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Floor Debate
March 14, 2019

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WILLIAMS: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the forty-first day of the One Hundred Sixth Legislative Session. Our chaplain for today is Pastor Joe Laughlin from the Victory Church in Omaha, from Senator Clements' district. Please rise.

PASTOR LAUGHLIN: (Prayer offered.)

WILLIAMS: Thank you, Pastor Laughlin. I call to order the forty-first day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: Mr. President, an announcement that the Banking Committee will hold an Executive Session in Room 2022 at 9:30. In addition to that, a heavy unanimous consent request from the Business and Labor Committee to conduct their hearings in the Warner Chamber instead of Room 1003 on March 18 at 1:30, and on March 25 at 1:30.

WILLIAMS: No objection. So ruled.

ASSISTANT CLERK: That's all I have, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. We'll now recognize Speaker Scheer.

SCHEER: Thank you, Mr. President. First and foremost, colleagues, I just want everyone to keep in their minds and prayers a lot of Nebraska is experiencing terrible weather. We've got blizzards going on in the west, up in my area in northeast Nebraska we have tremendous flooding, plus a blizzard going on. At this point in time they are evacuating about 20-30 percent of Norfolk based on the water problems and they're trying to literally get people to leave their homes in the middle of a blizzard. So it is not under normal circumstances at all, and as we are in this room dry,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

warm, and comfortable, please keep in mind the rest of the state that is having difficulty in their daily surroundings in their life. The ranchers out west that are having calves and extreme temperature changes and the efforts that they're going through as well, so please be mindful of the rest of the state as we deliberate this morning. That's a personal note. On a note from myself as Speaker, I just wanted to remind everybody again one last time, today is the final day to submit a Speaker priority request. Those requests must be in my office no later than adjournment today. So this is your final warning in relationship to a Speaker priority. Thank you, Mr. President.

WILLIAMS: Thank you, Speaker Scheer. (Visitors introduced.) Mr. Clerk, we will now proceed to the first item on the agenda.

ASSISTANT CLERK: Mr. President, the first item this morning is a confirmation report from the Judiciary Committee on three appointments to the Crime Victim's Reparations Committee.

WILLIAMS: Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President, and colleagues. I have actually three appointments. We will have one vote on three appointments, and they are all for the Crime Victim's Reparations Board. The first is Thomas Parker. He's a reappointment to the Crime Victim's Reparations Committee to serve a term from July 17, 2018, until July 16, 2022. He's served as a representative of the Crime Commission on the committee. Mr. Parker is from Gering. He's retired after a 37-year career in law enforcement with the Nebraska State Patrol. He was unable to attend the hearing in person but did submit a letter on his own behalf to the Judiciary Committee. The committee voted to advance his confirmation without any dissenting votes. The second nominee or appointee is Michelle Schindler. She is also a reappointment to the Crime Victim's Reparations Committee to serve a term from July 17, 2018, to July 16, 2022. She served as a representative from the Crime Commission on the committee. Ms. Schindler is from Lincoln and is currently director of Lancaster County Youth Services. She appeared before the Judiciary Committee at a March 1 hearing, and the committee voted to advance her confirmation without any dissenting votes. And finally, the third appointee is Shawn Eatherton. This is a new appointment to the Crime Victim's Reparations Committee to serve a term from April 19, 2018, until July 16, 2020. He served as a representative from the Crime Commission on the committee. Mr. Eatherton is from Kearney and he is currently the Buffalo County Attorney. He appeared before the Judiciary Committee at the March 1 hearing, and the committee voted to advance his confirmation without any dissenting votes. And with that, I would appreciate your vote in support of their confirmation. Thank you.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

WILLIAMS: Thank you, Senator Lathrop. Is there any discussion on the nominations? Seeing none, the question is the acceptance of the confirmation reports offered by the Judiciary Committee. All those in favor vote aye; all opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the report.

WILLIAMS: The report is adopted. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, the first bill for consideration this morning, LB411 introduced by Senator Scheer. (Read title.) This bill was introduced on January 18, referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments attached.

WILLIAMS: Speaker Scheer, you're welcome and recognized to open on LB411.

SCHEER: Thank you, Mr. President. Good morning, colleagues. This morning I'm introducing LB411 for your consideration. LB411 makes a simple change to the statute regarding the size of county boards. Currently, in order for a county to move from three to five commissioners, a citizen petition must be signed by 5 percent of the registered voters, which would be submitted to the county clerk or election commissioners and when verified would be placed on the ballot for general election. Citizen petitions can be cumbersome, costly endeavors, and especially in some of the rural counties. The thought process of LB411 is that the county commissioners are generally the individuals who are the most adamant about supporting the change from three to five if it were necessary. This bill gives the county commissioners the ability to initiate the process. LB411 simply adds another option. Under this option the county commissioners would be given the option to vote to place the question on the ballot rather than to move from three to five. The question would still have to be approved by the voters on the next general election. The bill was unanimously brought out of the Government, Military and Veterans Affairs Committee. An amendment was added, which I believe Chairman Brewer will provide for you. I would ask your consideration or approval of LB411 and the addition of the committee amendment. And with that, I will yield the remainder of my time to Chairman Brewer. Thank you.

WILLIAMS: Senator Brewer, you're yielded 8:35.

BREWER: Thank you, Mr. President, and good morning, colleagues. LB411 with the committee amendment and that amendment, AM514, combines seven bills on elections. This bill is a Government Committee priority bill. In addition to the Speaker's LB411, the committee package

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

includes the following six bills. First, is LB101 by Senator Wayne, and that's related to conflicts of interest; LB246, which is the Secretary of State's election law cleanup bill; LB280 which increases the maximum fine for violations of campaign laws; LB342, which is Senator La Grone's, and that's adjusting the MUD election process; LB608, and that is Senator La Grone's, and that cleans up confused language on how votes are counted; LB618, and that is Senator Hilgers, and that attempts to fix our law on electioneering at the polling places in light of recent Supreme Court decisions. To be more effective with our time here on the floor, we have packaged the election bills together into one priority package. However, we did advance all of these bills on their own. We did this so that we can take a look at any committee statements on each of the bill so that they're individually addressed. If you do have questions on the bills, we'll have the individual senator that has sponsored the bill address them. Wayne Bena from the Deputy Secretary of State for elections will be on this side of the glass, will be available to answer any technical questions on the Secretary of State's elections bill, and my legal counsel will also be just off the floor here and available with all the amendment parts. If you have any specific questions on the pieces of package we'll have the-- again the introducer available, and I understand that Senator La Grone has an amendment, and this amendment language is being considered a friendly amendment to help make the bill better. And with that said, I would ask you to adopt Senator La Grone's amendment, adopt the committee amendment, AM514, and to vote green on the Speaker's bill, LB411. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brewer. Mr. Clerk, there is an amendment to the committee amendment.

ASSISTANT CLERK: Mr. President, Senator La Grone would offer AM647 to the committee amendments.

WILLIAMS: Senator La Grone, you're recognized to open on your amendment to the committee amendment.

LA GRONE: Thank you, Mr. President, and I'll talk about the amendment to the committee amendments and then once we get into the actual committee amendments, I'll turn my light back on and talk about my bills that are in there. But when the committee amendment was being drafted, there were just two cleanup provisions that were in the original bills that were missed when the whole thing was being put together. That's what this amendment puts back in. So I'm just going to outline those briefly and why they're needed. This amendment to the committee amendment does two things. First, it would change the obligation of the Secretary of State's Office to provide camera-ready copies of a petition from the information filed by the sponsor from within five days after the receipt of the review to within five business days after the receipt of the review. It simply adds business days. This is a cleanup change that was made in other parts

Floor Debate
March 14, 2019

of the bill. We just simply missed this one when we were drafting that, so just puts that back in with the rest of it. And this makes it a lot easier for our-- for people to be aware of exactly what the time constraint is of what days it includes and what days it does not. By switching to five business days rather than five days, the Secretary of State's Office will have all the working time they need regardless of when the petition is turned in. Of course, the word "within" is left in language. If the Secretary of State's Office does not need the full five business days and then they're still authorized to provide the camera-ready copies of the petition earlier. Second, it makes a small change-- there was a lawsuit regarding some language that was in the committee amendment back in 2011 that was found to be unconstitutional. This was again a cleanup provision. Essentially it dealt with the residency requirement for petition-- circulating petition signatures in *Bernbeck v. Gale*, a 2011 *Bernbeck v. Gale* case. There used to be a residency restriction, technically it's still in the statute, that you had to be a resident of the area for which you-- circulating a petition. This simply takes that out since it was found unconstitutional. With that, I would urge your adoption of AM647. Again, it's just a couple cleanup pieces to the committee amendment. Thank you, Mr. President.

WILLIAMS: Thank you, Senator La Grone. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, to show the regard that I have for the Speaker and for Senator Brewer, I'm going to have to give favorable consideration to this bill. And for those who brought bills to attach, I want to use an analogy. If I was presented something with something that was supported by Jesse James and Frank James, the Dalton brothers, and Billy the Kid, and they said that all of a sudden they had a come to Jesus meeting and they want to atone for their sins, so they want to do something good, I'd be very skeptical, and I would say while we've got a chance to round up all of these cutthroats, let's do it. And as I'm getting my group together, here comes Sheriff Matt Dillon, Gunsmoke, Ben Cartwright from *Bonanza*, who say, Ernie, they really mean it. We support what Billy the Kid, Jesse James, the Dalton brothers and whoever else you may have named, we believe in second chances. We believe in redemption, and we're going to give them a chance. So because Senator Brewer and the Speaker are supporting this conglomeration, I'm not going to oppose it, and I will vote in favor of it. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Brewer, you're recognized.

BREWER: Thank you, Mr. President. I must assume that since I ride a mule, I will be Festus. As a follow-up on my announcement on LB280, there was already questions on that. LB280 is a request to increase the fine if you have a violation with the financial disclosure office, Accountability and Disclosure Office, and it would move that fine from 2,000 up to 5,000. And again that has not been updated in a number of years, and that was what caused LB280 to be

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

necessary. And again, I would ask that you adopt Senator La Grone's amendment, the committee amendment, AM514, and vote green on the Speaker's LB411. Thank you.

SCHEER: Thank you, Senator Brewer. Senator Wayne, you're recognized.

WAYNE: Thank you. Good morning, colleagues. I have a part of this amendment, LB101, and it deals particularly with the school boards and those who are members of associations. There's often an actual conflict based off of our current statute where if you are a part of a association and you vote on something like dues, there's a conflict because you have a business association but you're only there because you're elected. So it creates a natural conflict just for the fact that if you're on the school board, and you want to participate in the school board association, there will be one or two votes a year that are a conflict because you're voting on the association and your school board to pay dues to be a part of that association. So just remove that conflict when it is a result of you being elected and there's actually still no personal interest, no financial interest, but just to remove that conflict allows you to vote on the school board to pay the dues to be a part of the association in which you serve on. I'm here to answer any questions if you have any questions regarding that.

SCHEER: Thank you, Senator Wayne. Seeing no one in the queue, Senator La Grone, you're welcome to close on AM647. He waives closing. The question before us is adoption of AM647. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 36 ayes, 0 nays on adoption of the amendment to the committee amendments.

SCHEER: AM647 is adopted. Going back to discussion on AM514. Senator La Grone.

LA GRONE: Thank you, Mr. President. I just wanted to briefly speak about a couple bills that I had in there. One just real quick. It changes where the MUD office have to file for their elections. Essentially, previously, that was an at-large election a few years back. That was changed to district-based election. So what that one does, it's a pretty simple cleanup. It just says since it's in multiple counties, like any other multiple county office, they file with the Secretary of State. But the one I really did want to draw attention to because there are a lot of people in this body who worked very hard on aspect of this over the last few years, and I want to thank them for that work, is LB608. And so just briefly what LB608 does, is it eliminates outdated provisions and election technology regarding electronic voting since we all know how unsecure that is and how we shouldn't be doing it. So it eliminates those provisions. Second, it implements the remaining structural recommendations of 2016 Special Committee on Election Technology.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

And finally, it allows for local election authorities to change their ballot counting method, which is also a recommendation of the Special Committee on Election Technology. And what that does is it authorizes counties to go to precinct-based systems if they want to. But I want to thank two people here today, and that's Senator Adam Morfeld and Senator Matt Hansen. So where this came from is back in, I believe, 2016, Senator Matt Hansen introduced a bill that created a Special Committee on Election Technology. Senator Morfeld served as the Vice Chair of that committee, then Senator Murante was the Chair of that committee, and I had the opportunity to serve as legal counsel of that committee. Over the past few years, we put in most of the recommendations of that committee, and this is the last remaining piece, and that's really to modernize their elections to make sure they are more secure. We previously allowed for-- we created a fund for the updating of our technology. We authorized electronic poll votes last year, and this finally puts in the last recommended piece which is to allow counties to use the counting method that makes the most sense for them. So I'd really like to thank Senator Matt Hansen and Senator Adam Morfeld for their hard work on this as well. And with that, I would urge your adoption of AM514 and advancement of LB411. Thank you, Mr. President.

SCHEER: Thank you, Senator La Grone. Senator Vargas, you're recognized.

VARGAS: Thank you very much. I just had a few questions, assuming this is going to be pretty easy, but just for my own understanding. We didn't get to talk-- I was trying to catch you right before the last amendment. So would Senator La Grone yield to a few questions?

SCHEER: Senator La Grone, would you please yield?

LA GRONE: Absolutely.

VARGAS: Okay, good. Page 17, and I'm trying to make sure, lines 13-18.

LA GRONE: Let me find it real quick.

VARGAS: No, it's okay, and I'm going to read it because I just want to-- this is also good education for the members. The Secretary of State--

LA GRONE: You said lines 17 and 18, correct?

VARGAS: Yes. It's on 13 to 18, and I'll read lines 16 to 18. So it says, the Secretary of State election commissioner or county-- includes new language, or county clerk shall withhold from any list of registered voters distributed pursuant to subsection (2) of this section any information

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

in the voter registration records which is designated as confidential under the section or marked private on the voter registration application of voter registration record. Can you tell me what this looks like on the voter registration application, what they can mark as potentially private information from the voter registration record?

LA GRONE: Right, so I would have to look at the specific record again to see exactly where that option exists, but I can tell you where it came from and then we can go through the specific pieces. So if you remember previously when President Trump set up his commission on election security that dealt with a bunch, there was a lot of concern about the access to our voter registration rolls. This is-- when the Secretary of State's Office started getting a lot of requests because of that to have information withheld, they realized that their provision on withholding that information was actually outdated. So, number one, technically they weren't clear that they had the authority to even distribute it because the language was written back when the list was a physical list held by each election commissioner, so we needed to update that provision. And then it wasn't listed exactly in there what was required actually in that information. So that's what this part does is it goes through and lists out exactly what's in there and makes sure you can withhold it as private in certain circumstances. I would need to look at an actual registration form to see exactly which provisions that applied to.

VARGAS: Okay, and the main reason, I just flagged it for me because the part on designated as confidential under Section 32-331 made sense because we're referencing some existing statute, but the "or" provides some more autonomy to whatever is on the voter registration application. So honestly my main concern was if something internally in our voter registration application changed and what somebody can mark private or not, that means that we would-- that would be confidential and wouldn't be able to be distributed anymore. Is my understanding of that correct?

LA GRONE: Yes, and I just got an answer to your question about which provisions on the voter registration application can be withheld and it's only e-mail and phone number besides the ones that are listed in the cross-reference statute that you mentioned.

VARGAS: So is e-mail and phone now on the privacy, is that sort of like an opt in, opt out? How is that done?

LA GRONE: So essentially this has been on our-- my understanding is this has been on our voter registration form for a while, and you would have to request that your information be withheld. And I believe-- I could be wrong on this, but I believe that structure comes from the federal HAVA. I believe when we updated that in 2002, there's some provisions that dealt with that. I could be wrong on that. My memory might be fuzzy, that might have been a state change around the same time, but I thought that's where it came from.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

VARGAS: So people have to physically opt out of this privacy recommendation?

LA GRONE: Senator Vargas, I see where you're going with this.

VARGAS: No, I'm really not. I'm really trying to--

LA GRONE: Yes, they have to opt out on that.

VARGAS: Yeah, okay.

SCHEER: One minute.

VARGAS: And is this-- so you're saying this is with HAVA, and I'll have to double-check, and I can do that, but is this a standard that is happening across other states to provide this opt out, sort of opt out provision for this additional information?

LA GRONE: If it is a federal requirement, again, I might be just remembering that, that is a possibility, but if it is, then it would be among other states, yes.

VARGAS: And if it was a federal requirement, we wouldn't necessarily have to put this in statute because it already is a reg and we'd need to follow it, correct?

LA GRONE: Not necessarily. So generally how the federal rules work in relation to voting, and again, I might be misremembering these ones, how they would probably work if that is where they come from, is the federal government will say a state has to have some provision for X, or a state has to have some provision for Y, and it's up to the state to actually then implement that. So we would need something on our books that met the federal standard, but was our way of accomplishing that.

SCHEER: Time, Senators.

VARGAS: Okay, thank you.

SCHEER: Thank you, Senator Vargas and Senator La Grone. Senator Crawford, you're recognized.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

CRAWFORD: Thank you, Mr. President, and I wondered if I could ask a question to Senator La Grone, please.

SCHEER: Senator La Grone, would you please yield?

LA GRONE: Absolutely.

CRAWFORD: Thank you. And I didn't catch my light in time to ask you this question before we voted on the last amendment, but before we vote on it again I just wanted to ask a question about the change that was in the last amendment that is on page 38 that strikes new language. If I read it correctly it's in a section about recall petitions and the new language that was added previously was requiring that the petition be filed by someone who resides in the district of the official who's recall is sought.

LA GRONE: Correct.

CRAWFORD: And your amendment took that language out.

LA GRONE: Correct.

CRAWFORD: And I was wondering if you could explain what's the justification for taking that language out.

LA GRONE: Right. So that language actually previously had been in the statute and been taken out previously. And that was because of the case in 2011 of Bernbeck v. Gale. And in that case-- this was a district court decision from the District of Nebraska, a Judge Bataillon decision. Essentially-- I'll paraphrase for you because I'm on your time, but essentially you can't mandate they be a resident of the district they're filing the petition for.

CRAWFORD: So that was a court case that specifically said for a recall it, you can't require somebody to be in that district?

LA GRONE: So, I'll try to read it to you real quick so I'm more specific and I was paraphrasing. I'll just flip to the holding and hopefully that answers the question so that can be faster. I can get in more to the meat, if you'd like.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

CRAWFORD: I'll pick up a copy of that after we're on the mike, but if you have something you want to put on the record.

LA GRONE: Yeah, so I'll just read the whole thing real quick. Let me flip to the page. The requirement of the chief sponsor of a local petition be a resident of the municipal subdivision to be affected by the initiative proposal found in Nebraska statute 18-2515 to violate the plaintiff's constitutional rights, the state of Nebraska is enjoined from enforcing this provision.

CRAWFORD: All right. Thank you, I appreciate that. I'll yield the rest of my time to Senator Vargas.

SCHEER: Senator Vargas, 2:40.

VARGAS: So I want to pick back up off on this, or marked private on our voter registration application, our voter registration record. And quite honestly it wasn't my intention about the opt out. That was just serendipitous, quite honestly. It does beg a question though if there's an opt out provision on voter registration and the Secretary of State is supportive of that, that's a good trend. But I just want to get a little bit more clarity on this because, again, the way I read it is that if there's something that's already designated confidential in the section is there a need, and so you-- most of this are things that we need to update for you reference court cases or for redundancies--

SCHEER: Senator Vargas, are you asking Senator La Grone to yield?

VARGAS: Oh, I'm sorry. Will you yield to a question, Senator La Grone?

LA GRONE: Yes, yes, I will, and I'm going to try to pull up the cross-reference statutes so I can answer your question fully and if I don't get to it, I'll click my light on so that I can answer it for you.

VARGAS: Okay. So is there a need to include the, or marked private on the voter registration application of voter registration if Section 32-331 already allows for that?

LA GRONE: So I haven't looked at that specific section in a while. I know the Secretary of State felt there was a need. I'm trying to pull up the cross-reference section to try to jog my memory on why. So I'm going to try to do that real quickly for you, and again, if I can't on your time, I will flip my light on so that you can use that to get your question answered.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

VARGAS: Yeah. And for the body my-- my main concern is that I think everything else that I reviewed makes complete sense in terms of updating things for statutes--

SCHEER: One minute.

VARGAS: --or updating things for redundancies. This is the one that just kind of stood out for me as, are we providing a little bit more autonomy to the Secretary of State that is not something that came up either in some court decision or was something that, you know, was deemed as an impediment or some sort of barrier for them to be able to do their job. And I'm not sure. I don't want to do something-- some unintended consequences where we are now giving the Secretary of State the ability to then put additional information on their voter registration application that could potentially be marked private and then making it a little bit more difficult for some level, you know, public information to be available. And I don't-- not saying that's needed or not. I just want to assess some of the unintended consequences of adding that, or piece to this. And I know I'm giving a little more time I said. Senator La Grone, I don't know if you have any updates.

LA GRONE: So it does jog my memory a little, and I want to go get some more information to get you a more full answer because I think there was a deeper thing here.

SCHEER: Time, Senators. Thank you, Senator Crawford, Vargas and La Grone. Senator Vargas, you're recognized.

VARGAS: Thank you very much. Would Senator La Grone, continue to yield to this ongoing question?

SCHEER: Senator La Grone, will you continue to yield?

LA GRONE: Absolutely. So real quickly on this provision I just pulled up the statute and it does specifically mention the phone number and the e-mail-- the address. But if I'm remembering my conversation with the Secretary of State, so this bill originally came last year. It just didn't get done. And so that's why I'm trying to remember since it was actually a conversation from two years ago, but essentially there was some concern from voters that their information would be given to the federal government and the Secretary of State wanted a mechanism to ensure that that could be held private. I want to confirm exactly how that operated because I don't want to misspeak on it. And I'll get you that information in short order.

VARGAS: I'd appreciate that, because if it was, then my hope is that we could amend the existing Section 32-331 rather than provide some-- a little bit more autonomy than what is sort of

Floor Debate
March 14, 2019

written in here. So at one point there were some constituents of mine even flagged this. There are some states that allow people to then opt out certain information, and they have different mechanisms for doing that. And some places actually make this a revenue stream where they say you can opt out this information if you want to pay like a specific type of fee. I actually remember a constituent of mine say that because they wanted to then have more of their information private including e-mail, phone, and some other pieces of information. But I just want to make sure we're not providing some undue circumstances regarding some of the information that we would be able to then have marked private or not. However, if we hear back that this is something that the federal government, or is a standard that's happening across other states that's needed, then I'll be more pacified. So it seems like you've got some more answers.

LA GRONE: I do. I have a more full answer. I'm having my staff grab a voter registration form so I can walk through that and show you exactly what we're talking about and they'll get you a copy as well. But just generally so the-- some of the requirements for some sort of privacy do, there is a federal requirement for that, but this specific one, the reason this is all going in there this has already been an internal policy of Secretary of State's Office. This gets back the Trump Commission on Election Integrity. They wanted something in one place where they could point to and say, this is how you keep your information private if you would like to, so that voters knew that their information would not be given to the federal government if there was another Commission on Election Integrity if they did not want it to be given to the government. Now, I'm having a voter registration form brought up so that we can walk through and see exactly what that information is.

VARGAS: Okay. Well, I have a voter registration card, so one of the questions I have is-- no I just got. This guy has a whole bunch of them inside of his desk. Thank you, Senator Morfeld.

LA GRONE: Senator Morfeld, would you like getting me one too? I would appreciate that.
[LAUGHTER]

VARGAS: Have one in the inside pocket as well. So if the Secretary of State changes part of our registration application to include more things that can potentially be opt out more information. Would that be allowable under this change?

LA GRONE: I believe you need a specific change. Hold on just a second. Thank you. So the voter registration form is done through rules-- the specific form is done through rules and regs. So I think there would probably need to be a specific statutory change. I recognize that you might disagree on that, but I can say even if there was not a requirement for a specific statutory change, there would still need to be all the requirements that the Secretary of State is required to go through issuing a new form.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

SCHEER: One minute.

LA GRONE: I can tell you that the voter registration form is highly regulated at the federal level. Obviously, Kansas just had a lawsuit about changing their form and they were told you can't do that because the federal government says this is what the form has to look like. So now looking at the actual form where the information, an important information party affiliation please mark one. If you're looking at-- do you have the form in front of you?

VARGAS: Yep, I do.

LA GRONE: The bottom of that box. Optional to assist in verifying information please provide. This is all optional information, so this is the information it's referring to.

VARGAS: Okay. I appreciate the dialogue. Again, the serendipitous part about this opt out provision, I'm encouraged that the Secretary of State and we're updating some things to make sure that people were using that process. Hopefully at some point we can talk about opt out provisions for voter registration in general so we can get some people on the voter rolls. But I'll talk with you more about this just--

SCHEER: Time, Senators.

VARGAS: --to make sure that my questions are answered in the long run. Thank you very much.

SCHEER: Thank you, Senator La Grone and Senator Vargas. Senator La Grone, you're recognized.

LA GRONE: Thank you, Mr. President. Would Senator Vargas yield to a question?

SCHEER: Senator Vargas, would you please yield?

VARGAS: Yes.

LA GRONE: Senator Vargas, did you have any additional questions you would like to ask me on this bill?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

VARGAS: I will likely have additional questions, we could do this off the mike and potentially between General and Select, but I appreciate you engaging in the conversation, and I'll learn a little bit more.

LA GRONE: Thank you, Senator Vargas. Thank you, Mr. President.

SCHEER: Thank you, Senator Vargas and Senator La Grone. Seeing no one else wishing to speak, Senator Brewer, you're welcome to close on AM514.

BREWER: Again, I'd just ask you to adopt Senator La Grone's amendment-- oh, take that back. We've already done that. Adopt committee amendment AM514 and vote green on LB411.

SCHEER: Thank you, Senator Brewer. The question before us is adoption of AM514. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of committee amendments.

SCHEER: AM514 is adopted. Seeing no one left in the queue, Senator Scheer is welcomed to close on LB411. He waives closing. The question before us is advancement of LB411. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 37 ayes, 0 nays on the advancement of the bill, Mr. President.

SCHEER: LB411 does advance to E&R Initial. Announcements, Mr. Clerk?

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB309 as placed on Final Reading. Senator Hunt designates LB169 as her personal priority bill. Amendment to be printed to LB340 from Senator Lathrop. And the Committee on Business and Labor reports LB345 to General File with committee amendments attached. Committee on Urban Affairs reports LB731 as placed on General File. That's all I have at this time.

SCHEER: Thank you, Mr. Clerk. Mr. Clerk, returning to LB400.

ASSISTANT CLERK: Mr. President, LB400 introduced by Senator Hunt. (Read title.) The bill was introduced on January 17, referred to the Business and Labor Committee, placed on General

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

File with no committee amendments. The bill was considered yesterday. And at that time, Senator Halloran had offered AM578. That item was under consideration yesterday.

SCHEER: Thank you, Mr. Clerk. We will go first to Senator Hunt and then to Senator Halloran. Senator Hunt, could you give us a refresher on LB400, please.

HUNT: Sure. Could I get a gavel? I asked for a gavel, but I think people just heard that and quieted down. Thank you very much, Mr. Speaker, and thank you, colleagues. I just want to refresh everybody on my bill, LB400, to increase the tipped minimum wage in Nebraska for the first time since 1991. Just to refresh you of where we are today with our tipped minimum wage. Right now it's \$2.13 an hour. Nebraska's standard minimum wage is \$9 an hour, so that's a pretty big gap between what we're paying tipped workers, which are typically restaurant workers, people working who are compensated with gratuities. And since the tipped wage last increased in 1991, the minimum wage has gone up seven times. We know that business owners are required to compensate workers up to \$9 an hour if they don't earn that much through their base minimum wage of 2.13 plus their tips, but we also know that noncompliance is rampant and it's really difficult to enforce. Sweeps done by the Department of Labor show that 84 percent of restaurants were in violation of this federal wage law, and employees are often hesitant to report violations due to fear of retaliation from their employers. Ten percent of tipped workers report hourly wages below the full minimum wage of \$9 an hour. By comparison just 4 percent of nontipped workers report hourly wages below the minimum wage. So the discrepancy between wage-law violations occurring for workers who do not work for tips it's only 4 percent, and for workers who do work for tips it's 10 percent. So there's just a chasm between these groups of people that's growing. This is hurting our economy. These people are more likely to be dependent on Medicaid and SNAP and other government benefits. So, by not requiring restaurant owners and business owners to compensate their employees, we're putting that burden not on customers who frequent those restaurants and compensate these employees with tips, we're actually putting it on government and on taxpayers to bring those workers up to a living wage, which most of them aren't able to earn. Restaurant servers, the people who stand to benefit most from this legislation, are three times more likely to live in poverty than the general work force, and two times more likely to be on SNAP or Medicaid. A study by the Center for American Progress found that increasing the subminimum wage results in a drop in participation in these assistance programs. So we know that this will be a good way to not only support the middle- and working-class but to reduce expenses on government and taxpayers as well. And with that, I'll yield my time to the Chair. Thank you.

SCHEER: Thank you, Senator Hunt. Senator Halloran, would you like to refresh us on AM578.

Floor Debate
March 14, 2019

HALLORAN: Thank you, Mr. Speaker. AM578 was an effort to continue the conversation reducing the tipped credit by 1 cent, and it furthers the conversation, and that's what we're here to do. I would say under present Nebraska law, Nebraska tipped employees must be compensated at least a \$9 minimum wage, and most are compensated much more than the combination of the required minimum tipped wage of \$2.13 plus tips. In those rare occasions when the tipped wage and tipped income do not equal the minimum wage, the employer is required to make up the difference, so tipped employees are guaranteed the same minimum wage as all other employees and usually earn far more. It's been suggested that there's 84 percent are out of compliance. If we can measure that there's 84 percent out of compliance, then we should be able to enforce the law if we know who those people are. That seems to be a figure that is not too quantifiable. If it is quantifiable, let's go after them. That's what the Labor Department should be doing, it's enforceable. It needs to be enforced better if that's the case. The Nebraska Department of Labor Occupational Wage Report produced, May 2018, reports waiters and waitresses average \$12.67 per hour statewide. The average verifiable credit card tip for wait staff is 21 percent. Credit card sales accounts-- we all use credit cards more than we use cash --credit card sales accounts for other 90 percent of total sales. So this provides an accurate representation of the current tipping percentage in a typical full-service restaurant. Lincoln and Omaha full-service restaurants and sports bars report average hourly wages for tipped employees of \$16 per hour, and top earners bringing in over \$25 per hour. The point is often made that the minimum wage, tip wage, has remained static for years while the minimum wage has increased. Two considerations regarding this. The statutory minimum wage has risen significantly on all restaurant employees, earn at least the statutory minimum wage. No restaurant employee earns less than minimum wage and tipped employees earn on average at least 25 percent more than the minimum wage. Most full-service restaurants increase menu prices to 2.5 percent annually to keep up with rising commodity prices. Since tips are a percentage of total tab, then tip income automatically increases with inflation. LB400 would increase hourly pay for tipped employees by 2.37 an hour, resulting in a 10-15 percent hourly raise for some of the most highly-compensated employees in the industry. Given the low profit margin in the industry, this would almost certainly limit options for increasing compensation for other groups of employees equally deserving. This legislation is unnecessary and would result in a significant increase in overhead for an industry famous for low-profit margins. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Halloran. Senator Wishart has introduced FA22. Senator Wishart, would you like to refresh us on your floor amendment?

WISHART: Thank you, Mr. President. Colleagues, I introduced FA22 to see if we could find some level of a commonsense compromise on this legislation. For me, it's really simple. I haven't heard so far anybody argue that we shouldn't have a minimum wage. So if we've already gone down that route and we have decided that we, as a state, want to pay people a certain amount, it makes sense to me then that we increase that amount over time as the cost of living increases. So

Floor Debate
March 14, 2019

with FA22 what I'm looking to do is originally in Senator Hunt's bill, the way it was aligned is if we increased the minimum wage, the tipped minimum wage would also be increased. So with this instead with FA22 what we're doing is we're just setting it at \$4.50, so we're increasing the tipped minimum wage, but it's static and if we ever wanted to increase it again we'd have to go back into statute. So with that I'll yield the rest of my time to Senator Hunt.

WILLIAMS: Thank you, Senator Wishart. Senator Hunt, you're yielded 3:47.

HUNT: Thank you, Mr. President, and thank you, Senator Wishart, for being willing to be a part of the conversation and helping us find a commonsense compromise that does raise wages for workers today, but brings us to a place as a body where we can all come to agreement. We keep hearing that no restaurant worker earns less than \$9 an hour. That's untrue. It would be a true statement to reword that and say it is illegal in Nebraska for restaurant workers to earn less than \$9 an hour. It's untrue to say that that doesn't happen, that's just not true. I want to share some testimony that I received about this bill from everyday people who follow the Legislature and who care about this passing. Somebody said-- people are sharing this all over social media, like people shared on Twitter, on Facebook, on Instagram. And people reply to it and they share their responses with me saying, I never thought something like this would happen in Nebraska, or, oh, my God, I'm so glad that somebody's working on this in Nebraska. And we've worked on this every year trying to get the wages up for these people. And you can hear from their stories that it's something that's needed and important. One woman says, off the top of my head one huge problem with the minimum wage being 2.13 an hour is that I never once make an actual paycheck and I never even made enough in salary to cover my full tax contribution per paycheck. Because of that I owed a huge amount of money in taxes at the end of the year. At the second bar I worked at, the company is based in Iowa so they use Iowa's minimum wage which is 4.35 and it did make a huge impact. Not only did I make an actual paycheck, not typically a large sum but better than the zero amount I was making before, it also covered tax contributions so I wasn't left owing a huge amount of money in taxes. She also said that she has fortunately not had to deal with wage theft which she does know is a big problem. She goes on, but my owners have always been great. I'd be happy to continue not having a paycheck, but the additional money is wonderful for taxes. I've also worked at places making 2.13 an hour where higher-ups were literally stealing cash from our tips. I was able to prove it at one bar I worked at and I was fired soon thereafter. I was also very new to serving and didn't know what was normal so I didn't recognize the red flags. We also have people talking about wage theft in other stories they've shared. I'm writing in support of LB400 because of my own experience with wage theft by a previous employer. When I first started working at this restaurant we were able to take home all of our tips at the end of the night. This included cash and credit card tips. In June, 2017 the owners decided to change the system and started putting all of our tips into one large check that we could pick up every two weeks.

Floor Debate
March 14, 2019

WILLIAMS: One minute.

HUNT: Thank you. This was decided without any discussion and we were told that this would be better for us because it would help us budget and take care of our taxes in the long run. In the service industry this style of tip distribution is highly unheard of and we found that it was inconsistent. There were paychecks when we did not receive pay stubs which made it difficult for us to track our earnings and it consistently pushed the pay date around, sometimes by a week. If we did receive a pay stub, we often found inconsistencies with our recordkeeping with what was on the check. For example, several instances the business found that my hours were not correct but other employees consistently felt that they were not receiving the full amount of gratuities earned. This is an example of wage theft where the amount that you earn is obfuscated and it's just given to you in one lump check instead of being able to take your wages home every night and it is a really unusual practice in the restaurant industry. But the fact is, we know that this happens and so to get on the mike and say, or--

WILLIAMS: Time, Senator.

HUNT: Thank you.

WILLIAMS: Thank you, Senators Wishart and Hunt. (Visitors introduced.) We will now return to debate. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. This issue came up yesterday and I didn't get an opportunity to speak, so I thought I'd weigh in on the issue. I served on the Business and Labor Committee my first two years, so this issue, no surprise to many of us, comes up every year and I was the one that came up with the amendment to moderate the increase when I first served-- in my first two years. So I support LB400. I support the floor amendment, FA22, by Senator Wishart, and I oppose AM578 offered by Senator Halloran. I dispute the contention that an increase in the tip wage is antibusiness. I dispute that contention. Not so. Government is involved in our businesses more than we may realize. Wage and hours, Workers Comp, EEOC, OSHA, EPA, government is involved in our business. So we shouldn't get too concerned that an increase in tip wages will upset the applecart, so to speak. Government in our business is a fact of life and we shouldn't get too distressed about it. I also dispute the contention that a government improvement in wage tips reduces employment. Not so. If the increase is moderate, as this increase is with the amendment, it will not result in a loss of employment. You know, the contention is as wages go up, employment goes down, and it's just not true in moderation. And so I would say that this bill, as amended, is good for business. It's an increase that hasn't increased in 30 years-- 30 years, and it's high time to do that. With those comments, thank you, Mr. President.

Floor Debate
March 14, 2019

WILLIAMS: Thank you, Senator McCollister. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. Fellow Senators, friends all, as you know I did not speak on the first day of this bill, but after hearing the debate I feel it necessary to stand up and say a few words. I do stand in support of the floor amendment. I do not stand in support of Senator Halloran's amendment, and I stand in full support of Senator Hunt's bill. I want to respond to some of the things that have been said because the things that have been said are frankly fake news. I was appalled to hear senators say, frankly, my staff had nicer cars when I went out in the parking lot than I had. Anybody that understands people and families that live paycheck to paycheck and potentially have bad credit, know that they can't go to a bank for a loan. They go to a car lot, usually in a panic because their previous car is broken down. They choose a car, they apply for financing and make payments to that dealership forever. Bad credit loans around 18 percent, finance companies require a newer car because, unfortunately, this is a demographic that often has to default on a loan and they want that car to be worth something so they can get their money back. So we have to be really careful when we stand at this mike and say snarky comments like that because that is an insult. With that, I would ask that Senator Cavanaugh yield to a question.

WILLIAMS: Senator Cavanaugh, would you yield?

CAVANAUGH: Yes.

BLOOD: Senator Cavanaugh, would you say it's true that over 70 percent of all of these tipped workers are women?

CAVANAUGH: I believe that's correct.

BLOOD: What would your-- if you were to define parity, what would the-- how would you define parity?

CAVANAUGH: I didn't know I was going to be giving definitions here.

BLOOD: But you're so good at it.

CAVANAUGH: Parity would be that it's equal to, in a way.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

BLOOD: Okay. So would you think it would be fair if I said that these waitresses are literally feeding America, but when they come back home they can barely feed their families. Would you think that that's a fair statement?

CAVANAUGH: Yes, absolutely.

BLOOD: Because of the lack of parity when it comes to this business segment.

CAVANAUGH: Yes.

BLOOD: Are you aware of the tipping history and it's racial background-- it's racist background?

CAVANAUGH: I would love to hear about it.

BLOOD: Well, one of the reason unions got involved was because many of the newly-freed slaves started working for the railroad and the only way that the railroad would allow them to be paid was through tips. Does that sound like there's parity, does that sound fair?

CAVANAUGH: Sounds like undocumented workers and worker exportation.

BLOOD: Undocumented workers, that's right. And unions, which we also hear frequently on the mike, in a negative fashion, were one of the groups that we can thank because that changed. And why do you think that they stepped forward for the minorities at that time to change that?

CAVANAUGH: Well, unions have a history of advocating for workers and making sure that we are taking care of workers, giving them fair wages and safe working conditions.

BLOOD: But isn't that our job as human beings?

CAVANAUGH: Well, ideally, yes.

BLOOD: So what we're really talking about right now is another issue that pertains to human rights?

CAVANAUGH: I would say it sure does.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

BLOOD: Thank you, Senator Cavanaugh. I always enjoy speaking with you. I think it's really important that we look at what this is really about. That we no longer get on this mike and make snarky comments about the income of these people and how they live. That we really talk about what this is about. This is about parity. Over 70 percent of the tipped workers in the United States are women and--

WILLIAMS: One minute.

BLOOD: --37 percent of that body file sexual harassment charges in restaurants because studies show that in someways many customers feel themselves in a power position and they behave inappropriately. The things that women have to do to put food on the table sometimes is demeaning and it's not what many of us would want to do but it's what they have to do. Let's think about the people. Let's think about who we're truly helping. Let's give them a hand up because they are working hard to provide for their families. Thank you, Mr. Speaker.

WILLIAMS: Thank you, Senator Blood and Senator Cavanaugh. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. Speaker. I would like to ask some of my colleagues questions this morning and I'm looking around to see who is in the room and I wonder if Senator Groene would be willing to yield for a question.

WILLIAMS: Senator Groene, would you yield?

GROENE: Yes.

CAVANAUGH: Thank you, Senator. Do you think that \$12,000 a year is a livable wage?

GROENE: I think the 80 percent of the short-order cooks who are male only making nine bucks is not fair.

CAVANAUGH: Thank you. Would you mind yielding for another question?

GROENE: Yes.

CAVANAUGH: Do you think that it is okay for workers to be sexually harassed in the workplace?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

GROENE: Absolutely not.

CAVANAUGH: Do you think that it's okay for their job to depend on putting up with sexual harassment?

GROENE: I don't think it should happen in any job.

CAVANAUGH: Thank you, Senator.

GROENE: Thank you.

CAVANAUGH: I wonder if perhaps Senator Scheer-- or Stinner would yield for a question?

WILLIAMS: Senator Stinner, would you yield?

STINNER: Yes, I will.

CAVANAUGH: Thank you, Senator Stinner. Do you think that \$12,000 a year is a livable wage?

STINNER: Is a livable wage? No, it's poverty level.

CAVANAUGH: Thank you, Senator. And do you think that it's okay for an employee to be sexually harassed in the workplace?

STINNER: Never.

CAVANAUGH: Do you think that it's okay for their livelihood to be tied to sexual harassment?

STINNER: Never.

CAVANAUGH: Thank you, Senator Stinner. I ask these questions because those of us in the body here, we make \$12,000 a year which is not a livable wage, and when we talk about tipped workers, their salary, assuming they would work 40 hours a week, 52 hours a year, would be just over \$4,000 a year. If we were to put it at the \$9, it would be about \$18,000 a year. I've always been flummoxed by the fact that we have this carve out for tipped worker. It doesn't really make sense to me as to why we would have this carve out for tipped workers, but even more

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

specifically, I don't understand why we think it's okay to tie job performance to whether or not workers, 70 percent of whom are women, can tolerate sexual harassment. In order to get tips, you have to put up with whatever the person sitting at that table is going to dish out to you. And gentlemen, let me tell you, as a previous worker in the tip industry, there is a lot of harassment. There is groping. There are lewd comments. And if you want to take home a decent wage, you're going to put up with it. And we don't put up with it in any other industry, so why would we put up with it in this industry. And with that, I'd yield the remainder of my time to Senator Chambers if he would like it.

WILLIAMS: Thank you, Senator Cavanaugh. Senator Chambers, you're yielded 1:45 and you follow that in the queue.

CHAMBERS: Thank you. Mr. President, members of the Legislature, thank you, Senator Cavanaugh, not only for the time but for what you said, to which most of the men in this Chamber did not listen to. I'd like to ask Senator Halloran a question.

WILLIAMS: Senator Halloran, would you yield?

HALLORAN: Yes, I would.

CHAMBERS: Senator Halloran, are you familiar with the "HuHut" Mongolian Grill?

HALLORAN: No, I'm not. Senator, it's HuHot.

CHAMBERS: HuHot. What is that?

HALLORAN: It's a Mongolian stir-fry restaurant.

CHAMBERS: Who owns it?

HALLORAN: Individual franchisees primarily. It's a franchise.

CHAMBERS: At the very top who is perched?

WILLIAMS: One minute.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

HALLORAN: The franchise was started by my family.

CHAMBERS: And who originated it? You didn't start it, did you?

HALLORAN: No, I did not.

CHAMBERS: Your sister started it, didn't she?

HALLORAN: And proud of it, yes.

CHAMBERS: A woman, and then she took you aboard.

HALLORAN: She asked me to invest in it, yes.

CHAMBERS: She took you aboard. That's all I'll ask. Thank you. And now, he pontificates about being in a business which he did not start. He asked Senator Hunt how many businesses she started and whether they're still operational. It reminds me of a senator who came-- who was here when I came, and since I don't have time on the time remaining now, I'm going to go into that later. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. You are recognized again. Thank you.

CHAMBERS: Thank you. This senator's name was Ramey Whitney and I found out that he was considered a wealthy person. Terry Carpenter was here and Terry Carpenter had all of the senators in fear, and Terry Carpenter and I developed a working relationship. He said, Senator Chambers, do you know how Ramey got his money? I said, no. He said, Ramey married a rich woman. Then the nouveau riche act worse than people born to money. So when Terry Carpenter told me that, here's what I said. There was a man who had no money, he decided he would try to earn some money but he wasn't too bright so he had to operate within the realm where his intelligence allowed him to operate. So he bought a pair of shoe laces for a nickel. Then he sold each pair for a dime. Then the number of shoe laces that he bought with that pot of money, he doubled. And it went on like that for about 6 months, and then he married a rich widow. That's how he got his money. And Ramey Whitney, everybody looked right at Ramey Whitney because that's how Ramey Whitney got his money, but he pontificated on the floor about the people who didn't work. I'm not going to embarrass these farmers here, but I don't want to embarrass myself, so I'd like to see if there's somebody who makes a living farming? They're probably farming now because they're not on the floor. So let me tell-- let me hear-- oh, Senator Hunt, do you know something about farming, you said? Oh, Senator Dorn, I'd like to ask you a question.

Floor Debate
March 14, 2019

WILLIAMS: Senator Dorn, would you yield?

DORN: Yes.

CHAMBERS: Senator Dorn, in the agricultural sector, what is the meaning of price supports?

DORN: Price supports are basically putting a floor under a price of a commodity like corn, for instance. The federal government then puts a floor under it that the price will only go so low.

CHAMBERS: And that's for every farmer who grows corn, correct?

DORN: You have to have the bushels to be able to support that, yes.

CHAMBERS: Right. And it doesn't matter whether that particular farmer is efficient or inefficient, the fact that he or she raises corn, benefits from price supports.

DORN: Correct.

CHAMBERS: Thank you. Now what is the meaning of parity when it comes to agriculture? Senator Dorn, if you would yield. What is the meaning of parity?

DORN: Parity-- I'll give you my view on it. Parity means that basically everything is kind of treated the same.

CHAMBERS: Well, when people talk about parity and price supports, it relates to the problem that the agricultural sector has when the cost of production is greater than what they can gain from the market in selling their products, is that generally correct?

DORN: That's generally correct.

CHAMBERS: Thank you. And for my purposes, here's what it is. Farmers on this floor, people from the rural community who make their money and live off farming get handouts from the government whether they work for it efficiently or inefficiently. They get that money, that handout, and we're talking about not giving people, who have to work under horrendous conditions, should not get a piddling raise per hour.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

WILLIAMS: One minute.

CHAMBERS: The agricultural sector could not exist without these government handouts and we have senators on this floor who are farmers and they get this free money from the government. These senators on this floor and the hypocrites want to deny a piddling increase in the hourly wage for people who work in restaurants primarily in the cities. Then the hypocrites talk about how it hurts small businesses, but they don't worry about the fact that when they put these big subsidies to big businesses to come to Nebraska, small business persons have to pay taxes that go to these companies that are not only the competitors but the ones who run them out of business. You make small business owners support and subsidize these advantages given to the big businesses that they cannot participate in because they're not big enough. That's how hypocritical you all are. You can't be that stupid.

WILLIAMS: Time, Senator.

CHAMBERS: So it has to be hypocritical and a lack of moral compass. Did you say a minute?

WILLIAMS: Time, Senator.

CHAMBERS: Oh, thank you.

WILLIAMS: Thank you, Senator Chambers. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I appreciate the conversation this morning. I do rise in opposition of LB400 and I kind of want to walk through at least a little bit of my understanding with the upside benefit of this and the sort of the means by which we're trying to achieve the stated goals. Because I do think that this is-- there are some layers of depth here and I appreciate very much the conversation and expertise Senator Hunt has brought to the table along with many other proponents of LB400, and I certainly have learned during the course of this debate. When I first looked at this issue a couple years ago, there was a bill that came before the Legislature and I looked at the tipped minimum wage. I did not grow up in the restaurant industry. I didn't know how this precisely worked, so when I first saw-- and if you're watching this at home you may also think --when I first saw the \$2 minimum wage, I thought to myself, holy smokes, how in the world can we have a minimum wage that low. How could we have a \$2 minimum wage and, of course, it's only to tipped workers. And the reason we have it at that level and the reason why it can work is because there's a true up provision. In other words, there's been some discussion on the floor, but the idea is if you receive tips that exceed the minimum wage, effectively exceed the-- not the tipped minimum wage but the \$9 minimum

Floor Debate
March 14, 2019

wage, then that is your compensation and then the system works in the way that you get paid more than the minimum wage. But if you come in under, it's not as if you are left with \$2 for your minimum wage, the employer has the responsibility to true that up. So I see potentially two concerns or two issues or two potential upside of the bill before us that have been articulated. One is to increase-- but if you increase the employer guarantee from \$2 to \$4, you are effectively increasing, or there's a likelihood of an increase in the total compensation. Again, total comp being determined by the employer guaranteed, plus whatever the tips are. Senator Halloran has provided some information suggesting that, or establishing, or putting forward that the actual effective average hourly rate for tipped employees is just a little under \$13 or 12.67. And so if you increase the employer guarantee and the tipped amounts stay constant, that 12.67 theoretically will go up by maybe close to \$2, so \$14, \$15 an hour. Conversely, the other-- and this is probably the primary point that I've heard on the floor which is that there's this idea that the employers are not truing up the dollar amount, that there's wage theft going on. That individuals, ultimately, are not getting the benefit or the bargain under the current law which is to up-- to actually give them at a minimum the minimum wage, then \$9 an hour minimum wage. And I think framing those two potential upsides helps frame, for me at least, the debate here that we have. I think on the first point if what we're doing is increasing the effective minimum wage from 12.67 or so to 14.67 or so, I think that's a different conversation than the one that we've been having on the floor, which is one that really revolves around ensuring that people don't have their wages stolen, are able to make ends meet, provide for their families, etcetera. Really the primary justification that I've heard at least, is this idea that their people are not getting their full-- they're having wage theft and they're not being true up. If that is the justification, it seems to me the means by which we are trying to achieve that end, increasing the guarantee does not solve the underlying problem. That's not to say it wouldn't help to some degree. I certainly would not say that. Senator Hunt and I have had a conversation off the mike on that particular point, but if the goal is to ensure that employers are actually doing what they're supposed to do, seems to me the way to ensure that is by actually strengthening the enforcement mechanisms of the current law through penalties, through greater enforcement, through maybe easing the burden of making those complaints. We've heard a lot about the problems that individuals have in making those complaints. Can we make that easier, can we make that-- relieve that burden and ensure that employers are following the current law and what they're supposed to do under the current law? That seems to be a little bit more directly aimed at the issue, at least that I've heard on the floor, because even if you raise to \$4 an hour and you don't solve that underlying problem--

WILLIAMS: One minute.

HILGERS: Thank you, Mr. President. --you certainly have given some benefit, and maybe on another time at the mike I'll talk about some of the downside, you've given some benefit but you haven't solved the issue of underpayment and that seems to me to be the core of this issue. And if there's a conversation, either off the mike or on the mike, about a mechanism to help strengthen

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

the current law, that's one I certainly would be open to discussing. With that, Mr. President, I'll yield whatever time I have to Senator Halloran.

WILLIAMS: Thank you, Senator. Senator Halloran, you're yielded no time. I'm sorry. (Visitors introduced.) Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. I rise in continued support of LB400 and including the Wishart amendment, FA22. Colleagues, I'd actually like to appreciate that I ended up in the queue right after Senator Hilgers and he and I had a good conversation earlier on the microphone kind of related to some of the issues that he included in his speech, including the issues of wage theft. I do think that's an area in our state, in our state enforcement mechanisms both in terms of the process, and maybe the penalties, and some of the procedures that we can really improve upon. And it's something that's going to be a focus of mine and hopefully the Business and Labor Committee going forward. Just to kind of illustrate one of the things that I will raise the issue on another bill this year and I don't have plans to move that forward this year because I don't have a clear mechanism on how to solve the problem, although I think the problem has been identified. But I want to point out that there's cases today where somebody has a valid wage complaint and they go through the entire process with Department of Labor and prevail and win in an administrative hearing with the Department of Labor. And actually despite winning with the Department of Labor, they don't have a mechanism to collect outside of going on their own back to civil court. And so if we're talking about instances where there's people who are paid hourly, who are paid 2.13 an hour, maybe have a dispute with their employer, maybe didn't get their last paycheck, whatever it is, and they go through the process right now and rightfully prevail with the Department of Labor, at the end they win the right to go file a second court case and pay court fees and go through that whole process again. So when we're talking about people who are often living paycheck to paycheck, we're talking about a very lengthy, extended process. I'm not quite sure what the right fix is at that point, whether or not we're going to give the Department of Labor some more powers, whether or not we're going to give the plaintiff maybe some quicker time lines or what have you, but that's one thing right now we see with actually enforcing some of our wage theft laws is just the process is pretty burdensome especially one-- the person who is, you know, going paycheck to paycheck and having to do a lot of it, you know, pro se on their own while dealing with pretty lengthy and complicated systems and processes that we've set up. With that, I'm still in continued support of LB400 and would yield the remainder of my time to Senator Hunt.

WILLIAMS: Thank you, Senator Matt Hansen. Senator Hunt, you're yielded 2:35.

HUNT: Thank you, Mr. President. Thank you, Senator Hansen for the time. I talked to Senator Halloran off the mike about whether he'd be willing to increase the tipped minimum wage to any

Floor Debate
March 14, 2019

number between 2.13 and 4.50 in order to move this forward and we weren't able to agree to move the wage up even a cent because he believes that if people give good service they will earn at least the standard minimum wage. So, so far in this filibuster to recap, we've learned that Senator Halloran, an owner of a huge restaurant chain, HuHot, sees tipped workers as entrepreneurs or independent contractors who are in control of their earnings because they're rewarded by tips for great service. And if I worked at HuHot, that would be something that I want to know about the person that owns the business that I work at. We've also learned that there are senators who believe that there should be no government regulations on wages at all and businesses ought to pay whatever people are willing to work for. The businesses should pay whatever people are willing to work for. Senator Halloran keeps saying that restaurant workers are among the most highly compensated people in the industry. We've also heard how this will hurt businesses that don't have a lot of customers, businesses that don't have a lot of business, that don't make a lot of revenue, but that's a strange and illogical argument to me because if a restaurant doesn't have any business, it shouldn't matter if the subminimum wage is \$2.13 or \$1 or \$8.50, because they still have to pay more to make that wage up to \$9 an hour. So I'm concerned when I hear, well, our business, a lot of businesses don't have a lot of revenue so how are they--

WILLIAMS: One minute.

HUNT: Thank you, Mr. President. --a lot of businesses don't have a lot of revenue so how are they going to pay for that increased wage. Well, they should be already paying them up to \$9 an hour, so if they're saying they can't do that, then they're telling on themselves that they're out of compliance with labor laws. And it pains me that this bill might not move forward because of the filibuster on the part of some senators who are so out of touch with the reality of working Nebraskans, with people who weren't born into money, who didn't marry into money, who have had to earn a wage at a low wage and they had to pay their taxes out of it and get on a plan for that and be on government benefits, and they're out of touch with the fact that most Nebraskans support raising the tipped minimum wage. This is an example of an economic incentive bill that has zero cost to the state. We sit in here in the body and we talk about bills, we debate bills that cost millions of dollars to the state to support businesses, to create economic incentives. Well, colleagues, this is an economic incentive.

WILLIAMS: Time, Senator. Thank you, Senator Hunt, and you are next in the queue. You're recognized to continue.

HUNT: Thank you, Mr. President. This is an economic incentive. Raising the tipped minimum wage is an economic incentive that will help Nebraska workers and help Nebraska's economy. LGBTQ workplace protection are an economic incentive that cost zero dollars and zero cents to

Floor Debate
March 14, 2019

the state. But instead, we're in here as fiscal conservatives putting through bills that cost millions of dollars to the state when we could just pass something like this and it would be so simple and so supportive of people who need it most. This has absolutely no cost to the state and to taxpayers. Restaurant servers, the group that stands to benefit most from this legislation, are three times more likely to live in poverty. That makes them dependent on government for support. They should be dependent on their workplace and their customers that tip them for support, not on taxpayers, not on government, and that's the result of policy like this when we keep the wage as low as it can legally be when all of our neighboring states have a higher wage than us. In committee we heard testimony from people who went to work in Iowa from Omaha or from Lincoln-- I guess not Lincoln, but who went to work in Iowa and they were finally able to pay their taxes because they were taking home a higher paycheck. And we still have restaurants in Iowa. Restaurants in Iowa haven't gone out of business because they raised the minimum wage. And I would say that if restaurants do go out of business because they aren't able to afford to pay their employees a minimum wage, then maybe they shouldn't be in business. I was asked on the mike about my experience as a business owner. I support raising the minimum wage, and in my business we pay our workers as much as we can afford to pay them. As the owner of the business, I make the least amount of money. I'm the last to get paid because it's important to me that my workers are supported so I can be here in the Legislature doing this work which matters to me so much. I need them at home running the shop so I can be here doing what I'm passionate about, which is fighting for the rights of people who work in the state. I know that there's some interest on the floor in finding a compromise by cracking down on wage theft. I talked to Senator Hilgers about that. I know that Senator Matt Hansen has been talking about that. Some of the opponents to my bill like Senator Hilgers think that the real issue going on is that wage theft piece. That is absolutely an issue going on. I would love to have an interim study on that. I would love to be able to find a legislative solution to make sure that that doesn't keep happening in Nebraska. But I maintain my position, that the cheapest way for Nebraska to support these workers is simply for this body of 49 to agree to increase the subminimum wage for these workers from 2.13 an hour to the very small amount of 4.50 an hour. I'm willing to compromise by removing the part of the bill that ties the subminimum wage to half the standard minimum wage. That's what Senator Wishart's floor amendment does. I think that that's a reasonable compromise and it will let us kick the can for 28 more years if we want to before we raise the wage again. One of the most common comments that I've received from Nebraskans about this bill has been, why only 4.50? Why only increase it to 4.50? We want-- why not \$9 an hour? There's several states that have an equal wage so they don't have a tiered wage, they don't have a subminimum and standard. Everybody earns the same amount and then they earn tips on top of that. And a lot of progressives, a lot of working people, that's what they want to work toward. And I share that goal. I think that is what we should be working toward and that's the most fair way to pay people. But in Nebraska, I wanted to bring a bill that was reasonable, that had a chance of passing, that had some opportunity for compromise in talking off the mike and finding common ground. And it doesn't look like that's what's going to happen here. I've been so

Floor Debate
March 14, 2019

discouraged by what our economic incentives, LGBTQ workplace protection, Medicaid expansion--

WILLIAMS: One minute.

HUNT: Thank you. --regional public transit, increasing the subminimum wage. All of these things are what young people want. All of these things are what people who-- we are trying to attract and retain in Nebraska want. People who graduate from our universities and move out of state to find better jobs where they can be better compensated, or where they won't be fired for who they're married to. These are little things that we can do to support workers in Nebraska. It costs zero dollars and zero cents to the state. I wasn't able to find a compromise with Senator Halloran which is a big disappointment to me and I look forward to keeping the conversation moving. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hunt. Senator Morfeld, you're recognized.

MORFELD: Thank you, Mr. President. Colleagues, I rise in support of Senator Hunt's bill and I just want to make a few different points. I mean, first, I remember when I was campaigning in 2014 for the first time. And when I was going door-to-door, I was often also bringing a minimum wage petition signature board to get that passed on the ballot. And what was interesting to me about that debate statewide on increasing the minimum wage is, there were a bunch of businesses and business owners writing letters to the editor. I think some chambers even came out in opposition to it. I can't remember which ones, so I won't comment on which ones I think it was. But I remember, these business groups and these business owners kept talking about, oh, man, if we raised that minimum wage, I tell you what, people are going to lose jobs, people are going to lose jobs. There's not going to be jobs, businesses are going to have to close. You know what happened after we had raised the minimum wage? People who needed money got more money and businesses did just fine. I didn't see one business close because the minimum wage got increased. And in fact, more people, more directly had more money to invest in those businesses and to invest directly into our economy. So when people get up on the floor and say oh, man, this is just going to destroy restaurants in rural Nebraska, I mean, all of these college kids and all these high school kids in rural Nebraska, or urban Nebraska, they're not going to have any jobs after we do this. That's a bunch of nonsense. They said the same thing a year later, or the session, after we passed the minimum wage, the grocers said the same thing. When they tried to make it so that we could make it so there was a wage lower than a minimum wage for those below the age of 18, which we successfully stopped. They said oh, man, jeez, we're just going to have to close down a bunch of grocery stores and, oh, jeez, there won't be any jobs for young people. You know what happened? Nothing. That didn't happen. So, the whole sky will fall if we increase the minimum wage for certain employees is a bunch of nonsense. It's a bunch

Floor Debate
March 14, 2019

of nonsense because if you go and look at the other states around us that have much higher minimum wage for wait staff, you'll see that the economy is doing just fine. There's plenty of restaurants open. There's plenty of people that can work. There's plenty of positions open and that people are making more money which is good for everyone. In terms of the wage theft and some of those different issues, yeah, I agree, there probably could be more enforcement. We can talk about enforcement. I don't expect anybody who says that there should be more enforcement, but is also opposed to this bill, is going to do anything about actually having more enforcement or introduce a bill or even support that bill. I'll bring it next year and we'll see. Keep a list here. But I always look to, who is best situated to be able to carry out something. And in this case, the employer is best situated if we enact a law that has a baseline minimum wage to be able to make sure that that employee is getting a fair wage. Now, these employees where there is wage theft, quite frankly they're not the best situated person. Why? Because they're a low-income employee for the most part and they've got to go out and find an attorney or go through a legal process that they're unfamiliar with. Whereas, what we can do is we're best situated say, hey, this is the bare minimum that somebody should make and that you should be paying no matter what and providing that. And so I'm glad that Senator Hilgers is in favor of more wage protection. I think that's what he said on the mike here. I think Senator Pansing Brooks has a bill coming up that helps with that. I'll introduce some legislation with him next year. We can cosponsor it together and work on that.

WILLIAMS: One minute.

MORFELD: But the bottom line is that we have a bill before us now that will allow more people to make more fair wages and will inject more money into the economy. And I tell you what, for the past four years I've supported a lot of economic development and incentive bills for business, but I'm going to stop supporting those bills until I start seeing those same chambers of commerce supporting economic incentives and advantages for individuals, not just for the businesses, because I know where that money is going to for that individual. It's going straight to that individual and straight back into our economy, whereas some of these businesses, some, not all, the money goes to Chicago first, or their shareholders in New York or whatever the case may be and then, God, only knows, if it makes it back into the pockets of Nebraska. And I know that there's a lot of other colleagues like me that are starting to feel the same way. So the chambers of commerce should be put on notice that if we're going to support economic incentive packages for businesses, you'd better start supporting ours for individuals. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator McDonnell, you're recognized.

McDONNELL: Thank you, Mr. President. I rise in support of LB400. I rise in support of the compromise from Senator Wishart in FA22. But I also rise in-- in-- in favor of fairness. And I

Floor Debate
March 14, 2019

don't think anybody on this floor is not fair. I truly believe that. I believe we all try to be fair. Let's say we're the employer and we have an employee that is not doing their job. They're scamming the system. They should be terminated. Now let's say we're the employer-- the employee and that employer is not treating us fairly. They're not-- there's no dignity in the workplace. We're being harassed. We're not being paid fairly. That employee should be not in business. I think we can all agree upon that. Now we start talking about pay and we start talking about how much the pay has gone up and-- and minimum wage and we look at-- and sometimes get lost that 90 percent of the tip workers are 20 years of age and older. Let's make sure we're-- we're talking about the right group of people, that we're not talking about just some kids after school filling in for four or five hours at a restaurant. Ninety percent of the people that are tip workers are 20 years of age and older, so they're trying to support themselves and a family. Then we look at, out of those tip workers, two times more likely to live in poverty, three times more likely to be on food stamps. Right now, we-- we have a problem and I think we all recognize that is-- that's not-- it's not fair looking at it as the employer or the employee. And sometimes I think we should step back and make sure if God opened up the sky and said, hey, you're going to be one of the two, I'm just not going to tell you which one you're going to be, I think sometimes that will force us to be a little bit more fair. The next day, yes, you might be the employer or you might be the employee. You might be that tip worker. Now we all have family and friends and neighbors, and some of us have worked for tips. We also have family, friends, and neighbors that are trying to run businesses and they're struggling and they're doing the best they can and they're trying to be fair. Again, back to fairness, in 1991 the minimum wage was \$3.35. Why is minimum wage \$9 now? Because people in this Legislature thought it should be increased because \$3.35 in 1991 compared to today is just not fair. We talked a little about wage protection. And I believe Senator Hilgers. I believe he's 100 percent sincere. I also believe Senator Morfeld is 100 percent sincere talking about wage protection, and I know they will work on that together and I believe we will make improvements there. A meal in 1991, average meal, \$20; 2019, \$37.70. Things have gone up. Cost of living has gone up. Would Senator Hunt yield to a question?

WILLIAMS: Senator Hunt, would you yield?

HUNT: Sure.

McDONNELL: Why are you bringing this bill? Why?

HUNT: What?

McDONNELL: Why are you bringing this bill?

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Transcriber's Office

Floor Debate
March 14, 2019

HUNT: I bring this bill because so many constituents have reached out to me and said that it's important and because, after 28 years, I think that this is an important conversation to have and it should be a priority of this Legislature.

McDONNELL: Would you say it comes back to treating people fairly?

HUNT: I think it's about treating people fairly, yes.

McDONNELL: Thank you. I'll yield the rest of my time to Senator Hunt.

WILLIAMS: Thank you, Senator McDonnell. Senator Hunt, you're yielded one minute.

HUNT: Thank you, Senator McDonnell, for the time. Thank you, Mr. President. It doesn't matter if we are individually good tippers. Lot of people I've talked to in opposition to this bill have said, well, I always tip 25 percent; I'm a great tipper. The fact is that so many people working for these wages sometimes don't even receive tips. One letter we got said: I worked as a server trainer, bartender, and manager for seven years and I lived in constant anxiety if I would be able to pay my bills. It's a terrifying thing to survive one day at a time based on so many arbitrary factors: the number of customers who walk in; how many people are working; are we splitting business between three servers or seven; what they order and what kind of generous mood they're in; and how their sociocultural upbringing influences how or if they tip. At the sushi restaurant I worked at for a little while, the servers had to give the host, bussers, and chefs a mandatory percentage of our tips based on our sales. That means that if we got stiffed by a table, they still got their mandatory percentage of our sushi in total sales so it means it came out of our other tips or out of--

WILLIAMS: Time, Senator.

HUNT: --own pocket if it was a slow [MICROPHONE MALFUNCTION].

WILLIAMS: Thank you, Senator McDonnell and Senator Hunt. Senator Kolowski, you're recognized.

KOLOWSKI: Good morning, Mr. Chairman. Thank you very much. I yield my time to Senator Chambers. And I do support LB400 by Ms. Hunt. Thank you.

WILLIAMS: Senator Chambers, you're yielded 4:45.

Floor Debate
March 14, 2019

CHAMBERS: Thank you, Senator Kolowski. Thank you, Mr. President. Members of the Legislature, I am furious. What you all do make me furious and disgusted. I'm sure when you hypocrites had that preacher praying this morning you did not tell that preacher that that prayer is preparatory to this Legislature voting to deny low-paid workers a chance to get a decent wage. Senator Hilgers is in a law firm. He can guarantee his children a college education right now. He can live-- leave here and pay all the bills that he has and live the life of a man who is prosperous. What he ought to do is reject those expenses that I got for all you hypocrites while you're in session. You don't need it. The taxpayers are giving it to you. Even people like Senator Halloran, whose sister started a business and gave him a job. You don't want me to say it? What do the-- what do these people who are working have to look for when you listen to what you all say? And you know where Senator Hilgers got his information? From Senator Halloran. Senator Halloran, who got a job, thanks to his sister, who started a business that he didn't. Senator Halloran is a graduate of the "Scrooge and Marley School of Economics," whose credo is keep profits up by keeping wages low. He doesn't know about honest work. And if he ever worked, he doesn't have to do it again. And he knows how the farmers in his area are getting free government money. You ever hear him talk about that, sponging off the government, sponging off the taxpayers, and getting this money whether you are efficient or not. One of the rich senators in the Senate who is backing Trump in his so-called trade war with China, and people who raise soybeans and other commodities are hurting. So Trump is going to put a billion or so dollars aside to help those farmers. He doesn't want them to suffer from what he's doing and he wants the farmers to continue supporting him. But it doesn't help all of the farmers. And when it came to the workers who lost money because of the shutdown, no big pot to compensate the workers. And those are the kind of people in this Legislature and legislatures all over the country, but those in surrounding states are at least decent enough to give a living wage. And somebody said, what difference does it make what's being done in surrounding states? That's what you say when to pay attention to them would require you to treat the people in Nebraska better. But when you want to benefit those big shot, rich businessmen, you know what I always hear? This is what is being done for businesses in surrounding states, and if you want to compete you have to give them this money. But you know what they say about the workers. They'll work for whatever you pay them. If they need the job, they'll take whatever you pay them. Abraham Lincoln said about slavery: I would that every man everywhere be free, but if there is to be slavery, I would like it to be tried out, first, on the man who himself wants to be a slave and, secondly, on the man who would make a slave of another. I'd like to see Senator Halloran, Senator Hilgers, and all these other big shots who can take care of their families for one week live off the salary of these who work for chicken feed. Don't talk about how great the work is--

SCHEER: One minute.

CHAMBERS: --being a server. I was at the "Crimson Crab." It calls itself Red Lobster. I always give a tip-- I won't tell you the amount of it-- because I know how hard it is to deal with the

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Floor Debate
March 14, 2019

public. And the woman was so grateful, I said, well, this is just a tip. She said, these people who eat here, they don't tip. That's at the "Crimson Crab." Senator Halloran is going to talk about what happens in his sister's business and use that to extrapolate from and say everybody in all these businesses are making \$13 an hour. And Senator Hilgers, who is a lawyer, accepts it. I'm ashamed of him. I'm shocked by him. And he knows better than to do that, as a lawyer, to take one side of the argument from the one who is benefited by the argument that is given.

SCHEER: Time, Senator.

CHAMBERS: And there is nobody on the other side to countermand it.

SCHEER: Senator, time. Senator, time.

CHAMBERS: I am furious. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers and Senator Kolowski. Senator Quick, you're recognized.

QUICK: Thank you, Mr. President. I call the question.

SCHEER: Senator, there are still 11 in the queue, so I believe we'll continue to speak. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I rise today again opposed to LB400 on the basis of a simple fact that's been repeated over and over again. Employers of tipped workers are already required to make up the difference for their workers if they fail to reach the minimum wage of \$9 per hour under Chapter 48, Section 1203. And for the sake of the record, I am going to read through subsection (2) of 48-1,203 again because this point needs to get made, because it's not getting across in debate today, evidently. Subsection (2): For persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for the services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage provided in subsection (1) of this section. Now just for reference, here is subsection (1): Except as otherwise provided in this section and section 48-1203.01, every employer shall pay each-- to each of his or her employees a minimum wage of-- and the relevant caption here is "(c) Nine dollars per hour on and after January 1, 2016." So in short, if these tipped workers are not making the minimum wage at the end of a pay period, it's up to the employer to make that up.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

And if they're not doing that, they're in violation of Chapter 48, Section 1203. They are breaking the law. That fact has not changed over the last 24 hours of debate and LB400 simply fails to solve this problem. To-- raising the \$2.13 base pay for tipped workers to \$4.50 does not change Section 48-1203. The restaurants impacted by this bill will be those with workers already making over \$9 per hour. Today's debate has meandered about to a few different places, including toxic workplaces with sexual harassment, the fact that more women than men are tipped workers, and wage theft. While we appreciate the struggles of these hardworking men and women, LB400 simply does not address their issues. This bill does not address the fact that some employers aren't making up that difference to get these tipped workers to \$9 per hour. So with that, I stand opposed to LB400 and I'd like to yield the rest of my time to Senator Halloran, if he will take it.

SCHEER: Senator Halloran, 2:00.

HALLORAN: Thank you, Senator Slama. First, I would like to clarify some misstatements on the part of Senator Chambers. My sister and her family did start the franchise, with a lot of risk, a lot of labor, a lot of enjoyment in the process. It's an arduous process to start a franchise. She did not give me a job. She asked my wife and I to invest in the franchise and we did. So if an investment of over \$500,000, which was my hard-earned, our hard-earned money, is being given a job, then I will take anybody willing to give me a job at that rate. So, let's just clarify, she gave me nothing. I'm proud of her. She's employed a lot of people. And I think that's what our state should be about is keeping people employed and growing the population of employed people. Let's talk for a minute about what happens. Senator Slama is absolutely right. Waging the-- raising the tip credit, if we are-- if-- if-- if-- if people are out of compliance now, they'll be out of compliance at whatever level you raise the tip credit to. The issue is, the issue should be enforcing the law and that's what we should be focused on, that's what a bill should be doing right now, is dealing with enforcing the law. If someone is found out of compliance, it's \$1,000 fine for are each offense. And it's also they lose the advantage of a tip credit in the future. Nobody's going to be willing to subject themselves to that kind of fine. But if we're out of compliance, let's enforce the law. This does nothing-- this does nothing for that issue. People out of compliance now [MICROPHONE MALFUNCTION].

SCHEER: Time, Senator. Thank you, Senator Slama and Senator Halloran. An announcement, Mr. Clerk?

ASSISTANT CLERK: Thank you, Mr. President. The Revenue Committee will hold an Executive Session at 11:00 in Room 2022.

SCHEER: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk for a motion.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

ASSISTANT CLERK: Mr. President, priority motion: Senator Chambers would move to recommit the bill.

SCHEER: Senator Chambers, you're welcome to open on your moment-- your amendment.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I had to jump to the head of the line. It's clear that the antiworkers are going to carry this to the point where 33 votes would be necessary to bring it back up. Well, there are going to be other bills that you all want, you better have 33 votes to get it and be willing to give up the time to get it taken off and then brought back on, and then have 33 votes again. You think people can't play that game? You think I don't have the stamina, the determination, the ferocity to do it? When you hurt the people who have nobody here of their number who can speak for them, somebody must. And then when some are so complacent, so smug, so self-righteous because they can take care of their families, they ought to turn back those expenses that they get during session, show what kind of integrity that you have. You accept that. Don't accept it. Put yourself, to the extent you can, in the footsteps of those who you are hurting today. And your Bible says that it's easy for those people whose foot is secure to mock him whose foot is about to slip. You have these prayers for what? I tell you, they go as high as the ceiling and that's all. You pray to a supposed God that you don't believe in, then you do the devil's work the rest of the time in this session. You don't have to pray some of those prayers. There are things we can do as a Legislature. We have the power to do it. We have the obligation to do it. We took an oath or an affirmation to do it that would answer some of those so-called prayers that are being prayed every day. Then you spew something about saluting that flag because this is a country with liberty and justice for all. You won't even talk about economic justice for those people who have to work to get anything, but you have farmers who get handouts from the government even if they are totally inefficient. They guarantee them that handout. A rich Senate member who has a farm said that he's going to put in his money to get some-- his bid to get some of that money out of this pot, and Senator Dorn, either he can confirm it or he can check and find it to be true. Because he said, he himself has a farm and as a farmer he's entitled to get that money that is available for farmers. And you think he needs it? No, but he's greedy and he'll snatch up everything he can and he'll vote for the bills in Congress and support the things the President does that will put money directly into his pockets. Those are things the public doesn't know and they need somebody on this floor where they can hear it. I'll say it and you all won't. Why do I have to be so ferocious in my defense of other people, those who can't help themselves? That's why. They can't help themselves. We don't have a tip worker on this floor. And you won't listen to those who did that kind of work and can give you factual information. Then Senator Halloran wants to stand up and say, well, you're demeaning the entire restaur-- all the restaurateurs. He even puts an N in the middle of it. It's not a restauranteur, it's a restaurateur. It's a French word. But he doesn't speak French. There was a little boy and he was outside of a church, and this American tourist was going by in a carriage and a wedding was going on. And he asked this little boy, who's getting married? The little boy said, "je ne sais pas."

Floor Debate
March 14, 2019

So the tourist was happy and he went on. And then when he came back, there was a funeral being conducted at the church and he asked the little boy, who died and is being buried? The little boy said, "je ne sais pas." So the tourist looked at his cab driver, the carriage driver. He said, poor "je ne sais pas." His marriage did not even last a whole day. He based that on his ignorance of the language in which the little boy was speaking. The little boy told him, "I don't know." I don't know who's married, I don't know who's died. But the one who asked the question went to the wrong source for the information. So you all are listening to Senator Halloran who has a personal stake in all of this. I don't pay attention to him on some of these things because I listen to him on other issues, but he's one of you all. He's one of you all. And there are farmers, they're not on this floor now. Senator Dorn is still here. They're not here to challenge what I say about them getting that free money and accepting it. And I said there are farmers on this floor who are doing it. And if you don't believe it, you want me to get the names? They're not secret. But that's not what my intent is. My intent is to show that those who can so calmly do things that are hurtful to workers, don't have to worry about confronting those circumstances themselves and the life they live directly contradicts what they're talking about and pleading for. You ought to say, because the taxpayers work hard for their money and none of it should go to benefit farmers who don't have to work efficiently in order to get it, no more price supports, no more talk of parity. Let the market determine it. If the market is going to have low commodity prices and you cannot make as much as you spend on production, you can't make that in the market, then let those be in the market who can. The corporations who, because of the benefits of scale and also financial benefits that the individual farmers can't get, let them do the farming, let them take over agriculture. But you want to stay in it so you don't want to apply, let the free market operate. You're going to tell me price supports are a free market? You're not going to be allowed to take in less than a certain amount of money? And you don't even have to show that you are efficiently working to try to keep from falling below that. Raise a certain number of bushels, then just sit back. That's going to happen in a country where they talk about free market? People don't know what those terms mean. The ones who use them don't know what they mean. They're political catchwords. And the very ones who shout the loudest to have these things are the ones who violate them the most. You think I'm against this bill? You think I really mean that motion to be voted on affirmatively? No. I support this bill. I can withdraw that motion whenever I want to. But you all have decided that you're going to talk this bill, the few hours that are allowed. And it's the injustice of the way the Speaker has contrived-- there is no filibuster rule except for those who follow the party line. Anybody who brings a bill that is not popular will have only three hours of discussion, not eight. When the three hours are up on General File, you can't get back on unless you have 33 votes. So we're going to have a lot more bills that are going to require 33 votes, even some bills that ordinarily I wouldn't even pay attention to. I'm going to show you how the game can be played that you all have put in motion. Senator Lowe, if you and I were in the olden days and you insulted me, then I would tell you, you got to pay, choose your weapons. But that's not the way it is now. You've got everything behind you, everybody on your side. And even if I'm willing to fistfight you, they're going to-- your people are going to grab me and hold

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

me and let you punch me out. That's America, that's what I'm talking about, not you. You wouldn't get a chance to do that. You're too old. You wouldn't have a chance against somebody like me. So that's why I'm using you-- you as an example. You know we're not ever going to ever come to that. But here's what I'm trying to get across. If you have all of the cards in your hand, you can sit back. You can leave the floor, as the senators have done here today. You can be a part of a clique, c-l-a-q-u-e, clique, c-l-i-q-u-e, or any other gathering--

SCHEER: One minute.

CHAMBERS: --who have decided that they're going to deny certain bills even a chance to have a vote. So when I begin to subject bills to the Chambers' method, don't come to me then. How much time do I have, Mr. President?

SCHEER: Thirty-five seconds.

CHAMBERS: I'll stick to my word. I said I wasn't going to take this to a vote. So I will withdraw that motion.

SCHEER: With no objection, it's with-- it's withdrawn. Mr. Clerk for a motion.

ASSISTANT CLERK: Mr. President, a priority motion: Senator Hunt would move to bracket LB400 until March 15, 2019.

SCHEER: Senator Hunt, you're welcome to hope on your-- your motion.

HUNT: Thank you, Mr. Speaker. And thank you, colleagues. I made this motion so I could have a chance on the mike to basically close on this bill for all of you. I understand that we don't have 33 votes. I understand that the Speaker wasn't willing to let us take a vote on Senator Wishart's floor amendment, and that concerns me a little bit because I-- I have some concern about my colleagues and all of us being shielded from taking difficult votes on the record. This is what happened with the LGBTQ workplace equality bill. We never took a vote on the record on that. It looks like that's going to happen on this bill, so you're all going to get off scot-free, not having to be accountable to Nebraskans, to your constituents about where you stand on raising the subminimum wage from \$2.13 an hour because a couple people took up so much time filibustering this bill who wouldn't even be affected by this bill. And that's what I believe. I want to thank the 17 other senators who cosponsored this bill, because it was important to me to bring this bill with bipartisan support to tell tipped workers in Nebraska that we believe they deserve a raise. I do believe that most Nebraskans think that people deserve a raise from \$2.13 an hour,

Floor Debate
March 14, 2019

especially when we know that wage theft is rampant, when we know that restaurants are out of compliance at a huge rate, and that so many people aren't actually taking home enough money to even pay their taxes, and it makes them dependent on government benefits just to get by. That's not the good life. That's not-- that's not what we should be fighting for in the body. And this is a simple-- this is a simple bill that would have put Nebraska in line with so many other states that are doing more things to support their workers, and that's very important to me. Workers at the standard minimum wage have gotten seven raises from the Legislature and from voters in Nebraska since 1991, but for some reason we don't believe that people working at \$2.13 an hour deserve the same privilege and right of having a range-- a raise so they can live at a living wage. I want to share another story from a constituent who reached out to us. I'm a server at a fine dining establishment in Omaha. I wanted to write my support for your bill to raise the minimum wage from \$2.13 an hour to \$4.50 an hour. I worked for years in Chicago as a server for the minimum tipped wage of \$4.95 and I never saw a paycheck because of taxes. In Omaha, my experience has been that I owe the government quite a lot of taxes during tax time, because my small hourly wage is not nearly enough to pay the taxes on what I make. My husband, also a server, has experienced the same. Here's a little bit about myself and why I work a tipped server job. I have my B.F.A. from Wichita State University. My husband has a B.A. from Central College in Pella, Iowa. We moved to Omaha to be closer to the nonprofit theater here in Brownville, Nebraska, where we serve as artistic directors. Working a tip job gives us the flexibility to commit time to our nonprofit work building and strengthening the Nebraska arts community. The move to Omaha has been crippling for us financially because primarily of the lower tipped wage. I think tipping is a fantastic system for good service and I will always stand by it, but I do believe tip workers should be paid, minimum, enough to cover their taxes. Colleagues, this bill is going to come back year after year. I'll be happy to carry it again next year and hopefully as a body we can have a change of heart and not give in to intimidation, to bullying, to pressure from lobbyists and industries that have an interest in keeping restaurant owners wealthy and keeping workers in restaurants poor. Does this happen to every restaurant owner? No. Does this happen to every restaurant worker? No. But the parity that we have in our system is out of whack. It's wrong. It's unfair and it's going to hurt Nebraska economically. There's an ongoing and contentious debate about whether minimum wage hikes help or hurt workers, but people who argue-- who-- who present these arguments, I think they sometimes forget that we have two different wages. Most workers are covered by the standard minimum wage, but states have the opportunity to set a higher level for a subminimum wage and I'm disappointed that we're not going to be able to do that. Based on history, there's no reason to think that LB400 would lead to an increase in the unemployment rate, as we heard on the floor, or to customers not tipping at all. History in other states and in our own state as we've raised the rate-- raised the wage has not borne that out. We know that that doesn't happen. What it will lead to if we could pass this bill is a rate of pay for Nebraskans who are working hard to make ends meet to be able to enjoy the good life that we have here in Nebraska. So I wanted to share some final thoughts on this bill before it likely comes off the agenda for 2019. With 40 percent-- 41

Floor Debate
March 14, 2019

percent of Nebraska children growing up in poverty, we really have an urgency to support low-income families. And this is our chance to show that we hear the struggles of these working parents, working people, and that we're looking out for their best interests. This bill would not only have bolstered our work force by increasing take-home pay at zero cost to the state, it would also have long-term impacts on the growth of Nebraska and the restaurant industry in Nebraska. Consumer spending drives 70 percent of Nebraska's economy and increasing demand is key to jump-starting it and maintaining production and hiring. A raise in tipped wages puts money into the hands of low-income consumers who will experience a little more stability in their income and feel more comfortable spending more at local businesses. Colleagues, if the humanitarian impacts of this bill weren't great enough, I think that the economic reasons were enough to move this bill forward. We heard a lot of opponents making the same arguments that we've always heard, that this is antibusiness, that the burden of paying workers a higher wage would put people out of business. The people already earn \$9 an hour, which we know isn't true. These arguments just aren't supported by the numbers. And I hope that as a body in the future we are able to base our votes-- I'd hope as a body we're able to have votes for one thing, but I hope that we can base our votes on research and data and science and information and people's lived experiences, not just ideology, not just what our donors tell us to do, and not just our own selfish, greedy interests in our own lives in our own little bubble. We have the smallest Legislature in the country, and each of us has a lot of power to block something or to move something through, and I regret that this bill has been blocked by a very small minority of people who don't share the beliefs of most Nebraskans. And with that, I'll yield the rest of my time to the Chair. Thank you.

WILLIAMS: Thank you, Senator Hunt. Senator Murman, you're recognized.

MURMAN: Thank you, Mr. Speaker. I'd just like to make a couple of comments. We heard earlier about the price of food going up and the price of meals at restaurants. The price of hamburger went up quite a bit in the last 30 years or so. I'd just like to remind everyone that when the price of the meal goes up, the percent on the tip, amount of the tip, also goes up. And actually the amount, the tips may stay the same, but the amount that the tip is will go up. Also the reason for that price of food going up is because not only the more time, energy, and labor put in by farmers to produce that food, but also transportation and services and other overhead expenses from the restaurant and so forth contribute to that price of the meal. So-- and then also I-- I am old enough to remember when tips were-- were, the regular tip was 10 percent. Now the regular tip, I think, is more like 15 percent or sometimes even 20 percent. So those amounts are definitely going up. And I would like to yield the rest of my time to Senator Halloran.

WILLIAMS: Thank you, Senator Murman. Senator Halloran, you're yielded 3:25.

Floor Debate
March 14, 2019

HALLORAN: Thank you, Senator Murman, for the time. Senator Morfeld says he doesn't know of businesses affected by the minimum wage. Here's a partial list of businesses that closed in 2018 according to the Lincoln Journal Star. Maybe owners of these businesses should be asked if it affected them: Schlotzsky's, Toys "R" Us, Oklahoma Joe's, Sears, Wahoo's Fish Tacos, Yonkers, Hickory Road BBQ, The Gap, Flapjacks American Diner, Mattress Firm, Cowboy Chicken, Beauty Brands, Chocolatier Blue, Rogers Jewelry, Tanners, four Shopko locations, Capriotti's Sandwich Shop, Sparta, Rita's, Greta's Gourmet, Shivers, Misty's South, BW3, Perkins, Five Guys Burger and Fries, Jimmy's Eggs, Nate's Place, HF Crave. Now was it the sole reason they went out of business? Probably not the sole reason they went out of business, but ask these businesses if it contributed to their closing. I did have a brief conversation with Senator Hunt off the microphone and I appreciate her visiting with me about it. She asked me if I was willing to split some kind of compromise between the \$2.13 and \$4.50. And my response was I'd have-- I would have to retract everything I've said on the floor, and I can't do that. I believe everything I said is true. And I did counter with the suggestion that maybe we should outlaw tips. If tips are the issue, if-- if-- if servers and waiters and waitresses aren't being paid enough, then if we outlawed tips they would be guaranteed the minimum wage as a base wage, and competition would drive that where it might drive that.

WILLIAMS: One minute.

HALLORAN: But I can assure you the moment we did that, we would lose half of-- at least half the better servers and-- waiters and servers would-- would quit, because they all understand that tips bring them well above the minimum wage. They would lose that opportunity. It's not one I'm serious about. I would not want to take away from them that opportunity to make well above the minimum wage. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Halloran and Senator Murman. Senator Arch, you're recognized.

ARCH: Thank you. I have been listening very carefully to this debate. I've been in the Chamber most of the morning. And there was one thing that stood out to me that concerned me more than anything else, and that was that there was a report of 80-some percent of-- of noncompliance with the requirement that restaurants make up the difference to bring an employee up to the minimum wage. And I would be the first to admit that I probably don't understand all the factors that go into something like that, but, frankly, that's really concerning. And I heard Senator Hansen address some of the issues with enforcement from the Department of Labor and I would-- I would say that that is something that, in the future, is something that probably should come that we can address, because that is-- that is-- that is absolutely wrong. And if we can address that, if we can enforce a law that is currently on our books right now, far better than

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

introducing a new law. I heard discussions of harassment. I heard discussions of sharing of tips. I've heard discussions of living wage. And again, I, as a freshman senator, I've heard bills that have been brought to the Chamber that that attempt in-- in very well-intentioned ways to address particular issues but probably aren't well targeted to address those issues. So I would simply say that-- that the enforcement of this minimum wage law is a-- is a big concern of mine and I would-- I would welcome in the future more discussion of that issue. Thank you.

WILLIAMS: Thank you, Senator Arch. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. Reaching the appointed time allotment for LB400, we'll move on to LB217, please. Thank you.

WILLIAMS: Thank you, Speaker Scheer. Items for the record, Mr. Clerk?

ASSISTANT CLERK: Thank you, Mr. President. The Appropriations Committee gives notice of committee hearings. The Transportation and Telecommunications Committee reports to General File LB698 and LB719, both having committee amendments. The Education Committee reports to General File LB180 and LB534, some having committee amendments. Amendments to be printed: Senator Dorn to LB524. That's all I have at this time, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Mr. Clerk, we'll proceed to General File, LB217.

ASSISTANT CLERK: LB217, introduced by Senator Pansing Brooks. (Read title.) The bill was read for the first time on January 11 of this year and referred to the Business and Labor Committee. That committee reports the bill to General File with committee amendments.

WILLIAMS: Senator Pansing Brooks, you are recognized to open on LB217.

PANSING BROOKS: Thank you, Mr. President. Members of the body, LB217 is a bill to help close the pay gap between men and women. The bill specifically protects employees who disclose wages. This bill is modeled after the Workplace Advancement Act, a bill Senator Deb Fischer has introduced in the U.S. Senate, and I passed it out to each of you. In-- in fact, most of the language of LB217 is verbatim from Senator Fischer's bill. LB217 is important because women continue to earn considerably less than men for doing the same work. According to the U.S. Census Bureau, American women earn 80 percent of what their male counterparts make for full-time year-round work. The pay disparity is even worse in Nebraska as full-time working Nebraska women earn 77 cents for every dollar earned by men. When the numbers are broken down by race and ethnicity, we see even more pronounced wage gaps. African-American women

Floor Debate
March 14, 2019

from Nebraska earn 65.5 cents on the dollar. Latino women from Nebraska earn 57.5 cents on the dollar. And Native American women from Nebraska earn 44.7 cents on the dollar compared to male counterparts, 44.7 cents to the dollar. While the pay gap has slowly moved in the right direction, it has been far too slow. Projections from the Institute for Women's Policy Research shows Nebraska will not close its wage gap until-- OK, think about it in your minds momentarily. When might Nebraska might close the wage gap? Twenty sixty-six. If the earnings of men and women change at this current rate, 2066, my friends. Women are almost half the work force, and receive more college and graduate degrees than men, yet this wage gap persists today. The Institute for Women's Policy Research also conducted a study on the gender wage gap by occupation. It shows that women nationally earn less than men in both the most common occupations for women and the most common occupations for men. For instance, accountants and auditors are among the most common occupations for women, yet they earn 70.6 percent of what their male counterparts do in these occupations. Women financial managers earn 69.3 percent of what men do. LB217 provides that an employer shall not discharge or in any other manner retaliate against any employee because such employee inquired about, discussed, or disclosed comparative compensation information for the purposes of determining whether the employee is compensating-- whether the employer is compensating any employee in a manner that provides equal pay for equal work. This bill is important because the numbers in lost wages really add up. The National Women's Law Center shows that a woman typically loses \$418,800 over a 40-year career based on the 80 cents on the dollar wage gap, \$418,800. This means a woman has to work an additional 10 years to make what a man makes in 40 years. Clearly, lost wages directly affect the vibrancy of our Nebraska economy. Passing this bill would attract women to our state which would positively affect the number one issue of the State Chamber, work force development. We clearly need more workers, colleagues. These earning differentials hold an especially significant and immediate impact right now for single women with children struggling to get by. A woman working retail earns 70.4 percent of what her male colleagues earn, according to the Institute for Women's Policy Research. When you consider that the cost of a child accounts for a third of the average person's income, according to the Child Care Aware, it's not hard to see how much negative impact these pay differentials have on women struggling to provide for their children. Women cannot wait until 2066. We need to address this problem now. LB217 doesn't purport to fix the pay-- pay gap issue by itself. However, I believe if we get behind this commonsense, bipartisan measure that everyone should-- that we should go-- move ahead in Nebraska. After consulting with the Nebraska Equal Opportunity Commission, we decided they would be the more appropriate oversight agency. So the Business and Labor Committee amended to move this from the Department of Labor to the Nebraska Equal Opportunity Commission. So instead of being under the Wage Collection Act, it is now under the Fair Employment Practice Act. This move also addressed the issue with the fiscal note. Senator Hansen will provide details on that when he opens with the committee amendment. So again, we have just heard bills regarding tip minimum wage. Surely we can do something for-- for the employees in Nebraska, for the workers of Nebraska, for the backbone of Nebraska. I've

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

signed on to the Nebraska Advantage Act. I'm supporting businesses in Nebraska because I understand how they make our economy thrive. But clearly, my friends, it is the employees, the whole backbone of business in Nebraska, that also make Nebraska thrive. And to have issues that precipitously cause them to be fired is unreasonable and not good for the-- for the economics of our state. So in closing, I'd ask you to advance LB217 so we can close the wage gap that is holding so many working women behind. And with that, and that's women and children, with that, I'll be glad to answer any questions and direct you to Senator Hansen.

WILLIAMS: Thank you, Senator Pansing Brooks. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. Colleagues, I apologize for interrupting, but I wanted to bring you all up to date. The Governor's Office has arranged for NEMA to give us a briefing on all the weather and the damage and the things are going along the different parts of the state. That will begin at noon in Room 1525 for the-- the membership of the body. So if you are interested in the weather-related problems we're having, NEMA will be providing us a briefing. Again, that's at noon at 1525. Thank you, Mr. President.

WILLIAMS: Thank you, Speaker Scheer. As the Clerk stated, there are amendments from the Business and Labor Committee. Senator Matt Hansen, as Chair of the committee, you're recognized to open on AM387.

M. HANSEN: Thank you, Mr. President. Good morning, colleagues. AM387 is the Business and Labor Committee amendment to LB217. AM387 is a white copy amendment that makes several changes, several of the following changes to the green copy of the bill. First, it moves enforcement from Department of Labor to the Nebraska Equal Opportunity Commission. This change makes it an unlawful employment practice for an employer to discriminate against an employee who's inquired about, discussed, or disclosed information about employee compensation. Senator Pansing Brooks worked with the executive director of the NEOC and they feel that their department has the resources and expertise to enforce the provisions of this bill. Second, the amendment removes language limiting the purpose to discussing wages in a manner related to equal pay for equal work. This language was too limiting and potentially confusing for protecting employees, so it is stricken for more general language. And third, to be clear, nothing in this legislation requires anyone to disclose to anyone else salary information. This does not give an employee the right to ask about other employees' salaries. The bill is designed to provide protections for those employees who choose to discuss their wages amongst themselves. I urge you to adopt AM387 and advance LB217. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Matt Hansen. Senator Chambers, you're recognized.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Pansing Brooks a question or two for clarification.

WILLIAMS: Senator Pansing Brooks, would you yield?

PANSING BROOKS: Yes, I'd be happy to.

CHAMBERS: Senator Pansing Brooks, does this bill have anything in it that would require the equalization in wages between female and male workers?

PANSING BROOKS: No, it does not, Senator Chambers.

CHAMBERS: So in effect--

PANSING BROOKS: And maybe I was a little--

CHAMBERS: So we're not dealing with improving the wages of women in this bill. Is that correct?

PANSING BROOKS: That-- that is correct. I probably spoke a little too broadly in my opening.

CHAMBERS: Thank you. And I wanted that crystal-clear. The fact that we have men in here who don't listen when women speak, the fact that we have men in here who don't listen to women speak, and we have men in here who leave the floor, who leave the floor when women speak. Look around here. This is why I said women, and I don't mean on this floor, in this state need to open their eyes, wake up, and get involved in politics and send women to this Legislature. The few here are not respected, are not regarded. And if you think I'm not telling the truth, you look around here every time a woman stands to talk about something that is not preapproved by some man or the Governor, the Chamber empties. Look at it. And I'm glad that the public can see. But here's what I'll say about this bill. Before I say it, let me get another point of clarification because they don't listen to me either. But by me being a man and forceful then they might pay attention because they don't know when I'll call their name and call them out, the rapsallions. Oh, all the rapsallions in the world, I apologize, but I didn't lower you to the level of any of the senators in here by giving your honorable name to any of them. But that catches their attention. Senator Pansing Brooks, if you're still near where you can--

WILLIAMS: Senator Pansing Brooks, would you yield again?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

CHAMBERS: Oh, she's not on the floor. But here's something that I want to--

PANSING BROOKS: I'm right here.

CHAMBERS: Oh.

PANSING BROOKS: Sorry.

CHAMBERS: Senator Pansing Brooks, this bill would take away-- well, just say briefly what it is. I don't want to misstate it.

PANSING BROOKS: OK. This-- this bill-- goodness.

CHAMBERS: See what they do to you.

PANSING BROOKS: Wow! Lightning. This bill clarifies that somebody cannot be fired for discussing their compensation with another employee.

CHAMBERS: Thank you. Members of the Legislature, you can't vote for a bill like this? A person cannot discuss his or her salary without the risk of being fired. And this is America, the flag, liberty and justice for all, God bless America. And people run the risk of being fired. You don't have freedom of speech. You can't discuss your wage. Is it that the company has something to hide? Isn't that what they would be the first ones to say if there was information that they wanted but which was not available to them: you got something to hide? If this bill cannot move, if this bill cannot move, I cannot think of words to finish that sentence with. But it would be one of the most preposterous, negative votes that I've ever seen. I don't think it has the fright-producing quality--

WILLIAMS: One minute.

CHAMBERS: --of a bill that would increase the minimum wage for tipped employees, so I don't think the "Repelicans" organized a group to filibuster this innocuous bill for three hours. So I'm not going to take the usual amount of time that I would on a bill that I was opposed to. And maybe Senator Pansing Brooks can even get a vote this morning. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Crawford, you're recognized.

Floor Debate
March 14, 2019

CRAWFORD: Thank you, Mr. President. And I stand in support of LB217 and AM387. This is an important bill just to provide a general protection for workers. So while I am wholeheartedly support Senator Pansing Brooks's efforts to make sure that we're closing that pay gap, it's a important for us to address as a state when women make far less than men in our state, as well as across the country, that's a very important aim. And allowing workers to talk to one another about the wages they receive is an important tool for women to use to know if they're receiving less wagers [SIC] so they can know to ask for more. So it is an important protection to allow women-- to allow women to stand up for themselves and-- and find out how they fare compared to their colleagues and then go and ask for that raise and stand up for themselves. But if they don't know they're making less than other workers, then it's harder for them to make that case. This makes it-- really, all the bill does, again, is that it prevents your employer from firing you for talking about wages with someone else. That's all the bill does is gets rid of the ability of the company to fire you if you talk to someone else about your wages. So while this bill is very important in terms of protecting women's pay and improving women's pay, it's not just about women. This bill doesn't specify that it's only if women are talking about wages. It's anyone in a company talking about their wages with someone else is protected from being fired. So it's an important bill for men and women. Anyone who is in the situation where they are at the water cooler talking about how much they make, to be protected from being fired for that account, or anyone who is interested in making sure that wages are fair and they're talking to their colleagues about whether wages are fair, it protects them to be able to have that conversation. And, colleagues, that's all we're talking about in this bill is protecting conversations, protecting speech between coworkers when it involves how much someone is making. We're protecting someone if they wish to disclose how much they make. It's totally their choice. If they wish to disclose how much they make then this bill protects them from being fired for telling someone else how much they make. It's that simple. And as Senator Chambers said, I think, if we can't pass this bill, it's-- it's-- it's hard to believe because really all the bill does is protects people who will tell someone else how much they make, protects them from being fired. And there are protections in the bill to protects against confidential information for people who are-- whose job is to maintain that confidential information. So again, this is really just about a coworker talking to another coworker about how much you make, and if you do that, this protects you from being fired. Whether it's for the sake of trying to raise women's wages or the sake of addressing other disparities of the work force, or just curiosity, if somebody is telling someone else how much they make, this-- this bill protects them from being fired simply for telling someone else how much they make. It's that simple and I urge your support of AM387 and LB217. It's that simple. It's that important to protect our workers from being fired for just speaking. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Crawford. Senator Pansing Brooks, you're recognized.

Floor Debate
March 14, 2019

PANSING BROOKS: Thank you, Mr. President. I just wanted to stand and clarify, number one, thanks to Senator Chambers and-- and Senator Crawford for clarifying this is not just about women. This is about all employees. And in fact, I've been approached by a number of different groups saying thank you for protecting us. It's-- and it's men and women, to make sure that they're not fired just for discussing around the water cooler their wage. The other thing that I want to point out is that it does-- that my-- this bill does prohibit an employee who has authorized access to information regarding compensation of other employees as a part of such employee's job functions. It-- it forbids them from disclosing the information to a person who does not otherwise have access to that information. So the accountant for the company can't just release all the information about how everybody is doing. If you're talking to a colleague in the normal course of-- of a relationship, you can do it. And I have seen the contracts that this is occurring in Nebraska. I have-- we had a hearing where people spoke about the fact that they had been fired for discussing, just discussing, where they are. Now the state already has this ability. We already can discuss. We know what people make. It doesn't seem like the sky is falling down, the tower has not fallen in this building yet, fortunately, this gorgeous place. But, again, this is a very simple bill and I just wanted to clarify, it is for everybody. But to me, there were some reasons to specifically highlight how it affects women. So-- but it does affect all people. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Pansing Brooks. Senator Arch, you're recognized.

ARCH: Thank you. I have-- I just have a question to help me understand this bill a little bit better, if Senator Pansing Brooks would respond to the question.

WILLIAMS: Senator Pansing Brooks, would you yield?

PANSING BROOKS: Happy to.

ARCH: Who-- in the amendment that is here regarding those who have access to information, who-- who's being considered there? Is this-- is this HR staff or who?

PANSING BROOKS: Yes. Anybody who has-- multi-- multiple pieces of information about multiple people within the company. That-- that would not be something that's just available for anybody to ask and start making comparisons across the whole company. This--

ARCH: And-- and what-- what does this bill do as far as empowering employees to ask about another staff member's information, their salary? How-- how are they-- are they authorized to-- to make that request officially?

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Transcriber's Office

Floor Debate
March 14, 2019

PANSING BROOKS: This bill would allow you to say to your colleague, Senator Arch, how much are you making in the Legislature right now?

ARCH: OK. But as far as going to the employer and saying, how much does she make or how much does he make, it does not-- it does not--

PANSING BROOKS: No, this is about--

ARCH: --allow that.

PANSING BROOKS: --no, it's discussing compensation just between colleagues or employee, just--

ARCH: Right.

PANSING BROOKS: --somebody over the water cooler and just talking about that.

ARCH: And-- and with the gathering of that information then over the water cooler, then that employee would have the ability to go to the employer and say, I understand that so-and-so is making so much per hour and I'm making less. Why?

PANSING BROOKS: They-- they have the ability to make a pitch for like if-- if somebody's been there 30 years and somebody brand new was hired with less experience or less capability at a higher amount, they could go to their employer and say, I've been a loyal employee for 30 years; can you explain to me why this is? And maybe that person will say, well, you-- this new person has technology capabilities that-- that we need significantly so, yes, they do part of your job but they're doing this extra part. So it just allows communication.

ARCH: So if the-- if the employer comes back and says, well, it's-- it's for these reasons, it's not a matter of how long you've worked here or seniority or anything, but--

PANSING BROOKS: Sure.

ARCH: --there is an issue of performance, there is an issue-- what-- whatever--

PANSING BROOKS: Absolutely.

Floor Debate
March 14, 2019

ARCH: --it may be the-- the employer has the right to say. Now if the employee then says, well, I think you are wrong and I believe that that, whatever that explanation is, doesn't hold up and I believe that you are discriminating against me because of those protected classes. What then is the recourse of the employee to-- to that perception?

PANSING BROOKS: I don't know if there's a process within the company, if there would be an appeal process. It would just be a normal course of-- of any kind of complaint that-- that an employee has in-- in a process.

ARCH: And if I've-- and if I've read the-- if I've read the documents correctly, then NEOC probably would be the-- the recourse for that employee, that-- that they could--

PANSING BROOKS: Ultimately,--

ARCH: --that they could file with NEOC saying that, I believe that I am being discriminated against, in this particular case we've discussed, equal pay for equal work, women and men. So if they felt as though that was, they could go to the NEOC then and make that-- and make that complaint?

PANSING BROOKS: They could ultimately do that, but, of course, that costs a lot of money to the employee and hopefully it would be resolved within the company. But the NEOC says that they average only about 15, about 19 complaints a year. And so that-- they do not see this making a huge difference because we already have this for state and other-- other areas. So that's not--

ARCH: Although this would, this bill, would add that then though that they could make that complaint based upon-- in other words, I can't be-- I cannot be fired, right? I cannot be fired for sharing this information. Right? I mean that's-- that's the nut of the bill.

PANSING BROOKS: Yes, for discussing it.

WILLIAMS: One minute.

ARCH: OK. All right. Thank you. Thank you very much.

WILLIAMS: Thank you, Senator Arch and Senator Pansing Brooks. Seeing no one in the queue, Senator Matt Hansen, you are recognized to close on the committee amendments.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

M. HANSEN: Thank you, Mr. President. And good morning again, colleagues. Colleagues, I would encourage you all to support the Business and Labor Committee amendment. The primary purpose is moving it from the Department of Labor to the Nebraska Equal Opportunity Commission. These are the two departments that primarily handle employment law and employment disputes. I want to talk about and kind of just reframe the issue real quick, this is a provision and protection that I believe exists for many employees already. And one of the significant groups that Senator Pansing Brooks's bill would do is to make it just slightly broader to include supervisory employees and to protect public employees. Many of these protections already exist in the National Labor Relations Act, including allowing employees to talk to other employees about wages, and this would allow them an opportunity with our state NEOC to have the same protections and to have a slightly broader group of employees in the state, supervisors, and public employees also have these protection. With that, I would appreciate your support of AM387 and LB217.

WILLIAMS: Thank you, Senator Matt Hansen. Members, the question is, shall the committee amendments to LB217 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 30 ayes, 1 nay on the motion to adopt the amendment.

WILLIAMS: The amendment is adopted. Seeing no one in the queue, Senator Pansing Brooks, you are recognized to close on LB217. Senator Pansing Brooks waives closing. The question is the advancement of LB217 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 27 ayes, 3 nays on the advancement of the bill.

WILLIAMS: The bill advances. Mr. Clerk for announcements.

ASSISTANT CLERK: Thank you, Mr. President. Enrollment and Review reports LB590 to Select File with Enrollment and Review amendments. Because of the NEMA briefing, the Exec Board will not meet today and will instead meet in Exec Session tomorrow, March 15, 2019, at noon. A series of name adds: Senator Geist to LB15, Senator Blood to LB217, Senator Hilkemann to LB327, and Senator Blood to LB409.

Finally, a priority motion: Senator Wayne would move to adjourn until Friday, March 15, at 9:00 a.m.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 14, 2019

WILLIAMS: Members, you've heard the motion to adjourn. All those in favor say aye. Opposed say nay. We are adjourned.