

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 15, 2022

WILLIAMS: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the twenty-sixth day of the One Hundred Seventh Legislature, Second Session. Our chaplain today is Reverend Becky Whitehead from the Unity of Omaha Church in Omaha, Nebraska, in Senator DeBoer's district. Would you all please rise?

REVEREND WHITEHEAD: Good morning, and I invite you to join me in a time of opening this Legislature in prayer. So if you will close your eyes or soften your gaze as we join together heart to heart, mind to mind in this journey of sacred time that we have together knowing that we are all here for a divine purpose as we move together, think together, and work together for the good of the people of this great state of Nebraska. We do so with the hearts of joy, the hearts of love, understanding and compassion. We strive for unity amongst all people as we work together seeing the future, creating the future together, knowing that this body serves with joy, with grace, and with dignity. And so we come together in this time with the wisdom and the forethought that is ours to endeavor to be all that we can be for this great state. And as we are blessed in this time, we know that the work that we do bless all those people, all of us, as we move forward in unity and harmony. And for these things, for these opportunities, for the wisdom that we carry, for the understanding that we envelop, we are blessed. And it is through that Christ presence that indwells in all of us, we are grateful. And so it is. Amen.

WILLIAMS: Thank you, Reverend Whitehead. I recognize Senator Moser for the Pledge of Allegiance.

MOSER: Would you please join me in the Pledge of Allegiance? I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

WILLIAMS: Thank you. I call to order the twenty-sixth day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

WILLIAMS: Do you have any items?

ASSISTANT CLERK: Mr. President, I do. Your Committee on Business and Labor reports LB717 to General File, as well as LB1137, LB512 to General File with committee amendments attached, as well as LB780 with committee amendments. Notice of committee hearing from the Natural

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Resources Committee and a priority bill designation from Senator Blood for LR263CA. That's all I have at this time.

WILLIAMS: Thank you, Mr. Clerk. Members, Senator Slama would like to recognize Dr. Brett Copley from Syracuse, Nebraska, who is serving today as our family physician of the day. Dr. Copley, would you please stand and be recognized by your Nebraska Legislature? Returning to the agenda.

ASSISTANT CLERK: Mr. President, the first bill this morning is LB506 [SIC--LB906]. The bill was considered yesterday at which time the E&R amendments were adopted. Next item for consideration is FA72 offered by Senator Groene.

WILLIAMS: Senator Groene, you're recognized to close-- or excuse me, open on FA72.

GROENE: Thank you, President. Appreciate your wanting to get the schedule moving, but I will open on FA72. I have always supported this bill originally when it was brought up that we were going to allow people who, for religious reasons or for philosophical reasons was the original bill or for health reasons, could have a vaccine waiver. That I support. The present form of the bill and amendments have been-- have gone too far trying to please too many. Not please citizens but to please the chamber of commerce and Hospital Association. We make bills for individuals, not for inanimate objects or organizations, is what I came here for. In my bill-- in my amendment, I strike section (4), which says: An employer may require an employee granted an exemption under this section to periodically test for COVID-19 at the employer's expense, wear or use personal protective equipment provided by the employer. Sounds good, employer has the expense, but is blatantly, blatantly prejudice, bias, shaming individuals. Remember, folks, this is not about vaccines. This is about a medical shot that doesn't fit the description of a vaccine because it does not protect the person from infection. They claim now it makes a milder, it makes a milder symptoms of the infection. This is not about vaccines. This is about one specific disease, COVID-19. So to be prejudiced against somebody who has natural immunity or has a religious, religious conviction and to say they have to wear a mask to protect their coworkers when their coworker who has had every vaccine and booster shot can also carry the virus, can carry the virus. And more importantly, they can carry it and not know it because of the vaccine made their, their symptoms milder. This is not necessary in this bill and it needs to be removed. I was told by an individual that out in California that they are lifting, they are lifting mask mandates. And

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on the left, they're making a big deal about we cannot allow those who still wear, decide to wear masks for their personal protection are not shamed or be prejudiced against. That's what they're saying, but it's OK to do it in Nebraska to those who, who are no danger to their neighbor or their coworker as anybody who's already received the vaccination or has received the disease. COVID is a cold virus and it will return and return and return in different forms. But if everybody wears a mask, if you want to change this, this will upset some of my friends, that everybody, they can mandate masks for everybody. I guess that would be legal, but not just for some. The other thing is-- the reason I-- we represent our constituents, most of us do, we don't represent the chamber or the hospital associations. I have federal contractors in my district and that's the UP Railroad, big population. The reason I got involved in trying to have a special session, the reason I have fought this is those folks. The federal mandate was going to force those folks to get a vaccine. Thank God a, a judge in Georgia, a, a court in Georgia outlawed-- in fact, what it said today, this is from the Attorney General's Office that sent me an email, I guess other senators. Earlier today, the District Court of the Southern District of Georgia granted a nationwide preliminary injunction against enforcement of the federal contract of vaccine mandate. Catch the word "nationwide." The order is attached. Nebraska case brought to the District Court of the Eastern District in Missouri is still proceeding. There have been other courts that backed off now since Georgia court did that. This was December 7, 2021. So in section (5), it says "A medicare-certified or medicaid-certified provider or supplier or a federal contractor may require additional processes." I understand the medicare-certified providers. The Supreme Court has said yes, they have a right the federal government does, to have vaccine mandates. Why are we putting into law federal contractor when it isn't a federal edict anymore? It has not been ruled that it's allowed by the federal courts, by the Supreme Court, so why is federal contractor in there? It needs to be removed. It needs to be removed because we-- I guess you could call us Biden too. By putting that in there, we are putting dictates in there to the people that even the courts have said no. As of yet, the courts have said no. So federal contractor needs to come out of there. I would appreciate support for FA72. I am not filibustering this bill. Somebody else can. If the amendment is accepted, I have heard that some of the larger special interest groups are not "adversed" to removing some of this language. I will support LB906 if FA72 is accepted. I cannot go against the will of my constituents for any reason whatsoever. So I will not support LB906 unless FA72 is accepted and added to the bill. Thank you, colleagues.

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HUGHES: Thank you, Senator Groene. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good morning, Nebraskans. I've read Senator Groene's FA72. Senator Groene, it makes a lot of sense. I don't believe that we ought to be discriminating against a group of people who have natural immunities or antibodies over those who have had the shot. And so that's exactly, I believe, what your amendment is doing. And I was wondering if he would-- Senator Groene would to yield or question?

HUGHES: Senator Groene, will you yield?

GROENE: Yes.

ERDMAN: Senator Groene, so I'm clear on this. You're just striking the language that says they can force an unvaccinated person to wear a mask. Is that correct?

GROENE: Yes.

ERDMAN: And then also you struck something about the suppliers to the, to the government agencies. Is that correct?

GROENE: Yes, federal government contractors,--

ERDMAN: Contractors, OK.

GROENE: --which the court has said-- the court as-- so far, court system has said that's-- the federal government doesn't have that ability.

ERDMAN: Thank you. I appreciate that. I, I was looking around the room when you were speaking. There was probably three people listening, but this is pretty significant, pretty significant amendment. And I believe it deserves your consideration this morning. What Senator Groene has brought to our attention is a very, very important issue about this bill. This bill, in my opinion, doesn't go near as far as it should as far as protecting people who are not vaccinated. I had two bills drafted to resolve this issue. One of them was very simple. One of them was very simple. It made unvaccinated people a protected class. That maybe should have been the bill that I dropped. Because as Senator McKinney made the hair discrimination bill a couple of years ago, as I look back at that, he may have set a precedence there for us that we should have maybe taken to heart and done with this bill with this issue. But that was the first ten days and I missed it. I had a second bill that was far more comprehensive that would have

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accomplished what we should have accomplished. But I don't believe it would ever gotten out of committee because it did the right thing. So if we pass FA72, I will support LB906. I'm still at a quandary as to if we don't pass FA702 [SIC], if I will vote for discriminating against people who are unvaccinated. Because if we pass LB906 that is currently written, that's exactly what we're doing. We're discriminating against people who have natural immunity or who have an issue with taking the shot and we're discriminating against those people. So we're going to put that in the statute. We'll find out what this body thinks about your rights, how they vote on LB906, and first how they vote on FA72. We sometimes in this body don't take a lot of consideration as to what our vote really means. So I'm encouraging you to take a look at FA72 if you have not and you decide for yourself if we're not taking away somebody's rights and discriminating against them because they have immunity or they have chosen not to take a shot. So I'm going to be in support of FA72, and I encourage you to do the same. Thank you.

HUGHES: Thank you, Senator Erdman. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. President. Upon further examination of FA72, I was talking with Senator Groene and the, the floor amendment that he had put down, I would consider a friendly amendment. It doesn't change the essence of the bill. It still accomplishes what we want to accomplish. It does relieve a lot of the concerns that I had among constituents and other people in the state of Nebraska that we might be creating some kind of discrimination among those who decide to use a religious exemption and those who do not. In my opinion, I don't think it really changes too much because I believe an employer can already do it. And the federal contractor portion didn't seem to change the constitutionality of the bill very much, and so I didn't have too much of a problem with that. I just wanted to get up at least make a little bit of a statement that I will be voting for FA72. And I also discussed with other members of HHS that if this, any kind of amendment did really change the essence of the bill and what we discussed during the hearing, what we heard with testimony, that might change-- that would change my opinion probably, so. But this amendment, it's, it's a fine amendment. I don't have too much of a problem with it. And so I would encourage everybody to vote for FA72 as well as the underlying bill. Thank you, Mr. Speaker [SIC].

HUGHES: Thank you, Senator Ben Hansen. Senator Matt Hansen, you're recognized.

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M. HANSEN: Thank you, Mr. President and good morning, colleagues. Colleagues, I have been trying to decide how much I wanted to speak on this bill. I think I only spoke once on General File and I didn't use my full five minutes. I'm not sure if I'm going to-- where-- genuinely, where I stand right now. There's been part of me that saw the work that Senator Ben Hansen put in to get a bill compromise that is narrowly tailored out of HHS. And if that's the grand total of what we wanted to do moving forward, that's something that I could at least out of respect get out of the way and stand out of the way. I punched on my light at the very end of the day yesterday, I punched on my light now, in part just to respond to some of the COVID misinformation that we've heard and misinformation that we've talked about. If we are going to grant people religious exemptions or rather, as I understand it, confirm the federal exemption for religious exemptions, that's something that I don't necessarily want to or need to block. What we do have to do as this body is make sure that we are not spreading misinformation because we want people to make an informed and accurate choice. So to get up on this floor and talk about how the COVID vaccine doesn't qualify as a vaccine because you could still have breakthrough infections is a complete misunderstanding of how the medical community views vaccines. That is just complete, just made-up, nonmedical terminology. And if that's your personal opinion of vaccines, you can couch it in that, sure. A vaccine that's not 100 percent effective isn't worth it, OK, you get to make that personal decision. But to get up and matter-of-factly say that a vaccine that allows for breakthrough infections doesn't even qualify as a vaccine doesn't comport with any sort of medical perspective or medical knowledge on the subject. Likewise, yesterday, I don't even remember what the exact comment that I clicked my light on for, but it was talking about adverse reactions to vaccines and indicating that the vaccines are worse than COVID itself. Colleagues, that's again, not what any consensus in any sort of medical community. Granting exemptions, sure. People have a right to make their own medical decisions. Do believe that. I do believe that, but they have the right to make their own medical decisions in the light of accurate information. And we, as policymakers, making decisions for the state have an obligation to at least stay within the bounds of reality on this debate. Frankly, I'm kind of disappointed and a little flustered to hear Senator Ben Hansen view this as a, a friendly amendment, a compromise amendment, because in my mind, this really does substantively change LB906, at least as it's been described by the first two speakers. I haven't had a chance to read through the language all the way on my own yet. But colleagues, we can kind of decide this morning if we want to just leave the Health and Human

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Services' compromise, let that move forward today, or if we want to start just spreading vaccine misinformation repeatedly on the microphone. We're going to have to take some time to address that. And with that, Mr. President, I'll stop there. Thank you.

HUGHES: Thank you, Senator Hansen. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. Yesterday, over lunch, I noticed a couple amendments filed on this LB906; one from Senator Groene, this floor amendment, and one from Senator Friesen. And I, I share Senator Matt Hansen's surprise that Senator Ben Hansen considers FA72 a friendly amendment. I know the form that LB906 was in when it was introduced. It was much more radical in terms of science denying, anti-vax, supporting and empowering people to reject science and put other people in harm's way in private businesses, really taking the government and putting it into the business of private industry and taking the choice away from a business owner who may make the choice to protect his employees and protect the public by wanting to require a vaccine for their employees. Again, this bill says nothing about-- you know, this is to say nothing of requiring vaccinations of customers. I mean, a business owner could still take vaccination cards and look at IDs in order to let somebody in. And there are many restaurants in Omaha that are doing that right now. And you know what? The market has responded positively to that, just as the market has-- you know, different markets have responded positively to businesses that say they don't require masks or they don't require vaccines. There are people in this body who prefer to patronize businesses like that. But there's also people who prefer to patronize businesses that not just take COVID seriously, because I wouldn't, I wouldn't accuse people who-- all unvaccinated people of not taking COVID seriously. I don't think that's the case-- but people who want more stringent, you know, who want more stringent practices in their businesses, whether that's requiring a vaccination or requiring a mask or whatever. So it surprised me to see Senator Ben Hansen say that FA72 was friendly because I know that he worked so hard to get LB906 from its original form into a form that neutralized some of the opposition, including the Nebraska Medical Association, the Hospital Association, different groups that have public health and public safety at top of mind, and who have the responsibility to lead the way and carry the banner on what public health is going to be in Nebraska. And that's why they come down here and lobby us and take positions on certain bills because they're representing the vanguard of public health, the, the best practices and the science and research as we know it today, and they did not come in, in support of LB906. Compromises that Senator Hansen made, much to the chagrin of his constituents and, and other

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anti-vax Nebraskans who want LB906 in its original form, he walked back the bill quite a bit to come to a compromise position. And FA72 and the amendment introduced by Senator Friesen, those two amendments really walk the bill back forward and gets the bill into more of a place where the Medical Association, the hospital associations did have problems with the bill. Perhaps Senator Ben Hansen takes it as a friendly amendment because deep down, he wants to pass a more radical, anti-vax bill. That wouldn't surprise me at all. I think that it wouldn't surprise anybody.

HUGHES: One minute.

HUNT: But I don't think that it's "genuous" or in good faith to introduce LB906, to work so hard on a compromise, to get the committee amendment put through, to not even be here when the committee amendment is being discussed and then walk it back forward with these other floor amendments and say that they're, they're friendly. I've introduced several amendments of my own that I'll speak to when those come up, and on my next time on the mike. Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. Senator Groene, you're recognized.

GROENE: Thank you-- full of electricity-- Mr. President. Appreciate the Chairman of the committee, not the Chairman of the committee, the, the sponsor of the committee, Senator-- of the bill-- got my head back in the right direction here-- accepting the amendment as friendly. I believe it doesn't affect the bill. There's two different subjects here. Right now without that language, a company can still be prejudiced against these employees and do it. They can do it. I know of one company who is doing it in a major drugstore company, who after the, after the OSHA ruling by the court, told their employees that if you're not vaccinated, you will wear a mask, you will be tested and you can't use the break room, employee break room if there are any other employees in there. Does that sound like something that's happened to other minorities in the country before? That needs to stop, but they can still do it. And the big one to most people is the, is the medical that, that takes Medicare and Medicaid. That still stands. It's in the, the-- LB906 has language in there that agrees with the Supreme Court finding that, that they can dictate vaccines. What this thing does and needs to do is if you have a religious conviction, you shall have an exemption for only the COVID vaccine. Only that one, which will haunt us for decades, I'm sure. And also the federal contractor, they don't have to beat that, that horse. But it shouldn't be in there because it doesn't coincide with anything that's in federal legislation or fed-- or government or presidential edict.

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It shouldn't be in there. So no, I'm, I'm done debating this unless somebody accuses me of being a radical. But I, I just follow science and I read it and I read CDC reports. Most of the websites people talk about are radical I've never been on in my life. But anyway, this is a good bill when FA72 is adopted. Thank you.

HUGHES: Thank you, Senator Groene. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. I'd be interested in what else would make LB906 a good bill in the opinion of Senator Groene, who's really leading the charge for anti-discrimination against natural people. This is a phrase I learned on Facebook. So folks who are not vaccinated against COVID-19, even though they're likely vaccinated against all kinds of other diseases that we have to get childhood vaccinations for: polio, measles, mumps, rubella, all the things that we get vaccinated for that-- you know, malaria, things that we don't have as epidemics anymore in our country because of science and because of vaccination. And the only reason that we have to debate bills like LB906 here in 2022 after we know how robust science is and how, how accurate research is and how knowable the science is, is because of the politici-- the politicization of this vaccine. And let me tell you, you know, science doesn't care if you're progressive or conservative or, you know, if you live in rural Nebraska or urban Nebraska or whatever. That's-- you can say that the virus had been an equalizer, but it still wasn't because it didn't affect everybody equally. There were essential workers, quote unquote, working at fast food restaurants and grocery stores and gas stations all across our state who had to go to work. And if they didn't go to work, if they quit because of the, the pandemic, they wouldn't be eligible for unemployment in Nebraska because we didn't give them protections at the state level. And those are people who are not affected equally by COVID-19 who still continue to feel the effects. And in, in my Urban Affairs Committee, we're working on trying to get rental assistance for people in Nebraska who are still affected by the virus. And the Governor's Office sends someone in to say, well, we think that the virus is going to be over and so, you know, these federal funds that we need to apply for by March 31 or whatever, we're just not going to apply for them because there's probably not going to be any more variants. Everyone is over COVID-19. No one's having any bad economic effects. And that, once again, even though the virus affects people the same, anybody can get sick. Anybody can die of this. People do not experience the same economic effects. Now what's driving our economy? What's the backbone of the economy that we have in this state? It's industry and business. It's small businesses like mine, like Senator Hansen's, and I wouldn't run up in his business and knock the barn

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wood out of his hand and tell him to get all his employees vaccinated and tell him how to run his, his business and do his job. But what he's doing with this bill is coming into my business and saying, Megan, here's how you have to run your company. And that's what he's saying to every other Nebraskan, that he knows what's best for you and your community, for your employees, for your business and if you don't agree, you're discriminating. It's just not that freaking deep. It's not that deep. There are things that government intervenes in for (a) public safety and for civil rights and justice and nondiscrimination. Like when a black woman has a natural hairstyle that grows out of her head, the way her hair is, we say, hey, employers, you can't fire people for that. Or like an LGBTQ person who's got-- you know, a woman with a wife at home and kids and she's doing, you know, soccer drop-off and getting the groceries and then shows up to her private employer and they say, ma'am, we found out your homo, you're going to have to take a pink slip--

HUGHES: One minute.

HUNT: --and take a hike. Those are the cases where these people are coming in and saying, no, no, no, no government intervention here. We don't get between, between businesses and the choices they make that are best for their communities. Oh, but when there's a whole entire global pandemic going on-- and you know what? Maybe it is almost over. I hope it is. We've been hoping it was almost over since, like, March 20, 2020. Remember when we got a two-week, you know, DHM? We didn't call it a stay-at-home order here, but a directed health measure and all my friends in, in the esthetics industry, the hairstylists, they'd be calling me going, do you really think two more weeks? I don't know if I can run my business anymore if I've got to be closed two more weeks. Everybody was feeling this pressure and the strain. And the way we respond to it is to continue to impede in the business practices of individual people, tell them we know what's best for them?

HUGHES: Time, Senator.

HUNT: Thank you.

HUGHES: Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I have been out for a couple of days because I had COVID-19. And for everyone's health and safety in this room and in this building, I stayed home and watched everything from afar. And it was, it was a different experience to watch it from home, but certainly some

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interesting conversations were happening. So I didn't support LB906 out of committee. I was present, not voting. I haven't voted for it so far and I would categorically disagree with Senator Ben Hansen's comments that this is not a substantive change. This is an extremely substantive change. It takes away an employer's ability to keep other employees safe. So I'm not going to belabor the point. It changes who supports this bill and who opposes this bill, which is substantive. And it is disappointing that Senator Ben Hansen would say that this is a friendly amendment because it is extremely substantive and striking an employer may require an employee granted an exemption order under this section to: (a) periodically test for COVID-19 at the employer's expense; and (b) wear or use personal protective equipment provided by the employer. Striking that is substantive. It is extraordinarily substantive. So I'm not going to speak on this amendment again. If it's adopted, I will join Senator Hunt in trying to make sure that this bill doesn't move forward. If it's not adopted, I will remain silent. Thank you.

HUGHES: Thank you, Senator Cavanaugh. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President, and good afternoon-- sorry, good morning again, colleagues. I did want to speak. Since the last time on the microphone, I've talked with a number of senators, including several, as Senator Machaela Cavanaugh just indicated, that did feel like this breaks the HHS compromise. Kind of whether or not this breaks the HHS Committee compromise is a little indifferent to me because I was not a part of that compromise and I was not tied to that compromise in any way. For me, what I really had wanted to do was just kind of sit back and let this go forward because I do know this is an issue that can move and evolve and whatnot. But as the initial green copy of LB906, I said, OK, that's something I don't have to spend a lot of time opposing. I'm just going to choose to not support. It had gotten to that point. As it seems now, I think there is many groups that negotiated a compromise in HHS Committee who, as I'm hearing first and secondhand, feel that it's broken. Just putting that out there for people to know and digest. What I wanted to talk about a little bit is, again, kind of the scope of this pandemic and what's going on. I remember having bills last session dealing with pandemic-related outcomes. And again, not vaccines, not other things. For example, I had a bill dealing with increased unemployment claims. And one of the reasons it was argued it was unneeded was that the vaccine had just been approved-- this is February or March of last year-- was being rolled out and the pandemic was close to over and therefore, any sort of pandemic impacts we were going to see we're

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going to fade over the summer. Colleagues, obviously, we've seen that's not true. We see this over and over again. As it's been mentioned already, the Governor's Budget Director said on Friday in a hearing that we don't need to do any sort of housing assistance past September because the Governor's belief is that basically any sort of pandemic economic impacts will be done by September. I'm skeptical of that, to say the least, especially as was noted, we're having people in this building test positive now, this week and we see the impacts this has repeatedly, repeatedly, repeatedly. Colleagues, my main hesitation to some of this stuff and what I've been told people when they had asked about whether or not I was going to wade in and limit what employers could do was the thrust was basically in the heat of the pandemic when we came back in that summer kind of micro session, half session in 2020, we couldn't do minimum things to protect employees. Really, any bill dealing with social distancing, masking, any of the, at those times kind of immediate and simple and frankly nonmedical interventions, we couldn't get them across the finish line. So I have no desire now to, after having as a state kind of failed to provide much of a directive as to what to do for the pandemic, having kind of advocated a lot of the responsibility to local officials, local employers to then come in on the back end and say, hey, local employer, you're taking harsh COVID protections now. I want to stop you from doing them. Like, we couldn't provide a floor with the most uncertainty kind of in 2020 before vaccines, before all these interventions, when the hospitals and medical providers were really asking for us to do a lot. And now that we have some certainty, now that we have a vaccine, I don't want to come back and say, hey, you know, we made you wade through all of this without much state guidance, without much state help, and now that you're taking some proactive steps as an employer, we want to tell you to not do that. We defended the right of employers to choose COVID for two years--

HUGHES: One minute.

M. HANSEN: --in this body, and now that some employers are choosing to take a pretty strong stance against COVID, we're saying, OK, we've defended your right to make your own stance, but not too strong of a stance. And that's why I've been willing to kind of just sit back and, and, like I said, only spoke for a few minutes on General File, didn't want to wade into it. But that's the hesitation I have on this whole concept. And as we see more and more amendments come to make LB906 broader and broader and work back and undo potentially compromises, that just makes me more and more uneasy on the subject. Thank you, Mr. President.

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HUGHES: Thank you, Senator Hansen. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. I have not engaged in this conversation. I'll be honest, I did not read it. I've been working on my other committee bills, the North Omaha Recovery Act and those kind of things. But yesterday or-- yeah, yesterday, something was said on the floor that kind of got me engaged. But first, I want to ask Senator Ben Hansen a question.

HUGHES: Senator Ben Hansen, will you yield?

B. HANSEN: Yes.

WAYNE: Senator, Senator Hansen, what was the genesis of this bill?

B. HANSEN: Well, the genesis kind of came from a-- it's kind of multifaceted, actually. A lot of it did come from constituents, people in the state of Nebraska getting a lot of their religious exemptions denied for various reasons. They, they felt that they were getting interrogated on religious exemption forms by asking a lot of questions specific about their religion, about their family, about their history, about their employment when it comes to vaccinations. And so it's kind of a, kind of myriad of things that brought this bill forward.

WAYNE: Thank you. And I'm-- this is-- I literally have not had a conversation with you about, about this bill other than you said it was coming up. So I thought I would at least get some basics so I can read the understanding of the bill. Thank you, Senator Hansen.

B. HANSEN: Yep.

WAYNE: So that's-- I mean, I think it's good that we read bills, but I think it's also good to figure out the intent behind the bills. What I find interesting-- and this is not a, a criticism of Senator Hansen or, or anybody, it's really a general thought about this body-- conservatives don't like big government. Liberals want big government. We both want those things until we don't. So if the free market is saying you have to have vaccinations in order to come do this or come do that, we like the free market until we don't like it anymore because they're asking about maybe religion and having religious forums or vaccination history. So then we want government to be big to step in. It's just ironic that people get up here and pound their fists-- and this is-- I'm not saying this of Senator Hansen-- that let the free market, let the free market, let the free market, but yet we drop bills that give \$50 million to certain projects in rural

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Nebraska. We drop bills for increasing in site and building funds for all over the state of Nebraska. We like big government when it's convenient and when it does us well. But what got me up yesterday was Senator Clements said something that kind of just made me think back to the-- to a different bill. He got up and said, well, this is a little different because of the science, which we can agree or disagree, and I won't lie and say I wasn't-- I was very hesitant to getting my first vaccination, and that's more to do with I stay up too late at night and I watch infomercials where they say 40 years ago, if you drank this product, call this attorney and dial this 1-800 number. And so I always think about everything, whether it's vaccinations or me buying a hamburger from McDonalds, I think 30 years from now, am I going to be sitting at 1:00 in the morning calling some attorney out of Maryland to do a class action lawsuit? That's just me. But nevertheless, Senator Clements said, it's so intrusive. We're sticking a needle into somebody and requiring them to do this intrusive function. And it just made me think back to all the people who voted for the DNA bill. They are sticking a needle, they are drawing blood to get DNA. You have not been convicted of a crime.

HUGHES: One minute.

WAYNE: You've been charged, but you haven't been convicted. But that's not too intrusive for the government to have your entire make-up of not just your DNA, but often your entire-- well, not often, 100 percent your entire lineage. That's not too intrusive, but somehow, a vaccination is on a very basic level. We can talk about the, the science here in a little bit. But on that particular note of a needle and you say, how do you compare the two? It's a needle. One is putting something in and one is taking something out; it's blood. I just want to know how and if somebody would get up and tell me how you put those two together when it comes to the piece of being intrusive? Again, we can, we can talk about the facts and the, and the arguments on the science, but if that is part of your reasoning behind this is the intrusive nature, then how are you supporting the DNA bill with its intrusive nature?

HUGHES: Time, Senator.

WAYNE: Thank you.

HUGHES: Thank you, Senator Wayne. Senator Arch, you're recognized.

ARCH: Thank you. I want, I want to respond to one particular theme that I've heard and that has to do with government intervention

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between an employer and an employee. I want to give you my perspective on this bill having sat through the testimony, the hearing, having multiple conversations with Senator Hansen on this bill. And here's, here's my perspective: number one, this is not creating new rights. This is not government intervening. This is a, as I said in the opening on LB906, this is a statement of clarification. It does not take away the right of an employer to mandate. If an employer chooses to mandate, they have the freedom to do so. What this bill does is it clarifies that if you do that, there are certain rights of the employee, one being embedded in the first constitution-- or the First Amendment of the Constitution, freedom of religion not being infringed upon. That is a, that is a right. That is not a new right. That is not something that we're coming up with in this bill. But it is a statement that if you choose to mandate, there is a religious right and that's spelled out. The other one has to do with the ADA. There is-- if there is a medical condition, that is-- you have a right under federal statute and case law. That's what the bill does. Doesn't, doesn't put government between employer/employee. It is a statement of rights and this has always been an issue. The balancing of employee rights, the balancing of employer rights. We have this, we have this discussion on many different bills. And this isn't, this isn't anything new. Had you sat and listened to the testimony in that hearing, I would tell you that the testimony was compelling, that in particular, when it came to religious rights-- and I have read this twice into the record-- the EEOC makes it very clear that you begin with an assumption. You begin with an assumption that it is a sincerely held belief. And you, you, you go from there. And if the employer believes that there is objective evidence to question, they can question, but you begin with the assumption that it's a sincerely held belief. And what we heard in testimony was that's-- that perhaps a statement of clarification was necessary for the employers to understand that's where you begin. You don't begin by saying to the employee, it is your obligation to prove to me. Rather, it's the other way. The employer's obligation is to assume unless there is objective evidence otherwise. So that being said, I did want to address this issue of somehow now big government is getting in between. No, that's not what this is. This is a statement of clarification that employees have rights. Employers need to respect those rights. But employers also have rights. Employers have rights and I-- Senator Lathrop in, in, in the, in the earlier argument stated it very well. You know, we, we have the freedom-- employers have the freedom to require certain things as long as it does not violate the rights of the employee. And that's where we draw this distinction. So with that, I will stop and I will yield the balance of my time to Senator Hansen.

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HUGHES: Senator Ben Hansen, 1:09.

B. HANSEN: Thank you. I appreciate my colleague, Senator Wayne, bringing up some good points about this distinction between the free market and the ability-- you know, the rights of the employer, the rights of the employee. And I think what we're discussing here, especially with a mandatory vaccination or people losing their job or affecting their livelihood, is a discussion that we have never had before. I mean, we're talking about something we have-- like, this idea that we can inject somebody with a, with a vaccination or lose their job, I think it's a discussion that we should definitely have. I think there is a difference between what Senator Hunt and myself are saying when it comes to when she brings up Senator McKinney's hair bill from last year, from two years ago. I was so against it the first time. Well, there was a lot of issues with the language. Yeah, I had some issues with it when it came to the free market and how it is going to affect employees, which is different than what this is, much different. You know, almost a majority of the body agreed with me. It passed with 27 votes the first time. But you know what, after-- you know, I got to congratulate Senator McKinney for, for, for working hard--

HUGHES: Time.

B. HANSEN: --and working with stakeholders and discussing with--

HUGHES: Time, Senator.

B. HANSEN: --other people.

HUGHES: That's time.

B. HANSEN: Thank you.

HUGHES: Senator Hunt, you're recognized, and this is your third opportunity.

HUNT: Thank you, Mr. President. Senator Ben Hansen just said that we're having an opportunity to have a conversation that we've never had before. We've had the conversation about discrimination in the workplace for decades in the Nebraska Legislature. And people like me who are LGBTQ have watched the conversation for decades and seen people like Senator Hansen say year after year after year that we don't deserve protections because of who we are, that this is for the free market to decide, that this is not for government to step in with private business and that the market will sort it out. We have to be

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careful when we're talking about religious rights when it turns into the rights to harm other people. We protect the rights of people. We meaning government, not us, but government with big G. In the United States, we protect protected classes of people until those people are posing an active physical safety threat to someone else. And you should be careful getting into religious rights with some of the things you guys are trying to do because what you're really talking about is Christian rights and what you're really talking about is fundamentalist Christian rights. You know in Judaism, there's nothing in Jewish law that shares the belief common among abortion opponents that life begins at conception. So why shouldn't a Jewish person come to Nebraska or stand up like this and say for you to ban abortion in Nebraska is a violation of my religious beliefs? Because there is nothing in that religion that teaches that life begins at conception. You know what, the other Abrahamic religion, Islam, same teaching. So keep the conversation to what it's really about. It's about the rights of businesses to run their companies the way they want to and it's about the rights of people until we cross that line of harming others. Nobody has the right to harm somebody else. Government does not give people the right to put other people in danger. The Governor's whole thing and the, and the right wing's whole thing during COVID was that we don't want mandates. That's why we never had a stay-at-home order. It's why we never had a statewide mask mandate. The Governor didn't even require masks in his COVID updates that he was doing several times a week. It was painful to see. You know, before we had vaccines, when it was a very dangerous time more than it is now, it was painful to see the journalists in that room doing the work of, you know, the real second house to bring the news to the people and knowing the danger that they had to be in, in that room full of basically COVID deniers. And everybody thought that. People talked about it all the time, the danger that people were being put in. And so with LB906, we're saying let's increase the danger? But the Governor's whole thing was that we don't need mandates, that Nebraskans will choose to do the right thing, that Nebraskans can make choices about what's best for themselves and their families. The subtext of that, of course, is that some Nebraskans will decide that the best thing for their families is to not get vaccinated and not wear masks and continue around life as usual, spreading the virus to everybody and putting a lot of people in danger. We've lost nearly a million Americans in this pandemic, and in Nebraska, it resulted in basically no change in policy. A million people died.

HUGHES: One minute.

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HUNT: We say we're never going to forget 9/11 where nearly 3,000 people died, but when a million people die in our country in this pandemic, at least, do we get paid family leave? Do we get any kind of guaranteed healthcare? Do we get any guaranteed time off for people who are sick? No. I had a lot more to say, so these five minutes go by very fast when, when you're on a roll, when your mind is really set to something. And I wasn't going to, going to bring this into extended debate, but I just became very activated yesterday listening to some of the, the debate, and I can talk more about that too next time. Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. I listened to Senator Hunt a little while ago when she said we take vaccines for polio and rubella and measles and mumps. There is a significant difference. When you actually get a vaccine, you don't get the disease. The COVID shot does not protect you from getting the disease. Neither does it protect you from spreading the disease. And so we stand up here and say those people that are vaccinated or had the shot are going to be more safe to be around than those who haven't is not a true statement. This is about treating everyone the same. FA72 is about treating everyone the same. And there is a significant portion of people who have been vaccinated and boosted who are in the hospital with COVID. So if it were a vaccine, they would not be in the hospital at all because the vaccine would protect them from getting COVID. So this may very well in some cases prevent you from getting deathly sick. In other cases, it does not. So it is not a vaccine, but we talk about that as being a vaccine. So what Senator Groene is trying to do is just have everybody treated the same because vaccinated people transmit COVID just as unvaccinated people do. And so stand up here and try to tell you that there's a difference, there is not. So what Senator Groene is trying to do is basically have everyone treated just exactly alike. Now I'm not so sure that this is really a filibuster on LB906 or if it's just a matter of wasting more time. I'm trying to decide what that is. So with that, I would yield the rest of my time to Senator Hansen, Ben Hansen.

HUGHES: Senator Ben Hansen, 2:57.

B. HANSEN: Thank you very much. I just have to provide some clarification about the science when it comes to this vaccine. A lot of the stuff that we're hearing from Senator Hunt really is-- you know, when you talk about following the science, let's follow the science a little bit. I just got a couple of questions here. So the

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whole purpose of the COVID-19 vaccine in the first place was to help prevent the spread and transmission of the virus, right? That's what we were all told from the beginning, which made sense. We're learning about it. There's, you know, there's scientific studies that need to happen. There's debate that needs to happen. There's questioning of the science that needs to happen. But as time moved on, here's what we are finding out more and more-- and this is actually just kind of a, a common thought now among the medical community, community or at least in the scientific community anyway is that this vaccine-- and you've heard other senators talk about this already before-- this vaccine does not spread the transmission of the virus. And when Senator Hunt gets up here and says, well, we're just going to walk around, we're all spreading the virus, all of us unvaccinated people, that is completely illogical and unscientific. And if we're going to push policy based on that and, you know, I think what kind of bothered me a little bit also is when we start talking about ethics and morality, and yet we're still going to push this idea that the unvaccinated people have to be discriminated against. It's pretty much irrefutable truth now that vaccinated and unvaccinated people spread this virus and get infected the same. I don't know if I have to repeat that again. So does that make a mandate that affects people's jobs and livelihood ethical?

HUGHES: One minute.

B. HANSEN: No. I'm not going to, I'm not going to debate the part that this might kind of prevent, actually, some hospitalization rates. The science is still kind of coming out with that. But if somebody gets the vaccine or does not get the vaccine, does that-- we need to talk about transmissibility. But what, what we should be talking about is infection rate. We've been so obsessed with this idea about vaccination rate; its infection rate that matters. Talk about testing. There's one thing you won't even talk about mandating. It should be testing, not vaccination. Vaccinated and unvaccinated people spread this virus the same. Thank you.

HUGHES: Thank you, Senator Hansen. Senator Ben Hansen, you're next in the queue.

B. HANSEN: Thank you. Another thing that Senator Hunt said-- I got to repeat this. Let's keep the conversation on topic. But yet, the first thing she says after I say something is something about LGBTQ, about, about racism, about the hair bill. And, like, I'm trying to keep this on topic. We're talking about religious exemptions for employees. Do they have that right? They do. That's what this bill does. Another

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thing she said is, government doesn't have the right to harm others, but yet they're going to mandate a vaccine that causes harm. This just doesn't make any sense to me. I'm not telling people to get vaccinated or not vaccinated. I don't really care. I think it's your choice and what you think is best for yourself and your family based on the science, based on the evidence, based on what you see as truth, based on what you want for your family. I'm not going to question that. But I don't think you should have the right to tell me I cannot provide for my family because I'm not vaccinated with a vaccine that makes no difference among transmissibility of the virus among vaccinated and unvaccinated people. It makes no sense. That's completely illogical. So I think, I think she is right; the government doesn't have the right to harm people. In that same breath, the government doesn't have the right to mandate a vaccine that has the potential to cause harm. There are some people who think it does. There's some people who don't. I've seen it personally. I just had a patient who walked into a hospital to get a vaccine, a young girl because they thought maybe she should. She didn't walk out. Walked in, got the vaccine, did not walk out, paralyzed from the waist down. I'm not going to mandate that. Let's stay on topic. Thank you.

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

ASSISTANT CLERK: Mr. President, a priority motion. Senator Matt Hansen would move to recommit the bill to Health and Human Services Committee.

HUGHES: Senator Matt Hansen, you're welcome to open on your recommit motion.

M. HANSEN: Thank you, Mr. President. I'm going to offer this motion both to talk and both because I do think this bill should genuinely go back to the HHS Committee. We're already on Select File with floor amendments undoing an alleged compromise on this bill that was worked out in the HHS Committee that has a lot of the medical community and business community, as far as I can tell, surprised and not sure where it's going. So at a minimum, let's send it back there. Let's get some actual information and have HHS decide which way they want to go. Additionally, the thing that did, in fact, spark me to talk about this is, as I said, you can talk about the vaccines and what you want to do with your body. I do get where you're coming from in terms of individual medical decisions and making individual medical decisions for your body. What I have an issue with is us as the Nebraska Legislature, us as the policy-making body of this state, getting up and just spreading misinformation, lies, and just nonsense about

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vaccines. If there's an individual who has a medical reason, a religious reason, sure, they can talk to their doctor. They can figure out what's right for them. But to get up and say the vaccine doesn't prevent COVID, the vaccine is worse than being unvaccinated doesn't back up by any medical science at any level, certainly not by anything by the CDC. If you've got some sort of alternative provider, alternative source, say it out loud, but don't cloak yourself in saying the CDC doesn't think vaccines are effective anymore, as has come up in both today and on the General File debate on this bill. The CDC is unwavering in saying that vaccines are an effective way of preventing the spread of COVID and preventing deaths from COVID. It does all of the things. It does all of the things. And so if you want to talk about exemptions, fine, but don't mislead people into making bad medical decisions because you are just making up stuff or citing unreliable sources. We're going to take some time talking about this, even if I just have to read the CDC publications into the record so people listening at home get some sense of what actual epidemiologists talk about. Colleagues, I have been working on all of this, as I know with all of you, and I have never once had a doctor or any of these things hesitate on vaccines to the extent that people are talking about them on the floor. If we are talking about religious exemptions because you don't want to do something, I understand there are some federal protections in employment law and we can support that and we can codify that. But when you are going to get up and talk about the vaccine is somehow worse than COVID, colleagues, like, pull a doctor, pull a CDC source. Say something. Say where you're getting this information from because right now we're just spreading things that don't have any tie to science or at least any tie to science I've seen. Colleagues, on General File, the one thing I said was a person read and paraphrased heavily from a CDC source, saying the CDC doesn't believe in vaccines and literally the next paragraph, the paragraph they didn't choose to read, was the CDC recommends vaccines in all instances, so on and so forth as the best way of preventing COVID-19 vaccine. Colleagues, that's what the CDC is actually publishing. Colleagues, that's what medical providers and medical professionals who work on epidemiological issues and infectious diseases are saying. We're trying to encourage people to get the vaccine if they so choose to because it is a good way of preventing the spread of COVID, which is still killing people. Like, it's still a thing we are dealing with. And to come up and say some of this anti-science, no connection to reality stuff is a disservice to Nebraska and frankly, something I didn't want to happen in LB906, which is why I didn't want to talk on LB906 all that much because I would rather just have this kind of minimal protection confirming federal guidance go through than have us

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talk about, you know, the unvaccinated are less of a risk than the vaccinated or some of the other things that we are hearing on this floor. Colleagues, we're going to spend some time on this apparently one way or the other. The queue is filling up. This, this is where we're going to be at today. So with that, Mr. President, I'll yield the balance of my time to Senator Hunt because I know she has stuff to say, too.

HUGHES: Senator Hunt, 4-- 5:40.

HUNT: Thank you, Mr. President. When we're talking about medical science, science is something that is provable. And we get this research done, we get this evidence and then people who know better than any of us on this floor issue recommendations until they get different information and different evidence, and then they change those recommendations. That's how science progresses on. And so when we're talking about a vaccine, whether that's for polio or for COVID-19 or whatever, whether we're talking about any kind of medical treatment, whether it's radiation for cancer or injecting a woman who has had a miscarriage with a crap load of progesterone to reverse her abortion, which is something the majority of this Legislature apparently thinks is medically possible and it isn't, I don't care what your opinion is. Ben Hansen said we got to-- Senator Hansen said we got to respect all the opinions out there. Some people think it's harmful, some people don't. I don't really care if you take it or not. All fine and good. That's why you're not a medical doctor and you're not with the CDC and you're not an epidemiologist and you're not out here telling people best practices for medicine because you have an opinion, but you don't know. We don't base policy off opinion when stuff is knowable. Some people think it causes harm, some people don't. Who's to know? It's the same school of thought as some people think Trump won, some people think Biden won. Who's to really know? It's really just your opinion. Stuff is knowable, folks. You can think what you want, but don't be voting that way. You got to vote based on what we know or else you've got no business being in here. You should write a little letter to the editor, a little column for your newspaper and share what your little opinion. Put a post up on the Breitbart forum. I don't know, wherever opinions go, because opinions do not go in bills where we're talking about medical science and how that's going to affect people. People who don't have critical thinking skills on the level that you need to make sense of this stuff, they hear messages like vaccines reduce the spread of COVID, and then they learn, oh, some people who get vaccinated still get COVID so vaccines must not prevent COVID. That is not logical, colleagues. That's not logical, Nebraskans. Vaccines do reduce the spread of COVID. Is

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anybody here mandating that you get one? No, that is not the question up for debate. That is a boogeyman and a red herring that's been brought up to distract from the real question of this debate, which is the rights of employers to run the business the way they want. Senator Clements said he supports this because he doesn't want anybody to be forced to take an experimental vaccine. Whether this bill passes or not, guess what, no one will be forced to take an experimental vaccine. That is what the proponents are wrong about. No one is talking about a mandate or forcing anybody to take any vaccine. And now, "Mr. Compromise," Senator Ben Hansen, "Mr. No Government Intervention" has bogged us down into a debate full of COVID misinformation, which is exactly what Senator Arch, the Chair of Health and Human Services, didn't want to happen. That was the supposed compromise that was getting this bill out is we're not going to turn it into a COVID misinformation free-for-all. Well, well done. Of course, that's what it's turned into. Ben Hansen-- Senator Hansen himself has been provoked into sharing his actual views about vaccination on the mike, which I think he has worked hard to conceal because they are radical and extreme and not based in science. Happy for him to have an opinion. That belongs in his journal, his diary, not in policy making that's going to affect everybody in Nebraska.

HUGHES: One minute.

HUNT: Thank you, Mr. President.

HUGHES: Senator Williams, you're recognized.

WILLIAMS: Thank you, Mr. President, and good morning, colleagues. I'd like to step back a little bit from the debate we're having today. None of us, I think, want to be in this debate and making the decisions that we're forced to make on this issue with, with vaccines. And the decision that we are being asked to make on LB906, I would tell you, is not a decision about whether you believe in vaccines or whether you don't believe in vaccines or which path you are on there. We had a bill last year in Health and Human Services that brought out the forces of those in favor of vaccines and those opposed. The bill that we are looking at before us today, let's focus on the fact that this is being sure that businesses can maintain decisions in their business and also at the same time respect individual personal rights to make decisions yourself. And at the end of the day, that's what a lot of this is about. Now to get where we are today didn't just happen when Senator Hansen introduced this bill and last week on the floor. There has been a large number of discussions, and if you even watch the original green copy of the bill, how amendments were changed and

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filed, there have been substantial changes with the idea of getting the majority of the people on board with a decision that would allow businesses to continue making decisions-- we're a right-to-work state-- and yet recognize those personal liberties that, that we hold so dear. That's why this compromise is so critically important. And last week on the mike, I mentioned during our discussion when we started talking about different changes that people were talking about, I said be careful. There has been a balance struck here of bringing people to the table that caused the Health and Human Services Committee to move this bill forward and to allow Senator Hansen to prioritize the bill. We're now talking about disturbing that balance and changing people's opinion on what they can and can't do. There will be those that say we shouldn't listen outside the glass, that we make those decisions in here, and I agree with that. But we have to listen outside the glass because those are the experts in their field. And right now, the Hospital Association is absolutely opposed to FA72. They didn't really like LB906, but they could live with it because of the compromise that was put together. That balance changes when we change things like with FA72. One of the concerns is you could argue that removing that language still allows a business to make decisions, and I agree with that. But we are talking about intent and intent language that we are laying on the floor right now during this discussion. So let's think about that for a minute and the practical effect of removing those items, removing the fact that a--

HUGHES: One minute.

WILLIAMS: --person-- a business could still require masking and testing if a person chose not to be vaccinated. When we remove that language, it does not mean that a business can't still do those things. And I want to be sure that we understand that we are not saying and creating an intent in here that that is the solution. Again, as an employer, if I decide somebody is wearing a tattoo needs to cover it with a Band-Aid, I can do that in Nebraska. Under this legislation with FA72, a business could still require masking in their business. Understand that. This is a difficult decision for all. But let's stay focused on not--

HUGHES: Time, Senator.

WILLIAMS: Thank you, Mr. President.

HUGHES: Mr. Clerk, do you have a motion?

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ASSISTANT CLERK: Mr. President, I do have a priority motion, but prior to that, the Education Committee will hold an Executive Session at 10:30 under the north balcony. A priority motion: Senator Blood would move to bracket LB906 until April 20.

HUGHES: Senator Blood, you're welcome to open on your bracket motion.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, since there are so many people signed up to talk about the health and well-being of Nebraskans, I thought this was a good opportunity to, to bracket this bill and slow things down and talk about something that really, truly pertains to the health and well-being of Nebraskans. And that, my friends, is what's happening in Mead, Nebraska. We have a bill in the Executive Committee right now that we hope will get a hearing that we are asking for an oversight committee and an investigative committee, one in the same, to really take a close, close look at what's going on in Mead, Nebraska. Now I know from my conversations on this floor that many of you believe things are just going really well with the cleanup. But friends, I'm here to tell you today that if we're really worried about the health of Nebraskans, the well-being of Nebraskans, we should be paying more attention to what is actually happening to these Nebraskans that are getting sick. That potentially in the future, these young people that live in this community will one day find out when they start to have their own families that they are infertile and will be unable to have their own families. We know that the researchers that are working on this crisis right now are running out of money in June, and what nobody seems to understand is that the underground plume, this plume of poison underneath this community has spread and the environmental clock is ticking. And every day that we wait and every week and every month and every year, that plume spreads further and further. And we know one of the destinations will be the water supply that comes into this community. We know that because we've already tracked it to a dead pond, a dead pond that is just south of the plant that has nothing that still is alive; no amoebas, no fish. The water has to be taken out because it's been contaminated with neonicotinoids, a family farm that's been in their family for generations and they can no longer enjoy their own property, their own little piece of heaven because the state of Nebraska waited too long to act. We know that Senator Bostelman has stepped up to the plate and tried to make movement forward, but I also know that his most recent bill gave permissions that the NDEE already had, yet did not pull the trigger. We know that if the state of Nebraska asks the federal government to step in for the second time because they only did it after the big waste water contamination, that they could be down here giving us resources. But

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what are we doing? We're pretending that it doesn't exist and now the big cleanup solution-- and by the way, NDEE said this is not a long-term solution. What are we doing if we're not doing long-term solutions? We're going to cover it up with basically a lid of concrete and fiber. And there is nothing underneath those chemicals that are going to prevent it from continuing to sink into the ground and into our waterways. And we also know based on science, by the way, not on misinformation like we often hear on the vaccinations, is that it's going to create a type of witch's brew, a toxic soup. And where do you think that's going to go? Friends, if we are going to talk about health and we are going to prioritize the rights of people, the rights of people in Saunders County right now is being ignored, ignored. We know that these bad actors do not represent our ethanol industry. In fact, these bad actors have given a black eye on our beloved ethanol industry because the rest of the industry are good stewards. We know that ag drives our community-- drives our state, drives our economy, and that this again has created victims of the farmers and the ag producers in that area. They're victims. This is not about anybody else in Nebraska but the AltEn plant and Nebraska's lack of jumping on board and taking care of this when it needed to be taken care of. To make matters worse, we know that when they did not pay their back taxes, half a million dollars in back taxes, we know that Nebraska gave them CARES Fund money, over \$200,000. How is it right to give bad stewards that are poisoning Nebraskans money, especially when they refuse to pay their property taxes? But more than that, even though the company has closed down and really is doing nothing of, of, of-- that moves the cleanup forward, they tried to sell biochar full of toxins to an unknowing farmer in Kansas. And now they're selling off their machinery thinking that we won't notice. And the questions I ask if they sell off their equipment-- we know they sold off the cattle portion of their business to somebody in Texas-- where is that money to help Nebraskans? Who is paying for the cleanup and when is the actual cleanup going to happen? We know from the Governor's press conference yesterday that they're out there three times a week. What the heck are they doing? Are they cleaning it up? What is the Governor's impression of what's going on there? If you've been listening to the news, you know that that smell is being described as a cross between a dead, decaying animal and a sulfur plant. The smell, for the senators that came out when we had our town hall, brings tears to your eyes and I am not exaggerating. The first time I drove into that community, my air conditioning was on because it was summer, my windows were rolled up, and I still could smell it just driving through the community. Imagine if you had to live next to that. And you know what else is happening? We know the animals are getting sick

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and dying. We know that people are getting sick. And there's documented cases of sores, open sores in their mouth and runny eyes and respiratory issues that the doctors say are environmental. So here we are today fighting about whose science is correct and how Nebraskans are suffering, but where is the urgency for Mead? Last I knew, Mead was in Nebraska. Last I knew, Saunders County was in Nebraska. And I'm pretty sure they're paying taxes. And so between closed-door meetings and, and Poli-Shells [SIC] on poisonous piles and letting the environmental clock continue to tick and that plume continue to grow, the question I have today for all of my senator friends is when are we going to start taking Mead seriously? And if you believe that that cleanup is successful, I encourage you to pitch a tent next to that, that property for 24 hours, and you let me know how awesome it was to stay there and, and enjoy that terrific smell. And you make sure that you go down to the local eateries and you talk to the people that have to live next to it and you ask them how wonderful it's been for the last few years, and you ask them how long it took the state of Nebraska to pay attention to their concerns. Because friends, I'm telling you--

HILGERS: One minute.

BLOOD: --we can't keep pretending those folks are invisible. And so as you look to Senator Hansen's bill today and as you hear the debate today, remember we have real Nebraskans-- and by the way, this is only one of three environmental crises that I'm going to be speaking about this year. So with that, I would ask that you remove my bracket and I appreciate this opportunity to speak.

HILGERS: The motion is withdrawn. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. Priority bill designation: LB1241 by Senator DeBoer. I have notice of committee hearings from the Government, Military and Veterans Affairs Committee and from the Education Committee. New A bills: LB767A by Senator Kolterman. It's a bill for an act relating to appropriations; to appropriate funds to carry out the provisions of LB767. LB776A by Senator Brewer, is a bill for an act relating to appropriations; to appropriate funds to carry out the provisions of LB776. That's all I have at this time.

HILGERS: Thank you, Mr. Clerk. Returning to debate on the motion to recommit. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President, and good morning again, colleagues. Colleagues, I probably have more, too, that I want to say

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in these five minutes, so I'll see if I can get a chance to talk again. First and foremost, I do want to point out that while I would support my motion and do intend it to send it back to HHS Committee, if there was a desire to pass LB906 clean-- and by clean I mean with the committee amendment in the original compromise-- that would get me to the point where I could withdraw my motions and stop talking. So that offer is out there. If there's a desire to go back to just LB906, you at least can get me to leave the bill alone. It's these repeated, repeated changes based on COVID misinformation that keeps inspiring me to talk and ultimately just flat out say we need to send this back-- bill back into HHS Committee because I think it is risking growing and morphing into something that the HHS Committee members never intended when they voted it out to the floor. So colleagues from there, I wanted to just start with some of the very basics on the COVID-19 vaccine, and this is going to be very straightforward. This is not necessarily a high-level document. This is just the CDC website of safety of COVID-19 vaccines, which is updated on February 7, 2022. So this is where I'm starting from and I'm going to read some things here. And I'm reading at this level because I think there are some just kind of base statements and base summaries of the COVID-19 vaccine that is needed for Nebraskans to know and to hear because we are hearing so many other things. So starting to read. What you need to know: COVID vaccines are safe and effective. Millions of people in the United States have received COVID-19 vaccines under the most intense safety monitoring in U.S. history. The CDC recommends that you get a COVID-19 vaccine as soon as possible. If you are fully vaccinated, you can resume many activities that you did prior to the pandemic. Learn more about what you can do when you have been fully vaccinated. And I'll stop reading for a second. Colleagues, this includes links to figuring out how to get COVID-19 vaccines, which I will remind the public are free and at this point widely available, including boosters if you haven't gotten those already and are interested. Colleagues, I'm starting at this level because there's some notion or some pushback as to whether or not the CDC even believes in vaccines or has even classified these things as vaccines. That is the level of misinformation we've started with on this debate. So I understand that I'm reading basically the FAQ page off the CDC website at this point, but that's because that seems to be the base understanding that would be helpful to have just on the floor of this Legislature. I'm going to keep reading from the same page, next paragraph. The header is hundreds of millions of people have safely received a COVID-19 vaccine. More than 543 million doses of COVID-19 vaccine have been given in the United States from December 14, 2020, to February 7, 2022. To view the current total number of COVID-19

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vaccinations administered in the United States, please visit the CDC COVID data tracker. COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in tens of thousands of participants in clinical trials. The vaccines have met the Food and Drug Administration's (FDA's) rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization, EUA. And there's a link to learn more about EUAs in this video. The Pfizer-BioNTech, Moderna, and Johnson & Johnson/Janssen COVID-19 vaccines will continue to undergo the most intensive safety monitoring in U.S. history. This monitoring includes using both established and new safety monitoring systems to make sure that COVID vaccines are safe. Colleagues, again, kind of no "equivocance," no wishy-washiness from the CDC. The CDC recommends--

HILGERS: One minute.

M. HANSEN: --COVID-19 vaccines as an implementation tool to fight the COVID-19 pandemic, a pandemic which I would point out we are still all in. Colleagues, we are still dealing with this. And we owe it to our constituents to at base understanding, have them make their own medical decisions based on actual science, based on the actual science and the actual recommendations of medical experts. With that, I know I'm out of time so I'll stop there. Thank you, Mr. President.

HILGERS: Thank you, Senator Hansen. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you, Mr. Speaker. I stand up opposed to FA72. I have voted for LB906 and then all of a sudden and there was an agreement that was made by various members and various-- of the committee and also by the Hospital Association. The Medical Association has always been against this. But now the Hospital Association is now standing opposed to this with this amendment. So one of the things that I feel most-- do you have that bill-- do you have the amendment-- the bill, the bill. One of the things that I stand most opposed to is that by just having this discussion on the floor and if we were to remove that language that Senator Groene is attempting to remove, I'm looking at it from the perspective of a lawyer because when we look at legislative intent, we go to the record, we go to the record from committees, we go to the record on the floor debate. And when we do that, we're going to see that they have-- thank you-- they have removed-- that we are removing by Senator Groene's amendment the discussion about: An employer may require an employee granted an exemption under this section to be periodically tested for COVID-19 at the employer's expense; and (b) Wear or use

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personal protective equipment provided by its employer. That's, that's really concerning to me because while that's the law, and while we are in a state of employment at will, this is changing the law. So a Supreme Court might look at this and all of a sudden say, well, it's the intent of the Legislature not to make that part of our law anymore. It is highly concerning to me, just from a, a historical perspective and from a legal perspective. So I don't know why Senator Ben Hansen decided to move forward and change this entire bill with this, this floor amendment, but I can no longer support it. The Hospital Association no longer supports it, and the Medical Association continues to not support it. So I don't think this was a great decision. It is-- I'm not intending to continue on this, but I'm just going to be voting against LB906 now if FA72 passes. So I thank you for that. I think Senator-- is Senator Hunt here? She was wanting a little more time. OK, so I will, I will defer my time back to the Chair. Thank you.

HILGERS: Thank you, Senator Pansing Brooks. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Forgot that I was in the queue because I got so excited when I started seeing Ben get a little angry and putting his fist down, not fist down like slamming, but moving it. See, I, I had to deal with that every day for seven days on a mountain about 9:00 when the coffee started wearing off and we started going up another "tretch." he used to yell at me and get, get in my face and say let's keep going. So it was-- I got excited about that. But a little bit on this bill, I, I have mixed feelings on the overall bill. I got pulled out in the hall. There are some people against the Groene amendment. So I don't know how that changes me. I'm still trying to figure out what this bill actually does and doesn't do. When I listened to Senator Arch, he said this is just clarifying rights. The problem I have with clarifying rights, they can still exercise their rights today, so I'm not sure what the bill does. Will Senator Arch yield to a question?

HILGERS: Senator Arch, will you yield?

ARCH: Yes, I will.

WAYNE: Without this bill, what can an-- I think you heard what I was trying to say. I'm trying to figure out what, what are we establishing that without this bill an employer or an employee couldn't establish anyway?

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ARCH: So my, my perspective on this bill came from the hearing. It came from the testimony that we, that we heard. I think, I think that employers and employees could benefit from a very clear statement in statute that here you may under these conditions, you may exercise mandates under these conditions. And that was not what we heard in testimony. What we heard in testimony was I would describe it as kind of a, a, a state of confusion as to how employers should be behaving, how employees-- what rights they have. And so we as a committee felt as though LB906 as amended was a, was a clarifying statement of employers, you have these rights; employees, you have these rights. And that was beneficial to our state.

WAYNE: I appreciate that. OK. That makes a little more sense to me. So this is more about making sure, I'm going to say the public, I, I mean, generally, employees and employers are, for a lack of a better sense, educated on case law, federal law, and the do's and don'ts of what is allowed. I mean, I'm generalizing.

ARCH: If I could make-- yeah. If I could make one other statement?

WAYNE: Yeah, go ahead.

ARCH: Yeah, that, that is correct. I, I would say that it is, it is, it is clarifying of that. And of course, large employers have, have the support, legal support necessary that may be advising them as to what they can and cannot do and how they should follow the guidance of the EEOC and all of that. Smaller employers may not have access to that kind of resource and so this is as, as plain language as possible putting that into statute.

WAYNE: Thank you. Thank you, Senator Arch. And so when I think about these bills, I try to juxtapose them with other bills in other committees or other bills we debated and I'm trying to find the consistency or the inconsistency. I've said since day one in this body, the hardest thing in this body is to be consistent because we pick and choose when it is relevant to believe this or believe that. Not that we don't believe it, but when it's relevant to actually stand up and say it. So what's interesting is there is a bill in Judiciary--

HILGERS: One minute.

WAYNE: --I believe it's Senator Cavanaugh's bill, that says law enforcement shouldn't be able to lie or be deceptive to juveniles. I think that's a bill that we are saying, like, hey, yeah, you might want to be able to do that, but we're going to make a clear

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distinction there when it comes to juveniles, cops can't lie to juveniles. I would, I would like to be interested and see how that bill comes out of committee and on this floor and if we take that same approach about, about that, what should and shouldn't we do? Because people who have money, people who know the legal world will make sure that if a juvenile was picked up an attorney comes and tells them that, you know, not to talk, you have an attorney. But on the flip side, other people who don't are susceptible to these types of deceptions from law enforcement. It isn't the exact same, but my point is, is that there's a lot of bills that we have that come before us who are trying to clarify or codify the law.

HILGERS: That's time, Senator.

WAYNE: Thank you.

HILGERS: Thank you, Senator Wayne and Senator Arch. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. Speaker. Well, I would rise in opposition to LB906, but Senator Hunt's been on a roll, so I'd yield the remainder of my time to Senator Hunt.

HILGERS: Senator Hunt, 4:50.

HUNT: You're sweet, Senator Cavanaugh. Thank you. Once again, on COVID-19, the Governor and the conservatives' whole thing has been that we don't need mandates to promote public health, that we can trust Nebraskans to do the right thing, that we believe Nebraskans will listen to the CDC, that they will make the right choice for their families. And of course, the subtext of that is that it's an implied-- it's an implicit permission for Nebraskans to choose not to get vaccinated or to choose not to wear a mask at any point in the pandemic from, from the beginning in March 2020. But if we really believe that the government doesn't have to mandate people to do the right thing, then why do we need LB906? I didn't require vaccinations for any of my employees at my business because they're all vaccinated. This is something that my people took it upon themselves to make the right decision. They didn't need me to mandate it, and I don't need the government to come and tell me what the vaccination status of my workers should be. The market made it happen. So I also want to push back against this idea that there are private employers all over Nebraska mandating vaccination. Some are and I say, good for them. That's their right to do as a, as a private employer. But there's also a lot of small business owners that haven't had to mandate anything

because they have Nebraskans working for them who have made the right and responsible decision on their own without being mandated to do anything. I watch hearings all the time that I have an interest in, not just ones in my committees. And I watched the hearing for LB906, and I've watched all of the hearings for Senator Ben Hansen's anti-vax bills that he's has introduced since he's been elected because I'm very interested in the fate of these bills and, you know, whether they're going to be held in committee or whatever, and to understand that, I'm really interested in hearing what the testifiers say. I'm interested in getting a picture of where typical Nebraskans fall on the spectrum of opinions about vaccination and science, and by listening to these hearings, you really get a picture of that. So I am familiar with the testimony on LB906. I read the letters. I listened to the hearing, and I want to point out that Senator Arch is not accurately describing federal law around religious exemption. Absolutely in federal law, Title VII recognizes medical and religious exemptions. But under existing law, once an exemption is claimed by, by an employee, by a worker, then the employer can do an inquiry as to whether or not there's documentation of the need for the exemption or sincerity in their belief for the exemption. And then the employer can assess whether or not to grant that exemption, which they may or may not do depending on a variety of other factors. Senator Hansen's bill, LB906, seems to indicate that once you claim exemption, that's it. The employer has to grant it. They have to go okey-dokey. Accommodations in employment are like a tennis match in federal law. There's a back and forth between the employer and the employee, and they figure out what's going to work. Senator Hansen is making it seem like spiking a football.

HILGERS: One minute.

HUNT: There's no back and forth. Once an employee claims exemption, then it's game over. That's not how federal law works. That's an overstep of that. And he's right on, it's their choice. It is still their choice if LB906 does not pass. It is still the workers' choice to get vaccinated or not. If they choose not to get vaccinated, they may have consequences for their job. Just like for kids in schools, you can't go to public schools in Nebraska if you aren't vaccinated. People make choices. Choices have consequences. But we, as big G government, should not be standing in the way of those choices when they have public health impacts. Thank you, Mr. Speaker.

HILGERS: Thank you, Senator Hunt and Senator Cavanaugh. Senator Erdman, you're recognized.

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ERDMAN: Thank you, Mr. President. So I'm listening to all the discussion today here, and we've gotten sidetracked and we talk about Senator Hansen had negotiated something that they came with, and now this is changing the whole crux of the bill and this is a problem and this is not it at all. I believe the majority of what we're talking about today has nothing to do with vaccines, nothing to do with LB906, but has a lot to do with wasting time. And Senator Matt Hansen read information about the vaccine and how safe it is. And Senator Ben Hansen talked about the young lady that got vaccinated and couldn't walk out of the hospital. I know of a young man in the military, 32 years old, got vaccinated, had a heart attack. Perfect health before that. The list goes on and on and on about people that have had consequences from being vaccinated or getting the shot, I should say. So just because Senator Matt Hansen stands up and reads something that maybe the CDC put out there, I don't trust anything those people say, because originally they said masks were not needed. Then they say masks were needed. Then they said study shows that masks don't do anything. Social distancing is not required and then it's required. And so they flip-flop on all the issues. So these are all smokescreen items that we put up there to try to say we're really interested in 77-- 20-- or 50-- FA72, excuse me, when in fact we're just wasting time because we're moving too fast. We've already passed 2 bills in 26 days, 2 bills in 26 days. So if we continue, Senator Dorn, on this pace, we'll get 7 bills in 60 days. Seven bills. Now that's a pretty good deal if one of those is your bill. But if it's not, Senator Wayne, your bill may never see the light of day because we're wasting time. And that's very well and good because the safest place for Nebraskans to be, and all of you in the balcony would relate to this, the safest place that you can be is when we're not in session because we're not passing something that affects you or taking your money. And so if we continue to want to waste time, I guess that's what we'll do and we always have done that in the past. And if some of my bills make it, some make it, if some don't, some don't. That's the reality of this. And so I don't believe, as I said earlier, this is about 7-- FA72. This is about wasting time. But 72-- FA72, Senator Groene put up there, it's just asking to be treated fairly, be treated the same. So if you're going to make those people who are not vaccinated or haven't had the shot, if you're going to make them test or wear a mask, then you should also make those people who have had the shot and the booster to be tested as well because they can distribute or spread the virus just like those who are not vaccinated. There's no difference. And so that's not what this is about. We got off on the, on the side rabbit trail here about vaccines, and that's what happens here in this body. But FA72, and I'm not a lawyer and I didn't stay at Holiday Inn

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Express last night, so I'm not a lawyer and I don't claim to be one, but I can tell you I can read and I don't believe that this changes the bill any significance at all to pass FA72. So if you have the votes, here's a thought. If you think you have the votes--

HILGERS: One minute.

ERDMAN: --to kill FA72, let's vote. Let's vote and see if you have the votes and then we'll settle this and move on. That's simple, straightforward. Let's vote. Thank you.

HILGERS: Thank you, Senator Erdman. Senator Ben Hansen, you're recognized. Oh, I'm sorry, Mr. Clerk for announcements.

ASSISTANT CLERK: Thank you, Mr. President. The Natural Resources Committee will hold an Executive Session today at 11:00 under the south balcony. Judiciary will hold one also at 11:00 under the north balcony.

HILGERS: Thank you, Mr. Clerk. Senator Ben Hansen would like to welcome 13 students and 1 teacher from Blair High School in Blair, Nebraska. They are seated in the north balcony. If you would rise and be recognized by your Nebraska Legislature. Continuing debate on the motion. Senator Arch, you're recognized.

ARCH: Thank you, Mr. Speaker. I want to talk about FA72 specific and, and my perspective on FA72. First of all, I want to talk about the, about one piece of it having to do with federal contractors. I frankly don't have a problem with striking that language. When you go back and take a look at what has happened in the courts, you go back to December 7, a district court, federal district court granted the injunction and it is holding. And as a matter of fact, then on January 21, the Georgia Federal District Court issued an order clarifying that we're talking about the vaccine mandate. We're not talking about masking and, and the other distancing and so forth. And so that, that from, from my reading, my understanding is that injunction holds. It, it, it is not yet on schedule. There are other bills or other, other lawsuits that are coming up that, that challenge the same thing from different directions. And so that striking of the federal contractor is not something that is currently being enforced and mandated. We strike that. If that needs to come back at a later time to provide some language that allows for that, if the courts uphold that, we can do that. So I don't have a problem with that, with that piece. I want to go back to something that Senator Williams brought up because I think it's, I think it's very important here and that has to do with

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the second piece of the FA72. And that is this, that is the section of, of striking what could be, what could be viewed as accommodation. So when there is an exemption granted, the employer says fine, but there, there is accommodation that is allowed and provided for. And in this case, the two accommodations that are identified there are allowed for. Now could we strike that language and employers would still have the right to do that? I believe so. I believe so. They, they could still say this is my accommodation. Undue hardship is one of those conditions that would have to be tested, but that being said, they could continue to do that. Would the employee be required to do that if they are providing accommodation and, and, and it is appropriate, then yes, the employee would need to do that. However, at this point now in the debate striking that language as, as, you know, Senator Williams and I think Pansing Brooks also referred to this, we are now starting to lay some, some testimony into the record that could be used in court at some future time, saying, well, if the, if the Legislature believed that that was appropriate but then struck that language now, it must not be appropriate and they must-- the intent of the Legislature, then, is to not allow them. Even if we went silent on that and allowed the employer to function as they choose within, of course, the rights of the employee, if we, if we now strike that language, it could send the wrong statement that now it's like we don't intend. So with that, that gives me a lot of concern and I mean stronger than a lot of concern. It takes me to the point where I'm not able to support the FA72, even simply taking it silent because it was in the bill and now it appears as though the intent of the Legislature is to not permit that by striking that language. It puts us in a very difficult position. And so I am-- I firmly believe that LB906 needs to pass as amended on General File. We have the language, that that is the language. Is it going to be everything that everybody wants? No. And that happens all the time on this floor no matter what side or what side of the debate you're on--

HILGERS: One minute.

ARCH: --there's a lot of times we don't have the ability to say, but I think it doesn't go far enough or I think it goes too far. LB906, as amended in General, I believe is the bill and I believe we, we need to pass this bill to make it clear to the employers and employees what role they play in this very contentious issue of vaccines. Not a question of science from my perspective, it's a question of clarifying for our employers and employees. Thank you very much.

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HILGERS: Thank you, Senator Arch. Senator McCollister, you're recognized. Is Senator McCollister on the floor? He waives the opportunity. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. As they say, this is much ado about nothing. I agreed originally when the discussion was that we needed to look at vaccine mandates and strengthen the ability of a free American to decide, for religious convictions or health reasons, that they did not want a certain medical procedure. And it shall be by inanimate object called corporations and their employees. I wish people who work for a corporation thought of themselves as humans and citizens before an employee, but they don't. That's all I thought we were doing and then I seen the amendments coming where all of a sudden we were talking about mask and testing, which has absolutely nothing to do with the vaccine mandate. Something that they can already do as an employer, now they want a hammer to put it in the statute. Why? It's something they can already do. They can be prejudiced if they want. They can be biased if they want. They can shame employees if they want. I guess that's what we can do in America. But they want some kind of a-- in statute? And now all of a sudden a bill that never-- a law that never existed, never existed in the past, was never in law, is just a theory in legislation is all of a sudden going to upset the whole apple cart if we don't pass it because we thought we were going to pass and now we're not going to pass and therefore the law, the judges are going to throw everything out. My God, got a whole lobby full of Chicken Littles. I don't want them anywhere near my body as medical professionals. Really? And then Senator Arch just said the courts have said about the, the federal contractor is that it can't be mandated by the federal government, so it shouldn't have been in the bill in the first place. What's wrong-- oh, by the way, did anybody read Dr. Rupp answering the questions in the Omaha World-Herald Sunday that people-- about COVID? All through it, he don't want to admit it, but he hints about that the vaccine just makes infections less severe, less severe. All right? And he says it. And if you get a vaccine, you got less of a chance to have a severe hospitalization. Completely agree with him. That's out there. He also hinted around the bush about, about quasi studies done of difference between natural immunity and vaccinations, and the combination of both is the best way you can go. All right. But let me explain something to you, folks, science. If you've been vaccinated and you have a infection that you don't even show symptoms, that virus coming out of your mouth is the exact same virus coming out of the person laying, laying in the hospital bed. It's not a mutated virus that's less effect-- that has the, the person receiving the virus from you--

HILGERS: One minute.

GROENE: --will have a less severe infection. That virus of the person who's vaccinated coming out of their mouth at the workplace versus the person who is not vaccinated coming out of their mouth is the exact same virus. Maybe those people in the lobby with PhDs ought to read some science. They want to discriminate against certain individuals. I told Senator Hansen, have a vote on it. If you want to be-- people will see-- the working class will see who favors them and who favors the corporation. Let's vote on it. I'm sure you got the votes to kill it. I'm fine with that. I'm not filibustering. I keep my word. I am not filibustering this, but I am not going to go home and look my workers at the railroad and at the Walgreens who makes them wear masks if they're not vaccinated and tell them, no, I made a deal before because I have friends on the floor and I wanted to help them. I've never done that in seven years and I ain't going to do it this year.

HILGERS: That's time, Senator.

GROENE: Thank you.

HILGERS: Thank you, Senator Groene. Senator Pahls would like to welcome 11 members of the League of Women Voters from Lincoln and Omaha. They're seated in the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. Speaker. All right, so I did talk with Senator Groene about what I was going to mention here pretty soon and some clarification about what I mentioned before. This-- and I, I, I do have to give Senator Groene some props. In case you guys didn't know, he is my uncle-in-law, and this is what family reunions are like every year. He's a great guy, passionate, and I-- he's got a passion for what he believes in, and I respect that highly. And so I'm going to make the recommendation now that FA72 has become an unfriendly amendment from some things that Senator Arch mentioned, as well as talking with a lot of the healthcare associations and their, their concerns about the floor amendment that they clarified for me as well about how this might affect what, what they're trying to accomplish, accomplish. So I'm going to vote no on FA72, return the bill to its original purpose, provide the people in Nebraska with some, some protection. And so I would encourage everyone else to vote no on FA72 and vote yes on the underlying bill, LB906. Thank you, Mr. Speaker.

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HILGERS: Thank you, Senator Hansen. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. Speaker-- Mr. President and colleagues. Colleagues, in light of Senator Hansen's-- Senator Ben Hansen's and Senator Arch's past comments, I think we've come to the understanding that LB906 needs to pass as it was on General File. That's something that I said before I would be willing to support letting it move forward. So with that, I would encourage my colleagues to vote down FA72 and any other amendments. And with that, Mr. President, I'll remove my motion, MO144. Thank you.

HILGERS: Motion is withdrawn. Returning to debate on FA72. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I haven't spoken on this bill yet, so I have a, a few comments I'd like to make. It's beyond my comprehension why anyone would refuse the vaccine, refuse the vaccine. The vaccine reduces the severity of COVID-19, heart disease, and everything else. My wife at age four had polio, and of course, I remember very well grade school getting the poke from my polio vaccine so many years ago. My wife survived that polio infection and has, has-- but still has certain weaknesses in her leg related to that polio she had when she was age four. But I can't understand why somebody doesn't get the poke. And I know very well as a diabetic if I don't get the poke that I run the, the risk of really having COVID-19 and facing severe consequences of that. So I think it's, it's wise for us to all get the poke. And it's unlikely we're going to be able to return to normal as everybody wants unless we have herd immunity. So I would encourage everybody to get the vaccine. Thank you, Mr. President. I relinquish the balance of my time to Senator Hunt.

HILGERS: Senator Hunt, 3:00.

HUNT: Thank you, Mr. Speaker. Thank you, Senator McCollister. I might support FA72 to put a poison pill in this thing and kill it for good. I don't want LB906 to pass and I'm committed to taking it the distance. Next up, we have Senator Friesen's amendment. I don't know what he plans to do with that, if he's serious about it or if he's going to be engaged and activated in debate or not. But I have several amendments coming up after that to continue debate on LB906 and also to allow advocates for science and research and vaccination and medicine to continue to speak to some of you in here who have spread misinformation about the science and potentially put people in danger.

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There is nothing in the Bible or the Quran or the Torah that tells anybody to refuse any medicine or medical treatment or vaccine. Instead, there's only dogma that was created by men, written by men with political intentions to create fear and sow doubt. What proponents of LB906 are doing is they're using God and religion as a sauce and just pouring it all over choices and beliefs and opinions that they already had. If anybody has a legitimate religious, you know, exemption or they would like to be exempted, we already have a process in place to recognize that.

HUGHES: One minute.

HUNT: Pastor Keith Marshall, who is a Lutheran pastor at Hope Lutheran Church in Washington, wrote an interesting editorial where he talks about religious exemption, which is a phrase that we've only heard come up so much in the context of COVID-19 in a politicized way, in a way that's actually not in good faith based in any kind of religious objection to anything. It's purely political and it's made up. He writes: My faith in Jesus Christ exempts me from putting my wants above the needs of others. And Philippians 2, chapter 3 and 4-- verse 3 and 4, it says: Do nothing out of selfish ambition or vain conceit. Rather, in humility value others above yourselves, not looking to your own interests but each of you to the interests of others. In Galatians, it says, "You, my brothers and sisters, were called to be free. But do not use your freedom to indulge the flesh; rather, serve one another humbly in love."

HUGHES: Time, Senator.

HUNT: Thank you.

HUGHES: Seeing no one else in the queue, Senator Groene, you're welcome to close on FA72.

GROENE: Thank you, Mr. President. And Ben can sit next to me at, at the next family reunion. We're good friends and I will say he wasn't as far-- well, maybe he was, he was a very good conserve-- and good-- I understand what he's trying to do here and I agree with him on the exemptions. But we're just going to have to butt heads on the, on the mandates on the ability to shame somebody, an employer, and to dictate them different employment policies than the rest of the employees do. So I'd appreciate a green vote on FA72. And I've always kept my word, I'm not filibustering this, but I will not be voting for LB906 if FA72 does not pass and my convictions and my moral code won't allow me to do that. Thank you.

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HUGHES: Thank you, Senator Groene. Mr. Clerk. There's been a call of the-- there's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 22 ayes, 3 nays to go under call.

HUGHES: House is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Geist, would you please check-in? Senator McCollister, would you please check-in? Senators Wishart, Walz, Stinner, Vargas, Hilkemann, the house is under call. Senator Groene, we're missing Senators Wishart and Vargas. Do you wish to wait or proceed?

GROENE: Not sure I'm the one to speak to. It was Senator Erdman who asked for call of the house. Is it my call? Go ahead and proceed, I guess, but Senator Erdman was the one who called the house.

HUGHES: Senator Erdman, do you wish to proceed or wait? We will, we will proceed. Colleagues, the question before us is the adoption of FA72. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 18 ayes, 20 nays, Mr. President, on the adoption of the amendment.

HUGHES: FA72 is not adopted. Next item. I raise the call.

ASSISTANT CLERK: Mr. President, Senator Friesen would offer AM1902.

HUGHES: Senator Friesen, you're recognized to open on AM1902.

FRIESEN: Thank you, Mr. President. I didn't really weigh in on this bill previously. I've talked on it once, probably. So when-- received an email from, I don't think it was a constituent, but it was from a college student who was concerned that down the road if, if they put a vaccine mandate in place and you're suddenly you've been in school for two, three, four years, you could be in your graduate studies five years in and suddenly there's a vaccine mandate and you are not granted an exemption and suddenly you couldn't continue your education. You have a lot invested in that college. And so what this bill does is basically makes them either give you a refund from all your tuition or else your option is to make sure that they allow those hours that you've gained be able to transfer. And the bill probably

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isn't worded right. It was drafted hastily yesterday, so we will have to work on a fix yet. But the idea behind this was that if a, if a student was along in a number of years in, evidently in some, somewhere someplace they have said, well, we're not going to transfer your credits either. And I know it's up to the school that accepts the credits. But if they don't release your transcripts, you are not going to move either. So this is an option here for those students I guess that I feel could be caught between a rock and a hard place, so to speak. They, they wanted to do their education there. They've got a lot of money and time invested in it already. And suddenly if they're not granted an exemption, they wouldn't be able to continue going to that school. One of the issues that came up was, I know the University of Nebraska has some arrangements with UNMC and when you get into the College of Nursing, that's when you run into some federal requirements. And I'm going to-- you know, we'll hear from some other people probably talking about that but that is something we'll have to probably look at or address because there's some federal issues there that maybe we can't get involved in. So I'll let some others address that a little bit. But I know there's some issues with the bill and the way it's written, but I thought it was important to get on the mike and at least talk about the situation because we do have the possibility that could happen. And right now we do not-- I don't believe any of the colleges have a vaccine mandate in place. Not to my knowledge, except for like the nursing facilities, which then are tied to hospitals, which you have to follow that trail back and see once what the Feds have ruled on that. So in the, in the end, you know, what we have done with shutting down some parts of the country, I think as we continue to move further with this, at the end now it's more of hysteria than it is facts. We have damaged our economy in some places maybe beyond repair. In rural Nebraska, we've had restaurants closed, those types of places. The rest of us just kept working. But in all of our efforts to help those, we have ignored the small businesses out there, like the hair salons and, and the small restaurants out in-- everywhere, even in Lincoln here. Those small restaurants downtown closed down and will probably never open. We targeted a lot of money. I mean, it's like we were throwing money out of the helicopter as one person referred to it once, but we didn't target those that were hurt the most. And we still haven't done that. We've helped a lot of different companies, and I, I know there's companies out there that didn't need aid that received it, but I will not come down hard on them because no one knew at the time when you're applying for PPP loans and all those other things of what this might look like in the future. But I think we've really blown this out of proportion in the last year. And I think we've shown already that some

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states who had shutdowns and lockdowns actually didn't do as well as we've done or else it's been shown as no difference. And so we in some areas damage our economy for nothing. And I know people died. I'm not going to stand here and say that didn't happen. But, you know, we have been through these things before and we'll always get through them. But when we use our better judgment, usually when the facts are given to us, we make good decisions. But when you watch this whole thing unfold and you saw the competing views on this and the misinformation that was spread on all sides, no one knew what to believe. And so when I look here now and I, I hate to even call it a vaccine because it's more like the flu shot, I'd call it a COVID shot. You're going to catch COVID no matter whether you've had the shot or not. So a vaccine to me is something that has a, a high success rate. This is not. Again, let's call it what it is, and we are hopefully on the downhill slide. But when is the next one coming? And what we're going to do, we're going to ramp-up and we're going to create all sorts of roadblocks down the road and we're going to have to go through this again. So I, I just think this is something that needed to be talked about because I, I felt for this college student at least that emailed me that that is an issue. And she very much did not want to take the shot and was worried that she had a lot invested and there was no way out without doing that. And so I'm, I'm looking forward to the conversation on this. We'll see where it goes. Thank you, Mr. President.

HUGHES: Thank you, Senator Friesen. Debate is now open on AM1902. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. Would Senator Friesen yield to a question?

HUGHES: Senator Friesen, will you yield?

FRIESEN: Well, sure I would.

HUNT: Thank you. The college student you were talking about who contacted your office, did they email you?

FRIESEN: Say that again.

HUNT: The college student you were talking about with the story,--

FRIESEN: Yeah.

HUNT: --did they email you?

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FRIESEN: No.

HUNT: Did they email you the story?

FRIESEN: They mailed-- they emailed me directly, I believe, yes.

HUNT: Did they go to Creighton?

FRIESEN: I have no idea. I'm-- I don't-- when people contact me, I, I refuse to identify them if they don't want to be identified.

HUNT: Do you know their Social Security number? No, I'm just kidding on that.

FRIESEN: Driver's license number perhaps?

HUNT: Right. Mother's maiden name? No, I'm just kidding. Thank you. Thank you, Senator Friesen. Yeah, my office was contacted by a student from Creighton who, who shared, you know, a similar type of stress, and it's, it's really hard to hear that people make choices, for example, to not abide by the policies of the institutions that they decide to attend. And then they want to get their money back. I mean, I, I think that that makes sense, that's something that they can probably work out with their institution, but I don't think that that's something that we need to put into statute in Nebraska. I totally empathize with the frustration of deciding not to attend a university because you can't comply with their policies. But people make choices, and I, I have to question the degree to which government should stand between people and the choices they want to make and companies and the choices they want to make. On one hand-- you know, Senator Wayne made a little bit of a point about this when we're talking about government intervention. On one hand, we've got proponents of LB906 totally fine and happy with innocent, nonconvicted citizens giving their DNA up to the government at the time of arrest if they're arrested. And we're totally fine telling a business this is how you have to run your company in the case of LB906. But then when we're talking about other issues that involve protected classes like race or sexual orientation or gender identity, we're not there for them on the side of justice at that point. Another point of hypocrisy and inconsistency and really moral and intellectual inconsistency that we hear constantly with LB906 is this idea of, you know, people shouldn't get medical procedures they don't want. People shouldn't get medical procedures they don't want. If LB906 doesn't pass, nobody has to get a medical procedure they don't want. Nobody has to get vaccinated. Nobody has to go to Creighton University if they don't

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want to be vaccinated. Nobody has to go to the University of Nebraska. There are places you can go and get an education if you don't want to comply with the policies of that institution. What other exemptions could we put into statute for students who don't want to comply with the policies of their institutions? Should we say that, you know, the University of Nebraska should refund somebody's tuition if they break, you know, an ethical code at the school? If they, if they start a KKK chapter or something, they should get their money back because the government infringed or the policy infringed on their freedom? People have to use their judgment, and I am not going to stand in the way of somebody using their judgment deciding whether or not they want to get vaccinated.

HUGHES: One minute.

HUNT: If LB906 doesn't pass, nothing is preventing workers or students or anybody from not getting vaccinated. That choice remains there with them. So it's, it's a fallacy to talk about people shouldn't get medical procedures they don't want, especially when proponents of bills like LB906 are mandating medical procedures that people don't want because we mandate that women who make the choice to terminate a pregnancy have to get an ultrasound first. That's a procedure that, that many women have testified that they don't want. And it's a procedure that medical experts have testified isn't necessary for the safety of the patient. So please miss me with the moral consistency saying that you're, that you've got some value that you're really standing behind and that's why you're supporting LB906, because when the rubber meets the road, you actually don't. You're not consistent with--

HUGHES: Time, Senator.

HUNT: --that belief. Thank you, Mr. President.

HUGHES: Senator Groene, you're recognized.

GROENE: I stand in-- thank you, Mr. President. I stand in support of Senator Friesen's amendment. I, too, was contacted by a student or parents of a student-- and, Senator Hunt, it wasn't by email so I can forward it to you-- where I won't say the college, but they went to an in-state. They were from Colorado, they went to an in-state college and they got accepted in the UNMC's-- I think it was physical therapy program or something, and they were at another University of Nebraska campus and they told them, no, you can't continue your education at the state university system because you don't have a vaccine. So this

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individual had to go out and hunt all over the country to find an institution that would take them. But you know, I'm not being facetious here, Senator Hunt, but you know, if you can't drink at this water fountain, there's one you can find. If you can't live in this neighborhood, there's a neighborhood you can find. If we don't want you in this public school, there's another school you can find. Do you see what we're doing here with these vaccines? The human nature that brings up prejudice never goes away. It strives in the human nature. In America, it's nobody's business who you want to sleep with, what your medical preferences are. They all lie under the same principle of freedom in America. So I hope Senator Friesen brings back his bill, his amendment, and I hope he includes that if they're in the middle of the course or middle of a course, that they have to supply-- the institution has to supply them online access so they can finish their degree online. And yes, their money should be refunded immediately for service not rendered. It's just common sense. But no, I hear people stand up and say, I just don't understand why they won't do this. I don't understand why they won't cut their hair to please the boss. I don't understand why they won't take this vaccine. You see the similarities. It's there, it's there and it lives inside all of us, just depends what bias, what prejudice you have and which prejudice you think is righteous. To force somebody to give up freedom in America because they won't take a medical procedure is wrong, is absolutely wrong. So I hope Senator Friesen brings it back, tries to help these young people on Final Reading, an amendment because I will be there with him. Thank you.

HUGHES: Thank you, Senator Groene. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. Colleagues are coming up to me and asking if I intend to take this the distance because they've got a meeting at 11:45 or they've got to go somewhere to meet someone for lunch and yes, colleagues, by all means you can go back to your desk. I don't think we're going to have a call of the house unless we get to a vote on AM1902. Because I have decided I don't want LB906 to pass, and so I will be taking it the distance. And you don't have to be in here and listen to the conversation. You don't have to be engaged in the conversation. If you've already made up your mind about how you're going to vote, you can go back to your office and work on something that's productive. Senator Erdman has said several times that he thinks what this is all about is wasting time, that there's something down on the agenda that we don't want to get to, and that's actually a really common technique for sure. I see people of all political ideologies engaging in that. With this, that's not actually what's going on. I think that LB906 would have moved to Select File if

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Senator Clements hadn't spoken on it yesterday because his comments about forcing people to get a shot are actually what initially activated me and, and made me go on the mike. And now the more I've thought about it, the more I'm thinking this isn't a bill that needs to pass. Sometimes I vote for bills that aren't very important to me or that I don't think need to pass out of courtesy to the introducer, or I don't feel like fighting at that moment. And yesterday, when we started debating LB906 on Select File, you know, it could have passed with a voice vote if there were no amendments or if nobody wanted to speak on it. But I didn't want it to move to Final Reading without my opposition going back on the record. On General File, I was not voting on LB906. And I also wanted to share that on Select File, I would be a no vote because I didn't feel that the bill had been improved between General and Select. My opposition had not been assuaged. So I just wanted to mention those things on the record instead of letting it move forward with a voice vote. But then when Senator Clements stood up and said that he supports LB906 because he doesn't think that people should be forced to get an experimental vaccine, that's when I said, oh, no, now LB906 is over and I'm going to take it the distance. So, Senator Erdman, it's not about wasting time. It's about some policy actually just literally being bad. And the way it works in the Legislature, if we engage in some extended debate and the introducer has to get a cloture vote of 33 people to advance the bill to Final Reading to the next round of debate, if I'm interested in seeing a bill not pass, that's in my best interest to take the debate as long as possible to make it difficult for the introducer to pass it. I want to continue reading from this piece that was written by Pastor Keith Marshall, who is a Lutheran pastor at Hope Lutheran Church in Washington, about religious exemption. He says: Religious exemption is a term I've heard more in the past three months than in the rest of my life combined. Recently, I was asked if Christians should be able to claim religious exemption when public health is in jeopardy. Their question made me ask myself, what does my faith in Jesus Christ exempt me from? Below is a partial list of what came to mind. My faith in Jesus Christ exempts me from putting my wants above the needs of others, claiming my freedom in Christ as liberty to act without responsibility,--

HUGHES: One minute.

HUNT: --refusing to protect the most vulnerable in our midst. In Matthew, it says: Truly I tell you, whatever you did for the least of these brothers and sisters of mine, you did for me. Pastor Marshall says: Therefore, my religious exemption requires I receive the COVID vaccination to safeguard my life and wear a mask to care for my

neighbor. Claiming the Christian faith is no justification to refuse these measures. By invoking the name of Jesus to claim exemption, you're using the Lord's name in vain and therefore sinning. Now you may have your own political or personal reasons to not do so, but please stop claiming your faith in Jesus Christ as justification. I am not a religious person. I'm not a person of faith. And so nothing I ever do comes from, you know, a place of religious teaching or religious theory or philosophy.

HUGHES: That's time, Senator, but you're next in the queue and this is your third opportunity.

HUNT: Thank you, Mr. President. You can do the right thing for people without having a religious reason. And you can make a choice to not get vaccinated if you're not religious, of course. To turn the conversation into something about religious exemption, which LB906 is ostensibly about, it really distracts from the reality that we live in, which is today in Nebraska, nobody is required to get vaccinated. Now people make choices, which is like my life motto, and it really helps me understand and, and kind of move through my frustration with different people. People make choices. If people decide not to get vaccinated, that might have consequences for them in their job, that might have consequences for them in their school. If people choose to wear a white clansmen robe and burn a cross in their yard, that might have consequences for their job or their enrollment in a school or an institution. If people never shower, that might have consequences for their job. If people refuse to wear shoes, that might have consequences for their-- people make choices all the time. And I want people to make choices that work best for them. Whether that's not getting vaccinated or not showering or being racist or never wearing shoes, I don't care. But you can't move through life and think that those choices aren't going to have consequences for you. And when you do get a consequence that you don't like, for example, your employer says, oh, man, you got to wear shoes in here or I'm going to have to find someone else to check the groceries, or you're going to have to get vaccinated because we are a public-facing business, we have immunocompromised people in the building, and this is my policy as a private employer. Proponents of LB906, they make their choices, they say I don't want to get vaccinated, their employer says, OK, well, now there's a consequence. And they're so upset and crying about it that they come to big G government and they say please intervene, daddy government, please. It's not right in this case, and it's certainly not consistent the way it's been applied across different policies. When we're talking about people's individual freedom to their DNA, their own genetic information, the right to not have their DNA taken

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by the government when they're innocent-- Senator Wayne, would you yield to a question?

HUGHES: Senator Wayne, will you yield?

WAYNE: Yes.

HUNT: Where is that DNA bill now?

WAYNE: I believe it is on Final Reading.

HUNT: OK, thank you, Senator Wayne. Sorry to break up your conversation to ask you that. I could ask many different senators in the body where different bills are, where government chose to intervene or not intervene into an individual's private business. I think an individual's choice to get vaccinated or not is completely their own private business, but it doesn't mean that you can be exempted from consequences for that choice. How can you stand up on the mike and say something like, well, if a bakery doesn't want to serve a cake to a homo, then that's their choice. Sorry, that's the market at work. That's just, you know, a consequence of choosing to be gay or whatever you all think it is. How can you stand up on the mike and say something like that on a bill to prevent LGBTQ workplace discrimination or accommodations discrimination, which we also don't have in Nebraska. That's the right of somebody to have housing or use any public accommodations or businesses--

HUGHES: One minute.

HUNT: --regardless of their gender identity or sexual orientation. We don't have that either. And proponents of LB906 are the first people who will stand up and say that's too much government intervention. You don't actually think that. What you're doing once again is using God and religion to your own interpretation and sprinkling it over the beliefs and convictions and prejudices and biases that you already have. Just say you hate gay people. Just say you want, you know, businesses to, to make their own choices, whatever it is, just say that. Don't hide behind religion and say this is the reason I have these beliefs, because that's not consistent with the beliefs you have on other bills. Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, I'm going to rise in opposition to AM1902 and LB906. I yielded my time to Senator Hunt last

time and she's still on a roll, so I would certainly be happy to yield or some time if she wants. But I, I just thought-- I've been sitting here listening to the debate. I was originally opposed to the, the bill as well like Senator Hunt and I just sort of didn't raise a stink about it last time. And Senator Hunt just made some very interesting points about where we choose to intervene in people's lives and where not. And there's been an argument about this being a bill about the preservation of people's religious liberties. But I think it's important to point out the distinction between the constitution is a preservation of your religious liberty against government action and not necessarily against the employer, I think, and that's a-- that is a distinction. And here we're taking government action to intercede between the employer and the individual. And there are other instances that Senator Hunt and others have accurately pointed out where we have chosen not to do that when the issue is immutable, meaning unchangeable by an individual, and therefore not something within their control. Whereas, a choice to get vaccinated or not is a choice that that individual undertakes, and right or wrong, my opinion or your opinion doesn't-- is not necessarily relevant to whether or not they make that choice. I think it is important that in this conversation we've had over the last two years, there are a lot of people who say a lot of things. And I think we've all gotten those emails and I've gotten a number of them where people, I would say, are less than kind in their assessment of my opinion or how I, how I look at the argument. And people point to things and say, this is an experimental vaccine, number of people have said that here. So I looked up-- so there's a couple of standards, I guess, and the vaccines that are prevalent, the Moderna vaccine, the Pfizer-BioNTech vaccine, and the Johnson and Johnson vaccine all applied for and received emergency use authorization, which meant they went through a round of testing where they did-- you know, had some people get the placebo and some people get the, the actual vaccine and, and determined the efficacy and the side effects, and they recorded those things. And then they presented that to the CDC for the emergency use authorization where they determined that any potential side effects were outweighed by the additional protection afforded to individuals as a result of getting the vaccine. So that was step one that was back in December of 2020 during the Trump administration, where that-- the CDC and the FDA approved-- gave emergency use authorization to the first vaccine. And then we had the rollout in the spring of 2021, where a number of people got the vaccine as soon as they could and we got to about 70 percent of people getting vaccinated, which was ultimately not enough to reach what was called-- described as herd immunity and so the vaccine continued. And now we have-- we've gotten

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to this next phase where there is granted full approval, which is after the emergency use authorization. And then you get more, more data, more studies, more review. And the FDA has given-- granted full approval to both the Moderna vaccine and the Pfizer-BioNTech vaccine, which essentially puts these two vaccines in the same standing as every other FDA-approved vaccine. It is approved by the process that we have all accepted for every medical procedure and apply to everything through a rigorous process and determined that it is approved for use for--

HUGHES: One minute.

J. CAVANAUGH: --this purpose. There are a lot of other drugs that have use-- that are used and are approved for things and, and that are used for different purposes than they are approved for, and we've heard a lot of conversation about that as well. But I think it's important to note that we're talking about something that is approved. It's been, been found to be safe and effective by the consensus of medical professionals in this country and many countries around the world. And, and when used properly, it can and will provide the level of effect-- efficacy and protection that we expect and we have found in those studies. And so that's important to consider during this conversation, whether you think people should have to get-- be forced to get the vaccine or not. The conversation should center around that and not around whether or not this is an approved medical practice. Thank you, Mr. President.

HUGHES: Thank you, Senator John Cavanaugh. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. So I actually wonder if this is even germane, this amendment, because it deals with postsecondary institutions. So this bill came out of HHS. This amendment seems like something that would go through Education. So there's that piece of it. But then there's also-- and I am very well-versed in this because my first year the, the university came in pretty hard against me on a bill that we ended up working on together-- but it is, we can't tell the University of Nebraska what to do. Exon v. the University of Nebraska, I think I still have my printed copy of that Supreme Court decision. So I don't know how we could possibly do this amendment, how we could tell any institution that they have to return fees or credit hours. That certainly seems like government overreach to me. And yeah, I have a, I have a lot of concerns about this, but I am going to yield the remainder of my time right now to Senator Hunt and I will get back in the queue.

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HUGHES: Senator Hunt, 3:20.

HUNT: Thank you. I was just going to get on the phone and order my lunch. Thank you, Senator Machaela Cavanaugh. A couple of people have raised some very interesting points. Senator Machaela Cavanaugh's point about the germaneness of AM1902 and the fact that we can't tell the university what to do in terms of its policies is interesting and, and probably deserves some rumination. And Senator Lathrop made a point yesterday or a couple of days ago, a couple of rounds of debate ago about how if the provisions of LB906 are found at any point in the future to be against CDC recommendations, then employers that use LB906 could be liable-- what's the word? Liable?-- like if, if people are getting sick from COVID there. Because we did-- what was it called, Senator Cavanaugh? The liability, OK. Well, those were both really good points and overall, employees should know, employees should know that the law already requires employers to reasonably accommodate an employee's religious beliefs or practices. That's already the law, and there are already pathways to do that. And if you're the kind of person who has a lot of religious objections to things, you've probably already used this provision in law already. Employees are already allowed to do this unless doing so would cause an undue burden on the operations of the employer's business. So, for example, an employer doesn't have to accommodate an employee's religious beliefs if the accommodation is really expensive or if it infringes on somebody else's religious beliefs or their job rights or their benefits, if it compromises workplace safety, if it decreases workplace efficiency, if it's potentially hazardous, if it puts too much of a burden on the employer, that's already the law. And we don't need to pass LB906. The great thing about--

HUGHES: One minute.

HUNT: --thank you-- the great thing about the past several hours of this debate is that Senator Ben Hansen has said the quiet part out loud that I think he has been trying to conceal until we got to this part of the debate. He tried to keep the debate focused on some sort of fake neutral compromise that everybody's happy with, but now we see what's really going on. LB906 is truly about COVID denial. It's about anti-vax science and it's about science denial. And by having this come up in the Legislature, we've created a fertile ground for amendments like Senator Groene's floor amendment that was defeated, for AM1902, which I hope is defeated, and truly for all of our colleagues to stand up and say whatever COVID misinformation they want that I'm not going to repeat. We've all heard it. The truth, colleagues, is that vaccines work. But listen, regardless of whether--

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HUGHES: Time, Senator.

HUNT: Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. So again, I will, I will agree with Senator Hunt when she said vaccines work, but I don't call COVID-19 vaccine a vaccine. We'll call it a COVID shot because it's been shown that it really doesn't work, but it does lessen the severity of you getting sick. And I'm not anti-vaccine, but I am fully for your choice. And if anybody wants to make an educated choice, I think you will take the shot. But if you don't want to, don't. I think there's been enough push, enough effort to get it done that that's not a discussion even that I care to have. But when we start penalizing people for their choice, if you look across to all of our rules and regulations and laws, people do all sorts of what you call hazardous occupations and have fun and we don't penalize them for that. We don't keep you from hurting yourself, so to speak. So again, I'm, I'm-- I'd be one of those that be against the mandate, but that's kind of what this was working on. But I just didn't want certain people to get hurt because they exercise their choice. When I first dropped this amendment, I did tell Senator Hansen if he wished me to withdraw it, I would. And so with that, I will withdraw this amendment.

HUGHES: The amendment is withdrawn. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. Priority bill designation: LB1014 by the Appropriations Committee and LB1068 by Senator Stinner. Your Committee on Natural Resources reports LB1099 to General File with committee amendments attached. Education reports LB887 to General File, as well as a report on gubernatorial appointments. Notice of committee hearing from the Education Committee. Amendments to be printed to LB906 from Senator Hunt. Your Committee on Government, Military and Veterans Affairs reports LB691, LB742, LB765, LB787, LB983, LB1122, and LB1178 all placed on General File, plus LB1037 placed on General File with committee amendments attached. Series of announcements: Banking, Commerce and Insurance Committee will have an Executive Session in their hearing room at 1:15 this afternoon. Natural Resources will hold an Executive Session tomorrow following the conclusion of their hearing. Urban Affairs will hold an Executive Session today in Room 1510 following the public hearing. General Affairs will hold an Executive Session at 12:30 in 1507. Business and Labor will hold an Executive Session in Room 1524 at 12:00 on Thursday, February 17. Ag Committee will hold an Executive Session

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this afternoon following their public hearings. And finally, priority motion. Senator Geist would move to adjourn until Wednesday, February 16, 2022, at 9:00 a.m.

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