

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 26, 2021

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

**GEIST:** Let's pray together. Heavenly Father, you tell us that if we draw near to you, you will draw near to us. So we come near today and ask your presence to be near us, as well. Thank you for giving each of us the awesome responsibility to serve this state and this body. Help us to honor you and to honor each colleague with our words and our actions. We dedicate ourselves to you today in Christ's name. Amen.

**FOLEY:** Thank you, Senator Geist. I recognize Senator Erdman for the Pledge of Allegiance.

**ERDMAN:** Thank you, Lieutenant Governor. Join me in the pledge, would you, please? 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 Erdman. I call to order the eighty-third day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** On page 358 after line 17, insert Senator Ben Hansen as co-introducer of LB387. That's all that I have.

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

**CLERK:** There are, Mr. President.

**FOLEY:** Excuse me, Mr. Clerk. Members, please come to order for messages, reports, and announcements. Mr. Clerk.

**CLERK:** Thank you, Mr. President. Explanation of vote from Senator Matt Hansen (re LB579, LB236, LB285, LB100). A motion to be printed offered by the Speaker. LR5 is correctly enrolled. I now have a series of communications from the Governor's Office. The first-- Dear Mr. Clerk: Engrossed legislative bills: LB2, LB40, LB40A, LB156, LB156A, LB247, LB247A, LB255, LB260, LB271, LB271A, LB273, LB302, LB307, LB322,

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LB322A, LB324, LB324A, LB411, LB411A, LB485, LB485A, LB527, LB527A, LB639, LB644, LB650, LB650A, LB664, LB664A received in my office on May 19. These bills were signed and delivered to the Secretary of State on May 24. A second communication-- Dear Mr. President and members: I have signed LB131 and LB131A, but have concerns about the provisions of the legislation, which create Municipal Natural Gas Emergency Assistance Act that provides up to 80 percent of extraordinary costs incurred due to extreme weather events. LB131 obligates all Nebraskans to pay for irresponsible errors made by certain communities' natural gas systems. Notwithstanding the policy problems created by LB131, I have signed the legislation due to the unusual year we have just withstood during the pandemic. I consider the funding provided as a one-time payment in light of this extreme hardship. Sincerely, Pete Ricketts, Governor. Second [SIC] communication-- Dear Mr. President and members: I have signed LB103. The events leading to the introductions of LB472, LB473, and LB474 in 2019, and LB103 in 2021, are indeed tragic. It is tragic that Gage County law enforcement officers violated the civil rights of the Beatrice Six. It is tragic that the county did not have the proper insurance, thus necessitating the county to raise property taxes to pay this federal judgment. Notwithstanding the policy problem created by LB103, I have signed the bill for one reason. The unusual year we-- we have just withstood during the pandemic caused a financial hardship for many Nebraskans, including Gage County. A fourth communication-- Engrossed LB387 was received-- received in my office on May 19. The bill was signed and delivered to the Secretary of State on May 25. A fifth communication-- Engrossed legislative bills: LB18, LB26, LB39, LB39A, LB51, LB51A, LB64, LB84, LB139, LB185, LB336, LB366, LB366A, LB396, LB396A, LB406, LB406A, LB428, LB428A, LB452, LB528, LB544, LB544A, LB561, LB561A, LB566, LB566A, LB572, LB595, LB630, LB630A, LB649, LB649A, and LB682 were received in my office on May 20, and signed by me on May 25. Sincerely, Pete Ricketts, Governor. Veto messages, Mr. President. First-- I am returning LB108 and LB108A without my signature and with my objections. LB108 will increase the gross income eligibility limit to apply for food stamps from 130 to 165 percent of the federal poverty level until October 1 of 2023. Additionally, impacts of the federal gross 100 percent FPL requirement were underrepresented during the debate. More families will have to reduce their incomes and may be incentivized to spend more in allowable expenses to meet the 100 percent FPL. Our state has successfully regained jobs and restored growth after the disruptions of pandemic. We had the lowest average unemployment rate of any state in 2020. We offer programs like SNAP Next Step to help families' job skills to live better lives. Nebraska is a step ahead recovering from the pandemic. We are getting people back to work and employers are

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trying to hire staff. I have heard from many of you, small Nebraska businesses cannot hire staff. For these reasons, I respectfully urge you to sustain my vetoes of LB108 and LB108A. Second veto message-- I am returning LB147 and LB147A without my signature and with my objections. The Legislature-- legislation entangles the state of Nebraska in the administration and management of the Omaha Public Schools pension program and sets a course for Nebraska taxpayers. Despite misleading statements to the contrary made by the bill's sponsor, I objected to taking over management [INAUDIBLE] even when I signed LB31 in 2019. Despite representations that LB1 [SIC--LB147] protects the state, nothing in the language [INAUDIBLE]. Additionally, state management erodes the distinction between the state's existing school retirement plan and the OPS pension plan. LB147 is poor public policy and continues the slippery slope of state taxpayer bailout-- bailout. A third veto message-- I'm returning LB306, LB306A without my signature and with my objections. LB306 permanently increases the income eligibility for the Low Income Energy Assistance Program from 130 percent of the federal poverty level to 150 percent. Instead of jeopardizing the ongoing funding integrity of the program, I will continue to use the-- use the LIHEAP funding increase that Nebraska is slated to receive under the American Rescue Plan Act to serve those whose incomes fall between 130 and 150 percent. When the enhanced LIHEAP funding is no longer available, then the program would return to their current levels. For these reasons, I respectfully urge you to sustain my vetoes of LB306 and LB306A. That's all that I had, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign, and do hereby sign the following seven legislative resolutions: number LR128, LR150, LR153, LR160, LR169, LR195, and LR197. We'll now proceed with the first item on the agenda. Mr. Clerk.

**CLERK:** Mr. President, LR134 was originally introduced by the members of the Redistricting Committee. It was referred to that committee by the Executive Board for purposes of conducting a public hearing. That hearing was held. The resolution has been reported back to the floor for further consideration. There are redistricting committee amendments pending, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Linehan, you're recognized to open on LR134.

**LINEHAN:** Good morning, Mr. President. Good morning, members of the Legislature. In accordance with the U.S. Constitution and the Nebraska State Constitution, I rise to introduce Nebraska's redistricting

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principles in LR134. LR134 contains substantial guidelines for the Legislature in 2021 redistricting process, which is governed by Rule 3, Section 6 of the Rules of the Nebraska Legislature. LR134 is similar to previous resolutions on redistricting, including LR102 from 2011, and LR7 from 2001, respectively. LR134 directs the Legislature to meet the following requirements when drafting district boundaries: to use population data from the 2020 U.S. Census, with the districts created based on census geography; to use traditional districting principles such as compactness, continuousness; preserving communities of interest, and to allow for preserving the core of prior districts, and having district boundary lines that respect the boundaries of cities and villages when feasible, and to follow county lines whenever practical. The adoption of these guidelines helps to ensure that redistricting plans adopted meet legal and constitutional requirements. The guidelines also demonstrate what redistricting principles the state holds as important. Per the Nebraska Constitution, the Legislature is required to set boundaries for the U.S. House of Representatives, the Legislature, the Nebraska Supreme Court, and the Board of Regents of the University of Nebraska, the Public Service Commission, and the State Board of Education. LR134 differs slightly from previous redistricting resolutions through the additional-- through the addition of the principle to preserve the communities of interest. Communities of interest are understood to be identified geographic areas such as neighborhoods of a city or regions of a state where the residents have common interests. A community of interest can consist of varying geographical features, socioeconomic status, economic activity, and school districts. The U.S. Supreme Court has produced some direction on communities of interest. According to the NC-- excuse me-- NSCL [SIC], California hired special masters in 1973 to redraw their maps. In defining communities of interest, the special masters relied on the type of area involved, such as urban, agricultural, industrial, similar living standards, similar working opportunities, and the use of the same transportation system. While the special masters did not recognize shared media outlets in their 1973 plan, the Supreme Court implicitly recognized it is a valid consideration in *Bush v. Vera*. States must be able to demonstrate that they had evidence that it considered the communities of interest before adopting them and their map, and not as an after-a-fact-- after-the-fact justification. Additionally, LR134 prohibits drawing district boundaries that consider political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as required by law. And it prohibits the unlawful dilution of voting strength of any minority population. For Congressional districts, case law provides that the population among congressional districts shall

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be as nearly equal as practicable, with an overall deviation at or near zero. Congressional districts whose population deviation exceeds zero must demonstrate that the deviation was necessary to meet a legitimate state interest, such as to keep a district compact or contiguous, or to preserve communities of interest. As provided under LR134, no congressional plan that exceeds 1 percent in total population deviation or has a deviation of plus or minus 0.5 percent will be considered by the Legislature. In 2011, the congressional districts had a zero percent deviation, with Congressional District 2 having one more person than Congressional Districts 1 and 3. The U.S. Constitution and the U.S. Supreme Court, through case law, requires the state legislative districts to achieve substantial equality of population. Legislative districts may have a population-- population deviation between the smallest and largest legislative-- legislative district of no more than 10 percent. In Nebraska, we have clarified the 10 percent deviation further by saying that we can have a relative deviation of plus or minus 5 percent, which totals 10 percent. So it can be 5 percent below or above. The Nebraska Supreme Court allows a deviation of 10 percent, which provides legislative flexibility to keep more counties whole and limits the splitting of counties. The U.S. Supreme Court has consistently ruled that the state's redistricting plan, with a maximum deviation of 10 percent or less, is presumed constitutional. That concludes my remarks on LR134, and I'm open to any questions.

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

**LINEHAN:** Thank you, Mr. President. AM1472 is a simple committee amendment that makes two changes. The first change inserts the word "allow" in Section 4 of the LR before the preservation of cores of prior districts. And the second change inserts the word "allowance" before the preservation of cores of prior districts in Section 9. These two changes will provide the Legislature with the flexibility and-- in identifying the redistricting principles most important to us. Thank you for your consideration of AM1472, and I will take any questions.

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

**LINEHAN:** Thank you.

**CLERK:** Excuse me, Mr. President. Senator Morfeld would move to amend the committee amendment with FA59.

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

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**MORFELD:** Thank you, Mr. President and colleagues. I rise in opposition to LR134 and AM1472, and I urge you to vote in opposition to both of them. I do urge you to vote in support of the two floor amendments that I'm bringing. The first floor amendment would take out the language "allow for" in terms of keeping the core of the prior districts. This has been language that has been in the last two redistricting cycles that has now been altered by the committee over the objections of several of the committee members, including myself. I think it is important to make sure that we maintain the core of the current districts to ensure that the districts that we have now are representative of the people, representative of the people that we've been representing for the last ten years. And I think it's also important that we maintain those districts because those districts contain key communities-- could also say communities of interest, and we'll talk about communities of interest in a little bit. But they maintain key communities. And not only that, it allows-- it ensures, quite frankly, that we do not combine districts to gerrymander for political purposes. There's no reason-- there's no reason whatsoever to take out this as a core principle of the redistricting process. And in fact, I was in favor of including communities of interest at the urging of the Chair. I was fine with maintaining communities of interest and adding that, even though it had not been in prior resolutions and prior redistricting processes. I think that maintaining the language of maintaining the core of the current districts, and including communities of interest, which was what the Chair wanted to do, I think is good middle ground. I don't agree that allowing us to take into consideration the core of prior districts is middle ground. I think that they should be principles that should be included in this resolution as they've been included for the last two decades in Nebraska. Maintaining the current core of the districts is important, not only for urban districts, colleagues, but also for rural districts. I'll be honest with you. It was perplexing to hear some rural voices come in and say, hey, we want you to maintain our rural districts, but we want you to take out the language or weaken the language that would maintain the core of those districts. It was completely contradictory. I asked for follow-up writing and how that position does not conflict with their position that we need to maintain rural districts. I still have not gotten anything in writing from any of those organizations that said that we should make it so that we don't maintain the core of the districts but somehow maintain rural districts. It's completely contradictory. It's completely illogical. Colleagues, there will need to be some changes that are made, some changes that people don't like because of population shifts. I'm sure there will be changes that you don't like. I'm sure that there'll be changes that I don't like. That's a part of the

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redistricting process. But I think it is important to maintain the core of our current districts. And yes, will there be deviations? Absolutely. Will there be changes? Absolutely. But we all know what the core of our current districts are. I can tell you mine right now. And if I asked any of you to yield to some questions, you could tell us what the core of your district is. Now, can you tell us what the communities of interest are in your district? Maybe, maybe not. So colleagues, we can have a resolution that has both the communities of interest that Chair Linehan wants, and we can also have a resolution that also prioritizes maintaining the core of our districts. And if you're in rural Nebraska, you should be concerned about somebody not wanting to maintain the core of your district if you want to maintain your districts in rural Nebraska, because, I tell you what, it's a lot more straightforward-- it's a lot more straightforward to say the core of your current district maintaining that, than maintaining communities of interest, because, I tell you what, the redistricting committee could look at greater Nebraska and go, well, that's one big community of interest, we'll maintain that somehow. Whereas if we don't maintain the core of your district, that means your district can just go away. So colleagues, I got to be honest with you, during the committee hearing, I'm perplexed. I was perplexed to hear from rural interests coming in and saying: We want the core of the district language taken out, but we want you to maintain all of our districts. I see some people looking around, kind of going, oh, that's confusing. Why is it confusing? Because it makes no sense. And nobody can explain, including the people that came in to that committee hearing, how we maintain all the rural districts, but we take out the language protecting and maintaining the core of all your districts. It makes no sense. Colleagues, I'm not asking for us to move mountains here. I'm not asking for us to make some big political leap here. All I'm asking is that we maintain the language that has been in the resolution for the last two decades, maintaining the core of the districts. And I'm perfectly fine with including the Chairwoman's language, communities of interest. Absolutely fine with that; I could meet there. But that's what my amendment does, is it simply keeps the language the same as it has been for the last two decades. And if you care about maintaining your districts, then you're going to vote in support of the amendment because it makes it stronger language in terms of maintaining the core of the districts. And we can go through all kinds of mental gymnastics. But it's common sense that if you want to maintain the core of your district and maintain your district in rural Nebraska or urban Nebraska, you're going to leave in the language as strong as possible to maintain the core of the districts and not just put a qualifier before it-- "allow"-- which is what the committee has done. So if we don't adopt my amendment, then we're going to be back here,

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it sounds like in September. And when your district is completely moved from one place to another, I'm going to point back and I'm going to look at the vote count on how you voted on this floor amendment, and then we can have a conversation about the consequences of that. Colleagues, I urge you to vote in favor of FA59. I'll have another amendment that deals with deviation, down the road, but this is a good amendment that maintains the status quo. This maintains what has been in our redistricting resolution for the last two decades. This protects current districts. This protects rural Nebraska, it protects urban districts. It sets the standards and the guidelines that are much more clear than language "communities of interest," because somebody could look at Lincoln and go, well, that's one community of interest, we'll just split it up however we want. Or we can look at the Panhandle and go, one big community of interest, we'll just split it up however it makes sense. Maintaining the core of a district is clear. We all understand what it means, and it maintains the status quo of the last two decades. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Discussion is now open on LR134 and the pending amendments. Senator Morfeld, you are actually first in the queue. Did you want to use that speaking op-- opportunity now? No, waive that off. OK. Senator Blood.

**BLOOD:** Did you say Senator Blood? OK. Thank you, Lieutenant Governor. Fellow senators, friends all, I actually likely am opposed to Senator Morfeld's floor amendment, but let me explain why, because if we vote down AM1472, it will serve the same purpose. So as written, I do not support LR134, and I want to walk you through why. There are a lot of circumstances that I know people on the floor are not aware of, and I hope, with all the noise I hear, that there are people that are not just chatting with each other, but they're actually listening today because we need to get this right. We need to get this right because, if we do it wrong, it's going to create biased representation where parts of the public can be denied political representation. If we get this wrong, it's going to lead to uncam-- uncompetitive elections where candidates from the majority party are nearly assured to win. And I question if maybe that is the intent of some. If we don't get this right, candidates in unfairly drawn districts aren't going to have to worry about winning their party primary. And it can lead to more polarized politics, with the same lawmakers often representing the most extreme views of their party. And districts that may be drawn with bias can be targets for costly legal challenges, which Nebraska does not need. We've had enough of those in the last decade, and we don't need more. So I want to talk about preserving the cores of prior districts. And you heard a little bit about it from Senator-- both

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Senator Morfeld and Senator Linehan. This is a principle that's really meant to generally maintain the cores of existing districts so that individual regions in Nebraska are not constantly reshuffling political districts. Continuity can never be guaranteed in any state, even though it's a principle for redistricting. But the core of a district, such as the largest city in a district, especially as you become more urban, should be preserved. But this also protects rural Nebraska. Additionally, a related consideration is that we avoid redrawing lines to force two incumbents from facing each other in a new election. This process is specifically designed to respect the will of the voters that have already chosen an incumbent to represent that particular area in a recent election. AM1472 is asking to change the text of the resolution to "allow" for the preservation-- preservation of the cores of prior districts, yet wants to add in the words-- and I'm not disagreeing with this, I'm asking for middle ground between what we're asking and what other people are asking. They want to add in the word preserve communities of interest, not preserve the cores of prior districts, but change it to allowance for the preservation of. And that language dilutes it. Now this may seem like a nothing issue to you. And for those of you who may not care, I want you to listen to this next description. Preserving communities of interest, unlike the other listed criteria, which has also been-- also been put into place by many states, has no true definition. Now Senator Linehan talked about how it has been identified in courts as having foundation to be utilized as something that you can do with redistricting, but it really has no true definition. So as a result, because there's really little guidance that's been provided on this, a lot of states have added this criteria not for flexibility, as you may very well hear today and we heard in the hearing, but the concern that I'm seeing in all the court cases that I've researched is that COIs can easily be used as proxy for race and can easily be used to circumvent--

**FOLEY:** One minute.

**BLOOD:** --rules against racial gerrymandering or other legal requirements. Also noted in our training materials is that, in order for a legislature-- and Senator Linehan touched down on this-- to defend our redistricting plan using COI as criteria, we must have evidence that we consider communities of interest before we adopt any final plat. And we aren't using COI as a post hoc justification. So you're being asked to support communities of interest without being given criterion. And so in fairness, I'll say that, when it comes to race and ethnicity, that we must legally comply with Section 2 of the Voting Rights Act. And we, thankfully do have that put into place to

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protect our minorities. Thank you, Lieutenant Governor. I'll continue on in my next statement.

**FOLEY:** Thank you, Senator Blood. Senator Briese, you're recognized.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I-- I rise in support of LR34 [SIC--LR134], AM1472, and in opposition to Senator Morfeld's FA59. I-- I do believe that AM1472 sets forth reasonable and sound parameters for allocation of district boundary-- boundaries for the election contests going forward. I note that it is very similar to what the Legislature has utilized in the past and, clearly, the notable tweaks, first are adding a requirement that insofar as possible, we will look at communities of interest, and insofar-- and that was in the original LR134. And then in AM1472, as others have pointed out, we're going to simply allow ourselves to prioritize the preservation of the core of existing districts. In resolutions from the two previous redistricting cycles, and in the original LR134, preservation of the core was a requirement insofar as possible. The amendment changes the preservation of the core language from what is essentially mandatory to something that is permissive. And that really is intended to give us more flexibility, flexibility to do our job and to do our job right. This need for flexibility was pointed out by numerous testifiers at the hearing, and many of them wanted us to simply eliminate preserving the core of existing districts as-- as a consideration, citing the need for flexibility. But instead of eliminating this criteria, we made it permissive in AM1472, allowing ourselves to use it. And I really do think this is a good resolution of that issue. I think this represents common ground on that issue. And flexibility is important. If we are required to preserve the core of existing districts insofar as possible, as our resolution states, that could unnecessarily tie our hands and it could create problems. Now we don't know for certain what the numbers are going to show us, but there is an assumption out there that the census numbers are going to show a population shift from the west to the east. And I'm not going to concede anything yet on those numbers until we see them. But it's probably likely that will-- that will bear itself out. And to ensure a reasonable equality of population on the legislative side, if that population shift is severe enough, some have suggested a need to possibly even eliminate a rural district. Others suggest, well, not eliminate a district, but a massive shift in the composition of those districts, essentially expanding the geographical size of many of those districts and pushing them to the east-- and maybe in a big way. But either way, it may be extremely difficult to adhere to the preservation of the core standard and do our job right. How do we reconcile removing an entire district with adhering to the

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preservation of the core standard? How do we reconcile a massive shift expansion of rural districts, a massive shift to the east with the preservation of the core standard? So that's what we're asking for here, is more flexibility, more flexibility that can allow us to do our job and do our job right. And I-- I heard Senator Blood say-- and I agree with her 110 percent-- that we need to get this right. We need to do this right. And the flexibility that we're asking for here in AM1472 can be a key tool in helping us get this done right. And so I would ask your support for AM1472, and ask for a red vote on FA59. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Briese. Senator Linehan.

**LINEHAN:** Thank you, Mr. President. I think maybe-- and I know we've had a very productive and very good session, so this, for most of you, is like, OK, what's up? So we have staff from Legislative Research that helped. The guidelines I used-- I have a book here, I'll share a couple of pages when I get done here speaking from NCSL. And there's a whole section on what the principles should be, titled Redistricting Principles and Criteria, which I can have staff share with you. So traditional district, there's certain federal requirements we have to follow; we did. There's Nebraska Constitution we have to follow; we did. And there's traditional redistricting principles which are compactness-- that's first. That's what we have first in the resolution. There's contiguous, which is second, which we have in the resolution, then preserve counties and other political subdivisions-- again, in the resolution. It talks about the courts and the other state principles, preservation of communities of interest; 26 states include this in their criteria. So we thought, as a committee, that was a good idea if 26 other states do it. Think of your school districts. Think of Ralston, think of Elkhorn, think of Waverly. We have all kinds of communities of interest. There was a comment made earlier-- I'm not sure who-- said: What is a community of interest? We-- in our districts, we all know the communities of interest in our district, or we wouldn't got elected. You know which cities are in your district, who's on the city council. You know what schools are in your district. That's not like hard to figure out what our communities of interest are. And then after communities of interest, it says preserve the core of the districts, which 11 states do. Some claim that this is incumbent protection; maybe it is. I don't-- the courts have found-- they've questioned that. We had testimony, but half the people that testified said they wanted to preserve the cores. The other half said they want to do away with it. So in Exec Committee, I made the motion or had somebody make a motion that we compromise instead of taking it out-- which half the people want us to do at the

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hearing-- completely. We just changed two words; "allow" and "allowance" of. This is not some drastic, huge change. And frankly, we tried to work this out in committee. And the compromise was, again, half the people that came to the committee-- or the hearing, excuse me-- they wanted it out completely. And frankly, we had the votes to do that. We could have taken it out completely in committee. We did not because we thought-- I thought that it was better, since this is going to be intense anyway, not to start that way, and to compromise and say, OK, we can allow it. We don't-- it doesn't have to be-- it should not be above the other principles. And again, I will pass this out. And in this book, it exchanged legal challenges. There's nothing here that-- that the courts are going to say: Is it going to be constitutional? And here's the other thing that's a little-- I question this morning. I mean, the people that came in and wanted to remove the prior districts, they were rural. There-- I don't know, because I haven't seen the numbers. I know I read in the paper--

**FOLEY:** One minute.

**LINEHAN:** --that there's going to be-- I'm sorry, one minute? There's going to be a district removed from the 3rd and put in the 1st or the 2nd. I don't know if that's true because I haven't seen the numbers. We don't know anything until we have the numbers. But I am not-- I don't think any of us want to not preserve the cores. We put "allow" preserve the cores in there, but it's more important, I think, and everything I read. And I'm not a scholar on this, but just common sense tells me it's more important to keep communities of interest together. A school district should have representation. A town should have. Right now we have one city-- Alliance is split in half. I don't think that makes sense. I'm sorry. I don't think we should split up towns or split up counties or split up school districts. Anyway, thank you.

**FOLEY:** Thank you, Senator Linehan. Senator Lowe.

**LOWE:** Thank you, Lieutenant Governor, and good morning, Nebraska, to one of the very last days of this legislative session. I stand in favor of LR134 and kind of in favor of AM1472, because I wanted to remove preservation of the core of prior districts altogether. I was one of them that was standing firm that we needed to remove it. Why? Because the first thing we're going to do is we're going to violate it. We're going to make an exception. Well, why have it in there when the first thing you're going to do is to violate it? That doesn't make sense at all. So what AM1472-- is a middle ground compromise. Because we put in there for the allowance of it. That means we can do it, and we will try to do it. That's what it means. It's a compromise. This is

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a good way to do it, because we already have, for the preservation of community interest-- and you're going to hear this-- these two phrases over and over and over again today. So I'm sorry to the pages that have to sit here and listen to us babble on about this. But this is one of the last days of our legislative session, and this is probably the most important thing we're going to do for the next ten years. But when you-- when I think of a core, I think of the people. I think of the people of that district-- not one person, not two people, I-- I think of-- of what their beliefs are. And the first thing we're going to do is pluck a district out of District 3 and move it east. Going to move all the people? Going to preserve those people out to eastern Nebraska. They're moving there anyway, but let's not do it as one fell swoop. Let's look at it. We already have preservation of the community interest. We're already looking at-- at the district. We already have preserved municipal boundaries at all possible kind. And if we can't, it has to be done along a common line. It can't be zigzagging in and out of a house or a district. We'll do it along a street line or something like that. And then we'll try to make the districts compact as possible. Nobody likes gerrymandering. Nobody likes gerrymandering, and that's what we're trying not to do. We're looking at the community of interest. We're allowing for the preservation of the core. And we're going to do it in front of the people, we're not going to be behind some closed door, because we'll be back on this floor in September, discussing this in front of the people. And there will be maps. There will-- we'll be looking at the maps, maps that were drawn up by the Redistricting Committee. And we may be adjusting things. And the people will know, the press will know. This is not behind closed doors; this is out in the open. And it's for the people in Nebraska, not for us. We are not the important ones here. It is the people of Nebraska who are important. Thank you, Lieutenant Governor.

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

**MORFELD:** Thank you, Mr. President. This is probably going to be my last time speaking on this issue. I'm not going to belabor the point. I know that we have some important business to take care of today. And I-- I also want to acknowledge that Senator Lowe is right. This is probably going to be the most important thing that we do this session, even though we all may not feel that way or-- or-- or think that at this point. So I want to step back just a little bit and respond to Senator Linehan's comments on-- on knowing what the communities of interest are in each of our districts. I'll tell you that that's very subjective. That's very subjective. You know what's not subjective, what my legislative district lines are. That's not subjective. You can go right now online and figure out what my legislative district lines

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are and likely what the core of my district is, based on that. You can go to Senator Briese's district online right now and look at his district lines. But you know what I don't know about Senator Briese's district? I don't know what his communities of interest are. Do people know what my communities of interest are? Senator Machaela Cavanaugh, would you yield to a question?

**FOLEY:** Senator Machaela Cavanaugh, would you yield, please?

**M. CAVANAUGH:** Yes.

**MORFELD:** Senator Cavanaugh, can you tell me what the communities of interest are in District 46?

**M. CAVANAUGH:** I cannot.

**MORFELD:** Thank you. Can you tell me-- could you go find out what my district lines are?

**M. CAVANAUGH:** I absolutely can.

**MORFELD:** Thank you, Senator Cavanaugh. I could go around and I would bet all of the committee-- with the exception of all the committee members, which I repeated what my communities of interest were several times in committee. But with the exception of all the people that I told, I would bet you that pretty much everybody in this body would not understand exactly what my communities of interest are without looking at a map, going to the detail, looking up neighborhoods, talking to people. Colleagues, that's why communities of interest is a subjective term. It's a subjective term that is not nearly as definite as keeping the core of the-- maintaining the core of the current districts. That's why that language has been in here for the last two redistricting cycles and maybe more; that's just what I researched up to. It's because we understand what the core of our current districts are. It is an objective, it's an objective standard because we have the lines. In terms of communities of interest, that's very subjective. And in fact, people may disagree with me on what my communities of interest are in my own district. That's why it's important to maintain the language. Colleagues, I'm not saying take out communities of interest. That's not what my amendment does. It maintains that language, and what it does is it takes out the allow for maintaining the core of the district, because I think we should maintain the same standards that we have had for the last two redistricting cycles. And not only that, it is less subjective. It is very objective in terms of what the core of our districts are, because we know what our lines are. And if you don't know what my lines are,

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you can go online and figure them out pretty quickly. What you can't determine very easily are what are the communities of interest. That's why this-- this amendment is important. So colleagues, that's why this is important. In terms of flexibility, listen, I think we all love flexibility. Flexibility is good. But when I hear flexibility in this context, I hear gerrymandering. I hear politics. I hear getting people out of their districts. I hear all kinds of different things. And yes, will there need to be some flexibility because of fairly substantial population changes? Absolutely. Are these set in stone? No.

**FOLEY:** One minute.

**MORFELD:** At the beginning, at the top of this section, it actually says as far as possible or as far as practical or something of that nature. I don't have the language right in front of me; it's on my computer. But there's a caveat that we can deviate from this. But I think it's important, I think it's important that we maintain these core principles. And what my floor amendment does is maintain the language that has been in the last two decades of redistricting resolutions, as our core principle. It's maintaining the status quo. And I get that other states do other things differently. We also have a Unicameral, they have bicameral. We do things differently, too. That should not be the standard by which we judge ourselves. We should judge ourselves by the standards that we have held ourselves for the last two decades, and maintaining this language while keeping in the Chairperson's preference of putting in communities of interest, as well. I'm in favor of that. I'm in support of that. But we should be maintaining this language. I urge you to vote yes on my floor amendment and vote against AM1472 and against LR134 if it's unsuccessful. Thank you.

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

**BLOOD:** Thank you, Lieutenant Governor. Fellow senators, friends all, I want to clarify something. In the hearing, there were six proponents representing a variety of organizations that their only job is to protect the rights of Nebraska voters. There were three opponents and five neutral testifiers. I just want to make sure that that's clear, not half and half. But what was really weird about this hearing is that they almost had-- the opponents and the neutral testifiers-- the exact same things to say, and, when questioned, couldn't explain what their statements actually meant. It was curious and almost like people had been coached or given information to say, and I found that concerning. And I will say, though, that the-- the comments were universal and that they wanted us to protect rural Nebraska, which was the message that I believe is already clear to the committee, because

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we need to protect that industry here in Nebraska. We are aware that we must protect rural Nebraska, but we cannot control the fact that rural Nebraska has lost population. And when it comes to redistricting, we have to address that. That is not anything negative. That is just the nature of the beast. But what was really interesting-- and Senator Briese has used this on the mike today-- the word "flexible" kept coming up in the opponents' testimonies, which was the exact same word that was used when our committee was told that we needed to add the words preserving communities of interest to this LR. For me, that's a red flag, people asking for something that they can't describe. Now Senator Briese actually voted-- one of five-- LR134, as is written, out of committee, and then something be-- happened between then and the Exec Session that changed his mind. And now they wanted to add the word "allow" when it comes to keeping the cores. So again, I find that concerning. So here is what I propose, is I propose-- and with all due respect to Senator Morfeld, that we don't vote for the floor amendment-- we vote no against AM1472, and we leave it as is. It's perfectly fine as is. And that allows the Chair's language in the bill, and it takes out the word allows that they put in with the amendment, and it shows bipartisan support so we can move forward and get to work. This digging in of the heels and us versus them is not going to work. This is about the people. Let's preserve the core because that's an important factor when it comes to redistricting. So again, I propose, even though I don't like the COI because I believe it is not clearly defined. I propose we change the language back, as originally voted out of committee before the hearing, and then changed in the Exec meeting. It shows bipartisan unity, and I feel that better safeguards are in place. Now I want to remind everybody, too, these are all guidelines, but they are guidelines that we're going to refer to in case there are any court cases after the fact in reference to the mapping. I want to protect the legality of our redistricting committee and what their efforts are. And I feel strongly about this. You know, folks, I grew up in rural Nebraska where many were Republican. And growing up, the GOP had shared beliefs that candidates and elected officials could easily communicate to the residents of our state. If you asked a Republican candidate or elected official any level what it meant to be conservative, they talk about the four pillars: low taxes, strong military,--

**FOLEY:** One minute.

**BLOOD:** --social values, and small government. Now there's this weird thing going on where it's us versus them. It's really not about policy as much as disliking the other party. And I see it on both sides. I

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don't want this to happen to our Redistricting Committee. I think there's middle ground to be had. There is no fear of anything happening to rural Nebraska because we take that word back out for the allowing and we keep COI in, everybody gets a little something and everybody doesn't get what they want. How is that a bad thing? And why are we bickering about this? We could take a vote, we could find that middle ground, and we could move on with the rest of our day. But I'm not sure that really anybody's listening, and I think that's unfortunate. And I don't know that that means you came in here being told how you were going to vote today, because if you researched it--

**FOLEY:** That's time.

**BLOOD:** --nobody's come and asked me questions.

**FOLEY:** That's time.

**BLOOD:** Did you say time, sir?

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

**BLOOD:** Thank you, Lieutenant Governor.

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

**LATHROP:** Thank you, Mr. President. Colleagues, I serve on the Redistricting Committee. This is round 3 for me on the question of whether we will continue to use preserve the core of the district. I believe it should be left in the resolution. We can get there by adopting FA59 and take this back to the original form, which is LR139 [SIC--LR134]. What we are doing this morning is establishing the guiding principles for the committee's work and, ultimately, for how we redistrict and what it's going to look like when we complete our task. This is the language that's been used in prior redistricting processes. And you should understand and be perfectly clear, it's insofar as possible. So maybe occasions where it's not possible. Certainly if we're going to eliminate a rural district, as we did ten years ago, it's not possible. That doesn't mean we should take it out, because there are 49 districts. And the fact that one district is going to go from rural to an urban area shouldn't compel us to take out an important principle in redistricting. Let me-- let me talk about the idea or the notion of core of the district, because those of us that live in Omaha and in Douglas County understand what that means. And it may not be as obvious to my friends in rural Nebraska or my colleagues that come from smaller communities. But when you get to Omaha, we-- we all understand that there are the south Omaha-- east

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south Omaha district. There's the south Omaha district that Senator McDonnell serves. There's north Omaha, there's District 11, which has been essentially the same for years and years. There's Senator Wayne's district to the far north. There are districts that include Benson and-- and Dundee. And that may not mean anything to you. But if we take that principle out and we say the only guiding principle is going to be communities of interest, we could say everybody in Omaha has-- is in the same community of interest. And now we can scramble the districts in this process. We can scramble the districts because we're no longer concerned with trying to maintain what they looked like before and make modifications. Let me use my district as an example. So my district includes Ralston. It goes, for those of you that are familiar with Omaha, Harrison on the south, primarily L Street on the north, 72nd out to 130-- or pardon me, 145th, 150th out there-- there's a jagged line. Communities of interest. So I have Ralston, which is its own school district, its own town, and then I have portions of Millard. That's been the district for a long time. Now each time we redistrict, there's some modifications. Right? You might have to take a little off here, a little off there, add a little bit here. That's the core of the district principle. But it's not a community of interest. Right? Not-- not when you-- when you look at what's important to the people in Ralston versus the people I've represented for 11 years in the Millard area. So communities of interest, you can-- you can look at that from 30,000 feet and say everybody in Omaha has the same community of interest so we're no longer worried about what the districts used to look like. Let's have some fun. Let's-- 'cause now we got flexibility, which is the principle that seems to be-- well, I-- I can tell you what I think the principle is.

**FOLEY:** One minute.

**LATHROP:** But the-- the challenge is right now that we don't have the maps in front of us, we're not doing the guiding principles and saying, well, that's fair. I'm not worried about the guiding principles. We don't even have the data. But if we're going to scramble the districts in Omaha and scramble the districts in Lincoln, where we have several legislative districts, and say our only concern, going forward, is not ever what they look like-- what they look like, but communities of interest, which is a general, broad term, we can all fit under that umbrella in Douglas County or Lancaster County, and now we can do what we want. And so south Omaha doesn't have its senator anymore. That district may be just one long, skinny line to the west. Preserving the core of the district is important. It's important, particularly in urban areas-- particularly in urban areas.

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I think Senator Briese recognized that when we voted on LR134 in the first place--

**FOLEY:** That's time.

**LATHROP:** --and he voted-- did you say time?

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

**LATHROP:** OK, thank you.

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

**PAHLS:** Thank you, Mr. Lieutenant Governor. What I find interesting, the last time I was down here, I said I was the senator from Millard. I can no longer say that because on the redistricting, they moved the town of Millard out of my district and into Senator Lathrop's district. So I did lose a chunk of what I call the old Millard, which is probably very similar to a lot of the small towns, because if you go downtown old Millard, it looks like-- the older community looks like a small town, which it was many years ago. What I'm going to do today is I'm going to trust the people do what's best for the state of Nebraska, whether you're Republican or whether-- whether you are a Democrat. The public ought to know the committee already is set up with five Republicans and four Democrats. There already is-- is an issue there, as if you have not picked up. But the thing that I liked about it is when I heard-- I think the Chair of the committee said that there's going to be-- we're going to have maps. It's going to be-- everybody's going to be able to see what's going on, and people will see whether we are being truthful or if we're playing games. And I don't think-- at least that's my hope-- that we will play games. We're all going to be looking out for our interests, which is natural, which is normal. But if we have some of these districts really change tremendously, people are going to want to know what's going on down here. I don't think that will happen because I am assuming the media will be watching this closely. There already is built in people who have conflicts just because of who we are. What I find interesting, I am-- I grew up in a small town. My intent is not to make life tough for people in the rural area. I still have family who lives in a rural area. There are a number of us in here who grew up in a small town. We are not after the people from the greater part of the state. Again, I'm trusting with us being sincere about this. I may be wrong, but I'm-- I'm optimistic. But also, the people will be watching us. The media will be watching us. They'll be able to see if anything funny is going on. For example, like in my district, when the line was cut from 120th to 144th, which took out a lot of the old Millard, I could see

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the need for that because of the population growth. They could've made a really weird district out of my district at that time, but they need-- they-- they need a newer district within-- part of that was actually my old district. But it looked logical. It was log-- very logical that Lathrop's district would come a little further west. It made sense. Now, I could have pouted and say, well, gee, I want to be called the Millard senator. But common sense said, hey, that's to make this fair and represent a lot of the same people with the same needs. That's what I'm counting on. I'm-- I'm-- I'm going to be optimistic about this. And in the fall, if I have to-- if I look at it and see we didn't play in the sandbox, everybody sharing the same toys, I probably will scatter a little bit of sand then. Thank you.

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

**BLOOD:** Thank you, Lieutenant Governor. Fellow senators, friends all, I stand in opposition to the floor amendment and in opposition of AM1472, and stand in support, if both of those fail, of LR134 because it was just fine how it was kicked out of committee with a vote of 5 to 4. So it's been really clear, some of the things I've heard, that we have elected officials here in the body who have concerns that finding that middle ground is going to contradict their base. But I really believe those concerns are completely divorced from reality. Senator Pahls, I don't believe that we have people on the committee looking out for their own interests. Do I think that people are tapping into their brains from outside interests? I do, but I'm looking out for Nebraskans, not my own personal interest. You always hear me say I'm kind of on the island of lost toys. I don't really seem to belong in any party here in Nebraska because I want to do the people's work. I'm not on the Redistricting Committee to help a cause, but to help all Nebraskans. And I'm not on the Redistricting Committee to lift up any party, but to lift up-- lift up Nebraskans, both rural and urban. I'm not on this committee because I want to make sure that districts have a specific voting demographic. I want honest districts that give every citizen an equal impact on state policy. Friends, I am trying to get through to those of you that are ignoring this debate today and working on other things, to understand that we have middle ground. It doesn't have to be us versus them. We may have nine members, but we have nine intelligent members who can decide that we can all get along, support LR134 as written, do away with the floor amendment and the amendment and move on our merry way. Why we're choosing not to do that is beyond me. We're asking, based on the conversation that we had during our meeting when we voted it out prior to the hearing, to just keep it as is. There was nothing compelling to

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me during that hearing that wants-- that wants any fiber in my body to support the COI. However, I support my fellow senators who are on that committee. And if you want COI, I support that. We want to leave the language as is, which is a fair ask in LR134, when it comes to the cores. Why can we not move in that direction? We did it once. There was nothing compelling in the hearing. They asked for flexibility and that's why they wanted COIs, but they couldn't explain what that flexibility was. None of them could. They asked us to please be cautious when it comes to the rural districts, which all of us clearly understand. And then, thank God, we had a woman of color there, because that's one of the most pressing issues, is to make sure that every vote counts and that people have the ability to vote for somebody who has the same values as they do and looks like them whenever possible. I'm disappointed, I'm concerned, and I'm baffled. We can easily move this forward by voting no on Senator Morfeld's amendment, voting no on the committee amendment,--

**FOLEY:** One minute.

**BLOOD:** --voting yes on LR134. Then we can get to work and do the people's business because, friends, that's why I'm on this committee. I don't care about any of this other noise. Let's get to work. To belabor this is ridiculous. We have middle ground. You just have to say yes, 'cause we're willing to say yes, those of us that just want to take the word "allow" back out and put it the way it was. We're not hurting anybody. We support Nebraskans. We support the causes that are important to them. And we are going to take this seriously. To do anything else is bananas, to quote Senator Cavanaugh. Thank you, Lieutenant Governor.

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

**BRIESE:** Thank you, Mr. President. Good morning again. I don't want to belabor anything here. We need to keep moving along, but just wanted to respond to something quickly. Both Senator Blood and Senator Lathrop pointed out that I did originally support LR134, and Senator Blood was concerned that, you know, something happened before the Executive meeting on it. And yes, something did happen and that-- and what happened was we had a hearing. And at that hearing, we had multiple folks testify, multiple folks that I have a lot of respect for-- a lot of those folks coming from rural Nebraska-- who indicated that they did not want us to tie our hands by adhering to a requirement-- to adhere to the core of existing districts. They impressed upon me and the committee the need for flexibility and how adherence to the core, to that particular criteria, can impair that flexibility. And so that's when I-- that's when I changed my position

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to opposition to that particular provision. And there were folks on the committee and various folks that testified that wanted that provision removed completely. Senator Blood suggested we need to find middle ground here. And what we have here in AM1472 is middle ground. It allows us to utilize that as criteria. It doesn't require it, as LR134 did. So I think this is good middle ground. I would urge your adoption of AM1472 and your opposition to FA59. Thank you, Mr. President.

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

**CLEMENTS:** Thank you, Mr. President. I rise in opposition to FA59 and in favor of AM1472, and I had previously not been that clear. I've heard different senators in the last few days talking about the cores of prior districts. And I want to thank Senator Linehan for handing out this handout about redistricting principles. On page 79, a discussion of preserving the cores of prior districts-- and only 11 states do this-- but the comment is, it may lead mapmakers to start the process with existing map rather than starting with a blank slate. The goal of preserving the cores of existing districts is to minimize changes. And in 1997, when reviewing a court-- a Georgia court-drawn plan, the U.S. Supreme Court in *Abrams v. Johnson* recognized preserving cores of prior districts, so they didn't strike it out. But the last sentence says: The court added, however, that the goal of protecting incumbents should be subordinated to other goals because it is inherently more political and, therefore, subjective and difficult to measure. So the Supreme Court says the-- the goal of protecting incumbents, which is the core districts in their interpretation, should be subordinated. In other words, the word "allow for" would allow them to not prioritize the cores, but just to accommodate them when necessary. And so I think the allowing of it is the right approach, a middle ground, and I would support that-- AM1472 against FA59. And I yield the rest of my time to Senator Linehan.

**FOLEY:** Thank you, Senator Clements. Senator Linehan, 2:50.

**LINEHAN:** Thank you, Mr. President, and thank you, Senator Clements. I think I've picked up this morning something that I didn't see before. There is no intention, I don't think, on the committee that we're going to start with a blank slate and just, like, blow up every district. I mean, I'm aware that 49 members of the Legislature are not going to support something that completely redraws the maps. That's why allowing for the cores does not bother me. I just think that we're not-- people-- several people have got up this morning and said we're taking it out. We're not taking it out. Again, it was a compromise. There were people who testified-- about 50 percent of people who came

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to the hearing, as Senator Briese has said, testified: Take it out. We met in Exec. We probably had the votes-- pretty confident we could have taken it out, and then I would expect we would come to the floor this morning and have this debate that we're having. But we didn't take it out. It says allow, allowance. It is already a compromise, so I would appreciate a red vote on-- I have a hard time reading the numbers from here-- FA59, and a green vote on AM1472, and a green vote on LR134. Thank you very much.

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

**CLERK:** Senator Blood would move to recommit LR134 to the Redistricting Committee.

**FOLEY:** Senator Blood, you're recognized to open on your motion.

**BLOOD:** Thank you, Lieutenant Governor. Friends, I am purposely putting this motion out so I can have one more time to speak. And I'm going to be really frank about that. I still stand in opposition to FA59 and AM1472, and then in support of LR134 if, indeed, those two amendments fail. We're talking about middle ground. I-- I'm not sure where it was heard that we took the core out, 'cause everything I heard was that it was about in reference to the word "allow." If the reference to the word "allow" or "allowance" is something that is a compromise, then I compromise that every single criterion has that word in front of it. Then it's an even playing field. Now I'm not going to do that, Senator Linehan. I saw you put your head down. But I'm trying to explain to you that, as is, LR134 is fine. To change your vote based on the testimony during that hearing, to me seems puzzling, and I'm going to tell you why. Nobody could define what flexibility meant. Everybody seemed to have something that was given to them to read to benefit those that wanted COI. My compromise is, let's keep COI in. Let's leave the-- the words-- the text the same as they were when it comes to the core districts. Now Senator Clements is partially wrong in what he presented to you. It is not only about trying to keep the elected officials that are in that core potentially in their own area. There is much more involved. And I feel that it is going to be protecting people of color where COI can be used for a proxy for that. That is my fear. I want to protect our minority voters. Now we could talk all day, and I promised the Speaker I would not belabor this, and I'm sincere and honest when I say this. But we're not getting to the truth of what happened at the hearing. And the truth of what happened at the hearing is there was a lot of fluff from people that I respect and are important to rural Nebraska. But I heard them in the hallway talking, folks, before the hearing. I know what happened once they came to that hearing. This wasn't something they came up with on their own. They

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were encouraged to come and testify in the fashion that they did; it was quite biased. And again, six in favor of the resolution, three opposed, the rest were neutral. So to continue to say half and half is not accurate. But what I can tell you is that six that came in favor of it all had different testimonies. They weren't robots repeating the same thing and then, when questioned, could not answer anything. And I know for a fact that Senator Morfeld, as he stated earlier, he asked for specifics. He asked for data. And to my knowledge, none of us have received that data. Let's be good neighbors. Let's find the true middle ground, which is keep the language as is; there is no need for change. If allowance is no big deal, then I feel motivated to change the entire legislative resolution to say the word allowance besides-- in front of each criterion. And I don't want to do that. But based on what you're telling me, it's no big deal, so let's-- what's good for the goose is good for the gander. LR134 as is. Let's vote it, let's quit belaboring this, let's go ahead and vote red on both the floor amendment and the amendment, and vote yes for LR134, and move on with our day, because I'm sure Senator Halloran wants to get to his thing again. So with that, I would yield any time back to you, and I would remove my recommit.

**FOLEY:** Thank you, Senator Blood. The recommit motion has been withdrawn. Senator Morfeld, you're recognized to close on FA59.

**MORFELD:** Thank you, colleagues. I-- again, I'm not going to belabor-- I'm not going to belabor things today. I know there's a lot of important issues that we need to get to. This is also very important. I guess, you know, there's a few things I want to point out. One, nobody said that we should remove the core of the districts or anything like that from-- I mean, this is removing the language that says allow, to make it so it's on an equal playing field with everything else. And while I know Senator Blood and I are approaching this from the same philosophy, I do ask that you vote for my floor amendment. And then if my floor amendment is not adopted, I do ask that you vote against AM1472 and LR134. Would Senator Briese yield to a question?

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

**BRIESE:** Yes.

**MORFELD:** Senator Briese, is it your intent with the resolution to preserve rural districts and mitigate population and district loss in rural Nebraska?

**BRIESE:** Could you repeat that?

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**MORFELD:** Is it your intent with the resolution to preserve rural districts and mitigate rural population and district loss?

**BRIESE:** No, I'm not in a position right now to say that that is. I think it's important to a lot of folks in rural Nebraska. That-- we're going to have to look at the numbers, though, see what the numbers tell us to do. And then we're going to have to go according to the numbers. That's our job. That's our obligation to look at the numbers, do this in a constitutionally sound manner, and come up with the-- the right maps.

**MORFELD:** OK. So-- and following up to that answer, will you be able to commit on the mike today that it's not your intent to completely draw-- redraw urban districts?

**BRIESE:** Was that the question?

**MORFELD:** Yeah, that's the question.

**BRIESE:** Yes. I would be in a position-- yes, that would be-- not be my intention at this point. We're going to have to see what the numbers look like. As far as redrawing all districts, that wouldn't make sense, that wouldn't pass in this body. So we're not going to redraw the entire map, if that's your question.

**MORFELD:** OK. Thank you, Senator Briese. Would Senator Lou Ann Linehan yield to a question?

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

**LINEHAN:** Certainly.

**MORFELD:** Senator Linehan, I'll ask the same questions. Is it your intent with the resolution to preserve rural districts and mitigate rural population and district loss?

**LINEHAN:** My intent is to look at the numbers, and try to be as fair as possible, keeping, yes, community interests in mind, and also allowing for the preservation of cores. That's my intent,--

**MORFELD:** OK.

**LINEHAN:** --to be as fair as possible.

**MORFELD:** Thank you, Senator Linehan. And then I'll ask the same question I asked Senator Briese as a follow-up. Can you commit, on the

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record today, that it's not your intent to completely redraw metro districts and rearrange all of them?

**LINEHAN:** So is your question, do I intend that we're going to get the numbers and then we sit down with a blank slate and just start drawing boxes? Is that what you're asking, if that's my intent?

**MORFELD:** I think that's a good summary of what I'm asking.

**LINEHAN:** No, that is not my intent.

**MORFELD:** OK. Thank you, Senator Linehan. Colleagues, I think it's important, as we noted, to be transparent about what we're doing. That's why I asked some of our colleagues, on the record. I think they're two key members of the Redistricting Committee. And I urge you to adopt FA59 to maintain the language that we have had in our redistricting criteria for the last two decades. My floor amendment maintains the status quo. It maintains the status quo while still keeping in the communities of interest that are important to Senator Linehan. If my amendment fails, I ask that you vote against AM1472, and I ask that you vote against--

**FOLEY:** One minute.

**MORFELD:** --LR134. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Members, you've heard the debate on FA59. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 29 ayes, 2 nays to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber and check in. The house is under call. Senator Morfeld, when-- when all the members are here, it would be your option to take call-in votes or to go to a roll call vote.

**MORFELD:** Roll call vote, reverse order.

**FOLEY:** Thank you, Senator Morfeld. Senator Friesen, please return to the Chamber and check in. Senator Linehan, you had called the house. Senator Friesen is in a meeting, and we can proceed. All right. The question before the body is the adoption of FA59. A roll call vote in reverse order has been requested. Mr. Clerk.

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**CLERK:** Senator Wishart voting yes. Senator Williams voting no. Senator Wayne. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner voting no. Senator Slama voting no. Senator Sanders voting no. Senator Pansing Brooks voting yes. Senator Pahls not voting. Senator Murman voting no. Senator Moser voting no. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister not voting. Senator Lowe voting no. Senator Linehan voting no. Senator Lindstrom voting no. Senator Lathrop voting yes. Senator Kolterman not voting. Senator Hunt voting yes. Senator Hughes voting no. Senator Hilkemann voting no. Senator Hilgers voting no. Senator Matt Hansen voting yes. Senator Ben Hansen voting no. Senator Halloran voting no. Senator Groene voting no. Senator Gragert voting no. Senator Geist voting no. Senator Friesen. Senator Flood voting no. Senator Erdman voting no. Senator Dorn voting no. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting no. Senator Brewer voting no. Senator Brandt voting no. Senator Bostleman voting no. Senator Bostar voting yes. Senator Blood voting yes. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. 16 ayes, 28 nays on the amendment.

**FOLEY:** FA59 is not adopted. I raise the call. Mr. Clerk.

**CLERK:** Senator Morfeld would move to amend with FA60.

**FOLEY:** Senator Morfeld, you're recognized to open on FA60.

**MORFELD:** Thank you, Mr. President. Colleagues, again, I am not going to belabor this. This will probably be the only time that I speak on this, with the exception to close. What this does is it changes the deviation, the maximum deviation from 10 percent to 8 percent. I had put in a committee amendment or two-- or excuse me, an amendment in committee or two to close this up a little bit closer to 1 percent. Just for context, our congressional districts have to have a maximum-- not have to-- the maximum deviation is 1 percent. So plus or minus 0.5 percent for our members of Congress. Now, people will get up and talk about how it is presumed constitutional as long as we're within a 10 percent maximum deviation for legislative districts, according to the Supreme Court. I believe, even though it's presumed constitutional, I believe that we should be closer to 1 percent. This will make it so that our districts are more in line with the principle of one person, one vote in Reynolds v. Sims, the seminal case in the 1960s that the Supreme Court said that you must have one person, one vote. And the reason why we came to that court decision was because districts were so gerrymandered up until that point. Because you can have a district

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in one part of the state that has 10 percent more population than in another district in another part of the state, and that person with fewer people has more political power than that other person that's in the other part of the state. That's why it's important to have one person, one vote, and that's why it's important that we be closer to the 1 percent deviation than the 10 percent. Now, there's people who have brought up that in the past the average deviation was 6 or 7 percent-- I can't remember the exact number. And to me, this is a compromise. This gets us a little bit closer and makes sure that we don't expand things too far afield of what's fair in one person, one vote. So I urge your adoption of FA60, making it so that the maximum deviation is 8 percent. So plus or minus 4 percent either way. I urge your adoption of this floor amendment, and if you have any questions, I'm happy to answer them on the floor. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Briese, you're recognized.

**BRIESE:** Thank you, Mr. President. Good morning again. I stand in opposition to FA60. Population equality, really is a concept made necessary by the Equal Protection Clause of the U.S. Constitution, population equality in voting. But it's not a hard and fast requirement whatsoever. Exactness is not required. The U.S. Supreme Court has indicated in congressional redistricting, yeah, you have to be pretty close to spot on. You have to maybe be within 1 percent. But time and again, the U.S. Supreme Court has told us in legislative redistricting, up to a 10 percent deviation in the makeup of the districts, in the population of the districts, is presumptively sound. And in pursuit of legitimate legislative goals, the U.S. Supreme Court has indicated that we can go beyond 10 percent. You know, they-- they found 16 percent to pass muster. They've implied and suggested that populations-- population deviations far in excess of 16 percent would pass muster in pursuit of legitimate legislative goals. And what are legitimate goals? Things we talked about here, keeping districts compact and contiguous, and some of the other things that Senator Linehan indicated. But those are all legitimate goals. And they-- again, the court has indicated, you know, we can go on beyond that 10 percent in pursuit of some of those things. But again, the Supreme Court has said 10 percent is presumptively sound. But here we have a floor amendment to really handicap ourselves. And why tie our hands behind our back on this? The courts give the legislative branch considerable-- considerable deference in establishing district boundaries, and we should embrace that deference. We should embrace that ability to do what we think is right. And FA60 would hinder our ability to do what is right. And I have a floor amendment-- I believe it is FA61, coming up after this-- that would embrace that

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flexibility. It would allow ourselves a 20 percent deviation. And that-- that's where I'd like to go with it, Senator Morfeld. But to the extent, if and when you pull this FA or if and when this FA gets defeated, I'm going to pull my FA61. Twenty percent is too far. I realize that. But again, I would urge your opposition to FA60. Thank you, Mr. President.

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

**BLOOD:** Thank you, Lieutenant Governor. Fellow Senators, friends all, I actually stand in support of Senator Morfeld's floor amendment. I don't believe it's tying anyone's hands. I believe it's going to make us better at our jobs. I certainly would not support 20 percent. But I do appreciate Senator Briese's enthusiasm to be ornery today. With that said, every day I have a different mantra based on what's going on, on the floor. For those of you that know me, I actually put it on my notebook every day. I want to tell you my mantra for the day. The power of the people is much stronger than the people in power. I can't think of anything that's more telling when it comes to how we need to approach redistricting here in Nebraska. We are a nonpartisan Legislature, the only one in the United States. It's very precious to the residents of the state of Nebraska, and it is incumbent on each and every one of us, at every stage of redistricting, not just today, to honor that in spirit and intent, and put voters first. I don't want to put politicians or political parties first. I want to put Nebraskans first, be they urban, be they rural, be there's-- they people of color, be they people who identify LGBTQ. I want to do what's right, regardless of income, regardless of geography, regardless of your religious belief. I felt like we had figured that out when we voted LR134 out of committee. And I'm sorry, Senator Briese, but there was really nothing compelling in that hearing that would lead me to change anything in the perfectly fine text of what we voted out-- nothing compelling. And I'm not even a lawyer, although there's many in this body, but I could hear what was being said, how it was being said, and nobody was able to explain to me why they wanted the changes made that they asked for. And that's OK, because there are members of the committee that wanted to add language. And I support that because we, as a committee, are supposed to be working together. But to add their language, they needed to change our language, and the way it's being verbally defined on the floor right now is inaccurate. I support the floor amendment. Senator Morfeld is coming from a good place as to why he wants to do this. We are trying to make sure that there is equality in how we redistrict. I know with Senator Linehan as Chair, we're going to have transparency. We're going to have good discussions. We have great software that we're

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going to use that will take the criteria and algorithms and help us be fair, help us be honest, or I should say stay honest. But friends, we need to move forward. And with all due respect, AM1472 is petty; it's petty. LR134 is fine, as is. We can vote it out, and we can get to task. And the fact that we're wasting time bickering on this is just kind of silly. I do support Senator Morfeld's efforts. I will be curious to see if he does have the votes, but I'm glad that he at least is fighting for what he believes. Should I have any time, I would yield it to Senator Morfeld.

**FOLEY:** Thank you, Senator Blood. Senator Morfeld, 1:00. He waives the opportunity. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. Lieutenant Governor. I-- I think it's interesting that, when you look at the deviations, you see that they're different between state legislative districts and the congressional districts. And I want to ask-- I want us to ask ourselves, given all the technology that we have now, given the capacity that we have through technology to decrease those deviations, what is the reason for that? Why is it that Congress says we have to get as close to zero as possible, but we give ourselves so much flexibility when it comes to our legislative districts? I am in support of Senator Morfeld's FA60, which lowers it from 10 percent deviation to 8 percent. Nebraska's deviation in 2010 was 7.39 percent. So I think that the 8 percent makes sense. That seems like a good compromise to me. My only point, in all of these conversations between deviation and the previous conversation we had about the core of the district versus communities of interest, is that flexibility is, actually, really bad in this context. We should be valuing predictability and continuity for Nebraskans so that they know that this is based on the numbers, not based on the flexibility that we want to have based on political party or anything like that. Flexibility is the buzzword here that I keep hearing. But the question really needs to be asked: flexibility to do what? The obvious answer is, flexibility to gerrymander, flexibility to do whatever it takes to keep the current number of rural districts, despite their population loss, which is the definition of gerrymandering. And I think that instead of flexibility, we need to be talking about consistency and predictability for Nebraska voters. They have us here in this nonpartisan Unicameral. We know that we have the technology to make this as fair as possible. And so putting flexibility into our redistricting guidance, I don't know if that's the best thing for us to do. On the deviation percentage, whether it's zero percent or 10 percent or 5 percent or 8 percent, it's really hard to talk about concretely because no one can tell you the real world consequences of 8 percent versus 10 percent 'cause we don't have the

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data yet. But what it's about is maximizing the ability of the map drawer to be creative, which in this case, is a really bad thing. We don't want any creativity in our map drawing here. And personally, I think that 10 percent is a pretty large variation. I think with the modern software that we have out there, the modern technology we have where we can trace populations really easily, it's important that we have the one person, one vote concept and we look at the best ways of enforcing that constitutional right. And I would urge that we reevaluate that 10 percent and adopt Senator Morfeld's floor amendment. I also want to thank Chairwoman Linehan and the members of the Redistricting Committee for the important work that they're doing, and thank all of my colleagues for asking questions about this process, because it's very important that we have a clear record for Nebraskans about our plans and our process to do this redistricting, which is the most important thing that we're going to do for the next ten years. At the committee level, I know that there is an extensive dialogue about LR134 and AM1472, and I think FA60 is a good idea. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hunt. Senator Lowe.

**LOWE:** Thank you, Lieutenant Governor. I stand against floor amendment number-- FA60, and then for AM1472 and LR134, the LR. There are more people in one apartment complex than there are in several of our counties. So why do we need the variance? So we don't split the counties. It's easy for us to draw a line down a street, but to go around 100 miles or to split that city in half is wrong, and that's why we need a variance of 10 percent, 5 percent leeway either way. It's common sense, it's good-- it-- it-- it-- it makes good sense. We reduce that number to 8 percent, 4 percent either way, and all of a sudden we have to do some gerrymandering. This is where the gerrymandering comes in, is when we reduce this number and we have to draw lines around places to allow it. We need to be able to have concise blocks, concise districts. And by reducing this number, we can't, because we can't alleviate for that extra little 2 percent that may make it a square instead of an angle that juts off down a street somewhere in favor of-- of a senator. And to reduce it any more than 8 percent will even cause a greater problem. So I stand against FA60 because it will create more gerrymandering, I believe. And we need to do it so that our districts are compact, so they look proper to the people of Nebraska, because we're doing this for Nebraskans. We're not doing it for ourselves, and we should think that way. Thank you, Lieutenant Governor.

**FOLEY:** Thank you, Senator Lowe. Senator Linehan.

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**LINEHAN:** Thank you, Mr. President. I rise against the floor amendment. The-- the reality is-- and I'm going to-- we've got-- I've got staff that's going to hand this out, again, from NCSL. We could go above 10 percent. The Supreme Court has found that-- I'm just going to read here: Most recently in *Evenwel v. Abbott*, the Supreme Court set up the most succinct formulation on district deviation and the one person, one vote rule in district cases-- in redistricting cases since *Reynolds v. Sims*. States must draw congressional districts with population as close to perfect equality as possible. But when drawing state and local legislative districts, jurisdictions are permitted to deviate somewhat from the perfect population equality to accommodate traditional districting objectives, to include among them preserving the integrity of political subdivisions, maintaining communities of interest, creating geographic compactness, where the maximum population deviation between the largest and smallest districts is less than 10 percent. The court has held a state or local legislative map presumptively complies with the one person, one vote rule. Maximum deviations above 10 percent are presumptively impermissible. However, rational state policies that could justify exceeding the 10 percent standard. So we-- again, this is very like within the limits, because if we were with something to be concerned, worrying about rural versus urban, we could have suggested that we go above the 10 percent because it's allowed. If state enacts or adopts a legislative plan with an overall population rate exceeding 10 percent in either Chamber-- well, we only have one Chamber-- the plan is challenged in court. The state will have the burden of showing that the overall range is necessary to implement a rational state policy. In several cases, states have attempted to defend total deviations in excess of 10 percent by arguing that the deviations were necessary to respect local government boundaries, and that the deviation under such plans was no more than necessary to achieve that policy. Maintaining public political subdivision lines and deviations for legislative districts-- in 1971, in *Mahan v. Howell*, the Supreme Court found that 16.4 percent deviation in the Virginia House of Delegates map was constitutional. The court emphasized the deviation was lower than those stricken in earlier cases, and that the policy of keeping boundaries of local government subdivisions whole was a rational state policy. So if we were trying to do something which has been alluded to this morning, we could have gone above 10 percent. And remember, this is not 10 percent above and 10 percent below. This is 0.5 percent above-- or half of that-- 5 percent below and 5 percent above. This is what-- and also, it is what we have done for the last-- same that we did 10 years ago, same that we did 20 years ago. So this isn't a change. This is the way we have done it. We're not trying to go out of the bounds of what we have done previously. This is a very reasonable--

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**CLEMENTS:** Deviation.

**LINEHAN:** --deviation-- thank you-- to make sure that we are, again--

**FOLEY:** One minute.

**LINEHAN:** --trying to keep communities whole, if possible. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Linehan. Senator Morfeld, you're recognized to close on FA60.

**MORFELD:** Thank you, Mr. President. Colleagues, just a few different things. One, if we were trying to make it so that this resolution was going within the confines of what we've done in the past, then we would have passed my floor amendment previously. We're not doing that now. So since we're deviating from what we've done for decades, I believe it's reasonable to make it so that the deviation goes from-- maximum deviation goes from 10 percent to 8 percent, to make sure that we are more in line with one person, one vote, and Reynolds v. Sims. I understand it's presumptively constitutional, and I presume-- I understand that we can do this 10 percent, but that doesn't mean that we should. I think it's more important to be closer to one person, one vote, if at all possible. So I urge your adoption of FA60. I ask that you vote green on that. And if that fails, I ask that you vote red on AM1472 and red on LR134. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Members, you've heard the discussion on FA60. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 15 ayes, 28 nays on the amendment.

**FOLEY:** FA60 is not adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Briese would move to amend with committee amendments.

**FOLEY:** FA61, Senator Briese.

**BRIESE:** I would like to withdraw that amendment.

**FOLEY:** FA61 has been withdrawn. Further discussion, Senator Lathrop.

**LATHROP:** Thank you, Mr. President. Colleagues, I wanted to stand up one more time before we get to the amendment-- or a vote on the

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amendment and the LR, and express my opposition one more time to AM1472. What we have done with AM1472 is to add language that says allow. You should be really clear that what we're trying to do is establish what are the guidelines that should instruct the process of preparing these maps and doing the redistricting process. Adding allow is permissive. We could have put anything in this and said allow, because it is completely meaningless. We've had core of the district in our resolutions in the past, and it has served us well. It avoids the opportunity for wholesale re-- drawing all kinds of maps and districts in the urban areas and, frankly, for the rural areas, as well. It is-- it is completely meaningless. It doesn't instruct on anything when you say our guardrails are in place and one of the guardrails is you may do, you may or you may not do, you don't have to, you're allowed to. The fact that we're allowed to doesn't-- that's meaningless. It's meaningless, it's not-- it doesn't instruct on anything. It is language and, incidentally, it wasn't a compromise. Is it different than taking it completely out? Yes, it is. But no one agreed to this. This wasn't like the people that wanted it in and the people that wanted it out came to a middle ground. There's no agreement. This is just adding some language, which, because it's permissive, is completely meaningless in this resolution. I encourage you to vote no on AM1472 and yes on LR134, assuming that the amendment fails. Thank you.

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

**DeBOER:** Good morning, colleagues. I, too, wanted to just question a little bit this language about allow and whether that is representative of any kind of compromise. It seems to me that, in this sort of document, we could say you are allowed to draw stripes across the state, start on one end of the state and draw a stripe of whatever size you would like. Allow doesn't mean you must do that, you should do that. Allow is simply one way of saying something exists in the world that you don't have to pay attention to. So this doesn't represent a compromise. I think we should be clear about that. If somebody says: I want X thing, and another person says: Not X thing, and you say: OK, we're going to do-- we're going to do X thing, it's a compromise, that isn't a compromise. So I just want to be clear about this. This is very clearly intentionally being done as a specific position that we are taking that says we do not respect core of the districts in this state. So as long as we're clear that that's what we're doing and that's what these votes mean, then I think that's fine. But that's-- I just-- I think we ought to be clear about what we're doing and we ought to be clear about our rhetoric. So what we are doing here is we are saying, very clearly, we do not respect core

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of the district if we vote for AM17-- AM1472. Thank you, Mr. President.

**FOLEY:** Thank you, Senator DeBoer. Senator Linehan, you're recognized to close on AM1472.

**LINEHAN:** Thank you, Mr. President, and thank you all this morning. I'm not going to respond to whether it was a compromise or not a compromise. We left it in, we could have taken it out. I'll leave you to judge whether that's a compromise or not. Again, we could have just taken it out; we did not. All of these things and the-- and the irony of this is those that are saying we need to preserve the core of the districts are also the ones that are quite certain that we're going to take one district out of third. So part of the conversation in committee was: How can you say you're going to preserve the core when you know that we might have to move a whole district? Those two things aren't-- they don't fit together. The things that are important here and in our constitution, the federal government, we have to be compact, it has to be contiguous. I think it makes sense. And yes, it-- I think it makes sense because I read it in the materials I was given when I was elected as Chair of this committee of what was important. Compact, contiguous, communities of interest. Allow the cores-- again, 11 states have it. Many have done away with it. We're not breaking some new magical ground here, and we didn't take it out; it's in there. There is no effort that I know of that we're going to draw stripes across the state of Nebraska and call that a legislative district. I don't think a stripe from Crab Orchard, Nebraska, to Senator Hughes' district means we will be keeping communities of interest together. I don't think a stripe from South Sioux City to the furthest-most area of Senator Erdman's district would be contiguous-- it might be contiguous; it certainly wouldn't be compact. And it certainly wouldn't keep communities of interest together. I would ask you to vote against floor amendment-- or AM1472. No, I want your vote for-- I'm sorry-- for AM1472 and green vote on LR134. And I would like a call of the house in regular order.

**FOLEY:** Thank you, Senator Linehan. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record please.

**CLERK:** 33 ayes [SIC--34], 2 nays to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber and check in. The house is under call. All members, please return and check in. The house is under call. Senator Groene, please return and check in. The house is under call. Senator Linehan, we're

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lacking Senator Groene. We can either wait or proceed. We shall proceed. The question before the body is the adoption of AM1472, a roll call vote in regular order has been requested. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Blood voting no. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Day voting no. Senator DeBoer voting no. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting yes. Senator Friesen voting yes. Senator Geist voting yes. Senator Gragert voting yes. Senator Groene voting yes. Senator Halloran voting yes. Senator Ben Hansen voting yes. Senator Matt Hansen voting no. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Kolterman voting yes. Senator Lathrop voting no. Senator Lindstrom voting yes. Senator Linehan voting yes. Senator Lowe voting yes. Senator McCollister not voting. Senator McDonnell voting no. Senator McKinney voting no. Senator Morfeld voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls not voting. Senator Pansing Brooks voting no. Senator Sanders voting yes. Senator Slama voting yes. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz voting no. Senator Wayne. Senator Williams voting yes. Senator Wishart voting no. 30 ayes, 16 nays, Mr. President, on the committee amendments.

**FOLEY:** AM1472 has been adopted. We're still under call. Senator Linehan, you're recognized to close on LR134. She waives closing. The question before the body is the adoption of LR134. Those in favor vote aye; those opposed vote nay. Roll call in reverse order has been requested. Mr. Clerk.

**CLERK:** Senator Wishart voting no. Senator Williams voting yes. Senator Wayne. Senator Walz not voting. Senator Vargas voting no. Senator Stinner voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Pansing Brooks voting no. Senator Pahls voting yes. Senator Murman voting yes. Senator Moser voting yes. Senator Morfeld voting no. Senator McKinney voting no. Senator McDonnell voting no. Senator McCollister not voting. Senator Lowe voting yes. Senator Linehan voting yes. Senator Lindstrom voting yes. Senator Lathrop voting no. Senator Kolterman voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Hilkemann voting yes. Senator Hilgers voting yes. Senator Matt Hansen voting no. Senator Ben Hansen voting yes. Senator Halloran voting yes. Senator Groene voting yes.

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Senator Gragert voting yes. Senator Geist voting yes. Senator Friesen voting yes. Senator Flood voting yes. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting no. Senator Day voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting no. Senator Blood voting no. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. 31 ayes, 15 nays. Senator Walz, I'm sorry. Senator Walz voting no. 31 ayes, 16 nays on the adoption of the resolution.

**FOLEY:** LR134 has been adopted. I raise the call. Speaker Hilgers.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. The next item on our agenda are the veto overrides, as you see on the schedule. That's set for 1:30, so we will recess until 1:30. So we'll have two and a half hours between now and then. I've had some questions as to the order. As you all know, there are three motions to override that we will deal with today, or really six, because there are A bills. We will go LB108, LB306, and LB147. So Senator McCollister's bill first, Senator Brandt's bill second, Senator Kolterman's bill will be third, and then we'll take the motion to suspend at the end of the day. Thank you, Mr. President.

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

**CLERK:** Mr. President, two different reference reports, one referring LR117, LR31 [SIC--LR131], LR239, LR246-- study resolutions. Those are referred to the appropriate standing committee. Also, second reference report referring LR248, LR249, LR253, LR254, LR256, LR257, LR258, LR259, LR260 to the standing committee for public hearing purposes. Mr. President, communications from the Governor-- Engrossed legislative bills: LB100, LB236, LB285, LB432, LB432A, LB579 were received in my office on May 21. These bills were signed and delivered to the Secretary of State on May 26. Engrossed legislative bills: LB388, LB388A were received in my office on May 20, and signed and delivered to the Secretary of State on May 26. And legislative bills: LB274, LB274A were received in my office on May 20. These bills were signed on May 25 [SIC], and delivered to the Secretary of State. Education Committee will have an Executive Session at 12:45 in Room 1524-- Education at 12:45. Senator Vargas would like to add his name to LR128, Senator Sanders to LR134. Senator Slama would move to recess the body until 1:30 p.m.

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

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[RECESS]

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

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

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

**CLERK:** I have nothing at this time.

**FOLEY:** Thank you, Mr. Clerk. Members, we'll now move to the 1:30 item on the agenda, motion to override gubernatorial vetoes. Mr. Clerk.

**CLERK:** Mr. President, Senator McCollister would move that LB108 become law notwithstanding the objections of the Governor.

**FOLEY:** Senator McCollister, you're recognized to open on motion 110.

**McCOLLISTER:** Thank you, Mr. President, and good afternoon, colleagues. I'm here this afternoon speaking on the behalf of Nebraskans in every corner in the state that face food insecurity. In the journey to make LB108 more acceptable to the body, AM975 was adopted to reduce the SNAP benefit eligibility to 165 percent of the federal poverty level from 185 percent of the federal poverty level. Then AM1082 mandated a sunset to coincide with the expiration of federal SNAP administrative funds in September of 2023 outlined in the American Rescue Plan. Finally, AM1421 makes the obligation of the Labor Department to participate in the Next Step program permissive. Funding for this temporary expansion of the SNAP program is entirely funded by federal dollars with no General Fund impact. The fiscal note projects that the bill will provide an additional benefits to 3,476 new households, which will bring \$955,000 into our state every month. SNAP-- may I have a gavel, please? Mr. President, could I have a gavel? Thank you. SNAP benefit eligibility is dependent upon continued employment requirements. In fact, 75 to 80 percent of SNAP recipients are working one or more jobs. The general work requirements for SNAP apply to people 16 through 59. Exemptions from work requirements are only for people in school, people with physical or mental disabilities, and for those who care for a child under the age of six or an elderly individual. SNAP benefits are efficient, effective, and beneficial to all of our local economies. They require able-bodied recipients to work and there's no direct link between SNAP enrollment and the Nebraska unemployment rate. Raising the gross eligibility limit would

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enable SNAP recipients to accept an increase in their wages to improve the standard of their living without immediately jeopardizing the family's basic source of nutrition. You'll recall that from previous debate that Nebraska is one of only 20 states that still uses the original baseline of 130 percent of gross income eligibility. Kansas, Missouri, and South Dakota use the same 130 percent gross income eligibility limit as we do. Iowa and Minnesota increased their limits to 160 percent and 165 percent respectively. Colorado, North Dakota, Wisconsin are a part of 17 states that all the gross income eligibility of 200 percent of the two-- of the federal poverty level. Please remember that SNAP recipients are our friends, neighbors, and fellow church members. More than a million veterans live in poverty and one in four veterans who served in Iraq and Afghanistan do not know where their next meal is coming from. Members of SNAP families work in service industries with low hourly pay. They are often subject to seasonal layoffs and unpredictable schedules. These neighbors are our support-- these neighbors of ours support entire families on low-income wages. They are forced to make tough decisions, pay the utilities or pay the rent or pay the childcare and buy healthy food or food items that cure hunger, but offer little nutritional value. With all this said, colleagues, as you contemplate your final vote on LB108, I would urge you to think of the 3,500 families that will be given a new lease on life when this bill passes. This is not a speculative new program to try out. This isn't uncharted territory. This doesn't cost the state millions of dollars. Bottom line, if we expect-- expand SNAP eligibility today, we will help our neighbors. Please support the passage of LB108 for the food-insecure constituents in your district. Thank you.

**FOLEY:** Thank you, Senator McCollister. Discussion on the motion to override the Governor. Senator Stinner.

**STINNER:** Thank you, Mr. President. Members of the Legislature, I've spent a considerable amount of time reading and rereading the Governor's veto and I guess the first what-- thing I want to start out with is I've been for this bill, I'll continue to be for this bill because I think it makes sense. One of the things that I think you have to understand is American Recovery Act is going to now be \$1,050,000,000 not \$975 million, but this isn't part of that \$1,050,000,000. This is one that you have to apply for and you apply for it and \$3 million comes to cover administrative costs, so there's zero, zero impact to the state. Now, we did put a sunset in this for the specific purpose of saying we're passing through this money that the federal government gave us. We're going to pass it through and we're going to make sure the people who are covered-- additional

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people who are covered under this will know that at the end of a certain date, at a certain time, these benefits go back to where we've started from. So the idea that we're setting a bad precedent, I'm sorry, I, I just don't see it that way. We put that sunset in. We've demanded that sunset be put in and you can handle it that-- in the, in the fashion that I described so that you don't build in that expectation. And the other thing that I went back to is this 100 percent federal poverty limit and I looked at a family of four and I had Fiscal prepare this for me. So on a monthly basis, what you have is a difference of about \$1,400, but you're allowed to take a standard deduction. You're allowed to take a maximum of shelter and utilities, earned income, and also childcare credit deductions. Now I get the fact that there may be people that won't be able to, to pass over this hurdle that somebody might not quite qualify, but a lot will. A lot will. So I think that argument, although it has some merit to it as far as people that might not-- that will apply and may not be covered because they can't hit the 100 percent, I don't look at that as an incentive or a disincentive. I just look at that as, as a requirement. Either-- you're either covered under that requirement or you're not. The other thing that I looked at and the reason why I'm, I'm interested in this is something that we didn't talk about during the debate and that's inflation and inflation has increased on the food side almost on a historical proportion over the last 12 months. And so this is our working poor. These are people that are trying. They're, they're trying. They many times have two jobs that they're trying to work. Many times, both parents are working and trying to get by. Now, if we go to the 160 percent limit, we're talking about people whom actually on the 160 percent limit would be making \$26,500, would be the federal poverty limit, but at \$165,000, you're at \$44,000. You try to raise a family of four on \$44,000 and have inflation hit your food costs, have inflation hit your utilities, have inflation hit your gas for your car. They need some help. They need a help up and this isn't going to go away. In fact, if you read an article, there is an article. Yes, your grocery costs more each month. What's behind the price--

**FOLEY:** One minute.

**STINNER:** --increase? And this was an article that I actually clipped out, 4.6 percent is what the average increase in groceries were over the last 12 months. And there's all 52 categories and I've actually copied the 52 categories if you want to take a look at it, but in, in summary, while the cost increase may be easy for many families to absorb, at least in the short term, for families experiencing food insecurity, the higher prices are a significant burden. Families who

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already face food insecurity must make hard choices when grocery prices rise. For better or for worse, we can control how much we spend on food, unlike many other household expenses, so families may buy less food than they need in order to pay the rent, mortgage, utilities, and car payments. If grocery prices continue to rise, we may see an increase in demand at the food pantries. We've already seen lines at the food pantries, folks.

**FOLEY:** That's time.

**STINNER:** Did you watch TV?

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

**STINNER:** Thank you.

**FOLEY:** Thank you, Senator Stinner. Senator Vargas.

**VARGAS:** Thank you very much. I'm just going to share a few points here. No need to belabor the point, but I rise in support of this motion to override. I, I thank Senator McCollister for working on this bill and for those that have voted for this in the past. I-- I'm actually standing from the most pragmatic place you can looking at the data. Senator Bolz in the past chaired the Economic Development Committee and myself, the Planning Committee. We've looked at the cliff effect. It's not a new concept to you. We realize that working poor is the term that we, we put as a, as a way to describe individuals that are working, but that are also still living in poverty, that it's not as simple as a black and white, that people can get off any type of support like this or not, but that there are repercussions when they don't. Across the country, there's 42 million individuals that are food insecure right now, currently, and we're talking about helping 3,900 more families. That's what this is. The question is whether or not we're creating a long bureaucracy. The facts is that we're, we're expanding for 3,900 more families, 3,900 more families that won't have to make a decision that could potentially make it more difficult for them to survive or go to work for themselves and their kids. I have a lot of these in my community. Many of us have a higher poverty rate in our community, both in urban and rural Nebraska. I'm one of them, so I'm looking at the data. I think there's more of a reason for us to look at this as a reasonable solution to a pervasive problem and one which has a sunset-- we'd have to come back anyway-- one that hits a smaller population of eligibility so that we're doing this in a manner that is both reasonable and compassionate at the exact same time because at the end of the day, we make these sort of trade-offs here. So we're not

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talking about expanding SNAP in a way that is unruly. We're talking about expanding it to 3,900 more families with a sunset and all the data is telling us that the economic benefits of expanding SNAP are going to reap us positive returns in the long run; \$1.70 for every \$1 that's invested in these programs. So I'm coming from this from the data side. I ask that you support the motion to override because it's not about expanding this across the entire state. It's about helping 3,900 more eligible families so that they don't have to make dangerous trade-offs that some of us have had to then face ourselves or our parents have had to face. It's only going to make it easier for these families and easier for people to be economically independent. With that, I urge your support of LB108 and the motion to override. Thank you.

**FOLEY:** Thank you, Senator Vargas. Senator Hilkemann.

**HILKEMANN:** Thank you, Mr. President. This is our second maskless day in Omaha and I want to thank the Governor for his leadership during this difficult time that we've endured together through the pandemic. I know he's had people tugging at him from both sides. I appreciate that he has stayed the steady course and that we are where we are in this pandemic and for that, I thank the Governor. I would also like to give my condolences to anyone who lost someone to COVID. But the issue now is SNAP benefits and how we as a Legislature are creating policies that affect the lives and livelihoods of all Nebraskans. I have 1.45 billion reasons for supporting this motion to override the veto. We increased the property tax relief fund by 65 percent for the next biennium. I cannot imagine a single person who would qualify for SNAP benefits who would be receiving any of this property tax credit money that the state does not collect. Where does that money come for the property tax relief fund? It comes from the excess income and sales tax that we collect. While it's also unlikely that a lot of these beneficiaries pay much if any income tax, every one of them pays sales tax. Federal standards remain the same, but with this legislation, we could assist our fellow Nebraskans that are on the cliff. It's not a lot of people, but they're people who should not have to live and work with food insecurity. For them, it's worth overriding this veto. I have supported SNAP benefits in the past for all the good that it can do. In that case, it was an important part of reducing recidivism. Unfortunately, that bill never made it into law. This is an important step that we can take to help ensure that families have access to the most basic need, especially as we return to the normal that we are all so eager to achieve. Thank you, Mr. President.

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

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**ERDMAN:** Thank you, Lieutenant Governor, and good afternoon. I rise in support of the Governor's veto and opposed to Senator McCollister's motion. I just want to say that there's nothing that I can say or anybody else has said that's going to change anybody's mind today here on the floor. When I came here five years ago, Senator Hughes shared that information with me and I thought he was wrong. But Senator Hughes, after five years, I have to say that you were correct. So nothing I say or nothing Senator McCollister has said will change anybody's opinion, but I think it's important that I share with you what is happening in my district when it comes to employment. I have a neighbor that has an issue with their center pivot irrigation system and they called the contractor that works on their pivot and asked if they could fix that. And it's kind of an urgent thing and they said maybe a week to ten days out, where do you live? And she told him and he said, it'll be more like a month. And he said if your pivot breaks down this summer, don't look for us to help you because we're short five people and no matter what we offer to pay, we can't hire anybody. And when the government assistance and the government programs are the company that you compete with and you're a private business, you lose and that's exactly what this is. There are thousands of good-paying jobs available for people to work if they're willing to work, so it's time for them to get back to work and stop receiving all of the benefits from the government. And so I know, as I said earlier, this won't change anybody's mind. You all have your minds all made up. I don't know why we even have discussion about issues like this. We should just vote. But for me, you well know that every time LB108 came up, I spoke against that bill and I voted no every time. And if you believe the information that was shared by Senator Stinner and whoever else that says there's a sunset, if you believe that to be the case, I got some swampland in Arizona I want to sell you as well because I've been here five years and I don't remember us sunseting anything. And so to say we have a sunset in place, a hard, fast sunset, that this is going to go away in three years, if you're still here, do some checking to see if that's going to be the case because it won't be. This is an ongoing program. This will never be sunset. It's going to be a continuation and when those federal dollars run out, Senator Stinner, then someone is going to have to pick that up and that's going to be the state. And so as I have voted in the past, I have voted against LB108 and I will vote to sustain the Governor's veto because it's the right thing to do. Thank you.

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

**WISHART:** Thank you, Mr. President. I rise in support of LB108 and the motion to override the veto. I did want to be very-- make sure that

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the record is clear that when we're talking about these SNAP benefits, if you are between 16 and 60 years old, you are required to work in order to receive these benefits unless you have a disability or-- and are a student. So the population, the 3,900 people that we are talking about, are people who are working, but the income level that they bring in is not enough for them to sustain their family and I can guarantee you every single one of us in this body knows somebody who has at one point in their life needed a hand up and that's an opportunity that we're providing for 3,900 Nebraskans today. Colleagues, I hear all the time-- and I'm especially proud of living in Nebraska-- that we are a community with the agricultural abilities to feed the world. And you hear it all the time from the different trade associations that represent agricultural interests that we-- Nebraska is one of the states that helps to feed the world, yet-- and we have an opportunity right here in our own backyard to be feeding a group of people who for some reason in their life have come to a challenging point and need food for their family. We're talking about food here, basic, basic needs for people, for 3,900 people in the state. Is it so much for us to push back as a legislative body and say we pass this across the finish line with a significant majority of senators supporting it? It's nothing against the Governor. He responded with his decision, with a veto, and we have every right as a third branch of government to respond back that this is a priority of ours and we should do that. You know, I had the opportunity and the luck as a, a staff member to frankly be raised since I was 24 in this incredible Chamber, getting to work alongside amazing senators and I have witnessed as a staff member, this Legislature override a Governor's veto. I've witnessed us take into our own hands the power that we have as the third branch, as the people's branch to make it very clear what our priorities are and I would hope that-- and I recognize and I probably agree with Senator Erdman, most people have made up their minds on this issue, but I would hope that if the one thing that is concerning you is the very nature of overriding a veto, I would hope that you would put that aside. We can do that. Again, it is nothing against our executive branch or the Governor. He has made his decision and clearly announced as to why, but colleagues, we have an opportunity right now to prioritize the working poor, people who do jobs-- frankly, a lot of the jobs that were front line last year during a significant pandemic that impacted all of us. Many of us had the privilege to not have to work in the service industry, at the grocery stores. We're talking about people who are frontline workers. This is the least we can do. I encourage you to support LB108 and the motion to override the veto. Thank you.

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

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**BLOOD:** Thank you, Lieutenant Governor. Fellow senators, friends all, I stand in opposition to the Governor's veto, with all due respect, and in full support, as I have been from the very beginning, of LB108. And for those of you that also voted for it, I would be very disappointed if you didn't continue your support because certainly nothing has changed since it was voted through the first time. But I do want to address one thing and then I'm going to sit down. I'm not going to take my full five minutes because I know we need to move forward, but Senator Erdman said that government programs were competing with thousands of good-paying jobs. Before the pandemic and now since the Governor has removed the federal-- additional federal funds, you were getting \$300 a month for unemployment-- excuse me, a week. That would be \$1,200 a month, regardless of the size of your family, by the way. So gosh, if \$1,200 a month is competition for these good-paying jobs here in Nebraska, maybe we need to think about paying Nebraskans a lot more money because that is pitiful. SNAP is included in every single farm bill that we have. There's a reason it's included. It helps out our small farmers. It helps our farmers markets. It helps bring nutritional food to our young people and to their families. SNAP is a good program that helps give people a hand up, not a handout. It would behoove us to continue to support this bill and override the veto. And with that, I yield back any time to you, Lieutenant Governor.

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

**GROENE:** Thank you, Mr. President. I stand to sustain the veto with the Governor. I've mentioned the word policy on this mike a lot of times. Tell me what the policy reason is; 2.8 percent unemployment, tied for first in the nation. The emergency is over. The emergency is over so why are we passing bills talking about something in the past? Jobs are available all over the place. I heard Senator Erdman talk about it. I hear the same thing from my constituents who hire at \$20 an hour. I just talked to an individual in Kansas, a friend of mine who runs a factory down there. The State of Kansas Department of Labor figured it takes a \$22 an hour salary to compete with the government for employees, \$22 an hour to get somebody off of welfare. Now, you tell me how you're helping those people. We all get in ruts. We all reach our level of comfort. What point do we get off the couch and say it's-- we need to get a job? If you're getting-- you show these income levels, well, they're getting rent assistance. They're getting energy assistance. They're getting childcare assistance. It all adds up to about \$45,000 to \$50,000 a year. They get-- thanks to Senator Morfeld-- he did a good job-- they get health insurance now and you don't even have to have children or be elderly. You can live on your mother's couch and get Medicaid. I am trying to help these people. The

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old saying you have to get close to rock bottom before you change your ways and change and go out and get a good job is true. You can become complacent. It is proven. What is the policy for doing this? What is the good policy? What is the endgame here? I heard Senator Vargas, Senator McCollister, Senator Wishart. They weren't talking about a sunset. They were talking about an extended policy. This was a good policy to be at 165 percent. They don't like a sunset. They want this to be our policy and by the way, we all-- at least I happen to be-- all my life a federal taxpayer too so don't tell me it's federal money. It's my money. It's my money. So why are we doing this? What's the policy? Two point eight percent unemployment. People cannot find somebody to hire. We may need to-- you ought to see some of the emails I've gotten from people who told me, well, those jerks ought to pay higher. I'm going to lay here-- I got from one guy-- until, till those people pay me what I'm worth. Well you ain't worth much if you laying on the couch. It's hard to break that habit to start getting up early in the morning, show up for work, and, and show up every day. It's very easy to be complacent and stay at home. That's human nature. I'm not judging anybody on welfare. It could easily be me. That's why I don't think I'll ever retire because it might end up on that couch and not want to get back up. It's not good policy. This is awful policy. This does-- this is harm. It's not even Christian. To make people reliant on government? I can't find anything in the good book says I'm supposed to do that.

**FOLEY:** One minute.

**GROENE:** We're not talking about helping a good Samaritan, the person who's harmed on the street and you take him in and you pay for his motel room for a couple of nights so that person can get back to his job. We're talking about addicting these people to welfare. Most of you afford and never had it-- never were poor, not even close to it. We're talking about people who might have a complacency level with that-- they're just comfortable at a certain income level, have, have a place to live, food to eat, enough extra money from benefits to have a six-pack of beer and a pack of cigarettes. I know them. You pay enough benefits and there is absolutely no incentive to change your ways. There is that complacency level. Do we want to be-- become California? Do we want to become Washington? Is that what we want to be? Do you want to do your good works with your neighbors' tax dollars? Because that's what you're doing here when I hear we got to help these [INAUDIBLE] folks who are--

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

**GROENE:** Thank you. That's the end of it?

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**FOLEY:** That's time. Thank you, Senator Groene. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. Good afternoon, Nebraskans. I rise in support of LB108 and the motion to override the veto. Many wonderful points have been made here already about the accountability and responsibility that SNAP recipients have to show the state in order to be eligible for these benefits, but I wanted to talk a little bit from a different perspective about what it's like to experience the cliff effect, what it's like for all of your constituents who are making barely the minimum wage. Many of them are working more than one job because, of course, you have to be working in order to be eligible for SNAP and it's not a permanent solution. It's something that is a temporary hand up to help the people who need it most. And what I think a lot of colleagues don't understand and people who have never had to deal with hunger or food insecurity is that effect of being right on that cliff and how much that upsets your routine and your stability and how much LB108 going to do to help those people keep their stability while they're in a period of transition to more sufficiency. And what it's like is you have your EBT card, which looks like a, a credit card. It's not food stamps like they used to be. It's an actual card and you know that all the money on that card is just for your food. That's money that you don't have to go between in your mind with should I use this to pay my credit card bill? Should I use this to pay my gas bill or my Internet or my phone or my tuition or my gas so I can get to work or the childcare so I can have my job? At least the money on your debit card is just for food and thanks to Governor Ricketts, now people can use that EBT card to get food delivered to their house. They can go online and order food online just like, just like other folks do who don't have SNAP. So they can actually use their SNAP card to pay for grocery delivery and I can't emphasize how much of a help this has been to my constituents who receive food assistance and all of yours as well because not only with SNAP do they, you know, have the money they need for their food, but they no longer even have to go to the grocery store to get it and that helps them make healthier decisions. There's less impulse buying. They get the nutritious, nutritious things that they need for their families and it's just such a weight off. But then once you start to reach that cliff and once you start to get to the point where you're going to lose those benefits, colleagues, for most people, that's just \$75 a week. It's not even that much money and losing those funds when you go off that cliff takes away so much stability and that's what really can keep people in a cycle of poverty. It's, you know, I had \$75 that I knew I could spend on groceries and support my family, but now I have all of these other bills and all of these other financial, you know, pressures on

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me that they fall right back into this cycle of poverty and it's a really common thing. I've often said that lawmakers should have to go through the process of applying for these benefits before they vote against them because then you would know things like what you have to do to qualify, how frequently you have to requalify, that you have to be working and how you have to prove that you're working, all of these different things to receive these benefits. Colleagues, this is about dignity. It's about the dignity of Nebraskans and if you thought this was a good bill on Final Reading, I can tell you nothing has changed since then except one man's opinion. We spoke as a body on three rounds of debate to move this forward and today we must speak for the thousands of Nebraskans who will be impacted by--

**FOLEY:** One minute.

**HUNT:** --this legislation and we must stand firm in our power and in our responsibility to those we serve. Thank you, Mr. President.

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

**MORFELD:** Thank you, Mr. President. Colleagues, I rise in support of the motion to override the Governor's veto for a few different reasons. One, as a person who grew up in a family that was on food stamps, I can tell you that people work and can still be on food stamps. I get really sick and tired of hearing all this nonsense about how folks who are on these programs are somehow lazy, can't get off their mother's couch, can't do their job. What a bunch of nonsense. We want to start talking about government subsidies and welfare? There's a bunch of people in here that take tens and thousands of dollars of it each and every year and then get up and vote against working Nebraskans and nickel-and-dime them and talk about how other people are lazy other than them. So I'll put you on notice. You're on notice because there are Nebraskans like myself, like my mother, who work hard every day, every single day and cannot make ends meet. That was my life for nearly half a decade as a child and I tell you what, I'm really glad that those benefits were there for my family because it allowed me to be able to go to school and think about school and arithmetic and science and social studies instead of thinking about where my next meal was going to be. It allowed me to be able to learn so that I could go and do other things in my life and be a productive member of our community and our society. So if we want to get up and talk about government welfare, government, government subsidies and how people are lazy, we can do that. We can talk about that, but I've got a whole file of the government subsidies that a lot of people in this body also received. And I remember the last time that I wrote-- I read that off, there were a few people that confronted me in the

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hallway that were a little upset about that. Colleagues, 75 percent of people on SNAP work, so stop lying. And if you're not lying, educate yourself because you clearly don't know what you're talking about, Senator Groene, and it's embarrassing. It's embarrassing to you and it's embarrassing to everybody here and it's a real disservice to Nebraskans that show up and work everyday hard to provide for their families and we nickel-and-dime them off a few bucks of food. Do the math. You can work minimum wage and earn less than a state senator after their per diem every single year. Colleagues, this is common sense. This is-- the vast majority of it is going to working Nebraskans and the folks that aren't working are often severely disabled. Come on. I get the Governor probably called you. I get he probably supported you. I understand that that puts you in a tough position, but you know what the tougher position is? Not being able to feed your family. Thank you, Mr. President.

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

**FRIESEN:** Thank you, Mr. President. Senator Morfeld, you almost got me convinced to support the Governor. You don't have a clue what it takes out there to make a living, as you work for a nonprofit and travel the country over so don't pretend that you're the only one that's worked hard to make it where you're at. A lot of others have done that too. And as long as we have the cheap, cheap food policy in this state, let's keep talking. So when I-- I don't know where I'm going to vote on this yet. He almost had me convinced to go the other way, but I, I look at this and this is a-- I get where we're going with it. I understand what it does, but it's in the bigger picture of things of where we're headed that we can't sustain some of the things we're doing on the federal level and on our level. And it boils down to, first of all, our poor education that's happening in some schools so that people cannot be employed in a higher-paying job and don't have that opportunity and therefore have to rely on programs like this. And on the other hand, we're subsidizing employers who want to create low-wage jobs and we've done that with the Advantage Act in the past. We've done a little better with the Imagine Act, but we incentivized a whole bunch of minimum-wage jobs where people have to depend on this to make a living. And it's going to boil down to-- I'm a very strong opponent of making minimum wage higher, but our business is going to have to step up and start paying more and what it costs, it costs. And if we can't afford to go to McDonald's for a burger anymore, we won't, but as we continue to sometimes subsidize those employers and through different means, that it doesn't make any sense to me. But it starts with an education and if you don't get a good education, you're not going to get a good-paying job. Well, there's some few jobs out there,

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but most of them require you to read and when I hear Union Pacific announcing they have a \$10,000 hiring bonus in North Platte and that eight out of ten applicants fail two mandates that they have to have to be employed by Union Pacific-- one is to read and one is to pass a drug test. And I assumed that drug test was the big one and no, it's reading. Those people can't read. So when we talk about these low-wage jobs out there, I know there's people working hard at low-wage jobs. Some of them are happy where they're at. Money isn't everything. Some are very satisfied. Not to say that they don't need help, I'm, I'm-- I don't know if some of them even ask for help. They're too proud to ask for help and they're hard-working people and there's others. We have probably got generations now who don't know anything different. There isn't opportunity for them. So when we look at this and we look at our federal debt and we look at what's going to happen in the future and we all know where we're headed, somebody's got to pay for all this. And unless we fix some of the core things that are causing some of this, we're just going to continue to come up with different programs that make it better. I voted for this bill all three rounds. I think I--

**FOLEY:** One minute.

**FRIESEN:** --have supported it and I don't think it does the harm that we think it does. It does have a sunset on it, which most times, we've required lately and I think we need more of that. But I think in the longer term, we better figure out what's causing this and if we don't fix the cause, we're just going to keep doing it. Thank you, Mr. President.

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

**GROENE:** Let me clarify. I don't oppose the 130 percent of poverty. I haven't got an answer yet from somebody, but I'm assuming the poverty rate is based on a national number. For our cost of living in the state of Nebraska, 130 percent seems about reasonable. We're on the lower end with 25 other states, including California, by the way, Colorado, Georgia, Illinois. Senator Stinner mentioned about inflation of food. What do you think is going to happen, folks? Caused by government, this spiral. You pump billions at phony money into an economy. What do you think is going to happen to inflation? Take Economics 101. So now we help these folks by printing money that isn't based on any tax base or any productivity and grocery bills goes up \$50 a month. So then we give food stamps and print some more money, but by god, we've really helped folks. We just keep printing money. We encourage people to work a part-time job so they don't get off food stamps and assistance. I hear that one all the time too. The reality

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is most of the folks on a 30 hour a week because we created that too with Obamacare. We created that disaster too by saying if you-- if under 30 hours, if you employ somebody at the Kwik Shop, you don't have to give them health insurance. So guess what? We created a whole class of people working 30 hours or less. The government to the rescue again, created more poverty. But, boy, we have an answer. Here's another answer. We just raise the level, get people on it and then two years from now, what are you going to do? Tell them no? You're going to pull the rug out from under them? Well, I didn't take that raise. I didn't take the extra overtime because I was going to lose my benefits because I went home and boom, boom you pull it out. Two years, here comes the big "Santy Claus" with the printing press again. It's federal money. It's federal money. Can we be rational around here? Can we be adults, the type of people that actually balance their checkbook every month? I don't know how many in here do it. I think there's about 12 of us. Because we sure don't know how to do it on the government level. We want it, we buy it. Want to do good works? We do it with Groene's money and Hilgers' money over here. Sorry, Speaker. I hear you don't have any money since you took this job. But anyway, there's consequences to what we do. Can we think about the consequences? I don't think it helps the people; 130 percent is fine. People fall into bad situations. Women are abused, husbands leave them. I understand that. We need that safety net. I've got nothing against a safety net, but you got to get people out of the safety net so we can put more people into it, catch them as they're falling. We have a problem. We keep building the fence on the safety net so they don't want to get out and I don't blame them. This is unnecessary. The crisis is over: 2.8 percent unemployment, back to the levels we had, people are-- employers are looking for employees, charity is up, the stock market's up. The wealthy are given more money. Food pantries are full again. By the way, there's nothing wrong with a food pantry. Makes people a little bit-- know-- understanding that this is charity. It isn't just something that they're owed because of some law we passed--

**FOLEY:** One minute.

**GROENE:** --government passed. Got a minute, you said?

**FOLEY:** One minute.

**GROENE:** Thank you. No, I want to help folks. I want to teach them to fish. I don't want to give them a fish. I don't want to give them a big, old fat fish-- cod so that they get-- so they get lazy. I want to give them enough so they stay healthy and they go out and get a job. And they understand it's charity, it's charity. I don't care where it

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comes from, if you didn't earn it, it's charity. It's charity, government charity, food pantry charity, it is charity and we don't have the money, folks. The only reason we have the money now is somebody found a printing press in Washington, D.C. that hadn't been used or-- because it's--a printing and it's spiraling out of control.

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

**GROENE:** Inflation is out of control and here we go trying to fix inflation. Thank you.

**FOLEY:** Thank you, Senator Groene. Senator Lathrop.

**LATHROP:** Thank you, Mr. President. Colleagues, I do want to-- I listened to this debate. I think probably most people have made up their mind and, you know, maybe we're better off just sitting down and letting the vote happen, but I, but I couldn't help but stand up after listening to Senator Groene. Our unemployment rate is at 2.8 percent. That's effectively full employment, but we stand up and talk about the lazy people that won't go to work so we're not going to pass this bill because all we're doing is helping the lazy people. They aren't lazy. We're at full employment. We're at full employment. Sometimes, sometimes people are able to go through their life and reach adulthood, maybe, maybe even reach my age without really experiencing a significant disruption in their life. They get-- go to school, they get a job, everything works out fine. Their kids, no developmental disabilities. Everybody goes through high school, they graduate. The kids have jobs, the kids have kids, no problem, and I did things right because that happened to me and I can't even imagine somebody who hasn't had the same experience. They must be lazy. They're lazy. They want to lay around in the welfare hammock. That's silly. There are people who are in need and they are working. They are working and they are still in need. I, I was invited to go down to a place called the Heartland Hope Mission last Thanksgiving. Hy-Vee invited me to go down there, the lobbyist from Hy-Vee, and I went down with Karen and we handed out groceries to people for their Thanksgiving dinner. And I have-- that's the first time I ever worked in a pantry. I've worked in a food-- you know, where people come get a meal, but not a pantry and the line for that went all the way around the block and up the street. And for four hours, one car at a time came by-- working people, working people came by and after that experience, Karen and I started to volunteer at the Heartland Hope and she's down there probably three days a week and I go when I can, usually on Saturdays, and I see the people that come through. And Senator Groene, these people, these people are working people. They're good, good, hardworking people, many of them first-generation people in this country. Many of them

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have mental illness. Maybe some of them-- you know, these people aren't on this stuff forever either. They may be going through a divorce. They may have lost a job. It might be something they need for a couple of months or a month. You know, I, I reflect back on this session and all the things that we've done. I worked with Senator Briese on the, on the COVID immunity bill. The businesses need COVID immunity and so we passed the COVID immunity bill. No one said that, that COVID is over and it's unnecessary, but when Senator Vargus tried to help the guys at the, the meatpacking plants, we said COVID is over, they don't need any more help. Well, it's kind of the same thing. You may not have experienced what these people experience, but how can we talk about the things that we talk about--

**FOLEY:** One minute.

**LATHROP:** --everyday, equality and education, everything, what does it matter if a child goes to bed hungry? At 2.8 percent unemployment, we are at full employment. These are working poor people that need the help and we can and this program will and we're not starting it from scratch. We're opening up the opportunity just a little bit broader during a difficult time and helping working poor because these employers that we give tax breaks to don't pay more than \$10 an hour. Colleagues, we are a separate branch of government. The Governor has weighed in on this and now it's our turn. I would encourage you to support Senator McCollister's motion to override. Thank you.

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

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. I just have to stand and correct a couple of things. I, I think part of the discussion has been that the, the federal pandemic unemployment is-- we're no long-- Nebraska is no longer participating in that program. And that's fine, but that has nothing to do with SNAP and the long-term ability and benefit that SNAP provides to working families. And again, I have to stand up for the kids. The, the Voices for Children presents the Kids Count books and I want to read some of the statistics from that Kids Count book: one in nine Nebraska households don't know where their next meal is coming from, one in nine; 16 percent-- 16.7 percent of Nebraska children experienced food insecurity in 2018; 64 percent of children experiencing food insecurity were likely eligible for federal nutrition assistance in 2018. I, I just-- it's so hard for me to really even understand what the problem is. When I consider my faith, my faith says to take care and feed, feed the strangers, feed the people in need. It talks about caring for others and I, I really-- I, I have a hard time understanding where this is all coming from, that too many people are

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sitting around getting their benefits. When we looked at unemployment in Lincoln, which prior to the pandemic was about 2.26 percent, people talked about the fact that those are probably mostly people on high disability, high needs. We don't have a state where people are sitting around in their mother's basements, as it has been said. And you've heard the strong stories of Senator Morfeld about the kids, as a child, what he experienced and the blessing of being able to go to school without an empty stomach. And yeah, the churches can do a lot. There can be a lot of donations. There can be a lot of people that will give out money, but it's not enough. The state needs to support this. The state cannot be run as a business. We are not going to be paying dividends to our shareholders. The state in its essence has to educate children. It has to help feed people in need. It needs to do a lot of things that I'm sure it would be a lot better and a lot cheaper if we didn't have to do those things, but I didn't come down here to figure out how my friends and I can make more money, how I can pay less taxes. That-- you know, it's taken me seven years to get to the point that-- to realize there are people in this body that came to make themselves more money, to say I am paying too much in taxes, woe is me. You know why you're paying so much in taxes? Because you're making so much money and yet-- then don't buy as big a property or don't-- I mean, I don't drive a Jaguar because I don't want to pay the taxes on that, OK? And so we-- take it down 500 notches to the point of some people that need some food in our state. Little children in our state are needing food and it weighs way more heavily on kids of color, on kids with disabilities, on families, especially single-parent families, that are struggling to make ends meet every single day.

**FOLEY:** One minute.

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. I, I stand wholeheartedly in support of this. My heart tells me it's the right thing to do, my faith tells me it's the right thing to do, and you all know that it's the right thing to do. Thank you, Mr. Lieutenant Governor.

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

**McKINNEY:** Thank you, Mr. President. I rise in support of LB108 and the motion to override the Governor's veto. I rise because this conversation and a few comments are honestly crazy. My district has probably triple what our state unemployment rate is and even though our state unemployment rate is so small, that doesn't account for, as stated prior, that a lot of those jobs are minimum wage. And if you factor in the numbers, you cannot survive off of minimum wage in the

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state of Nebraska. It's just not possible. Couple that with a community that has been severely neglected for years by this state with a lack of jobs, resources, and opportunities, what do you think is going to happen? My mom-- I grew up poor. My mom wasn't lazy. She got up and went to work every day, but we were still poor. We had SNAP for a while and then one time, she got another job and she-- the state said she made too much money and we didn't have SNAP. But we were still poor, so she had to make up for the loss in SNAP for accepting another job, which accumulated with a pay raise. That's the issue here. You, you, you keep saying people are lazy or people want to rely on the state, but the state doesn't want to provide the resources needed for individuals not to seek those options. That's the problem. We need to raise our state's minimum-- our, our minimum wage in this state. I will always support that and say it. I don't think we need to rely on employers because if we rely on employers, it will probably never happen, so I think we should do it in this body. When you speak from a place of privilege, I guess you will never understand what it's like to grow up poor and wake up hungry and go to sleep hungry. It's a lot of kids out here and families like that in our state and they're not seeking SNAP and things like that just to get over on the government. It's something they need. A lot of these people get up and go to work every day and go to school every day. They're not being lazy. That is a myth. It, it really is. I hope you guys support the motion to override the Governor's veto because-- it's, it's not enough, in my opinion, but it's something and I think it's needed until we're willing to step up and provide the needed resources that these communities need, not just north Omaha because north, north Omaha isn't the only poor spot in the state. There's rural areas that are poor and there's individuals in those areas that need these resources. I help out at a pantry every other week, every couple of weeks with the organization Black Men United in Omaha and the line is all the way from about-- I'll say 30th and-- it's basically almost a mile long for people needing food. The need is there and these-- and a lot of these people in the line work. They go to work every day. They're not lazy. They go to work every day, but their needs are not being met; one, because minimum wage in our state is \$9 an hour and if you could show me how you survive on \$9 an hour when you've got to pay rent, utilities, you've got to pay for food, daycare, and all the other things you need to survive in this world-- yes, I'm going to seek to apply to get SNAP benefits because I need it. I need something to help me out.

**FOLEY:** One minute.

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**McKINNEY:** These people aren't lazy. These people need these resources. That's something you should think about when you, when you're speaking from a place of privilege. If you never grew up poor, take the time to have some empathy and, and, and take a step back and not speak ignorantly on the mike about an issue that you obviously don't understand. These resources are needed for people in our state. Thank you.

**FOLEY:** Thank you, Senator McKinney. Senator McCollister, you're recognized to close on your motion.

**McCOLLISTER:** Thank you, Mr. President. I want to thank my colleagues for the robust discussion we've had about SNAP benefits. Senator Friesen is absolutely right. The federal government has gone way out of bounds in terms of, of making programs for both the 2008 crisis that we suffered and then now, the pandemic that we just have completed. Yeah, we do need to deal with our entitlements and the spending because my kids and my grandkids are going to end up paying the bill if we don't deal with our, our deficit spending that we've been having. I'd like to remind you that the SNAP program has been a part of the farm program for over 60 years. It's been a good program of long standing and there's, there's some justice to the fact that it is part of the farm program that makes-- that makes sense. And I remind you that Senator Bob Dole mentioned that the food stamp program, SNAP benefits are the best poverty program that he knows, knows of and some of the testimony you've heard today would confirm that. We talked about the number of states that have the 130 percent rate for the federal poverty rate and there's 20 states at 130 percent, five states at 160 or 165 percent, eight states at 185 percent, and 17 states at 200 percent. So Nebraska currently is kind of at the low end of the, of the scale in terms of support for SNAP. I'd like to remind you that the benefits, the benefits are 100 percent paid by the federal government. Whether it's 130 percent or 165 percent, the benefits are paid by the federal government. What we do split is the administrative fee and that is 50 percent is paid by the state and 50 percent by the federal government. However, with the rescue plan, the federal government gave us money for the extra benefits and also the extra administrative fee. Don't forget, colleagues, there is a work requirement with SNAP, work requirement. You have to be working or you have to either be disabled or pregnant or going to school or elderly in some way and many, many, many elderly people need SNAP benefits. Finally, these people we're trying to help are the working poor, the working poor. They are the folks working at McDonald's and Walmart for minimal wages. They are often disabled and we need to help them. Food insecurity is-- shouldn't occur in this

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country and we can make a big change to help those people in that lower rungs of the ladder. Mr. President, I would call for a call of the house and a roll call in reverse order.

**FOLEY:** Thank you, Senator McCollister. There's been a request, there's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 34 ayes [SIC--35], 4 nays to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber and check in. The house is under call. Senator Ben Hansen, please return to the Chamber and check in. The house is under call. All 49 members are present. This motion, as you know, requires 30 votes. The question is, shall LB108 become law notwithstanding the objections of the Governor? All those in favor vote aye; those opposed vote nay. A roll call vote in reverse order has been requested. Mr. Clerk.

**CLERK:** Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner voting yes. Senator Slama voting no. Senator Sanders voting no. Senator Pansing Brooks voting yes. Senator Pahls voting yes. Senator Murman voting no. Senator Moser voting no. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister voting yes. Senator Lowe voting no. Senator Linehan voting no. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Hunt voting yes. Senator Hughes voting no. Senator Hilkemann voting yes. Senator Hilgers voting no. Senator Matt Hansen voting yes. Senator Ben Hansen voting no. Senator Halloran voting yes. Senator Groene voting no. Senator Gragert voting yes. Senator Geist voting no. Senator Friesen voting, voting-- Senator, I'm sorry, is that a yes? Thank you-- voting yes. Senator Flood voting yes. Senator Erdman voting no. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting no. Senator Brewer voting no. Senator Brandt voting yes. Senator Bostelman voting no. Senator Bostar voting yes. Senator Blood voting yes. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar-- is that a yes, Senator? Senator Aguilar? No. I'm sorry. 30 ayes, 19 nays, Mr. President, on the motion that LB108 become law notwithstanding the objections of the Governor.

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**FOLEY:** Motion 110 is successful. I raise the call. We'll proceed now to the motion on the A bill.

**CLERK:** Mr. President, Senator McCollister would move that LB108A become law notwithstanding the objections of the Governor.

**FOLEY:** Senator McCollister, you're recognized to open on motion 111.

**McCOLLISTER:** Thank you, colleagues, for that, that wonderful vote. I'm very grateful, more than you know. This has been a seven-year odyssey for me to, to increase SNAP benefits. So, Mr. President, I would move that we pass the A bill. And once again, a roll call in reverse order.

**FOLEY:** Seeing no discussion, we'll move directly to the vote. The motion is to-- the question is, shall LB108A become law notwithstanding the, the objections of the Governor? All those in favor vote aye; those opposed vote nay. A roll call vote in reverse order has been requested. Mr. Clerk.

**CLERK:** Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner voting yes. Senator Slama voting no. Senator Sanders voting no. Senator Pansing Brooks voting yes. Senator Pahls voting yes. Senator Murman voting no. Senator Moser voting no. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister voting yes. Senator Lowe voting no. Senator Linehan voting no. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Hunt voting yes. Senator Hughes voting no. Senator Hilkemann voting yes. Senator Hilgers voting no. Senator Matt Hansen voting yes. Senator Ben Hansen voting no. Senator Halloran voting yes. Senator Groene voting no. Senator Gragert voting yes. Senator Geist voting no. Senator, Senator Geist, not-- vote no, right? Thank you. Senator Friesen voting yes. Senator Flood voting yes. Senator Erdman voting no. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting no. Senator Brewer voting no. Senator Brandt voting yes. Senator Bostelman voting no. Senator Bostar voting yes. Senator Blood voting yes. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. 30 ayes, 19 ayes, Mr. President-- 19 nays on the motion that LB108A become law not withstanding the objections of the Governor.

**FOLEY:** The override motion is successful. We'll proceed to the next motion when you're ready, Mr. Clerk.

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**CLERK:** Mr. President, the next motion. Senator Brandt would move that LB306 become law notwithstanding the objections of the Governor.

**FOLEY:** Senator Brandt, you're recognized to open on your motion.

**BRANDT:** Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues and all Nebraskans watching today. I rise to ask for your vote to override the Governor's veto of LB306. I am disappointed that the bill was vetoed because the Governor does not see that we are in agreement. I am trying to stop unneeded extra payments to utility customers in the same way that the Governor stopped extra federal unemployment benefits. The way the Low Income Home Energy Assistance Program, LIHEAP, is administered today is that Nebraska Health and Human Services receives a block grant from the federal government and is distributed to those who qualify for the program. The problem that LB306 is trying to address is that if DHHS does not spend 90 percent of the funds minus 10 percent for administration, they are to be sent-- the remaining funds are to be sent back to the federal government. To get around this, they award extra payments, what are officially called supplemental, at the end of the fiscal year. LB306 will make the program more efficient by eliminating the supplemental payments away from those customers that do not need them and reallocating the funds to more people who actually need assistance. If we send the money back to D.C. instead of providing additional assistance, it is you and I and Nebraska taxpayers who will get stuck footing delinquent utility bills. I am trying to stop that from happening. To reiterate, the goal of LB306 is to reduce or eliminate supplemental payments that are issued due to excess LIHEAP funds not spent at the end of every program year ending September 30 in order to help more people in need. It is about the excess funding and the decreasing case count. The amount of households that receive LIHEAP assistance has continuously decreased the last five years. The LIHEAP program continues to increase program benefit levels in order to adjust to the decrease in the number of households participating in the program and continues to leave DHHS with supplemental funding available. LB306 is not about COVID relief. The issue of DHHS giving out extra or supplemental payments so they don't have to send it back to D.C. existed long before COVID-19 and if LB306 does not become law, it will continue. Federal LIHEAP funds go to the utility that is owed, not the individual customer. DHHS administration of the program ensures that. As a refresher on how LIHEAP works, LB306 would allow more low-income utility customers to be eligible for the program by increasing the income eligibility threshold from 130 percent of the federal poverty level, FPL, to 150 percent of the FPL, as is done in 14 other states. Some states are higher, like South Dakota and Iowa at

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175 percent. Right now, LIHEAP serves 37,753 households, down from 43,700 in 2016 and LB306 would extend it by 8,313 to more hardworking Nebraska families that need a little help. The LIHEAP family of four income level eligibility would change in LB306 from \$34,060, which is 130 percent, to \$39,750, which is 150 percent. On a family of three, the level eligibility will change from \$28,236 to \$32,940. These income levels for families of three and four translate to barely getting by, even with the increase to 150 percent, but every little bit helps. LB306 has 31 cosponsors and it was brought to us by Omaha Public Power District and we worked specifically with Britton Gabel of OPPD, who used to run the LIHEAP program for DHHS. He oversaw eligibility changes that increased the eligibility from 116 percent to 130 percent. It was a Ricketts administration change that courted no controversy or objection. When the Ricketts administration did it in 2015, it was not a, quote, liberal expansion of welfare, unquote, but when 38 of us voted for it, somehow it is. LB306 has the strong support of electric and gas utilities, as well as the AARP, United Way of the Midlands, Habitat for Humanity, and others. This bill garners incredible support because it's a no-brainer that helps utilities and people and will better spend our federal tax money. LB306 is using existing LIHEAP dollars more efficiently and we are reallocating the sizes of the pie pieces, completely separate from any COVID relief money that may be received. And I guess to illustrate that point, we'll just use the most recent year that DHHS gave us, 2019, the state of Nebraska received \$31,600,000. The previous year it was about the same and before that, it was a little less. The first thing that happens is Nebraska gets 10 percent off the top for administration. The money is used for LIHEAP. They have had money left over because they have to use 90 percent of the 90 percent every year and they are required by law to send that back to D.C. In lieu of that, on September 30 of every year, they take the remaining funds called supplemental expenditures and just divide it up between the people that received regular LIHEAP during the year. So in 2019, it was \$2.2 million. The year before, it was \$3.2 million and the year before that, was \$1.86 million. It's a fairly consistent pattern of what happens here, but get this, they get to keep the percentage above 90 percent and that's called the carryover. In addition to that, in 2019, they had a \$1.1 million carryover and the carryover is used as a cushion. So there's more than enough money in there to cover the increase from 130 to 150 percent. So with that, I would ask for your green vote on LB306 to override the Governor's veto in order to end unnecessary government payments. Thank you.

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**FOLEY:** Thank you, Senator Brandt. Is there any discussion of the motion? I see none. Senator Brandt, you're recognized to close. He waives closing.

**BRANDT:** Reverse order.

**FOLEY:** There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 29 ayes [SIC--31] , 3 nays [SIC--4] to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber and check in. The house is under call. Senator McCollister, please return to the Chamber and check in. All 49 members are now present. This motion requires 30 votes. The question is, shall LB306 become law notwithstanding the objections of the Governor? Those in favor vote aye; those opposed vote nay. A roll call vote in reverse order has been requested. Mr. Clerk.

**CLERK:** Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner voting yes. Senator Slama voting no. Senator Sanders voting no. Senator Pansing Brooks voting yes. Senator Pahls voting yes. Senator Murman voting no. Senator Moser voting no. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister voting yes. Senator Lowe voting no. Senator Linehan voting no. Senator Linehan voting no. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Hunt voting yes. Senator Hughes voting no. Senator Hilkemann voting yes. Senator Hilgers voting no. Senator Matt Hansen voting yes. Senator Ben Hansen not voting. Senator Halloran voting yes. Senator Groene voting no. Senator Gragert voting yes. Senator Geist voting no. Senator Friesen voting yes. Senator Flood voting yes. Senator Erdman voting no. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting yes. Senator Brewer voting no. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting yes. Senator Blood voting yes. Senator Arch not voting. Senator Albrecht voting no. Senator Aguilar voting no. 32 ayes, 15 nays, Mr. President, on the motion that LB306 become law notwithstanding the objections of the Governor.

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**FOLEY:** The override motion is successful. I raise the call. Motion on the A bill, please.

**CLERK:** Mr. President, Senator Brandt would move that LB306A become law notwithstanding the objections of the Governor.

**FOLEY:** Senator Brandt, you're recognized to open on your motion.

**BRANDT:** Thank you, Mr. Lieutenant Governor. Let's do it again.

**FOLEY:** Thank you, Senator Brandt. This motion, this motion requires 30 votes. The question is, shall LB306A become law notwithstanding the objections of the Governor? All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 32 ayes, 16 nays on the motion that LB306A become law notwithstanding the objections of the Governor.

**FOLEY:** The motion is successful. Next motion, please.

**CLERK:** Mr. President, Senator Kolterman would move that LB147 become law notwithstanding the objections of the Governor.

**FOLEY:** Senator Kolterman, you're recognized to open on your motion.

**KOLTERMAN:** Thank you, Mr. Lieutenant Governor, and good afternoon, colleagues. Before I start, I'd like to thank my committee who's worked very hard with me over the past six years in many cases, seven years: Senator Lindstrom, Senator Stinner, Senator McDonnell, Senator Slama, and Senator Clements. This bill, LB147, has been mischaracterized as a bailout of OSERS. The specific language of this bill does the exact opposite. It clearly states that at all times and under all circumstances, OPS remains liable for the funding obligations of OSERS and at no time and under no circumstances does the state assume liability for OSERS' funding obligations. That's directly out of the bill. As we all know, any senator in here at any time in the future could introduce a bill to change anything we have passed, including a bill for the state to take on the nearly \$1 billion of unfunded liability for OSERS, but I ask you what would it take for that to happen? The bill would likely be a referenced to the Appropriations Committee, which would have to advance the bill from the committee to the floor and once on the floor, it would take a majority of the senators' vote to willingly take on an ongoing liability and then try and figure out how to incorporate that liability into a balanced state budget. I might be wrong, but I don't see that happening. I have personally been working on issues related

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to OSERS since my first year in the Legislature. In 2015, my freshman year, a bill was introduced by the Chair to merge OSERS with the school plans, which would have transferred OSERS' liability to the state. I was the only one on the committee that did not vote to advance that to the floor, but it did come out to the floor, 5 to-- 5-1 and I fought it on the floor and many of my colleagues here today agreed with me and we prevented it from passing because we were opposed to the state assuming the OSERS' liability. Many of you will remember that that were here in 2015. In 2016, I became the Chair of the Retirement Committee. That same year, we advanced and passed a bill to transfer the-- just the investment authority of the OSERS plan to the Nebraska Investment Council and the purpose behind that bill was to alleviate OPS from the responsibility of overseeing the OSERS' investments and to move it to the professional investment management team that invest all the state's money and the assets of the state-administered plans. That bill advanced 47-0 and Governor Ricketts signed that bill. The Nebraska Investment Council has been managing the investments for the past four years and the transition has gone smoothly without any problems and it continues to work well, which is a tribute to OSERS working with the state and OSERS and, and the Nebraska Investment Council taking a serious bill and making it, making it work. In 2017, a bill was introduced by my colleague, Senator Lindstrom. It was introduced for discussion purposes only to transfer OSERS and its liability to the state. We discussed it, we decided it wasn't good policy, and it did not advance. In 2018, another bill was introduced to allow OPS to issue pension obligation bonds. As Chair of the committee, I was opposed to that idea, but I did vote it out of committee so we could continue to have a discussion on the floor about how we would handle the OPS situation and their long-term problems. I saw the pension obligation bonds as a short-term solution to a long-term problem and we fought it on the floor and it did not advance and I think if you were to ask Senator Lindstrom, my close colleague, about one of the few times that we disagreed, he'd have to tell you that was number one. In 2019, I introduced LB31 to require a study to be done to look at the cost savings if just the day-to-day management of the OSERS plan was transferred to NPERS, which administers the six other plans for the state of Nebraska. The legislation specifically stated that a transfer of the management would not include transfer of liability, nor would it result in a merger of the OSERS plan with the school plan. I want to tell you that OPS paid the entire cost of the study, which included work by OSERS, NPERS, and outside IT consultants. That bill was also advanced 47 to nothing, 47-0. Colleagues, you stood with me then and the Governor signed that bill. Now, if he was opposed to it at that point in time, he wouldn't have had to sign it, but he did. He could have just let it

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go and let it become law, but he chose to sign that bill. In 2020, Senator Groene, Senator Lindstrom, Senator Stinner, and I, and I invited Senator Clements to sit in on the hearing in the fall of 2020 to get the LB31 study that had been completed and presented to the Retirement Committee just last September at a hearing. The study indicated there would be an annual savings and management cost to the OSERS plan of about \$250,000 a year. So after receiving that study, I decided I would work with OPS and we'd look at a transfer of the management of the OSERS plan, Omaha Public School pension plan to the state of Nebraska. So in 2021, we introduced legislation to create a management agreement between OPS and NPERS. Again, this is a management agreement. It would move the management of the OSERS plan to the management expertise of NPERS, which manages six other plans and has a proven record of maintaining the plans in compliance with the IRS requirements. I want to tell you that OPS is currently one of only ten school districts in the country that currently manages its own retirement system. This bill would get OPS out of the retirement administration business and will eliminate the demands on OPS personnel and services that are provided daily for the administration of OSERS. OPS obligations will be limited to making monthly contribution payments and, and its ARC payment, just like every other school district in this state who pays monthly so that their school plan could be administered by the state. The most important aspect of this bill is this: the cost of the transition, the cost of all the expenses incurred thus far results in nothing. There's nothing in this bill that results in a cost to the state of Nebraska.

**FOLEY:** One minute.

**KOLTERMAN:** And also one last reminder of what the bill does as well. In, in each and every one of your school districts throughout the state, it doubles the number of days a retiree can sub in the 180 days following their retirement. Let me repeat that. It doubles the number of days a retiree can sub in the 180 days following their retirement. This provision itself provides a real benefit, which addresses a real problem facing all school districts today. With that, I would like to be able to answer any questions you might have and would hope that you would see fit to give us a green vote to override the Governor's veto and support LB147. Nothing has changed since last Friday when we advanced the bill on Final Reading. Thank you very much.

**FOLEY:** Thank you, Senator Kolterman. Discussion on the motion. Senator Groene.

**GROENE:** Thank you, Mr. President. I served for six years on that committee and I will tell you that eventually, this will become the

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state's responsibility. I, as a freshman, naive, sat on the Retirement Committee when Senator Nordquist was the Chairman and a bill came out 5-- LB448, I believe it was-- I'd have to look for sure-- that would merge the two retirement plans. I voted it out of committee. Then later on, Senator Lindstrom brought one and I voted it out of committee, but I've since learned after six, now seven years about what the plan was. The plan is to eventually merge it with the state's. That's what the original plan was, that's what the, that's what the goal of the, of the school board, OPS school board has always been. I don't understand why we need to take over the management. I checked with the city of Omaha. They've got retirement plans. Their payroll department takes care of their payments on their retirements. The city of North Platte does, Lincoln. There's a lot of public entities that have retirement plans. OPS, their employees decided to stay independent. They got better benefits, by the way, than what the other teachers across the state do. They made some bad investments. I agreed that we could do a better job at investing for them and we did that, but we kept it separate. I don't know of another contract in a marriage, of a business that if you merge, you incur your new partner's debt. You are responsible for your new partner's debt. In the future, it will happen. You get the right governor, the right redistricting, the right ARC payment-- and there will be ARC payments-- they won't have the stewardship of Senator Kolterman there anymore-- for our retirement plan for our teachers and then OPS will say wait a second. You manage your plan, you manage the investments, you're in charge, where's our ARC payment? And guess what will happen here on a day like this? There will be an ARC payment. And guess what will happen to property tax relief? Guess what will happen to disability benefits? Because they're already darn near a billion bucks in the hole and I don't care-- piece a few words in the statute that can be changed and Senator Kolterman admitted it-- in the next session. But when you merge a contract, when you merge a marriage, you merge the debt. This is incrementally foot in the door. He-- Senator Kolterman described every little foot in the door and incremental how we've come to where we are today. Do you think it's going to stop here? Do you think it's done here? OPS is as big of a government entity as the city of Omaha probably with employees, probably close. City of Omaha manages to-- manages their retirement plan, their payments, keep the records on each retiree's accounts. The city of Lincoln does. The city of North Platte does. This retirement plan for OPS is no different than a retirement plan that the firemen for Omaha have or the policemen from Omaha have. Why can't Omaha come in and with their-- they got some real problems, underfunded pensions. What's the difference?

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**FOLEY:** One minute.

**GROENE:** Why can't the city of Omaha come here and watch what's going on and said, hey, if the state's going to take over the OPS school one, which has better benefits than their other-- it's a completely different plan-- why can't they take over mine? Why can't they take over my firemen, my police, my-- just my general employees? It's a completely different plan. Don't try to compare the state retirement plan for the teachers to Omaha's. It's a completely different plan. They chose that. Live with it. Incrementally it-- so obvious the map is drawn. The Governor's right, it stops here. It stops here. We bail them out with good management. We have good management team at, at OSERS and we are bailing them out and we've done it-- thank God we were in control with this upgrade, upswing in the market.

**FOLEY:** That's time.

**GROENE:** Needs to stop there.

**FOLEY:** Thank you, Senator Groene. Senator Lindstrom.

**LINDSTROM:** Thank you, Mr. Lieutenant Governor, and good afternoon, colleagues. Senator Kolterman did a good job of discussing what this bill does and what it doesn't do and I thought I would just piggyback on the history of how we got here, why we got here. Back in 2015 when Senator Kolterman and myself were freshmen at the time, Senator Nordquist, Nordquist was the Chair and there was a bill that Senator Kolterman alluded to dealing with the pension obligation. I did pull that up. I do have that in front of me. Senator Kolterman was the only one that was not voting in favor of that bill and I distinctly remember this once it got to the floor because my freshman year, I didn't get up too often, but I remember getting up on this and I asked Senator Nordquist the question, why would anybody west of Omaha ever vote for this? And he didn't really have a good, a good answer to that and I don't think anybody would, to this day, have a good answer to that because that is not what the intent of this does. If you fast forward to 2017 just to let the folks know of what we did on the conversation bill that we first had-- and it was just groundwork to have the conversation of what that would look like if we were to merge the plans. And in my opening statement-- I pulled the transcript and it goes through-- it says this bill essentially is just for a conversation, but, quote, I oppose the state taking on or-- on or funding the OSERS' unfunded liability and that is from 2017 in my opening statement of what we are doing here. So the conversation has never been brought up between myself and Senator Koltermen, OPS, anybody on taking over this, this liability. What this does is simply

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puts OPS back into the management of dealing with our kids and educating our kids. I wouldn't support this bill in 2015. I wouldn't-- not this bill, but I wouldn't support taking over the unfunded liability in 2015, 2017, nor would I support that any time in the future. So I appreciate it. Thank you, Lieutenant Governor, and I'll yield my time back.

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

**WAYNE:** Thank you, Mr. President. Colleagues, yes, I put a jacket on over a t-shirt so I can at least make sure that we are classy in some respects, but I was pouring concrete this morning and the reason I came down here, quite honestly-- the other bills were important, but this was the bill that brought me down here. We can't-- we are asking teachers to run a billion dollar pension and in what world does that make sense? It's ironic that in our constitution we actually have a State Treasurer, but this body put constraints on the State Treasurer to only allow the Investment Council to control our retirements because we believe that those who are in the industry, those who manage money are better or at least we-- this body says has more confident than our duly elected in our constitution Treasurer. We are asking teachers every day to walk in and teach and then at the same time, we are asking them to manage their own pension. That, to me, just doesn't make sense. What's interesting, Senator Groene, is that this body is the body who created the Omaha Public Schools pension and actually the pension was created before our state even thought about creating the pension for its own employees. This was one of the first pensions created in the state. We created that problem and there's multiple problems that I have with the Omaha Public Schools pension and, yes, I served on the OSERS board. We are the ones who started, at least in the time I was there, started the investigation into the problems. And what happened during that time, there was actually-- what contributed to this gap was actually a Ponzi scheme in which a well-known project, or asset manager, committed fraud and was charged. That liability stays on Omaha Public Schools if this bill passes and that's the part that I keep missing here is, is the deception being thrown around that somehow this liability merges when nowhere in the bill does that allow that to happen. The question I have for this body when we talk about education and everything we want to do is does it make sense for educators to be pension fund managers? That's really what we're talking about and if you think it's OK for educators to be pension fund managers, then we just fundamentally disagree. But during that time when I was on the board, we did have Senator Nordquist introduce the bill. We didn't like where the bill was going and so we called down here and asked people to help stop the bill. And actually,

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Senator Larson did a motion that allowed the bill to be stopped because we didn't work out all the data. The bill kind of took a life of its own and we weren't sure where the bill was going as far as even OPS didn't want to merge the liability at that time and we were unsure. Transform to today or, or move forward to today, we have a very well thought out bill. We understand what the liability exactly is because at the time Senator Nordquist brought the bill, we were still digging into the fraud situation and we didn't really know how big the liability was. That's all been resolved here. This is a clean bill. This is a bill that allows our state to not only do the investment, but as we move forward to maybe allow the, the plans to merge in the sense of going forward, not liability going backwards. Here's why that's another problem from Omaha and many of my western Senators don't understand this. We have a problem in Omaha of teachers double-dipping, where they work in Omaha Public Schools for six, seven years, vest, and then go to Millard--

**FOLEY:** One minute.

**WAYNE:** --Elkhorn, Westside, somewhere else. This doesn't necessarily solve that problem, but it's a start to us to look over the overall pension problem where we are having a hard time getting qualified and senior teachers to teach in Omaha Public Schools where our kids need them the most. So I came down here because of this bill more than any other bill and I would ask for you to support this bill because this is a way for us to help OPS get back to teaching, get focused on educating our students, and to me, that's what we should be doing, providing tools and providing resources to get that done. And this is one way to eliminate, I think, a obstacle in just going in and teaching every day and making sure that their retirement is OK and that their retirement is not necessarily being abused in any fashion that I see going on previously. So I was on there-- if you have questions--

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

**WAYNE:** --about OSERS, please come ask me. Vote green. Thank you, Mr. President.

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

**VARGAS:** Thank you very much. Colleagues, I rise for two reasons. One, I know we've been hearing this argument that-- we've been using the term slippery slope a lot and I just wanted to rise because hearing that argument when we've been going down this route of using, using a sunset and it still being a slippery slope-- and in this instance,

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it's not a slippery slope. It's been made fundamentally clear that if there was any direction-- and Senator Lindstrom stated this-- any direction going to a place of liability for the unobligated amount that is due, there would still need to be legislation that's passed by this body of future senators. So hearing that I don't think is a genuine argument. It may be an argument to then strike some level of fear or question in people's minds, but that's just not a fair argument to make on the policy decision. This was not done hastily. I want to thank the, the Retirement Committee for doing this work. It's been part of a study. As somebody that served on Omaha Public Schools Board in the past with Senator Wayne, this is something that aligns with what I think is an evolution of not responding to what we saw in terms of where we need to be in terms of obligation, but more in terms of financial stability. If there was a need to bring this completely under the states and transfer all liability, that would have been done. You've heard people introducing the bill or have introduced the bill in the past or fought against it that have said that's not the intent and we take each other at their word. So we have to focus on what the intent is and also what is drafted in the policy and this leads me to believe that it is not only incredibly unlikely that the Legislature would step in to adopt OPS's obligations, but I think many people have said that they wouldn't do that. What's more important is whether or not we're taking a step towards financial stability and I think that's what this is a vote for because at the end of the day, we're talking about whether or not-- not just if we're an outlier in terms of how other states deal with this, as Senator Wayne mentioned in terms of historical knowledge, but whether or not-- we're talking right now and there are people questioning whether or not their, their retirement is going to be solvent. And I've been here, along with Senator Lindstrom and others, when we've been trying to find some other solutions to that problem that we weren't successful in, but this is something that has some broad support and so I don't think we should take it lightly or have some fear dropped in that the slippery slope is real. We've been down that argument with some of our own bills and I don't think we should start going down that route right now. So I ask you to support the motion to overriding LB147 because this wasn't hastily put together. This is reason. This is pragmatic. It's the easiest and the right thing to do, understanding that if we don't do something, there are long-term consequences. Thank you very much.

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

**CLEMENTS:** Thank you, Mr. President. I rise to oppose the motion to override the veto. I am on the Retirement Committee and I did hear the

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promises that they're not wanting us to take over the liability, but I also know if I was a taxpayer in Omaha school district, taxpayer dollars are what's being used to have to make up their underfunding system status. But there are two parts to this bill. It was mentioned that it doubles the substitute days a retired teacher can substitute from four days a week-- a month to eight days a month. I don't-- from what I heard, I don't believe that's accurate. What we heard in testimony was that the IRS pension rules govern working after retirement and the IRS wording is that it, it allows intermittent work after retirement. In the current state, Nebraska statutes allows intermittent work after retirement and it is unclear. The Legislature cannot change what the IRS pension substitute rules are for retirees. The NPERS attorney testified that eight days, in his opinion, is the IRS upper limit for substituting after retirement. And if that's true, every school district can now allow eight days of substituting if it's-- that's what intermittent is and so relying on LB147 to allow retired teachers eight days a month is not an authority that really governs those schools. It might give them a little more comfort to say they're following the state law, but it's really IRS pension law that governs that topic. And I have had some emails from schools that are wanting me to vote yes because they like the eight-day rule, but I don't think this really is changing what IRS's position is. Then back to the testimony that we heard on LB147 in the committee, there were two proponents from Omaha and these two, each one ended their testimony by saying they were in favor of this because this is a good start, was a phrase I heard twice. I didn't really ask what they meant by a good start and what the next step would be, but I would think next step would be getting the funding level increased for the OPS plan. It's around 65 percent funded, as I recall, whereas the state teachers are around 90 percent or more funded and the next step hopefully would be to have Omaha taxpayers increase the funding, but the easiest step would be to have the state help come in and state dollars the rest of the taxpayers contribute and that's what I'm thinking. If I was an Omaha taxpayer, I'd probably want some help also. So I, I agree that they did-- the superintendent did say that she does not support this, taking over the liability, but a future Legislature with the management of the pension plan--

**FOLEY:** One minute.

**CLEMENTS:** --paying out all the benefits, having all the teachers' benefits and payments certainly would-- the next step would be to take over the liability, so I'm not comfortable with this step and I am opposed to the motion. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Lieutenant Governor. Good afternoon, again. I have been opposed to LB147 ever since it came up. As was spoken of earlier, it's the camel getting his nose under the tent or getting the foot in the door, whatever explanation you want to use. But as we look at LB147 and what it does, despite the representation that Senator Kolterman gave us an assurance that this is not the intent and to shift the obligation to the state, but there's absolutely nothing in that language in LB147 that prevents that from happening. There's nothing that also prevents them from making the state have an obligation once they start managing it. It also blurs the line between the distinction of the state management retirement that we have as well and the OPS system. And so Senator Vargas will say you can't use that argument or you can't use this argument or whatever argument it is. We can use whatever argument we want. It's our opinion. So if my opinion is different than Senator Vargas', so be it. That's exactly what it is, my opinion. So earlier on the floor, Senator Morfeld commented that the Governor may have called you or supported you and so therefore, it makes it a difficult decision for you. Well, let me share this with you. The Governor never called me. The Governor did not encourage me how to vote. It was my own personal opinion on LB147 ever since it started and so don't lay the blame at the Governor's feet, that he encouraged me to vote as I did. He made the correct decision on all three of those bills today and I say that based on my past voting record on all three of those as they came through the legislative process. And so to vote no on this bill is very simple and easy for me. This bill should have never seen the light of day. We should have killed it when we had a chance. So now the Governor has given us a second opportunity and I appreciate that. And so, as I said earlier, everything or anything you say on the floor probably doesn't change anybody's opinion, but I wanted you to know that I have not changed in my resolve to vote against LB147 and I will do that again today. I would encourage you to do the same and make a commonsense decision for the taxpayers of the state of Nebraska. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Kolterman, you're recognized to close on motion 112.

**KOLTERMAN:** Thank you, Mr. Lieutenant Governor. I'd like to have a call of the house and when it comes time for a vote, we do it in reverse order. Roll call vote.

**FOLEY:** Thank you, Senator Kolterman. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

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**CLERK:** 25 ayes, 3 nays, Mr. President, to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber and check in. The house is under call.

**KOLTERMAN:** Can I close?

**FOLEY:** You may.

**KOLTERMAN:** Thank you, Mr. Lieutenant Governor. First of all, in response to Senator Clements up-- being upper limits, at the current time in our state retirement, it just says intermittently and Omaha Public Schools has used eight days for many years. And so what we've done is we asked NPERS and OPS-- or OSERS to work together to come up with this kind of language that expands it to a maximum of eight days and we believe that that will still meet the requirements of the IRS. But going forward, I want you to know that I've been committed to working on this issue since my freshman year as a state senator. On every bill that comes before the Retirement Committee, I've been consistent in my opposition to the state taking on any liability for the OSERS plan. As Chair of the Retirement Committee, I take my responsibility very seriously to oversee the management of all the public retirement systems that exist throughout the entire state. My introduction of LB147 is consistent with carrying out that responsibility. This bill does not require the expenditure of General Funds. OPS paid all the costs for LB31's transfer study and will pay all the cost to transfer the management of the OSERS plan to the NPERS. That, that obligation is consistent in the language of LB147 and the OPS Board of Education has gone one step further and adopted a formal resolution stating its commitment to pay all transfer costs and remain liable for all the funding obligations of the OSERS plan. Throughout this entire multi-year process, I've been direct and honest with every person I have worked with, including the Governor. I have spoken directly with each of you and have been open to meeting and talking with any interested person about the provisions in this bill. I made, I made sure that the language in LB147 very specifically and clearly describes that OPS remains liable for the OSERS funding obligations. I have not misrepresented or mischaracterized the Governor's position on past legislation. I have described for you during the debate on this bill that occasions when the Governor and I both opposed earlier legislation that would have merged the plans or authorized issuance of pension obligation bonds. I believe it's important to let you know when the Governor and I have been in agreement on prior bills that would have truly required to take the state on funding obligations, we stood together and we opposed those. As I said when I opened on this override motion, any senator at any

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time can introduce a bill to undo legislation that has been adopted or introduce a bill to take on new funding initiatives, but I don't think it makes sense to oppose a bill merely because of future legislatures may decide to change the provision. However, given the history of the this, this legislative body, and the people elected to serve here, I cannot imagine a scenario where a majority of senators would vote affirmatively to take on nearly a billion dollars of OSERS' unfunded liability. So finally, I would say last Friday, there were 38 of you that voted-- or last week, there were 38 of you that voted to pass LB147 on Final Reading. Since last week, nothing--

**FOLEY:** One minute.

**KOLTERMAN:** --nothing has changed. The language of the bill still contains the same liability protections. OPS remains obligated to pay all transfer costs. There will be \$250,000 in annual administrative cost savings to the OSERS plan and the state will not incur any costs whatsoever if this bill is passed. I'm asking you stick with me, carry forward with your faith that you expressed in the legislation last week, and cast your vote to override the Governor's veto. Thank you very much.

**FOLEY:** Thank you, Senator Kolterman. All 49 members are present. This motion requires 30 votes. The question is, shall LB147 become law notwithstanding the objections of the Governor? All those in favor aye; those opposed vote nay. A roll call vote in reverse order has been requested. Mr. Clerk.

**CLERK:** Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner voting yes. Senator Slama voting no. Senator Sanders voting no. Senator Pansing Brooks voting yes. Senator Pahls voting no. Senator Murman voting no. Senator Moser voting no. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister voting yes. Senator Lowe voting no. Senator Linehan voting yes. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Hunt voting yes. Senator Hughes voting no. Senator Hilkemann voting yes. Senator Hilgers voting yes. Senator Matt Hansen voting yes. Senator Ben Hansen voting no. Senator Halloran voting yes. Senator Groene voting no. Senator Gragert voting yes. Senator Geist voting no. Senator Friesen voting no. Senator Flood voting yes. Senator Erdman voting no. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting no. Senator Brewer voting no. Senator Brandt voting yes. Senator

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Bostelman voting no. Senator Bostar voting yes. Senator Blood voting yes. Senator Arch-- I'm sorry, Senator-- no. Thank you. Senator Albrecht voting no. Senator Aguilar voting yes. 31 ayes, 18 nays, Mr. President, on the motion that LB147 become law notwithstanding the objections of the Governor.

**FOLEY:** The motion is successful. I raise the call. Motion on the A bill, please.

**CLERK:** Mr. President, Senator Kolterman would move that LB147A become law notwithstanding the objections of the Governor.

**FOLEY:** Senator Kolterman, you're recognized to open on your motion.

**KOLTERMAN:** Thank you again, Mr. Vice-- Lieutenant Governor. And colleagues, there is no cost associated. There's an A bill, but any costs would come out of the plan or be funded by Omaha Public Schools and so I would encourage you to vote-- give us a green vote on the A bill. Thank you.

**FOLEY:** Thank you, Senator Kolterman. This motion requires 30 votes. The question is, shall LB147A become law notwithstanding the, the objections of the Governor? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 33 ayes, 16 nays, Mr President, on the motion that LB147A become law notwithstanding the objections of the Governor.

**FOLEY:** The motion is successful. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the certificates that read LB108, LB108A, LB306, LB306A, LB147, LB147A having been returned by the Governor with his objection thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021. Per the agenda, next motion, please.

**CLERK:** Mr. President, the next item is a motion offered by Senator Flood, MO46. It would move to suspend Rule 3, Section 20(d) so as to provide that LR14 not stand as indefinitely postponed pursuant to the offering.

**FOLEY:** Senator Flood, you're recognized to open on your motion.

**FLOOD:** Thank you, Mr. President. Members, good afternoon. I don't usually suspend the rules, but when I do, I make sure it's an obscure one and that is the case here. Senator Halloran introduced LR14.

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You'll remember this creates-- or this is a resolution basically signing Nebraska up for the convention of states. We've all heard about it, I'm sure, on your email. You've gotten some emails and thanks to this motion, living until the last day of our session or second to last day, I'm sure you've continued to receive some correspondence from your constituents about LR14. When that bill failed to be pulled from the Legislature and it received 23 votes, two things happened automatically. One was the reconsideration of that vote was not allowed under this rule and number two is that the bill was indefinitely postponed, not by a committee, but by the entire Legislature. This motion here suspends only the part about the indefinite postponement, subject to section D of-- Section 20(d). It only suspends that part of it and so you are not reviving the bill or bringing it back to the floor with this. You are simply removing the indefinite postponement of the bill under our rules by voting for this. Mr. President, if I'm correct, this takes 30 votes. Is that accurate?

**FOLEY:** That is correct.

**FLOOD:** So it would take 30 votes for this rule suspension to essentially remove the indefinite postponement of LR14 by the Legislature, which would then allow the committee to act if it so chose. If we don't do this, as I understand it, per the rules, the committee cannot take any action because the entire Legislature expressed itself through this rule at the time the bill failed to be pulled from committee earlier this session. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Flood. Discussion of the motion. Senator Morfeld.

**MORFELD:** Thank you, Mr. President. Colleagues, I rise in opposition to the rule suspension. Essentially, what we're doing here is allowing a bill that's been IPPed to be revived. This is a bad precedent to set and I told the Speaker-- and I'm not going to file those, those proposed rule suspensions myself right now, but I told the Speaker if this is the route that we're going to go down, I've got a bunch of bills that have been killed this last session that I don't know, I kind of want to have debate on it. Let's not revive them. What's the point of the committee process? What's the point of eight hours of floor debate on my Student Journalism Protection Act? Let's just throw up a rule suspension and revive it. Send it back to committee. Why not? What's the point of having floor debate and having a vote and having the bill die, if all we're going to do is then go and suspend the rules so we can have the same debate again and start all over? It makes no sense. And I get that we're doing this on the last day. We're

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not going to debate it this session. It'll be carryover legislation, but I'll have to look at the rules. I, I think I can revive my bills with the rule suspension from this last session next session too. So we can redebate on a motion to suspend the rules, which I don't think there's a limit to-- I don't think there's a limit to debating a, a motion for rule suspension, but we'll see. So we can do that on my Student Journalism Protection Act because quite frankly, I don't want to have to go through the hearing process again next year or for any other bills. I think the Education Committee just IPPed a bunch of bills and there's a few bills that, quite frankly, I don't want to have to reintroduce, so let's just suspend the rules and then just reintroduce them. Colleagues, this is a bad precedent to set. I get that some people are upset that the bill didn't advance, that it didn't work, but we have rules for a purpose and the bottom line is, is that this bill didn't have the votes to get out of committee. It failed because it failed. It was IPPed automatically and that's how it works. And so if this motion is successful today, then that's fine. I understand how the rules and the games are going to be played now. I understand that once a bill has been killed fair and square on the floor, that it's really not the end of the road. And so we'll start out next session, if this is successful, with the same rule suspension motion on several bills that I care about and that I like because that's fine. I can play by the rules, but let's all be consistent on our positions. If you're going to vote to suspend the rules to do this on this bill, I would hope that you'd be consistent on all the other bills when there's a similar motion to suspend the rules. This is bad precedent, colleagues. It's bad precedent. It's sour grapes. The vote didn't go the way that some people wanted it to and so now they're trying to change the rules. It's a bad way to end the session and it's going to be a worse way to start next session.

**FOLEY:** One minute.

**MORFELD:** And I haven't even gotten into the merits of the bill that we're-- or the resolution, I should say, that we are trying to pull out and the fact that it's dangerous. It's dangerous to our constitution, it's dangerous to your constitutional rights, whether it be the first, second, third, fourth, and it goes on and on because it could, quite frankly, lead to the elimination or alteration of all of those and anybody that says anything otherwise either doesn't know what they're talking about or is just plain lying to you. So colleagues, this is a dangerous precedent to set on the rule suspension. If we do this, I guarantee you we'll start next session with similar ones and I urge you-- that you vote against it. The bill was killed fair and square. Let's move on. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. Lieutenant Governor. Senator Morfeld is right. We don't have to even talk about the merits of LR14. We don't have to say anything about the merits of the underlying resolution. The resolution didn't get out of committee. It was killed on the floor in the course of debate, according to the rules, and colleagues, I ask you how many times can we resurrect a dead bill? It really says something that basically the last substantive thing that we're doing on the floor of our long 90-day session is a motion to suspend the rules to allow a bill that we killed when it was brought out by a pull motion because it wasn't voted out of committee by the committee where it's, it's-- you know, subject-matter expertise, that this is the last thing that we're going to do. And I'm surprised that Senator Flood, who's the former Speaker of the Legislature, is going along with this kind of procedure because this undermines good governance, it undermines the faith and the trust that we have to have in each other and our rules, and it's unclear to me why this resolution should get special treatment. Senator Halloran or Senator Flood or any other supporter of LR14 can just introduce it next year and we'll be in pretty much the same place and we won't have broken the rules or bent the rules or gently massaged the rules to do it. If we do this for this resolution, get ready to spend the-- suspend the rules for all kinds of other resolutions and bills. Colleagues, be careful what precedent you're setting because if it's OK for Senator Halloran to do and it's OK for Senator Flood to do, then it's OK for me to do and I will because if you decide to open a door, you don't get to shut it on somebody else. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hunt. Speaker Hilgers.

**HILGERS:** Thank you, Mr. President. Good afternoon, colleagues, colleagues. I rise in opposition of the motion to suspend the rules and, and in fact, I actually-- I want to explain why it's scheduled because at the beginning of this session-- and I'm not going to talk about the merits of the LR. I did vote against the motion to pull, but at the beginning of the session, I put out-- I, I did a couple of different things. One is I told the body and I promised the body that I would give as much fair notice as I possibly could. I think fair notice means good process. Good process makes-- allows us-- makes it easier to have-- for us as a body to have disputes and fights on the merits and we're not focusing on process because we know the rules of the game and we know what to expect. The other thing I did at the beginning of the session is I provided a memo that you may not remember, but at the beginning of the year, I said look, here's a

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number of types of motions or types of requests that might get asked, but will not be scheduled and there were several different ones. They were very specific and those that the-- the spirit of those motions were that those were not second bites of the apple. In other words, as Senator Morfeld has said, we all know we get, we get our day in court. We want to get our day in court, but if we lose, it's over. It's done. Now, this motion, in spirit, is just like the other ones that I referenced in that motion. However, because I identified specifically several types that I would not schedule and did not list this one and because this one really isn't a motion to reconsider, which you actually can't do under the rules, this is a motion to revive so that potentially the committee could act. I felt like it was different enough that if I told Senator Halloran that I wouldn't schedule it that I wasn't being consistent with the memo that I had provided earlier because I hadn't given the body notice. So first, I'm going to vote no because it's a second bite of the apple and I do think if we say that we can get multiple bites, then I think that does open up a Pandora's box. Secondly, it gives-- this gives me an opportunity to let the body know and provide notice that next year, if there are these types of motions to pull from committee, I will-- everyone should know that these are the types of motions that-- motions to suspend on the IPP are not the types of things that are getting scheduled next year. This is different. It's not a reconsideration, but in spirit, it's the exact same thing and we only have a finite amount of floor time and to come back at a second bite for whatever reason on no matter who's bill, no matter whose motion it is, will not be scheduled. And the third thing is even though this motion wasn't included in the memo and I, I felt compelled here to schedule it because it wouldn't have been fair to Senator Halloran since I didn't articulate this, I'm going to take the opportunity now to let the body know if there's something that wasn't included in that memo or that is an attempt to suspend the rules to revive a bill that's been IPPed, but it falls within the spirit, you just-- we, we should all understand and I want to provide notice now so you've heard it that those are not the types of things that are going to get scheduled next year. We-- there's 49 of us. We have a finite number of bills and time that we can hear. And to have a second bite, no matter what it is, whether it's a second time on General File for bill without a, without a renewed priority, whether it's a motion to reconsider, whatever those might be, we just-- we-- it's not fair to the rest of the body to, to have the second rounds and so I'm going to vote no. I encourage you to vote no on this motion, but more importantly, beyond that, going into next year, I want to make sure that the record is clear. No matter what it is or who it is, these, these idea-- this idea that we can come back a second round on things when we don't have the votes or

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we lose, we're not going to be doing that next year. But because I didn't articulate that to Senator Halloran and Senator Flood before this motion was filed, I did feel compelled to, to schedule it today. So I would urge your red vote on the motion to suspend. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. I am fascinated by this rules suspension. I love a good rules-- just trying out new rules that I haven't done before, so keep this in mind in the future. Thank you, Senator Flood. I don't support LR14, so I don't see myself voting for this, but I did not rise for that. I rose to give other comments. Not like the brazen giant of Greek fame, with conquering limbs astride from land to land; here at our sea-washed, sunset gates shall stand a mighty woman with a torch, whose flame is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand glows world-wide welcome; her mild eyes command the air-bridged harbor that twin cities frame. Keep, ancient lands, your storied pomp she cries with silent lips. Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shores. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door. The New Colossus by Emma Lazarus, which is on the Statue of Liberty. Yesterday, was the one-year anniversary of the murder of George Floyd and next week is the 100th anniversary of the Tulsa, Oklahoma race massacre. Here we are at the end of session and we continue to have a race crisis in this country and in this state. The debate today around LB108 is exemplary of deep-- how deep the roots of systemic racism go in every aspect of society. The adjectives used to describe individuals seeking support from the government are the same as those historically used to describe people of color. It was very, very thinly veiled racism, yet it has gone mostly unacknowledged in this body. We did very little this session to address the immediate needs of Nebraskans suffering both economic and medical hardships. LB306 and LB108 were two of a small handful of bills passed this year to help the citizens. By using income tax levied by the state to fill the coffers of the property tax relief fund is essentially stealing tax dollars away from taxpayers who do not own property, the same individuals who would be served by the three bills vetoed by the Governor. The Nebraska Legislature and the Governor's Office have proven this year that they are not here to serve the people of Nebraska, but are here to serve special interests. Nebraska, I believe you deserve better in your public servants, but to get better, you need to be informed. You need to be active and you-- and most

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importantly, you need to vote. Currently, you have a governing body that puts politics and corporate welfare above all else, people over politics. Go to the ballot box. The Governor is coming here tomorrow to address this body and I hope that he does not treat his speech to us as a campaign stunt because he is clearly running for another office after this based on his performance on social media. It is clear as day and it is so disruptive to our state and disrespectful to the people of Nebraska the way that he talks about this Legislature, the way that he treats our legislation, the way that he treats this body, and the way that he treats Nebraska. So if he's going to come here to our floor tomorrow to address our Legislature, I hope it is genuine and it addresses the needs and concerns of the people of Nebraska, that it addresses the pandemic, that it addresses the housing crisis, that it addresses the economic crisis, that it addresses the employment crisis, that it addresses the medical needs of people. We are still in a pandemic. Whether the Governor wants to admit it or not, we are still in a pandemic and people are scared and people are concerned. Some people are scared about getting the vaccine. Some people are scared about getting ill--

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- getting ill because they have underlying health conditions. We're not out of the pandemic. Yes, we have more liberty now with what we can do because of people getting vaccine, but we're not out of it and the Governor has been disrespectful and disregarding that. And so many people in this state have died from this disease, have died and we're talking about corporate tax welfare and agricultural welfare, but we're not talking about the needs of people and feeding Nebraskans unless we can do it in a derogatory, insulting way. Thank you.

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

**HALLORAN:** Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. Good afternoon, Nebraskans. This is an interesting conversation to have. I would remind several of the senators that LR14 didn't die on the floor. LR14 was never advanced from the committee. The committee, the Government Committee is a 4-4 committee and Senator Hunt, on, on an hour and a half discussion we had on the pull motion, openly said that when they were forming the committee, that it was designed that-- it was their premise to design the committee to make sure that certain bills didn't advance. Now, when you prejudge what bill shouldn't advance, there's not much reason to have a committee, but that's what she said was done in advance of developing the committee from her perspective, so-- and I would remind Senator

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Morfeld that this, again, did not get killed on the floor. I proposed a pull motion, which-- a reminder to the body is in the rule book-- and now Senator Flood is proposing suspending the rules to allow LR14 to go back to the committee where it should reside for reconsideration. Senator Morfeld likes to threaten us with war of using suspension of rules in the future. Senator Hunt did the same. Threats are fine. You can do that. It's in the rules book. If you can get the votes, I would propose, suggest, encourage you to do that. If you think you can get the votes, that's, that's in the rules books. Would Senator Clements yield to a question, please?

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

**CLEMENTS:** Yes.

**HALLORAN:** Thank you, Senator Clements. You're the Chairman of the Rules Committee, correct?

**CLEMENTS:** Yes, I am.

**HALLORAN:** Earlier this year, we looked at the rules when we had the opportunity to propose changes to the rules. Was there any proposals in the rule changes to propose doing away with pull motions or of suspending the rules, which is in the rules books?

**CLEMENTS:** There was no amendment put forward to change either of those rules, no.

**HALLORAN:** OK, thank you, Senator Clements. I would suggest that if it's all that important that we don't allow pull motions, as some people call it-- I won't refer to who call it that-- a second bite at the apple, then next time we have the opportunity to change the rules, we need to eliminate pull motions. We need to eliminate suspending the rules. They're in there for a purpose, a legitimate purpose, and I believe that this is, this is one of those. I don't know what else to say. This is, this is an effort-- if this passes, when it passes, Senator Flood's pass-- motion passes to suspend the rules, all it simply does is put it back in the committee for them to reconsider and revote on the bill. It's the committee process. There have been pull motions in the past, successful ones. Senator, Senator Geist had one, Senator Linehan had one, and they were successful. So it's not setting a bad precedent for a pull motion and I think if you research it a little bit, you'll probably find in the records that suspending the rules has been done in the past too. This is not setting a new precedent, Senator Morfeld. It sounds good to say it, but it's not reality. So colleagues, I would encourage you to vote on Senator

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Flood's motion to suspend the rules to allow this to go back to the committee and let them to reconsider LR14. Thank you, Lieutenant Governor.

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

**MORFELD:** Thank you, Mr. President. Colleagues, this is the last thing I'll say and then I'll get off the mike and I think we can all go about our-- the rest of our day and the rest of our session, what's left with it, but Senator Halloran just stated multiple times that I was wrong that his bill died. I want everybody to open their rules book titled Rules of the Nebraska Unicameral Legislature, page 22, Rule 3, bottom of the page. "Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature." Either Senator Halloran didn't read his rules or he doesn't care about the truth. When you indefinitely postpone something, that's commonly referred in the Legislature as killing the bill. The bill was killed. The bill was killed because he took a chance to pull it out of committee and it didn't work and so it's dead. It's indefinitely postponed. It says it right here in the black letters of this page. This is the kind of nonsense that Senator Halloran not only says right now on the floor about the rules and what actually happened to his bill, it's the same kind of nonsense that he says about the actual underlying issue in LR14. It's completely divorced from reality. The bill died. He took a chance, the bill died, it was indefinitely postponed. So I'm just not going to sit here on the floor and be told that I said something that isn't true when it's true based on the clear, plain language of our rules. His bill died. He took a chance. This is trying to reverse that and send it back to committee. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Flood, you may either speak to the motion or close on the motion.

**FLOOD:** I'll close on the motion.

**FOLEY:** Thank you.

**FLOOD:** Thank you, Mr. President. Members, I know we all want to go home. I will tell you-- and you may wonder why did I file a motion to suspend the rules? One, it is that Senator Halloran has devoted a lot of his legislative service to going from point A to point B and getting this debated on the floor. Next session would be point B. The second reason I did it is that I walked into the Norfolk Public

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Library around the time this bill came up and there were 350 people in the room that cared about this and I saw folks in that room that I've known for a long time that want to see this question answered on the floor. And the people of Madison County and Woodland Park, Stanton County, Nebraska, they hired an advocate when they elected me. And I went back and I looked at the rule book and guess what? A motion to suspend the rules is in the rules. And I know that you're thinking, well, time is finite. It's the eighty-fourth day when we're going to be adjourning of a 90-day session. Yes, I have been in the role of scheduling bills before and yes, I am accustomed to seeing people try to suspend the rules from time to time. I've introduced the motions. I voted yes, I voted no, but it happens. This Legislature, it belongs to the people of Nebraska, but we are their representatives and we get to decide how it works and how it functions and today I've put a motion on the table that basically says I think we should suspend this for the reasons that I listed. And some of the things that I've heard so far today is that we're not-- we're changing the rules. No, we're not changing any rules. We're suspending them. It's in the rule book. Number two, this is not scheduled on the last day. It's scheduled on the second to last day. Number three, if I threw a fit every time Senator Cavanaugh-- Machaela that is-- voted to reconsider-- or put up a motion to reconsider one of her motions that failed, I'd have more fingers and toes than the rest of America. Like I've been sitting here at the same time, there's reconsideration motions that happen every single day in here and this is essentially the same thing, except we're suspending the rules because we can't reconsider them. Senator Hunt says how many times can a bill come out? How many times can we debate whether teachers can hit students? Five times this session? Maybe six? The last thing I'd say is if you don't agree with it, don't vote for it. But I'm doing it because at the end of the day, I'd like to see the people of Nebraska get an up or down vote on a convention of states. I'm not wild about pull motions. I'm not wild about rule suspensions, but I put this up here, this motion-- I filed this motion because I feel like when a pull motion failed to advance on the day that it happened, there were several members that were planning to vote for it, but because of scheduling weren't here. I filed the motion at that time. I would appreciate your green vote, your affirmative yes vote to suspend the rules and allow this bill not to be killed. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Flood. Members, the question before the body is Senator Flood's motion. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

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**CLERK:** 30 aye-- 31 ayes, 1 nay to place the house under call.

**FOLEY:** The house is under call. All senators, please return to your desks and check in. The house is under call. Senator Machaela Cavanaugh, please return to the Chamber and check in. The house is under call. All unexcused members are now present. The question before the body is Senator Flood's motion 46 regarding rule suspension. A roll call vote in regular order has been requested. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht. Senator Arch voting yes. Senator Blood voting no. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Day voting no. Senator DeBoer not voting. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting yes. Senator Friesen voting yes. Senator Geist voting no. Senator Gragert voting yes. Senator Groene. Senator Halloran voting yes. Senator Ben Hansen voting yes. Senator Matt Hansen voting no. Senator Hilgers voting no. Senator Hilkemann voting yes. Senator Hughes voting no. Senator Hunt voting no. Senator Kolterman voting yes. Senator Lathrop voting no. Senator Lindstrom voting yes. Senator Linehan voting yes. Senator Lowe voting yes. Senator McCollister voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Morfeld voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls voting yes. Senator Pansing Brooks voting no. Senator Sanders voting yes. Senator Slama. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz voting no. Senator Wayne voting yes. Senator Williams voting yes. Senator Wishart voting yes. 30 ayes, 14 nays to suspend the rule, Mr. President.

**FOLEY:** The rule suspension motion is successful. I raise the call. Items for the record, please.

**CLERK:** Thank you, Mr. President. A communication from the Clerk and a certificate from the Lieutenant Governor regarding the override motions with respect to LB108, LB108A, LB306, LB306A, LB147, and LB147A. LR134 is reported correctly enrolled. Study resolution: LR261 by the Revenue Committee. That will be referred to the Reference Committee. I guess that it has been and then here's a-- and then I have a Reference Report with respect to that, Mr. President. Government Committee will have an Exec Session at-- upon adjournment in Room 2022. Mr. President, Senator Stinner would move to adjourn the body until tomorrow at 10:00 a.m.

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