

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fortieth day of the One Hundred Seventh Legislature, First Session. Our chaplain for today is Senator Williams. Please rise.

WILLIAMS: Good morning, everyone. Please join me in prayer. Lord, we thank you for today and we thank you for all days, especially this day 40. It's also the 22nd day of Lent. During the season of Lent, we ask that you help us recognize and understand our reliance on your grace. Our faith is easily challenged. Our faith can be like trying to hold water in your hands. It can quickly slip away. Help us to hold on. We pray that with your guidance during the work and on legislature, our mouths may speak of your goodness, our arms will hold those in need, our feet will work towards justice, and our hearts trust in your worth and our souls will live in your grace. Lord, let us use our combined wisdom, our independent imagination, and our abundant compassion to find opportunities in the obstacles we face. Amen.

FOLEY: Thank you, Senator Williams. I now recognize Senator Blood for the Pledge of Allegiance.

BLOOD: Please join me in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FOLEY: Thank you, Senator Blood. I call to order the fortieth day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

FOLEY: Thank you, Mr. Clerk. Are there any messages, reports, or announcements? Receiving other-- any corrections for the Journal first.

ASSISTANT CLERK: Thank you, Mr. President. No, there are not.

FOLEY: OK, thank you, sir. Any messages, reports, or announcements?

ASSISTANT CLERK: There are. Mr. President. Your Committee on Revenue, chaired by Senator Lou Ann Linehan, reports LB26 to General File. Additionally, LR, LR57, introduced by Senator Hughes, that will be laid over. Senator Erdman has selected LR11CA as his personal

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

priority, as well as Senator Linehan has selected LB364 as her personal priority. Amendments to be printed: Senator Linehan to LB408. That's all I have this morning, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Brandt would like to recognize Dr. Jason Bespalec of Geneva, Nebraska, serving today as family physician of the day. Dr. Bespalec is with us under the north balcony. Doctor, if you could please rise, we'd like to welcome you and thank you for being here today. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following four legislative resolutions: LR50, LR51, LR52, and LR53. Speaker Hilgers, you are recognized.

HILGERS: Thank you and good morning, colleagues. Just a quick reminder, an announcement, today is the deadline, by adjournment, to have your request for a Speaker priority into me or my office. You can email that to me or my office. You can hand deliver it. You can give it to me. I will tell you that's not the best practice. Please get it to my office. I've had a couple of given to me. That's-- always runs the risk that I'll lose them. Please get them to my office directly. That's probably the easiest way. And as a reminder, I had a couple of people ask me last night about the deadline, the deadline that was tomorrow for personal and committee priorities. That has been moved to Friday by adjournment. Again, the deadline tomorrow was moved to Friday for personal and committee priorities, but Speaker priority deadline requests are still due today. Please send them to my office. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. We'll now move to the first item on the agenda, General File 2001 [SIC] senator priority bills. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB387, introduced by Senator Brewer at the request of the Governor. It's a bill for act relating to income taxes; changes provisions relating to taxation and military retirement benefits; and repeals the original section. The bill was read for the first time on January 14 of this year and referred to the Revenue Committee. That committee placed the bill on General File. I do have committee amendments, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Brewer, you're recognized to open on LB387.

BREWER: Thank you, Mr. President, and good morning, colleagues. On behalf of the Nebraska veterans, I want to thank the many who have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

cosponsored this bill. I also want to take the time to thank Senator Gragert for giving up his priority bill for this bill and I want to thank the Governor for requesting and for funding this bill in his budget. I also want to thank Senator Linehan and the Revenue Committee for their support and for voting this out of committee. Many of you remember from last year, LB153, the detax 50 percent of military retirement. This simply changes that number to 100. Nebraska has struggled over the last decades to assure the securing of Offutt Air Force Base and USSTRATCOM. Because of this bill, I think our opportunity is there to keep STRATCOM and the ability to still continue to make a play for Space Command will be enhanced by this bill. Again, this bill exempts 100 percent of the military retirees' pension from Nebraska income tax. We have been in a process literally for almost four decades to try and get this done to save retirees from leaving Nebraska. This bill will help us to achieve that at last. I am honored to bring this bill on behalf of the veterans. I want to ask for your support on LB387. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. As the Clerk indicated, there are amendments from the Revenue Committee. Senator Linehan, you're recognized to open the Committee AM291.

LINEHAN: Good morning, Mr. President and members of the Legislature. The committee amendment, LB387 [SIC], is taken from Senator Blood's LB6. We're talking about retirement pay. That means retirees receive a 1099-R. As you might guess, the R stands for retirement pay. This form must be filled along with both the federal and state tax return-- filed-- excuse-- not filled. When a member of the Armed Services retires, they receive their 1099-R from the Department of Defense, but-- because Senator Blood brought this to us-- if a member of the Armed Services retires after 20 years with the military and then goes on to a civil service job with the federal government, they only receive one 1099-R when they retire and it will come from OPM or the Office of Personnel Management, not from DOD. So they have a hard-- they can't file for their exclusion on income tax on their retirement, so Senator, Senator Blood's LB6 would have allowed either of these forms to suffice for the purposes of claiming military retirement pay exemption on the tax-- Nebraska income tax return. We agreed and that is why Revenue Committee amended the provisions of LB6 into LB387. So I would ask you to support the Revenue Committee, LB387. Thank you, Mr. Speaker [SIC]. Mr.--

FOLEY: Thank you, Senator Linehan. Debate is now open on LB387 and the pending committee amendment. Senator Gragert, you are recognized.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

GRAGERT: Thank you, Mr. President. Good morning, colleagues. I'd like to thank Senator Brewer for introducing LB387 and the dedication he's shown today by even being here today. This LB387, which expands the 50 percent income tax exemption to 100 percent for military retirement benefits-- although this bill is important to military families, I feel it is important to our state as an investment to keep a quality workforce in Nebraska. I chose LB387 as my priority bill because I look at it as an economic development tool to increase our workforce. Not only will LB387 retain more veterans in Nebraska, it will also attract veterans to Nebraska when they retire from their military career and, and ready to start their next career. The increased revenue the state will receive from income taxes paid at their new jobs will more than offset the income tax exemption for the military retirement benefits. Twenty-one states exempt military retirement pay from state income taxes and nine states have no state income tax. We must comp-- be competitive with these 30 states, including all-around-- or including all our surrounding states except Colorado in order to attract military retirees. Colleagues, this is an opportunity for us to show our gratitude as well as our wisdom as state legislators. First, our gratitude by showing our service members how much we appreciate the sacrifice of their most valuable asset, their time, leaving their families for months and even four years at a time to protect our families and freedom. Colleagues, I have witnessed their service from the front seat of a medevac helicopter on four different occasions through my deployments to the Middle East. These individuals are well-trained and disciplined, completing their missions assigned and some of them of the worst conditions imaginable. Second, our wisdom by investing in these individuals for their talents that they will bring to our workforce, again for their training and discipline they offer after serving one career and ready to start another here in Nebraska. Lastly, less than 1 percent of the population serve in the military, even though it is all voluntary. The fact remains very few people are willing to put everything on the line for the freedoms we enjoy today in this great nation. I encourage your green vote on the advancement of LB387. Let's finish the job we started last year. Thank you.

FOLEY: Thank you, Senator Gragert. Senator Friesen.

FRIESEN: Thank you, Mr. President. As everyone-- when you look at the committee statement, you'll notice that I'm the lone no vote coming out of the committee. And Senator Brewer, I do appreciate the veterans and always will and I appreciate you being here today. I know you made a, a big effort to make sure you were here, but I just want to talk a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

little bit about tax policy and so I'm-- I know this bill is going to pass. It's not going to, it's not going to stop here and I'm not going to filibuster, but I do think we need to talk about the big picture of tax policy that we're going to look at doing in the next couple of years in this state. For all the years I've been here, we've had-- property taxes have been a priority for almost every senator that's come here and at their election, they always kept talking about how important property tax relief was. And when I look at property tax relief, it's, it's workforce incentive all across the state. It is incentive for people to come here and to build a house. We talk about how high, how high our housing costs are. We look at property taxes and it seems to be the one that everyone is talking about the most and yet in revenue, we're dealing with lots of tax credits and different little proposals that give out lots of revenue to different smaller groups of people and this one too is-- it's-- it goes to about 12 to 14 percent of veterans, so I have a lot of veterans in, in my portion of the state who get nothing from this. And I do appreciate they are a good workforce and that they do help out in the Omaha area and, and Offutt Air Force Base. They are an excellent workforce. I wish we had more of them scattered across the state. But when we're looking at a big tax policy of giving away millions of dollars over this next days of our session-- we've got a lot of money on the floor to spend this year-- this is going to be the-- probably the second time that-- since I've been here-- the first year, we had plenty of money on the floor and we spent that and then we started cutting budgets and we've cut budgets until this year-- or we haven't really cut budgets, we have not increased our spending, let's put it that way. So now when we look at our big, broad tax policy picture, everyone still is very concerned about property taxes. And yeah, we did accomplish LB1107 last year and it is going to get funded faster than I ever anticipated, but in the end, what we thought was a, a ceiling that we put in or a, or a floor is going to turn into a ceiling. So the amount put into LB1107, year-- by the time year five rolls around, we're going to actually lower that value, which is a surprise to me. I don't think anybody expected that, but that's what's going to happen. And so as the Revenue Committee has talked about tax policy, we've talked about revamping all of our income sales and property taxes in the next year and I do feel that that's something that we can accomplish. But at the same time in Revenue, we're looking at more property tax cred-- or tax relief tax credit bills than we've ever had before. And so as we send all these to the floor and we spend this money, I'm looking at next year, we come in and we want to cut income tax rates. There's a bill in front of us now that cuts everyone's Social Security supposed tax over the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

next four or five years. We're going to be cutting inheritance taxes maybe and so as we do that, we put more pressure on property taxes again. And if we down the road cut our income tax rates and three or four years from now, our state actually has to live on what we call the real economy here instead of the economy influenced with the federal tax dollars that they're-- well, the borrowed tax dollars that they're shoving at us, which is highly influencing our budget. Those numbers are not sustainable and we all know that. These are one-time dollars that are going to be coming in and someday we're going to have to live with the realization that these numbers are not sustainable and we're going to have to be based on our economy is, whatever that may be. And so I'm asking you to think long and hard when we're doing this from now on, how this impacts what we really want to accomplish in the next couple of years. I'll have one more year left after this to work on my agendas, but some of you have longer. But we are setting policies in place that are going to limit your ability to do those things and again, it goes back to what are our priorities in this state? Is our priority property tax relief or is that one and done, we're finished? I think if you talk to people in Omaha and Lincoln whose housing values are rising at 10 percent or higher-- I've had cases in Hall County--

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

FRIESEN: Time?

FOLEY: Yes.

FRIESEN: Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Is there any further discussion on LB387 or the pending committee amendment? Senator Friesen, you're recognized again.

FRIESEN: Thank you, Mr. President. So in, in Grand Island, we've had apartment buildings there, large apartment buildings worth \$1 million, \$1.5 million. They've had a 150 to 200 percent increase in their valuations. These people were telling me they would have to raise their rent of those units \$45 a month just to recoup the increase in property taxes and they said that's not-- they can't do that to people who are on a fixed income that can't afford to pay that \$45. So again, it goes back to-- the question is what is our priority in this state? Is it property tax relief? Is it income tax relief? Is it how we fund K- 12 education with limited dollars in the future? And I know we're

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

all feeling giddy about the huge budget increases that we're going to see this year because of the revenue that's coming in above projections and everybody's excited to get their program started on the floor. And down the road when I'm gone, somebody is going to have to figure out how to pay for all this in a sustainable manner. So with that, I'm, I'm going to quit talking, but I-- again, it's, it's our broader picture of tax policy and how we want things to look. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I'm going to support this. Why not? Some people need to get in the lifeboat, but as long as nobody refers to this bill as veterans. My brother served in Southeast Asia. A lot of my friends that were older than me served in Vietnam. I was lucky enough by the time I turned 18, the draft didn't exist. Those are veterans. They're the ones who walk around with the handicaps, the injuries. They don't get any military retirement. This is not a veterans' retirement bill. This is a career military retirees bill. Fine. I wish everybody was-- had to service and risked their lives-- not everybody. I wish they-- none of them did. And Senator Brewer did, but a lot of them didn't. They sat in offices. They told the grunts to go to war. That's fine. We need them. We need them in the economy because they all well trained. They've got good work habits and I'm all for that, but there's an awful lot of veterans out there and they don't get anything out of this bill. And Senator Friesen said they're paying high property taxes for their homes. They paused their careers, they didn't get the pay, and they get nothing. Well, they might get some Social Security relief-- I hear Senator Lindstrom is bringing a bill-- on their retirement. If you want to sell this as economic development and you keep these individuals in the state, I can rationalize that and I'll vote for it, but we are living in, in false economic times. I sent out to some of my friends-- and I should send it to everybody-- the list of PPP loans that business got in this state. We are flush with phony money. Our tax receipts are flush with phony money, sales tax receipts that nobody earned, nobody worked for, nobody created. It was mailed out by the government and we all smile and we look at the projections of the tax receipts. Those will all disappear because the printing press in Washington will run out of ink. So we can cut taxes, we can spend on special projects-- and I've got one-- because the money is available this year, but we need to be a little conservative, a little fiscal conservative. We need to be wise because I won't be here in two years, but I-- whoever the new Appropriations Chair is, woe to them because those revenues will drop.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

If they don't, then all the economic theory I learned is out the window. I guess they can keep printing money, but for economic reasons, rational reasons, a lot of states around us and a lot of states that have military bases, as Senator Brewer said, do not tax this, this income. So they won the lottery and they won't have to pay taxes on their retirement because it will help the state. So I will vote green on LB387 and AM291, but don't use the word veteran in a general term because there's a lot more veterans out there than those who chose military as a career and I appreciate Senator Brewer and Gragert's and Bostelman's work and what they've done for their country, but there's a lot of veterans out there.

FOLEY: Thank you, Senator Groene. I see no other members wishing to speak. Senator Linehan, you're recognized to close on the committee amendments. She waives closing. The question before the body is the adoption of AM291 committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 45 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: AM291 has been adopted. Any further discussion on the bill as amended? I see none. Senator Brewer, you're recognized to close on the advance of the bill. He waives closing. The question before the body is the advancement of LB387 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB387 advances. Members, we're now moving to the Select File portion of the agenda, which is going to involve many voice votes. I'd ask you please be attentive to Senator McKinney's motions. First Select File bill, LB66. Mr. Clerk.

CLERK: Mr. President, LB66. Senator, I have no E&Rs. Senator Williams would move to amend with AM263.

FOLEY: Senator Williams, you're recognized to open on AM263.

WILLIAMS: Thank you, Mr. President. AM263 does one simple thing. It adds the emergency clause to LB66, a bill I have introduced to update and clean up our statutes related to the single bank pooled collateral method of pledging securities by financial institutions to secure deposits of public funds in excess of those amounts secured by the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FDIC. The E clause will allow financial institutions to pledge securities subject to the revisions of this bill right away. Otherwise they would have to wait three months following the session. The banking department is on board with this change and it significantly helps the process. I would urge the adoption of the E clause and then the advancement of LB66. Thank you, Mr. President.

FOLEY: Thank you, Senator Williams. Any discussion on Senator Williams' amendment, AM263? I see none. Senator Williams, you're recognized to close. He waives closing on the amendment. The question before the body is the adoption of AM263. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: AM263 has been adopted. Is there anything further on the bill, Mr. Clerk?

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

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB66 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB66 advances. Proceeding now to LB163. Mr. Clerk.

CLERK: Mr. President, LB163. I have Enrollment and Review amendments, first of all, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that the E&R amendments to LB163 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Wayne has AAM334. Senator Hunt, I understand you're going to handle that for him.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Senator Hunt, you're recognized to present AM334.

HUNT: Thank you, Mr. President, and thank you, members of the Legislature. Good morning. AM334 is a simple technical amendment that was recommended by Bill Drafters. It makes nonsubstantial changes to the bill that are typically outside of the purview of Enrollment and Review. I would ask for your green vote to adopt AM334. If you take a look at the amendment, the changes just involve correcting statutory references and replacing obsolete or antiquated language, so it's a pretty simple amendment. Thank you, Mr. President.

FOLEY: Thank you, Senator Hunt. Is there any discussion on AM334? I see none. Senator Hunt, you are recognized to close on the amendment. She waives close and question before the body is the adoption of AM334. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 36 ayes, 0 nays on adoption of Senator Wayne's amendment.

FOLEY: AM334 has been adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB163 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB163 advances. Proceeding now to LB106. Mr. Clerk.

CLERK: Senator McKinney, I have E&R amendments first of all, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move, move that the E&R amendments to LB106 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

CLERK: Mr. President, Senator Ben Hansen has pending AM429. Senator, I just want to-- you have two amendments. I'm off-- I have the first one in front of me, AM429.

B. HANSEN: Yeah, we're going to pull that-- the first amendment--

CLERK: All right.

B. HANSEN: --and I was going to discuss about the second one.

CLERK: Thank you. Mr. President, Senator Hansen would then move to amend with AM462.

FOLEY: Senator Ben Hansen, you're recognized to open on AM462.

B. HANSEN: Yeah, thank you, Mr. President. So I've been in discussion with Senator Friesen about this bill when it comes to the funding portion of the-- specifically more the maintenance aspect of the new system that the DMV is going to put in place. As opposed to keeping the fee increase, we're trying to find ways that we can kind of make sure that we can still fund the maintenance of this program in a more fiscally responsible way. Right now, as the amendment is written, there's some tweaking that we have to actually kind of do with it to make sure that it, it, it codifies the, the fees with the Secretary of State's Office at DMV and the General Fund. So right now, I'm actually going to pull that amendment and I've been talking with Senator Friesen that in Final Reading, we're going to come back with a cleaner amendment to make sure all our ducks are in a row.

FOLEY: You're pulling, you're pulling the amendment, Senator?

B. HANSEN: Yes, sir.

FOLEY: AM462 has been withdrawn. Anything further, Mr. Clerk?

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

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB106 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB106 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB106 has been advanced. Proceeding to LB106A, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

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

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB106A be advanced to E&R for engrossing.

FOLEY: The motion is to advance the A bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB106A advances. Next bill is LB113. Mr. Clerk.

CLERK: Mr. President, LB113. I have E&R amendments first of all, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that, move that the E&R amendments to LB113 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

CLERK: Mr. President, Senator Albrecht, I have AM226 and AM353 with a note that you wish to withdraw both those.

FOLEY: The amendments are withdrawn.

CLERK: Senator Albrecht would move to amend with AM468.

FOLEY: Senator Albrecht, you're recognized to open on AM468.

ALBRECHT: Thank you, Mr. President and members of the Legislature. AM468 is a simple technical amendment to clarify two provisions in LB113. Number 1 of the amendment clarifies the postage and handling fees for mailing specialty plates directly from production to the customer will be deposited in the Nebraska Department of Motor Vehicles' cash fund to reimburse the department for the cost of mailing the plates. Number 2 and 3 of the amendment changes the name of the Motor Vehicle Fund to Highway Fund to harmonize with LB509, which was introduced by the State Treasurer's Office to update terminology with current business processes. I ask for your support and green light on the vote to adopt AM468 to LB113. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Thank you, Senator Albrecht. Any discussion of Senator Albrecht's amendment, AM468? I see none. Senator Albrecht, you're recognized to close on the amendment. She waives close and question before the body is the adoption of AM468. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: AM468 has been adopted. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB113 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB113 advances. Next bill is LB113A. Mr. Clerk.

CLERK: LB113A. Senator McKinney, I have no amendments to the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB113A be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB113A advances. Next bill is LB148. Mr. Clerk.

CLERK: Senator, I have Enrollment and Review, Review amendments, first of all.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that the E&R amendments to LB148 be adopted.

FOLEY: The motion is to adopt, to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Senator Bostelman would move to amend with AM332.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Senator Bostelman, you're recognized to open on AM332.

BOSTELMAN: Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. AM332 is a simple clarifying amendment. After completing the E&R process, the Revisor's Office noticed several references in statute that still refer to DHHS in connection to the powers being transferred under this bill. AM332 simply changes those references from DHHS to the Department of Environment and Energy. With that, I ask for your support of AM332 and the underlying bill.

FOLEY: Thank you, Senator Bostelman. Is there any discussion on Senator Bostelman's amendment, AM332? I see none. Senator Bostelman, you're recognized to close on your amendment. He waives close and the question before the body is the adoption of AM332. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 36 ayes, 0 nays on adoption of Senator Bostelman's amendment.

FOLEY: AM332 has been adopted. Anything further on the bill, Mr. Clerk?

CLERK: Nothing further, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB148 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB148 advances. Proceeding to LB503. Mr. Clerk.

CLERK: LB503, Mr. President. E&R amendments, first of all, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that the E&R amendments to LB503 be adopted.

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

CLERK: Senator Cavanaugh had FA3. I have a note she wishes to withdraw, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: FA3 has been withdrawn.

CLERK: Thank you. Mr. President, Senator Flood would move to amend with FA5.

FOLEY: Senator Flood, you're recognized to open on FA5.

FLOOD: Thank you, Mr. President. Good morning. I've been working with the entire Cavanaugh family this morning on my bill, LB503. This is the bill that deals with interpleader actions as it relates to deeds of trust. You'll recall we had a discussion on General File. This floor amendment, if you go to the green copy, strikes a sentence in line 9 that begins with-- well, I'll just read the sentence into the record. It strikes the following language, a judgment in favor of the holder of the deed of trust, mortgage, or other lien in an amount equal to or greater than the portion of the funds paid into the court by the trustee to which the holder claimed to be entitled shall be a rebuttable presumption that the objecting party or parties did not have a good faith reason to object, end quote, line 14. This floor amendment just strikes that sentence. It leaves the-- what I would call the corpus of the bill in place. It removes this idea of a rebuttable presumption. I think Senator Machaela Cavanaugh and Senator John Cavanaugh and I visited about this and the point was made that if it's already in the first sentence, why have this rebuttable presumption in the second sentence? I think we're all in agreement that this makes the bill better and I think that the intent of the bill is preserved and the language is actually better with this amendment, so I would urge your adoption on FA5.

FLOOD: Thank you, Senator Flood. Discussion on FA5? Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. I would just like to thank Senator Flood for working with the Senators Cavanaugh this morning on this bill and amendment and I also would like to acknowledge to our mom that we played nice together and accomplished something good and I yield the remainder of my time to the chair.

FOLEY: Thank you, Senator Cavanaugh. Any further discussion on FA5? I see none. Senator Flood, you're recognized to close. He waives close and the question before the body is the adoption of FA5. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

CLERK: 35 ayes, 0 days on adoption of Senator Flood's amendment.

FOLEY: FA5 has been adopted. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB503 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB503 advances. Proceeding to LB297. Mr. Clerk.

CLERK: LB297. Senator, I have no amendments to the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB297 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB297 advances. Proceeding now to LB117. Mr. Clerk.

CLERK: LB177. Senator, I have no amendments to the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB177 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill for E&R for engrossing. Those in favor say aye. Those opposed say nay. LB177 advances. Next bill is LB509. Mr. Clerk.

CLERK: LB509. Senator, I have no amendments to the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB509 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB509 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB509 advances. Next bill is LB337. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

CLERK: LB337. Senator, once again, I have no amendments to the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB337 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill. Those in favor say aye. Those opposed say nay. LB337 advances. Next bill is LB35. Mr. Clerk.

CLERK: LB35. I have no amendments to the bill, Senator.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB35 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB35 advances.

CLERK: What's going on? Yes.

FOLEY: Proceeding to the next bill, LB93. Mr. Clerk.

CLERK: Senator, with respect to LB93, I have no amendments to the bill.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB93 be advanced to E&R for engrossing.

FOLEY: The motion is to advance the bill to E&R for engrossing. Those in favor say aye. Members, I did not hear you. Those in favor of advancing the bill say aye. Those opposed say nay. LB93 advances. And LB94, Mr. Clerk.

CLERK: Senator, with respect to LB94, I do have Enrollment and Review amendments.

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that the E&R amendments to LB94 be adopted.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: The motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

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

FOLEY: Senator McKinney.

McKINNEY: Mr. President, I move that LB94 be advanced to E&R for engrossing.

FOLEY: The motion is to advance LB94 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB94 advances. Proceeding now to-- on the agenda, General File. LB369, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB369, introduced by Senator Sanders. It's a bill for an act relating to the Auditor of Public Accounts; provides for access to working papers and audit files as prescribed; provides for a late fee and other enforcement powers; provides a penalty; and repeals the original section. The bill was read for the first time on January 13 of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Sanders, you're recognized to open on LB369.

SANDERS: Thank you, Mr. President. Good morning, colleagues. Today I'm introducing LB369 to provide the Auditor of Public Accounts to have unrestricted access to the working papers and audit files for any audit report required to be filled with the-- filed with the Auditor. Additionally, the bill would grant the Auditor's Office permission to fine a private auditor or auditing firm for refusing to grant access by the applicable due date. I'd like to thank the Auditor of Public Accounts for bringing us this bill. LB369 was advanced from Government, Military Veterans Affairs Committee unanimously with no opposition on testimony. When a political subdivision is subject to an audit, they can either ask the state to carry out the audit or they can hire a private auditor or auditing firm. Currently under the Auditor's rules and regulation, these auditors are required to grant access to the relevant working papers and audit files. However, there is no penalty for those that choose to ignore this rule. Under the bill, the State Auditor would submit a written request to the auditor or firm to request access to working papers and audit files. That

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

audit or firm must provide access to three days or they must notify the State Auditor's Office of a delay, explain the delay, and give access within three weeks of the request. If the auditor or auditing firm fails to comply, the State Auditor's Office may, may assess the late fee using the same procedure as outlined earlier in LB368, \$20 per day not to exceed \$1,000 dollars like LB368. This fee would be remitted to the State Treasurer to provide a reimbursement of up to \$100 and to distribute the remaining fee in accordance with Article VII, Section 5 of the Constitution of Nebraska, like many state fees are. The State Auditor may also audit the entity that filed the audit report at the expense of the entity and refuse to accept any audit report prepared by the auditor or auditing firm for a period of three calendar years. Any deficiency noted at the State Auditor may be forwarded to the Nebraska State Board of Public Accountancy. This bill addresses a specific instance where a private auditor and [SIC] his license revoked, but joined another CPA firm. This audit-- auditor would comply with repeated requests for access of working papers and audit files from the State Auditor. When they finally did access, access, it would-- found that the audit was not completed to the government auditing standards. While this does not happen on a regular basis, adding a penalty would help eliminate these issues in the future. Thank you for your time and attentiveness and I would ask you to vote green on LB369. Thank you, Mr. President.

FOLEY: Thank you, Senator Sanders. As the Clerk indicated, there are amendments from the Government Committee. Senator Brewer is absent. Senator Matt Hansen, please present the Government Committee AM67.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. As the Mr.-- as the President noted, this is the committee amendment to the Government Committee. As with the prior bill from Senator Sanders, this bill included language granting a redundant power to the Auditor. This amendment then deletes the redundant and duplicative language. With that, I would encourage you to adopt AM67, the committee amendment. Thank you, Mr. President.

FOLEY: Thank you, Senator Matt Hansen. Discussion on LB369 and the pending amendments? Senator Clements.

CLEMENTS: Thank you, Mr. President. I stand in support of LB369. I have not seen the amendment, but it sounds like a friendly amendment to me. My experience with local entities in my district, I had a village clerk who was embezzling money over a number of period-- a period of years from the village, ended up being a little over

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

\$100,000 that had been taken. They had not been having audits prepared properly for several years and this clerk got away with over \$100,000 and I think most of it went to a casino. And so I'm happy that Senator Sanders has brought these Auditor bills that give the Auditor some more authority and ability to get records that are needed. It was very damaging to the, the village that we experienced because it really hurt their budget. They were wanting to do some street repairs and they had no money that, that they thought they had in the street fund. So I thank you, Senator Sanders, and I ask for your green vote on AM67 and LB369. Thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Any further discussion on the bill or the amendment? I see none. Senator Matt Hansen waives closing on the AM67. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: AM67 has been adopted. Any further discussion on LB369 as amended? I see none. Senator Sanders, you're recognized to close on the advance of the bill. Sorry, Senator, I couldn't see you. Thank you, Senator Sanders. She waives closing and the question before the body is the adopt-- excuse me, the advance of LB369 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB369 advances. Next bill, LB100. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB100, introduced by Senator Walz, is a bill for an act relating to the Medical Assistance Act; provides for limits on provider contracts pertaining to the utilization of certain billing practices; harmonize provisions; and repeals the original section. The bill was read for the first time on January 7 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Walz, you're recognized to open on LB100.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

WALZ: Thank you, Mr. President. LB100 is the latest effort to ensure that Nebraskans can continue to access health services in our Medicaid managed care system. Last year, the Nebraska Legislature unanimously passed LB100, which required managed care companies contracting with the state to communicate and work with healthcare and work with healthcare procedures when MCOs make changes to contracts that have a substantial impact on the delivery of healthcare services. Protecting access to healthcare for those in our Medicaid system is something the HHS committee has worked very hard to maintain. LB100 stops managed care companies that contract with the state of Nebraska from implementing a payment policy that severely affects three types of therapy providers: physical therapy, occupational therapy, and speech therapy. This policy is called the Multiple Provider Payment Reduction or MPPR. MPPR directs each procedure code to be reimbursed to the provider based on a relative value unit, which includes three components: actual work performed by the medical provider, the expense of the practice, and the cost of malpractice insurance coverage. The medical community has found that this is a flawed policy and therapy services, because of the component of expense values for these services, were already reduced to avoid duplication. LB100 will ensure that Nebraska is one of them. Additional cuts to therapy services restrict patient access to vital services that have been found to reduce overall healthcare costs. I ask for your support on this important piece of legislation to ensure there's protection in place for therapy services for Nebraskans.

FOLEY: Thank you, Senator Walz. Discussion on LB100? Senator Arch.

ARCH: Thank you, Mr. President. I, I rise in support of LB100. We heard this in our committee and I want to tell you my perspective on this particular issue. This, this policy of reducing a second, a second procedure did, did start in the surgical area, which to some degree makes some sense. If you already have the patient prepped, if you already have all of that done, if you've, if you have incurred the cost if there's a second procedure, to reduce that second procedure from full payment. In this particular case, I don't think that this is, is what is needed and makes sense. The other thing is that I think the passing of this bill is going to clarify some things for the next MCO contract so that there is an understanding that this policy is not going to be accepted, don't count that into your calculations of how to save dollars and how to reduce cost. This, this is the appropriate way to go with that. And the third thing I would say is-- and this is just kind of a, a, a lesson on, on this term of cost versus charge within the healthcare community. So Medicaid on-- routinely, whether

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

it be the MCOs or fee for service, has paid less than cost of the provider, not just less than charge, but less than cost of the provider. So routinely, Medicaid pays around 75 percent and so this, this second, this second payment to these ancillary services would even drop that further below cost. For those reasons, I am in support of LB100 and encourage your vote on-- a green vote on this.

FOLEY: Thank you, Senator Arch. Any further discussion on the bill? I see none. Senator Walz, you're recognized to close on the advance of the bill. She waives closing. The question before the body is the advance of LB100 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 36 ayes, 0 nays on the advancement of the bill.

FOLEY: LB100 advances. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed: Senator Lindstrom to LB509, Senator Groene to LB44, Senator Erdman to LB520-- excuse me, LB572. Priority bills: Senator Halloran has designated LR14 as his personal priority. Senator Groene has designated LB40 as his personal priority. The Banking Committee has selected LB375 and LB487 as their committee priority bills. Senator Dorn has selected LB103 as his personal priority and Senator Lindstrom has selected LB39 as his personal priority. LB386A, introduced by Senator Lathrop, is a bill for an act relating to appropriations; provides and appropriates funds to aid in carrying out provisions of LB386; provides an operative date; and declares an emergency. Finally, LB58, introduced by Senator Murman. That will be laid over. That's all I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Next bill on General File, LB101. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB101, introduced by Senator Walz. It's a bill for an act relating to the Medical Assistance Act; changes the limitation on addition of long-term care services and supports the medicaid managed care program; appeals the original section; declares an emergency. The bill was read for the first time on January 7, 7 of this year and referred to the Health and Human Services Committee. There are no committee amendments, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Walz, you're recognized to open on LB101.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

WALZ: Thank you, Mr. President. LB101-- excuse me-- is a simply-- simple bill that changes the date from July 1, 2021, to July 1, 2023, as the first possible date that the Department of Health and Human Services could move long-term services and supports into a managed care situation. The intent of LB101 is to maintain the current fee for service reimbursement method that all long-term services and supports are covered under and have been for decades. Heritage Health, Health was launched in 2017 and moved the general Medicaid population to managed care with three MCOs: UnitedHealthcare, Nebraska Total Care, and WellCare of Nebraska. Long-term services and supports were unchanged. In 2019, this committee prioritized LB468 and advanced it to the full Legislature, 7-0. The bill was passed 43-1 and signed by the Governor later that session. LB468 delayed the implementation of managed long-term services and supports until July 1, 2021. This bill delays any implementation for an additional two years. Stakeholders were told that before managed care would be considered, the department and the managed care organizations would spend considerable time working with them to ensure their comfort level and address their significant concerns. To date, there has been little, if any, reach out-- reach-- outreach by the department or the MCOs towards long-term care and assisted living facility organizations and other advocacy, advocacy groups in this regard. Throughout the committee hearings, testifiers described the reasons why stakeholders were worried about a looming managed care situation for long-term services and supports. The highlights of their testimony included delayed or denied reimbursement claims that caused major financial distresses, additional financial distress due to COVID on a revenue and expense side, and current reimbursement rates that are far less than the care of cost-- the cost of care. Moving long-term care into Heritage Health anytime in the near future would be devastating to the industry in general and it-- and would inevit-- would inevitably cause more facilities to close their doors forever. Many facilities already operate on a tight budget with little or no room for drop payments. In the case payment was delayed to the facility, it would affect their ability to pay staff and cover other operating expenses. We passed LB468 in 2019 and within that same year, 14 nursing homes closed in Nebraska. And with the significant impacts of the pandemic last year, nursing homes are facing even more difficulties than ever before. I hope the body will support our efforts to fight for their improvement and stabilization and support LB101. Thank you, Mr. President.

FOLEY: Thank you, Senator Walz. Discussion on LB101? Senator Arch.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

ARCH: Thank you, Mr. President. I rise in support of LB101. A couple of years ago, Senator Williams led an, an effort to consider new rate methodology for long-term care, which was long overdue. Great cooperation between the long-term care groups as well as the Department of Health and Human Services in establishing a new rate methodology that stabilized a lot of the, a lot of the homes that were really teetering on the brink as a result of their high Medicaid population. This, this particular bill just puts another two years on the moratorium, so more time. I believe that more time is needed for the two groups to sit down. If the intention is to move to a managed care process and, and oversight, then, then there is more time that will be needed. Senator Walz mentioned the pandemic. It has affected long-term care. There is decreased utilization as patients were very concerned about going into a nursing home during this pandemic, putting more stress on, on these nursing homes. So for those reasons, not ready, still more work to be done and at the time of the pandemic, I, I support LB101. Thank you.

FOLEY: Thank you, Senator Arch. Any further discussion of the bill? I see none. Senator Walz, you're recognized to close. She waives closing. The question before the body is the advance of LB101 to E&R for engrossing. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB101 advances. Next bill, LB351. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB351, introduced by Senator Linehan, is a bill for an act relating to the Step Up to Quality Child Care Act; changes provisions relating to quality scale ratings, as prescribed; and repeals the original section. The bill was read for the first time on January 13 of this year and referred to the Health and Human Services Committee. That committee placed on General File with no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Linehan, you're recognized to open on LB351.

LINEHAN: Good morning, Mr. President, and good morning, Legislature. A participating, applicable childcare or early childhood education program in good standing, operating under a provisional license due to a change in license type may be-- their ratings change. So all-- this is just a fix-it bill because if you have to change license, then you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

drop down in the Step Up to Quality. So Step Up to Quality is Nebraska's quality rating improvement system. It helps early childcare providers and educators recognize and improve quality, adds parents in their search for quality-- aids parents, excuse me, in their search for quality childcare, and offers accountability tool for policymakers. Childcare providers enrolled in Step Up to Quality programs have demonstrated a commitment to providing quality care for Nebraska's children. Those who have achieved a step up above step one are likely proud of this ranking, as they should be. We should encourage growth and additional slots for these providers and remove barriers to growth. Childcare providers looking to grow their business may need to change license type. A very common example of this is a family child care home one who can serve four to eight children, plus two school-aged children during nonschool hours. They may want to grow and become a family child care home two who can serve up to 12 children. For instance, a family child care home one rated step four serving eight children that is hoping to serve 12 children would need to change license type to a family child care home two. When applying for this new license type, this provider will be given a provisional license for a year. Current statute says that a participant-- participating, applicable childcare or early childhood education program operating under provisional license shall have a quality scale rating at step one, even if it meets other quality rating criteria. The family home care home one rated step four looking to serve additional children currently must be listed as a step one for the duration of this provisional license, so you can see this is not fair. LB351 changes that so they can still be rated as a step four. Nebraska has a shortage of quality childcare slots across the state, with 91 percent of the counties not having enough to-- supply to meet the demand. LB351 removes one potential barrier for growth for childcare providers. In 2019, nine family care home one providers changed license to-- type to family child care home two and six family child care home two providers changed license type to childcare centers. We want to encourage more of this type of growth, particularly for Step Up to Quality providers and certainly do not want barriers in their way, so I would ask for your green vote on LB351.

FOLEY: Thank you, Senator Linehan. Is there any discussion on LB351? I see none. Senator Linehan, you're recognized to close on the advance of the bill. She waives closing. The question before the body is the advance of LB351 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: LB351 advances. Proceeding to LB476, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB476, introduced by Senator Blood, is a bill for an act relating to Stroke System of Care Act; provides for a quality improvement plan, registry, and data oversight process; provides powers and duties; harmonize provisions; and repeals the original section. The bill was read for first time on January 15 of this year and referred to the Health and Human Services Committee. There are no committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Blood, you're recognized to open on LB476.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, this morning I bring you LB476, which is the next natural step after the Nebraska Legislature passed and implemented the Stroke System of Care Act in 2016. That act established the stroke system of care to provide Nebraska patients with the highest quality of care and to ensure a seamless transition with all medical personnel involved in the care of those patients. Strokes are the fourth-leading cause of death in our state and it is the leading cause of disability in the United States. These disabilities can lead to an increase in your insurance premiums because as patients require more assistance, the cost must be spread amongst the members and it can cause concerns with family dynamics-- sorry, it was getting loud over here. I couldn't hear myself think-- with family dynamics when you must care for your loved ones, a decrease in the workforce, quality of life concerns of those affected, and other issues that we can avoid by being prepared. Currently, DHHS designates hospitals as Nebraska stroke centers. There are comprehensive stroke centers such as Nebraska Medicine in Omaha, thrombectomy stroke centers such as CHI Immanuel in Omaha, and primary stroke centers in Norfolk, Lincoln, Grand Island, Bellevue, Scottsbluff, and North Platte. Also, acute stroke-ready hospitals are located in Elkhorn and Papillion. Stroke designation applications are available to Nebraska hospitals should they like to renew their designation or apply to become a stroke designated hospital on the Nebraska Stroke System of Care website, so the less-- the list remains fluid and updated. We know that science and research continue to change how we handle medical emergencies and it is important that we update our protocols to keep up with those changes. This is where LB476 comes into play. It expands this act and requests that DHHS, in conjunction with the Stroke System of Care Task Force, establish and implement an improvement plan for a comprehensive stroke system for stroke response and treatment. As part of this expanded plan, they

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

will maintain a statewide stroke data registry that utilizes the American Heart Association's Get With The Guidelines, which means that it will require a comprehensive stroke center, thrombectomy-capable stroke centers and primary stroke centers, acute stroke-ready hospitals, and emergency medical services to report data on the treatment of individuals with a suspected stroke or transient ischemic attack with the state. LB476 encourages the sharing of information among healthcare providers on ways to improve the quality of care for stroke patients here in Nebraska. DHHS will facilitate this data and information sharing. Lastly, the department will establish a data oversight process for stroke response and treatment. They will provide for the analysis of data generated by the stroke registry and identify potential interventions to improve stroke care here in Nebraska. Medical records and health information registries are not new to Nebraska, as we are already performing the function for brain injury and Parkinson's disease. Having a healthier Nebraska is good for all involved. We all know the power of data in garnering federal funds, grants, private donations, donations and more, as Nebraska's medical community strives to keep up with research, data, and science and look for creative ways to fund those efforts. Preventing strokes, responding quickly to prevent long-term issues caused by strokes, and providing an excellent level of care is something we can all get behind because everyone deserves good health and timely care for long-term well-being. I'll end by pointing out that this bill came out of the Health and Human Services Committee 7-0 and it did not have any opponents, either in person or by letter. With that, I ask you to please vote green on this important bill. Thank you.

FOLEY: Thank you, Senator Blood. Is there any discussion on the bill? I see none. Senator Blood, you're recognized to close on the advance of the bill. She waives closing. The question before the body is the advance of LB476 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB476 advances. LB533, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB533, introduced Senator Day, is a bill for an act relating to public assistance; changes provisions relating to eligibility for public assistance; and repeals the original section. The bill was read for the first time on January 19 of this year and referred to the Health and Human Services Committee. There are no committee amendments, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Thank you, Mr. Clerk. Senator Day, you're recognized to open on LB533.

DAY: Thank you, Mr. President, and good morning, colleagues. I rise today to introduce to you LB533. LB533 is a bill with no fiscal impact that simply moves back the sunset on a temporary income exclusion. This temporary income exclusion accommodates the National Institutes of Health and private foundation research study called Baby's First Years that examines the effects of poverty reduction on childhood brain development. Nationwide, more than 1,000 low-income mothers and newborns are participating in the study, 250 of which live here in Nebraska. In the study, mothers are given a set dollar amount of income per month and each year, a number of quantitative measures and evaluations are taken of, of their child. The income exclusion allows for participation in the study by ensuring that the extra income does not count against the family's abilities to receive public assistance like SNAP, TANF, and energy assistance. Unfortunately, due to COVID-19, the study was placed on hold or-- excuse me, sorry-- we passed LB1081 in 2016 to support Nebraska's participation in this study with a sunset of December 31, 2022. Unfortunately, due to COVID-19, the study was placed on hold because of the difficulty of safely collecting data at in-home visits and in college campus labs. The study was set to be completed by December 31, 2022, thus ending the need for a temporary income exclusion. In order for the study to resume with enough time to gather the requisite data, we are asking that the temporary income exclusion sunset be pushed back to December 31, 2026. LB533 was passed unanimously out of committee with no opposition testimony and with that, I urge your support of LB533.

FOLEY: Thank you, Senator Day. Is there any discussion on the bill? I see none. Senator Day, you're recognized to close on the advance of the bill. She waives closing. The question before the body is the advance of LB533 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB533 advances. Proceeding now to LB401, Mr. Clerk.

ASSISTANT CLERK: LB401, introduced by Senator Arch, is a bill for an act relating to state institutions; eliminates designation of the Hastings Regional Center as a state hospital for the mentally ill; redefines a term; and repeals the original section. The bill was read for the first time on January 14 of this year and referred to the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

Health and Human Services Committee. That committee placed the bill on General File with committee amendments.

FOLEY: Thank you, Mr. Clerk. Senator Arch, you're recognized to open on LB401.

ARCH: Thank you, Mr. President. Good morning, colleagues. LB401 simply cleans up a section of our statutes. The impetus for the bill was an Attorney General's Opinion released in September of last year. That Opinion pointed out that Section 83-305 of the Nebraska statute still identifies the Hastings Regional Center as a state hospital, though it is no longer a state hospital. LB401 would simply remove that designation in this section. Hastings has not been licensed as a hospital since 2008. The residential and outpatient programs for mentally ill adults ended in 2007 due to declining admissions. Given the condition of many of its buildings, it is doubtful it will ever be licensed as a hospital again. It is currently licensed as a mental health substance use treatment center, as well as a psychiatric residential treatment facility. A public hearing on LB401 was held in front of the Health and Human Services Committee on January 27 and there was no testimony either for or against the bill. There's no fiscal impact. The committee voted unanimously to advance LB401 with a committee amendment. Mr. President, that concludes my opening on the bill and may I use the remainder of this time to introduce the committee amendment?

FOLEY: Please do so.

ARCH: Thank you. Committee AM59. Section 2 of LB401 was added by Bill Drafters, was intended to be harmonizing language. It states that while the Hastings Regional Center is no longer a state hospital, it does remain a state institution. Committee AM59 strikes the reference of Hastings in this particular section altogether. Hastings is already defined as a state institution under the supervision of DHHS in another section of statute, 83-107.01, so this language is unnecessary and that is all that LB401 does. It cleans up our statutes by striking obsolete language defining the Hastings Regional Center as a state hospital. I urge you to adopt the Committee AM59 and advance the bill. Thank you.

FOLEY: Thank you, Senator Arch. Debate is now open on LB401 and the pending committee amendment. Senator Blood-- Flood.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FLOOD: Thank you, Mr. President and members. I support Senator Arch's bill and I know that it's mostly cleanup as it relates to the language used to define Hasting as a state regional center. As the senator for District 19, home to the Norfolk Regional Center, I will tell you that behavioral health is a continued issue in this state. And one of the things I wanted to take the opportunity to talk about is that there is always going to be a need for locked, secure care. And if you look at what has happened in our prison population, if you look at what has happened in our county jails, the correctional system has become in many ways a mental health facility. And when the Legislature and the state of Nebraska made the decision to shut down the Hastings Regional Center, it walked away from 100 years of experience in caring for those that some of whom cannot be cared for in the community. I don't want to discount the strides we've made with community-based care. I don't want to discount the, the freedoms that mentally ill folks that are battling this disease have enjoyed in the community, but I will tell you, talk to any sheriff, talk to any police officer, talk to judges, prosecutors, defense attorneys, guardians ad litem, behavioral healthcare workers and they will tell you it's hard to get a bed in a regional center. And right now, the Norfolk Regional Center serves sex offenders in phase one of their treatment, a lot of which have been co-occurring mental health, dual diagnosis. The Lincoln Regional Center, for all intents and purposes, in a lot of ways, is a forensic facility. We need to make sure that as we look at capacity in this state, we have to make sure we have the right kind of capacity and some of that should be locked, secure care at a facility like the Hastings Regional Center was, like the Norfolk Regional Center was because all you've done in a lot of ways is push these people suffering from mental illness into jails. You're pushing them into jails where sheriffs and correctional officers do not have the resources to care for them and they are sick. They are not criminals. They are sick and that's what's happening to them. They are sitting in jails. They're sitting in jails in your counties and a lot of those folks could have been receiving care to get them back on the right track at a facility like a regional center. So this has-- I support what Senator Arch is doing. I just-- you know, I hear regional center and I think it's important we understand some of the decisions we made in the early part of the 2000s. Everything that we warned that was going to happen in a lot of ways has happened. Thank you, Mr. President.

FOLEY: Thank you, Senator Flood. Any further discussion on the bill or the committee amendment? Senator Pahls.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

PAHLS: I mean, I-- thank you, Lieutenant Governor. May I have a question or two for Senator Flood?

FOLEY: Senator Flood, would you yield, please?

FLOOD: Yes.

PAHLS: I hear what you're saying and I hear that all the time from the Douglas County jail system. What's the answer? That's-- see, what we did several years ago, we caused this to happen. What do we-- what-- in your eyes, since you've really been delving into this because of Norfolk, what, what should we be doing other than just talking about it?

FLOOD: Well, as I look at mental health, I would explore the nonmedical model of the clubhouse system where you're checking in on people every day and you're monitoring their medication management and you make sure that, that the nonmedical model is reimbursed. The minute that you see something happening, that you intervene to try and keep people out of the emergency room. But once they're in our system and they are committed to the custody of the Department of Health and Human Services, we have to make sure that we've got the long-term locked, secure care that they need. The reason I say locked is a lot of these places that are available for them, for their own safety, there's not, there's not places that will take you. I remember there was a nursing home in Dodge County that was really good about taking aggressive patients that had mental illness and it just got to be too dangerous to have those patients around the others for safety reasons. I'm not saying we need to open another regional center. I'm not advocating that we open a wing in Norfolk or that we recreate Hastings, but we have to make sure that when we talk about the continuum of care, we have everything from the nonmedical model to the intervention to the stuff, the good stuff that the regions are doing, to the point where you have the ability to get somebody into a, a state facility if that's absolutely what is required and I think it's a capacity issue.

PAHLS: OK, well, I, I-- thank you for that. I just felt we needed to talk a little bit more about that because to be honest with you, I've had police officers tell me that they have had somebody in their car and they have driven around several hours looking for a place to put that particular individual, so I think you've given us some direction at least to be thinking about and I do appreciate that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FLOOD: Thank you.

PAHLS: Thank you.

FOLEY: Thank you, Senator Pahls and Senator Flood. Senator Halloran.

HALLORAN: Thank you, Mr. President. I just want to stand and endorse what Senator Flood said. His comments are spot on and I'm not in opposition to LB401, but, but it's a good conversation to have and we won't find remedies for it unless we have some discussion, not just in this body, but outside the body. Part of the issue was back when the regional centers were closed down, it was my understanding it was a Supreme Court ruling, Olmstead ruling that outlawed-- and the terms they used was unfortunate, but may have been somewhat accurate. They referred to regional centers as, as warehousing people and that's unfortunate that-- maybe some of that was taking place, but we should have fixed the problem when we saw the problem. So the Supreme Court ruled we couldn't do that and that led to, that led to the closing of the regional centers consequently. And then Congress codified that in law and, and so here we are. We, we are unable to have what we had before in the forms of isolating, isolating in, in a facility that's designed for people that need the care, need the help, right? There, there may be another model that we can do that falls within the confines of the Olmstead ruling and I think we should pursue looking at that. Hastings Regional Center's history, it's fallen apart to the ravages of, of lack of care for the facilities and buildings. They're falling apart. But so what took the place of regional centers when they officially could not function anymore legally? Well, we did community-based housing and not to disparage that, but community-based housing didn't have the level of security. So consequently, a lot of folks that were subject to or put into community-based housing roamed away from that housing and unfortunately, some of them, because of the state that they're, they're in, committed some crimes. And to Senator Flood's point, they ended up in jail. If they did multiple crimes, they ended up in the State Penitentiary where guess what? These folks, when they end up in jail or in the State Penitentiary, they're extremely vulnerable by the nature of their mental health issues and they get picked on or sometimes killed, right? It's not the place for mental health to be-- they shouldn't be trying to use prisons or jails from-- for mental health issues, but here we are. So I'm encouraging anyone that wishes to sit down and discuss that outside this body, but we need to look at some alternative model that can better take care of these folks. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Thank you, Senator Halloran. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. I do rise in support of Senator Arch's bill and the committee amendments, but I was inclined to turn on my light initially following Senator Flood remarks and following Senator Halloran's remarks as well and just I appreciate both of them sharing those. I'm in strong agreement with the need and the focus on this. I've worked a lot with our county jail in Lancaster County and I think it surprises people that the amount of people who are in the county jail who are still pretrial-- the pretrial detainees. So they're not necessarily sitting out a jail sentence, they're just waiting for the system to process them and a huge number of those-- maybe not a huge number, but a huge burden on the jail is people waiting for appropriate mental health treatment because how we've structured it for many years in the state is that when somebody is deemed incompetent to stand trial and has to be ordered to restore to competency, they have to go to the Lincoln Regional Center. The state law says a state mental hospital or did for a while and of course, the Lincoln Regional Center is the only thing that fits that definition. And the problem with this was you had one waitlist for every crime and every jail across the state. I remember a few years ago, we had a Judiciary Committee hearing on the issue and we had a sheriff from a small town. I forget where it was, but he had somebody, you know, awaiting murder charges sitting in their jail for a spot in the regional center. And at the same time, we had people in Lancaster and Sarpy County who had been arrested on loitering and they're all on the same waitlist for the same spots at the same center. So one thing we have done and I would encourage the body to continue looking at-- it's been a-- was a multi-year effort of mine and, and past Senator Bolz was to allow for outpatient restoration of competency in some instances where it is appropriate, so people who have a strong family support network, maybe somebody who had a, a, a minor crime and, you know, their parents are willing to look out for them and make sure they get to, to, to competency restorations. There's no need for them to wait in the same line for the regional center. That's something we have started and funded within the, the budget in the past few years and it's something I think we're going to have to look at. That is, by all means, just a small portion of people who are in kind of desperate need of mental health in the state, but it is one way we have looked. I would agree with what the prior senator said. You know, ultimately there's a capacity issue and I'm not necessarily excited to build new mental health facilities and new hospitals and things of that nature, but at least making sure we as a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

state prioritize and find someplace that individuals who desperately need this treatment can find this treatment, so they're not just, as Senator Halloran said, you know, sitting in our county jails waiting to be victimized or waiting to be a burden or having-- you know, overburdening our counties. At the end of the day, it's a state obligation that we have really foisted upon our counties for way too long. So with that, again, I appreciate this opportunity to discuss this. This is a long-term problem in, in the state and I appreciate other senators with more tenure left than I, a term-limited senator, who have an interest in this because we're going to have to keep working on it. With that, I'll close and I just reiterate in support of Senator Arch's bill. Thank you very much, Mr. President.

FOLEY: Thank you, Senator Hansen. Senator Murman.

MURMAN: Thank you, Mr. Lieutenant Governor. I feel compelled to speak a little bit about the closing of the mental health centers several years ago. Also, I represent seven counties to the west, south, and east of Hastings and I do hear from county sheriffs especially that people that are housed in their jail with mental health issues, that's not a good place for them. They, they all-- or many of these sheriffs are very disappointed that the mental health-- mental hospital was closed. You know, ideally, these people with mental health issues and sickness should be out in the community, of course, as much as possible, but that is not the best place for them in, in all cases, especially the most severe cases. You know, I, I think it's been spoken about enough already, but, you know, they go to the county jail because they've committed a crime and then they possibly end up even in the State Penitentiary after multiple crimes, so-- and those-- it's really unnecessary if they just had better care and a more secure type of facility. And I should mention, I also have concerns about what can happen with disabled people also. Senator Halloran mentioned the Supreme Court Olmstead ruling and I'm not sure if that is the total reason for it, but people-- some people with severe disabilities also are being-- well, I don't know if you'd say forced, but, but required to spend more time in the community when really that isn't always the best place for them and just a good balance of community and a more day, day type care-- facility probably isn't the best word, but home would be a good place for them. But in short, I'm not opposed to LB401 at all. In fact, I support it, but we do need to focus more on the severely mentally disabled people that, that aren't properly cared for now, so thank you, Mr. Speaker.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Thank you, Senator Murman. Any further discussion on the bill or the pending committee amendment? I see none. Senator Arch, you're recognized to close on the committee amendment.

ARCH: Thank you. Thank you, Mr. President, and I'll use this close on the committee amendment to be my close on the bill. I just want to, I want to mention that the population that we're talking about here with regional centers and the history in our state is that-- is adults who suffer from severe and persistent mental illness, when in particular-- and I know the, the Omaha region, when, when that Norfolk Regional Center closed, I know that there was an anticipation that community services would spring up and, and surround and the patient would be closer to the community. What happened in Omaha, of course, was Lasting Hope, the center that was established in the old Lutheran Hospital facility there in Omaha-- was the intention that that would become a community-based provider. And what we saw was some very significant private donors step up and provide tremendous leadership as well as UNMC, CHI, Allegiant at the time, come together to, to create a facility within Omaha to try to address this issue of severe and persistent mental illness. But Senator Flood's comments are dead on. What, what, of course, has happened is that the court systems are struggling with this shift, not only with the adults, but also with juveniles. And so to address that, I know that there is an effort within Sarpy County right now where they are designing a new jail facility and they are acutely aware-- and really, I would, I would say on the forefront of trying to address this issue of mental illness, recognizing that the number of adults that are in jail in Sarpy County, the percentage is very high of those who are suffering from a severe mental health diagnosis. So they're trying to address this in both the design of the facility, having a, having a mental health unit, as well as trying to get some diversion up front that if that's what you're struggling with versus simply incarceration-- there very well could have been a crime committed, but, but that severe and persistent mental illness we know is driving people to some crime as well. So we're going to be watching Sarpy County very closely. They-- as I say, they're, they're-- they have got some pretty innovative programs that they're putting together and, and we'll see, we'll see how that works. They've gone around the country looking at other states where, where they're implementing some new things, so I'm, I'm hopeful even in Sarpy County. So with that, I will close on AM59 as well as LB401 and ask for a green vote on both of those.

FOLEY: Thank you, Senator Arch. Members, the first vote is to adopt the committee amendment. Those in favor to adopt the Committee AM59

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 44 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: The committee amendments have been adopted. Any further discussion on the bill as amended? I see none. Senator Arch has previously closed. The question before the body is the advance of LB401 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB401 advances. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. LB281 has been selected as Senator Albrecht's personal priority bill. Additionally, the Government, Military and Veterans Affairs Committee has selected LB83 and LB285 as their committee priority bills. Finally, a conflict of interest statement. Pursuant to Rule 1, Section 19, Senator Gragert has filed a Potential Conflict of Interest Statement under Nebraska Political Accountability and Disclosure Act. That statement is on file in the Clerk of the Legislature's Office. That's all I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Next bill, LB37. Mr. Clerk.

ASSISTANT CLERK: LB37, introduced by Senator Lowe, is a bill for an act relating to the State Fire Marshal; changes provisions relating to certain rules and regulations and fees; eliminates provisions relating to standpipe requirements for hotels and apartments and certain definitions; changes qualifications for the state boiler inspector; harmonizes provisions; repeals the original section; outright repeals several sections. The bill was read for the first time on January 7 of this year and referred to the Business and Labor Committee. There are no committee amendments, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Lowe, you're recognized to open on LB37.

LOWE: Thank you, Lieutenant Governor. LB37 is a cleanup bill for the State Fire Marshal. Bill-- this bill makes a few changes. First, it moves the fee structure from the statutes to a rule and regulation. The new fee structure is simplified, as the old one was very

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

complicated. There will be a \$1.50 charge to review, to review up to the first \$10,000 of projected project cost. There will be an additional \$1.50 charge for every \$10,000 projected cost up to the total amount fee of \$500. This will allow the agency to generate a fee amount that is extremely close to the general fund amount that was being used in the program previously. It will also allow for a fee reduction to many of the smaller projects that are submitted. The bill also changes the qualifications for a state boiler inspector. This process will put Nebraska in line with the majority of states. Certain outdated definitions will also be eliminated. According-- lastly, it makes a change to a regulation dealing with LPG and mobile air conditioner systems. According to the Fire Marshal, this regulation was enacted in 1999, has never-- and has never been used. This bill made it out of Business and Labor Committee on a 7-0 vote. The Fire Marshal testified in favor of the bill and there was no opposition. Thank you, Mr. President-- Lieutenant Governor.

FOLEY: Thank you, Senator Lowe. Any discussion on LB37? I see none. Senator Lowe, you're recognized to close. He waives close. The question before the body is the advance of LB37 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB37 advances. Proceeding the LB169. Mr. Clerk.

ASSISTANT CLERK: LB169, introduced by Senator Matt Hansen, is a bill for an act relating to offenses relating to property; eliminates locksmith registration requirements; eliminates penalty relating to failure by a locksmith to register; and outright repeals several sections. The bill was read for the first time on January 8 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File. There are no committee amendments, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Matt Hansen, you're recognized to open on LB169.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. I rise today to introduce LB169, which would repeal the licensing requirements for locksmiths in Nebraska. Current statute requires locksmiths to register with the county clerk in the county where their business is located and pay a fee of \$5. During the 2020 interim, as

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

required by the Occupational Board Reform Act the Legislature passed in 2018, the Business and Labor Committee introduced LR357 to review locksmith licenses. In the course of the study, the Nebraska Association of County Officials sent out a survey to county clerks. They reported that several counties have not issued any locksmith licenses in the past five years, with most counties issuing between one and ten and only one county issuing more than 15 in the last five years. No counties reported revoking any locksmith licenses and it is not clear if the statute even gives them the power to do so. The current statute was enacted in 1974 and after reviewing the legislative history, there did not appear to be widespread concern that the licensure requirements arose from, but rather one instance where a burglar was masquerading as a locksmith. During the committee hearing on the initial legislation, concerns were raised regarding the renewal and cost of the license and the response was that future legislatures could build upon the requirements. This clearly has not been the case, as the current statutes do not have a centralized registry. They do not have renewal requirements or even the clear ability to deny or revoke a license. County clerks are currently burdened with this task, which does not generate significant enough revenue to cover costs and does not provide a public safety service. The simplest way to move forward is to repeal the sections requiring a locksmith license in Nebraska. LB169 was supported by NACO at its hearing and has the support of the Platte Institute and was advanced from committee unanimously. I'd appreciate your green vote on the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Any discussion on LB169? I see none. Senator Hansen waives closing. The question before the body is the advance of LB169 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: LB169 advances. Proceeding now to LB255. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB255, introduced by Senator Matt Hansen-- Ben Hansen-- excuse me, Matt Hansen, I'm sorry. It's a bill for an act relating to first responders; adopts the In the Line of Duty Compensation Act; changes the state Miscellaneous Claims Act as prescribed; provides an operative date; and repeals original section. The bill was read for the first time on January 11 of this year and referred to the Business and Labor Committee. That committee placed the bill in General File with no committee amendments.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Thank you, Mr. Clerk. Senator Matt Hansen, you are recognized to open on LB255.

M. HANSEN: Thank you, Mr. President, and good morning again, colleagues. I rise today to introduce LB255, which would adopt the In the Line of Duty Compensation Act. LB255 provides for a family member or designee to receive compensation if a firefighter, police officer, or other first responder dies while in the line of duty. This is common practice in other states and I believe long overdue here in Nebraska. Many of our neighboring states have some form of compensation for those that die in the line of duty and I believe it is time for Nebraska to join our neighbors in making sure that those first responders and-- know we value their work, their service, and their lives. LB255 would include paid and volunteer firefighters, emergency medical service ambulance squad members, and law enforcement. The bill allows for a one-time payment of \$50,000 starting in 2022 and indexed for inflation each year following to the person who died in the line of duty-- to the-- excuse me, to the family of the person who died in the line of duty. Each employee would have the opportunity to designate a beneficiary or if do, do not, it will follow their will or other procedures of inheritance. As introduced, a claim must be made for compensation with the Nebraska Risk Manager within one year after the date of the death of the first responder who was killed in the line of duty. The State Claims Board shall then investigate the claim and approve or deny the claim. I think this is an important bill and will continue to work to make sure that we are taking care of our firefighters and police officers' families while they are taking care of ours. LB255 was supported in committee by the Nebraska Professional Firefighters Association, Nebraska Association of County Officials, the Nebraska State Volunteer Firefighters Association, the Nebraska Emergency Medical Services Association, and the Fraternal Order of Police and the Omaha Police Officers Association. It had no opposition and advanced from committee unanimously. With that, I will close and ask for your green vote on LB255. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Debate is now open on LB255. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. I appreciate that. Senator Hansen, I was wondering if you would yield a couple of questions?

FOLEY: Senator Matt Hansen, would you yield, please?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

M. HANSEN: Yes.

ERDMAN: Senator, thank you for yielding. I had a, a couple of questions. I see in the bill that if the designee has not been designated by the, the first responder, it goes to the spouse or it goes to the survivor if they can find the nearest or closest relating survivor.

M. HANSEN: Yes.

ERDMAN: And it goes on down and, and it keeps going. So who will be the one that makes the decision or has to go find these people that are going to be the recipient?

M. HANSEN: It would be a part of the application when whoever is requesting the benefit would have to argue that they are entitled under this statute.

ERDMAN: So what if they have no immediate relatives that make the application, then what happens?

M. HANSEN: The State Claims just doesn't have a claim to process and the money doesn't get paid out.

ERDMAN: So it will be the-- it will be one of the relatives of the deceased that will have to come forward and say I-- and make a claim for the money?

M. HANSEN: Yes.

ERDMAN: OK. It seems kind of, kind of cumbersome. Is that how the other states do it?

M. HANSEN: Yes, it's common for other states. Looking at, for example, Missouri, they have about a two-page form that's fill in the blank. It's premade and available on their website, so it's not necessarily-- it doesn't necessarily have to be a cumbersome process.

ERDMAN: OK. Do you know if they have a lot of trouble finding recipients and some of the money just goes-- it stays with the state or do you know about, do you know about that?

M. HANSEN: I have not heard any stories about somebody dying with no benefits or no clear surviving family, no.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

ERDMAN: OK. Do, do these people that are going to be eligible for this, do they have a life insurance policy now that's carried by whomever they serve with?

M. HANSEN: Potentially. That would vary upon department or agency. It would vary from each one.

ERDMAN: OK. Well, it just-- it looks to me like it's kind of a, a cumbersome thing to try to figure out who's going to be the recipient. That would be my, that would be my question about this. I appreciate you answering the questions. Thank you.

M. HANSEN: Thank you.

FOLEY: Thank you, Senators Erdman and Hansen. Senator Friesen.

FRIESEN: Thank you, Mr. President. Would Senator Hansen yield to a few questions?

FOLEY: Senator Hansen, would you yield, please?

M. HANSEN: Yes.

FRIESEN: So a couple of my questions deal with, like, on a, on a volunteer fire department, who, who qualifies for this? Is it the, the roster that's approved by the city council?

M. HANSEN: Sorry, I didn't quite hear your question.

FRIESEN: When a, when a volunteer fire department in, in rural areas is-- usually their, their roster-- their members have to be approved, like, by a city council or somebody who makes and approved their roster. So is, is-- anybody listed on their roster would qualify for this death benefit?

M. HANSEN: Yes, that would be my understanding. It would be my intent to be including everybody on a volunteer squad.

FRIESEN: So there's no requirement there that they're active duty, that they're not 70 years old and just coming to the meetings or is this meant to continue on to a retired firefighter?

M. HANSEN: Sure. It's certainly not for-- meant for retirees or people who are not actively in service because one of the things you have to prove and you have to claim is that the-- they were killed in the line

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

of duty, so a firefighter's case, that they were killed while responding to a call.

FRIESEN: So I-- again, I-- you know, these, these people do come to the station sometimes.

M. HANSEN: Um-hum.

FRIESEN: They, they maybe sometimes serve meals on a big fire, but they are answering the call--

M. HANSEN: Um-hum.

FRIESEN: --and coming there to do what they can. They're still active members in that respect, but they would never be on a fire scene, so to speak. Are they still considered active members?

M. HANSEN: I guess if the, if the agency considers them an active member, then yes. But I do want to clarify that, for example, if somebody just died of old age, of unrelated connections to their service, they wouldn't be eligible, regardless of whether they're an active member or a retired member.

FRIESEN: So would an, would an autopsy be required to see once-- why they died, maybe on their way, heart attack or--

M. HANSEN: Yes, so, so that would be-- if, if the family of the deceased firefighter wanted to make a claim that they were eligible, they would have to probably provide a death certificate or something to show why they think they are eligible.

FRIESEN: OK and, and I think the question was asked already, but I know there's a number of departments who-- they do buy their, their fire department members a, a, a life insurance policy, so this would just be above and beyond whatever that might be?

M. HANSEN: Yes.

FRIESEN: Did you say yes?

M. HANSEN: Yes, I did say yes.

FRIESEN: OK, thank you, thank you, Senator Hansen. Well those are-- I mean some of the questions out there, I mean-- again, I know the volunteers are, are-- they're not doing it for pay. They're not doing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

it for these reasons. And I have no objection to us doing this, but we have to remember that there are departments out there who do provide very adequate benefits on life insurance policies and things like that and so we are really duplicating, in some cases, what they might be receiving. I think the biggest problem that I see with the bill is I know there's a lot of departments out there that treat their membership a lot differently. Some people-- some departments keep people on there for as long as they want to show up. They no longer really are what I would call active firefighters, but they're obviously still members. They still respond to the fire, whether or not they just help clean up at the fire barn or for whatever reason. So I, I think the people that are qualified is going to vary a lot across departments on how they treat their roster, so to speak. So I, I think if, if that could be clarified a little bit or if we want to say that if you've put in 30 years of continuous service, then this continues on for you. This-- if you show up at the fire barn and you're willing to help serve food or water, things like that, then let's put it in the statute of who might be qualified and who not. So I think that's going to vary a lot, so I'd, I'd like to look into that a little further, but thank you very much for answering the questions. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Senator Flood.

FLOOD: Thank you, Mr. President, members. I appreciate Senator Matt Hansen's bill here, especially just the, the-- in the recent months, the ultimate sacrifice paid by Investigator Herrera and his family and the city of Lincoln. What a tragic situation that is and that brings everything here to the forefront because we appreciate that. And for that reason, I think that-- just because it's so fresh, I want to see something get passed. I think we have a few things to work on between General and Select. As I look at it, the definition of a police officer would also include anybody that works for Union Pacific Railroad, BNSF because they have law enforcement authority in the state of Nebraska. I think we'd have to-- we just have to know what we're getting into. We're essentially, in this case, providing a life insurance policy to any-- pretty much political subdivision, or in some cases, corporation for a line-of-duty death and I, I-- that may be exactly how we do it. I know that when it comes to Union Pacific and BNSF, they have their own law enforcement powers that are authorized under the state of Nebraska and may be authorized under federal law. One of the questions would be does this apply to federal agents that are conducting a law enforcement function? As I look at the definition of law enforcement officer in here, it's written to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

make sure we don't exclude anybody, but we want to make sure that if, if we're going to provide this benefit and it's really a pittance of their sacrifice, that we know exactly where it's going and what it's going for. When it comes to rural fire departments, I know that the sacrifices are huge. There are a lot of people that are on the roster and I think to Senator Friesen's point-- and Senator Matt Hansen, you represent more of an urban district, but when I go to the fire hall for the banquet, there are some older gentlemen sometimes that, that stay on the fire department well into their mature years and, and I think his question is are they then eligible? And I think your answer is it's got to be in the line of duty. Something that I think this bill does need on Select File is it needs-- we need to create a form or some type of an election that a first responder can make so that if they do find themselves-- a spouse or a loved one or whoever their-- if there's a claim, that we know what that election should look like and also recognize that if they get divorced, how are we going to treat that? There are the laws-- we might want to draw this back to if you die intestate, that a-- that the claim can be filed in the order of succession under the intestacy statutes. So I, I think that you are going somewhere with what you're trying to, what you're doing here. I think that between now and, and Select File, I'd be interested in just a few amendments to, to make sure that we're a little bit more focused on just a few of those issues. I'd give the remainder of my time to Senator Hansen if he wants to respond to any of that.

FOLEY: Thank you, Senator Flood. Senator Matt Hansen, 1:40.

M. HANSEN: Thank you, Mr. President, and thank you, Senator Flood. First of all, yes, I'm very happy to work with senators on this bill. There's been a-- as you've noted already this-- a lot of technical aspects that we've worked on. This is actually my third time introducing this bill and it's taken multiple years to get some of the definitions right. I'm happy to work and make sure there's a form prescribed. There is reference to a form in the bill, so that was my intent and if we want to find specific language of exactly how that form is structured, happy to work on that. And then my intent with law enforcement was-- and I-- it was state level or political subdivision, so state, county, city-level officers, and to not necessarily include federal officers. That's something I don't necessarily-- I wouldn't be opposed to including federal officers if that was to move the body, but as written, it's people authorized to enforce the laws of the state of Nebraska or political subdivisions, which I think focuses it on, you know, on state troopers, sheriffs, you know, municipal police departments. Yeah and with that, I appreciate people speaking in favor

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

of the bill. As I said, this has kind of been acknowledged-- a bit of a technical and has some moving parts, so if there's a form or a tweak or a change, happy to work with all stakeholders. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Senator Groene.

GROENE: Thank you, Mr. President. I understand the intent and I live in rural Nebraska. I understand the sacrifice that volunteer fire departments make and the members. They don't work two days on and five days off, they're available all the time and 3:00 in the morning and 8:00 the next morning, they're at work, so I fully understand that. I do have some problems with the bill, though. Killed in the line of duty means losing one's life as a result of the injury or illness-- that opens a big area up-- arising on-- after the operative date of this act in conduction [SIC] with the active performance of duties as a first responder if the death occurs within five years after the date of injury was received or illness was diagnosed as if that injury or illness arose from violence or other accidental cause. Senator Hansen, would you answer a question?

FOLEY: Senator Matt Hansen, would you yield, please?

M. HANSEN: Yes.

GROENE: Scenario: somebody goes out and has to shoot somebody or--

M. HANSEN: Um-hum.

GROENE: --they have a traumatic situation at a fire and three years later, they commit suicide. Can they claim PTS or whatever that is, post-traumatic syndrome?

M. HANSEN: You know, that's a fair question and I don't know if my bill has a clear answer on that.

GROENE: Or somebody has a heart attack three days later?

M. HANSEN: Certainly, certainly if there's a heart attack kind of related to or immediately after a call, that could be something they could claim. Again, claims aren't automatically approved, so that would be-- have to be something--

GROENE: That was-- yeah, but, but that's my question. Who's the arbitrator?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

M. HANSEN: The State Claims Board.

GROENE: They would get it and they would decide if the heart attack was caused by physical inactivity or if it was caused by the fire a week prior or--

M. HANSEN: Yeah.

GROENE: They would rule on that, all right.

M. HANSEN: Yes.

GROENE: Thank you. Yeah, I just have a little problem with-- I, I don't know all the-- and I haven't had a chance to ask some of my volunteer fireman friend what benefits they have now by their local subdivisions as to insurance policies, but \$50,000 don't go very far nowadays with funeral expenses. I understand that, but it seems like a lot of things could be thrown in here when you just use the word "illness" that was received-- the illness or diagnosis if that injury/illness arose from violence, so-- is-- a roof falling in on a fire and you're just at the fire, is that violence or-- so there's a lot of open windows here for claims, but I don't-- did you-- one more question, Senator Hansen. The fiscal note isn't very clear. Did you happen to look at past history in the state of Nebraska, how many deaths would have qualified, like, last year or the year before-- across the state, how many fire-related deaths we had or our police-action deaths?

M. HANSEN: Yes, so it varies, but I think the fiscal note notes that maybe one or two a year is, is kind of the common number.

GROENE: Is-- I didn't catch that, I--

M. HANSEN: One or two a year.

GROENE: All right.

M. HANSEN: It varies.

GROENE: All right, so that's-- we're looking at a fiscal note maybe of a-- by history, of \$100,000 or so a year if-- but we don't know how many people died later of other causes. Thank you. I, I agree with Senator Flood-- I-- something needs to be cleared up here, make it cleaner because if I knew somebody who died within a, a couple of years, for whatever purpose, of a fire, I would tell-- be telling them

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

to investigate, see if you can get that \$50,000. There needs to be a date certain that they said I have an illness and then prior-- after that, I would think you follow up and if they pass away within the five years, well then they had a claim in place, but I could see a lot of people-- a lot of claims coming in. Thank you.

FOLEY: Thank you, Senator Groene. Senator Albrecht to be followed by Senators Bostelman, Flood, Moser, and Dorn. Senator Albrecht.

ALBRECHT: Thank you, President. Again, I have heard this bill for a few years now and, and my whole thought process on this-- while it may very well be well intended, this is for paid, this is for volunteer. Some of them have contracts that they negotiate, that they get double indemnity if something happens on the job. And for those reasons, I'm just not real comfortable with doing this. But more importantly, for anyone in our communities that lose a loved one that was on a volunteer fire department or a police officer in our local towns, if something happens, our, our-- Nebraska rises to the occasion. I mean they can have money, you know, raised for these folks in minimal amounts of time. And I just don't think that this is something that we need to get into because I think all of the-- especially paid-- when you have union contracts, they have this. I don't know-- I'm, I'm surprised that a lot of the counties and cities came on board with this, but of course they would because it-- in my estimation, we are paying for it, the state, not the cities or the counties. So for that reason, I am, I am not in favor of the bill. Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. Just a couple of thoughts. Senator Flood touched on this just a few minutes ago on this-- on the qualifications on law enforcement. So I think that is pretty broad or do we consider our, our, our law enforcement officers, our game wardens-- would those be considered as, as part of-- a part of this group? And it's not necessarily a question, it's more of a, a thought as we progress through this, you know, as we look at these. The other-- one question I do have for Senator Hansen, if you would-- for Matt Hansen if he would yield?

FOLEY: Senator Hansen, would you yield, please?

M. HANSEN: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

BOSTELMAN: So as I look through this and I-- I'm just kind of looking through the-- page 3. It talks a little about the beneficiaries, potential beneficiaries.

M. HANSEN: Um-hum.

BOSTELMAN: And it lists quite a number, as we go through that, and parents are included. Is there a thought or did-- as you looked at other states, where the individual did not fill out the form to-- these are my immediate beneficiaries and then it goes per stirpes at-- after that? I mean is-- do we need to list all of the, all of the additional potential beneficiaries as we have it in-- listed here?

M. HANSEN: Yes, so what I was trying to do-- so we could change it, certainly. This is mirroring kind of our laws of intestate inheritance right now, so we just thought it would be clearer to say it expressly. If we wanted to reference our inheritance statutes or change it up in a different way, I think we could, if that answers your question.

BOSTELMAN: Sure. Yeah, I-- as-- I think-- it's just clarification for me--

M. HANSEN: Sure.

BOSTELMAN: --understanding why we have them listed because we could come into situations-- I remember in my prior days in the military when we would see an active-duty person or a person forget to change their will--

M. HANSEN: Um-hum.

BOSTELMAN: --or they may have family members who they are not, say, in good standings with. The-- and, and this perhaps would move them into a position ahead of someone else if that person-- if they didn't fill out their form because oftentimes, you would find that when they deploy, you know, it's one of the questions you ask them. Have you updated your will? And, and if there's been a divorce or there's another falling out within the family, we would run into those situations. And that's just kind of why I was asking the question here as to why we list certain ones instead of a, a per stirpes, but I appreciate your comments. I just wanted to understand a bit more of your thought process behind that. Thank you.

FOLEY: Thank you, Senator Bostelman and Senator Hansen. Senator Flood.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FLOOD: Thank you, Mr. President, members. You know, this is a bill I didn't think we get to on today's agenda, so I am, I am kind of doing this in real time and I appreciate Senator Matt Hansen's answers and I, I sense that he's willing to work between now and Select File. One of the things that strikes me is that when you talk about giving your life in the line of duty, we would be remiss if we did not add correctional officers to this list. The police departments and the law enforcement officers deal with these folks, the criminals on the streets, and then they end up in our prisons and they're all there under one roof and it's a-- can be a very dangerous environment. I could not imagine a correction officer's family being told that you didn't qualify after giving your life in service to the rest of us or a, a jailer, for that matter. I, I think that this is a precedent that we have to come to terms with if the state wants to reach down into the cities and the counties and the political subdivisions that aren't officially the state and write an insurance policy for these folks. I'm not necessarily opposed to that, but I think it's a policy decision certainly for state employees. We have-- we would want to make sure that we're there as it relates to the cities and the counties. I didn't see the League of Municipalities testifying on the committee statement. I did see NACO on there. I also know that Senator McDonnell has another bill that's currently in Revenue that addresses similar issues as it relates to cancer for firefighters, both volunteer and paid. So I think there's going to be a number of different issues that make their way through the Legislature and spending time on this today is a good thing. I guess I would, I would ask Senator Matt Hansen a question.

FOLEY: Senator Matt Hansen, would you yield please?

M. HANSEN: Yes, I would.

FLOOD: Senator Hansen, in the committee hearing or maybe in your research, have you looked at the scope of how many claims there might be? Like, if you look at the last five years in Nebraska, I think we pretty much know the law enforcement lives that have been sacrificed in the name of safety. What about first responders? I guess I'm less clear on that.

M. HANSEN: Yes, not many and part of it, part of it depends on how you define killed in the line of duty. So for example with firefighters, there was a rash of firefighters who had heart attacks after-- reportedly immediately after responding to calls and so those would be included if we were kind of inclusive or could be excluded if we were

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

narrow, so it varies a little bit. But again, kind of with firefighters, I don't think it's-- I think we might have gone a little while without a firefighter death, but a few years ago, I think in 2018, we had, like, three in a single year, so it varies.

FLOOD: What about Corrections officers? Have you contemplated that?

M. HANSEN: I have contemplated Corrections officers and if that's something the body wanted to include, I would be supportive. I would generally err on the side of being broad and generous. I don't think we've had a correction officer death in a little while. I do remember a-- several years ago now, there was one county jail who had a staffer who was, who was murdered by an inmate and so I think that would be appropriate to include if the body wanted to.

FLOOD: Are the surrounding states-- do the-- is their death benefit \$50,000 or is, is ours higher or lower?

M. HANSEN: It varies, so the highest one I saw is Pennsylvania. I know it's not surrounding, but had \$150,000; \$50,000 or somewhere in there is about average.

FLOOD: OK. So let's talk for a second here about private medical emergency squads.

M. HANSEN: Um-hum.

FLOOD: So for instance, in my community, the Norfolk Fire Division is a paid department. In some cities, it's a volunteer department, like Battle Creek. Kearney, Nebraska, for instance, though, would have Good Samaritan, which actually handles the 911 calls--

FOLEY: One minute.

FLOOD: --for Buffalo County area, so they would be performing the same duty as a Norfolk firefighter. I see that in-- and I, I think I understand why you did it--

M. HANSEN: Um-hum.

FLOOD: --in page 2, line 10 and 11, that you exclude private, for profit-- OK, so for-profit ambulance service--

M. HANSEN: Um-hum.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FLOOD: --should we include the private nonprofit if they're acting on behalf of the city?

M. HANSEN: Yes, I, I would hope they-- to include them and if we need to fix that language, I would.

FLOOD: OK. Thank you, Mr. President.

FOLEY: Thank you, Senators Flood and Hansen. Senator Moser.

MOSER: Thank you, Mr. Lieutenant Governor. I think some of the questions that have come up illustrate the problems with defining a benefit and then defining who qualifies for it after the fact. Typically when you buy insurance, you buy insurance to protect you against whatever unfortunate thing may happen. And you have to apply for the insurance, somebody has to pay the premium, and then the insurance companies do all this-- all these things that some of the senators are asking Senator Hansen about. Because this kind of puts the state into the insurance business, that they're going to give a benefit to people who were injured in the line of duty. And you know, I think there could be squabbles over who gets the money. You know, there could be multiple families that think that they're the injured party and that they should get all the money or, you know, I, I could see us getting into situations where we're in court trying to decide whose money this is. You know, maybe the best thing to do would be to stay out of the insurance business and let the fire departments and the police negotiate this as part of their contract to have life insurance, disability insurance excluded-- included in their contract and then it's all taken care of and the state doesn't have to get in the middle of it. I mean there would be a lot of unfortunate things that could happen to Nebraska citizens that the state could make a case for giving money to. I mean there would be Good Samaritans who tried to help somebody and they get killed in an accident, maybe they're walking out on the interstate to help somebody who was in a crash or-- I mean there's just-- there's no limit to the, the people who we might all agree here would be worthy of payment. But to say that there's a payment there and then to define who qualifies for it later and then who-- once we decide that their death qualifies for this payment, who do we pay it to? I think it just creates a quagmire for us. I think it would be-- if you were going to interfere into this part of the agreement between the volunteer fire departments and the communities they serve that you would require insurance to protect against potential loss of time off of work or, or even death. I think once you get the, the state into the insurance business, I think it's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

going to be a, a headache. I mean I, I have all the sympathy for people who die in the line of service. You know, they gave their life trying to help people. I mean yeah, they're getting paid, but they took chances that were way more serious than what their pay could make up for and-- but I just think that it-- you should have a way, if you're going to-- if this is going to go forward, I think that you need to have them apply for it in advance and have it declared who the beneficiaries are and then where this money is going to come from, so we have it all figured out. I think it's really going to be messy to try to do it in arrears. Thank you.

HILGERS: Thank you, Senator Moser. Senator Dorn, you are recognized.

DORN: Thank, thank you, Mr. Speaker. To-- some of the questions that Matt has answered lately here were some of my original thoughts of-- that-- I call it the number of people that this would affect each year or what type of claims would be, be looking at. Do not know how many we'd have. I do know that many of the fire departments-- I don't know, I think it's a state thing maybe, even. They do have insurance on this type of, of thing that if-- death in the line of duty and so on, but I could not tell you the dollar amount or whatever. But I do have a couple other questions for Senator Hansen if he'd yield to a question?

HILGERS: Senator Hansen, would you yield?

M. HANSEN: Yes.

DORN: Yes. In here, you have that the first year here, it would be \$50,000. So that \$50,000 is the limit on claims paid for-- out of the state or whatever the state would have to-- we, the body, would have to rule on. So the first year, that would not be needed, but then after that, going forward, assuming we use the CPI--

M. HANSEN: Um-hum.

DORN: --factor and add that extra amount in there, after that then, any claim would need to come in front of the Legislature.

M. HANSEN: Yes. Thank you for that, Senator Dorn. You're correct and that's an important clarification. So the State Claims Board would make the recommendation, but ultimately the final say would be as part of the State Claims process and the State Claims bill.

DORN: OK, one more question. City of Lincoln, I think, went through something similar to this here in the last few months or whatever with

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

a, a, a fatality that they had with their police department and I think they approved something like this. Does this take place of, of cities in general then or if somebody else have something or is this-- I call it in addition to-- this is on its own?

M. HANSEN: Yeah, this would be addition-- in addition to, on its own.

DORN: So that it, it-- if, if Lincoln or Kearney or wherever, if they had something, that would be in addition to it and it wouldn't-- it would not affect what this bill here is doing. Our bill would not supersede theirs.

M. HANSEN: No, it would not. We had some-- if I may, we had some discussions in committee, I think past years, about it. And the worry then was if you do some sort of offsetting then are you creating more problems than you're solving?

DORN: Yeah.

M. HANSEN: So keeping it a flat amount statewide seemed like a-- seemed like the simplest solution on that front.

DORN: So-- OK, thank you, and I will yield the rest of my time.

HILGERS: Thank you, Senator Hansen and Senator Dorn. Senator Morfeld, you are recognized.

MORFELD: Thank you, Mr. President. Thank you, colleagues. I rise in strong support of LB255 and I just want to make a few comments and notes on this legislation. I wasn't intending to speak about this, but just hearing some of the questions and then, quite frankly, one senator who openly opposed it because it was a, a bridge too far for Senator Albrecht. Oftentimes, I see many members of this body get up on the floor and talk about supporting our first responders, support blue, support our first responders. They go out and they put their lives in the line of danger every single day, we have to support them. And then when we have a \$50,000 death benefit for their family, we get up here and one member says it's a little too far for them. Now there's been some legitimate questions and comments. Senator Dorn, Senator Flood, I think, have brought up some, some really good, thoughtful comments on this. But some of the other things I hear from some of my colleagues who constantly talk about supporting blue, supporting our first responders, and then get up and talk about-- well, it might be just a little too messy after they die to figure out who this \$50,000 dollars goes to. Shame on us. You know what's more

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

messy? The fact that that person died serving the members of their community, the fact that that family has to pick up the pieces of the hole that that left in their lives and in their community. So Senator Moser, yeah, it might be a little messy figuring out who the money goes to, but I think that's OK. I think we'll get past it. Colleagues, if you want to see changes to this bill and you have legitimate concerns about it, bring an amendment. Senator Moser, if you think you can make it less messy, bring an amendment. But colleagues, I think it's important to remember what this bill is trying to do. It's giving \$50,000-- which quite frankly, I think we should times it by five, at least-- to first responders who died in the line of duty protecting us. It should be more and I think there were legitimate questions about the scope of it. I think there were legitimate questions about how the benefits get paid out. Those are all good questions, but it was really disturbing to me to hear Senator Albrecht in particular get up and talk about how this is too far, \$50,000, particularly when I hear some of these comments, which I do not feel are substantive, from people who normally get up or stand out in the Rotunda and talk about how they support first responders. But when the rubber meets the road, when it comes down to \$50,000 to their families, too far for them, too far for them. This is an important bill. It's a bill that not only covers first responders who have union contracts or other negotiated types of benefits, but it also covers volunteers. And yes, maybe some of those volunteer departments should have benefits lined up for their first responders, but we also know that there are some communities that aren't thinking about that because it's a volunteer unit. And this ensures that every single Nebraskan that puts their lives in the line of duty, regardless of what that may be, whether it's a police officer, whether it's a first responder of some other sort, medical or otherwise, they at least have the fallback of \$50,000, which as somebody who's had a few grandparents pass away recently, will barely cover the funeral costs. Colleagues, I urge you to support this legislation.

HILGERS: One minute.

MORFELD: And if you have things that could make it better, then I suggest that you sit down with Senator Hansen and actually bring those things instead of simply saying them and then voting no on the floor. Thank you, Mr. President.

HILGERS: Thank you, Senator Morfeld. Senator McDonnell, you are recognized.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

McDONNELL: Thank you, Mr. President. Good morning, colleagues. Senator Hansen, would you yield to a few questions?

HILGERS: Senator Hansen, would you yield?

M. HANSEN: Yes, I would.

McDONNELL: Why did you bring this bill?

M. HANSEN: Why did I bring this bill?

McDONNELL: Yes.

M. HANSEN: To recognize the sacrifice and service that first responders do.

McDONNELL: So over the last four years, you've been working on advancing this bill--

M. HANSEN: Yes.

McDONNELL: --based on recognizing the first responders. In committee, you had no opposition to this bill. But I-- and I'd like to thank Business and Labor for unanimously voting this bill out 7-0 because I think they, they saw the need for this bill. Is this bill personal? You know it's personal. It's personal to everyone out there that's listening that are first responders. They don't become first responders based on any other reason except they have a desire to serve. There's been things brought up today that I'm certain those first responders out there would agree with that-- how to improve the bill, how to make this a better bill, but the idea to suggest that this isn't necessary, that this isn't the right bill? That is wrong. That is wrong. Earlier we had-- we were talking about a fiscal note. Oh, \$50,000 times two, that would be about \$100,000 a year in a \$5-plus billion budget. So I guess we kind of forgot about the, the, the thought that those were two people that made the ultimate sacrifice based on their service to the citizens of Nebraska. Let's not forget what this bill is about. It's about telling those first responders, first of all, thank you. We respect what you do. Most are doing it for no compensation whatsoever. But it's also telling them this. If they answer that bell, they go to that call, and they never come home to their families, we're going to give your family \$50,000. Senator, Senator Morfeld is correct. I, I, I don't think \$50,000 is enough, I don't, but at least it's the knowledge that they know, as their state senators, we stepped up and did something to recognize

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

their service and therefore their ultimate sacrifice. That's what this bill is about. It's not going to make their families whole. It's never going to replace them in their family unit. They are gone. But as state senators, we are saying we respect what you do, we appreciate what you do, and because of your ultimate sacrifice, we are giving your family something that could help them in the years that go on. Not that they could ever replace you, but thank you for your service. That's what this bill is about today. I'm not saying there's not ways to improve this bill, but I'm telling you today that this is a personal bill to first responders around the state of Nebraska based on the actions we take today and how we show them gratitude for their ultimate sacrifice. Thank you, colleagues.

HILGERS: Thank you, Senator Hansen and Senator McDonnell. Senator Kolterman, you're recognized.

KOLTERMAN: Thank you, Mr. Speaker. I rise in support of LB255. I would like to ask-- just so we can get some information on the record, I would like to ask Senator Matt Hansen some questions.

HILGERS: Senator Hansen, would you yield?

M. HANSEN: Yes, I would.

KOLTERMAN: Senator, when you were, when you were doing your research on this, did, did the idea of workers' compensation come up at all?

M. HANSEN: Yes.

KOLTERMAN: So are you aware of the fact-- and, and again, I, I, I agree with everything that's been said in support of this bill, but are you aware of the fact that we do-- there is a death benefit for workers' compensation-- and I can't tell you what it is--

M. HANSEN: Um-hum.

KOLTERMAN: --for the surviving spouse of a, a firefighter killed in, in, in a fire, are you aware of that?

M. HANSEN: Yes and we actually just increased it last year. That was one of Senator McDonnell's bills.

KOLTERMAN: So the other side of this is for the, for the communities that people are going to say, well, it's a lot for a smaller community to pay for this, in many regards, they're already paying for it. And I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

can tell you that the Volunteer Firefighters Association has a plan in place already where if you're a member of a volunteer fire department, you do get a small token of appreciation. I think it-- right now, it might be a \$10,000 life insurance policy, but I, I think that when, when someone puts-- I, I agree wholeheartedly with Senator McDonnell just said. If you put your, if you put your life on the line to save somebody else, whether it's out there on the interstate, picking somebody up off the interstate, or you go into a fire to try and help somebody, I think we owe this to those folks. And I would remind us that this morning-- and I'm not-- I'm, I'm just trying to draw, draw a little bit of a correlation here. This morning, we passed some legislation that we're not going to tax veterans on their pension and their retirement. They pay the, they pay the ultimate sacrifice as well and so I don't think \$50,000 is out of line and I would hope that we can advance this and, and move on to the next bill. Thank you for bringing it, Senator Hansen.

HILGERS: Thank you, Senator Hansen and Senator Kolterman. Senator Flood, you are recognized.

FLOOD: Thank you, Mr. President, members. I'm going to talk about the bill, but I want to make a comment about what I heard from Senator Morfeld. Senator McDonnell, who I know-- and I can appreciate they're passionate, which I am-- you know, I'm going to vote this bill to Select File and I think we're going to work on some amendments. But I, I want to tell you, I sit next to Senator Albrecht on Revenue Committee and she had a gentleman come in from South Sioux City who is a longtime firefighter there and it was a bill from Senator McDonnell about insurance. And to suggest that she doesn't care about first responders, I sat there while she weeped listening to this gentleman from South Sioux City testify about what the cancer benefit meant to her [SIC]. So I didn't hear exactly what she said, but I can't imagine she would be anywhere near not wanting to support first responders because that's the first memory I have of her, sitting on a committee with her. And Senator Moser was the mayor of Columbus for 12 years. Former police chief Bill Gumm had a tremendous amount of respect for him and the Columbus volunteer/paid fire department supported their mayor, so I, I think it's important to keep this in perspective. We can have questions about this stuff and it can be uncomfortable, but we have to be able to stand up and say what we're thinking without getting everybody so riled up. From my standpoint, this bill has value. I, I would not want to be a first responder, a police officer, or a firefighter and go out and deal with the stuff that they do and I don't think anybody in here ever wants somebody to pay the ultimate

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

sacrifice. I'm going to support the bill because I think Senator Matt Hansen is, is agreeable to working on clarifying some of the language and it is kind of complicated. That's probably why it's taken a couple of years to get it to this point and I appreciate that. And earlier, I raised a question about whether it had the intestate stuff in there. It does have language in there that attempts to answer all those questions and whether that's the right language or we can tie it back to what the statutes say currently if you die intestate. I think the, the question that I would like to just understand better between General and Select is what are the current benefits? What does the League of Municipalities have for insurance for a first-class city, a second-class city, a village, county? What does "Good Sam" have for Kearney? What do we have for Corrections officers? What do we have for state troopers? And I think more than anything, because \$50,000 does not in any way compensate the, the family or the community for the loss of a loved one, but it is an expression of the State Legislature that says, we recognize your service, we value it, we appreciate your sacrifice, and you are, you are noticed by all 1.9 million of us, which I think, in the end of the day, is something we can all agree is important. But I, I think it's important to note that some of the senators that spoke today, I think were-- are trying to get to, trying to get to the bottom of it. And they may be for or opposed, but I don't think that in any way they don't support first responders. Thank you, Mr. President.

FOLEY: Thank you, Senator Flood. That was your third opportunity. Senator Albrecht.

ALBRECHT: Thank you, President Foley, and I am rising to say that I was in a family for 35 years with a volunteer firefighter, which was my father. And Senator Morfeld, you have no idea. Our community, where he served for 35 years, I can say is still taking care of our family today. It might not have to be financially, but it is in a lot of other ways. He had several grandchildren. He has seven children. But to sit up and tell you-- tell me that I have a problem with this bill? This bill hasn't been right for four to five years. We have paid and we have volunteer. We have nurses serving in our state right now saving the lives of COVID patients. You know, should we, should we go there? What about teachers that possibly would die on the-- in the line of duty? We have a lot of people in our communities to thank for what they do, but I am not going to stand up here and have my name called out because I don't agree with others. I have the ability to stand up and tell the people of Nebraska the way I feel about a bill and I am not going to sit and be ridiculed, either on social media,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

Senator Morfeld, how you like me-- to be at my-- in your committee hearings. And, and being on social media telling people I don't know what I'm talking about? You know what? We're early on in this session, just getting started, but we better start thinking twice about trying to call each other out on the floor over these bills. If I have a feeling about it, I'm going to stand up and talk about it, but how dare you go out on social media or on this floor and try to say that I don't care about these people. I have lots of people that are on fire departments, police departments, State Patrol that I know and love and I care about. But you know what? When something happens to them, people do rise to the occasion. So the, the thought of, you know, we're going to give them \$50,000 dollars, you know, they just-- you can't replace that life with a dollar bill. You have to replace that life with a community that's going to surround those people. But that's why people negotiate these contracts. They get this money already for their families. And when I was raising my young family, I had more life insurance policies than I needed, but I did it because I cared about my kids. So don't, don't start the session this way. Let's work through this. And if you have a personal vendetta, take it off the floor, but don't do it here. Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Wishart.

WISHART: Thank you, Mr. President. I rise in strong support of LB255. I'm really grateful that Senator Hansen has been working for many years on this legislation. When he came to me this year and said he was bringing this bill, it really brought a flashback to me. I know what it feels like to wake up in the morning and-- when your husband who's a first responder is supposed to be home and he's not after his night shift. And I'm waiting and I'm waiting and I'm not hearing from him and then later I find out that he could have lost his life in the line of duty. I know what that feels like. I was lucky that my spouse made it home, but my husband, who served with Investigator Mario Herrera-- he wasn't as lucky and my heart goes out to their family. And we went to the Pinnacle Bank funeral, the funeral at Pinnacle Bank, and the arena was filled with Nebraskans who cared deeply about this person and mourned for his loss and his, his family's loss. And I think that level of commitment to public safety deserves support for the family if somebody do-- does lose their life, so I really would hope and I am encouraged to hear that those who may have some small concerns with the legislation would be able to work with Senator Hansen between now and Select file. But colleagues, we need, we need to pass this bill and we need to pass it today. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Thank you, Senator Wishart. Senator Groene.

GROENE: Thank you, Mr. President. I have a duty to the people of Nebraska to be a fiscal watchdog. We have different groups of individuals involved here. I have no idea what, what an officer, a, a police officer or a fireman who is-- has a union contract with Omaha and Lincoln-- if they die, what kind of benefits their family will receive. I don't have any idea. If it-- if they're getting \$1 million, they're getting \$500,000, that's fine. That's not enough because what we haven't brought up here, you lose your, your, your breadwinner in your family. They have a cost to go on with life. I do know a volunteer fireman dies, they have fundraisers for the family. What happens at the union contract in Omaha and Lincoln? We need to take care of those folks. Are they already taken care of by their local entity? Are they and how well are they? I hope they're treated very well. Now if you want to just have rural-- when we come back, I would like to know them-- those facts. Is that OK to know those facts? We have a responsibility because those rural fire people and those firemen are taxpayers too. To just say to feel good, we do this, it's not good government. It's not good government. All right, if a union contract dies and they got a \$1 million policy, well, then let's give \$1 million to the rural firemen. Let's make it even. That's my point. I need to know more facts before I distribute the hard-earned tax dollars of the citizens. We don't do-- we should not be doing feel good here. We should be doing good policy, good fiscal policy. If it's good fiscal policy to do it and reward these individuals and to keep those families with food on their table-- because once you're dead, you're dead, but that family is still there. So are we awarding enough to those individuals who volunteer their time and their lives? They don't get paid for that time, folks. Because like I said earlier, they're out at a grass fire at 3:00 in the morning, then they have another job to show up at 7:00 or 8:00 in the morning. They don't go back to the station, take their boots off, and then go to work. Do they need more? It's a whole different world out there between volunteer and paid and our laws and our benefits should reflect that. This doesn't. What about a teacher who dies in the classroom? We had one last year. I hear the Education Committee took all-- will not be bringing anything to protect the teachers out-- this year onto the floor. What about them? What about the road-- highway worker who-- more of them get killed sometimes than first responders-- trying to work on the interstate. What about those guys? What about the nurse or the doctor who gets COVID in a hospital? Are we going to give \$50,000-- there-- we can really do a lot of feel good with other

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

people's tax dollars if we wanted to here. But we have to be mature and we have to make decisions based on fiscal policy and what improves the quality of life in the state of Nebraska. My son-in-law was a volunteer fireman. I always wanted to be, but I traveled for a living and I couldn't do it. My father-in-law was 50 years as a volunteer fireman.

FOLEY: One minute.

GROENE: Never bragged about it. Spent time in Korea and seen things that most men couldn't survive. Never bragged about it, never talked about it. I didn't get called by one single fireman, one single policeman asking for this. They do want my MFO loan money because it's going to buy them boots and supplies-- my rural fire bill. They do want that because they have the heart of a volunteer and a community member. Now if this is good for the community and good for the firemen and good for the family, the family because they're the one losing that provider, one of their incomes, I'm all for it, but if somebody is already getting \$1 million life insurance policy or something like that, I need to know that. That's where the debate should be and that's where it started. We can all sit here and tell us how we admire this person or this profession.

FOLEY: That's time.

GROENE: Thank you.

FOLEY: Thank you, Senator Groene. Senator Morfeld.

MORFELD: Thank you, colleagues. I just wanted to get up-- and this is the last I'll say on it-- a few different things. Just for the record, I didn't tweet out anything about Senator Albrecht and this legislation. I just want to correct the record for that. Second, I did tweet out something about her bill, which I thought was deceiving and her actual testifiers that she brought in support of it exposed the real meaning of that bill. And the real meaning of that bill would be something that I thought was very harmful to constituents in my district. And we all have different ways of communicating to our constituents. Some people, like Senator Albrecht, post on her legislative blog. I don't do that. I post on my Twitter feed. And so we all have different ways of communicating ideas and things that we think our constituents should know that are either helpful or harmful to them. I will continue to do that. Also, I also know what it like-- is like to feel and-- to live in a family where someone has served. My

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

father served in the Marine Corps for over 25 years. I grew up, much of my childhood, without him because of that, so I understand the sacrifice as well. In addition, I understand, to Senator Flood's point, that there are various points in time that we all support different people, different causes, first responders or otherwise, in their legislative career or their previous careers or their current lives. I am going to judge people by how they support the bills that are before us and I will comment on that. And I will also point out when those individuals-- same individuals have been inconsistent in support of one thing and then not supporting another when it's something that's actually substantive that would support that cause if they said they did. So I will point those things out and that might not be the same way that Senator Flood would like to point them out or other individuals, but I will do it in my own way and the way that I see best fit, given my role and given the constituents that I represent. I thank everybody for the debate today. I understand that sometimes it can get passionate. I'm passionate about this because I know many first responders and many people who serve in public service, both in my family and in other families, and I am passionate about making sure that everyone has the opportunity to get compensation from the state of Nebraska who deserves it and puts their lives on the line. I urge your adoption of LB255 beyond General File. Thank you.

FOLEY: Thank you, Senator Morfeld. Senator Matt Hansen, you are recognized close on the advance of the bill.

M. HANSEN: Thank you, Mr. President, and good morning again, colleagues. Thank you, everyone, for the debate this morning. I'm appreciative. This felt like kind of, I don't know, the first-- maybe not the first, but one of the first real good debates of a new legislative session and kind of an oddity that we're getting to it in mid-March. With that, I know I've spoken to a number of people both on and off the mike who have questions on this bill. It is highly technical. I think, to Senator Flood's points, there's lots of things that could be clarified or changed or tweaked. They're not necessarily strong preferences of my own. I'm trying to get a functional bill that I can get across the finish line. As I said in my opening or I said earlier, this is my third time introducing it. I'm very excited. This is my first time working it on the floor. I think we're close and I think we've worked through a lot of issues in past years to get to a place where we have a good bill and I'm happy to work with stakeholders, senators who have questions between now and Select File. Just real quick, I know there's been lots of questions about who could

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

be covered and who not. We've had different thoughts on that over the years and I'm willing to kind of negotiate and talk with the body if people want it to be more expansive or more restrictive. I know there's good examples of, for example, you know, somebody who's technically a volunteer firefighter, but doesn't necessarily actively do calls. I think that's kind of covered in this situation where you still have to be responding to a call. So if you're just on the roster, it's not necessarily-- you don't, you don't get a benefit. There are a hodgepodge of different benefits, different things across the state. For example, for fire-- for volunteer firefighters, it's-- my understanding is they have a \$10,000 life insurance policy that pays out regardless of whether or not they are killed in line of duty or in-- on other means and that's \$10,000 for people who are running into burning buildings. I think we as a state have an obligation, have a duty to step up and provide a more stable baseline to make sure we're supporting people who are literally putting their lives on the line for ourselves. I think we've had good conversation about kind of some of the goals and technical aspects of the bill. Again, I'm very happy to work with Senator Flood and others on, on this bill moving forward. Today, I would just ask for your green vote. Let's get forward, move it forward, and let's keep working to make sure we are supporting first responders in the state of Nebraska. Thank you, Mr. President.

FOLEY: Thank you, Senator Matt Hansen. The question for the body is the advance of LB255 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 37 ayes, 1 nay, Mr. President, on the advancement of the bill.

FOLEY: LB255 advances. Speaker Hilgers, you are recognized.

HILGERS: Thank you, Mr. President. Good morning, colleagues. We're going to go off the agenda briefly. So when we had Select File this morning on LB509, there was an amendment that was filed, but it got-- it didn't get on the board when we did LB509. So Senator Lindstrom is going to have a quick motion to return the bill back to Select File, which we just were about two hours ago, for an agreed amendment. And I'm going to let him do that motion, but I wanted to communicate that to everyone, so you weren't unsure of what we were doing next and why. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senator Hilgers-- excuse me, Senator Lindstrom you're recognized.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

LINDSTROM: Thank you, Mr. Lieutenant Governor. Like the Speaker mentioned, this is just a quick motion to return the bill to Select File for a specific amendment and then I'll touch on the amendment after. So if you could hang tight with me for three votes, I would appreciate it. So please vote green on the return to Select File. Thank you.

FOLEY: Thank you, Senator Lindstrom. The motion before you is to return the bill to Select File. Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: 39 ayes, 0 nays, Mr. President, on the motion to return the bill.

FOLEY: The bill has been returned to Select File. Mr. Clerk.

CLERK: Senator Lindstrom would move to amend with AM537.

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

LINDSTROM: Thank you, Mr. Lieutenant Governor. Colleagues, AM537 was a, an amendment that Senator Lathrop and I discussed on General and we talked about working on an amendment between General and Select. This is that amendment. It simply strikes on page-- on the green copy of the bill, page 27, line 13 through 16. And specifically, this is a Treasurer cleanup bill. The provision that we strike here is to promote financial literacy. That is not what the Treasurer does. What the Treasurer does is promote unclaimed property and other avenues of, of what he promotes, not necessarily financial literacy. That is typically handled from the Department of Banking and Insurance and so that was the agreed-upon language that Senator Lathrop and I discussed. This just eliminates that. The rest of it is dealing with obsolete language and cleanup that I received from the Treasurer's Office and that's simply what LB509 does, so this is a simple amendment to that bill. So I'd appreciate a green vote on AM537. Thank you.

FOLEY: Thank you, Senator Lindstrom. Any discussion on the amendment? I see none. Senator Lindstrom, you're recognized to close on the amendment. He waives closing. The question before the body is the adoption of AM537. Those in favor vote aye; those opposed vote nay. Record, please.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

FOLEY: Senator Lindstrom, you're recognized to make your motion to advance the bill.

LINDSTROM: Thank you. Again, I would just appreciate a vote to move this bill to Select File-- or excuse me, Final Reading as amended. Thank you.

FOLEY: Motion to advance the bill. Those in favor say aye. Those opposed say nay. The bill advances. Speaker Hilgers, you're recognized.

HILGERS: Mr.-- thank you, Mr. President. Good morning, colleagues. We're, we're about to finish for the day. If you don't have a letter in to me for a Speaker priority request, you have about three minutes. I'll try to speak slowly. I wanted to just-- as we're working through all the priority requests, obviously the deadline is on Friday. I expect the, the majority of the priorities to be done between now and then. We'll have a better sense-- once we have the priorities come in, we'll be able to create the divisions and start to set our schedule. In the near term, though, I have had some priority requests that have been, that have been reported to the floor. We're going to add a couple to the list tomorrow. My staff and I have looked for bills that came out without any opposition in committee and that, that had all affirmative votes. So I just want to give the body a heads up. This-- these will be on the agenda. These are all priority bills, but I wanted to give you a heads up here this morning. So first will be LB83, Senator Flood's bill; LB285, Senator-- from Senator Brewer; LB487 from Senator Arch; and LB322, Senator Williams. Those won't be the order they'll be in tomorrow, but those will be the four. Again, all four of those came out with any opposition in committee, all affirmative votes, and they'll be on the agenda for tomorrow. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Items for the record please, Mr. Clerk.

CLERK: Mr. President, Revenue Committee, chaired by Senator Linehan, reports LB84, LB180, and LB233 to General File. Judiciary Committee, chaired by Senator Lathrop, reports LB58 and LB540 to General File. LB271, LB352, LB501 to General File with amendments. Senator Moser would like to print an amendment to LB579. Senator Pahls has selected LB26 as his personal priority bill. A series of announcements: Natural Resources will have an Executive Session today following their hearing at 1:30 p.m. Education Committee will be hosting a briefing today at 12:30 p.m. in Room 1525, a briefing by the Education Committee

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 10, 2021
Rough Draft

regarding federal stimulus money for education. The Exec Board will have an Executive Session at noon in 1524. Transportation Committee Executive Session at 12:45 p.m. in Room 1507. Appropriations Committee will meet in Room 1301 at 1:30 p.m. Revenue Committee Exec Session at 2:00 p.m. today in Room 1525. Business and Labor Exec Session Thursday morning, March 11, at 10:00 a.m. Name adds: Senator Ben Hansen to LB64; McDonnell to LB88; Flood to LB88; Groene, LB181; Lindstrom, LB387. Mr. President, Senator Erdman would move to adjourn the body until Thursday morning at 9:00 a.m.

FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those, those opposed say nay. We are adjourned.