something, you'll know when I'm filibustering it because I don't hide that from anybody. And I'm not filibustering the consent calendar. I'm just taking the time that is available for the consent calendar. I do want to acknowledge, however-- and this isn't about me being a victim, but I do want to acknowledge that I am a woman who's very clearly being treated differently. Very, very clearly being treated differently, not being spoken to off to the side, not having any discussions with me, just continually getting on the microphone and lecturing me about how I conduct myself in this Legislature. And I have not seen that happen to anyone else. Maybe I've missed it, but

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

there is a continual taking me to task about how I conduct myself, even though I am following the rules, even though I am doing what is within my purview as a senator to do. I don't like what a lot of people do when-- and they're following the rules. I would not presume to lecture them on the microphone about doing so. And for 40 years, we had a man in here who did that, who did-- used the rules as a tool. And maybe over those 40 years, people did what was done to me today, but I will say in the time that I was here serving with Senator Chambers, I never saw anybody get on the microphone and lecture him about how he was using the rules appropriately, but they just didn't like what he was doing. People want civility in this room, but they're not willing to give civility. People want respect, but they don't give respect. People want exceptions made for their bills, but they won't make exceptions for others. Everything in this body is partisan this year, more so than my first two years, my first three years. It every day gets more and more partisan. What I'm doing today is not partisan. What I'm doing today is slowing things down, everything. Doesn't matter whose bills they are, everything is getting slowed down. I have a little timer going here because I did figure out if we are adjourning at 5:00 that have to go less than 15 minutes on every bill in order to get through consent calendar, which I have no problem with us getting through consent calendar. And so I am going to try and be a little bit more judicious every time I'm on the mike and not quite take up as much time as I possibly could so that we get to the remaining 15 bills after this. I will just note that if anybody does want to lecture me, you are welcome to come over here. I am-- I've been here all day. I will be here all afternoon. If you want to give me a talking to, this is where I am, or you can do it on the microphone. That's your prerogative as well. I just would say be mindful of how it looks when the only person you lecture is a woman on using the rules. And I do recall the day that Senator Friesen got up on the microphone and explained how he learned how to do a one-man filibuster from Senator Chambers and how you can make all these motions and have the motion pad. And so I don't think anybody said anything about it that day, that he shouldn't do that. But-- and how much time do I have left?

**HUGHES:** 4:15.

**M. CAVANAUGH:** I-- I will withdraw my amendment and I will yield the remainder of my time.

**HUGHES:** So ordered. Seeing no one else in the queue, Senator Lathrop, you're welcome to close on your committee amendment. Senator Lathrop waives closing. Colleagues, the question before us is the adoption of

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

AM1962 to LB1184. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 41 ayes, 0 nays on adoption of committee amendments.

**HUGHES:** AM1962 is adopted. Return-- returning to debate on LB1184. Seeing no one in the queue, Senator Geist, you're welcome to close. Senator Geist waives closing on LB1184. Colleagues, the question is the advancement of LB1184 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:** LB1184 advances. Next item.

**CLERK:** LB1165 was a bill originally introduced by Senator Sanders. It's a bill for an act relating to the Nebraska Budget Act. It changes provisions relating to proposed budget statement contents and certification, and an adopted budget statement. Introduced on January 19, at that time, referred to the Government Committee, advanced to General File. No committee amendments and I do have an amendment to the bill, Mr. President.

**HUGHES:** Senator Sanders, you're welcome to open on LB1165.

**SANDERS:** Thank you, Mr. President, and thank you, Speaker Hilgers, for placing LB1165 on consent calendar. Good afternoon, colleagues. Today I am introducing LB1165 to clarify the timing of levies resulting from bonds passed by a ballot initiative. I'd like to thank the League of Municipalities, the Nebraska Association of County Officials, and the Nebraska Association of School Boards for their support. I would also like to thank the Nebraska State Auditor's Office for their input. LB1165 is a technical bill that clarifies when a political subdivision can begin to collect levies and issue bonds as a result of ballot initiative. You should all have received a letter on your desk. This letter was presented to the Government, Military and Veterans Affairs Committee at LB1165 hearing by Michael Rogers, who serves as a bond counsel with the Gilmore Bell law firm. This letter provides some additional clarity to the process of bond insurance. The Nebraska State Auditor's Office has recently interpreted the Nebraska Budget Act to require the bonds be issued before October property tax request deadline in order for a political entity to levy the taxes for that bond. This is different from how this law has been observed in the past few years, and we thank the new eyes in the Auditor's Office for catching this quirk. This causes a timely problem that could require

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

entities to take on millions of dollars of debt before having a way to pay for it. To explain, here are three things you should know for the context. First, entities typically issue bonds as close as possible to the date on which the funds will be needed. This is for two reasons. One, to ensure certainty regarding how long the project will take; and two, to ensure a bond does not collect any more interest than necessary. Those funds are usually needed right at the beginning of construction season. This is usually in the spring or early summer. The second piece of context is the property taxes take some time to be received. As Mr. Rogers' ledger describes in more detail, the property taxes authorized in the fall aren't actually collected in full until the following summer. The third piece of context in this first bond payment is usually due 12 months after it is issued. The remaining payments typically fall every six months thereafter. What does this mean? Under the new interpretation of the Budget Act, a governmental entity that approves a bond at a November election may have to wait until the following October to levy the funds to pay for the bond. Then the revenue is not collected until after the first bond payment is required. Another option would be to issue the bond later in October. However, market volatility could completely change the amount of dollars necessary for the job over the amount of time. To summarize, LB1165 adds clarifying language onto the Nebraska Budget Act so that the governmental entities can levy property taxes after approval of the ballot. Then the bond can be issued in the early spring to ensure most predictable construction costs and interest rates. Finally, the revenue of the property tax comes in before the bond is due. This is not just hypothetical. The Nebraska Association of School Boards testified in support of LB1165, citing Fremont and Ralston as two recent examples. You each have a letter on your desk. The Government Committee passed the measure on a 6-0 vote, with two senators absent. There were no oppositions on this bill at the hearing. The Nebraska Auditor's Office testified in neutral to offer their perspective on the bond assurance. I want to thank Nebraska Association of County Officials, the League of Municipality [SIC] for testifying at the hearing in support. I would ask that the Legislature advance this to Select File. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Sanders. Mr. Clerk for items.

**CLERK:** I have no items, Mr. President. Thank you. Senator Cavanaugh would move to amend with FA104.

**HUGHES:** Senator Machaela Cavanaugh, you're recognized to open on FA104.



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

**M. CAVANAUGH:** Thank you, Mr. President. And how much time is left on this bill?

**HUGHES:** 9:52.

**M. CAVANAUGH:** OK, then I will be brief because I think that there are people in the queue and I don't want to take time away from what they have to say. Actually, I think I will just go ahead and pull my amendment, and I will yield my time to the Chair.

**HUGHES:** FA104 is withdrawn. Returning to the queue, Senator Walz, you're recognized.

**WALZ:** Thank you, Mr. President. Good afternoon, colleagues. I rise today in support of LB1165 and thank Senator Sanders for bringing this bill. LB1165 is a common-sense solution for all government entities, but in particular it is good for schools. My home district, Fremont Public Schools, as well as Ralston Public Schools, are currently affected by the provisions this law is changing. I am a green vote this afternoon and encourage you to do the same. Thank you very much.

**HUGHES:** Thank you, Senator Walz. Seeing no one else in the queue, Senator Sanders, you're welcome to close on LB1165. Senator Sanders waives closing. Colleagues, the question before us is the advancement to E&R Initial. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 19 ayes, 20 nays to place the house under call.

**HUGHES:** The house is not under call. Colleagues, the question before us is the advancement of LB1165 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 47 ayes, 0 nays on the advancement of the bill.

**HUGHES:** LB1165 is advanced. Next item on the agenda.

**CLERK:** LB29, a bill originally introduced by Senator Wayne. It's a bill for an act relating to holidays. It changes provisions relating to holidays. It repeals the original sections. Introduced on January 7. At that time, referred to the Government, Military and Veterans

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

Affairs Committee. There are committee amendments pending by that committee. I also have an amendment to those committee amendments.

**HUGHES:** Senator Wayne, you're welcome to open on LB29.

**WAYNE:** Thank you, Mr. President. Colleagues, this is an easy bill in the sense that this is already designated as a federal holiday and it's called Juneteenth. Juneteenth is a combination of June and 19th, also known as Freedom Day, Liberation Day, and is a monumental day in our history. One would think it stood for the Emancipation Proclamation, but actually that was done in 1963. This actually started when-- after the proclamation-- Emancipation Proclamation was read and the 13th Amendment was passed. The Union Army actually, as they went from town to town with the first time ever African-American soldiers, freed the slaves. And when they went to the headquarters of Galveston, Texas, which was the deepest, darkest part of the Confederacy, Juneteenth 1865 is when they read the Emancipation Proclamation to those slaves, and that's when the first time they were deemed free. So I won't go through the entire history. What I will say is that Juneteenth is important because it honors the soldiers that fought for our freedom. And in fact, these soldiers staked their lives and their fortunes for their country. And oftentimes, it was a country at that time that did not even recognize them as free. See, many people don't know that we were actually losing the Civil War, and generals were complaining that we needed more men. And it was Frederick Douglass at that time who went to Abraham Lincoln, President Lincoln, and said, allow slaves or former slaves or recently incar-- free people in the northern part of the states, African-Americans, to fight for their country. See, at the time, Frederick Douglass knew that a black man going around fighting for their country, wearing the badge of honor of being an American would ultimately change how people looked at them. They can no longer be looked at as property. They could be actually liberators. And that changed how people saw African-Americans during that time as they went from town to town, freeing slaves and defeating the Confederacy. So it's not just an African-American story. It is an American story where it reminds us that, one, laws on the books don't always guarantee rights. That oftentimes it takes people to fight and struggle to make sure that there is a quality across the board when it comes to individuals. It also reminds us that even after Juneteenth, there was a period of time of slave codes, black codes, Jim Crow, and the civil rights movement that led us here today. So it's a way that people can not only celebrate the American history in which we all strive for, which is to be a more perfect Union. But it's also a way to honor these soldiers who died for their country, oftentimes when a country does not believe

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

in them. So again, this is already a federal holiday. It costs nothing to the state to recognize this as a holiday. The amendment that will be read forth by Chairman Brewer will tell you that we are reinstating the word Arbor Day. We are not removing Arbor Day. We are just adding this holiday to our list of holidays in the state statutes. Again, if you want to have a long conversation about why this is important, not just to our community but to the entire community, and when I say the entire community, I mean black, white and others, it is because this is a-- truly a story about of American history, about our soldiers and our-- about our willingness to strive, no matter at what cost, for a more perfect Union. So I'd ask for your green vote. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Wayne. As the Clerk stated, there are amendments from the Government Committee. Senator Brewer, as Chair of that committee, you are welcome to open on those amendments.

**BREWER:** Thank you, Mr. President. Government Committee did hear LB29 on March 3 of last year. Since the hearing, President Biden has signed federal legislation making Juneteenth a federal holiday. Because of the federal action, Juneteenth is an official holiday. Senator Wayne's bill would have originally said that we're going to trade Arbor Day. To avoid a fiscal note by adding a new holiday, the committee amended the bill, allowing us to keep Arbor Day and also to add Juneteenth. Because the federal action that was taken, there is no fiscal impact. I would ask for your green light on AM1610 on LB29 and thank Senator Wayne for sharing much-needed history. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Brewer. Mr. Clerk, there's an amendment to the committee amendment.

**CLERK:** Senator Cavanaugh would move to amend, FA105.

**HUGHES:** Senator Machaela Cavanaugh, you're welcome to open on FA105.

**M. CAVANAUGH:** Thank you, Mr. President. I am intending to withdraw this amendment as well. I am going to speak to the fact that we just-- I just did a call of the house and it failed and I didn't even do it because-- I did it actually for Senator Wayne because he needed an extra moment before we got to his bill. And so this is the third time that you all have not given me a call of the house and I-- like, please stop saying collegial or whatever those things are because you're clearly not. I wasn't even doing it for myself. I was doing it for another colleague and you can't even, like, be that decent of people. There is no decorum in this room at all. I vote for every call

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

of the house. It doesn't matter whose call of the house it is. I always vote for a call of the house. I will yield the remainder of my time to Senator McKinney.

**HUGHES:** Senator McKinney, 8:56.

**McKINNEY:** Thank you, Mr. President. Thank you, Senator Machaela Cavanaugh. I was rising in support of LB29 because as a black American, it is important that the legacy and the history of my ancestors are appreciated by this country because a lot of times the history of those soldiers that fought for this country that looked like me is a lot of times forgotten about. And when you look at the history and we're talking about the north Omaha plan and you go back through history and you see that there were American soldiers that looked like me that were denied the GI Bill, that's why we have LB1024 because historically this country, this state, and the world has not appreciated black Americans like they should and our contributions to society. And that's why it's important. It's not just to celebrate. It's important that all Nebraskan kids, whether they look like me or Senator Briese, understand the contributions of those-- those individuals and the sacrifices that were made by those individuals. And we also make sure that we remind, you know, the world and this country about the history of slavery and the enslavement of Africans in this nation and how this nation was built upon the backs of enslaved Africans. So when you got-- ask us, why are we asking for \$450 million? That is why, because this country was built on the backs of our ancestors. And still, to this day, when you look across the country, communities, black communities across this country are impoverished. We still have to fight. We-- we continue to fight. So when you come up to us and ask us, why are you asking for this? Are you sure you should take a little? Why are you trying to take this money or that money? Understand that, you know, our ancestors, you know, weren't appreciated in their time. You know, I mean, President Lincoln emancipated enslaved Africans, and it took a couple of years for those-- for the rest of the enslaved Africans in Texas to be released. Just think about that. Slavery was technically abolished, but in Texas there were still enslaved Africans in this country. We have to think about those things, and that's why it's important for Juneteenth to be celebrated, not only for black Americans, but for all Americans to fully understand the history of this nation. Thank you.

**HUGHES:** Thank you, Senator McKinney, and you are next in the queue. Senator McKinney waives his opportunity. Senator Slama, you're recognized.

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

**SLAMA:** Thank you, Mr. President. As the state senator who has Nebraska City, which is home to Arbor Day, we've discussed this several times and I've had a few emails come in, but just once again, for the record, would Senator Wayne yield to a question, please?

**HUGHES:** Senator Wayne, will you yield?

**WAYNE:** Yes.

**SLAMA:** Senator Wayne, I know you mentioned this, but I am, I think, legally obligated to ask you this just to clarify once more for the record. LB29 as amended with the Government Committee's amendment would not impact Arbor Day. Correct?

**WAYNE:** Correct.

**SLAMA:** Thank you. That's all I needed. Thank you very much for the history lesson, Senator Wayne, and for your introduction of LB29. I'm proud to support it. Thank you.

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

**PANSING BROOKS:** Thank you, Mr. President. I stand in full support of Senator Wayne's bill. I'm so happy that it passed out of the Government Committee. It's clearly important. Senator-- Senator McKinney said that as a black American, he stands as full support. Well, as a white American, I stand in full support. This information is necessary to our country. It is necessary to be taught. I was not taught this history when I was a child here in Lincoln. It's history that's important to know and the-- the knowledge that people were-- that laws changed in our country and that there were certain states that were not following these laws. There is a wonderful celebration of Juneteenth that is down near the Malone Center in Lincoln around Juneteenth. I encourage everybody to go to that and celebrate and remember the difficult times that-- that some of the members of our society, our community, our brothers and sisters have had to endure. And I wholeheartedly support Senator Wayne's bill. Thank you.

**HUGHES:** Thank you, Senator Patty Pansing Brooks. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I stand in support of LB29. I think when it was first introduced, Juneteenth was not a federal holiday. And I didn't really want Nebraska to be-- stand alone with that, but now that it's a federal holiday, I do support it and I

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

appreciate the comments. Also, today is another day I was thinking about amending on. Today is March 14. If you think of 3/14, 3.14 is pi and I'm wearing my pi tie today. I have pi all over my tie. As a mathematician, math major, it's a fun day for me to celebrate Pi Day, but I'm not going to make that amendment. And I support LB29. Thank you, Mr. President.

**HUGHES:** Thank-- thank you, Senator Clements. Seeing no one else in the queue, Senator Cavanaugh, you're welcome to close on your floor amendment, FA105.

**M. CAVANAUGH:** I withdraw my amendment.

**HUGHES:** Without objection. No one else in the queue, Senator Brewer, you're welcome to close on AM1610. Senator Brewer waives closing. Colleagues, the question before us is the advance-- the adoption of AM1610 to LB29. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 47 ayes, 0 nays on adoption of committee amendments.

**HUGHES:** AM1610 is adopted. Seeing no one in the queue, Senator Wayne, you're welcome to close on LB29.

**WAYNE:** Thank you, Mr. President. Colleagues, I know we had a little-- little issue earlier or a little emotions earlier so I'm going to try to get a little-- a little more positive here. That's why I asked Senator Cavanaugh to call the house. I needed to take a breath before I wanted to introduce this. But I just want to tell people, here's my general thoughts. The idea of a more perfect Union is rooted in liberty and is the fabric that binds us all. And every day I recognize when I come in here, I stand on many people's shoulders who were before me and many people who died for the right for myself to be here and have a voice. See, the foundation that I believe of our community and of our country is best served if the betterment of the individual right. As Ben Hansen always, Senator Hansen always say, they're inalienable right. See, I fundamentally believe that America promises us that if we work hard, get a decent education, we have a better chance at life. That's the American dream that is promised to all of us, that we can transcend racial poverty, gender, any obstacle to achieve our God-given potential. It is this dream that is founded in the idea of justice, self-governance, liberty, equality, and the rights of all humans that literally drives me here every day. And the reason why this is so important to me is when you look at how we got here and literally the installation of African-Americans during the

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

Civil War-- and if you don't believe me, you can talk to Senator Brewer-- that is what saved this Union. Over 200,000 soldiers when there were generals begging President Lincoln, we have to have more men, we have to do something, it was the African-American community--

**HUGHES:** That's time, Senator. We've reached our 15-minute consent calendar time.

**WAYNE:** Thank you.

**HUGHES:** Colleagues, the question before us is the adoption or the advancement of LB29 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 47 ayes, 0 nays on the advancement of the bill.

**HUGHES:** LB29 advances. Next item on the agenda.

**CLERK:** LB855 by Senator Day. It's a bill for an act to appropriate fund-- I'm sorry, it's a bill for an act relating to Medical Assistance Act. It harmonizes coverage provisions with federal law. Introduced on January 6 of this year, referred to Health and Human Services, advanced to General File. I have no committee amendments. I do have an amendment to the bill.

**HUGHES:** Senator Day, you're welcome to open on LB855.

**DAY:** Thank you, Mr. President. Good afternoon, colleagues. LB855 is a cleanup that harmonizes our state and federal regulations by adding federally qualified health centers and rural health clinics under the part in the state's Medicaid statute that outlines the required health services in our Medicaid plan. LB855 would complete the list of mandatory services outlined by the Centers for Medicare and Medicaid and all states' Medicaid programs. Currently, 10 of 12 of the services required are in state statute, and LB855 would add FQHCs and rural health clinics to complete this harmonization. As you know, Medicaid is a partnership between the federal and state to cover healthcare for vulnerable populations. Those vulnerable populations are regularly served by both FQHCs and rural health clinics, and it is important that our state statute reflects what is required by the federal government to participate. The healthcare sector is complex, with intricate layers of providers and subcontractors. Ensuring Nebraska's laws reflect and match the language of the federal statutes ensures efficiency within that bureaucracy, and that Nebraskans are receiving the medical care they deserve, which are guaranteed under current federal laws. Nebraska's seven FQHCs are nonprofit, community-based

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

organizations that provide high-quality medical, dental, behavioral, pharmacy, and support services to persons of all ages, regardless of their economic or insurance status. To this end, Nebraska's community health centers provide comprehensive, culturally appropriate primary care to over 107,000 patients in Nebraska at 70 different service locations. Nebraska FQHCs are a critical component of the healthcare safety-- safety net in the state. Nearly 47 percent of health center patients are uninsured and 93 percent are low income. Likewise, rural health clinics provide access to primary care services at over 140 locations in underserved communities in rural Nebraska. Because the health services provided by these two entities are required by CMS, the state of Nebraska already provides reimbursement for these services. Therefore, there are no additional costs associated with this legislation. LB855 is a necessary cleanup to bring our statutes better into line with federal statutes and a program that provides critical health services to Nebraskans, especially in rural areas of the state. This bill was advanced unanimously from committee with no opposition testimony. And with that, I would encourage your green vote on LB855.

**HUGHES:** Thank you, Senator Day. As the Clerk stated, there is an amendment.

**CLERK:** Senator Cavanaugh would amend with FA106.

**HUGHES:** Senator Machaela Cavanaugh, you're welcome to open on FA106.

**M. CAVANAUGH:** Thank you, Mr. President. So, colleagues, we have had some delays in this afternoon and I've been doing the math on how many bills we have left. I believe we are set to adjourn at 5:00. And so I am going to continue to try to adjust my time so that we are able to get through the consent calendar because it is not my intention to sink any of these bills. It's my intention to talk about the rules and how we apply the rules. And so I haven't found the rule yet for the call of the house, but I will look for it now. So let's see here. Clerk; rules, suspension; Chamber, guests, distribution; absent members, explanation; expulsion of members; senator desiring to speak; transgression, member, call to order; limit time speaking; personal privilege. That's committees. That's Rule 3. If anybody knows what rule I should be looking under-- 75? Oh, Rule 7, 5. I got it, OK. This is kind of like in committee when somebody gives you the answer behind you. OK. Rule 7, 5. Thank you, up front. Page 50, a call of the house: A call of the house may be made by any member in the foll-- in the manner following: I move to call for a call of the house. The presiding officer shall direct that the board be cleared and all the



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

members shall then vote on placing themselves under call. If a majority of the senators present and voting vote in favor of such motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence and upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present and when so suspended, shall not again be ordered on the proposition pending, except by a majority vote of the members elected. So-- so basically for those at home, a call of the house is basically asking everybody to come back to their seat. And since we were about to take a vote, you'd have been coming back to your seat anyways. So the fact that a call of the house was denied when taking a vote is purely because people didn't like who called for the house. There's really no other explanation. If there is, I would love those that voted against it to explain what the reason is other than that. I think-- how much time is left on this bill, Mr. President?

**HUGHES:** Nine minutes.

**M. CAVANAUGH:** On the bill?

**HUGHES:** Correct.

**M. CAVANAUGH:** OK. And there's no other amendments on it. OK. So I-- where is that? Rule 8. So I've been going through the rules today and reading them on the floor and- it's Rule 7, sorry. And one of the rules that-- there's call of the house, there's motions. I'm going to have to come back to it. I'm not finding the rule that I was thinking of. So I'll yield the remainder of my time and next time I'm up, I will find that. I will withdraw my motion and yield the remainder of my time.

**HUGHES:** So ordered. Senator DeBoer, you're wel-- you're recognized.

**DeBOER:** Thank you, Mr. President. Colleagues, you know that generally speaking, taking a bunch of time is not my style. It's not something that I typically would like to do or think is the way that I would like to do things and that I get frustrated when folks take time. I was frustrated when Senator Chambers did it. I'm frustrated when Senator Cavanaugh does it. I'm frustrated when anyone does it. That's just my personality. But I got to tell you, I'm concerned about this vote to not place the house under call. That, to me is a question of not who made the motion, but the motion itself. It's a courtesy

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

motion. And I'm very concerned that we would choose to decide whether or not there should be a call of a house, which is basically bringing us all back in to pay attention, because we didn't like who was making the motion. And I can be irritated and frustrated at who's making the motion, but I-- I always, I think, have voted for a call of the house. That's one of the ways that this place functions. And I asked after that vote if the call of the house was ever denied when Senator Chambers did it and the recollection of those around me was that it had happened only once and that the Speaker at that time, who himself may have been quite irritated by that particular call of the house, had gotten up and told the members that we vote for call of the houses. We vote for those because that's a courtesy motion, and we do that because we still have to work together. And it's not about what's happening in that particular moment, but it's about the larger institutional questions. Calling the house is about the institution. So maybe I'm some kind of old fashioned, but. I was deciding whether or not to get up and say something about this, but I-- I have concerns about this and I'd really like to talk to some folks about why we have gone down that path. Thank you, Mr. President.

**HUGHES:** Thank you, Senator DeBoer. Seeing no one else in the queue, Senator Day, you're recognized to close on LB855. Senator Day waives closing. Colleagues, the question before us is the advancement of LB855 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, Mr. President.

**HUGHES:** LB855 advances. Next item on the agenda.

**CLERK:** LB905 is a bill by Senator Walz relating to Medicine and Surgery Practice Act. It defines terms; provides for prenatal mental health screenings. Introduced on January 7, referred to Health and Human Services, advanced to General File. There are committee amendments as well as an amendment to those committee amendments.

**HUGHES:** Senator Walz, you're welcome to open on LB905.

**WALZ:** Thank you and good afternoon, colleagues. Thank you to Speaker Hilgers for placing LB905 on the consent calendar today. This bill would recommend mental health screenings for mothers during and after pregnancy. It also tasks the Board of Medicine with crafting policies for providers around mental maternal depression screenings. Maternal mental health can severely affect both the mother and child. A mother dealing with depression during pregnancy has been linked to preterm

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

births and low birth rate. Depression after pregnancy or postpartum depression is also linked to delays in cognitive and social and emotional development in infants and toddlers. Maternal mental health concerns left undetected can affect a children-- a child's learning and cause-- cause behavioral issues with family, friends and within school. It is estimated that approximately one in seven new mothers experience depression during and after pregnancy. Through a study that was done by the Nebraska Perinatal Quality Improvement Collaborative, it was found that the largest drop-off of those not being screened is in rural areas and overall at well-child visits or at the first-year visits of a baby's life. Currently, Nebraska is only one of seven states that has nothing in statute regarding maternal mental health. Twenty-seven states have a recommendation like this in their statute, and in fact, this was crafted after Oklahoma's statute. This bill would put Nebraska on track with nearly every other state in the country. LB905 came out of committee on a 7-0 vote with no fiscal impact and no opposition. In fact, we had several experts, some of which were from the Children's Hospital and the Medical Center-- Medical Center, March of Dimes, the Nebraska Chapter of Amer-- and the Nebraska Chapter of Ameri-- American Academy for Pediatrics. I would like to take a minute and briefly walk you through the process that this bill is recommending. When ex-- when an expectant mother or new mother would-- would go to their prenatal checkup or well-child visit, they would have an opportunity to complete a screening tool, somewhat like a survey. Once it's been filled out, the provider can discuss it with the patient and determine whether further steps or resources would be beneficial for the patient. In addition, due to-- due to the shortage of behavioral health specialists in rural areas, we've also added a suggestion for a referral network. According to the data we received from DHHS, there has been approximately one suicide a year since 2014 by expectant or new mothers. This bill is a small step to prevent suicides and keep mothers and children-- keep their mothers with their children. LB905 allows us to begin the conversation on maternal mental health in Nebraska and start providing more clinics and hospitals with the tools they need to address this very real issue. Thank you. And with that, I would encourage your vote on LB905 and AM1609, which Chairman Arch will open after me. Thank you.

**HUGHES:** Thank you, Senator Walz. As the Clerk stated, there's a committee amendment. Senator Arch, as Chairman of the Health and Human Services Committee, you're welcome to open.

**ARCH:** Thank you, Mr. President. AM1609 is a white-copy amendment that would become the bill. The committee amendment does not change the effect of LB905, but rather would copy the substance of the bill into

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

the Advanced Practice Registered Nurse Practice Act, in addition to the Medicine and Surgery Practice Act. As introduced, LB905 inserted new sections into the Medicine and Surgery Practice Act to provide for perinatal mental health screenings to be performed by licensed healthcare professionals. The bill defined licensed healthcare professional as a physician, an osteopathic physician, an advanced practice registered nurse, or a physician assistants. By copying the substantive provisions of LB905 into the Advanced Practice Registered Nurse Practice Act and removing advanced practice registered nurses from the definition of licensed healthcare professional under the Medicine and Surgery Practice Act, the amendment maintains the separation in current statute between APRNs, which are licensed under the Advanced Practice Registered Nurse Act, and physicians, osteopaths, and physician assistants, which are licensed under the Medicine and Surgery Practice Act. AM1609 resolves the concerns of Nebraska Medical Association, which testified in support of the bill, as amended at the hearing on January 19. The bill advanced 7-0 from the Health and Human Services Committee, so I encourage your support for AM1609 and LB905. Thank you.

**LINDSTROM:** Thank you, Senator Arch. Mr. Clerk for an amendment. We are on AM1609. Seeing no one else in the queue, Senator Arch, you're welcome to close. Senator Arch waives-- excuse me, Senator Pansing-- Patty Pansing Brooks.

**PANSING BROOKS:** Sorry, sorry. Yes, I just wanted to stand in support of this bill. I think it's so important. I went to an NCSL meeting this past summer and we learned all about mental health. And Senator Walz and I were sitting together and it's so tied to the health of the women, the health of the baby. There are a couple of facts that I got from that seminar, one of which is, guess what the number one-- I want you to think to yourself and say what the number one surgery in the United States is, number one surgery? I've had people say, oh, heart or lungs or cancer. No, it's Cesarean sections. And when you look up Cesarean sections, there's a big amount of study that shows that mental health can attribute to the Cesarean sections and can be a precursor to those C-sections. So this bill is-- is really important, the work to help mothers and children to be born in a healthy manner. We are ranked 57th in the world, 57th in the world in maternal health, 57th in the world. The next closest industrialized developed country is ranked 27th. Why would that be? I really want to know what do you all think? Why would it be that the most developed, progressive country in the world is ranked 57th, along with Oman, Ukraine, Croatia? That's where we are ranked in care for our mothers and our newborn infants. So I want you all to think about that. This is a

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

wonderful bill by Senator Walz. We need to do more to protect women who are giving birth and to protect the infants postpartum. So thank you so much to Senator Walz for doing this, and I give my time back to the Chair. Thank you.

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

**PAHLS:** Thank you, Mr. Speaker. Give you the male's perspective of this. Being an elementary principal for 30-some years, you would be surprised at the number of, excuse me, young mothers that I worked with who, having the birth of a baby and the other children in their family, I was amazed at the issues that they were confronted with. In fact, in one group, my PTA sort of got together so some of these young mothers could sort of discuss that. And of course, I was very fortunate. Most of the schools I happened to be administrator of, there were a number of doctors and their wives were involved. So we had really a very good group. But I was always impressed with how these mothers would come to school and you could see it in their eyes, how they-- they really needed help because it is a different thing for those of us, my-- such as myself who've never given birth, we just don't get it. So I thank you for the bill. Thank you.

**HUGHES:** Thank you, Senator Pahls. Seeing no one else in the queue, Senator Arch, you're welcome to close on the committee amendment. Senator Arch waives closing. Colleagues, the question before us is the adoption of AM1609 to LB950 [SIC LB905] All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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

**HUGHES:** AM1609 is adopted.

**CLERK:** Senator Cavanaugh would move to amend, FA107.

**HUGHES:** Senator Cavanaugh, you're welcome to open, Senator Machaela Cavanaugh, you're welcome to open on FA107.

**M. CAVANAUGH:** Thank you, Mr. President. So I guess I switch-- switched things up when I filed this amendment and did it to the underlying bill and not the committee amendment. I fully support this bill and I think we've probably had enough conversation about it, so I will withdraw my amendment and yield my time to the Chair.

**HUGHES:** So ordered. Seeing no one else in the queue, Senator Walz, you're recognized close on LB905. Senator Walz waives closing.

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

Colleagues, the question before us is the advancement of LB905 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, Mr. President.

**HUGHES:** LB905 advances. Next item on the agenda.

**CLERK:** LB1082, a bill introduced by Senator Gragert. It's a bill for an act relating to organ and tissue donation; requires the Game and Parks Commission to provide certain information relating to organ and tissue donation on applications for certain hunting and fishing permits; requires the Game and Parks Commission to transfer certain hunting and fishing permit information. Introduced on January 18, referred to the Natural Resources Committee, advanced to General File. I do have no committee amendments. I do have other amendments to the bill, Mr. President.

**HUGHES:** Thank you, Mr. Clerk. Senator Gragert, you're welcome to open on LB1082.

**GRAGERT:** Thank you, Mr. President, members of the Legislature. The intent behind LB1082 is to help grow the donor registry. Again, I'd like to thank Speaker Hilgers for adding LB1082 to the consent calendar. LB1082 would require applications for an annual hunting and fishing permit to include a question asking applicants if they want to add their name to the donor registry of Nebraska and donate their organs and tissues upon death. The Game and Parks Commission will record affirmative responses of those 16 years of age and older in electronic database. The Game and Parks will then electronically transfer data from those persons who agreed to make the anatomical gift to the Live On Nebraska, the federally designated organ procurement organization for Nebraska. This data can be used for no other reason. The Game and Parks Commission shall also distribute a brochure explaining the revised Uniform Anatomical Gift Act with applications of those 16 years of age and older that have not previously responded to the donor question. This-- if applications are made online, a link must be provided to an electronic copy of the act. Persons agreeing to donate their organs and tissues can always change their status by visiting Live-- Live On Nebraska online or contacting them by telephone. Information on how to change their status will also be provided on the Game and Parks website. There are approximately 300 Nebraskans and 100,000 Americans awaiting for a lifesaving transplant at any given time. In the United States, 20 people die every day because the organ wasn't available in time. However, the ability to

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

provide more organs to transplant relies on people to-- saying yes to the gift of life. Currently, potential-- potential donors can register through DMV during their driver's license application process or online to Live On Nebraska's website. Since there are many more people waiting for a transfer-- transplant than there are organs available, providing an annual regis-- registration opportunity makes sense. Rather than waiting for the five-year driver's license cycle, Live On has been working with the Game and Parks Commission on this initiative for two years. Several other states, including Missouri, Iowa, and Minnesota, have passed similar legislation and have seen an immediate success in the growing their donor registry. Minnesota added over 150,000 donors in four years. The public hearing for the LB1082 was before the Natural Resource Committee. The president and CEO of Live On Nebraska testified in support of LB1082, as did the Nebraska Game and Parks Commission and a young Girl Scout. A father whose son has passed, who-- whose son has passed away while waiting for a second heart transplant also testified in support, helping to fulfill his promise to his son to dedicate his life to the promotion of organ donation. There were no opponent and LB1082 advanced on an 8-0 vote. The Nebraska Game and Parks Commission indicated that they will be able to accommodate these requirements under their current appropriation because they are in the process of replacing their permitting system with a system that is capable to prompt customers to register for organ don-- donors during the sale of permits, track the affirmative response, and pass the information to the designated registry. The vendor they are using has worked with other states that has the same requirements. LB1082 simply expands the means of reaching people in an effort to gain more donors for this lifesaving mission. I urge your favorable vote on the advancement of LB1082. Thank you.

**FOLEY:** Thank you, Senator Gragert. Mr. Clerk.

**CLERK:** Senator Gragert would move to amend the bill with AM1991.

**FOLEY:** Senator Gragert.

**GRAGERT:** Thank you. This amendment, AM1991, was brought to me by the Bill Drafters. It simply specifies to the Revisors to add the new language to game law chapter-- to the game law chapter in Chapter 37 of the Nebraska Revised Statute. I urge your adoption of this amendment to LB1082. Thank you.

**FOLEY:** Thank you, Senator Gragert. Debate is now open on LB1082 and the pending amendment. Senator Erdman.

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

**ERDMAN:** Thank you, Mr. President. Thank you, Senator Gragert, for explaining what this bill does, and-- but I was wondering if he would yield to a question, maybe two.

**FOLEY:** Senator Gragert, will you yield, please?

**GRAGERT:** Absolutely.

**ERDMAN:** Senator Gragert, you said in your announcement that they would print a brochure and make it available to those people getting a license, a fishing license or hunting license. A lot of those permits are purchased online. So I would assume that this brochure may be an online brochure in most cases.

**GRAGERT:** Yes, it'll be available both if you do it over the counter or online.

**ERDMAN:** So-- so if it's done over the counter, say it's done at Cabela's or Bass Pro or wherever they buy their permit, they will have to have a printed document there for them as well. Would that be correct?

**GRAGERT:** That's correct. It'll just be a one-- one question where you check yes or no on.

**ERDMAN:** OK. So they're going to have a brochure explaining what that does. Would that be correct?

**GRAGERT:** That's correct.

**ERDMAN:** And so then you'll just either check yes or no and it'll be on your-- your license that you're a donor?

**GRAGERT:** That's-- that's correct.

**ERDMAN:** So on my license, I keep it on my phone because I don't carry my-- my wallet when I'm fishing or whatever so it'll-- it'll show on the license that I have become a donor?

**GRAGERT:** That's affirmative.

**ERDMAN:** OK. All right. So you got Game and Parks to agree to do this at their own expense?

**GRAGERT:** That's correct. This is happening. Probably life is always 90 percent, you know, timing. But this is happening at a time when



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

they're redoing their permitting process, so it works right into-- with no additional monies.

**ERDMAN:** And I would hope when they're doing their repermitting process online, it becomes more streamlined than it currently is. That would be my hope. So I appreciate you answering those questions. Thank you very much for the time.

**FOLEY:** Thank you, Senator Erdman. Any further discussion of the amendment? I see none. The question before the body is the adoption of AM1991. Oh, I'm sorry. Senator Gragert, do you want to close on the amendment? He waives closing. The question before the body is the adoption of AM1991. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the adoption of Senator Gragert's amendment.

**FOLEY:** AM1991 has been adopted. Mr. Clerk.

**ASSISTANT CLERK:** Senator Machaela Cavanaugh would move to amend with FA108.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized to open an FA108.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Senator Gragert talked to me this morning about my amendments to his two consent bills, and I'm very appreciative of that. I will pull my amendment and yield my time to the Chair.

**FOLEY:** That amendment has been withdrawn. Any further discussion on the bill? Senator Gragert, you're recognized to close on the advancement of the bill. He waives closing. The question before the body is the advancement of LB1082. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

**FOLEY:** LB1082 advances. Next bill, please.

**ASSISTANT CLERK:** Mr. President, next bill, LB1137 introduced by Senator Hunt. It's a bill for an act relating to the Fair Pay to Play Act; to rename the act; to change provisions relating to name, image, likeness rights of a student athlete: to harmonize provisions; and repeal the original sections. The bill was introduced on January 19 of

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

this year. It was referred to the Business and Labor Committee. That committee placed the bill on General File with no committee amendments.

**FOLEY:** Thank you, Mr. Clerk. In the absence of Senator Hunt, Senator Matt Hansen has been authorized to carry the bill. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. As the cosponsor of this bill, Senator Hunt did ask me to do its introduction in her absence. First of all, thank you to Speaker Hilgers for placing LB1137 on consent calendar. This bill was requested by the University of Nebraska and Creighton University, who collaborated on the language. It is an update to the Fair Pay to Play Act, which enabled college athletes to get scholarships for their use of their name, image, and likeness, which this Legislature passed in 2020. This bill came out of the Business and Labor Committee with unanimous support, and it did not receive any opposition testimony at the hearing. The purpose of this bill is to update the name of the act to better reflect its purpose; to add in some additional guidelines around name, image, and likeness deals to protect student athletes and colleges. LB1137 would also ensure that any sponsorship agreement a student makes is consistent with the values and educational mission of the institution they attend, and that they are well informed about their rights and responsibilities under the act. Finally, it protects the intellectual property of the institutions. The bill has been reported to General File and has no General Fund impact. The nature of the changes to the act or nonsubstantive and are clarifying changes requested by Nebraska colleges now that the act has been implemented. With that, I would ask for your green vote on LB1137. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hansen. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would move to amend with FA109.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized to open an FA109.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Colleagues, FA109, I lost track of what that does, so please bear with me for a second. I think it changes something small. Oh, page 2, line 10, strike "means" and replace with "is defined as." So you can vote for it, I suppose, but I'm-- I will be pulling it. I appreciate Senator Hunt's bill and for Senator Hansen for introducing it. This bill, I think it's sort of

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

a cleanup to when she had that bill, oh, two years ago allowing student athletes to be paid and which I think was a really great change. I don't know if it's actually happened nationwide, but I do know that we did that here in Nebraska, and I very much appreciate that we were giving student athletes the opportunity to use their name, image, or likeness and own the rights of it because previously they did not. Mr. Lieutenant Governor, is there anybody in the queue?

**FOLEY:** Yes, there is.

**M. CAVANAUGH:** OK, I ask because I can see the board, but I can't always tell. And so I want to make sure that I give other people time if they wish to have it. So I will withdraw my amendment and yield the remainder of my time.

**FOLEY:** Thank you, Senator Machaela Cavanaugh. The amendment has been withdrawn. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. President. I do believe that this bill does make the statute better. However, I'm going to-- I will vote no on this on principles. I voted no on the original statutory change when we paid players to play. And let me talk about-- I want to talk about just a minute about something I heard on the radio recently about some players, a football player, specifically starting quarterbacks for a major university in the country, starting quarterback for two years transfers to another university. And it comes down to they were paid more money is what it sounded like on the radio to me. That person then took other players out for dinners, gave-- you know, bought things for them, if you will, the dinner or whatever it might be. But it really came down to why would a starting player from one university, a major university, leave to come to another university? And really what the discussion was on the radio was because the amount of money they could make. That was my opposition when the original bill come up. I'm not asking anyone to vote no on LB1137. Myself, I appreciate what Senator Hunt's bill does, what she's doing, but to me, it's on principles. We have people going to colleges and universities across the state. We're talking about we need nursing, we need electricians, we need plumbers, we need welders. We need all these different groups of people. But yet they can pay for go-- to go to college, then go to play-- go to university. You get your Ph.D., your master's degree, you can pay to do that. But if you come play a sport, guess what? You can go out and get all the funding that you want, and that's just something I think that fundamentally changes college sports, athletics in general. I do believe that that person going to nursing school, that person going to medical school, that person going

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

to whatever university or college it is, they deserve the same. They don't get-- they don't have a scholarship that pays all of their medical, that pays all of the room and board, that pays for all their food, that pays for all their travel. They don't have that. They have to pay that for themselves. So I just stand up today once again to speak on this bill. The whole concept I don't agree with of paying our college athletes because our-- of having them the ability to make money off of their image. If they want to do that, then become semi-pro or be pro. College, you receive reimbursement, you receive compensation. There's a lot of people, a lot of single parents that have to take multiple jobs in order to get a better education, in order to go to college. But yet now we have athletes that I'm not disagreeing that they make a lot of money as far as universities go or colleges go. I understand that. But that athlete is already getting a lot of financial incentives, I guess I'd call it, through the opportunities they have through scholarships and other things they have. So once again, I'm going to vote no on LB1137, not because I don't believe that the bill may or may not be a good bill. It's on the principles. I do not believe our students and colleges, universities should be paid by anyone to play other than the scholarships they earn through the system. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Bostelman. Senator Ben Hansen.

**B. HANSEN:** Thank you, Mr. Lieutenant Governor. Just really briefly want to speak on LB1137. This bill was heard in Business and Labor Committee. It did advance through the committee with no opposing testifiers. And I do respect my colleague, Senator Bostelman's opinions and concerns actually about the underlying bill and his philosophical conflict with the bill. It makes sense to me and I respect his opinion. I will be voting yes on LB1137. It does, in my opinion, make the bill better. It does tailor it to what-- what the university is saying, maybe possibly in other colleges, how they can better equip some of these student athletes to deal with contracts or some negotiations they may get into with some people willing to pay them for their name, image, and likeness. It also has to do with some of the logos of the university and how they can be appropriately be used or not used. And so this, in my opinion, is a good bill to help tailor the underlying bill of what it's attached to more effectively. So with that, I will be voting yes on LB1137, and I encourage my colleagues to do the same. Thank you.

**FOLEY:** Thank you, Senator Hansen. Any further discussion? I see none. Senator Hansen, Matt Hansen.

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

**M. HANSEN:** Thank you, Mr. President, and I'll close real briefly just on Senator Hunt's behalf. I appreciate what Chairman Ben Hansen just said on the bill. This came out of the Business and Labor Committee unanimously. And kind of the philosophical debate of what student athletes should be paid for, should be reimbursed for, this bill is not necessarily getting to the heart of the matter. It is primarily updating kind of some of the current regulations, including protecting universities, trademark and copyright use, and renaming the act and doing a few other clarifying procedures. It is largely intended as a cleanup at the request of the University of Nebraska and Creighton University. With that, I'd ask for your green vote on LB1137. Thank you.

**FOLEY:** Thank you, Senator Matt Hansen. The question before the body is the advance of LB1137 to E&R Initial. Those in favor vote aye; those opposed vote nay. Record, please. I'm sorry.

**ASSISTANT CLERK:** 31 ayes, 3 nays on the motion to advance the bill, Mr. President.

**FOLEY:** LB1137 advances. Next bill, please.

**ASSISTANT CLERK:** Mr. President, next bill, LB742 offered by Senator Erdman. It's a bill for an act relating to the Open Meetings Act; to change provisions relating to minutes kept as electronic record; harmonize provisions; repeal the original sections. The bill was introduced on January 5 of this year. It was referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with no committee amendments.

**FOLEY:** Senator Erdman, you're recognized to open on LB742.

**ERDMAN:** Thank you, Mr. President. First of all, I'd like to say thank you to the committee, military and veterans-- Government, Military and Veterans Affairs. All eight of those voted to bring this bill to the floor, and I appreciate the Speaker putting on the consent calendar. It's basically just a cleanup bill. It was not understood as to who could use electronic storage of their minutes, and so currently the statute suggests that only schools and educational service units may store their minutes electronically. So what we did with LB742 was remove the ambiguity of the classifying all the-- so all public bodies can do paperless storage of their minutes electronically if they choose to do so. The other option is it does not remove the opportunity to store copies in a written form or on paper if they choose to do so. So it's a cleanup bill clarifying who can use

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

electronic storage for their minutes and who can't. It's just clarifying language. And as I said, it's a cleanup bill and I encourage you to vote for LB742. Thank you.

**FOLEY:** Thank you, Senator Erdman. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would move to amend with FA111.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized to open an FA111.

**M. CAVANAUGH:** Thank you, Mr. Speaker-- sorry, Lieutenant Governor. So I plan to vote for LB742. I will withdraw FA111. But I do want to take just a moment to talk about the rules again because I've kind of gotten away from that today. So Rule 2, Section 8 is transgression of rules, call member to order. So if a member, "any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise." So when a member calls for order, everything is supposed to pause, whether it's move forward or not after that, but it is supposed to pause. It's not supposed to continue. You're not supposed to gavel the person calling for order. It's really important to remember. So it's kind of like a priority motion, everything stops. The people up front figure out what to do next, whether it's to just keep going or not, but everything is supposed to stop. The presiding officer is not supposed to use a gavel against the person making a call for a point of order. That is extremely inappropriate. I can't even imagine if that happened in my first two years, what would have happened in this Legislature. So I clearly, from reading the rules today, don't know the rules back and forth, but I know them fairly well. And I've never once sat in the presiding officer's chair, not once. I don't know what the process is for people sitting up there beyond the Lieutenant Governor and the Speaker and the Chair of the Exec Board. I think people are just asked if they want to sit up there. If you're going to sit up there, you should be learning the rules because you should never violate another senator's rights and privileges as according to our rules when you are the presiding officer. That is very problematic. So I would encourage anyone who takes the seat up there to learn the rules. You most likely have a copy of this at your desk. If you want to preside over this body, that is a really important function to have. I will-- oh, I already

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

withdraw-- withdrew it. OK. I yield the remainder of my time. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Any further discussion on the bill? I see none. Senator Erdman, you're recognized to close. He waives closing. The question before the body is the advance of LB742 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the motion to advance the bill.

**FOLEY:** LB742 advances. Next bill, please.

**ASSISTANT CLERK:** LB983, offered by Senator Moser. It's a bill for an act relating to political subdivisions; to redefine a term and change review, notice, hearing, and designation provisions relating to industrial areas; repeal the original sections. The bill was introduced on January 12 of this year. It was referred to the Government, Military and Veterans Affairs Committee, placed on General File with no committee amendments.

**FOLEY:** Senator Moser, you're recognized to open on LB983.

**MOSER:** Thank you, Mr. Lieutenant Governor, and good afternoon, colleagues. LB983 changes provisions relating to industrial development powers of counties, cities and villages, and I'd like to thank Speaker Hilgers for placing this bill on the consent calendar. In 1957, the Nebraska Legislature created county industrial tracts as an economic development tool. It gives counties the authority to create industrial tracts that benefit businesses and owners of property in a county industrial tract, as they are considered outside of the municipality and, therefore, do not pay any city sales, city property tax, nor do they collect city sales tax on on-premises sales. LB983 addresses how county industrial tracts are being used and whether the occupants in these tracts continue to meet the definition of industrial-- industrial, as defined in section 13-111. Current law provides that in every even year, in March, the county board is required when requested by the municipality to review industrial areas in its jurisdiction. If the county board finds during its review that there may be a problem with the industrial area designation, the county board gives notice to the property owners of the tracks that there will be a hearing. If, after the hearing, the county board finds that the property is no longer being used for industrial purposes, the county is required to remove the area from the industrial tract. County boards are sometimes reluctant to remove industrial area

designations, even when evidence-- evidence is presented that activities are occurring that do not meet the definition of industrial. To address these issues, LB983 provides the following. Language is added that-- to clarify that storing personal property is not included in the definition of industry and, therefore, is not an allowable use within a county industrial tract. Two, the bill changes the process by which a county board reviews the industrial area designation. With LB983, when the municipality requests a review, it is required that the county board hold a hearing and give notice to the municipality and the owner of the tract or tracts. The bill removes the language about the county board needing to find a problem before holding a hearing. The bill places burden of proof on the property owners. The-- at the county board hearing, the burden of proving that the tract in the industrial tract is still being used for industry is on the owner of the tract. Finally, the bill provides new language that if the owners do not attend the county board hearing, the county is required to remove the designation of the industrial area from the tract. This bill was voted out of the Government, Military and Veterans Affairs Committee with no opposition. I want to take just a moment to discuss the-- the purpose of the bill. When these properties are first designated as industrial, it's done as an economic development tool so that the industry knows that they won't be annexed into the city once they make an investment in the equipment and things to generate whatever industrial product they produce. And so they save city sales tax on what they buy. They don't pay city property tax on their building, their property, or the machinery in the building. And it also may affect which school district the property is put into for school tax purposes. And at the beginning, everything is-- is approved in advance and-- and it all works smoothly. However, subsequent owners of the property sometimes don't follow the rules, and the industrial tract designation often transfers to the new owners, and the new owners may use the building for storage of motor homes or jet skis or just household things or-- or, you know, whatever they might want to use the building for. But to be fair, people who don't follow the rules shouldn't get the tax exemption. So you still would have to annex this property into the city, and you can only annex what's adjacent to current city lines. So even though this property may not now be industrial, if it's in the middle of the industrial tract it may not be annexed but, nonetheless, it addresses the fairness of the tax exemption and whether the current owner of the building qualifies under the original intent of the law. Thank you.

**FOLEY:** Thank you, Senator Moser. Mr. Clerk.



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

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would offer FA112.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized to open on FA112.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I withdraw my amendment and yield my time.

**FOLEY:** Thank you, Senator Cavanaugh. Any discussion on the bill? Senator Moser, recognized to speak to-- he waives closing. Question before the body is the advance of LB983. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the motion to advance the bill.

**FOLEY:** LB983 advances. Next bill, please.

**ASSISTANT CLERK:** Mr. President, the next bill, LB908, offered by Senator McDonnell. It's a bill for an act relating to the Open Meetings Act; to provide additional requirements for virtual conferencing; and to repeal the original section. Bill was introduced on January 10 of this year, referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments attached.

**FOLEY:** Senator McDonnell, you're recognized to open on LB908.

**MCDONNELL:** Thank you, Mr. President. LB908 would amend the Open Meetings Act to provide an additional virtual open meeting option that would allow public bodies to hold virtual meetings when there will not be any action taken on any agenda items and the purpose of the meeting is informational and discussion only. COVID has accelerated the use of virtual meetings for the world as we know it. The Douglas County Board re-- requested that I introduce this legislation change, as they have learned that the virtual meeting option has provided them with additional community engagement and more coverage by the media outlets. Occasionally, a committee will meet with a limited informational agenda, and there will not be a quorum available. Because of the lack of the quorum, the meeting may not be able to take place. LB908 would provide an efficient way to meet the quorum, allow the committee to proceed with the meeting, and provide informational-- information to the citizens of the community. Again, LB908 would provide expanded authorization for the public bodies who hold public meetings by virtual conferencing. This option of public meetings would be permissible whenever the business of the meeting will be discussion-- discussed or acted upon as a subsequent in-person meeting

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

of the body when the public body takes no action during the public meeting and when existing requirements for public notice and public accommodations are satisfied. Last, committee amendment, AM1950, was introduced to clarify and ensure that the new authority granted to use-- use virtual conferences would not diminish any authority currently provided in statute for public bodies for purposes of virtual conferences under the other circumstances. Thank you, Speaker Hilgers, for making this bill a consent calendar item, and thank you to the Government, Military and Veterans Affairs Committee for supporting this legislation with no opposition. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McDonnell. Senator Brewer, you're recognized to open on the committee amendment.

**BREWER:** Thank you, Mr. President. The Government Committee held LB908's hearing on February 16. We have been updating our public meetings laws over the past couple of years to allow more remote meetings, for obvious reasons. The committee amendment, AM1950, clarifies that this bill gain-- grants some new authority, does not interfere with the public bodies already using the technology for their meetings under--- under those circumstances. There was no opposition to the bill in our committee. I would ask for your green light and support for AM1950. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Brewer. Debate is now open on LB908 and the pending committee amendments. Senator Erdman.

**ERDMAN:** Thank you, Mr. President. So I think I understand what Senator McDonnell and Brewer are trying to do here, but I would wonder if Senator McDonnell would yield to a question or two.

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

**McDONNELL:** Yes.

**ERDMAN:** Senator McDonnell, so you said in your opening statement that this would be for information only, so this body can get together virtually to discuss issues and it'll be information only. Will there be a vote taken during this period?

**McDONNELL:** No, based on it's informational discussion only.

**ERDMAN:** OK, informational. Can they have a situation where they decide what they're going to do and then when they go into-- into an open

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

meeting that the public is attending, they can vote then? So can they already decide how they're going to vote in this meeting?

**McDONNELL:** No, information and discussion only, then they have to actually post it and follow the normal procedures.

**ERDMAN:** So who will review this meeting? Who will be the one that is policing this to make sure that there's not a decision made during this virtual informational meeting?

**McDONNELL:** I think it's gonna be the public, the idea that the public will be part of this and so will the media.

**ERDMAN:** It'll be open to the public?

**McDONNELL:** And the media.

**ERDMAN:** So will that be an invitation-only opening or will that be a public notice that you can join by this website?

**McDONNELL:** All public.

**ERDMAN:** So they'll know how to get on?

**McDONNELL:** All public and all media.

**ERDMAN:** OK, so currently what prohibits us from doing this now?

**McDONNELL:** Based on the language that we found when Douglas County looked at this during their-- during the COVID experience and said, we would like to have this cleaned up for informational and discussion only, and they brought the-- the bill to me.

**ERDMAN:** But currently they can have a virtual meeting and that-- and transact business, right?

**McDONNELL:** Currently, they were having some and they felt that we could strengthen the legislation by making it more direct, and also the idea of making sure that the rest of the public understood and we're all operating under the same rules.

**ERDMAN:** OK. It-- it-- it appears-- thank you for answering that. It-- it appears that they already have the authority to do this. But if you say it's a cleanup bill and are making it more obvious to what they're trying to accomplish, this may be something I'll have to vote with. Thank you.

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

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

**PAHLS:** Excuse me, a question for Senator McDonnell.

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

**McDONNELL:** Yes.

**PAHLS:** Senator, this does not refer to Executive committee meetings.

**McDONNELL:** Does not discuss Executive Session.

**PAHLS:** It does not.

**McDONNELL:** Does not.

**PAHLS:** Do they have those right now, Zoom Executive meetings, do you know?

**McDONNELL:** I have not-- I have not discussed Executive Session. I have not discussed it in this bill, so I can't answer your question.

**PAHLS:** All right. I'm just curious. I don't know. I-- I was just wondering. You-- can they have an Executive Session now if they so choose? Or if you don't know, I--

**McDONNELL:** I don't know.

**PAHLS:** OK.

**McDONNELL:** If you're talking about executive session like a city council level--

**PAHLS:** Yeah. Yes.

**McDONNELL:** --I-- I-- I didn't-- never discussed Executive Session.

**PAHLS:** OK, because that's just-- I'm sitting over here and I can remember many years ago, in the executive session, that is where the Omaha school district tried to take over all those suburban school districts, so I-- that's where I got the Attorney General involved and they said--

**McDONNELL:** Can I answer?

**PAHLS:** Yes.

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

**McDONNELL:** Now, remember, this is for discussion only. This-- this would be for only discussion.

**PAHLS:** Oh.

**McDONNELL:** So there was no action taken at these meetings.

**PAHLS:** OK, I'm just clarifying that. Thank you.

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

**DORN:** Thank you, Mr. Chairman. Would Senator McDonnell yield?

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

**McDONNELL:** Yes.

**DORN:** OK. I listened to the conversation. I believe the-- the main part of this is, this is still a public meeting, so this isn't a meeting that because this afternoon they decide at 3:00 they're going to hold a meeting at 8:00 in the morning. This still has to go through all the channels.

**McDONNELL:** Correct.

**DORN:** Correct. Thank you much.

**FOLEY:** Thank you, Senator Dorn. Any further discussion on the committee amendment? I see none. Senator McDonnell-- excuse me, Senator Brewer, you're recognized to close on the committee amendment. He waives closing. The question before the body is the advancement-- excuse me, the adoption of the committee amendment, AM1950. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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

**FOLEY:** AM1950 has been adopted. Mr. Clerk.

**ASSISTANT CLERK:** Senator Machaela Cavanaugh would move to amend with FA113.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** I withdraw my amendment. Thank you.

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

**FOLEY:** The amendment is withdrawn. Any further discussion on the bill? I see none. Senator McDonnell, you're recognized to close. He waives closing. The question before the body is the advance of LB908 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 39 ayes, 1 nay on the motion to advance the bill.

**FOLEY:** LB908 advances. Next bill, please.

**ASSISTANT CLERK:** LB856, offered by Senator Day. It's a bill for an act relating to the Aging and Disability Resource Center Act; to define a term; to change provisions relating to reimbursement for services; to harmonize provisions and repeal original sections. Bill was introduced on January 6 of this year, referred to the Health and Human Services Committee, placed on General File with no committee amendments.

**FOLEY:** Senator Day, you're recognized to open on LB856.

**DAY:** Thank you, Mr. President, and good afternoon again, colleagues. I rise today to introduce LB856, which is a small change in how Nebraska's aging and disability resource centers, or ADRCs, are administered. This change, this cleanup would allow the disability partners that provide services for the ADRCs to be directly reimbursed for those services from DHHS. Currently, under the original language passed, the disability organizations must partner with an Area Agency on Aging to get this reimbursement. In committee, both the Area Agencies on Aging and disability partners support changing this to allow disability partners to be reimbursed directly. In Nebraska, ADRCs started as a pilot project in July 2016 and were made permanent in April 2018. The goal of ADRCs is to help seniors and individuals with disabilities and their family members access services, make sound decisions, find reliable service providers, meet complex needs, stay in their communities, and avoid higher, more costly levels of care. And this program has been very successful. In fiscal year 2020, the ADRCs recorded 8,254 unique contacts regarding 4,948 different individuals. This assistance is helping Nebraskans choose options which are cheaper and less burdensome than nursing home care. In the first year of the program, ADRCs created a projected \$4.5 million in cost savings by helping individuals avoid higher-cost nursing home placements. Organizationally, ADRCs are a partnership between the state's Area Agencies on Aging and organizations that serve the disability community. As currently laid out in statute, the payment stream is from DHHS to the individual Area Agency on Aging and then from the Area Agency on Aging to the disability partner that works

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

with the AAA. So LB856 just eliminates the need for this pass-through. HHS would still provide the necessary oversight and fiscal administration. LB856 is a small tweak that would streamline ADRC procedures by creating a more straightforward reimbursement for the disability partners while reducing the workload of the state's Area Agencies on Aging. This bill was advanced unanimously out of committee with no opposition testimony, and with that, I would encourage your green vote on LB856.

**FOLEY:** Mr. Clerk.

**ASSISTANT CLERK:** Senator Machaela Cavanaugh would offer FA114.

**FOLEY:** Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. I withdraw my amendment.

**FOLEY:** FA114 has been withdrawn. Debate on the bill? Senator Erdman.

**ERDMAN:** Thank you, Mr. President. I was wondering if Senator Day would yield to a question or two.

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

**DAY:** Yep. Yes, I will.

**ERDMAN:** Senator Day, in your opening, you said that this started as a pilot project when, 2016?

**DAY:** Correct.

**ERDMAN:** And-- and then has it been updated since then or is this the first time since it started?

**DAY:** This is the first time since it started that we're changing the payment process.

**ERDMAN:** OK. And so what are we changing?

**DAY:** We're just removing the Area Agencies on Aging from the process of payment from DHHS to the disability providers, service providers.

**ERDMAN:** Do you know-- if you know, and I'm not trying to put you on the spot--

**DAY:** Sure.

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

**ERDMAN:** --but you know how it was funded originally?

**DAY:** How it was funded?

**ERDMAN:** Yeah, the-- the-- the-- the program that was set up as a pilot program, how was that funded, do you remember?

**DAY:** I'm not sure. I do not know.

**ERDMAN:** OK, that's fine. Thank you. So I said that-- that's all I have.

**DAY:** OK.

**ERDMAN:** I said that to say this. So this was a pilot project when it started, and then it worked so well that we're going to continue this. So here-- here's my reason for bringing this up, is we are going to distribute \$1 billion in ARPA money, and most of these-- most of these distributions, these appropriations, are two things that they call a one-time spend; or we're going to start this program and when the money's gone, it's going to sunset. Probably, in the time that I've been here, I've never seen a program sunset. And so as we begin to talk about the budget, and we'll start that soon, we will talk about all of these bills that have a one-time spend appropriation comment. Those will be in addition to our budget, because whether you're building a building, whether you're making a contribution to a new program or existing program, whether you are increasing wages and all of those things that we're going to do in the budget. Just be aware that it's going to be an ongoing budget requirement for the next Legislatures after us. Now some of these, I would agree, are necessary. OK? So I'm not saying every one of them that increase the base we shouldn't vote for. But what I am saying is just be cognizant of the fact of what we're doing when we vote to make these appropriations. And so that's what happened here, was a pilot program. It seemed to work, and so now we're going to go forward and keep funding it and we keep making adjustments to it. And this very well may be worthy of-- a worthy cause, but I just want to bring your attention to that. So watch for that in the next week or so as we're debating the budget. Thank you.

**FOLEY:** Thank you, Senator Erdman. Any further discussion? I see none. Senator Day, you're recognized to close. She waives closing. Question before the body is the advance of LB856 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.



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

**ASSISTANT CLERK:** 41 ayes, 1 nay on the motion to advance the bill, Mr. President.

**FOLEY:** LB856 advances. Next bill, please.

**ASSISTANT CLERK:** Next bill, Mr. President, LB1007, offered by Senator Murman. It's a bill for an act relating to the Rural Health Systems and Professional Incentive Act; to provide for repayment of qualified educational debts by local entities not receiving a federal match; to harmonize provisions; and to repeal the original sanctions. Bill was introduced on January 12. It was referred to the Health and Human Services Committee. That committee reported the bill to General File with committee amendments.

**FOLEY:** Senator Murman, you're recognized to open on LB1007.

**MURMAN:** Thank you, Mr. Lieutenant Governor, and good afternoon, colleagues. I'm pleased today to bring LB1007, which was advanced out of the Health and Human Services Committee with AM2099 on a 7-0 vote, and there were no opponents to the bill. I wish to thank Speaker Hilgers for placing LB1007 on consent calendar. The bill modifies the Rural Health Systems and Professional Incentive Act, which contains the governing statutes for the Rural Health Professional Student Loan Repayment Program, housed at DHHS. If you're not familiar with this program, it provides funds for student loan repayment to health professionals who go and re-- and practice in rural health shortage areas. There is a practice commitment of three or four years for these professionals. If they break this commitment, they are required to pay back the funds they have already received. The program is open to physicians, physicians' assistants, nurse practitioners, dentists, pharmacists, occupational therapists, physical therapists, psychologists, and other mental health practitioners. The last several years, there has been a waiting-- waiting list for this program, which means we weren't fully maximizing our options to send more health professionals to rural areas to address access issues, even though the demand was there. Fortunately, in last year's budget, we increased funding for the program to address the waitlist, but those funds are dwindling quickly. The intent of LB1007 is to further maximize this important program by making clear in statutes that if federal law does not require a local match requirement, that the state also not require a local match. Currently, the program does require a local match as a way for local communities to have skin in the game in partnership with the state. However, due to the pandemic, the Federal Health Resource Services Administration will be sending funds to the state for this program that waives the local match requirement. Pair these funds with

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

ARPA funds, which also do not require a local match, and we have the opportunity to vastly increase the number of health professionals serving in rural areas. I have a companion bill, LB1269, that allocates ARPA funds for this purpose. When these federal funds are exhausted, the program will revert back to requiring a local match commitment from the locality, meaning the state does not bear an increased, ongoing cost for this program with the language of LB1007. The fiscal note mentioned that this intent is not clear in the bill, so committee amendment, AM2099, clarifies this intent so that we may capitalize on the ARPA funds being requested for this program. Senator Arch will prevent the-- present the amendment.

**FOLEY:** Thank you, Senator Murman. Senator Arch, you're recognized to open on the committee amendment.

**ARCH:** Thank you, Mr. President. AM2099 replaces the green copy of LB1007 and becomes the bill. AM2099 states that any agreements entered into regarding the Rural Health Systems and Professional Incentive Act between July 1, 2022, and December 31, 2024, would first use federal ARPA dollars prior to using state or local funds. Agreements using federal ARPA funds would not require a local match. Any ARPA funds would need to be expended by December 31, 2026. If no ARPA funds are appropriated, there is no change to the program. So the previous language in LB1007 could have been interpreted in a way that if the federal government was silent as to loans requiring a local match, then no local match would be required, meaning for any state-only loan program in which the federal government was not involved, a local match would not be required. The new language in AM2099 really drills down into the intent of the bill, which was to allow local entities to overcome the local match barrier, take advantage of the program, and yet-- and get more health professionals in underserved areas in Nebraska. This bill does not appropriate funds, so if no ARPA funds are appropriated, this language does nothing. It doesn't change existing contracts or obligation, but allows for a window where federal funds can be used instead of state and local funds. With that, I urge your green vote on AM2099 and the underlying LB1007. Thank you.

**FOLEY:** Thank you, Senator Arch. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would move to amend the committee amendments with FA115.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized.

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

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I just looked at the remaining consent file bills and apparently I didn't file mo-- or amendments on any of them. So this is the last one, so you can all celebrate in your heads. Don't do it out loud or I think we'll have a gavel, so don't want that. But I am going to pull my amendment not only because I support this bill, but my aunt and uncle, who are rural healthcare providers, would be very disappointed in me. So thank you and I yield the remainder of my time.

**FOLEY:** Thank you, Senator Cavanaugh. FA115 has been withdrawn. Any discussion on the committee amendment? Seeing none, Senator Arch waives closing. Ques-- question before the body is the adoption of AM2099, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 40 ayes, 0 nays on the motion to adopt the committee amendment.

**FOLEY:** The committee has been adopted. Any further discussion on LB1007 as amended? I see none. Senator Murman, you're recognized to close. He waives closing. The question before the body is the advance of LB1007 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 38 ayes, 0 nays on the motion to advance the bill.

**FOLEY:** LB1007 advances. Next bill, please.

**ASSISTANT CLERK:** LB829, offered by Senator DeBoer. It's a bill for an act relating to offenses against animals; to change penalty and sentencing provisions as prescribed; to change a deadline for filing a hearing application relating to seized animals; and repeal the original sanctions. The bill was introduced on January 6 of this year, referred to the Committee on Judiciary. That committee placed the bill on General File with-- with no committee amendments.

**FOLEY:** Thank you, Mr. Clerk. Senator DeBoer, you're recognized to open on LB829.

**DeBOER:** Thank you, Mr. President. Good afternoon, colleagues. LB829 was brought to me by the Nebraska Humane Society, which, prior to redistricting, was in my legislative district. LB829 is intended to clean up certain animal cruelty statutes that include int-- inadvertently limiting language. Starting in 2008, Nebraska judges have been allowed to impose animal ownership restrictions of up to 15 years for individuals convicted of animal cruelty felony charges and

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

up to five years for the conviction of a Class I misdemeanor. In 2015, the Legislature passed LB605, which, among other things, created a new class of felony for animal cruelty cases involving torture, repeated beating, and mutilation, and changed those penalties from Class IV to Class IIIA. However, Nebraska State Statute 28-1019, which is the animal ownership restriction law, was not properly matched to reflect the new felony at that time. So the unintended result is that persons convicted of the lesser Class IV felony can be prevented from owning animals, but anyone who is convicted of the higher Class IIIA cannot. LB829 fixes that gap. LB829 also extends, from seven calendar days to ten business days, the length of time a prosecutor has to file an application with the court for a hearing to determine disposition of seized animals and for the court to make a decision on who incurs the cost for the care of animals during that trial process. This winter, many of you probably saw in the news that 575 exotic animals were recovered in a home in Papillion. This happened the Monday and Tuesday before Christmas, so the seven-day statutory period ran over Christmas Eve and Christmas Day, a weekend, all while law enforcement and shelter staff are trying to determine the disposition of exotic animals, so this will fix that problem as well. LB829 was heard in Judiciary Committee on March 2 and was advanced unanimously with no opposition testimony. I appreciate your green vote to advance LB829. Thank you, Mr. President.

**FOLEY:** Thank you, Senator DeBoer. Any discussion on the bill? Senator Erdman.

**ERDMAN:** Thank you, Mr. President. I was wondering if Senator DeBoer would yield to a question.

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

**DeBOER:** Absolutely.

**ERDMAN:** OK, Senator DeBoer, so help me, as not being a lawyer and understanding these felonies. So what problem are you trying to fix?

**DeBOER:** Sorry, I couldn't hear you.

**ERDMAN:** What problem are you trying to fix?

**DeBOER:** The problem is that right now, if you're convicted of a lesser felony, you can have animal ownership revocation of your right to own animals, but if you're convicted of the worse felony, you can't, just because of the wording of the statute. So the statute was improperly worded when it was put into place--

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

**ERDMAN:** OK.

**DeBOER:** --so that the higher felony had lesser penalties.

**ERDMAN:** OK, so explain to me, and there's a definition probably somewhere about harassment, what-- what would be harassment of an animal?

**DeBOER:** I don't-- I don't actually have that information right here.

**ERDMAN:** OK.

**DeBOER:** But what I do know is that these are two animal cruelty felonies. One is much higher, and the prosecutor would have to decide to prosecute on that level because they would decide that it met that level; and one is a lower level, and we would want to match the penalties from the lower-level to the higher-level felony.

**ERDMAN:** OK. So you'll-- you know, as well as I do, that the next bill coming up deals with-- with animals, as well, and so does yours deal with all animals or just domestic or wild animals or-- or what is it, any-- any animal at all?

**DeBOER:** I think just domestic.

**ERDMAN:** Just domestic?

**DeBOER:** Yeah.

**ERDMAN:** OK, so that would be-- cattle and horses would be included, farm animals?

**DeBOER:** No, I don't think so. I--

**ERDMAN:** I-- I think that's the-- I believe that to be the case. We had a-- we had a situation ten or so years ago, maybe longer, that there was a gentleman that had 200-and-some horses that were--

**DeBOER:** Yeah, I recall.

**ERDMAN:** --they were malnourished horses that were dying from starvation, and he was barred from hold-- from owning animals for 15 years. So I believe this would probably apply to domestic animals as well, I believe, livestock.

**DeBOER:** Yeah, I don't know. I can get the answer to that for you if you'd like.

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

**ERDMAN:** OK.

**DeBOER:** What I do know is that what we're trying to fix, the problem we're trying to fix in this particular bill, isn't the scope of what animal cruelty affects--

**ERDMAN:** OK.

**DeBOER:** --but just to make sure the penalties are the same.

**ERDMAN:** OK, thank you.

**DeBOER:** Yep.

**FOLEY:** Thank you, Senator Erdman. Any further discussion? I see none. Senator DeBoer, you're recognized to close on the advance of the bill. Senator DeBoer, you're recognized to close on the advance of the bill. She waives closing. The question before the body is the advance of LB829. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 39 ayes, 0 nays on the motion to advance the bill.

**FOLEY:** LB829 advances. Proceeding to LB851, Mr. Clerk.

**ASSISTANT CLERK:** LB851, introduced by Senator Wishart. It's a bill for an act relating to crimes and offenses; to redefine a term; change enforcement procedures relating to certain crimes involving animals; harmonize provisions; repeal original sections. The bill was introduced on January 6 of this year, referred to the Judiciary Committee. That committee reported the bill to General File with committee amendments.

**FOLEY:** Senator Wishart, you're recognized to open on LB851.

**WISHART:** Good morning, colleagues. I'm here today to introduce LB851. Thank you, Mr. President. This is a bill that makes a needed update to the definition of animal abuse when it comes to nonlivestock animals. Last year, a man was caught on camera in a business parking lot in east Lincoln kicking his dog as he was attempting to load the animal into a truck. At the time, the Lancaster County Sheriff initially declined to cite the owner of the dog, claiming Nebraska Revised Statute 28-1009 prohibits a person from cruelly mistreating an animal. We do not believe the actions of the owner of the pitbull met the statutory requirements to be able to cite him. It was only after public outcry, and in consultation with the Lancaster County

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

Attorney's Office, that the man was eventually sided with animal cruelty. Currently, the statutory definition of animal abuse or cruelty-- or cruelly mistreat is defined as: Cruelty mistreat means to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal. My bill simply adds "kick, hit, strike in any manner," to the definition in section 28-1009. Additionally, my bill strengthens the language in section 28-1012 to ensure that law enforcement is thoroughly investigating claims of animal abuse and cruelty. I understand that larger animals sometimes need physical correction, but when the evidence clearly points to mistreatment, law enforcement needs to act swiftly. Following my introduction of this bill, I spoke with advocates and I worked with the committee to dis-- to strike the language "with no justifiable purpose," as it is not my wish that there are any unintended consequences with a phrase that is open to interpretation. There may be instances, colleagues, where someone needs to physically restrain or correct an animal for their own safety or the safety of others or for training. That is a simple change you see in Judiciary Committee AM2102. LB851 was heard by the Judiciary Committee on March 2, received no proponent, opponent, or neutral testimony, and was advanced from committee unanimously and has no fiscal impact. I brought this bill for my four-legged constituents who cannot speak for themselves, and this simple update in the definition of "cruelly mistreat" could save animals from repeated abuse. Thank you.

**FOLEY:** Thank you, Senator Wishart. Senator Lathrop, you're recognized to open on the committee amendment.

**LATHROP:** Thank you, Mr. President, and colleagues, good afternoon. LB851 was heard by the Judiciary Committee on March 2, 2022. The committee voted 8-0 to amend the bill with AM2102 and advanced the bill to General File on an 8-0 vote. AM2102 would delete the phrase "with no justifiable purpose" from the proposed change to the definition of "cruelly mistreat," which is found in section 28-1008. Very simple amendment, a straightforward, doggone good bill, and I would encourage your support of the amendment and the bill. Thank you.

**FOLEY:** Thank you, Senator Lathrop. Discussion on the bill and the pending committee amendment? Senator Erdman.

**ERDMAN:** Thank you. Thank you, Mr. President. Thank you again, Senator Wishart, for explaining that. I was wondering if you would yield to a question. I have a question about--

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

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

**WISHART:** Yes, I will.

**ERDMAN:** OK. So, Senator Wishart, say I'm at the street corner and your dog is there and your dog bites me and I kick your dog to get him off of my leg from biting me. Is that-- is that a violation?

**WISHART:** No.

**ERDMAN:** And why not?

**WISHART:** Because the issue is if you're kicking an animal and it's not in self-defense. In that case, it would be self-defense and-- and law enforcement at that time, I would imagine--

**ERDMAN:** So if you and I are the only two there and there's no one else around and I say your dog bit me and I kick your dog and you say, no, he didn't, then what happens?

**WISHART:** Well, the same would happen, Senator Erdman, if someone said you beat their dog, which is already in statute, and you'd have to articulate that with law enforcement.

**MORFELD:** It's up to a court [INAUDIBLE]--

**ERDMAN:** OK.

**WISHART:** Yeah, it's up to the courts.

**MORFELD:** --finder of fact.

**ERDMAN:** So what issue were you trying to solve here?

**WISHART:** I'm actually trying to solve a very specific issue that occurred in Lincoln in 2021 that was very significant to a lot of my constituents and the entire community when we witnessed, in the parking lot of a-- of a-- a gun dealer, a gun store, one of the employees caught on camera a man who kicked his dog so brutally that it was very likely there would be internal organ issues, and he was not cited until there was community pressure.

**ERDMAN:** OK, thank you.

**FOLEY:** Thank you, Senator Erdman and Senator Wishart. Senator Clements.



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

**CLEMENTS:** Thank you, Mr. President. Would Senator Wishart yield to a question?

**FOLEY:** Senator Wishart, would you yield further?

**WISHART:** Yes, I will.

**CLEMENTS:** I have a similar concern. I saw that it said you cannot cruelly mistreat with no justifiable purpose, but you're taking out the justifiable purpose. And I, again, was thinking about going door to door and being assaulted by a dog and kicking it, and that would be justifiable. Now are you taking that ability away from me?

**WISHART:** Yes. Actually, the reason we're taking that away is because there was concern that, by adding that in, it added too much ambiguity for someone who needed to use self-defense, that they-- they would have to prove that there was justification. So we took that out because if you need to use self-defense on a dog, I don't want to have to-- I don't want this statute to impact that.

**CLEMENTS:** Are you saying this is helping me?

**WISHART:** Yes, this will help you as you're running away from a dog at a door-knocking situation.

**CLEMENTS:** Well, I-- I-- yeah, I don't want to have to run and be bit as I run. I'd rather defend myself. And so I just wanted to make it clear that you do support a person who's defending themselves against an animal that-- against an animal that's attacking a person.

**WISHART:** Absolutely, and that's-- this amendment, the reason we're bringing it, and I know it seems strange, but the reason we're bringing it is for those who came with similar concerns to yours, and so--

**CLEMENTS:** OK.

**WISHART:** --that's why I'm striking that language.

**CLEMENTS:** I guess it's the negative-- the-- the "no justifiable purpose" is probably the-- where it's a reverse. It's a negative statement. All right, well, I was going to oppose that amendment, but I'll trust you that it's a good amendment for me. And it also does say to cruelly mistreat. If I'm just kicking to-- in self-defense, I'm not being cruel. Is that right?

**WISHART:** Correct.

**CLEMENTS:** Thank you, Senator Wishart. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements and Senator Wishart. Any further discussion on the committee amendment? I see none. Senator Lathrop waives closing on the committee amendment. The question before the body is the adoption of AM2102, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 37 ayes, 0 nays on the adoption of committee amendments, Mr. President.

**FOLEY:** Committee amendment has been adopted. Any further discussion on LB851 as amended? I see none. Senator Wishart, you're recognized to close. She waives closing. The question before the body is the advance of LB851 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 35 ayes, 0 nays on the motion to advance the bill.

**FOLEY:** LB851 advances. Next bill, please.

**ASSISTANT CLERK:** LB1124, offered by Senator Erdman. It's a bill for an act relating to decedents' estates; to change personal property value threshold for collection of personal property by affidavit for small estates; and repeal original sections. The bill was introduced on January 19 of this year, referred to the Judiciary Committee, placed on General File with committee amendments attached.

**FOLEY:** Senator Erdman, you're recognized to open on LB11-- LB1124.

**ERDMAN:** Thank you, Mr. President. Before I begin with my comments on LB1124, I-- I just want to make these-- these comments. I appreciate the committee advancing this 8-0 and putting it on-- and the Speaker putting it on consent calendar. But I-- I told this to Senator Lathrop after I had attended that hearing, and I wanted him to hear this in public. I told him that I thought he did an efficient job of running his committee. I'd never been in front of Judiciary before, but I thought he treated people with respect and I thought he did a nice job of running the committee. And so I wanted to make that known to you before I began my comments. So this bill, LB1124, came to me from an attorney in my district that does estates, and he asked that we would increase the personal property limit for affidavits for estates. That was amended back in the '80s. It went from \$10,000 to \$25,000, and then 20-some years ago they raised it to \$50,000. And I had submitted

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

the bill to go to \$200,000, and the committee reviewed that. Senator Lathrop and I had a discussion about that may be a significant increase from the \$50,000 to \$200,000. And he told me that it would be more appropriate if we were to go for \$100,000-- do \$100,000 instead of \$200,000. And this is for personal property now. This is not for real estate. And-- and I-- I believe that doubling it is probably appropriate. And so there is a committee amendment to do that and I would-- I would ask your green vote on LB1124.

**FOLEY:** Thank you, Senator Erdman. Senator Lathrop, you're recognized to open on the committee amendment.

**LATHROP:** Thank you, Mr. President and colleagues. Good afternoon once again. Senator Erdman, thank you for those kind words. We-- we do what we can over in Judiciary Committee. It's a thoughtful committee and I would add diverse as well, and I'm really proud of the work of that committee. LB1124 was heard by the Judiciary Committee on February 17 of this year, and the committee amendment, AM2138, and the bill were advanced on 8-0 votes. As Senator Erdman explained, LB1124 increases the limit in small-estate probate that can use an affidavit process. AM2138 would reduce the \$200,000 limit offered in the green copy to \$100,000. I would urge you to adopt AM2138, as well as LB1124, and I'd be happy to answer any questions. I might add just this note, that there was one testifier in support of this bill, no opposition, and that testifier happened to be Senator Clements' brother. And when I saw him sitting in the chair, I'm like, that guy kind of looks like Clements, I mean, a lot like-- is-- is he your twin brother?

**CLEMENTS:** [INAUDIBLE]

**LATHROP:** Yeah, twin brother, that close, and it was kind of eerie to have him sitting there watching. And I'm-- I couldn't-- I looked at the list. I didn't see any Clements bills on there, but there he was. He came up and gave a good explanation of why this is necessary, and I appreciate that too. Anyway, I would encourage your support of the amendment and the underlying bill. Thank you.

**FOLEY:** Thank you, Senator Lathrop. Debate is now open on the bill and the committee amendment. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I'm not going to tell you which Mr. Clements I am. [LAUGHTER] Well, yes, my brother did testify. He's an estate attorney, and he said this is going to take some money away from lawyers, just be aware of that. A small estate currently has to be under \$50,000 so they can just sign an affidavit, not go through

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

the whole court process. Now this will mean, if it's \$100,000 or less, they can be just filing an affidavit and not go through as many legal expenses, and it's because of inflation. You can have one pickup truck more than \$50,000 these days. And so I support the amendment and the bill. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Any further discussion? I see none. Senator Lathrop waives closing. The question before the body is the adoption of AM2138, Judiciary Committee amendment. Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 40 ayes, 0 nays on the adoption of committee amendments.

**FOLEY:** The committee amendments have been adopted. Any further discussion on the bill as amended? I see none. Senator Erdman waives closing. The question before the body is the advance of LB1124 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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

**FOLEY:** LB1124 advances. Next bill, please.

**ASSISTANT CLERK:** LB1057, offered by Senator Brewer. It's a bill for an act relating to schools; to change provisions relating to Class III school district membership and under what conditions such school may continue to operate; and repeal the original sections. The bill was introduced on January 18 of this year, referred to the Education Committee. That committee places the bill on General File with committee amendments.

**FOLEY:** Senator Brewer, you're recognized to open on LB1057.

**BREWER:** Thank you, Mr. President. LB1057 is my consent calendar bill. It applies to Class III rural schools. That'd be our smallest. It applies to one of the schools in my district, in particular. We have to pass this bill or Loup County Schools will begin the process of closing. I want to thank the Speaker for putting this bill on consent calendar, and I also want to thank Senator Walz and her staff for their help in crafting this bill. I also want to thank the senators in Education Committee who voted it out unanimous-- unanimously. Lastly, I want to thank all the great people of Loup County who took the time to come down and testify. Here's the bottom line. Right now, the law says that Class III schools must have a fall enrollment of 45 students in grades kindergarten through ninth grade. LB1097 changes this where

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

it's kindergarten through 12th grade. Loup County Schools is the only school in Loup County. They had a vote in the county and they received 97 percent support for their school system, so the people want the school open. They've had Teacher of the Year and have a outstanding school. The problem is the current system and the count that's set up is going to force them to close if we do not pass LB1057. I would ask for your green vote. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Brewer. As the Clerk indicated, there are amendments from the Education Committee. Senator Walz, you're recognized to open on the committee amendment.

**WALZ:** Thank you, Mr. President. AM2164 strikes the original sections of the bill and replaces them with new sections. The majority of the changes are for consistency with the original provisions of LB1057 and other existing sections of statute. The most significant component in AM2164 is that it changes the election, public hearing, and vote of the school board required in order to continue to operate one of our smallest rural schools, Loup County, to happen every four years instead of annually. The committee heard the concerns of a passionate school board member, principal and faculty, a recent Teacher of the Year from Loup County Public Schools, when they came in for the hearing. They traveled over three hours for the third hearing in five years to share their school district's story and plead for our help in keeping their small district-- school district open. They are unequalized, have overwhelm-- have overwhelming community support to keep their doors open, and are doing some amazing things in their community. One of their challenges has been not knowing if the school will be open the following year. This makes it incredibly hard to hire teachers. By changing the votes to every four years, coupled with the well-thought-out provisions of the original bill, we are providing them with hope and security for the future. I ask for your green vote on AM2164 and LB1057. Thank you.

**FOLEY:** Thank you, Senator Walz. Debate is now open on LB1057 and the pending committee amendment. I see no one wishing to speak. Senator Walz-- she waives closing. The question before the body is the adoption of the committee amendment, AM2164. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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

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

**FOLEY:** AM2164 has been adopted. Is there any further discussion on LB1057 as amended? Senator Brewer, you're recognized to close on the advance of the bill.

**BREWER:** Thank you, Mr. President. I just wanted to share the last vote that they had on whether to keep the school open or not came out 277 yes, 8 no, so Loup County wants the school. I say we give it to them. Please support LB1057. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Brewer. The question before the body is the advance of LB1057 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 41 ayes, 0 nays on the motion to advance the bill.

**FOLEY:** LB1057 advances. Members, we are going to move on to another bill, but before doing so, items for the record, please, Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. New A bill, LB977A, by Senator Slama, would appropriate funds to carry out the provisions of LB977. Communication from the Governor: Engrossed legislative bills LB567, LB704, LB749, LB786, LB791, and LB847 have been signed and delivered to the Secretary of State. Amendments to be printed: Senator Bostelman to LB1016; Senator Wishart to LB598. Your Committee on Enrollment and Review reports LB773, LB809, LB809A, LB800, LB750, LB344, and LB344A, all to Select File, some with E&R amendments. Amendment to be printed to LB1241 from Senator Clements-- two amendments to be printed from Senator Clements. That's all I have at this time.

**FOLEY:** Thank you, Mr. Clerk. Proceeding now to General File 2022 Speaker priority bill, Mr. Clerk.

**ASSISTANT CLERK:** LB661, offered by Senator McDonnell. It's a bill for an act relating to crimes and offenses; to prohibit assault on a public transportation driver; change and eliminate provisions and penalties relating to offenses involving assault of an officer, emergency responders, certain employees, healthcare professional; define and redefine terms; to harmonize provisions; repeal original sections; to outright repeal section 28-931. The bill was introduced on January 20, referred to the Judiciary Committee. That committee reports the bill to General File with committee amendments.

**FOLEY:** Senator McDonnell, you're recognized to open on LB661.

**McDONNELL:** Thank you, Mr. President. Since earlier today, I-- I asked Senator Cavanaugh to please consider not speaking on-- on all of the bills on consent, and she-- she did not, so otherwise, without her making that decision, which was her right to speak on every bill, but I want to thank her-- since I asked her on record, I want to thank her on record of not discussing the last few bills. Otherwise, we would have ran out of time today. LB661 proposes to expand the offense of assault to include public transportation drivers. The bill was presented to me by the men and women who drive the buses for the Omaha Metro Area Transit Authority and who belong to the Transport Workers Union Local 223. There have been numerous instances of horrible assaults on these drivers while in the scope of the basic duties of his or her daily employment. In these examples, there was no provocation. These men and women are simply doing their jobs and providing a service to the citizens of their community. During the LB661 testimony that was shared before the Judiciary Committee last year, it was noted that these assaults endure-- endured by our community transportation drivers occur on a weekly basis without fail. Experiences shared by these individuals included being punched, beaten, spit on, and one driver even encountered an individual on his bus with a hatchet. The men and women who drive buses and provide this service to our community are sitting ducks in their seats. They need to focus on the road, the traffic, and the pedestrians, all while trying to observe the commuters and activity on their bus. They have-- they have their backs to their passengers and have nothing to protect them should an incident occur. Furthermore, these horrible instances and assaults have taken place for nothing more than a driver requesting a passenger to wear a mask under the mandate, a passenger boarding the bus and refusing to pay the \$1.25 fee, and, as we heard during the hearing, for absolutely no reason at all. To add even more insult to these assaults, the offenders are rarely reprimanded or charged for their actions because current penalties are taken lightly and have little teeth for protect-- prosecutors to pursue. To go one step further, these drivers not only endure these encounters on a weekly basis, they must then return to the same spot during the same route on a timely and routine basis throughout each week, each day and-- and week. Prepators-- propri-- know precisely where the-- to find them and retaliate, and these common threats are beyond concern and disheartening when a driver begins his or her shift to start their day. They should not have to feel this level of fear or concern when performing a respectable and important job to provide for their families. Can you even imagine being helplessly beaten whilst sitting in your seat over a discrepancy of \$1.25 or someone refusing to wear a mask? I cannot. An increase in the penalty for assault on the public

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

transportation driver would send a message to these horrible offenders and actually provide some teeth for prosecutors so the repercussion would be more than a slap on the hand should someone choose to assault one of these men or women during the scope of their daily job duties and requirements. You will note LB661 appears to make numerous changes to the statute. These changes were incorporated at the Bill Drafters' request to clean up this section of the law. The Legislature has added certain professions to this section over the years to include healthcare professionals, first responders, probation officers, police officers, correctional officers and firefighters. The term "public safety officer" was created to provide a more cohesive section of the statute. AM6-- AM612 has also been filed to fix a typographical error. I would like to thank the Speaker Hilgers for designating LB661 as a Speaker priority bill this session, and I would encourage and appreciate your support of AM612 and LB661 to provide protection-- protection to those dedicated individuals.

**FOLEY:** Thank you, Senator McDonnell. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Lathrop, you're recognized to open on the committee amendment.

**LATHROP:** Thank you, Mr. President. LB661 was heard by the Judiciary Committee on February 24 of 2021. The committee voted 6-2 to amend the bill with AM612 and advanced the bill to General File. The amendment corrects a typo in the original bill and replaces the word "tax" with "taxi" in the proposed definition of public transportation driver that would be added to section 28-929.01. Taxi drivers would be excluded from the definition of transportation driver. And with that, I would encourage your support of the amendment. Thank you.

**FOLEY:** Thank you, Senator Lathrop. Debate is now open on LB661 and the pending committee amendment. Senator McKinney.

**McKINNEY:** Thank you, Mr. President. I rise opposed to AM612 and LB661. While not intended, this bill is the kind of legislation that contributes to racial disparity in prosecution and punishment. This bill will help to increase our prison numbers and a disproportionate number of people of color in prison. This law will apply to people who ride buses. Who rides buses? First, people who live in Omaha, and to a lesser extent in Lincoln, because in rural Nebraska there are no bus services at all. Rural Nebraska white people will not be exposed to this felony crime. People who ride buses regularly will be-- will be exposed to these felonies and that-- and that will be poor people and people of color who large-- who largely rides buses. These people will be exposed to a felony prosecution. Any sort of incident or



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

confrontation that they may have will now be a felony, regardless of the level of harm or harm-- harm recklessly to drivers. Some statistics that I'll remind everyone of, the black incarceration rate in Nebraska is the tenth highest in the United States. Nebraska's black incarceration rate is nine-- in-- for-- for black people is 9.5 times the rate of white people. Only five other states have a greater disparity. Nebraska is the only state to increase its black incarceration rate since 2006. High incarceration rates can be traced to census tracts in north Omaha. Seven north Omaha census tracts had incarceration rates of at least 16 percent of the population, which is higher than any census tracts in Los Angeles, with millions of people. Among the nation-- we're also among the nation's 100 largest metro areas, Omaha black-- Omaha's black incarceration rate, as I stated. But who rides buses? So this will impact mentally ill individuals, which we were having a conversation about last week. Sergeant Aaron Hanson, who testified in support of the bill, and in his testimony, he pointed out there is a high number of people who ride the bus who have mental illness that sometimes, because of the conditions of their mental illness, perhaps might be delusional or not on medication. Then this situation is what contributes to incidents involving negative interactions with bus drivers. This bill will now ensure that this problem will be resolved by the criminal justice system with felony prosecutions. Felony charges mean a high bond, which will mean that people with mental illnesses will be sitting in our jails. Felony charges will mean-- mean a likely prison sentence, so we'll have more people in prison with mental illness. Bus drivers are also not the same as police. This bill alleviates status protection for bus-- elevates status protection for bus drivers to the same level of prosecution for police. Proponents will talk about the hazards that bus drivers face and some of the incidents described are of-- are of concern. First, those things are criminal acts currently. And if the injury is a significant one or if the assault involves a weapon, then that is a felony assault already. What this bill does, it increases penalties arbitrarily. It will put bus drivers on par with police officers as far as pro-- protected victims. And no disrespect to the bus drivers, but there is a difference in risks associated with police and metro bus drivers and the obligation that we have with what law enforcement has the power to do or how we should protect them. Law enforcement officers are trained in de-escalation techniques. With respect to training, law enforcement officers must be--

**FOLEY:** One minute.

**McKINNEY:** --certified with 20-plus hours of ongoing-- ongoing training every year. Police are trained in working with people with mental

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

illness. Police are armed with lethal and nonlethal tools to address risks associated with themselves. We don't need this bill because it's already a felony to assault a bus driver. The Omaha Police should do their job and Metro Area Transit should do their job as well. We do not need this bill. We don't need to extend more felonies or add more felonies. This is bad. This is a bad bill. Thank you.

**FOLEY:** Thank you, Senator McKinney. Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in opposition to the bill generally. I spoke with the gentlemen who were sitting up in the balcony. I appreciate them coming and talking with me today, and I talked with them in my office last year. I'm gonna try and be quick because I'm not trying to take up time, but I-- I wanted to make sure I got my thoughts on it on-- on the record. Ultimately, the-- the bus drivers that are here and the-- the folks who came and talked to us before, they presented a, I think, a legitimate argument about a problem. They-- they came, presented an issue, a problem that needs solving. Senator McDonnell is taking this approach to solve this problem. And I spoke with the-- the bus drivers and I ex-- articulated to them and I've said why I don't think this particular solution is the solution to their problem, but they do make an argument for that and they have a legitimate problem that needs addressing. Senator McDonnell, I don't need to rehash everything he said about the vulnerability of bus drivers when they're driving the bus and subjected to those risks, and then, of course, the trauma associated with having to return to a place where you have been assaulted. I respect and appreciate those arguments. I think the-- the problem with this bill is, when we continue to make more crimes, high-- higher penalties, more incarceration, we need to make sure that we're not looking past the fact that that is creating a huge problem in our society and that a lot of these people-- and again, I spoke to the bus drivers about there are people who are legitimately assaulting bus drivers that are not mentally ill. However, a large number of people who commit these crimes are mentally ill. And I have been involved in the criminal justice system, as you all know, and represented people that were charged under this statute as it stands today. And I can tell you, to a person, the individuals charged under the statute, the enhancement of the statute, are mentally ill, are people that we're try-- that need mental health services, had a crisis and assaulted or were accused of assaulting a law enforcement officer or a medical professional. And so that's my concern about this bill, is that we're solving a mental health problem with enhanced penalties and that we do that too often. I have the article here that I'll circulate at some point, but it's from the World-Herald about previous laws that we

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

passed that were well-intentioned, but are one of the things that have led to the overcrowding in our criminal justice system, in our prison system. And so we need to be conscious of that when we're-- we're trying to solve these problems. This is a legitimate problem. This is an attempt to solve a problem that is legitimately established and been presented. I'm disagreeing with the implementation in this particular case because of the systematic problems that we have in our criminal justice system as they pertain to mental health issues and dealing with individuals' mental health. So with that, Mr. President, I'll yield the remainder of my time.

**FOLEY:** Thank you, Senator John Cavanaugh. Senator Geist.

**GEIST:** Yes, thank you, Mr. President. And I stand in 100 percent support of this bill and I'll tell you why. I listened to these gentlemen and the testimony. I was appalled at what they go through, very graphic description of what they go through, and they have absolutely no defense, no recourse. We do protect our healthcare workers, our police officers. It was-- it was interesting to me. I know that many people don't like upping a penalty. I understand that. Part of the testimony in this hearing was how, even with this assault being a misdemeanor, no one ever charges the assaulter because they usually run away, it's hard to apprehend them. So this isn't an issue of people getting thrown in prison because they have a felony, so let's be clear on that. This is rarely even charged. This is an issue of respect. And if you work for the city of Lincoln or the city of Omaha and you have to sit in your seat with no recourse of someone beating you up, whether they have a mental illness, whether they have a weapon, whether they are in their clear mind, whether they are on drugs, you should be fined and you should be charged. These men deserve that respect. If you represent our city, we should protect you. We should protect you like we protect our other city workers. They deserve that respect, and that's why I'm 100 percent for this bill. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Geist. Senator Wayne.

**WAYNE:** Thank you, Mr. President. Senator Geist, the-- the-- the things you just described sounds like our teachers, but we don't charge felonies. My point is, is where does the class close? How many retail workers who deal with our public maybe get assaulted? Do we make those a felony? See, there's a clear demarcation point between healthcare workers and first responders for a particular reason. There are healthcare workers and first responders who their overall job has to make sure that they can function. And there's not even a respect

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

issue. To say it's not respectful or to say that this is about respect means those who don't get charged with felonies, those who are not in the same special class, somehow are not respected or have the same level of respect. But just listen to what was said on the microphone. These are not charged. That sounds like an issue with the county attorney. These are not charged, so by not charging them, we're going to increase it to a felony. How does that make the charge happen? I'm-- I'm confused by that. But the most important testimony, I think, Senator McKinney said, from a sergeant, said that our people who ride these buses are often mentally ill, and that's where this comes from. So we are, again, creating a felony that their own police officers who testified on how this happens said it's the mentally ill. So we're-- we're creating a felony for those who are most likely mentally ill. That just is bizarre to me. It isn't about respect. Public defenders, I'm sure John-- Senator Cavanaugh, John Cavanaugh will tell you, they've been attacked. They serve our city and county. Attorneys who are appointed get attacked, guardian ad litem [SIC] get attacked. My point is, is if you start going down this road, it opens the door for everybody, then it's no longer a special class, it's everybody. Then we're just going to charge felonies for everybody. The fact of the matter is, if somebody gets hit or assaulted at a certain degree, real bodily harm, it doesn't matter if they are a police officer or not, there still can be a felony charge. There is a felony assault. So if they're beat to a point where it's that harmful, they should already be charged with felony assault. My point is, there's already a charge on the book that can handle this if the prosecutor so chooses. Again, think of all the people who interact with the public who we don't create a special class for. And if we're going to create this special class for anybody who interacts with the public, then we got to create it for everybody. Then what you're saying is there's no more misdemeanor assault. Everybody-- everybody falls in the same class. That's the issue. Think of what first responders, people in the healthcare, what they deal with. And, yes, it could be sometime similar situations, but then you gotta throw in the teachers, then you gotta throw in retail workers, then you gotta throw in bankers. Anybody who comes in contact with the public is an automatic felony. I'm not ready to take that leap. We already have charges on the book that allow discretion for prosecutors to do that. And if a sergeant who is running for Douglas County Sheriff is saying most of the people are mentally ill who are committing this, then you have to decide if that's who you want to charge felonies to. I don't think we want to do that. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Senator McKinney.

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

**McKINNEY:** Thank you, Mr. President. I rise again against the AM and the bill. Broadening of the criminal code, increasing penalty-- and increasing penalties continues with the tradition of this body this year and year after year. You know, we do not moderate or lessen penalties. And when we try to lessen penalties, people are up in arms. The police and the county attorneys show up down here trying to fight tooth and nail not to decrease penalties. We got an amendment on a gun bill because the police don't want to be like the rest of the state in Omaha. It just makes no sense. And then we wonder why our criminal justice system is the way it is. We wonder why we have overcrowding. We wonder why so many people in our county jails and our state prisons are mentally ill and they don't get the care because we're overcrowded, not properly staffed. But we-- but we want to up penalties, which more than likely will target people of color and people with mental illness and substance abuses. Those are the people that ride the bus. I'm not saying everybody that rides the bus is mentally ill or abuses substance or anything, but a huge portion of those individuals do. And that-- and that-- this is what's going to happen. If it's rarely charged by the county attorney, how is upping the penalty going to get the county attorney to charge it? Why isn't the county attorney already doing its job? Why isn't the Omaha Police already doing their job? Why isn't Metro Area Transit putting posters up on buses saying, If you assault a bus driver, that will be a felony? Which it's already a felony, felony assault. Why do we need to create another law when it's already a thing? We just want to continue with filling up prisons and then wondering why our prisons are filled up. It-- it makes no sense, and then you guys want to fight everything to try to decrease the population. No, we're being soft on crime, but y'all want to be tough on crime, especially for people with mental illnesses. That's the problem here. Y'all don't think about that. You only think about, oh, let's be tough and support our-- who-- whoever. You gotta think about the total impact of what you do when you try to get a bill like this passed. This would disproportionately affect people. This is the same conversation we had about the DNA bill, which would disproportionately affect black people and people of color. But y'all don't care. It's always "but." But you will fight a bill to decrease the mandatory minimum for low-level possession of drugs. No, that's soft on crime. Don't want to let older people who are serving time that are no threat to society and statistically shows that they don't re-offend, you want to fight that. You want to fight everything, you want to up penalties, but you don't want to help the population. That's the problem. When you talk about, Senator Stinner, why we-- why we're having debates about building a prison, it's because people keep trying to pass laws like this. That's the problem. We have to stop

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

that. And then come up and say, oh, we care about your community or your communities? You can't really care if you want to keep upping these type of charges and over-incarcerating people. That's the problem. This bill is bad. It is bad. I don't know how many times I can say it. And I feel for the bus drivers. I don't want them to be assaulted. But they already-- but it already could be charged as a felony. Tell the county attorney to do its job, tell the police to do their job, and tell Metro Area Transit to do their job. That's what we should be doing, motivate them to do their job, not try to up a penalty, which is going to negatively affect a huge population of society, again, which is why we need racial impact statements from this body, because too many people think it's OK to say yes to bills like this without fully thinking about what-- what it will do--

**FOLEY:** One minute.

**McKINNEY:** --just to make somebody feel good. That's the problem. Thank you.

**FOLEY:** Thank you, Senator McKinney. Is there any further discussion? Senator Lathrop, you're recognized to close on the committee amendment.

**LATHROP:** Colleagues, AM612 just takes care of a typo. There's nothing controversial about AM612 and once adopted, I'd be happy to speak to LB661. Thank you.

**FOLEY:** Thank you, Senator Lathrop. The question before the body is the adoption of AM612, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 34 ayes, 2 nays on the motion to adopt committee amendments.

**FOLEY:** AM612, committee amendment, has been adopted. Further discussion on the bill as amended? Senator McKinney.

**McKINNEY:** Again-- I'm back again. LB661 is a bad bill. This is nothing against the bus drivers. I don't want them to be assaulted and none of us should want them to be assaulted. But it's already a penalty for a felony for assaulting somebody. We do not need this. If you wonder why our prisons are overcrowded, it's bills like this. And we stand up and talk about taxpayer dollars being spent on this, this, and that, but then you don't want to have that debate about taxpayer dollars when the prisons will be overcrowded even more because of a bill like this, potentially. We don't need this bill. We have to say no to this. And

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

if you don't want to say no, then, you know, it-- it tells me where you're at on the prison and where you're at on criminal justice reform in this state. We don't-- why do we need this bill? I want somebody to stand up and tell me why, when it's already a felony to assault somebody. Just tell the county attorney and tell the police and tell Metro to do their job. All they-- that's the-- it's just frustrating that a bill like this gets a Speaker priority when there's so many other bills that are deemed as controversial that don't even get heard out here. But this, to me, is controversial because we're upping a penalty, and nobody cares because it's not going to affect their community disproportionately, most likely. We-- we have to stop this. We really do, honestly, because if-- if we don't, our prisons will be overcrowded. You know, we have a proposal for a prison that probably costs more than the proposal at this point because of the pandemic and the war in Ukraine right now, which I think the ask is \$270 [million] or \$230 [million]. It's probably more than that. So we're-- we're OK with investing potentially a half a billion dollars in a prison, but we don't want reforms. As simple as making low-level drug offenses misdemeanors, people are fighting, literally, to-- that-- that's the problem. People are fighting that. They want people with drug addictions to be charged with felonies because that'll help them get better and get on track. And I'll just tell you, as somebody that grew up in a family with people that did every drug under the sun, charging them with felonies is not going to push them to get off that drug. We need to provide them with support. We don't need to lock them up because then, when we lock them up, we're not getting them substance treatment. There's people doing drugs right now, as we speak, in the state prisons because the guards bring it in more than anybody, but nobody ever wants to have that conversation. We have to stop this. This bill is bad, and I don't know why nobody else is standing up. I think everybody just thinks it's acceptable, but I don't, so I guess we'll just stay here until it's time to go because I'm strongly opposed to this bill. Our state has the tenth-highest black incarceration rate in the nation. Nobody cares. Most of those people come from my district and Senator Wayne's district. Most of the people that ride buses are, you know, low income, and some are poor and some deal with mental illness, some deal with drug-- drug addictions and things like that. And just me one day, just hypothetically, I'm poor, riding the bus, because I used to ride the bus when I was a kid a lot, and I have an episode of-- because I have a mental illness and, not that it's right, I potentially hit a bus driver. I'm getting a felony, locked up, not given the proper treatment, whether in county--

**FOLEY:** One minute.

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

**McKINNEY:** --jail or the prisons, and then nobody cares about me. They're like, oh, you're a felon. And then I can't explain, like, no, I had a bad day because I wasn't able to afford my medication. But I have a felony on my record, so then I'm de-- I'm denied SNAP. I can't get food stamps anymore, barely can get housing. Nobody wants to hire me. So think about that, when you-- when you vote on this bill, what we're doing here. And you wonder why Senator Hunt brought the bill to take away that-- it's just ridiculous. I don't understand it. I really don't. Why are we voting on this bill when it's already in law that it's assault, it's a felony? What is going on here? And y'all probably don't care because y'all want to go home, it's 5:00, had a short weekend. Everybody wants to leave and nobody cares. But if you wonder why we have a prison overcrowding crisis, bills like this are the reason, the DNA bill is a reason, other bills are a reason.

**FOLEY:** That's time, Senator. Thank you, Senator McKinney. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I wasn't expecting to come up that quickly. I completely agree with what Senator McKinney just said. And it is after 5:00 and I would love to go home right now, especially with Daylight Savings Time. I'm very, very tired. But this is important, and so I stay till the end. So I probably will not be voting for this bill because I'm-- I agree that I don't think that it's necessary. And I just wanted to make sure that Senator McKinney knew that he was being heard this afternoon. I yield the remainder of my time to Senator McKinney, if he'd like it.

**FOLEY:** Thank you, Senator Cavanaugh. Senator McKinney, you have about 4:20.

**McKINNEY:** Thank you, Mr. President. So we'll continue this conversation. We are faced with a crisis in our state and a reality check for our state. We either continue to try to build our way out of this problem with the overcrowding or we pass LB920 and, I'm also going to say, LB980. We need both because we not only need to change our criminal justice system, we need to do something to affect the current population. Even if we were to build a prison, which would take five to six years, by the time that prison comes online, we'll need to build another prison. And if you're OK with that, that's just telling me that you're OK with locking people up and not investing in those people. You'd rather spend money to lock them up than provide them with the necessary resources to be successful, to make our state a-- state a better place for all. We talk about this good life and all this stuff, but when it comes to doing the right thing because of-- I



don't-- it might be political. I guess it might be people are afraid that somebody is going to create a mailer says X senator is soft on crime. No, I'm smart, smart on justice and criminal justice to improve our state. That's what you should say. That's all you have to do. And, no, we don't agree on everything. But I also do think there's a middle ground. But just saying no and then standing up and saying, oh, we need this because we really need to protect our bus drivers? The police should already be charging the-- why isn't the county attorney already prosecuting people that assault bus drivers? That's the problem here. It's-- it's not to create another crime. That's the problem. Tell the county attorney who has incarcerated the tenth-highest rate of black people in the nation to do his job. Tell Omaha police who disproportionately target north Omaha and south Omaha to do their job. Tell Metro Area Transit to print up a bunch of posters and post them on their buses and do their job. It's not this. It's not LB661. And I'm really disappointed in this body and people that say we care and we should do something about criminal justice in his state, but people are going to vote for this bill. That's the problem, because a bill like this, maybe not next year but over time, there's going to be an article in ten years, just like LB, what was it, LB68 that did the gun laws that said this is potentially and most likely the reason we have the overcrowding crisis we have now, because we have bills to try to make people feel good that disproportionately affect people that look like me and nobody cares because for ages and centuries, nobody really cared about people that look like me. And it-- and it shows across this country in why we even have to have a debate about passing a bill to get our state to celebrate Juneteenth. Those people were emancipated in 1865. Why-- why does it take--

**FOLEY:** One minute.

**McKINNEY:** --till 2022 to finally do something about that? Why does it take for the federal government to do something before our state does something about that? But I don't know. Maybe Nebraska is not for everybody. That's what it seems like because there's more of a willingness to up penalties than to decrease penalties and actually help people and invest in people, and that's the problem. And nobody cares. It's quiet. I know people want to go home, but I guess we'll just stay here. And I guess I might have one more time, and I guess we'll-- I'll see where everybody stands. But as of now, I'm really disappointed in people not standing up, not saying anything. Maybe you-- maybe I don't stand up on stuff enough either. But this is something really important to me, and I'm going to keep standing up as long as I can to get you guys to understand that this is a bad bill. And am I next?

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

**FOLEY:** You are next in the queue. You may continue for five more minutes.

**McKINNEY:** Thank you. Really appreciate it, Mr. President. Again, so going into last year, well, after last year, we had the task force for CJI. And you can ask anybody in those meetings. I kept saying, are we meeting to do something meaningful or are we just meeting-- meeting to just check a box and say we tried? Up to now, it feels like it's just check a box and say we tried because there's 17 consensus items and there's four nonconsensus items that the guy that everybody loves, Trump, he went further on the federal side. Nobody wants to talk about that. Compare LB920 to the First Step Act, but nobody wants to pass the LB920 because it goes too far. But President-- former President Trump passed a bill before he got out of office that went further on the federal level. It-- it just astonishes me that people pick and choose what they care about, they listen to what they want to listen to, and people want to pass bills that are disproportionately going to affect people of color, people with mental illnesses, and people that are dealing with harsh things. What if somebody who, because the Governor doesn't want to accept the economic rental assistance, having a bad day, also deals with mental illness? Can't afford rent and can't afford their medication because they couldn't get help with their rent because the state of Nebraska decided not to apply for the money or ask for the money, whatever, however you do it, have a bad day. Somebody-- it's cold out. It's, you know, Nebraska. It's cold. Somebody bumps you when you get on the bus. Day is going bad. You can't pay your rent. You haven't taken your medicine, so you're not OK that day. And just maybe-- not saying this is acceptable-- a situation happens with a bus driver. Now that person doesn't have rental assistance, charged with a felony, can't fight that either. And we don't want to el-- eliminate cash bail in this state either. That's another issue. This person has all these compounding problems and is sent to the Nebraska State Penitentiary and, you know, loses their home. Kids may go into the foster care system. Do y'all think about these things? It's-- that is plausible. It could happen. Are we not thinking about that or are we just saying we want to show that we're, you know, supportive of bus drivers? I'm supportive of bus drivers. I've had friends and family that were bus drivers, but that doesn't mean I think we should up penalties when there's already penalties on the books to deal with this issue. Again, tell the county attorney, who has incarcerated the most black people in the state of Nebraska, which is the tenth highest in the nation, to do his job. Do that. Tell the Omaha Police, who come down here and oppose anything that they deem as, oh, you're going to let bad people on the streets, tell them

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

to do their job. If they don't want bad people to be on the streets, then tell them to do their job. Metro Area Transit, tell them to do their job. Tell them to put some posters on the bus or something. It's simple. We do not need this bill. But, you know, everybody wants to go home. People are probably going to vote for LB661. And I'm just gonna say, once it go to Select, if it comes up again, I will do whatever I can to fight it and amend it because it's a horrible bill and that-- it is what it is. Thank you.

**FOLEY:** Thank you, Senator McKinney. Items for the record, please.

**ASSISTANT CLERK:** Mr. President, some announcements: The Government Committee will hold an Executive Session tomorrow at 3:00 under the south balcony. Business and Labor will hold an Executive Session tomorrow at-- in Room 1525 at 12:00 p.m. Name adds: Senator Matt Hansen to LB29; Senator Bostar to LB1184. And finally, a priority motion: Senator DeBoer would move to adjourn until Tuesday, March 15, 2022, at 9:00 a.m.

**FOLEY:** Members, you've heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned till tomorrow morning.