

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 04, 2024

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-seventh day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Reverend Nathaniel Norval, Mount Zion Missionary Baptist Church, Lincoln, Nebraska, a guest of Senator Sanders. Please rise.

REVEREND NORVAL: Will you pray with me? Gracious and merciful God, we thank you, Lord, that another day has dawned, giving us the opportunity to glorify you once more. We thank you, God, for this beautiful land to which you have entrusted us. And we ask now, O God, that you pour out your wisdom upon the senators of this Chamber. Surround them, Lord, with your strength, your counsel, and your comfort. Guide them along your path, that they may enact laws that better the lives of every Nebraskan and bring glory to your name. We ask, Lord, that you see to the protection, safety, and welfare of all Nebraskans and that your love, peace, and joy cover the good life from border to border. In the name of Jesus Christ our Lord, we pray. Amen.

KELLY: The Pledge of Allegiance today will be led by Colonel Gerald D. "Jerry" Meyer, 101st Airborne in Afghanistan in the Army, Seward, Nebraska, in Senator Hughes's district.

GERALD MEYER: 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.

KELLY: I call to order the thirty-seventh day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

CLERK: There's a quorum present, Mr. President.

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports, or announcements?

CLERK: Single message, Mr. President, letter from Governor Jim Pillen. Dear Mr. President, Mr. Speaker, and Members of the Legislature--communication from the Governor. Dear Mr. President, Mr. Speaker, and Members of the Legislature: With this letter, I'm returning LB307 without my approval and without my signature. I am vetoing LB307 for the following reasons: Syringe Service Programs, SSPs, have been shown to increase drug deaths where they have been implemented. SSPs are not

effective at decreasing drug usage and disease transmission when compared to other means. The bill, as written, would allow for children of any age to participate in these programs. I do not think it is prudent to encourage minors to abuse dangerous drugs instead of seeking out the substance abuse treatment they need to overcome drug addiction. SSPs have the potential to expose citizens to unintended, yet equally concerning health and safety risks as a result of improperly disposed needles. The studies the proponents of this bill have cited to demonstrate the effectiveness of SSPs in reducing the spread of HIV focus on programs that were stood up to combat the AIDS crisis in the 1980s and 1990s. Those programs differ substantially from the ongoing opioid crisis in terms of its geographic reach and lethality. Those studies also relied on a small sample size and self-reported data regarding individuals' drug use, and typically do not consider the unintended consequences to individuals who are not receiving direct treatment. In fact, recent studies on the effectiveness of SSPs have found these programs only contribute to negligible reduction in HIV infections, and at the expense of greater opioid-related deaths. For example, a study published in the Journal of Public Economics in June 2022 found that although SSPs may decrease HIV diagnosis rates by 1.1%, research also indicates these programs increase opioid-related mortality rates by 2 to 3.5%, or about three more cases per county per year, due to an increase in the use of heroin and illicit fentanyl. Another study published in the National Bureau of Economic Research compared the health outcome of 79 counties from 2009 to 2016, found SSPs resulted in nearly two fewer cases of HIV per county per year, while resulting in four more drug-related deaths per county each year. Additionally, research published in the European Journal of Public Health analyzing HIV prevention strategies and incidence rates in Denmark, Norway and Sweden suggest that a high level of HIV testing and counseling would be more effective in preventing HIV transmission than legal access to needles and syringes. Evidence has also shown that the costs and number of needles have ballooned in cities with established SSPs. In San Francisco, for example, health department records show the city handed out 3.3 million needles at a cost of \$400,397 in fiscal year 2013-14. Just two years later, the number of needed-- needed distribution increased to 4.45 million at a cost of \$523,363. San Francisco has also struggled with inadequate disposal of dirty needles, leaving vulnerable populations like children at risk of contracting deadly diseases. Of the 400,000 needles distributed monthly, the health department estimates that about 246,000 are returned through the city's syringe access and disposal sites, leaving more than 154,000 needles a month still unaccounted for. This has led the city to paying \$750,000 a year

to hire people known as the "Syringe Pick Up Crew" to collect dirty needles on the streets and in area parks. All these costs add up and will lead to increased property taxes for residents of any municipality that chooses to institute a syringe service program. In Santa Ana, California, city officials have pushed back on state implementation of a SSP, based on prior experience with the county program several years earlier. At the time, county employees reported the removal of 14,000 needles potentially contaminated with infectious diseases, while clearing a four-mile stretch of public land. The police chief and city manager sent letters of opposition to the state last year, citing safety and health concerns associated with the program. The mayor also spoke out in opposition to the state-adopted SSP. Simply put, adoption of LB307 has the potential to expose our communities to the same issues that others have experienced, as described above. Those are but a few examples. Additionally, Nebraskans do not think it is prudent to encourage minors to abuse dangerous drugs instead of seeking out the substance abuse treatment they need to overcome drug addiction. We should support less deadly ways of combating drug usage and the spreading of diseases. It is for these reasons that I urge you to sustain my veto of LB307. Sincerely, Jim Pillen, Governor. That's all I have this morning, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Clements would like to recognize the physician of the day, Dr. Dale Michels of Walton. Please stand and be recognized by your Nebraska Legislature. Senator Sanders has some guests under the south balcony, Eric and Alexis Norval. Please stand and be recognized by your Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR307, LR308, and LR309. Mr. Clerk, first item on the agenda.

CLERK: Mr. President, first file-- Select File, LB771A.

KELLY: Mr. Speaker, you're recognized for an announcement.

ARCH: Thank you, Mr. President. Colleagues, as we begin all-day floor debate, I want to provide you with some general scheduling information going forward. Unless otherwise announced, we will continue to convene at 10 a.m. on the first day of the workweek. Lunch recess will be from approximately noon to 1:30 for the first 3 days of the workweek. And the last day of the workweek, we'll work through the lunch hour and adjourn between 1 or 3:00. Between 1 or 3. Adjournment time on the other days of the week will be around 5 p.m. Evening debate is scheduled to begin March 18 and lasts through April 9. Please ensure you have left your session day evenings open during that time frame.

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I'll provide more specific scheduling information about evening debate at the end of next week. As you look at the calendar, we are on Day 37. Day 57 is the final day for Select if we are to-- if we are to pass all bills on Final Reading by Day 59. We have 21 days remaining for debate of 16 priority bills sitting on Select File, 45 priority bills on General File, and 32 bills which are in committee, many of which I expect to be advanced to General File. This does not include the biennial budget, which the Appropriations Committee will be placing on General File this Thursday, Day 40. This will give members a 4-day weekend to review the budget. On Tuesday morning, Senator Clements will be holding a briefing to answer any questions members may have, and we will begin floor debate on the budget later that day. As you can see, we have a lot of work and little time to complete it. I will be asking each of you to work with me to maximize our floor time in the coming weeks. Thank you, Mr. President.

KELLY: Thank you, Mr. Speaker. Mr. Clerk, first item on the agenda.

CLERK: Mr. President, first item on the agenda, Select File, I have-- LB771A. I have nothing on the bill, Senator.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB771A be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion to advance LB771A to E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, General File, LB1118, introduced by Senator McKinney. Its bill for an act relating to cities of the second class; changes provisions relating to the process for a mayor to remove an officer from office; and repeals the original section. The bill was read for the first time on January 10 of this year and referred to the Urban Affairs Committee. That committee placed the bill on General File. There are no committee amendments, Mr. President.

KELLY: Senator McKinney, you're recognized to open.

McKINNEY: Thank you, Mr. President. LB1118 would require the, the city council to be an additional party that consents to an officer's removal as conducted by the mayor. This is a change from the current law for cities of the second class which allows mayors of cities of the second class to remove officers without any checks. This bill was brought to us by the League, but also by the city of Yutan. This

change will provoke-- promote uniformity across our statutes. Cities of the metropolitan class, primary class, and first class, and villages have the city council as a check in the removal of municipal officers. In the case of cities of the metropolitan class, this has been in statute since 1921. This standard works and has been proven by long lasting-- long-standing use by other classifications of cities. This was voted out of Urban Affairs Committee, 6 yes votes and 1 absent senator without any questions. And I would ask for your green vote. Thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, you're recognized to close and waive. Members, the question is the advancement of LB1118 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB1118 is advanced to E&R Initial. Mr. Clerk, next item.

CLERK: Mr. President, next item, LB1143, introduced by the Health and Human Services Committee. It's a bill for an act relating to public health; eliminates and replaces provisions relating to health districts; harmonize provision; repeals the original section; and outright repeals several sections in Chapter 71. The bill was read for the first time on January 11 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File. There is nothing pending on the bill, Mr. President.

KELLY: Senator Hansen, you're recognized to open.

HANSEN: Thank you, Mr. President. Good morning, members of the Legislature. As Chair of the Health and Human Services Committee, I would like to open on LB1143. LB1143 was introduced by the Health and Human Services Committee on January 11, 2024. The committee held the hearing for this bill on January 26, 2024 with no opposition testimony. The committee advanced LB1143 to General File on February 13 with no amendments by a 7-0 vote. LB1143 repeals outdated statutes relating to health districts. Nebraska Revised Statute, Sections 71-1601 through 71-1625 are outright repealed and current statutes relating to Medicaid, the State Auditor, and Medically Handicapped Children's services are updated. Health districts were created in 1939 and are not currently used. Presently, local public health departments are made up of county health departments, district health departments formed by interlocal agreements between one or more counties, and a

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city/county health department. Thank you and I'd be happy to answer any questions the best I can.

KELLY: Thank you, Senator Hansen. Seeing no one else in the queue, you're recognized to close and waive closing. Members, the question is the advancement of LB1143 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: It is advanced. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, General File, LB877, introduced by Senator Holdcroft. It's a bill for an act relating to assessment of property; changes provisions relating to the special valuation of agricultural or horticultural land; provides for retroactive applicability; repeals the original section; declares an emergency. The bill was read for the first time on January 3 of this year and referred to the Revenue Committee. That committee placed the bill on General File. There are committee amendments, Mr. President.

KELLY: Senator Holdcroft, you're recognized to open.

HOLDCROFT: Thank you, Mr. President, and good morning, colleagues. Thank you for the opportunity to talk about LB877. I would like to thank Speaker Arch for adding this bill to the consent calendar. LB877 is simply a cleanup bill to LB580 that was passed last year as part of the LB727 package. As you will remember, LB580 allowed producers to retain their special tax valuation on agricultural or horticultural land until such land is commercially developed. This bill resulted in some unintended consequences for small farm parcels. LB877 adds the word "contiguous" to the bill language resulting in, quote, the land shall consist of five contiguous acres or more. LB877 also reinstates language that was struck from LB580, this makes allowance for farm operations that are less than five acres as long as certain conditions are met. I feel it is important to address this in a timely fashion, fashion which is why there is an emergency clause in the bill. We worked with the Revisor of Statutes office, county assessors from Johnson, Lancaster, and Sarpy Counties, as well as other stakeholders to make these changes. At the hearing we had proponents who were farmers, the county assessors, the Nebraska Association of County Officials, Farm Bureau, the Cattlemen, the Corn Growers, Pork Producers, Soybean Association, Nebraska Dairy Association, and the Nebraska Farmers Union. There were no opponents and no neutral testifiers. Initially, we had a retroactive clause in this bill so

that those negatively affected by LB580 would not be financially impacted. However, this clause was called into question for possibly being unconstitutional. So AM2420 was drafted to remove this language. I would like to thank the members of the Revenue Committee for their consideration of this bill. LB877 and the amendment were voted unanimously out of the committee on February 13. There is no fiscal note associated with this bill. Thank you, Mr. President.

KELLY: Thank you, Senator Holdcroft. Senator Conrad has some guests in the north balcony she would like to recognize, members from Cause Collective. Please stand and be recognized by your Nebraska Legislature. As the Clerk indicated, there is a committee amendment. Senator Linehan, you're recognized to open on the amendment.

LINEHAN: Thank you, Mr. President. And thank you, Senator Holdcroft, for the heads up. Good morning, colleagues. AM2420 to LB877 changes one item. The amendment strikes language in the original bill that would have retroactively applied the changes in the bill to January 1, 2023. This was done to avoid any potential problems with the constitutionality of the retroactivity-- retroactively applying a change to property taxes. I would ask this body to support AM2420 and LB877 and advance them to Select File. Thank you.

KELLY: Thank you, Senator Linehan. Seeing no one else in the queue, you're recognized to close on the amendment and waive. Senator Wayne, you're in the queue. You're recognized to speak.

WAYNE: Thank you, Mr. President. Would Senator Holdcroft yield to a question?

KELLY: Senator Holdcroft, would you yield to a question?

HOLDCROFT: Yes.

WAYNE: Senator Holdcroft, can you just give me a refresher-- I heard you when I was talking on my way up-- just a refresher of what this bill does?

HOLDCROFT: Yes. Last year, we had LB580 which addressed the farmland that was annexed by Gretna back in 2017 and--so what that allowed-- that, that bill addressed an annexation by Gretna of about 3,000 acres, 880 acres of it was farmland. This LB580 allowed that land to be-- continue to, to hold its agricultural taxation valuation. But the-- there was an amendment from the committee to make it five acres or larger, looking mostly that-- you know, we're taking away the city limits and, therefore, there was a potential here for abuse of, of

this-- of that statute. As it turned out, there happened to be hundreds of, of small farm parcels legitimately, legitimately being farmed and they lost their, their, their, their tax valuation as, as agriculture. So this bill, we worked it with the county assessors, we, we tweaked some language in it to, to make sure that those small parcels of farmland are covered now. And, and that's-- and that's what this bill is about.

WAYNE: Outside of those five acres next to Gretna, where else could this apply to?

HOLDCROFT: There are a few parcels in Lancaster County also.

WAYNE: And do you know of anywhere else?

HOLDCROFT: Well, potentially there could be across Nebraska as cities expand, but those are the only two that really expressed some concern was Lancaster and Sarpy County. And we also had-- essentially, the Association of County Assessors worked with us on the language.

WAYNE: So what would this bill do to the property taxes in that-- in that particular area-- or the two-- the three areas you just mentioned?

HOLDCROFT: It would allow them to preserve their special taxation as agricultural land.

WAYNE: What kind of special taxation do they have?

HOLDCROFT: They have 75%-- I believe it's 75% of the actual value.

WAYNE: So without this bill, they would be taxed regular?

HOLDCROFT: Yes, for those five-acre parcels or five acres or less parcels, which there are a significant number of them.

WAYNE: So is this-- is this government changing the market conditions to make it more suitable for property owners or to-- is it-- does this make it better for the buyer or the seller?

HOLDCROFT: It makes it better for the farmer who owns the land and is trying to turn a profit on his land.

WAYNE: So, colleagues, on consent calendar, we're dealing with a property tax issue on a consent calendar. Thank you, Mr. President.

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KELLY: Thank you, Senators Wayne and Holdcroft. Senator Linehan, you're recognized to speak. Waive. Members, the-- no one else in the queue, the question is the advancement of AM2420 to-- the adoption of that amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM2420 is adopted. Senator Clements, you're recognized to speak.

CLEMENTS: Yes, I support the amendment and the bill. This just happened when Gretna expanded their city limits and it brought some farmland inside the city limits and the assessors were required to raise the valuations up to maybe \$20, \$30, \$40,000 an acre which is development land price and it was going to force people who would just keep farming. It would be-- the tax would be way more than the revenue on that property and so this lets them-- as long as they keep farming it, lets them use farmland valuation. So I ask for your green vote on LB877. Thank you.

KELLY: Thank you, Senator Clements. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. I'm going to be real brief here, I-- listening to Senator Holdcroft talk about the taxation percentage. I think the key factor in this bill is we're saying that the land will still be classified as agricultural land inside the city limits because that's the key is being classified as agricultural land and taxed as farmland, not taxed as industrial land or some other class of land that would be priced significantly higher as Senator Clements outlined. So that's the key and I think Senator Clements outlined it very well that it's not just in this case, there are other areas around the state where you're reluctant to have land annexed into the city because all of a sudden it becomes classified as something other than agricultural use. And so, consequently, you get a different classification in terms of how it's valued. So that's the key. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Erdman would like to announce a guest under the south balcony, Mark Wickard of Bridgeport, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Hunt would like to announce a guest under the south balcony, Bobby Navarro from Atlanta, Georgia. Please stand and be recognized by your Nebraska Legislature. Senator Wayne, you're recognized to speak.

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WAYNE: Will Senator Jacobson yield to a question?

KELLY: Senator Jacobson, would you yield to a question?

JACOBSON: Yes, I will.

WAYNE: So I have a lot of farmland in my district that's also inside the city and so does this apply to them or are they just out of the deal?

JACOBSON: We're talking about five-acre tracts.

WAYNE: Yeah, I have five-acre tracts up by Lake Cunningham. I have five-acre tracts going north of there that are also-- well, Lake Cunningham is a prime example where just east of there is all city and west of there is all city and so--

JACOBSON: But, but they would be farming it as well.

WAYNE: Yes, Wenninghoff farms it on a regular basis so I'm trying to figure out, does this apply?

JACOBSON: My understanding is it would. Yes.

WAYNE: OK. Thank you, Mr., Mr. Jacobson. Thank you, Mr. President.

KELLY: Thank you, Senators Wayne and Jacobson. Seeing no one else in the queue, Senator Holdcroft, you're recognized to close and waive. Members, the question is the advancement of LB877 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The bill is advanced to E&R Initial. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, next item, LB998, introduced by Senator Conrad. It's a bill for an act relating to state government; adopts the State Acceptance of Gifts Act; changes and eliminates provisions relating to acceptance of gifts; harmonize provisions; provides an operative date; repeals the original section; and outright repeals Sections 30-241, 242, and 243. The bill was read for the first time on January 5 of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File. There's nothing on the bill, Mr. President.

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KELLY: Thank you, Mr. Clerk. Senator Conrad, you're recognized to open.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I am pleased to present LB998. This measure was brought to me by our friends in the Association of Former Legislators. They had identified a series of statutory and budgetary provisions that all governed the acceptance of state gifts in, perhaps, slightly different ways when they were engaged on the important, historic, and worthy endeavor to raise private funds to finish the incredible courtyards in our State Capitol. After that successful statewide campaign that beautified our unique, impressive, and stunning State Capitol and ensured that our courtyards were revived to the original vision, the state legislators-- the Former State Legislators Association recognized that, that the state could benefit from additional clarity to update and harmonize technical aspects about the acceptance of state gifts. We had a great hearing on this before the Government Committee which I'm proud to be a member of. The measure advanced quickly and unanimously with only our friend Senator Raybould gone due to medical issues, illness. And this has a \$0 fiscal note and I deeply appreciate the former state senators bringing it forward, my colleagues on the Government Committee moving it forward, and would like to add a note of gratitude to Speaker Arch for designation and consideration on our first consent calendar of, of 2024. I am happy to answer any questions and would urge your favorable support.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, you're recognized and waive closing. Members, the question is the advancement of LB998 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB998 advances to E&R Initial. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, next item, LB1162, introduced by Senator Lowe. It's a bill for an act relating to county government; changes provisions relating to reimbursement for mileage earned by sheriffs; and repeals the original section. The bill was read for the first time on January 11 of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Lowe, you're recognized to open.

LOWE: Thank you, Lieutenant Governor. LB1162 was brought to me by NACO and county sheriffs to clarify two issues about mileage reimbursement collected by county sheriffs when they serve process. The State Auditor had brought these issues to their attention this summer. Years ago, county sheriffs and deputies sometimes used their personal vehicles rather than county vehicles when they were serving civil process. They were allowed to collect mileage fees on this service. Today, sheriffs and deputies use county vehicles to serve process, but an Attorney General's Opinion from 1993 concluded that they can't charge mileage fees when they are using a county vehicle even when those fees would be turned over to the county. This problem is especially apparent when they are using county vehicles to serve process in a civil suit, but the mileage cannot be assessed as charged against the complaining party. This bill is intended to make it clear that these mileage fees can be collected by the sheriff unless the sheriff or an employee is using a personal vehicle. The sheriff pays these fees to the county treasurer and they're placed in the county general fund. This reflects the current practice. The second clarification of LB1162 deals with the process for sheriffs reporting and paying these fees to the county treasurer. Section 33-117 requires the sheriffs to make quarterly reports of the county board showing the amount of fees collected or earned. This raises the question, which should they report, collected or earned or both? The amendment would clarify that they should report the fees collected. In addition, current law requires them to pay the fees earned whether or not they have been collected to the county treasurer. LB1162 would require payment only after the fees have been collected. This bill was supported by NACO and the state Sheriffs Association. The Auditor's Office testified in neutral capacity. The amendment attached to this bill strikes "or earned" in three spaces and simply rewords one sentence-- one, one sentence in order to ensure the language is as clear as possible. The bill was voted out of the Government, Military and Veterans Committee on a 6-0 vote with two absent. I want to thank Speaker Arch for choosing this as a consent calendar bill and I would urge a green vote. Thank you.

KELLY: Thank you, Senator Lowe. As stated, there is a committee amendment. Senator Brewer, you're recognized to open on the committee amendment.

BREWER: All right, now we got it. Thank you, Mr. President. The Government Committee heard LB1162 on 2nd of February. The Sheriffs and NACO both came in and testified in support. The Auditor's Office testified in a neutral capacity. And further discussions between NACO and the Auditor's Office, we determined the language in the bill needs

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to be tuned up a little. The cleanup amendment makes these minor changes. The committee voted LB1162 out with AM2500 with no opposition. And I'm asking for your green vote on AM2500 to LB1162. Thank you, Mr. President.

KELLY: Thank you, Senator Brewer. Seeing no one else in the queue, you're recognized to close on the amendment and waive. Members, the question is the adoption of AM2500. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: The amendment is adopted. Seeing no one else in the queue, Senator Lowe, you're recognized to close-- and close-- and waive. Members, the question is the advancement of LB1162 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 1 nay on advancement of the bill, Mr. President.

KELLY: LB1162 is advanced to E&R Initial. Mr. Clerk, for the next item on the agenda.

CLERK: Mr. President, I've got an announcement quickly. The Banking, Commerce and Insurance Committee will hold an Executive Session at 11:00 under the north balcony; Banking, Commerce and Insurance Committee, Exec Session at 11:00 under the north balcony. Next on the agenda, Mr. President, LB851, General File. The bill was introduced by Senator Jacobson. It's a bill for an act relating to the Department of Economic Development; changes provisions relating to internship grants; provides an operative date; repeals the original section; declares an emergency. The bill was read for the first time on January 3 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File. There are committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Jacobson, you're recognized to open on the bill.

JACOBSON: Well, thank you, Mr. President. And, again, this is a bill that was brought to me by the Department of Economic Development. It really just expands-- it does a couple of things, but primarily it expands the size of the business from 50 employees to 150 employees. The reason for that is we believe that being able to provide a broader experience, we think that that would probably open up 1,900 additional

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businesses to be able to use this program. We think that those businesses, over 150 employees are likely going to have their own program and wouldn't utilize this. We're just trying to maximize the experience that these students could get. The other thing we're doing, is there's a simple clean up in the amendment that, that really cleans it up to make it abundantly clear that when it comes to telecommuting-- the original language if-- you had to think pretty hard to understand that it allowed telecommuting, but there were so many questions on it that this cleans up that language. So, again, it's just primarily increasing the, the size of the businesses that can utilize the program. \$7,500 per student per year, high school, college, and, and-- are all eligible for this program. You must go to a, a college in the state of Nebraska and you must work for businesses located in the state of Nebraska. Again, thank you, Speaker Arch, for allowing the bill to come up and I would encourage your green vote. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. And as stated, there is a committee amendment. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr.-- thank you, Mr. President. The Business and Labor Committee voted 7-0 to adopt AM2207 to LB851. This committee amendment clarifies the intent of the Intern Nebraska program to allow telecommute opportunities throughout the state of Nebraska. Rather than striking subsection (5) in its entirety, this amendment allows a student intern to telecommute if the business is located in Nebraska and the student enrolled is in a higher education institution in Nebraska. I encourage your green vote on AM2207 to LB851. Thank you, Mr. President.

KELLY: Thank you, Senator Riepe. Seeing no one else in the queue, you're recognized to close on the amendment and waive. Members, the question is the adoption of AM2207. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: The amendment is adopted. Senator Vargas would like to recognize some guests seated under the north balcony, they are Cami Oelsligle, Katie Meredith, and Kevin Field, all with the Nebraska School Counselors of the year. Please stand to be recognized by your Nebraska Legislature. Seeing no one else in the queue, Senator Jacobson, you're recognized to close and waive closing on the bill. Members, the question is the advancement of LB851 to E&R Initial. All

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those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB851 is advanced to E&R Initial. Mr. Clerk, next item.

CLERK: Mr. President, next item, Select File, LB43. First of all, Senator, I have E&R amendments.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB43 be adopted.

KELLY: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted.

CLERK: Mr. President, Senator Brewer has AM2649 with a note he would withdraw and substitute AM2812.

KELLY: Without objection, it is withdrawn and substituted. Senator Brewer, you're recognized to open on AM2812.

BREWER: Thank you, Mr. President. All right, stay with me here because we got-- we got a few that we got to run through to keep everybody on the same sheet of music. AM2812 will add Senator Albrecht's bill and that's part of what we're changing the package here. So we have AM-- what was AM2649 which is now AM2812. And it is a result of many hours of discussion between my office, the Bar Association, the Attorney General, the Governor's Office, and other members of the body, including Senator Conrad. Let me explain what the amendment does. It makes changes to the base bill, which is Senator Sanders' LB43. It allows courts to handle sections of the law or regulations that are unclear. It tells the courts that they are not to just rely on a state agency to tell them-- tell the court how to interpret the law or the agency's own rules. The amendment rewords the bill to make it-- make sure that the courts know what they need to do. The second AM tunes up-- and this is Senator McDonnell's cybersecurity bill, LB650. This makes it clear that the local government-- the local government units, they get the same protection-- they get the same protection as state agencies. And the third one is AM2649, it tweaks Senator Conrad's public records bill with LB366. The current language-- it is-- it has the custodians of public records attesting to the cost estimate that they're making when they request public records. This would require

the use of a public notary out of-- well, for example, out in my district, that would mean that a, a county clerk would have to drive a considerable distance in order to get things notarized. This allows them to proceed and add an extra expense. The amendment gets rid of that requirement. After dropping these amendments, we did identify one other technical change that needs to be made and I'll talk about that on my next time on the mic or do you want me to go out and finish it? Oh, I substituted so yes. So the last would be AM-- what was AM2740, that's going to be rolled in with AM2812. After we went through a long process of negotiating AM-- again, what was AM2649, now AM2812-- our legal counsel discovered that we'd left out a technical cleanup that was needed in one of the other bills in the package. Other-- the other bill, Senator Sanders' LB297 needed a technical fix to make sure that we did not take out our state Department of Banking and that would put them out of compliance with federal law so this, this would change that as simply a cleanup amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Brewer. Senator Vargas has some guests he would like to announce in the north balcony, members from the Nebraska School Counselors representing 11 districts across the state. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB43 and AM2812 that Senator Brewer has put forth. Senator Brewer, as Chair, did a great job explaining some of the component parts of this legislation that is one of the Government Committee priority packages for this session. And he also did a great job of providing an overview of the hours and hours of negotiation amongst many stakeholders to try and make appropriate amendments to this measure from where it started on General File and where it is today in terms of Select File. I believe that the key components, therein, is a weakening, perhaps, of the original intent in LB43 that Senator Sanders put forward and that I am a proud cosponsor of. I would have preferred to see the original language remain which brought a limitation and restraint upon government lawyers and actors and favored individual personal liberty. But due to pushback from the Attorney General's Office and the Governor's Office, this seemed to be language that was able to generate consensus on the administrative practice component. Hopefully, we'll have an opportunity to move forward together in the future to strengthen our approach to individual rights and liberty in administrative practice and this will, perhaps, just be a starting point for that because it impacts so many areas of our life from rule and regulation making in health and human services. Think about individual citizens fighting against the

Department of Revenue on matters of taxation and then think, of course, about issues related to rules and regulations for those in confinement. So it is broad-ranging and important and unfortunate that it had to be weakened to advance, but I do think that we can live with this compromise at this moment. Additionally, Senator Brewer was right. We worked very hard with government entities, primarily through the League and NACO and school boards to make slight adjustments in regards to the attestation components or the notary components that were part of the original bill and that were advanced on General File to remove that component. We removed that component related to the notary for a couple of reasons. One, access and, and availability as Senator Brewer noted, particularly for those governmental entities in greater or rural Nebraska and with the understanding and reaffirmation that failure to comply with our strong public records law already subjects the public official to criminal penalties as is present in current law. Finally, there is a slight modification to remove sensitive matters related to cybersecurity for all governmental entities and to provide some clarity on that behalf that the university brought forward. Colleagues, I'm going to spend some time talking about the public records component of the, the underlying bill and the amendments before you today because I think it's very important that we reaffirm our state's proud and strong tradition of open government and transparency that is primarily effectuated through two main tools: our open meetings laws and our public records laws. And there has been an ongoing evisceration and weakening of those tools of citizen engagement, really across the board at a breathtaking pace from the highest echelons of state government through city and county governments at the school--

KELLY: One minute.

CONRAD: --board level and otherwise. I'm going to punch in again because I want to make sure to be clear on that point. I do expect a robust debate today. I think it will be helpful. The Government Committee has worked very, very hard to bring this package forward and it seeks to, I think on the whole, enhance citizen engagement through our tools of transparency like our open meetings law and our Public Records Act. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Good morning, colleagues. My concerns or my area of interest in this bill right now is most-- mostly focused on the-- what we're calling the state RFRA portion of

the bill. And I was wondering if Senator Brewer would yield to some questions?

KELLY: Senator Brewer, would you yield to some questions?

BREWER: Yes.

DeBOER: Senator Brewer, was your intent or do you think the intent of this bill and your committee amendments is to model the federal RFRA statute?

BREWER: Yes.

DeBOER: And so it would be your understanding that what we're trying to do here is follow along with the same case law that the feds have with respect to their interpretation of the federal RFRA.

BREWER: Correct. And there'll be handouts that are being, being passed around by the pages that will show case law in that-- in the past that they've done.

DeBOER: OK. Thank you, Senator Brewer. So, colleagues, the reason that I'm bringing this up is because there are folks who have sincerely held religious beliefs for a number of different things that we as a state have decided are not things that we would like to have happen in our state. For example, female genital mutilation. For example, beating your wife with a stick no bigger than the size of your thumb. For example, beating your children into submission, child brides, a whole bunch of different things like that, that might be sincerely held religious beliefs. But this RFRA does not allow that to happen because what would be-- the situation is that the court would have to weigh the question of your sincerely held religious belief against the state's very sincere and necessary interest in preventing things like child brides and things like that. So in that circumstance, the state's compelling interest would outweigh an individual's sincerely held religious belief. That's what the federal case law has been saying. I've been reading through some of this and talking with several folks about the federal case law and it is my understanding that we would follow that federal case law so that not every sincerely held religious belief would be upheld just because someone believed it. So it still is something that we want to make sure that we are making a record about, and that we're making a record about the fact that, although, this bill does say that your religious beliefs, your sincerely held religious beliefs could in some very specific circumstances be used as a defense in a criminal proceeding, that that

is a very narrow set of circumstances in which you can use these, these beliefs as a-- as a defense. And it would still require a, a weighing of the state's compelling interest and whether or not the state's compelling interest was done in the law in the least restrictive manner, but still giving deference to their compelling state interest in preventing some of these kinds of harms and, and other sorts of things. So I just wanted to make sure we have that on the record. I might talk about it a little bit more later, but I appreciate Senator Brewer and I appreciate everyone for making the record that what we're trying to do here is follow the case law not only of the federal government, which has had a RFRA since the late '90s, but also the states-- the several other states that had one as well. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Senator Albrecht, you're recognized to speak.

ALBRECHT: Thank you, Mr. President. I rise to just talk a little bit about a portion of AM2812 that is within the amendment is LB637 that I've had on the books for a while and I just want to stand and thank Senator Brewer and the Government Committee for kicking that out. I think it came out 7-1 and-- but it just promotes transparency and accountability in government and offers the members of the public an opportunity to trust that they'll be heard. I'll give you a couple quick examples. You know, when I was on a city council back in-- a few years back, we had a Super Walmart coming to our area. And believe me, it went 15 hours at the Planning Commission, 15 hours at the city council, and they heard everyone. It became a better project. It became probably one of the nicest Super Walmarts, I feel in the state. And it was only because we took the time to listen to everyone. But, you know, I'm hearing a lot about there's a lot of different governmental agencies that will not take the time to, to put it on their agenda, even if it's just 5 minutes, 10 minutes, whatever you want it to be, it could be at the beginning of the meeting before you talk about anything else. And if there's 50 people there and it's just 10 minutes, they might have to come back the next week or the next week. But for 10 minutes you're going to take public comment. That doesn't mean you listen to every single person that evening that's in your chamber, it's all about getting the information from the people. You don't even have to answer back to them. You're just simply listening to their concerns. So this bill, I think, would be important to the public to know that they do have a right. It's already in law. We just had to, to just make certain that it's not in closed session, of course, that's only the, the members that are talking about something that the public doesn't need to know about right away. If

it's a, you know, a dismissal of someone or someone's had something that maybe shouldn't be out in the public until it's, it's decided on how it's going to be taken care of. But the biggest thing is just the trust in our government that they're going to listen to people and it's in state law, it just codifies everything in this. So I appreciate taking the time to put that in law. Thank you.

KELLY: Thank you, Senator Albrecht. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I'm not sure where I'm at on AM2812 yet, because it was just substituted this morning, but I was taking-- looking, looking through it. And Senator Albrecht's portion is probably one of the bigger portions and I, I agree with it in principle. I think making sure that our Open Meetings Act is, you know, widely applicable and, and creates transparency is important. I'm just going to grab it here. So I'm trying to look at the section. I think it's the first section of the amendment on page 1, which is basically saying that the, the Open Meetings Act shall apply to-- the public has right to attend and the right to speak at meetings of public bodies, and all or part of the meeting of the public body, except for closed sessions called pursuant to Section 84-1410 and may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of tape recording, a camera, video equipment, and other means of pictorial or sonic reproduction or in writing. And then the addition here is: Except for closed sessions called pursuant to Section 84-1410, a public body shall allow members of the public an opportunity to speak at each meeting. So essentially saying that people shall be able to speak at every meeting. So you can't call a meeting an open meeting that doesn't allow for public comment. Seems like a decent idea in principle. I was trying to pull up the committee statement to see what was the opposition to this bill since Senator Albrecht said it was, I think, 7-1. So I'll, I'll pull that up when I have the opportunity and see what folks' opposition to that was. Just curious. But, yes, I, I appreciate Senator Albrecht bringing this bill and I appreciate the committee considering putting it in the package because I do think that allowing people, in principle, the opportunity to speak at public meetings and making sure those meetings are open is extremely important and support that idea. My other concerns with AM2812 are those that have been articulated by folks before, which is the-- I guess would be considered compromise language as it pertains to the original LB43 that strikes through the, the requirements of consideration of the administrative body and then strikes-- and, and limits the interpretation of rights of individuals in these hearings and, and brings it down, I would say, from-- with--

consistent with individual liberty down to consistent with individuals' fundamental constitutional rights. And like all things around here and, obviously, I stood up and proposed an amendment to this bill on the first round and talked about constraining the section that Senator DeBoer was just speaking about, which is considered the, the RFRA portion, the religious freedom portion. And I actually have an amendment that we'll get to maybe next, I'm not exactly sure where in the queue my amendment would be that pertains to that and I'll talk about it when we get to it. But I do think compromise language is important and, and as bills progress we should talk in good faith about what compromises can be made to make a, you know, a bill better or to mitigate the harms. And I think there's still a lot of space for work, particularly on the RFRA portion of this. I did like the more expansive version of the original LB43, but I, I, I do see, like all things, compromise is important. And we should be taking that into consideration as we move forward. So I'm going to keep listening to folks talking about AM2812 and I'll take a look at the committee statement--

KELLY: One minute.

J. CAVANAUGH: --thank you, Mr. President-- but I would be curious if anybody had some insight into what the opposition was to making sure everybody can speak at meetings. And, you know, the, the cleanup portions, obviously, I think there's good reason for those in-- for the, the underlying bill. But I will-- I'll push my and get back in after I've got an opportunity to read the committee statement. And then, of course, like I said, I have my amendment that pertains to the-- specifically, the RFRA section that we'll talk about after this. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President, and good morning, colleagues. I've been listening to the conversation here and I've had a chance to review the amendment and, obviously, LB43 after our last debate. I'm still-- I, I think I'm generally supportive of, of AM2812 with regard to its intent of trying to sort of bring together some of the, the work here but I think there may be some unintended consequences in it that I'm unsure about. And, and with LB43, I also still support the underlying intent of what we were trying to do. I, I think that obviously ensuring religious freedom is one of the most important things we can do here in the Legislature. But I do have concerns still about the way that the legislation is written. And I just wanted to

raise a couple of those, and similar to Senator John Cavanaugh, continue listening to some of the debate in the conversation about that. First of all, Senator DeBoer, I think, hit the nail on the head with regards to one of my concerns which is the ability that this legislation has opening up as a defense in a criminal action the allegation that somebody has a, a sincerely held religious belief that is being burdened or restricted. I, I do think the language on page 2, Section 4, is overly broad. It specifically says: a person or religious organization whose exercise of religion or religious service has been burdened or restricted, or is likely to be burdened or restricted in violation of this act, may then assert that violation in any impending case as a defense. And so what it sounds like they're doing is creating a defense that could be asserted, I suppose, in a court of law arguing a defense to, to various criminal actions so long as you're saying that you have the sincerely held religious belief. But it's not even that that religious belief need be burdened or restricted in the immediate circumstance. The, the language of this section says that: it is an ability to assert a defense if it's likely to be burdened or restricted. And I just find that to be incredibly broad. I think we can all come up with hypotheticals and scenarios and situations wherein somebody might assert the potential infringement on their religious belief as a defense. And, again, Senator DeBoer, I think, highlighted a couple of those that have been brought up both at the federal level and in other states. I understand there's a handout that we're going to be getting with regards to some of the other courts from other states at the federal level and what they've decided with regards to these defenses. I've not had a chance to review that in great detail. I'm happy to take a look at that. But certainly what other courts have done is not binding on what Nebraska does. And I do have concerns that if LB43 were to pass, it would effectively open up the floodgates to the ability for these kind of defenses to be made in cases that we see on a regular basis. And I just think that it would not be the intention of LB43 to allow for somebody to assert religious belief or potential impending or impeding of a religious belief as a defense to say child abuse or things or neglect or things like that. So I think there's more cleanup that needs to be done on that. I don't think the concerns that I raised on General File are really answered with the amendment. In addition to that, I think there's a continued concern about whether or not the Political Subdivisions Tort Claims Act applies here, specifically going back to Section 4, which I think is one of the more operative sections with this portion. Again-- excuse me-- it says: that a person or religious organization whose exercise of religion or religious service has been burdened or restricted or is likely to be burdened or restricted may bring a civil

action against any of the individuals who, who did that. And then it goes on to say: this section applies regardless of whether the state or a political subdivision is a party to the judicial or administrative proceeding. So in the event that any individual feels that their exercise of religion or religious service has been burdened, or even if any individual feels that their exercise of religion is likely to be burdened or restricted, they could bring a civil--

KELLY: One minute.

DUNGAN: --thank you, Mr. President-- they could bring a civil action. They could sue political subdivision in an effort to pushback on that. And then it goes on, on page 3 to say: that that individual may obtain appropriate relief, specifically actual damages. And so, again, I, I have concerns about the potential outcome and ramification that we could see here with regards to the broadness that is allowed by that. So I'm curious if the Political Subdivisions Tort Claims Act applies here. I think it is-- it is referenced, briefly, a couple of times, but it doesn't seem to, I think, clarify or be clear as to whether or not the process and procedure of that is, is still operative. So, again, very, very supportive of a lot of the ideas in here. I think ensuring free exercise of religion is just as important as ensuring that we don't have any kind of state religion asserted upon us. I think both parts of that First Amendment clause are, are vital and, I think, we continue all to agree on that. We just need to make sure--

KELLY: That's your time, Senator.

DUNGAN: Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Riepe has some guests in the north balcony he'd like to recognize, they are fourth graders and teachers from Norris Elementary in Millard, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I want to speak specifically to the components of the amendments and the bill related to updating and strengthening our Public Records Act. I started at this my first time on the mic and, and ran out of time. Friends, you've heard me say many times, and I know this to be true, is that we have a proud and strong tradition of open government in Nebraska. And we have had for many years what many stakeholders across the political spectrum would be-- would consider to be very good laws,

very strong laws regarding open meetings and public records access so that citizens have a right to know what their government is doing in their name and with their money. And it doesn't matter what the citizen's motive is in gleaning that information. I have practiced in public records and open meetings laws as a civil rights attorney through most of my career. And I can say without hesitation that for many years the laws worked as intended to empower citizens against a powerful government to figure out what was happening, to shine sunlight on the operations of government. And what I have seen in recent years, in particular, is a slow and steady evisceration of transparency. And whether it's against liberty moms, folks who are skeptical about our elections, BLM activists, reporters, or just everyday citizens who are concerned about the price of gravel, I have seen a clamping down from the top of state government down to local government on a citizen's right to know what their government is doing in their name and with their money. In fact, there has been a push and almost a legal subculture developing amongst government lawyers and lobbyists in their law departments to exploit exceptions to our strong transparency laws, to manipulate and twist meanings and narrow scopes, to thwart public records requests, and do hinder open meetings laws, and to keep the public from knowing what their government is doing in their name and in their-- and with their money. And that is wrong, and it must stop. There are a number of bills that colleagues have brought forward to address these issues regarding a citizen's right to know and to empower our public in a democracy. Senator Albrecht has LB637, which is now part of this amendment, to ensure members of the public have a right to speak at open meetings. Senator Sanders has LB71, which has been prioritized by my friend Senator Meyer, that deals with improving and enhancing parental rights and transparency in regard to school curricula and materials. Senator Linehan has LB951, which seeks to ensure more openness in quasi public associations made up of public officials. And we've had numerous other measures before the Government Committee, the Education Committee, and other committees in this regard. At almost every hearing on these bills, numerous government lawyers and lobbyists appear and oppose these reforms. The opposition is mostly centered upon some sort of burden or inconvenience to the government without any concern to the inconvenience and burden those bad acts put on the individual citizen and the public. They've got it wrong, colleagues. The government is there to serve the people, not the other way around. Almost all of the testimony is centered in something like this: We support--

KELLY: One minute.

CONRAD: --open government, but. We support transparency, but. Thank you, Mr. President. Colleagues, frankly, that is disingenuous and that is patronizing and it is wrong. Most individual citizens do not have the time or resources to secure legal counsel to fight back against big government to understand what is happening in their name and with their money. And we have seen case after case, including a recent one, make its way to the Nebraska Supreme Court fighting over what our public records laws mean or don't mean. And, thus far, consistently, the Nebraska Supreme Court, and rightly, has come down on the side of citizens' right to know and against big government hiding the ball by playing games with public meetings and public records laws. I'm going to run out of time so I'm going to hit in one more time so I can finish this because it's really important for, for legislative history. But I want to--

KELLY: That's your time, Senator.

CONRAD: Thank you.

KELLY: Thank you, Senator Conrad. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank, thank you, Mr. President. Well, again, I rise in-- I guess, I'm, I'm still a little on the fence about AM2812. I did have a chance to read the committee statement. I saw that there were a lot of folks in favor of the bill, including the ACLU. And then there were some folks opposed who are mostly representatives of local government entities, so like the League of Municipalities. And so I-- my interpretation of that, I didn't get a chance to go out and talk to the folks in the League about this but my interpretation is that this is the type of, you know, where we're, we're telling them how to run their meetings, I guess. And I, I was hearing a lot of what Senator Conrad was saying and I, I echo a lot of her feelings about making sure that we're making government open and available to folks and the parts about the records requests, I think, is really important. We do want to tread lightly as we're giving more directives to local governments. But I do think that when it comes to open government and it comes to opportunity for people to comment and opportunity for people to interact with their government, I think that us elected officials, you know, the inconvenience of sitting through hearings, we're all familiar with that, right? We all have been in hearings that go on for hours and hours. And that's a really important part of the job for the public to be able to come in and comment and be heard and to have that part of their role in government. And we take those comments into consideration, just like right now, where I went and

read the committee statement to see who had come and spoke about it so I can get a feel for what the opposition is. And so I think it's really important that we do not put undue constraints on people's ability to seek redress from their government and to have an opportunity to be heard. And so I think-- like I said, I generally support the principle articulated by Senator Albrecht's bill. And I, I guess I have not been dissuaded in my interest of supporting that bill yet, from what I've heard. But, again, the other parts of the amendment I think are generally OK, I do wish we weren't constraining LB43 as much as we are. So I see there's a few other folks in the queue so I'll continue to, to listen to see what other folks have to say about that. But at the moment, I'd say I'm planning to vote green on AM2812. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Moser, you're recognized to speak.

MOSER: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraskans. So in reading the amendment and from some discussions I had with some people from the League of Municipalities, it appears that this broadens the public interface with public bodies or attempts to but it already in statute allows for people to make comments at meetings. I don't know that this amendment is necessary and I think it-- from my experience of being mayor for 12 years, we gave people the opportunity to speak as long as it was something on the agenda. Otherwise, if you allow them to speak about whatever, you know, you could be there for hours if you-- if you didn't try to limit that. So I, I think there's some kind of amendment. I don't have the wording clear in my mind yet, but I think we need to do something to address the change in people's right to speak. I think people should have a right to speak to their people, their elected representatives, when they're spending money. But I don't know that every meeting that they have would necessarily have to have time for open comment. Thank you, Mr. President.

KELLY: Thank you, Senator Moser. Senator Conrad, you're recognized to speak and this would be your third opportunity on the amendment.

CONRAD: Thank you, Mr. President. I'll try and be as, as quick as I can here. Continuing in regards to some recent legal activity surrounding our public records laws. Just a few weeks ago, down the hall, there was a case that was argued before the Nebraska Supreme Court dealing with the propriety of a state agency demanding an exorbitant amount of money, almost \$45,000, to search for emails. I reviewed the various briefs filed in the appeal, including from

right-of-center think tanks like the Goldwater Institute that was fighting against the smugness and the arrogance of government lawyers and lobbyists who sought to thwart openness in response to these public records requests. In reading the briefs and watching the oral arguments, I was also struck by the smugness and arrogance of the amicus brief filed by the League of Municipalities, the Nebraska Association of School Boards, the Nebraska Association of County Officials, and the County Attorneys Association. Friends, in their amicus brief, they assert that the Legislature did not mean what, in fact, we meant, that imply-- they implied that we, as state senators in former debates, were too stupid or ignorant as to understand what we meant in continually updating and strengthening our public records laws. The amici were arguing that despite the Legislature's clear intent, we meant just the opposite. That's why I felt it so critical to reaffirm at this moment through this debate, once again, the Legislature's intent in regards to the public's right to know and the twisting and the evisceration of these tools of transparency needs to stop. And we need to send a message to these government lawyers and lobbyists and to future courts that will be reviewing this record. I was also disappointed by the Attorney General's position in that argument before the Supreme Court. The lawyer in the Attorney General's Office framed the agency's position that the case was about a request to have the government do free hours of work for the requester. Friends, that is an offensive mischaracterization of the issues before the court. Most basically, who does the Attorney General think the government works for, themselves? A certain political party? That is wrong. They work for the citizens. The Public Records Act contains a provision by which the Attorney General is also supposed to intercede to help citizens who are not getting access to public records. The Attorney General has a statutory obligation to the people of Nebraska to help in this regard. In this regard, the Attorney General worked solely as a lawyer for the government instead of a lawyer for the people. To be fair, it was not Attorney General Hilgers that handled that oral argument, but it was one of his staff members. The audacity and the parlance of the Attorney General in the course of that debate was, I agree, breathtaking. Mr. President, and members of the body, we have to reaffirm, yet again, what we mean. The public has a right to know. That is why the Government Committee has worked very hard to put forward thoughtful components to update and strengthen our Public Records Act to empower citizens against a powerful government to ensure that they have access to curriculum--

KELLY: One minute.

CONRAD: --issues, that they have access to funding issues, that they have access to the information they need to do their jobs as citizens in a democracy. I am grateful that we have been able to build such a powerful right-left coalition when it comes to open government and government transparency. I am proud to join with Senator Sanders, Senator Albrecht, Senator Brewer, and members of our diverse committee to put forward an unequivocal statement in regards to LB43 and its component parts that empower citizens against big government. And I urge your strong, favorable, favorable consideration of AM2812 and the underlying measure. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I was listening very closely to Senator Conrad's remarks and I didn't know if she had any more she wanted-- OK. So I will yield the remainder of my time to the Chair. Thank you.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Brewer, you're recognized to close on the committee amendment.

BREWER: Thank you, Mr. President. Well, I need to start by thanking all of the committee members of the Government Committee. Again, this is a Government priority bill that includes Senator Sanders, Senator Hansen, myself, Senator Conrad, and Senator McDonnell, and now Senator Albrecht. And it's really focused around the First Amendment, whether it be freedom of speech, freedom of religion, we had to take a look at how we could build a committee package that included things that we thought we needed. And so when we look at now AM2812, which included the old AM2649 and AM2740, and just as a quick refresher on those, in that-- in the AM2649, that was just an amendment that reworded the bill to make sure that the courts better understand the clarification on the verbiage in that. And then on AM2649, that was just an amendment that required the removal of the notary and went to the attesting so that we didn't have folks running all over trying to meet that requirement. And then the old AM2740 and that was Senator McDonnell's bill and that had to do with the need for a technical fix to make sure that we did not take our state Department of Banking out of compliance with federal law. I ask for your green vote on AM2812. Thank you, Mr. President.

KELLY: Thank you, Senator Brewer. Members, the question is the adoption of AM2812. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 04, 2024

CLERK: 41 ayes, 0 nays on the adoption of the amendment, Mr. President.

KELLY: AM2812 is adopted. Mr. Clerk, for an item.

CLERK: Mr. President, LB43. Senator John Cavanaugh would move to amend with AM2701.

KELLY: Senator Cavanaugh, you're recognized to open.

J. CAVANAUGH: Thank you, Mr. President. All right. Now we're on to, like, you know, the fun part. My ideas. See, got everybody laughing. So, like I said, on the last time, I, I was just telling the Speaker back here, I voted for it because nobody dissuaded me from voting for that last amendment. So let's all go into this with an open mind on my amendment. So what does AM2701 do? It strikes what is currently numbered Section 5 in the original committee amendment. And what that, that section does is-- so Section 5 is on page 3 of AM2076, and it says: the First Freedom Act applies to all state and local laws and the implementation of those laws, whether statutory or otherwise, regardless of whether adopted before or after the operative date of this section. So that's a lot of-- kind of, I don't know, legal speak. And some of my friends here would say maybe that sentence is over-lawyered. And I'm trying to get it to appropriately-lawyered, which I think came from our first round of debate on this bill. But reading of that would say there's a couple of things that I think are important-- take-- this is a three, three, three-line-- four-line section, but it does a lot there. What it says is, that this whole First Freedom Act that we're talking about applies to all current city ordinances, all current state laws, and all future adopted city ordinances and state laws. So there's a couple of things to be concerned about there. First, there's certainly the intention that this should apply--it's the intention, I would say of Senator Brewer and those who advocate for this bill, that it would apply to things that we are contemplating. So city ordinances that currently exist, state statutes that currently exist. There's a problem when we say it applies to all subsequently adopted ordinances or statutes. Now, of course, without this section this bill would still apply to all subsequently adopted city ordinances, because city ordinances do not have the ability to go contrary to state law, meaning that a city can't make penalties higher than what is authorized under state law. They can create their own city penalties that are coextensive with the state law and the cities can't go against state zoning or other things. So they're-- they are limited by what the state law is. So they-- without this paragraph, city ordinances are already limited in

the future and retroactively. State statutes, however-- there's a real concern, I think, in how this paragraph is written. One, it says: applies to all state and local laws. So, generally, when we go in and we repeal or we make a new law that applies to some section of statute, we do it by reference, right? We go and we say this applies to this section or that section. So if you're sitting here and you're thinking about I'm going to vote for this because I think it's going to do X, Y, and Z, it's certainly going to do the thing you think it's going to do but it has the potential to do way more than that because of this expansive section. So that's one of the reasons I think that we, maybe, need to reconsider this section. And then the last part is, that it says: whether adopted before or after the operative date of this section. So what we're saying here is that future Legislatures, by reference of-- by the definition of this section would not have the ability to-- if we adopt a law that this would supersede that, which is just simply not the way that this works. Right? That a future Legislature could adopt some sort of, you know, law that we would think would apply to this. So I'm trying to think of a hypothetical for you, but things that people talk about, the handout, we'll say, about the Hobby Lobby case or the, the Religious Freedom Act applying to the Affordable Care Act. And then you could go in and if the future State Legislature adopts that statute, the argument would be that this bill as law would override futurely adopted statutes that pertain to a requirement that an employer provide certain types of healthcare and we don't really have the authority to do that. Of course, a future Legislature would-- could adopt a law and it would supersede previously adopted laws. So I think that this section, Section 5, is superfluous and, and confusing and causes problems that I don't think are the intention. And so I think that the, the parts that-- the, the goal it does seek to achieve that we want and that are a good idea, I guess, are the one-- are served without this section. So that's why I propose striking this section. I think it gets rid of surplus language. It makes the bill less confusing and makes sure that it only applies in the instances that we are intending it to apply. And so I would encourage your green vote on AM2701 and I'd certainly be happy to answer any questions or talk further about it. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Duncan-- Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I do rise, I guess, still wanting to talk more about AM2701 and the underlying LB43. I would share and, I guess, echo Senator John Cavanaugh's analysis of whether or not this provision that this amendment strikes is

necessary. Anytime we can use the word superfluous on the mic, I think that's always a, a plus and so I appreciate that. But I think it's worthy of more conversation to ensure that this is actually achieving what it intends to do. I do want to dive a little bit more, though, into LB43. Off the mic, I've had a couple of conversations about one of the questions I raised in my first time on the mic today or maybe second time and I just wanted to get a little bit more clarity. And it's, it's regarding whether or not the First Freedom Act and the-- is subject to the State Tort Claims Act, or the STCA, or the Political Subdivisions Tort Claims Act. That was one of the questions we had with whether or not an individual bringing a suit against a governmental agency would make it subject to the State Tort Claims Act. So I was wondering if Senator Brewer would yield to a question?

KELLY: Senator Brewer, would you yield to some questions?

BREWER: Yes.

DUNGAN: Hopefully, it's just one, one or two questions. Senator Brewer, you and I had a chance to chat off the mic and I just wanted to clarify. Is it your understanding that the First Freedom Act would fall under the State Tort Claims Act or do you believe that it would not apply to the First Freedom Act?

BREWER: No, it would not apply.

DUNGAN: OK. Thank you. I, I won't continue going down that too much. I appreciate your answer. That was what I was told too. My understanding is that under the way the First Freedom Act is written the State Tort Claims Act would not apply. And that's for a couple of different reasons. First of all, claims under the First Freedom Act are, are defined and tort claims under the STCA and the PSTCA are also defined. Under the State Tort Claims Act, a tort claim means any claim against the state of Nebraska for money only on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the state while acting within their scope of his or her office or employment. And in relevant part, I want to highlight again, it specifically says for money only. What I think is important to note is that the First Freedom Act that we're talking about here with LB43 allows for equitable relief. And what I mean by that, colleagues, is it allows for more than just money damages. There's equitable relief like injunctions and, and other things that are specifically laid out in the statute. So by virtue of the fact that the FFA allows for equitable relief, which is not a claim for, quote unquote, money only,

it would be arguable and I think it is correct to assume the State Tort Claims Act also does not apply. That's important for a couple of reasons, colleagues. I won't go too deep down the rabbit hole because I'm sure people want to get to lunch here sooner than later. But I think it's an important record to make that the State Tort Claims Act would not apply under FFA and I think that does allow us to understand a little bit more about what the process and procedure would be if a suit were brought against a political subdivision or a state actor. With that, colleagues, I, I will continue to echo some of my concerns. I think we might continue to have a little bit of a conversation about this after lunch. I'm not entirely sure. I do think Senator John Cavanaugh's amendment is worth talking about, just with regards to the operative nature of, of what this affects and what it doesn't affect. And I, I think it's, it's worthy of a conversation. So I, I continue to be on the fence about LB43. I think I am supportive of AM2701, but I hope we can have a little bit more of a debate about this as the day goes on. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator-- seeing no one else in the queue, Senator John Cavanaugh, you're recognized to close on the amendment.

J. CAVANAUGH: Thank you, Mr. President. Well, I appreciate everybody listening and that it sounds like that everybody is on board with this amendment and you're all just going to vote for it because nobody's opposed to it. So we'll get to vote here and then we can have lunch. This is our first day of all-day floor debate, by the way, friends, so it's going to be a lot of conversations and things kind of go differently than you expect. But like I said, I don't-- this amendment does not undermine the intention of this bill. You all know I have reservations about this and I honestly don't know how I'm going to vote on this bill, ultimately. But what this does is, this amendment strikes out a superfluous section, as Senator Dungan said. I'd also say that the great word would be surplusage, which is extra words that you don't need. So we could get rid of this section and this bill will still have all of the effects that we intend it to have or that the folks who advocate for it intend it to have. Does not undermine the meaning, it does create more clarity about how it will apply going forward and what the role and interaction between the state and the local governments are and this Legislature's effect on future Legislatures. So I would encourage your vote-- green vote on AM2701 and, like I said, make up your own decision on LB43. Thank you, Mr. President.

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KELLY: Thank you, Senator Cavanaugh. Members, the question is the adoption of AM2701. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 12 ayes, 30 nays on adoption of the amendment, Mr. President.

KELLY: The amendment fails. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Health and Human Services, chaired by Senator Hansen, reports LB871, LB1172, LB1237, LB927, and LB1054 to General File, some of those having committee amendments. Additionally, amendments to be-- excuse me, motions to be printed from Senator Machaela Cavanaugh, all to LB1329. Senator Murman, amendments to be printed to LB1329. Senator Machaela Cavanaugh, motions to be printed to LB1331. Senator Bosn, an amendment to be printed to LB857. Senator Riepe, amendment to be printed to LB204A. Senator Lowe, amendment to be printed to LB685. Motion to be printed from Senator Hunt concerning the gubernatorial veto override for LB307. Notice that the Retirement Committee will have an Executive Session upon recess in Room 2102; Retirement, 2102, Exec Session. Natural Resources will have an Exec Session at 2:00 in Room 2102; Natural Resources, Exec Session at 2:00, Room 2102. Mr. President, Senator Aguilar would move to recess the body until 1:30 p.m.

KELLY: Members, you've heard the motion to recess until 1:30. All, all those in favor say aye. The motion fails. Returning to debate on LB43. Seeing no one else in the queue, Senator Sanders, you're recognized to close and waive. Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB43 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance to E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Senator Aguilar would move to recess the body until 1:30 p.m.

KELLY: Members, you've heard the motion to recess until 1:30. All those in favor say aye. All those opposed say nay. We are recessed.

[RECESS]

KELLY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to

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reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: There's a quorum present, Mr. President.

KELLY: Thank you. Do you have any items for the record?

CLERK: I do, Mr. President. Motions to be printed from Senator Cavanaugh to LB1170 and LB1017. Additionally, notice that the Government Committee will have an Executive Session in Room 2022 at 2:00; Government Committee Exec Session in Room 2022 at 2:00. That's all I have at this time, Mr. President.

KELLY: Thank you. Please proceed with the first item on the agenda.

CLERK: Mr. President, first item on the agenda, LB1087. First of all, Senator, there are E&R amendments.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB1087 be adopted.

KELLY: Members, you have heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: Mr. President, Senator Jacobson would move to amend the bill with AM2760.

KELLY: Senator Jacobson, you're recognized to open.

JACOBSON: Thank you, Mr. President. AM2760 is really an amendment that really cleans up language in the bill. That was language that was brought by the Legislative Fiscal Office as they reviewed it. There have been a lot of iterations of this bill from the beginning for everyone to understand how this program works. And so we worked with the Governor's Office and we worked with, with Fiscal. And then ultimately now the Legislative Fiscal Office came back with some language changes just to clarify exactly what we're doing. Just to remind everyone, this bill and as the amendment would suggest, they've now estimated rather than the hospitals' assessment being around \$650 million, it's probably going to be \$581 million. But then, that we would be looking at about 2 point-- almost 2.2 times match from the federal government, which is actually going to bring in another \$1.4 billion to the state. I think the key pieces here, one of the things that they'd modified was the Nebraska Center for Nursing Board. We

changed actually, a title to one of those-- to that fund that would still be under the DHHS control-- DHHS's control. There's about \$35 million that will go-- stay at the state to be used for expenses for this program. And additionally, there would be another \$50 million that would be paid by the hospitals for nursing scholarships. So if you add those 2 numbers together, you're about \$85 million net to the state or programs that the state would otherwise would be considering funding. So that's the way the bill works is-- and I think I want to clarify, too, when you look at the fiscal note that there is no hard expenditure on this. The fiscal note comes back technically as a negative fiscal note because of the \$35 million that comes back. All the expenses are covered, plus the dollars that are going for the nursing scholarships. But I think the key we want to focus on here is the fact that these are dollars that are coming to the state that otherwise would require additional provider rate increases, and this is also going to help get more Medicaid patients covered that aren't covered today. And it's also going to help save these hospitals who are struggling. We all read about the, the hospital in Friend that has now, now gone to an emergency services only. There are other hospitals on the edge of doing that. This is a lifeline to rural hospitals and hospitals in urban areas in Omaha and Lincoln that are going to benefit from these funds coming in to better serve and increase the quality of the outcomes of the services that they provide. As I said before, there are 44 other states that are in this program. This is set up in such a way that because the hospitals would have to come up with the assessment on the front end, there is a note in here that up to \$640 million could be moved from the cash fund to front the hospital's stake in this until they receive their first quarterly payment back from the government. And then as we move through the year, the hospitals would receive their money and would refund that back to the state so that that would not be an expenditure. It would be basically a loan to the fund and the dollars coming back, no net expenditure. So if you read clear through the fiscal note at the end, there is a zero net fiscal note. So with that, Mr. President, I would encourage everyone to vote, green vote on AM2760 and LB1087. Thank you.

KELLY: Thank you, Senator Jacobson. Mr. Clerk, for an agenda item.

CLERK: Mr. President, Senator Jacobson would move to amend the amendment with FA243.

KELLY: Senator Jacobson, you're recognized to open on FA243.

JACOBSON: Thank you, Mr. President. FA243, you'll notice in the amendment that when we first had the conversation when I was working with the Governor's staff, we talked about a sunset. The concern with the sunset is that it would-- it's set to expire in 2027. That really doesn't begin to give us any-- much time to even really look at the program. At the time we had those discussions about the sunset, I think we were all trying to understand exactly how the program works. Now that we've had the time to work through all of the iterations of the amendments and get this set up, the concern that I have at this stage of the game is that I don't believe that there's a need for a sunset. And so the floor amendment would strike the sunset and allow this program to move forward, obviously recognizing the Legislature can stop these programs at any time. All it takes is a bill to stop it or stop the transfers, and the program comes to an end. My concern is, is where there's no fiscal note, the state's actually benefiting from the program and the hospitals are benefiting from these dollars coming from the federal government. Why would we want to sunset the program, and why would we want to put doubt in those-- in the hospitals' minds that they've got to be cognizant of not only will the federal dollars continue to flow, which we believe they will, but just as importantly, will a future Legislature say, we don't want to do this? So given that we're going to be limited in the future to bringing 20 bills, I don't see a need to have to come back in 2 years or anytime in the future and reimplement the program where we can stop the program at any time along the way, really through the Appropriations Committee. So that's what the floor amendment's about. I would encourage your support to move the bill through so that we can have this program continue to have a life to move forward. I think the benefits are all there to move this bill forward the way it is without a-- without a sunset. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Riepe, you're recognized to speak.

RIEPE: Thank you. Thank you, Mr. President. I stand in support of AM26-- AM2760 and FA243, and the underlying bill, LB1087. I will make my remarks brief, and that is that I find a sense of sadness that we are unable to pay adequate reimbursement for the patients that are cared for on behalf of the state through Medicaid, and that this is the direction that we have to go. I also have a concern, where do we go into the future? And it's going to be an issue that we are pushing, if you will, down the road, and we're going to have to address at some point. That's all I have to say. I do support it and hope you will too. Thank you.

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KELLY: Thank you Senator Riepe. Seeing no one else in the queue, Senator Jacobson, you're recognized to close on the floor amendment and waive. Members, the question is the adoption of FA243. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: FA243 is adopted. Seeing no one else in the queue, Senator Jacobson, you're recognized to close and waive closing on AM2760. The question is the adoption of AM2760. All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

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

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB1087 be advanced to E&R for engrossing

KELLY: Members, you've heard the motion to advance LB1087 to E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, LB905, Select File. I do not have E&R amendments. Senator Riepe would move to amend with AM2766.

KELLY: Senator Riepe, you're recognized to open on the amendment.

RIEPE: Thank you, Mr. President. Good morning or good afternoon, Senators. I introduced AM2766 to LB905, addresses 3 critical needs in the implementation of LB905, the homeless respite center-- respite care center. The first is in addition, it adds to an implementation date of October 1, 2025, rather than July 1. And the reason is to allow DHHS time to develop the rules and regulations necessary to implement this project. The second condition is to-- it provides the statutory authority for DHHS to license adult homeless respite care facilities. The third one is to change the appropriation source from General Funds to the Medicaid Managed Care Excess Profit Fund. These are simple changes but needed to assure the proper implementation and correct funding of LB905. Thank you, Mr. President.

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KELLY: Thank you, Senator Riepe. Seeing no one else in the queue, members, the question is the adoption of AM2766. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Returning to the queue, Senator Clements, you're recognized to speak.

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

KELLY: Senator Riepe, will you yield to some questions?

RIEPE: Yes, I will.

CLEMENTS: Thank you, Senator. I see this is for some respite care facilities, looks like Omaha and Lincoln. Do you know, was there testimony as to how many beds they would provide, provide in each city?

RIEPE: Yes. Thank you for the question. In Omaha, the Sienna Francis House has a facility they're going to retrofit, and they're going to start with 25 beds. And I've encouraged them to go to all private rooms so that they get more flexibility on that bed count. And then they intentionally want to expand on up to 35 depending upon demand. In Lincoln, we've talked with several. I think city center was one, and there has been no commitment specifically to any number of beds. The Sienna Francis House was the initiator of this particular piece. And so we're working with Lincoln homes to see what they can arrange and come up with.

CLEMENTS: And is there a priority system? There's going to be more than 24 homeless people in Omaha. Is there a priority system? How do they get admitted?

RIEPE: My assumption is, Senator, that the priority will be virtually on a needs basis on a first come, first served as there-- because it's intended to be able to take them upon discharge. And of course, that's unpredictable. And so it will be as they come through. And just like every other hospital, when they're full, they're full.

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CLEMENTS: Oh, yeah. I guess I didn't under-- this is people being discharged from a hospital?

RIEPE: That's the primary purpose of this. And part of that is because many of these homeless are on-- they're diabetic and so they're on insulin. And they have to have-- insulin has to be refrigerated. You can't just turn them back out on the street. And a lot of them need rehabilitative care. The reason the hospitals and they're willing to put up some money on this is it's the difference between probably \$2,000 a day and \$200.

CLEMENTS: I see. So that's why the word "respite" is in here. I didn't understand that because-- that means they're coming from a hospital?

RIEPE: Yes, yes. The intent is they will be coming-- the vast majority of them is to get them right immediately out of hospitalization, rather than filling up a bed requiring staffing in the hospital and everything.

I see. OK. Thank you. That helps me very much.

RIEPE: OK. Thank you.

CLEMENTS: I, with that, I will support LB905. Thank you, Mr. President.

KELLY: Thank you, Senator Clements and Senator Riepe. Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB905 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB905 for E&R Engrossing. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, LB61, Select File. First of all, Senator, I have E&R amendments.

KELLY: Senator Slama, you're recognized.

SLAMA: Mr. President, I move that the E&R amendments to LB61 be adopted.

KELLY: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

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CLERK: Mr. President, I have FA30 from Senator Brandt with a note he wishes to withdraw. In that case, Mr. President, Senator Bostelman would offer FA233.

KELLY: Senator Bostelman, you're recognized to open on FA233.

BOSTELMAN: Thank you, Mr. President. What the floor amendment does is strike the words starting with a comma on, "or terrestrial fixed wireless technology and" end quote there on lines 11 and 12 of page 11, just to strike those words. I'd ask for your green vote. Thank you.

KELLY: Thank you, Senator Bostelman. Seeing no one else in the queue, you're recognized to close and waive closing on FA233. Members, the question is the adoption of FA233. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the floor amendment, Mr. President.

KELLY: The floor amendment is adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB61 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB61 to E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, next bill, Select File LB1104. I have nothing on the bill, Senator.

KELLY: Senator Aguilar, excuse me, Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB1104 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB1104 for E&R Engrossing. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clerk.

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CLERK: Mr. President, next bill, LB204. First of all, Senator, I have E&R amendments.

KELLY: Senator Slama, for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB204 be adopted.

KELLY: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted.

CLERK: Mr. President, Senator Riepe would move to amend with FA235.

KELLY: Senator Riepe, you're recognized to open on the floor amendment.

RIEPE: Thank you, Mr. President. The floor amendment to ER56 on LB204 is a small change that adjusts the expectations for the report produced by DHHS, due by December 15, 2024. Instead of providing only recommendations for how to adjust pharmacy dispensing fees for the independent pharmacies, it would assure that DHHS provides recommendations for all pharmacies participating in the Medicaid Assistance Program. This does not change the scope of the appropriation, only the scope of the report the Legislature, Legislature will review at the end of the year, detailing how future improvements could be made. With that, I ask for your green light on this amendment to ER56. Thank you.

KELLY: Thank you, Senator Riepe. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. Would Senator Riepe yield to some questions?

KELLY: Senator Riepe, would you yield to some questions?

RIEPE: Yes, sir, I will.

CLEMENTS: We had a bill like this in Appropriation, but it was determined to be more appropriate to have it on the floor because of the statutory changes. But I hadn't seen this language adding all other pharmacies. The agreement I had was that only pharmacies with 6 locations or fewer would be included. Now we're adding language that says all other pharmacies. And how does this not expand the bill?

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RIEPE: Thank you for the question. The, the survey is, is all it amounts to-- it doesn't amount to including any fees paid to these additional pharmacies. It just includes them in the study as long as they are Medicaid assistant-- participate in the Medicaid assistance program. They want a bigger-- we were looking for a bigger, broader look at this thing maybe for some future session.

CLEMENTS: All right. Is there \$75,000 for a study? Is that what that is?

RIEPE: That is correct.

CLEMENTS: All right. Does not affect the dispensing fee, just the study.

RIEPE: That is correct.

CLEMENTS: I had not noticed that. And, I, I had talked to you about a possibility of just adding an earmark and not needing an A bill for the HHS to use internal funds. And I, I was in-- favoring that method, and I just wondered why you didn't want to do it that way.

RIEPE: Well, I will tell you, I have a concern when add-ons, particularly when you're on Select File come in. They've not had the advantage of going through the hearing. They were not part of the original bill. And so I'm pretty hardcore about adding on cost or changes, significant changes that have never faced the committee and the committee has not approved it. And so I look at this, as the bill's sponsor, it's not my authority to unilaterally change those things. I feel very strongly about that.

CLEMENTS: And I had had some suggestions that other pharmacies with more locations should be giving some-- given some extra funds. Are there any extra funds for other pharmacies included in the bill now?

RIEPE: It's limited to those pharmacies that have fewer than 6. And my concern gets to be, too, is in the event that you open the opportunity up, you're going to have the next wave and then the following wave. And then pretty soon we're back at every pharmacy, which we determined earlier was not financially viable.

CLEMENTS: Yeah, I agree with that. Thank you, Senator Riepe. Thank you, Mr. President.

KELLY: Thank you, Senator Clements and Senator Riepe. Seeing no one else in the queue, Senator Riepe, you're recognized to close on the

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floor amendment and waive. Members, the question is the adoption of FA235. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: FA235 is adopted. Mr. Clerk.

CLERK: Mr. President, next amendment, Senator Riepe would move to amend with FA244.

KELLY: Senator Riepe, you're recognized to open on the amendment.

RIEPE: Thank you, Mr. President. This amendment adds an emergency clause to LB204 to assure that the disbursement of appropriated funds is able to start as soon as possible at the beginning of the 2024-2025 fiscal year. With that, I ask for your green light to adopt the emergency clause of LB204.

KELLY: Thank you, Senator Riepe. Seeing no one-- Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I was wondering if Senator Riepe has-- would answer a question or two.

KELLY: Senator Riepe, would you yield to some questions?

RIEPE: Yes, I will.

ERDMAN: Senator Riepe, in your opening I believe you said that HHS had to write the rules and the regulations for this. Is that correct?

RIEPE: That is correct.

ERDMAN: So your comment, I believe, was-- it was supposed to go into effect October 1 to give them time to do that. Would that be accurate?

RIEPE: That's what we were told in terms of negotiating with them.

ERDMAN: OK. So we're putting the emergency clause on so that it becomes law 3 days after the Governor signs it. And if it takes those people in HHS till October 1, how does the emergency clause help us?

RIEPE: I'm sorry. I thought that was a statement, not a question.

ERDMAN: No, that's a question.

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RIEPE: OK. We're putting in the emergency clause because in fiscal 2024 and '25 may start before the effective date of LB204 if passed with an emergency clause-- without an emergency clause. So we're trying to coordinate the start dates with the ability to, to pay this out.

ERDMAN: OK. Thank you. So if I think this needs to be in place by July 1 so they don't have a disruption. And so if it would take until October 1, there's going to be a disruption then. That's all the questions I had, Senator Riepe. So the first year I was here, Senator Riepe and I served on HHS, and we dedicated one hearing to those laws or statutes that have been passed in the last 10 years before that, that had never been implemented because they hadn't written the rules and the regulations. And so I had several bills in HHS that would have been the opportunity for them to write the regulations and the rules. And back then, Senator Howard was Chairman of the committee. And she suggested that I write the rules in the bill so that it would take effect once it was signed. And that's what I did. So I would assume that that's what we should have done here. I'm, I'm perplexed as to why the emergency clause will have any effect on when it starts if it's going to take until October 1. Thank you.

KELLY: Thank you, Senators Erdman and Riepe. Seeing no one else in the queue, Senator Riepe, you're recognized to close on FA244 and waive. Members, the question is the adoption of FA244. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB204 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB204 for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB198. First of all, Senator, there are E&R amendments.

KELLY: Senator Slama, you are recognized.

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SLAMA: Mr. President, I move that the E&R amendments to LB198 be adopted.

KELLY: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted.

CLERK: Mr. President, Senator McDonnell would move to amend with AM2624.

KELLY: Senator McDonnell, you're recognized to open on the amendment.

McDONNELL: Thank you, Mr. President. Good afternoon, colleagues. AM2624 is an amendment that would add LB1365 to LB198. LB1365 was a bill suggested by NPERS and would accomplish 3 things. One, the first change is to remove an age restriction on who can attend pre--preretirement planning programs with OSERS, the Omaha Public Schools Retirement plan. Current statute provides that an employee must be 50 years of age to attend the program. The age limitation was removed a couple of years ago with the NPERS system. I would also note that the preretirement planning program will transfer to NPERS when the administrative changeover occurs in September of this year. Number two, the second change is to allow the OSERS plan to have an ex-officio member on the Public Employees Retirement Board until the OSERS changeover in September. Current statute provides that OSERS will have a full member on the board after the changeover. NPERS seeks to change so that the future OSERS member has a running start when joining the PERB board as a permanent member. The third change is to provide an exception to the state personnel system for the deputies and assistant directors of NPERS agency. This change will allow the directors of NPERS more flexibility in the pay rate for deputies and assistant directors and not be bound by the classified employees pay plan. This exception is not unusual and joins a number of exceptions to personnel system in many agencies. LB1365 was advanced from the committee 5-1. I urge you for a green vote on AM2624 that adds LB1365 to LB198. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Seeing no one else in the queue, you're recognized to close on the amendment and waive. Members, the question is the adoption of AM2624. All those in favor vote aye. All those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on adoption of AM2624, Mr. President.

KELLY: The amendment is adopted.

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CLERK: Mr. President, Senator McDonnell would move to amend with AM2694.

KELLY: Senator McDonnell, you're recognized to open on the amendment.

McDONNELL: Thank you, Mr. President. AM2694 is one of those amendments suggested by the Revisor, but can't be included in the E&R amendment. The amendment adds a new cross-reference section and makes a few word changes that makes the bill more clear and readable. None of the changes are substantive and would-- I would urge a green vote.

KELLY: Thank you, Senator McDonnell. Seeing no one else in the queue, you're recognized to close and waive. Members, the question is the adoption of AM2694. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB198 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB198 for E&R Engrossing. All those in favor say aye. All those in favor say-- all those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB304. I have nothing on the bill, Senator.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB304 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB304 for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB938. Senator, I have nothing on the bill.

KELLY: Senator Slama, you're recognized for a motion.

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SLAMA: Mr. President, I move that LB938 be advanced to E&R for engrossing

KELLY: Members, you've heard the motion to advance LB938 for E&R engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB644. First of all, Senator, there are E&R amendments.

KELLY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB644 be adopted.

KELLY: Members, you've heard the motion to adopt the E&R moti-- E&R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: Mr. President, Senator McDonnell would move to amend with AM2738.

KELLY: Senator McDonnell, you're recognized to open on the amendment.

McDONNELL: Thank you, Mr. President. Colleagues, this is what I discussed on, on General File that I was going to change and worked with Senator Slama, Senator Jacobson, and Senator Clements on. So now we have the amendment becomes the bill. The-- and the intent of the Legislature is to appropriate \$500,000 for-- from the Site and Building Development Fund for fiscal year '24-25 to the department to enter into a one, one or more contracts to conduct a comprehensive study or studies to identify and evaluate the large commercial and industrial sites in Nebraska that have potential to attract major investment and employment opportunities. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Senator Wayne, you're recognized to speak.

WAYNE: Thank you. Will Senator McKinney yield to a question?

KELLY: Senator McKinney, would you yield to a question?

McKINNEY: Sure.

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WAYNE: Senator McKinney, it's my understanding you used to do the E&R amendments. I'm just trying to figure out how Slama got stuck with doing them.

McKINNEY: I'm not sure. I was wondering. I was wondering where Senator, Senator Ballard was. And then I saw Senator Slama doing it. I don't know.

WAYNE: Do you think they just don't want to give you any credit here? I mean, they-- we are-- we are just trying to hold you down. I'm so tired of this. Senator McKinney should be doing the E&R amendments.

McKINNEY: No. I thought I retired, so I really wasn't in disagreement, you know? But I'm cool with doing it if she doesn't want to do it anymore.

WAYNE: OK. Thank you, Senator McKinney. I yield the rest of my time.

KELLY: Thank you, Senator. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. First substantively on LB644, this is the amendment that came as promised that takes care of the bill's fiscal note. I'm grateful to Senator McDonnell and Senator Jacobson for their work on this bill. Would Senator McKinney yield for a question?

KELLY: Senator McKinney, would you yield to a question?

McKINNEY: Yes.

SLAMA: So, Senator McKinney, you are junior to me in terms of you were the Enrollment and Review Chairman about, I guess, 4 years after I was. Correct?

McKINNEY: Yes.

SLAMA: So, how old are you, Senator McKinney?

McKINNEY: 33.

SLAMA: You're 33. I am 27. Would you-- would you mind taking the E&R amendments and motions from here on out?

McKINNEY: No, not-- yeah, sure.

SLAMA: [LAUGH] Well, thanks, kiddo, I appreciate it.

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KELLY: Thank you. Senators.

McKINNEY: All right.

KELLY: Senator McDonnell, seeing no one else in the queue, you're recognized and waive closing on AM2738. Members, the question is the adoption of AM2738. All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM2738 is adopted. Senator McKinney, you're recognized for a motion.

McKINNEY: Thank you, Mr. President. I move to advance LB644 to E&R for engrossing

KELLY: Senators, you've heard the motion to advance LB644 for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, LB895. I have nothing on the bill, Senator.

KELLY: Senator McKinney, you're recognized for a motion.

McKINNEY: Thank you, Mr. President. I move to advance LB895 to E&R for engrossing..

KELLY: Members, you've heard the motion to advance LB895 for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, LB894 introduced by Senator Ibach. It's a bill for an act relating to county sheriffs; changes law enforcement officer certification requirements for candidates for sheriff as prescribed; and repeals the original section. The bill was read for the first time on January 3 of this year, referred to the Judiciary Committee. That committee placed the bill on General File. Pending, Mr. President, when the Legislature less-- last left the bill was LB894 itself, as well as the committee amendments and a floor amendment from Senator McKinney, FA232.

KELLY: Senator Ibach, you're recognized to open.

IBACH: Thank you, Mr. President.

KELLY: Excuse me, Senator. One minute refresh, please.

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IBACH: OK. I'll be very brief. Thank you, Mr. President. Again, thank you, Speaker Arch, for prioritizing LB894. It simply requires that a candidate for the office of county sheriff be a certified law enforcement officer when he or she files for-- to run for the office. And currently, anyone can run for the-- for the county sheriff's office, regardless of whether or not they are a certified law enforcement officer. And upon-- right, right now upon election, they have to be-- they have eight months to obtain that certification. What we're simply doing is asking that they be a law enforcement officer prior to putting their name on the ballot. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Wayne, a refresher on the committee amendment, please.

WAYNE: Yes. The committee amendment adds new Section 23-1701 to provide that county sheriff appointed by the county board would also be required to have a law enforcement certification or diploma. This was adopted 8-0, AM2370, from the committee. Thank you.

KELLY: Thank you, Senator Wayne. Senator McKinney, you're recognized for a one-minute refresher on your amendment.

McKINNEY: Thank you, Mr. President. FA232 just states that a sheriff in Lancaster, Douglas, and Sarpy County has to have a 4-year college degree in criminal justice or law enforcement, and that's it. Thank you.

KELLY: Returning to the queue and seeing no one else in the queue, Senator McKinney, you're recognized to close on FA232.

McKINNEY: Thank you, Mr. President. Just in closing, I just thought, you know, I introduced this portion of this, this amendment in a bill last year. I believe it was-- it was within I think LB284 possibly. It was in one of my bills last year. But I think it's an important topic to keep bringing up every year, especially because I still don't feel like we've done enough around law enforcement and holding law enforcement accountable and putting measures in place to make sure we have adequate oversight and accountability when it comes to law enforcement. I think there is actual reports and studies that have been done that shows that law enforcement officers, whether sheriffs or police, that have college degrees or some type of college education perform a lot better in our communities. And I think that is mostly important, especially in communities like mine. And that's why I brought this amendment. I would ask for your green vote and we can move on. Thank you.

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KELLY: Thank you, Senator McKinney. Members, the question is the adoption of FA232. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 10 ayes, 19 nays, Mr. President, on adoption of the floor amendment.

KELLY: The floor amendment fails.

CLERK: Mr. President, Senator Wayne would move to amend the committee amendments with AM2764.

KELLY: Senator Wayne, you're recognized to open.

WAYNE: Thank you, Mr. President. I did not expect-- that was me being shocked if you haven't heard this already. Any time I touch something up here, I get shocked. It's because I'm so electrifying that it just happens that way. Or they're trying to kill me, one or the other. Never-- nevertheless, this bill is a simple bill. It came out of the committee 8-0. I do want to spend some time talking about it. I think it's important. And basically, this had no opposition. Again, it came out 8-0. And what this does is allow for certification of officers who are-- people who are DACA, DACA students. We provide health insurance. We provide them with ability to go to public schools. We apply them with ability to get aid, including state aid and all different types of form. And with this particular bill, this is really simple in the fact that if you have a-- if you are in a DACA status, you can become a law enforcement person or you can receive certification during the time that you still have that. So anytime your DACA expires, obviously, you would lose your ability to have that certificate. But since you are here and we're providing all these other things for DACA students, it just makes sense that we would allow them to participate in law enforcement. Now, I'm not going to spend a whole lot of time on it. But again, this came out 8-0. I'm kind of wanting the same respect that we got 8-0 all this morning on consent calendar. 8-0, we had a property tax bill that dealt with how we do evaluations [SIC], which is considered controversial. Asked a couple of questions, sailed right through because we understood. If there's any questions regarding this bill, please get on the mic and ask. I'm here to answer any questions. But the fact of the matter is this came out 8-0, no opposition testimony. There is a critical shortage of law enforcement individuals or personnel across the state. There is-- what we've heard about in the hearing was this would help bridge communities. It would help solve our employment-- our, our gap of employment issues that we have in law enforcement. And it would actually put people to work. There

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are people who are ready to go to work. And so those are the three reasons why I brought this bill, why it was Execed on, and why it came out 8-0. If anybody on the committee changed their mind, I would like to hear, since this vote, why they did. If anybody on the committee feels like we should move in a different direction, I have no problem with people changing their vote. Just ask them to explain it. And so that's where it is. It came out 8-0. This is-- I asked for a consent calendar, don't think it was approved because it wasn't on the agenda. But I do expect the same respect out of 8-0 votes that I had watched all this morning. With that I would ask for a green vote on AM2764. I'll be here to answer any questions.

KELLY: Thank you, Senator Wayne. Mr. Clerk, for an announcement.

CLERK: Mr. President, the Urban Affairs Committee will have an Exec Session under the north balcony now, 2:30; Exec Session, Urban Affairs under the north balcony now.

KELLY: Thank you, Mr. Clerk. Returning to the queue, Senator Ibach, you're recognized to speak.

IBACH: Thank you, Mr. President. And Senator Wayne and I have talked about this and, and this was a great discussion in committee regarding DACA folks and getting them to work. Although his amendment may achieve, you know, the goal of allowing DACA folks to get to work in industries that they can make a really positive difference in, I agree with putting people to work, don't get me wrong. However, I think that following up with some conversations, I feel like there might be some legal ramifications down the road that are unclear right now and possibly even some violations of some immigration laws. I, I appreciate Senator Wayne bringing this, and I think it was a very good discussion in committee. However, I think that this part, this amendment maybe needs a little bit more work and some direction and maybe isn't a great fit for my bill, but could be a great fit somewhere else. So with that, I'm, I'm happy to, to speak about it going forward. But with regards to the sheriff bill, I would just as soon maybe delay it and, and find another place for it. So thank you, Mr. President.

KELLY: Thank you, Senator Ibach. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I do not support AM2764. The DACA residents are still noncitizens who we're going to have them be law enforcement officers. And they're-- my understanding is that federal

law says they're still illegal residents. The only reason they're-- they got-- I believe that the reason they're being left alone is from a presidential executive order from President Obama, but that the Congress has not declared them legal citizens. They're not-- and they're noncitizens. And I think law enforcement officers should be a citizen of the United States when they take an oath to uphold the Constitution. I don't know how you can force a person like that to uphold the Constitution when they're not a citizen. So I oppose LB2764 [SIC, AM2764]. Thank you.

KELLY: Thank you, Senator Clements. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Mr. President. That came up a little bit quicker than I thought. If Senator Ibach would yield to a couple of questions.

KELLY: Senator Ibach, would you yield to some questions?

IBACH: Yes, I would, thank you.

LOWE: Thank you, Senator Ibach. Can you explain about the DACA situation? And how long-- or how many DACA people we're actually talking about here?

IBACH: Well, I think one of the issues comes with the DACA certification in that they are only for 2 years. And so that could cause some issues down the, the-- down the road if their designation would happen to expire and, and possibly for different reasons might not be even be renewed. And I just-- I just feel like it's a very complex issue and, and, maybe there's too many unknowns.

LOWE: OK. And what does this have to do with immigration laws?

IBACH: Well, I, I think occasionally we come across issues where we find that immigration laws have been violated. And I think the Supreme Court may have to weigh in on this eventually just to make sure that this is a valid-- a valid amendment.

LOWE: OK. It seems to me that they're-- it's a very complex issue and maybe too many unknowns with this. But I appreciate your time, Senator Ibach. And I appreciate the General-- or the Judiciary Committee. They presented me with a rose last week on my last testimony before them. So it was very kind of you. I will listen to the rest of the discussion. Thank you.

KELLY: Thank you, Senator Lowe. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. And good afternoon, colleagues. So this one was a tough one for me. This concept that Senator Wayne is bringing as an amendment to Senator Ibach's bill was originally brought to me by a police department in my district. So this bill actually originates from District 1. And the thinking is, is that in rural law enforcement, we have such a shortage of people being willing to serve. And when it comes to DACA recipients, we're not changing the eligibility requirements. We're not saying that there's a different physical test. We're saying that if you want to put your life on the line to serve and protect our communities, you can do that. Just like I think DACA recipients should be on jury duty, I think they should be able to do this if they want. If they want to walk the thin blue line and protect our communities, I think we should let them work towards that goal. And on the technical side, we're really not dealing with anything that's too complex here. If their DACA status is revoked, away as well goes their law enforcement certification. It's really not that tough. DACA is a program that, yes, came about during the Obama administration. President Trump did not eliminate the DACA program. So it's not like we're dealing with a program that's going to be in flux based on whoever's President. It seems to be pretty well in place now. Regardless of what you think about the policy itself, we could have a full debate about that, but it also came out of committee 8-0. So from my perspective, if we have men and women willing to serve and put their lives on the line protecting our communities, especially in rural areas, and they can pass all of the tests, I support it. So this is one of those rare occasions where I'm agreeing with Senator Wayne and I'd encourage a green vote on this amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Wayne, you're recognized to speak.

WAYNE: Thank you, Mr. President. Colleagues, the bill-- I was-- I was-- to Senator Lowe's point, this moved a little faster than I thought it would. So I wasn't quite ready for the introduction, but the bill is LB918, LB918. So. I'm just going to be transparent because I don't know how else to be. I originally put this on the bill. I talked to the introducer, everything was-- the original underlying bill, everything was OK. Things have changed since then. I'm just being honest. I didn't-- I don't think we've changed. When I say we, the people who supported this bill, have changed. But things have changed. But I wanted people to know what the clear number is. It's

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LB118 or LB918, LB918. It came out 8-0. For those who don't know, I have a 4-4 committee. We hardly have a lot of 8-0 votes. We did in this one. They came out 8-0. What I have told the introducer is I'm not going to work the bill. So nobody saw me come around and tell you to vote on a bill. It's going to be straight up or down. And what I did say, if this tanks the bill, which means take it to a 33 or a filibuster or a veto that I will pull-- I will pull the amendment. I don't think-- I want to vote on it. Let me be clear. But if the vote comes and it's let's say I get 25 because I think it's the right thing to do. I think last week there was no objection in this body for whatever reason, people can speculate, then on Select File, I'll take it off. I have no problem doing that. I'm just telling you at the end of the day, I want to be clear. I have asked the introducer before I put this on. Everything was OK. Things have changed. Not between me and the introducer. We're seeing at the floor maybe having some issues with it. So the introducer and I are on the same page. The floor may be having some issues with it. If the floor does, I'm not going to tank anybody's priority bill or Speaker priority bill by doing so. Now, there will be times in this body-- let me be clear-- I will put an amendment on to kill a bill and make people take a hard vote. This is not that case. This is something I genuinely believe in that I've already laid out that I was going to put this on there and here's where we are. I would tell you to vote your conscience. I would tell you to read the committee statement. I would tell you to read the transcript. I will tell you to look at the proponents and opponents-- there was no opponents that showed up-- and, and vote your conscience. But I wasn't going to out Senator Slama as the one I talked to about this because this was-- came from her district, but because I never operate that way. But she got on the mic and talked about it. And since taking over this, there has been a lot of western, rural and southern-- and I say southern because there's still parts of Nebraska that are south of Omaha-- who have been supportive of this bill. Many emails, many people saying we are supportive of this bill. And quite honestly, this is a great opportunity to exercise our independence and our separation of powers of equal branch of government. So I look forward to the debate. I'm still here to answer any questions. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator Vargas, you're recognized to speak.

VARGAS: Thank you very much. Not too much more to say on this. I appreciate Senator Wayne and Senator Slama. Is just a reminder and we weren't here, but in 2016, there was legislation passed that passed some updated provisions making sure that DACA were able to be

certified for certain occupational licensing. And the rationale behind that was there was a need to expand our workforce. There was a need to make sure that we were doing more to provide pathways for individuals into high-need workforce areas. And I think this is just another example of that. And I know Senator Slama mentioned this, but the need for rural workforce, and our law enforcement, this is a commonsense solution. This has passed in other states. Same standard is established for that law enforcement officer. There's-- for every single other law enforcement officer. And I think it's a commonsense approach for our workforce development within law enforcement. So I also urge your support of this amendment and appreciate Senator Slama and Senator Wayne's words, because it's something that we've already done with many other professions for DACA in 2016. I think it's, it's important for us to make sure that we're also reflecting the needs of our communities and getting more people into the pathway, especially those that are applying, going through the hoops needed to remain on the DACA program. Thank you.

KELLY: Thank you, Senator Vargas. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Thank you, Mr. President. And I support this bill. I am on the Judiciary Committee, and I was one of the 8-0 votes that, that voted it out. Part of that was based on my experience in the military, where we do allow noncitizens to enlist in the United States military. Sometimes there are restrictions to them on security clearances and the like. But in my younger years, there were a tremendous number of people from the Philippines who found their citizenship through serving 4 years in the United States Navy. And, and I found them to be among the most loyal, and, and those of integrity. And I think the, the DACA folks also have the-- have the potential for that. I would also point out that this does not guarantee them a position in law enforcement. This just makes them eligible to be hired. And they still need to meet the standards that we expect in our law enforcement personnel. So I will be supporting AM2764. Thank you, Mr. President.

KELLY: Thank you, Senator Holdcroft. Senator McDonnell, you're recognized to speak.

MCDONNELL: Thank you, Mr. President. I rise in favor of LB894, AM2370, and AM2764. It gives me an opportunity to talk about what I had worked on and brought to this floor was the idea of we were the last state on workers' compensation based on authorized workers in this country. And it came up during the, the pandemic where there was people that were being, of course, laid off and their employers were telling them that

you are work authorized, you've come to this country, you're paying taxes and now go down. And since I was, whoever was the employer telling them this was, I've been paying into unemployment insurance for you. When they went down, they found out that we were the last state to harmonize the language with the federal government; and they were not allowed to collect any of those dollars that their employer had paid in on unemployment insurance. Now they were legally here. They either had a Social Security number, or they had work authorization numbers. So the idea of saying that these people that would participate in this program would be illegal, that's not accurate. Senator Wayne, would you yield to a question?

KELLY: Senator Wayne, would you yield to some questions?

WAYNE: Yes.

McDONNELL: Senator Wayne, is your intent to make sure that all these people that would be eligible, as you stated earlier, to participate in law enforcement and based on our shortage in this country, would be legal citizens based on either work authorized through the federal government?

WAYNE: Yes, they would have to be able-- they would have to meet all the other requirements. They still-- so if you're not eligible to work, you still couldn't get a certificate as law enforcement. So you have to be eligible to work. You have to be a status, in this case DACA status, with the federal government, and eligible to work.

McDONNELL: Thank you, Senator Wayne. So I urge you to look at this amendment. Again, I appreciate the committee voting it 8-0 out of committee, but also with the idea of where we are as a state of Nebraska. Again, the last state to harmonize with the feds on the workers' compensation. I think this is a great step forward. It would definitely help our, our law enforcement agencies. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Senator Dorn, you're recognized to speak.

DORN: Thank you. Thank you, Mr. Lieutenant Governor. Would Senator Wayne yield to some questions?

KELLY: Senator Wayne, would you yield to some questions?

WAYNE: Yes. Yes. Yes.

DORN: OK. Thank you very much. I talked to you a little bit ago. The bill itself talks about having a law enforcement certificate and completion of the course and all that. But then in the amendment, it talks about DACA, not DACA, excuse me. It talks about the immigrants having a certificate. How do they-- and you answered some of it in Senator McDonnell's questions. But how do they now-- why do or why does our government allow an immigrant to have a certificate?

WAYNE: It would be a state-- we're talking about a state's right. So you got federal government rights versus state rights. The federal-- the state rights, we can choose to expand Medicare. We can choose to give university scholarships with public funds to DACA students. Years ago, we decided as a body to allow DACA individuals to have prenatal healthcare. So these are all state rights that we can do. And what the individual certificate is for a state right.

DORN: So in that respect then, where or how does it go through our process here as a state? Do they have to apply for this certificate? Do they need training?

WAYNE: So right now if you were to apply to become a officer, you would-- you would go to your local agency, fill out a job application. They would submit all your information to background checks, both State Patrol and FBI federal background check. You would have to pass both of those, be eligible to work in the state of Nebraska. And then you would have to go do your certificate training. So you would still have to go do your law enforcement training and complete all those with satisfactory. We're not changing the process of background check to end. We're just saying somebody else is eligible if they still pass the background check, able to work and able to pass our certificate-- certifications.

DORN: Thank you very much. Thank you for those explanations, because that's-- when you look at the bill, I guess that's some of the questions I have. Definitely don't sit in Appropriations, not Appropriations, Judiciary. So we don't get in on some of these discussions or whatever. And, and some of us that aren't familiar with it, we don't quite understand it. But thank you, Senator Wayne, for that. Thank you. I'll yield my time.

KELLY: Thank you, Senators Dorn and Wayne. Senator Clements, you're recognized to speak.

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

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KELLY: Senator Holdcroft, would you yield to some questions?

HOLDCROFT: Yes.

CLEMENTS: You mentioned noncitizens serving in the Navy. As to what rank could they be promoted? Could they be an officer?

HOLDCROFT: Yes, actually. I know, and again, my experience is mostly with the Philippine citizens, and they can rise all the way to rank E9 certainly. But I am aware of a number of disbursing clerks, again, disbursing clerks are officers. There-- the possibility of them rising to command at sea is probably pretty limited because they can't hold a security clearance. But there are positions within-- both in the enlisted ranks and in the officer ranks that do not require a security clearance. So, yes, they could-- they could rise, conceivably rise as far as they're able.

CLEMENTS: I see. So right, a security clearance would be-- thank you, Senator Holdcroft. I thought so. I thought if they're in the military that they, they can serve. But a person who is in law enforcement is going to be somebody within a security clearance and that the noncitizens in the military are not going to be able to have that. So I think that's not really going to change my mind regarding this opposition. So I continue to be opposed to AM2764. Thank you.

KELLY: Thank you, Senator Clements. Senator Linehan, you're recognized to speak.

LINEHAN: Thank you, Mr. President. I rise in support of AM2764 and AM2370 and the Senator Ibach's overarching bill. I, I understand that there's concerns about DACA, but we've been talking about for 20 years. And I'm kind of-- they come, they get medical care. They get an education. We pay for it. Some of these children don't ever remember being anywhere else but America. So I don't get why this is an issue. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan. Seeing no one else in the queue, Senator Wayne, you're recognized to close on AM2764.

WAYNE: Thank you. I do want to point out the Nebraska Catholic Conference was one of the people in favor of it. United Cities of Sarpy County was one-- was another group in favor of it. Sorry. Nobody was against it. There was one letter, I believe, in opposition I think somewhere, maybe I'm wrong. Nevertheless, colleagues, this is interesting for me. And the reason why I'm struggling is because this amendment has been sitting out here for well over the weekend and well

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over last week. And I didn't start hearing about rumblings until about 10:30 this morning. And so I don't know if it's an issue. It's not an issue with the bill. I think there are some philosophical issues here and I can respect all those. This is one of these weird spots that I don't know how to get off this ramp. And I'm just speaking transparently right now. I don't know how to get off the ramp, because over the weekend, people have changed minds or have decided something else. And nobody informed me until late this morning. And so the question is, really what it comes down to is what Senator Slama said, which is this wasn't brought by OPD. This was really a rural workforce issue that they were trying to solve some gaps. And in doing so, when you look at the state of Nebraska and what we do for DACA students, this aligns with what we already do. So I would ask for a straight up and down green/red vote. And then whatever happens after that, I have to sit down with Senator Ibach and figure it out one way or another. And I have no problem doing that. But the reality is, is we are trying to solve this issue. Law enforcement brought this idea. It came out 8-0. And it's good policy. With that, I'll ask for a green vote on AM2764.

KELLY: Thank you, Senator Wayne. Members, the question is the adoption of AM2764. All those in favor vote aye. All those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 8 nays, Mr. President, on adoption of the amendment.

KELLY: The amendment is adopted. Seeing no one else in the queue, Senator Wayne, you're recognized to close on the committee amendment.

WAYNE: Waive, waive.

KELLY: And waive. Members, the question is the adoption of AM2370. All those in favor vote aye. All those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on adoption of the committee amendment.

KELLY: The amendment is adopted.

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

KELLY: Senator Ibach, you're recognized to close.

IBACH: Well, thank you very much, Mr. President. For those of you, just a point of information that were-- I think maybe I was the only

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one that was here on Saturday for the naturalization ceremony in the Rotunda. It's a very, very, very moving experience to see 24 people walk across the stage of every nationality and profess their loyalty and their allegiance to the United States. And I-- this is the second year I've done it. And I kind of get emotional because I know what a privilege it is. They spend 5 years working on their citizenship and their certificate. And I would just encourage anybody the next time we do those that-- it was Statehood Day. And so it was Nebraska's birthday. But what a great, great way to celebrate it. Anyway, I agreed when Senator Wayne said, I'm going to put that amendment on. He kind of sprung it on me, which he does sometimes, but that's OK. And for the exact, that exact reason, because it, it brought up some great, great floor discussion. And that's what we're-- that's what we're sent here to do. I think the concerns, I think your opinions are valid. And again, back to the underlying bill, it's just the sheriffs' bill that will require folks running for this office of sheriff in a county to obtain their certification prior to running. So thank you for the discussion. Thank you, Senator Wayne, for your input. And I will appreciate a green vote on the underlying LB894. Thank you.

KELLY: Thank you, Senator Ibach. Members, the question is the advancement of LB894 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 2 nays on advancement of the bill, Mr. President.

KELLY: It is advanced. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB829A as correctly engrossed and placed on Final Reading. Additionally, your Committee on Enrollment and Review reports LB1355 and LB137 to Select File, both having E&R amendments. Excuse me, Mr. President. Additionally, your Committee on Enrollment and Review reports LB204A, LB358A, and LB905A to Select File. Your Committee on Education, chaired by Senator Murman, reports LB962 and LB1014, as well as LB1273 to General File. New LR: LR315, introduced by Senator Wishart. That'll be laid over. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Please proceed to the next item on the agenda.

CLERK: Mr. President, the next item on the agenda, LB906, introduced by Senator Riepe. It's a bill for an act relating to child labor laws; changes penalties; provides enforcement powers for the Department of

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Labor; and repeals the original section. The bill was read for the first time on January 4 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File. There is nothing pending on the bill, Mr. President.

KELLY: Senator Riepe, you're recognized to open.

RIEPE: Thank you, Mr. President and all. I present LB906. This bill is brought at the request of leadership in the Nebraska Department of Labor and increases the penalty and child labor-- for child labor violations, and provides the Department of Labor with tools necessary to investigate and subpoena related records needed to investigate these violations. LB906 advanced from the Business and Labor Committee with a 7-0 vote, and has no final note-- fiscal note. I'm sorry. It was made a Speaker priority by Senator Arch. Thank you, Senator-- Speaker. Recent news highlights concerning instances of child labor prompted our attention. While the era of children in coal mines has passed, today children continue to be employed in ways not conducive to their development, and in some cases, their safety. In Nebraska, we have seen a recent increase in the number of reports and investigations of child labor law violations. LB906 addresses this by increasing penalties-- pental-- pental-- penalties, namely charging violations to a Class I misdemeanor from the current Class II and promoting active prosecution. A Class II misdemeanor carries a maximum penalty of a \$1,000 fine and/or 6 months jail time. And a Class I misdemeanor carries a maximum penalty of a \$1,000 fine and/or 1 year prison time. LB906 also grants the Department of Labor authority to physically impact-- or inspect workplaces and subpoena records, ensuring direct oversight. This proactive approach strengthens the department's ability to catch violations against children, and acts as a significant deterrence for employers seeking to sidestep our laws intended to protect the youngest among us. With that, I ask for your green light on LB906. Thank you.

KELLY: Thank you, Senator Riepe. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. I'd like to ask Senator Riepe if he would yield to a question.

KELLY: Senator Riepe, would you yield to some questions?

RIEPE: Yes, I will.

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KAUTH: Does this affect the ability of 14- and 15-year-olds to work? Are they still able to do that under the current structure that they have right now?

RIEPE: My understanding is yes.

KAUTH: Excellent. Thank you very much.

KELLY: Thank you, Senator Kauth. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. Yeah, I appreciate Senator Kauth bringing that up. That was just one of the concerns I just wanted to mention about this bill. I am in favor of LB906. I understand that a lot of this was, was in relation to some of the issues we saw with the meatpacking plants and their hiring of minor workers and working late into the hour and many hours. And so I do respect the fact that Senator Riepe is bringing LB906 on their behalf. However, I just want to mention that many individuals who work their first job in a grocery store or restaurant or other retailer, and for them it's become increasingly difficult to hire 14- and 15-year-olds, from my understanding. And many students want to work before 16, you know, to pay, pay for that car. And, you know, to pay, pay for gas and save some money up for, for later in life. And I just want to make sure and maybe reiterate the fact that this bill is not intended to punish those in the retail industry and in the grocery industry, trying to hire those who are just trying to get started in life. And this is more for the-- for those who are fully taking advantage of, of minor children. So I am in favor of LB906 and I appreciate everyone's green vote, but, just want to reiterate that fact that I think we should try to continue to support our local grocery store and retailers, and even those kids who are trying to get started in life by getting that first job. So thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Seeing no one else in the queue, Senator Riepe, you're recognized to close.

RIEPE: Thank you, Mr. President. I think this is a bill about looking out for the well-being of our young people. And I would encourage your green light. Thank you.

KELLY: Members, the question is the advancement of LB906 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

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KELLY: The bill is advanced. Mr. Clerk, next item.

CLERK: Mr. President, next item, LB607 introduced by Senator McDonnell. It's a bill for an act relating to the Public Service Commission; eliminates a provision relating to an annual grant award amount for the 211 Information and Referral Network; states intent regarding appropriations; repeals the original section. The bill was read for the first time on January 17 of last year and referred to the Transportation Telecommunications Committee. That committee placed the bill on General File. There is no committee amendment. There is an additional amendment, Mr. President.

KELLY: Senator McDonnell, you're recognized to open.

McDONNELL: Thank you, Mr. President. Cleanup bill we passed. There's no fiscal impact to this. Currently, it's a grant process with the Public Service Commission capped at \$950,000. We had increased that. Based on that language, it will be stricken from the bill going forward. And it's basically a cleanup bill with no fiscal impact.

KELLY: Thank you, Senator McDonnell. Senator-- Mr. Clerk, for items.

CLERK: Mr. President, Senator McDonnell would move to amend LB607 with AM2264.

KELLY: Senator McDonnell, you're recognized to open on the amendment.

McDONNELL: This is the amendment I was speaking of in my opening. If you look at line 13-- 12 and 13, it crosses out beginning January, January 1, 2022, the amount of each grant shall be \$950,000. It removes that language. As I said, we had appropriated money last year in '23-24 and '24-25. This removes that language from the bill. The amendment becomes the bill. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Returning to the queue, Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. Would Senator McDonnell yield to a question or some questions?

KELLY: Senator McDonnell, will you yield to some questions?

McDONNELL: Yes.

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CLEMENTS: Senator McDonnell, I see on page 3, Section 2 says it's the intent of the Legislature to appropriate \$1.2 million and then \$1.4 million of General Funds. Is this coming out of General Funds now?

McDONNELL: So it's still for the '23-24, '24-25, it's still coming off of the interest off the Universal Service Funds to the General Funds. Going forward will be off the General Funds.

CLEMENTS: The bill says that it's \$1,275,000 General Fund for fiscal year '23-24.

McDONNELL: Yes. Based on-- based on the interest has been moved from the Universal Service Fund interest to the General Funds. We had passed this last year in Appropriations, put it in the budget that the amount that we're talking about at one point-- at \$1.2 and \$1.4 million. The \$950,000, the reason we had to remove it because the \$950,000 has been already awarded this year for fiscal year '23-24, but they capped it at \$950,000. We had moved it up to 1.2 for '23-24, 1.4 for '24-25.

CLEMENTS: OK. So it still-- the money is really still Public Ser-- interest on the Public Service Universal Service Fund. Is that correct?

McDONNELL: But I just want to be clear that that Universal Service Fund interest is being moved to General Fund.

CLEMENTS: OK, yes, that does happen. And could you again explain why they're increasing by \$490,000 their request for funding?

McDONNELL: No, they did not increase by-- they were currently at \$950,000. What the increase is, is from \$950,000 to 1.2. So when we started this 4 years ago, the 211 service for the state of Nebraska was pretty much banker's hours. We wanted to make sure it was 24 hours a day, 7 days a week, with at least half of the dollars coming from the private sector. They would raise that. We would come in as last dollars, the state of Nebraska. So as the years have gone by, we had it at \$950,000. We moved it up, which is currently in the budget at 1.2, 1.4 for next year. That's why there's no fiscal note is because we've already voted on it in the budget last year. They felt, the Public Service Commission then felt, they were capped at \$950,000, which they have awarded for '23-24. They want to go ahead and reward-- award the remainder of the \$950,000 to the \$1.2 million for '23-24, and then up to \$1.4 million in '24-25.

CLEMENTS: And is this being matched by private funds?

McDONNELL: Yes.

CLEMENTS: All right. Would Senator Moser yield to a question?

KELLY: Senator Moser, would you yield to a question?

MOSER: Yes.

CLEMENTS: Senator, I see that you voted no on this bill originally. Would you explain why?

MOSER: Well, when the program started, it was costing a lot less. And as this program has gone on, the costs have greatly increased. And the gist of the hotline is you call up to find out how the state is going-- or how to access state services, grants and, and, and for that matter, federal programs also. But I just-- I think most people know how to access those programs. 35% of our budget right now goes to social service programs for various things. And I just didn't know that this was necessarily a necessary program. And, you know, taking the money from the USF fund--

KELLY: One minute.

MOSER: --that fund was made for high-cost telecom areas where it's too expensive to serve them. And those funds were supposed to be used to offset that, and I didn't think this was a good use.

CLEMENTS: Thank you, Senator Moser. Well, I was interpreting this as coming out of General Funds now. As long as it's cash funds, which it always has been in the past. Thank you, Mr. President. I'll think about that.

KELLY: Thank you, Senator Clements. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I echo some of the same reasons-- I was present not voting on it-- but that Senator Moser has. I will-- I will note for the historical record, I did vote in 2019 to create the 211 fund using the Universal Service Funds. But as a freshman senator and now 6 years in, I've learned a little bit more about the fund, the purpose of the fund and what it should be utilized for. So I, I have concerns over using the Universal Service Fund for something that's not part of its original intention, because it is, in fact, a fee that the citizens pay for a specific use, and that's to serve underserved and unserved areas. So that's why I didn't vote for it. I do appreciate the program. I think it's a valuable program. I, I

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do have concerns that we are not only using users' personal service funds, but the program itself, they refer callers to other programs. And so we aren't funding those programs the same way we're, we're funding the call center. I'm not sure that's not really something that we can address in this bill, but I just wanted to acknowledge that as an issue. And then my final point to make that's related to this is that we have a lot of different communication hubs: 911, 988, 211. And it would be great if we could look at a way to create greater collaboration and coordination amongst those various communication hubs. I appreciate Senator McDonnell bringing this bill. I'll probably remain present not voting because of the funding source. But I would yield my time to Senator McDonnell if he wants to explain the funding source. Senator McDonnell, would you like my time?

KELLY: Thank you, Senator Cavanaugh. Senator McDonnell, you have 3 minutes.

McDONNELL: I'm sorry. So a couple clarifications, based on just the, the comments. So it's the Universal Service Fund. It's the interest off the Universal Service Fund. It has already been funded. The \$950,000, which we're, we're striking that out of the bill, the \$950,000. That was capping it so that \$950,000 has been awarded for the 211 in '23-24. What we did as Appropriations in my original bill, we moved it up to \$1.2 million for '23-24, and for '24-25 up to \$1.4 million. Also, this is a help line. It's east-west, north-south throughout the state. So these are a help line where you can call 211 24 hours a day. It's food assistance, shelter, it's a question about your taxes, pretty much anything outside of you have a 911 call where you're having chest pain, your house is on fire, someone's breaking into your home, of course you call 911. Outside of that, you call 211. And this is for the whole state of Nebraska. But it's also assistance line. So then they would direct you to someone as close as they possibly that has donated their time or dollars, which was for United Way of the Midlands last year a number-- a large amount of dollars based on to try to help people and connect them with the right services in their community. So at any time, 24 hours a day, 7 days a week, this has been working. You can call 211 for that help. Again, we've already appropriated-- so that's why this doesn't have a fiscal note-- 1.2, 1.4 for next year. But my bill, if you look at the language that is-- that is crossed out, it's the cap of \$950,000 which was awarded this year to 211. What we're asking is for it to be able to move up in the future for the Public Service Commission, whatever Appropriations budgets in the future. I'm saying what we've already budgeted for this year was the \$1.2 million, \$1.4 million for this, this, this current budget that we're [INAUDIBLE]

KELLY: One minute.

McDONNELL: That's why it has no fiscal notes. The idea of the need for this, we know the need is here throughout the community because of the number of thousands and thousands of phone calls it gets yearly. The idea of connecting people-- we know there's something about Nebraskans. They want to help people. And if we give them that opportunity to help, well, this does. That person that calls 211, again, it's an assistance line, referral line, it connects them with those people that want to help with their time, talent or treasury. The idea of what this bill is doing, it's just taking the cap off of the \$950,000 that was in the original bill. Based on, again, having that private sector step up for at least 50% of the cost, we're coming in as last dollar as the state, and we've already approved those dollars in the current budget. No fiscal impact. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Senator Arch you're recognized to speak.

ARCH: Thank you, Mr. President. I rise in support of AM2264 and LB607, but I, I just have a comment and I certainly won't be taking the entire time. My, my comment is this and that is that over the-- over the years, we have attempted to respond to the need for referral sources-- to referring to sources, resources that can address the problems and the-- and the issues that are faced by our citizens. Right now we have Department of Health and Human Services. They are funding a help line, and it's actually contracted through Boys Town. And, and that helpline is available for referral to services. And we have 211. It is also now being funded and, and available for referral to services. I think that there-- this probably is not something that I'll be introducing this year, but this could certainly be a worthy LR to take a look and see if there are overlap of those services, overlap of the funding, and see if maybe more efficiently we can provide these referral services. And so I would encourage that if someone wants to pick that up. I think that would be a worthwhile study. Thank you, Mr. President.

KELLY: Thank you, Speaker Arch. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. After reviewing the amendment and the bill, the amendment does strike the General Fund language, and it still continue-- will continue to be a cash fund. And I'm reminded that this is the current budget funded with cash. And, and so I'm now

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supportive of the amendment and the bill. It is-- the bill really just removes the limitation of \$955,000. We gave them \$1.2 or \$1.4 million, but they can't spend it until we pass this to take off that cap. And so I ask for your green vote. Thank you.

KELLY: Thank you, Senator Clements. Seeing no one else in the queue, Senator McDonnell, you're recognized to close and waive closing. Members, the question is the adoption of AM2264. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted. Seeing no one else in the queue, Senator, you're recognized, McDonnell and waives closing. Members, the question is the advancement of LB607 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 2 nays, Mr. President, on advancement of the bill.

KELLY: LB607 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, General File, LB839 introduced by Senator Lowe. It's a bill for an act relating to the State Racing and Gaming Commission; changes provisions relating to the appointment, qualifications and removal of members of the commission; changes provisions relating to the executive director of the commission; repeals the original section; declares an emergency. The bill was read for the first time on January 3 of this year, and-- the bill was read for the first time on January 3 of this year and referred to the General Affairs Committee. That committee placed the bill on General File. There is nothing currently pending on the bill, Mr. President.

KELLY: Senator Lowe, you're recognized to open.

LOWE: Thank you, Lieutenant Governor. And thank you to Speaker Arch for selecting LB839 as one of his Speaker priority bills this session. LB839 makes 3 changes that impact the State Racing and Gaming Commission. First, it allows the Governor to remove a commissioner with cause. This language would put the Racing and Gaming Commission in line with how the state treats the Liquor Control Commission. These both are important commissions with oversight of industry that brings in significant tax revenue, and are areas that deal with vices that the state heavily regulates. It makes sense to me that the Liquor Control Commission and the Racing and Gaming Commission operate in a similar fashion when it comes to their commissioners. I also want to highlight that allowing the Governor to remove a commissioner with

cause will allow for more oversight of the commission by both the executive branch and the legislative branch. If a commissioner is removed by the Governor, the General Affairs Committee, and then the Legislature as a whole would be required to vote for or against any replacement appointed by the Governor. LB839 also looks at changes on how the executive director of the Racing and Gaming Commission is selected. Currently, this position is simply selected by the commissioner. LB839 changes that by maintaining the commission selection, but also now requires that the Governor signs off on the hire. Lastly, LB839 requires that the executive director of the Racing and Gaming Commission does not engage in any other profession or work for any other business. This requirement is intended to ensure the executive director is a full-time employee, focusing on his or her full attention to this critically important position. Colleagues, I have greater oversight-- having greater oversight of the Racing and Gaming Commission is a no-brainer. This is especially true given the numerous stories and articles that have come out this year in regards to the commission and some questionable-- questionable decisions that they have made. LB839 does not guarantee any commissioner will be removed, but it does allow for a stronger oversight and pathway to improving the commission if grave mistakes continue to happen. LB839 was voted out of committee on a 6-1 vote with one absent. This was one of those strange bills that had no proponent, or opponent, or neutral testifying. With that, I would encourage you to vote yes.

KELLY: Thank you, Senator Lowe. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I let Senator Lowe know that I was still kind of percolating and digesting about whether or not I was going to vote for this measure today, and, and I'm still kind of in that boat. I appreciate and understand that as gaming has expanded in Nebraska, primarily due to affirmative and positive votes by the people through our second house initiatives-- of second house efforts like the initiative, that there may have been some growing pains, may be some growing pains in regards to the Gaming Commission. But I am generally concerned, and not because of politics or personality, about ceding too much power needlessly to the executive branch and to the Governor in particular, and moving away from a-- the current structure which allows for more dynamic cooperation and, and independence in this, this critical agency. So I'm going to probably be present not voting today on General File, think a little bit more about the measure from General to Select. And just wanted to put that note in the record and thank Senator Lowe for

his leadership and friendship and open-mindedness in approaching this bill and this conversation with me. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Lowe, you're recognized to close and waive. Members, the question is advancing LB839 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: The bill advances. Mr. Clerk, next item.

CLERK: Mr. President, General File, LB834 introduced by Senator Blood. It's a bill for an act relating to the Dentistry Practice Act; establishes requirements for a resident license; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 3 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Blood, you're recognized to open.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, thank you for the opportunity to bring forward LB834 establishing the dental resident's license in Nebraska. And thank you to Speaker Arch for making this one of his priority bills. First, I want to highlight that this bill does not change the licensure requirements for dental residents from how it stands today. It merely streamlines the process for obtaining such a license. Nebraska requires dental residents to be licensed. Medicaid also requires dental residents to be Medicaid credentialed so that claims can be filed under individual residents rather than faculty. I share that fact because the UNMC Dental Residency Program is the primary workforce providing treatment for Medicaid patients and special needs patients in Nebraska. Historically, the process to obtain a license as a dental resident was tied statutorily to Nebraska's general dentist license requirements, literally, each statute referencing the other. Over the course of the last 6 months, there has been mutual recognition by stakeholders in the dental community about the need to separate these 2 statutes to accommodate accepting multiple clinical licensure exams when it comes to licensing dental residents. This process strengthens the pool of dental residents training in Nebraska, grows the pipeline for the dental workforce, and ensures that we can continue to provide excellent dental care to Nebraska residents. Also in this bill, I want to mention the ability for a dental resident licensed to establish

clinical examination competency for purposes of general licensure. In conversations among dental stakeholders, this was seen as a positive addition to encourage more dental residents to remain and practice in Nebraska after their service in a residency program. Finally, the bill encourages continued dialogue between the Colleges of Dentistry in Nebraska at UNMC and Creighton, and with the Nebraska Board of Dentistry, Dentistry by formalizing the expectation that the colleges will provide input to the board annually. In Nebraska, I believe we should look to remove barriers to bring in potential additions to our struggling workforce. This is a simple and technical way to reduce licensure barriers for some potential future dentists in our state. I want to note that LB834 advanced 7-0 out of the Health and Human Services Committee with zero opposition in person. Proponents in the hearing included a representative from the UNMC Dental School and the Nebraska Dental Association, with online proponents from the Creighton Dental School and Nebraska Board of Dentistry. Please make note there is no fiscal note. Thank you again for your time today and I ask that you please vote green and move this much-needed bill forward.

KELLY: Thank you, Senator Blood. Senator Hansen, you're recognized on the committee amendment.

HANSEN: Thank you, Mr. Lieutenant Governor. The standing committee amendment is a white copy amendment that adds language under Section 2 for exam requirements. More specifically, it adds an additional requirement that the applicant must pass a jurisprudence examination based on Nebraska law and administrative rules and regulations governing the practice of dentistry and dental hygiene. The addition is needed in order to make consistent the exam requirements for a resident license and a license to practice dentistry under subsection (1) of Nebraska Revised Statute 38-1117. As amended, LB834 was voted out of committee unanimously, and I would urge the body to adopt AM2428 and advance LB834. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Seeing no one else in the queue, Senator Hansen, you're recognized and waive closing on AM2428. Members, the question is the adoption of AM2428. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, I have AM2141 from Senator Blood with a note that she would withdraw that amendment.

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KELLY: Without objection, it is withdrawn. Seeing no one else in the queue, Senator Blood, you're recognized to close and waive. Members, the question is the advancement of LB834 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: [RECORDER MALFUNCTION] --nays on advancement of the bill, Mr. President.

KELLY: It is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, next bill. General File, LB1313 introduced by Senator Dover. This is a bill for an act relating to health benefit plans; exempts certain health benefit plans from insurance regulation. Bill was read for the first time on January 17th of this year, and referred to the Agriculture Committee. That committee placed the bill on General File with committee amendments.

KELLY: Senator Dover, you're recognized to open.

DOVER: Thank you, Mr. President, and good afternoon, colleagues. I rise to introduce LB1313 for your consideration. LB1313 is about providing an affordable health care benefit plan. It allows nonprofit or agricultural membership organizations to offer non-insurance, high quality, affordable health care benefit plans to their members. I want to highlight two key points, not insurance and affordability. Their plan will be offered-- excuse me [COUGHS]. The plan will be not-- the plan will be offered are not insurance plans, however, similar to insurance. They will offer coverage that would include office visits, hospitalizations, preventive care, emergency room services, maternity care, as well as coverage for mental health and substance abuse. The plans would be fully underwritten and individually rated. These plans would be-- also be affordable. Plans similar to what will be offered to this bill are already available through several faith based organizations. What we are doing through LB1313 is offering another option. I have a son-in-law who work-- who farms by Pierce, Nebraska. My daughter works in our company, and they have a two and three year old. They are challenged to find affordable health care coverage for their farm-- their farming family of four. This plan will provide them, and many families like them, a family friendly health care alternative. There's another benefit to families. In many-- in many cases across Nebraska, one spouse has to work for an employer who provides health insurance so that their entire family has coverage. In some cases, this is the sole reason for the employment. This affordable health care option frees the spouse to choose to be home or to work, to raise a family, or to follow their dreams in a job of

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their own choosing. Simply put, it provides them with the freedom to choose. The goal of LB1313 is simple, high quality, affordable health care option for those who want it. I'm excited about what the bill has to offer, and look forward to providing this option to Nebraskans. LB1313 was voted out of committee unanimously, with one member absent. It had no opposition at the hearing. With that, I appreciate your green vote on LB1313. Thank you.

KELLY: Thank you, Senator Dover. Seeing no one else in the queue, you're recognized to close. And waive closing. Members, the question is the advancement of LB1313 to E&R Initial. All those in favor, vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: It is advanced. Mr. Clerk.

CLERK: Mr. President, General File LB1215 introduced by Senator Hansen. It's a bill-- it's a bill for an act relating to the Department of Health and Human Services. Changes provisions relating to fees, communicable diseases, rehabilitation beds and acute care beds; harmonize provisions; repeals the original sections; outright repeals sections, several sections in chapter 71. Bill was read for the first time on January 16th of this year, and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Senator Hansen, you're recognized to open.

HANSEN: Thank you, Mr. Lieutenant Governor. Before I go to my opening on LB1215, I would like to explain the HHS committee package. Last year, I introduced the interim study, LR234, to examine the effectiveness of the state's-- state of Nebraska's response to the Covid pandemic. After several meetings with the state agencies and health organizations, I discovered many rules and mandates that were removed during the pandemic that were not necessary to begin with. One of my recommendations from the LR234 report was to loosen up the rules and regulations for health professionals so they could do their job more effectively. As we dug into this further, I asked my staff to contact health organizations and state agen-- agencies to see how we could eliminate red tape for health professions and make their jobs easier. This package, as I will explain in more detail when I open on the committee amendment, cuts out the red tape, and makes state agencies and health organization able to do their jobs more effectively. I'll now open on the original green copy of LB1215. I

introduced LB1215 on behalf of DHHS. The bill requires that Licensed Practical Nurses, Registered Nurses, and Advanced Practice Registered Nurses register contact information with a national electronic database at no cost. The registration will allow the nurses to receive electronic notices, renewal notices, updated statuses and provide more up to date nursing workforce data collection to the department. This would be accomplished during the license renewal process for existing licensed professionals, and upon initial licensure for future applications. Second, it removes a requirement that DHHS collect a fee for any applicant licensee requesting an informal conference with a peer review organization of a health care facility to cover the cost and expenses removed. Third, tuberculosis patients can be committed to other locations other than hospitals. Expenses incurred in the care, maintenance, and treatment of tuberculosis patients shall be paid from state funds for the purpose of entering into agreements to provide the care-- this care, and is not limited to agreements on qualified health care facilities. DHHS shall adopt and promulgate rules and regulations relating to the care, maintenance and treatment of tuberculosis patients, and not be limited to contracts with hospitals and health care facilities. Also, this bill removes the health care facility on either an inpatient or an outpatient basis from the transportation of tuberculosis patients statute. Fourth, the certificate of need requirement for rehabilitation beds in hospitals is removed. This provision will be removed by the committee amendment. I will speak on this one. Open on the committee amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. As stated, there is a committee amendment. Senator Hansen, you're recognized to open.

HANSEN: Thank you. Standing committee amendment, AM2549 amends LB1215, LB1181, and LB1171, and adds the original green copies of LB1009, LB1173, LB1138, and LB896, the amended versions of LB1215-- and removes the repeal of the certificate of need requirement for rehabilitation beds in hospitals. This is a portion of the bill that was kind of creating-- the only portion, really, of this whole committee package that created a little bit of heartburn among the committee and others, so we just decided to remove that portion. LB1181, introduced by Senator Ballard, changes provisions to the Pharmacy Practice Act and Uniform Controlled Substances Act in the public health and welfare statutes relating to drugs. Specifically, this bill changes inventory and dosage requirements for controlled substances, self inspection forms used by pharmacies, pharmacy intern age requirements, pharmacy technician registration requirements relating to a drug-related crimes, and labeling requirements involving legend drugs which are not controlled substances. The amended version

of LB1181 changes the pharmacists intern age requirement from 17 to 18. LB1171, introduced by Senator Hardin, adds an exception to pharmacy verification requirements. Verification shall occur by a pharmacist on duty in a facility, except that verification may occur by means of a real time audio visual communication system. The amended versions of LB1171 retains the original language from the bill, but adds the emergency clause, and LB1009 allows a person who has failed a third barber examination to take it again. Statutory references relating to barber schools, revocations and suspensions, violations of the act, Board of Barbers Examiners, and rules and regulations are removed and replaced with the Barber Act. LB1173, introduced by Senator Riepe, provides for the use of abstracts of death and changes death certificate requirements. This bill defines abstracts of death and vital statistics act as a certified document that summarizes the facts of death, including, but not limited to, the name of a descendant [SIC], the date of death, and the place of death. An abstract of death does not include signatures. This bill changes the death certificate form for veterans in the U.S. Armed Forces by removing the space for a period of service. LB1138, introduced by Senator Riepe, allows a prescriber who issues less than 50 prescriptions a year to not have to use electronic prescription technology. LB896, introduced by Senator Ballard, removes the requirement that when a telehealth patient gives verbal consent, then, then a signed statement must be collected within ten days. And I ask for your vote on the committee amendment, and would be happy to answer any questions to the, the best of my ability. But I believe maybe some of the introducers might get up and talk about a little bit if, if anybody has any questions as well. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. And thank you, Chair-- Senator Hansen of the HHS Committee. Senator Hansen mentioned, and I will reiterate just briefly here, LB1138, which was my bill, removes the requirement for low volume prescribers, namely dentists, to have expensive controlled substance reporting software. During the hearing, we heard that this software cost around \$700 to \$1,000 per year. If you're a low volume prescriber who only writes 5 to 10 controlled scripts per year, this cost is obviously substantial. The cost of LB1138-- the cutoff is 50 or fewer prescriptions per year. LB1138 was brought to me by the Nebraska Dental Association. The second one that was mentioned and noted by Senator Hansen was LB1137, which allows DHHS to issue death abstracts before the full death certificate is issued, which can sometimes take up to a month or so. This allows families and funeral

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directors to expedite the legal processes that occur after death. LB1173 was brought to me by the Nebraska Funeral Directors Association. Thank you again, Senator Hansen. And thank you, Mr. President.

KELLY: Thank you, Senator Riepe. Senator Hardin, you're recognized to speak.

HARDIN: Thank you, Mr. President. I would like to just encourage your vote for this amendment and the underlying bill. LB1171 is my bill. In plain language, what that allows a pharmaceutical organization to do, or a pharmacy to do, is to have a group of pharmacists at work in a place where they can simply do their fulfilling of the prescriptions. In other words, they're not running back and forth from the counter, answering questions, and back to filling the scripts. And so it's just a smoother operation in terms of how those prescriptions come together, end up in a bag, and eventually end up in your pocket because there's a lot of chaos that can go on inside of any pharmaceutical or pharmacy situation. Also want to point out that this bill has no fiscal note, and I would like to say that Senator Clements gave me a gold star, as Chair of Appropriations, because I introduced eight bills this year. None of those eight have a fiscal note. I would just like to add that. So thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Seeing no one else in the queue, Senator Hansen, you're recognized and-- to close, and waive closing on AM2549. Members, the question is the adoption of AM2549. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays in adoption of the committee amendment, Mr. President.

KELLY: Seeing no one-- the amendment is adopted. Seeing no one else in the queue, Senator Hansen, you're recognized to waive and-- to close and waive. Closing on LB1215. Members, the question is the advancement of LB1215 to E&R Initial. All those in favor vote aye, all those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: It is advanced. Mr. Clerk, next item.

CLERK: Mr. President, General File, LB1200, introduced by Senator Moser. It's a bill for an act relating to motor vehicles; amends a plethora of statutory sections, adopts updates to the federal law and updates certain federal references; changes provisions relating to

certificates of title under the Nebraska Probate Code, delivery of certain notifications relating to operator's licenses, the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, the Motor Vehicle Operator's License Act, and the Nebraska Rules of the road; changes certain civilian penalties; eliminates obsolete provisions; harmonizes provisions; and repeals the original sections; declares emergency. Bill was read for the first time on January 16th of this year, and referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File with a committee amendment, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Moser, you're recognized to open.

MOSER: Thank you, Mr. President. Good afternoon, colleagues and fellow Nebraskans. Today I present LB1200, the Transportation and Telecommunications Committee priority bill for this session. It came out of committee on an 8-0 vote, and also has an amendment, AM2508. LB1200 was on behalf of the Nebraska Department of Motor Vehicles and the Nebraska State Patrol. It's an annual update and harmonization bill which updates statutory references to federal regulations in operation as of January 1st, 2024. The bill also harmonizes and eliminates obsolete language. Specifically, the bill contains the following provisions. Sections of the bill update the Nebraska Revised Statutes to conform with federal regulations in effect as of January 1st, 2024. The updated reference keeps Nebraska in compliance with federal law to ensure Nebraska does not lose millions of dollars in federal highway funds. The bill makes changes in some of the provisions regarding restricted driver's licenses and issuing driver's licenses to persons turning 21 years of age. The bill pushes up the date one year earlier, to July 1st, 2024, to reduce the per ton registration fee for commercial vehicles. At the request of the Nebraska Trucking Association, provisions of the bill allow commercial trucks with camera systems approved by the Federal Motor Carrier Administration to operate without mirrors. The bill also cleans up obsolete language provisions referencing commercial learner's permits and seasonal permits, both of which are no longer authorized by the state. I ask you to vote green on LB1200 and AM2508 and pass them on to Select File.

KELLY: Thank you, Senator Moser. As stated, there is a committee amendment. Senator Moser, you're authorized to open.

MOSER: Thank you, Mr. President. LB1200 is the annual motor vehicle update bill for Transportation and Telecommunications. The bill references federal law and clarifies vehicle titling and registration

statutes, and conforms Nebraska law relating to commercial driver's licenses to applicable requirements established by the federal government. It also harmonizes and removes obsolete statutes, strikes original Section 50 of the bill. LB1200 allows commercial truck--trucks with rearview camera systems approved by the federal government to operate on Nebraska roads. Original Section 50 was inadvertently included in the bill, and was not required to implement the federal required camera authority. Additionally, the committee amendment adds provisions from five other bills. The committee amendment adds LB226, which is Senator Brandt's bill to amend the process for construction manager general contractor contracts. Section 1 from the bill is added, and provides that the qualification and proposal receipt process may be combined into a single step process by a contracting agency. LB891 is Senator Bosn's Bill to amend the Motor Vehicle Industry Licensing Act by defining a manufacturer as anyone who manufactures or assembles motor vehicles, regardless if they have franchised dealers. Also, the amendment clarifies that a manufacturer may not own or operate a service facility to perform warranty or non warr-- warranty work on vehicles they manufacture, unless they manufacture and distribute electrical vehicles and have never been a franchiser in Nebraska. LB900 is Senator Brandt's bill that increases the maximum length of straight trucks operating in Nebraska from 40 to 45 feet. LB929, introduced by Senator Fredrickson, pertains to the 988 suicide and crisis hotline administered by the Department of Health and Human, Human Services, that they should have the capability to connect and communicate with the 911 service system. The Public Service Commission is to cooperate and coordinate with DHHS and adopt standards governing training, support, and quality assurance. Finally, the committee amendment adds Senator DeKay's bill, LB966. It does two things. It clarifies the meaning of traffic control signals displaying a flashing yellow arrow or a steady red arrow. A flashing yellow arrow allows the movement indicated after yielding, and a steady red arrow requires a complete stop until an indication to proceed is displayed. Second, the amendment provides that the variable motor fuel tax may be set in increments of one hundredths of 1%, instead of increments in one tenth of 1%. Mr. President, I'd be glad to answer any questions, and would ask for the adoption of the Transportation and Telecommunications Committee amendment to LB1200. Thank you.

KELLY: Thank you, Senator Moser. Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraskans. I rise today in support of both AM2508, as well as the underlying bill, LB1200. I want to just share my gratitude

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to Chair Moser for the Transportation and Telecommunications Committee, as well as all the staff in that committee, for helping us put together, I think, what is a very thoughtful package. I wanted to just rise because one of the bills in this is-- includes LB929, which is a bill of mine within this package. And this is a bill that is going to help ensure that Nebraskans undergoing a mental health crisis, are connected to mental health professionals through the 988 crisis line as intended. So in 2020, Congress enacted the Federal National Suicide Hotline Designation Act, which establishes 988 as a universal three digit number for the purposes of national suicide prevention and mental health crises hotline. Boystown serves as the Nebraska call center for the 988 line, and they have done, truly, a really fantastic job. We've actually gotten feedback on the federal level that says Nebraska is a true leader with our 988 implementation, so that's something we should all be very proud of. Currently, this was something I learned during an interim study of mine, 988 operators can use 911. So if an individual calls in to 988 and 911 services are needed, 988 is able to transfer to 911. However, 911 is not able to do that in reverse. So if someone calls into 911, and a 988 operator is the more appropriate intervention, that is not currently happening. So LB929, which was included in the committee amendment here, will allow for that-- both of these resources to interact with each other, so that Nebraskans who are reaching out in crisis are able to get the most appropriate care that they need. So, again, I rise in support of both AM2508 and LB1200 and encourage a green vote on both. Thank you, Mr. President.

KELLY: Thank you, Senator Fredrickson. Senator Wayne, you're recognized to speak.

WAYNE: Thank you. Thank you, Mr. President. Would Senator Bosn yield to a question?

KELLY: Senator Bosn, would you yield to some questions?

BOSN: Yes.

WAYNE: Yes. Just going to your part of the bill, I noticed that there was some opposition to sales people and then to individuals representing Tesla. Can you explain kind of what-- if that got worked out or not?

BOSN: Yes. Thank you. So, the amendment to my original bill, which was LB891, did fix the language so that Tesla and the new car dealers and manufacturers were-- it was language that they drafted together,

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brought to me and was agreed upon by the members of the committee, but ultimately alleviated the concern. Initially, there was an issue that the language in LB891 would require the closure of a newly opened Tesla service center, specifically here in Lincoln. And so, given that that wasn't my intention, nor the intention of the individuals who brought me the bill, we worked out the language in the amendment. So, does that answer your question?

WAYNE: Yeah. So they-- are they in favor of this bill, or neutral?

BOSN: They're in favor of this bill, as amended.

WAYNE: Thank you. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Seeing no one else in the queue, Senator Moser, you're recognized to close on the committee amendment, and waive. Members, the question is the adoption of AM2508. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the committee amendment. Mr. President.

KELLY: The amendment is adopted. Seeing no one else in the queue, senator Moser, you're recognized to close on the bill. Waive closing. Members, the question is the advancement of LB1200 to E&R Initial. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: The bill is advanced. Mr. Clerk, next item.

CLERK: Mr. President, General File LB904 introduced by Senator DeBoer. It's a bill for an act relating to child care; changes child care reimbursement rates and repeals the original section. Bill was read first time on January 4th of this year, and referred to the Health and Human Services Committee. That committee placed the bill on General File. There is a committee amendment, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator DeBoer, you're recognized to open.

DeBOER: Thank you, Mr. President. Good day, colleagues, I'm proud to stand before you today to introduce the Planning Committee's priority bill, LB904. So before I get to the specifics of that bill, I wanted to discuss how we got here. You may recall that last year, I sent a

survey to members of this body asking what issues deserved the Planning Committee's focus, and the issues that were sort of selected were the demographic, demographic trends in Nebraska, child care, housing, and water quality issues. This interim, we held many meetings where we discussed those issues, and ultimately we decided that we would focus on child care. Many of you introduced various bills dealing with child care, and the Governor even made it a priority for his administration. So the Planning Committee has identified a package of child care bills aimed to improve access to child care from a number of different angles. LB904, which is my bill, LB1178 by Senator Wishart on intergent-- generational care facilities, and LB1416, which is the Child Care Capacity Building and Workforce Act introduced by Senator Bostar at the request of the Governor regarding the Child Care Capacity Building and Workforce Act. LB904 and LB1178 were both referred to the Health and Human Services Committee, and were advanced together in AM2734 on a 7-0 vote. So that's the committee amendment, which Senator Hansen will introduce in just a minute. So that will include the first two of those bills which we are putting together. Thank you to the HHS Committee members for your care and passion about developing Nebraska's childcare. LB1416, however, was introduced to, or was referred to the Banking, Insurance and Commerce Committee. And I would ask for your support to amend it on to this bill, which will, be brought as a subsequent amendment to this-- the committee amendment by Senator Bostar. So I'm going to let those senators introduce their bills. But first, I'll say, let me focus on LB904, which is my bill, which is the, the vehicle for the planning committee package. LB904, it turns out, is kind of a simple bill. State statute currently authorizes the Department of Health and Human Services to use just one method to determine the child care subsidy reimbursement rates. That one method is the market rate survey. Under that method, there are two markets in Nebraska. One market is Dakota, Douglas, Lancaster and Sarpy counties, and the other market is every other county in Nebraska. So the market rate survey may not have the flexibility to take into consideration the various situations across the state. LB904 allows the department to use a different model if they want to. There are at least two models that are federally approved-- that, that, that are federally approved for child care subsidy, but the state could also create its own model and then get it approved by the federal government. Currently, the department has no ability to use any model but the market rate model, and LB904 gives the department the discretion. The second change in LB904, is to codify what we included in our budget to provide reimbursement for providers at the 75th percentile of the market rate, as determined by the department, if the department chooses to stay with that model. So that's the LB904

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portion of the bill. And then afterwards you will hear the committee amendment, which adds in Senator Wishart's portion. And then after that there will be another amendment to the committee amendment which will add in Senator Bostar's. It's a little unusual, the Planning Committee, because we take a broader approach to issues than particular subject matter committees, that's why we're having to do it this way. So I would appreciate your support on all of the amendments, and I would appreciate your support on the original bill. Thank you.

KELLY: Thank you, Senator DeBoer. As mentioned, there's a committee amendment. Senator Hansen, you're recognized to open.

HANSEN: Thank you, Mr. Lieutenant Governor. The Standing Committee amendment AM2734 is a white copy amendment that amends provisions of LB1178 into LB904. LB1178, introduced by Senator Wishart, establishes the Intergenerational Care Facility Incentive Grant program. The program will award grants to nursing facilities for one time start up costs for capital improvements to provide child care and nursing facilities. The grant program will be administered by the Department of Health and Human Services, with a maximum of \$100,000 per grant, a limit of one grant per facility, and a total of \$300,000 in grants awarded. As amended, LB904 was voted out of committee unanimously, and I would urge the body for their green vote. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Mr. Clerk.

CLERK: Mr. President, Senator Wishart would move to amend with AM2775.

KELLY: Senator Wishart, you're recognized to open.

WISHART: Thank you, Mr. President. Good afternoon-- good afternoon colleagues. AM2775 to committee amendment AM2734 simply updates the funding source for my bill, LB1178, which was generously included in the Planning Committee priority bill. To avoid a General Fund impact for this one time pilot program cost of \$300,000, we will be utilizing the Medicare-- excuse me, Medicaid Managed Care Excess Profit Fund. And I want to thank the Planning Committee, Chair DeBoer, and Chairman Hansen for working with me to include this important legislation I've been working on since 2019. Thank you.

KELLY: Thank you, Senator Wishart. Returning to the queue, Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. Yeah. I just want to verify, verify with everybody that Senator Wishart's AM2775 is a friendly amendment to the Health and Human Services Committee amendment. I appreciate all

the work that she's done with this kind of revolutionary program, I guess you would say, about kind of intermingling two important health care aspects together, to not just save costs for the taxpayer, but also to improve the lives, I think, of all of those involved. So I would encourage a green vote on AM2775, and the amendment, and the underlying bill. Thank you.

KELLY: Thank you Senator. Seeing no one else in the queue, you're recognized to close on AM2775. Excuse me, Senator Wishart, and waives. Members, the question is the adoption of AM2775. All those in favor, vote aye; all those opposed, vote nay. Record. Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: It is advanced.

CLERK: Mr. President, concerning LB904, Senator Bostar would move to amend the committee amendments with AM2858.

KELLY: Senator Bostar, you're recognized open on the amendment.

BOSTAR: Thank you, Mr. President, and good afternoon colleagues. AM2858 amends the committee amendment to include LB1416, as was previously mentioned. That's a bill I introduced at the request of Governor Pillen that would create dual programs through the Department of Economic Development, designed to increase the number of child care providers, support the child care workforce, and provide Nebraska families with reliable, accessible, high quality childcare solutions. As part of the Governor's Task Force on Workforce Challenges, public and private stakeholders convened to discuss the childcare challenges and potential solutions. The group discussed the need to find innovative ideas that would approach this problem through a new lens. This amendment does just that. This proposal utilizes the private sector and provides communities the opportunity to decide how best to approach their unique childcare needs. AM2858 does this by creating two separate workforce initiatives to be administered by the Department of Economic Development. First, the amendment creates the Childcare Capacity Building and Workforce Grant program. The program would establish a framework for providing funds to develop childcare capacity in areas of greatest need to serve children ages 0 to 3, and to support the ch-- the childcare workforce. To qualify as an eligible recipient for this program, any city, village, county nonprofit organization deemed appropriate by the department must provide a 1 to 1 match for the grant requested. The match can be monetary or in-kind donation. Applications will be prioritized based on how they will use

the funding. For instance, those that want to support the childcare workforce or create a new program in a county with no licensed childcare access would be given priority. Second, AM2858 creates the Family Childcare Home Grant program. As part of this grant program, the department will have the flexibility to facilitate the creation of micro centers, a form of care that uses existing space from a business, church, or school to care for up to 12 children. These micro centers would require two staff and rely on support from regional facilitator hubs to provide administrative and technical support. These facilitator hubs work to lessen the administrative burden and financial overhead on childcare providers, so that providers can focus on the most important work of all, which is caring for and educating Nebraska's children. I want to extend my thanks to the many stakeholders that worked to support this proposal. The original legislation was supported in committee by Governor Pillen's Policy Research, Research Office, the Department of Health and Human Services, the Nebraska Chamber of Commerce, the Greater Omaha Chamber of Commerce, the Lincoln Chamber of Commerce, the Nebraska Catholic Conference, the Platte Institute, the Nebraska Farm Bureau, the Nebraska Cattlemen, First Five Nebraska, Cedars Youth Services, the Orchard Child Development Center, the Nebraska Independent Community Bankers, the Nebraska Nurses Association, and Hoppe Development. I especially want to thank Governor Pillen for his work to bring early childhood education and child care solutions to every family in Nebraska. I believe that the diverse list of supporters illustrate well what an absolutely critical issue this is to the economic and social well-being of the state of Nebraska. The, the legislation had no opposition, and it advanced from committee unanimously. Our economy depends on quality, affordable child care programs to support our working parents. Nebraska job creators are hurting for a workforce to grow our state's economy, and Nebraska parents are hurting for reliable, high quality childcare options to support their families. AM2858 provides relief to both by providing flexible grant programs so communities can address their unique child care needs in the ways that best fit their unique requirements. Thank you for your consideration and I would encourage your, your support of AM2858, AM2734 and LB904. Thank you very much.

KELLY: Thank you, Senator Bostar. Senator Brandt, you're recognized to speak.

BRANDT: Thank you, Mr. President. Would Senator Bostar answer a question, please?

KELLY: Senator Bostar, would you yield to a question?

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BOSTAR: Yes.

BRANDT: Senator Bostar, I was just looking at the fiscal note on this, and I guess I'm a little confused. On top, it shows there is not a fiscal note, on the bottom there's about \$400,000 of fiscal. Where is the money coming from to fund this program?

BOSTAR: So it's \$5 million one time money going into the fund.

BRANDT: From who?

BOSTAR: From the state.

BRANDT: From the General Fund?

BOSTAR: I believe it was written for that.

BRANDT: So why isn't there a fiscal note?

BOSTAR: Because that was part of the-- sorry. It was amended-- when the bill was introduced, everyone that was working on the legislation wasn't sure yet where that number should land. Ultimately, the Governor's Office decided on \$5 million to put into the fund as one time money, and so that's what we amended it to do. And so that's what's in the bill in the form in AM2858.

BRANDT: All right. Thank you.

BOSTAR: Thank you.

KELLY: Thank you, Senator Brandt and Senator Bostar. Senator Wayne, you're recognized to speak.

WAYNE: Will Senator Bostar yield to a question?

KELLY: Senator Bostar, will you yield to a question?

BOSTAR: Yes.

WAYNE: Wha-- what was your bill number?

BOSTAR: LB1416.

WAYNE: LB1416 or LB1460?

BOSTAR: LB1416.

WAYNE: And you said there was opp-- no opposition?

BOSTAR: Correct.

WAYNE: Can you give me a brief refresher on what it does?

BOSTAR: Yes. So the legislation would create two programs. One is the Child Care Capacity Building and Workforce Grant program. That's essentially a grant program administered by DED that would require a 1 to 1 match, from communities to receive the money to support child care access development, and to support child care workforce. And they would have the ability to prioritize which grants, I guess, get taken up first based on the areas of need. The second is the Fa-- the Family Child Care Home Grant program, which would allow the creation of micro centers, which are childcare centers that can care for up to 12 children and they can be placed in residential and nonresidential settings. And they would be sup-- administration of them would be supported through administrative hubs that would be also administered by DED.

WAYNE: Thank you. That, that right there is going to cause me to vote no on this bill. DED has a hard time right now, in the last two years, moving out dollars for north and south Omaha. I think giving them another grant program is a problem. So I don't think we should give DED any more grant programs, and particularly one that doesn't deal with childcare. What-- why, why DED and why not HHS that are already dealing with these same childcare facilities?

BOSTAR: I'm sorry. Are you asking me why is the program going through DED and not HHS?

WAYNE: Correct.

BOSTAR: This bill came out of the Governor's-- that working group that was created over the interim to work on workforce challenges. There was a subgroup that worked on childcare in particular. And this legislation came out of that. So to some extent, I don't know the full answer to your question of why DED was selected over HHS. That, that wasn't my decision. And it came out of that group.

WAYNE: Thank you. Thank you, Senator Bostar. I'm going to just be present not voting on this one. I'm going to wait. I will say that if, if DED, or we can't figure out how to move this somewhere else, I would probably take it the distance just because it requires DED. That's just-- it's no, no shy that I got issues right now with how that organization's running or how that agency's running. And I'm also

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confused on how much we're doing for childcare. We got 8-- LB640 funds or LB860 funds. We have plenty of pre-K. I, I'm just a little confused on how much money we're, we're putting into childcare. Not saying it's not needed. Got to figure out how come we can focus it a little bit better and focus it a little directly to where we're trying to go. It just kind of seems like it's a shotgun approach. And at least for my community, that hasn't worked well, and changed anything. So thank you, Senator Bostar. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Senator Bostar, would you yield to a question?

KELLY: Senator Bostar, will you yield to a question.

BOSTAR: Yes.

M. CAVANAUGH: Thank you. I'm asking you this because not only is it your bill, but also you are on the Exec Board. And just looking this over, why was this referenced to Banking?

BOSTAR: So the Banking, Commerce and Insurance Committee takes DED--

M. CAVANAUGH: OK.

BOSTAR: --in its-- in its portfolio. So, for example, the confirmation of the DED director went to Banking.

M. CAVANAUGH: Sure.

BOSTAR: This is a DED program.

M. CAVANAUGH: OK. Just in looking it over and hearing Senator Wayne's comments, I was like--

BOSTAR: Yeah.

M. CAVANAUGH: This seems it would have come to our-- HHS normally, but--

BOSTAR: That's a good question.

M. CAVANAUGH: I appreciate that. Thank you. That, that was my only question. I had another thought and I lost it, so I will yield the remainder of my time to the Chair. Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator Wayne, you're recognized to speak.

WAYNE: Thank you, Mr. President. Colleagues, I am OK-- actually, I'm going to vote for this, here's what's going to happen. This is a bill that is in Banking, and we're putting it to a bill that was in HHS. I am going to vote for this because if we do that, I'm doing that to all my bills throughout this-- the rest of this session. If we are going to move bills from committees to another bill, I'm all in. I am all in. I was told we weren't going to do that this year, but if we're going to do that, I am all in. And you better believe I'm not going to come up and ask everybody about whether it's friendly or not. If we are going to start doing that, I'm OK with it. But I want to be clear and I'm telling everybody, I'm being clear about this. If this is in Banking, which is what I'm looking at this amendment and we're putting it in the bill in HHS. I'm all in. But understand what that means for the rest of this year and the rest of this body. I'm all in. This is not what-- we were told, we weren't going to do that. And we are doing that. Yield the rest of my time to Senator Meyer.

KELLY: And waived. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. I think I'll speak to the issue that Senator Wayne brought up. This is kind of a unique situation because this is the Planning Committee's priority bill. The Planning Committee does not take subject matter jurisdiction, or at least original subject matter jurisdiction of any bills. So we do not hear bills, primarily because we do most of our work during the interim. So when we create a Planning Committee priority package, just like any of your other committees, we do so from the perspective of looking at an issue from a large 400 foot, 5,000 foot, whatever you want to say, perspective, looking down at the issue and seeing how the issue can be planned for from a variety of different perspectives. That, of course, necessarily means that there might be bills from various jurisdictions that would come together to make one overarching way of supporting the bill, and that is why-- that's why I said we could have a, a variety of different bills come together in this planning committee package. It's simply to look at how can we address the issue of childcare from a number of different perspectives. That was, again, one of these issues that you all identified last year as something you wanted us to look at. We spent a number of really very good days of discussion about this issue over the summer with, with a wide swath of senators who serve on the Planning Committee. And then for this very particular instance of the Planning Committee priority bill, we're putting

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together this multifaceted bill that's going to address childcare from a number of different areas. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Seeing no one else in the queue, Senator-- Speaker Arch. you're recognized for an announcement.

ARCH: Mr. President, I would ask that, that we pass over LB904 at this point, and continue our discussions regarding the, the language and the amendments and so forth, and, and that we move to LB1204 at this point.

KELLY: Mr. Clerk, next item.

CLERK: Mr. President, concerning the agenda, next item, LB1204 is by Senator John Cavanaugh. It's a bill for an act relating to the Nebraska Liquor Control Act; authorizes a holder of a micro distillery license and a holder of a manufacturer's license to operate a rickhouse as prescribed; provides powers and duties to the Nebraska Liquor Control Commission; harmonize provisions and repeals the original section. Bill was read for the first time on January 16th of this year, referred to the General Affairs Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Senator John Cavanaugh, you're recognized to open.

J. CAVANAUGH: Thank you, Mr. President. Well, I was sitting off on the side here, and we just jumped up to this bill, so I feel like I'm like the relief pitcher that's getting called in. So you guys are all lucky you have such a great pitcher who can take us home at the end of the day here. But I'm here to introduce LB1204, which I brought at the request of the Liquor Control Commission, which would define a rickhouse and allow holders of a manufacturer's license or micro distillery license to operate a rickhouse under the Nebraska Liquor Control Act. I want to thank Chairman Lowe and the General Affairs Committee for prioritizing this bill. There's obviously other bills that are going to be in this package, and Chairman Lowe, I think, will introduce those and other folks might talk about them. But I've had a lot of questions about what is a rickhouse. And so, you know, you wouldn't-- you wouldn't get this from any other guy. I just want to let you I want to tell you how I'm feeling. Got to make you understand. Never going to give you up. I'm never going to let you down. But a rickhouse is an off site bonded warehouse that is kept and maintained for the purpose of storing spirits in barrels for aging in order to impart flavor from the barrel into the spirits. Allowing

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these sites in a-- in a manner consistent with federal law, will allow the Nebraska distilled spirits industry to grow. So I'd ask for your green vote on LB1204, and for your support of the committee amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Lowe, you're recognized to open on the amendment.

LOWE: Thank you, Mr. President. And thank you, relief pitcher Cavanaugh. Good afternoon, colleagues, I'm here to introduce AM2640. This committee amendment contains three bills. First, LB981 was brought to the committee by Senator Holdcroft. This bill simplifies compliance requirements for the charitable gaming lottery and raffle applica-- applicants. It was voted into the committee amendment with a 7-0 vote, with one senator absent. The second, LB1000, was brought by Senator Brandt, and it is a bill to provide lottery winners of a prize greater than \$250,000 the option to remain anonymous. This bill was also voted into the committee amendment with a 7-0 vote, with one senator absent. Third, LB1296, was introduced by Senator Hughes. This bill is a vape-- about vaping, and creates a regi-- a Nebraska registry of products that are approved for the sale in the state. AM2561 replaced the original bill, and was adopted by the committee with a 7-0 vote, with one senator absent. With that, I'd like to ask each of these senators to introduce their bill to you, starting with Senator Holdcroft.

KELLY: Thank you, Senator Lowe. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Thank you, Mr. President. So LB981 was introduced on behalf of the Nebraska Department of Revenue Charitable Gaming Division, and was heard by the General Affairs Committee on January the 22nd. This bill is intended to help simplify compliance requirements for many charitable gaming, lottery and raffle applicants. So today, if you're a nonprofit and you hold a lottery and you make more than \$1,000, there is a 2% tax on that, and you're required to file-- to pay that quarterly and file annually. If you conduct a raffle, and again, these are nonprofits, and you exceed a \$5,000 threshold, same thing applies, 2% tax, quarterly payments, and annual filing. If you're below those thresholds, you don't have to pay the tax, and you don't have to, to file. You do have to have a license. So what this bill does, and this was again brought to, to me by the Department, Department of Revenue is it raises the threshold to \$15,000 each. So now you can make \$15,000 on your ratter-- lottery or raffle. If you exceed that, you still have to pay the 2%, you have to pay quarterly and file annually.

But if you're below that, there's no tax and you only have to have a license. That's what the bill does. And I appreciate your advancement.

KELLY: Thank you, Senator Holdcroft. Senator Dungan, you're recognized to speak. And waive. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. We had a little miscommunication there. AM2640 includes LB1296, which I introduced to put in place guardrails to ensure that vaping products sold in Nebraska are complying with federal and state laws, to prevent vaping products from being marketed to minors, and to end direct online sales of vaping products to consumers in Nebraska, which has resulted in illegal products of questionable quality and origin bypassing Nebraska and federal laws being delivered to unsuspecting consumers here in our state. We worked diligently with the Attorney General, vaping manufacturers, vaping retailers, youth nicotine prevention groups, and others to craft LB1296. LB1296 was included into AM2640 by a committee vote of 7-0, with one member absent. I'd like to briefly explain the changes that we made to LB1296 after the bill hearing, and to reflect its current version as included in this amendment. This amendment removes the registry from the original bill. It came to our attention that the FDA based registry was rife with problems, as shared in a recent Fifth Circuit Court of Appeals decision, *Wages and White Lion v. FDA*. We pivoted, and instead of a registry, are now requiring either licensure by the wholesaler and retailer, or certification by the manufacturer. This was done for the following reasons. As it currently exists, the Nebraska Tobacco Products Tax Act imposes tax and licensure requirements on certain categories of first owners. For out-of-state entities, both the tax and licensure are voluntary. We did not want to subject manufacturers to the PMTA tax if they were not first owners. To achieve this, we changed from a license requirement to a certification requirement on electronic nicotine delivery systems, sometimes called ENDS, manufacturers for both in-state and out-of-state. In-state manufacturers of ENDS products are still subject to licensure and taxation requirements, along with the new certification requirement. Out-of-state manufacturers are also subject to the new certification requirement. To clarify, clarify for my colleagues regarding the prohibition of online sales and delivery, this would not prohibit a local licensed retailer from letting a customer order a basket of products online, and then come in person to pick those up at a licensed retail facility. The prohibition of online sales and delivery would apply to direct sales and delivery to consumers in Nebraska. It would also prevent a manufacturer from overseas who is not certified under LB1296, from selling products to retailers or distributors in Nebraska. LB1296 as amended would

prohibit products from being marketed to minors. It also prevents products from using packaging and labeling that mimics other consumer products, or from concealing the fact that the device is a vaping product. The \$500 per product registry fee in the original bill is replaced with a \$250 per product certification fee. We are willing to adjust this fee on Select File based on how the new fiscal note would interpret the per product fee. This updated version of LB1296 also requires manufacturers to attest that they fully comply with the U.S. Customs and Border Protection requirements. A large percentage of vaping products currently on the market in Nebraska and across the country have circumvented customs by essentially lying about what they are-- what they are, to avoid taxation and inspection. Overall, LB1296 will provide clarity to consumers, retailers, and enforcement agencies of what products are legal and what are not permitted to be sold in Nebraska.

KELLY: One minute.

HUGHES: LB1296 will better protect minors from getting a hold of products that look like highlighter pens, plastic drinking cups, hoodies and backpacks used to disguise their vaping or-- disguise their vaping use. I would like to thank all the stakeholders who worked diligently to improve this bill after its hearing, and I urge my colleagues to support AM2640, and the overlying bill of LB1204. Thank you, Mr. President.

KELLY: Thank you, Senator Hughes. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President and colleagues, I do rise today in support of LB1204 and the amendment, AM2640. Any time we can get a good Rick roll here in the Legislature I appreciate it. So kudos to Senator John Cavanaugh for, for fitting that in here before we're even towards the very end of the session. I just wanted to stand up, I guess, give a brief little history lesson of something that I find very interesting as a fan of bourbon. Rickhouses, as were being discussed, have a deep history here in America. So bourbon is the only truly American spirit. And I think we should all be very proud of that. And so this bill seeks to allow for rickhouses to be in Nebraska. Rickhouses as defined in the statute are offsite bonded warehouses, which are kept and maintained for the purpose of storing spirits in barrels for aging in order to impart flavor from the barrel into the spirits. So some of the history behind this is the Bottled in Bond Act, which was passed federally back in 1897, was the first ever real consumer protection act passed by the federal government as it

pertains to food or drink. So back in the late 1800s, people were selling whiskey, air quotes there for the transcribers, and bourbon with air quotes. But it was really anything but those things. They oftentimes were being flavored with iodine, tobacco, and any number of other things that were actually poisonous to those who were drinking it. And so because people were drinking this moonshine, essentially, and getting sick, the federal government stepped in and they passed the Bottled in Bond Act of 1897. And for something to be labeled bottled in bond is to essentially give it this assurance that it is of a certain quality. And so the very idea that we're going to be able to have rickhouses here in Nebraska is to ensure that any bourbon that is made here in Nebraska would have that bottled in bond quality. So you might be asking, Senator Dungan, what does a bourbon have to be in order for it to be bottled in bond? Well, it's simple. It has to be distilled in the same distilling season, all of the bourbon in that batch. It has to have occurred at a single distillery. Has to be aged for a minimum of four years. Has to be bottled at 100 proof, which is 50% alcohol if domestic. And the label must identify the distillery who made it, and the label must identify the bottling location if different than the distiller or the distillery. In addition to that, there can be no additives other than water. So, I just think it's important we, we put in the record what bottled in bond bourbon is. This bill, I think, will seek to ensure further consumer protections and assurance that the bourbon we get here in Nebraska is high quality bourbon. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Brandt, you're recognized to speak.

BRANDT: Thank you, Mr. President. So now we have a bill that has vaping, bourbon and gambling. Does it get any better than that? Thank you, General Affairs. So my part of this bill was LB1000. And it's about three lines. And it says, and this is in the lottery bill, the division and any lottery contractor shall not publicly disclose the identity of any person awarded a prize of \$250,000 or more, except upon written authorization of such person. What that means is Nebraska would join 23 other states where you can elect to be anonymous if you win a lottery prize over \$250,000. And the reason I was compelled to bring this bill is all the stories and articles about lottery winners struggling financially and mentally, a few years after winning big. A major factor in these stories is the amount of harassment winners receive from immediate family and friends, to new found fourth cousins and local charities or organizations. The harassment pressure to give becomes so large that many move out of state to get away from it. I don't think this bill will solve all of these issues, but I do believe

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the ability to remain anonymous to the public will allow winners to hold on to a sense of normalcy and not leave the good life. Nebraska should be a place lottery winners move to to spend their newfound wealth. Thank you, Mr. President.

KELLY: Thank you, Senator Brandt. Seeing no one else in the queue, Senator Lowe, you're recognized and waive closing on AM2640. Members, the question is the adoption of AM2640. All those in favor vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: The amendment is adopted. Senator Wayne, you're recognized to speak.

WAYNE: Will Senator Cavanaugh, John Cavanaugh, yield to a question?

KELLY: Senator John Cavanaugh, will you yield to a question?

J. CAVANAUGH: Yes.

WAYNE: I just want to make sure, is Senator Lowe a co-sponsor of this bill? Because I have not voted for a Lowe bill since I've been down here.

J. CAVANAUGH: I don't believe that Senator Lowe did co-sponsor this bill. I don't think we had any co-sponsors on [INAUDIBLE].

WAYNE: OK, I'll vote for it, I appreciate it. Thank you.

KELLY: Thank you, Senator Wayne. Seeing no one else in the queue, members, the question is the advancement of LB1204 to E&R Initial. All those in favor, vote aye; all those opposed, vote nay. Record. Mr. Clerk.

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

KELLY: The bill advances. Items for the record. Mr. Clerk.

CLERK: Mr. President, motions would be printed. Senator Machaela Cavanaugh to LB137, Senator John Cavanaugh to LB399. New A bill, LB1035A from Senator Hughes. This is a bill for, for an act relating to appropriations; to appropriate funds to aid in carrying out the provisions of LB1035. That will be placed directly on General File. Additionally, LB856A, introduced by Senator Fredrickson. It's a bill

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for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB856. It will be placed directly on General File. LB857A, introduced by Senator Dungan. It's a bill for an act relating to appropriations; to appropriate funds to aid in carrying out the provisions of LB857. That will also be placed directly on General File. Name adds. Senator Hunt to LB145, Senator Conrad to LB145, Senator Vargas, Senator Conrad to LB196, Senator Conrad to LB138, Senator Hunt-- excuse me, Senator Conrad to LB318, Senator Hunt to LB318, Senator Conrad and Hunt to LB319, Senator Hunt to LB382, Senator Conrad to LB383, Senator Conrad to LB447, Senator Jacobson to LB606, Conrad and Hunt to LB627, Con-- Conrad to LB776, Hunt to LB776, Hunt and Conrad to LB779, Aguilar and Lippincott to LB869, Senator Conrad to LB882, Senator Sanders and Day to LB937, Senator Blood to LB991, Senator Conrad to LB1025, Senator Blood to LB1025, Senator Dover to LB1114, Senator Conrad to LB1182, and Senator Blood to LB1184. Finally, Mr. President, a priority motion. Senator Wishart would move to adjourn the body until Tuesday, March 5th at 9:00 am.

KELLY: Members, you've heard the motion to adjourn. All those in favor say aye. Those opposed say nay. The Legislature's adjourned for the day.