

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 3, 2022

WILLIAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-sixth day of the One Hundred Seventh Legislature, Second Session. Our chaplain today is Senator Halloran. Please rise.

HALLORAN: Good morning. Please join me in prayer. In light of the ruthless Russian invasion of Ukraine, I believe it is appropriate to pray for Ukraine and its people. In, in 1885, a Ukrainian hymn was published, which became the spiritual anthem of Ukraine. I will quote that prayer. Lord, oh the Great and Almighty, protect our beloved Ukraine. Bless her with freedom and light of your holy rays. With learning and knowledge, enlighten us, your children small, in love pure and everlasting, let us, oh Lord, grow. We pray, oh Lord Almighty, protect our beloved Ukraine. Grant our people and country all your kindness and grace. Bless us with freedom. Bless us with wisdom. Guide into kind world. Bless us, oh Lord with good fortune forever and evermore. God bless Ukraine and its people. Amen.

WILLIAMS: Thank you, Senator Halloran. Senator Brandt, you're recognized for the pledge.

BRANDT: Please join me in the pledge. 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 thirty-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: Thank you, Mr. Clerk. Members, Senator Geist would like to recognize our doctor of the day, Dr. George Voigtlander from Lincoln. He is serving on behalf of the family physician of the day on behalf of the Nebraska Academy of Family Physicians. Doctor, if you'd please rise and be recognized by your Nebraska Legislature. Speaker Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning, colleagues. As we head into the four-day weekend, I wanted to reset for our schedule over the remaining few weeks of session. As of today, we will be complete with our committee hearings and so we will now head into all-day debate and very shortly, after next week, we'll be into evening debate. And so I wanted to sort of set the table a little bit

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as we go into that-- into this next stage. So big picture, if you look at the calendar-- maybe many of you haven't. I have-- there are only 20 working days, 20 working days after today for us to get all of General File complete. There are only 21 days-- we only have one more day to be able to get all of Select File complete, 21 working days to get all of our General and Select, our-- all of our priority bills through General and Select over the work that we're going to get done. Of those 20 or 21, right now, we currently have eight full working days scheduled for the budget. I don't know whether we're going to need all eight days. I fully expect that we will. We're going to have four budget bills. There's going to be a lot of complexity. As I've mentioned before, this is the most complex budget situation, in my view, in modern times. We should expect we're going to take all eight days. We may not, but if we do, we only have 12 days or-- and 13 to get through Select File. Twelve days to get through General File for all of the bills that we have remaining and those are quite a few. We have 64 priority bills on General File and we have 28 on Select File, over 90 total bills that we essentially have 13 working days to get through if we're going to, if we're going to pass them along. So there is-- the practical reality is, is our-- the mismatch between our time and our workload is pretty severe. We will not get everything done. I think it's almost a certainty, but we're going to do everything we can to put ourselves in a position to get that work complete. And so here's how the schedule is going to go, and there is a memo that will be passed out after I'm done speaking regarding the late nights. So after-- next week, we're all-day debate and I'll talk about next week's schedule in a second. But next week, we're all-day debate. No nights next week. The following week, we will start nights. I have a list of night-- days that I am asking you to be here for nights. Now, in previous years, Speakers have given a list of days and they'll say, please reserve these, but we'll-- we may cancel and we may not use them. That is not what we're doing this year. The dates on that calendar are night sessions. I will not cancel those sessions, those days, so put them on your calendar and I expect people to be here. Now, in years past, what we have done is we've had a break. You know, we'll stop at 6:00 or 6:30. In my view, those, those breaks are not very helpful and I don't think it's very good for the state of Nebraska for us to be debating legislation at 10 or 11 or 11:30 at night. I don't think this body does its best, best work. So what instead we're going to do on our night days is we will get done-- without a break, we'll go to about 8:00 plus or minus, 7:30 maybe, 8:30, just depends on our schedule, but what we will be done at 8:00. So you'll have some certainty when we're going to get complete. Now Fridays, we will do something similar. We won't go till 8:00, of

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course, but we will not have a lunch break on Fridays and this will start next week. We will not have a lunch break on Fridays and we will go till about 2:00 to 2:30 to 3:00, depending on our progress each day. So when we start nights, no break. We'll go to 8:00 plus or minus. Starting next week on Fridays, we are going to go till about 2:30, 3:00, or 2:00, just depending on progress. No breaks. That's-- from my perspective, I'm trying to give the body the most effective-- the highest amount of effective floor time that we can have. Now what I'm asking all of you is to be there to-- if we're going till 8:00 or 8:30, you're, you're there. If we're going until 2:00 or 3:00 on Friday, you're not leaving early, you're not going home, you're staying here to get your work done. My expectation is from everyone else-- to make sure this all works together and we can get as much done as we possibly can, my expectation is that people are here, that-- and that they're here and they're focusing on the, the issues before them. That doesn't mean we're not filibustering bills. If the bill needs to go eight hours, it is needs to go eight hours, but that people are focused on the issues and they're engaging. And if you come to me-- I will take this into account. If you come to me and say, I need my bill up, when's my bill coming up, and you're one of those people who are not here or leaving early or not around or taking up time on ancillary things that will be a factor in my floor debate. If I-- I need to have confidence that when I'm scheduling bills that we can get through them and that we're focused on the issue. So I think if we do that, we will at least give ourselves the best chance to be able to get our work, work done. Let's go into next week. So next week, we will come in and at least for the-- I believe, for the rest of the session, I will start us at 10:00. I think that's important to start the week each, each day. So next, next Tuesday, we will be in a full day. We have consent calendar. I'm going to talk about consent calendar in a second. We will have consent calendar. I will try-- now that we go into full-day debates, I'm going to try to give you notice like I gave last year as much as possible. It's easier for me to give-- now that I got all my priority bills and I've got full-day debate, to try to give people notice. You recall last year we would do, you know, a filibuster-type bill on a Wednesday or a Thursday and I try to give you an advance notice of that. I'm going to do that again now as best I can, but I want to caveat that and say I can't predict exactly every bill that we'll be on on a given day and so you should be-- if anything's on General File and it's prioritized, you should be prepared to have that debate. I'm going to try to give as much advance notice, especially for controversial bills, as I possibly can, but to try to be efficient and get our work done, I'm just letting everyone know that might not always be possible. So next

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Tuesday, we're going to have consent and we're going to pick up on this agenda that we left off, however far we get today. In addition, I'm adding Senator McKinney's LB1112, which is his computer science bill. That should come up on Tuesday. And in addition to that-- well, actually-- I'm sorry. I'm going to take a step back. So next-- well, actually, I'm going to stay with Tuesday. All right. Here we go. Let's reset this. I'm going to start over. No, I'm kidding. So, so on Tuesday, Senator Brewer is scheduling-- is filing a pull motion today on LB773 and that's coming up on Tuesday probably at 4:00. Now I will-- I expect, and I've had some senators ask-- they know that it's coming and they've asked, well, if he filed the motion today, why is it coming up so quickly? And there's a very, there's a very clear set of reasons. First, Senator Brewer asked for this as priority the very first day. He filed his motion-- I'm sorry, his priority designation on the first day we were here in session. But secondly, and more importantly, this, this motion to pull has been ripe for a month. Senator Brewer asked to file it a month ago, but at my request, he has waited to try to work with opponents to see if there is a path forward. And that process actually has borne good fruit. So Senator Brewer, at my request, has waited and because of the timing, I did make a commitment to him to make sure that that pull motion would come up. So Tuesday, that will come up at 4:00. Now Wednesday, what we will do is we're going to have at least four bills scheduled. First one will be LB1073, which is Senator Wayne's bill that is the, the Nebraska HUD bill that also includes the rental assistance portion. That's Senator Matt Hansen's priority bill. We will also be dealing with Senator-- or at least will be on the agenda-- Senator Morfeld's priority bill relating to immunity, as well as the two water bills, LB1015 and LB1023. On Thursday, I anticipate Thursday will be a bill that we will have that will probably require extended debate if not a filibuster. Depending on the outcome of LB773, that pull motion on, on Tuesday, it very well could be LB773. If, if that motion is not successful, it will be some other bill that will take up time is what I intend. Bigger picture, I've had several senators ask me about separate ARPA bills that they have that are outside the appropriations process. I think there's a couple of them. Most notably, though, of course, is LB1024, which is Senator Wayne's bill. I will make sure that those are heard. I'm going to speak with Senator Stinner and figure out a way to incorporate that, but I will make sure that that-- those bills have their day in court as part of our, our budget discussion. I don't know exactly when they're going to come up, but you, you have my commitment that we'll-- that those senators will have the opportunity to have their bills heard on General File as part of the budget discussion. Beyond that, one last note on consent. I will

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have two more consent calendars. I will have one next Tuesday and one the following week and that's it. If you recall, the deadline is approaching. The, the deadline is-- the ultimate deadline is next Tuesday, but actually, for anything that's on General File as of today, the deadline is today at 3:00. So you have to have a written request to my office by 3:00 today to have it considered on consent. Anything that gets reported on General File on Tuesday, you have until 1:00 next Tuesday to be able to get that request in to me. I think-- I don't expect very many more consent requests. There very well might be some, some additional, but we'll try to work through as many as we can to get-- and, and get as much as we can done in those last two consent calendar. If you have any question about your specific bill, I've reached out to several senators already about their specific bills and what I intend to do in terms of scheduling. If you have any particular question, please find me. We're going to do everything we can to get everyone heard, but as I said at the beginning, we have effectively 12 days left to get through General File and we have over 60 bills on General File plus our 28 on Select File. There just isn't much time left to get the work done that we should get done so we need to prioritize. With that, everyone have a great weekend and I appreciate all your work this week. Thank you, Mr. President.

WILLIAMS: Thank you, Speaker Hilgers. Mr. Clerk for items and announcements.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Revenue, chaired by Senator Linehan, reports LB984 to General File with committee amendments. Additionally, amendments to be printed: Senator Brewer to LB773, Senator Linehan to LB984, and Senator Matt Hansen to LB820. Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. In addition, lobby report, as required by statute, is on file in the Clerk's Office. That's all I have at this time, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. We'll proceed to Select File, LB450.

ASSISTANT CLERK: Mr. President, with respect to LB450, there are no E&R amendments. Senator Geist would move to amend with AM1943.

WILLIAMS: Senator Geist, you're recognized to open on your amendment.

GEIST: Thank you, Mr. President, and I would like to thank Senator McKinney for working with me and allowing me to amend my bill, LB1215, onto this bill. AM1943 will create the Small Business Assistance Act. This act will provide up to \$25,000 grants to small start-up

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businesses and grants of up to \$12,500 for small businesses that did not qualify for the Paycheck Protection Program through the federal government. The first five years of a small business is a huge determining factor if a small business is successful or fails. This act will provide small business counseling to help the business succeed. The Department of Economic Development will contract with a private business that has expertise to provide the business counseling. These counseling services include accounting and budgeting, human resources, financial planning, and many other services that are important to small businesses. These services can be crucial to small businesses when they have not had experience with running a business in the past. This act includes income limits to make sure we provide opportunities for people who are in the middle class who may not have the ability to start a business without the grants. These start-ups will not typically be high-paying jobs, but normal businesses that we use every day. They could include salons, boutique stores, childcare centers, many other businesses that provide our much-needed services. Lastly, there is a provision that includes a report that will help judge the effectiveness of the program. It will be submitted every other year to the Governor and to the Legislature. So I en-- I urge you to vote green on AM1943. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Geist. Debate is now open on AM1943. Senator McKinney, you're recognized.

McKINNEY: Thank you, Mr. President. I just wanted to rise and say that AM1943 is a friendly amendment, as Senator Geist stated, and I ask for your support of the amendment. Thank you.

WILLIAMS: Thank you, Senator McKinney. Seeing no one wanting to speak, Senator Geist, you're recognized to close. Senator Geist waives closing. Members, the question is the adoption of AM1943 to LB450. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 31 ayes, 0 nays on adoption of the amendment.

WILLIAMS: The amendment is adopted.

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

WILLIAMS: Senator McKinney, you're recognized to close on LB450.

McKINNEY: Mr. President, I move to advance LB450 to E&R for engrossing.

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WILLIAMS: Members, you've heard the discussion. All those in favor say aye. Opposed say nay. LB450 is advanced. Next bill, Mr. Clerk.

ASSISTANT CLERK: Next bill, Mr. President, LB450A. I have no amendments to the bill, Senator.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to adopt LB450A to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The bill is advanced. Senator Hughes, you're recognized for an announcement.

HUGHES: Thank you, Mr. President. Good morning, colleagues. Since next week we begin all-day debate, we will have access to the Wherry Room, which is Room 2230. It is the lounge behind the Warner Chamber on the east end of the building here. It is similar to the Senator Lounge that is behind our Norris Chamber. During the first four phases of HVAC, all three branches of government placed the Wherry Room under the control of the executive branch. However, Governor Ricketts has agreed to allow us to use this room to alleviate some of the inconvenience during full-day debates. I have agreed that the use of this room will be based upon the following conditions: the Wherry Room will be made available as a lounge area once the Legislature has moved into all-day debate; only senators will be allowed to use the room, no staff, constituents, or lobbyists; when possible, the Governor's Office will provide the Clerk of the Legislature with a list of scheduled meetings that that-- so that we do not interfere with the planned use of the room. Otherwise, in order to provide maximum flexibility, the Wherry Room will be unlocked in the morning and considered to be available when the doors are open. So in addition to the schedule provided by the Governor's Office, closed doors will indicate that the room is in use. The Wherry Room is designated preservation space so no food or beverages will be allowed. A television has been placed in the room so that we can monitor floor activity. A telephone has also been installed to notify members that there is a call of the house. This will all be in an email delivered to each of your offices later today. Thank you, Mr. President.

ARCH: Thank you, Senator Hughes. We'll now move to Select File, LB1099.

ASSISTANT CLERK: Mr. President, LB1099. Senator, I have no amendments to the bill.

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ARCH: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB1099 to E&R for engrossing.

ARCH: Thank you, Senator McKinney. All those in favor say aye. Opposed. Motion carries. We'll move on to General File now.

ASSISTANT CLERK: Mr. President, LB707 by Senator Williams.

ARCH: Senator Williams, you're recognized to open.

WILLIAMS: Thank you, Mr. President. LB707 is one of the priority bills of the Banking, Commerce and Insurance Committee for this year. I introduced it at the request of the Director of Banking and Finance, Kelly Lammers. This bill is important legislation that needs to be enacted this year. It has also become the home for eight other related bills. I will cover them in a few minutes under the committee amendments that come before us. LB707 makes three substantive revisions. The bill amends the Nebraska Banking Act to authorize bank subsidiaries to be formed as limited liability companies and to provide that the current limitations on investment amounts and authorized practices applicable to bank subsidiary corporations, as well as the department's authority to examine these entities, will also apply to limited liability company subsidiaries. Currently, bank subsidiaries may only be formed as corporations. The bill amends Section 8-1502, which governs changes of control of banks and trust companies. The law requires the department to approve applications for acquisition of shares that will result in a person controlling 25 percent or more of the institution. The law contains a shortened procedure for shares received through debt collection, inheritance, or gift if the acquirer provides a ten-day prior notice requirement to the department. The bill changes this to a 30-day prior notice requirement. The change will assist filers and provide adequate review time for the Department of Banking. The bill amends also Section 45-736 of the Residential Mortgage Licensing Act, which currently provides that a licensing-- licensee making loans under the act must show its unique nationwide mortgage licensing system identifier number on application forms and all forms of advertising. The bill will extend the requirement to all licensees under the act and provide greater transparency to Nebraska mortgage loan applicants and borrowers. LB707 also makes these annual updates: the bill provides for the annual reenactment of the depository financial institution wild card statutes to provide equal rights, powers, privileges, benefits, and immunities for state-chartered banks, savings and loan

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associations, and credit unions with their respective national or federal counterparts. Due to state constitutional restrictions, the statutes are amended annually. The bill updates cross-referenced federal statutes and regulations to refer to these statutes and regulations as they existed on January 1, 2022. The current reference date is January 1, 2021. That is a quick overview of this year's legislation, as proposed by our Department of Banking and Finance. LB707 was supported by the Director of the Department of Banking and by representatives of the Nebraska Bankers Association. There was no opposition testifiers. LB707 as amended was advanced to General File on an 8-0 vote of the members of the Banking, Commerce and Insurance Committee. As I suggested earlier, LB707 has become the Banking, Commerce and Insurance Committee's finance Christmas tree for this section. The sections of eight other bills are included and we will go over those in my amendment. Thank you, Mr. President.

ARCH: Thank you, Senator Williams, Mr. Clerk, for an amendment.

ASSISTANT CLERK: Mr. President, the Banking Committee has committee amendments to LB707.

ARCH: Senator Williams, you're welcome to open on the amendment.

WILLIAMS: Thank you, Mr. President. The committee amendments contains the provisions of LB707 and the provisions of eight other bills heard by the committee. Each of these bills are noncontroversial. Each bill had no opposition, no fiscal impact, and each bill was voted out of committee 8-0 and you can see the committee statements on your gadget. First bill contained in the committee-- or in the amendment is LB706, which I introduced at the request of the Nebraska Real Property Appraisers Board. LB706 is the board's cleanup bill for 2022 and was put together over the fall by staff of the board and staff of the committee pursuant to an interim study resolution, LR100. The provisions of LB706 would update the Real Property Appraisers Act for compliance with Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, the real property appraiser qualifications criteria, as promulgated by the Appraisal Foundation and enforced by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, and the policy statements of the appraisal subcommittee. If the state of Nebraska is found to be out of compliance with Title XI by the appraisal subcommittee, the appraisal subcommittee may remove all Nebraska-credentialed appraisers from the national registry of appraisers, resulting in there being no appraisers qualified to appraise real property in connection with federally related transactions. I'll tell you that most of the

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mortgage industry, at least 80 percent of the appraisals that are being done right now, and this needs to happen. The second bill included in the amendment is LB738, introduced by Senator Bostar. The provisions of LB738 would address the legal effects of the discontinuance of the London Interbank Offered Rate, or LIBOR, or on contract securities or instruments and provides for the replacement by operation of law of the United States Dollar LIBOR as the benchmark index for any contract, security, or instrument with the recommended benchmark replacement that is based off the secured overnight financing rate, SOFR. The provisions of LB738, which specify that the benchmark replacement applies with respect to a contract, security, or instrument that either (1) contains no fallback provision, setting forth a methodology or procedure for determining a benchmark replacement, or (2) contains fallback provisions that result in a benchmark replacement that is (a) not recommended as a benchmark replacement and (b) is based on-- any way on a LIBOR value. At its hearing, LB738 was supported by the Nebraska Bankers Association and the Nebraska Credit Union League. There were no opposition testifiers and the bill was advanced 8-0 by members of the committee. The third bill is LB826, introduced by Senator Lindstrom. LB826 would amend the Public Funds Deposit Security Act to amend the definition of securities. The Public Funds Deposit Security Act provides that any bank capital stock financial, financial institution or qualifying mutual financial institution subject to a requirement by law to secure the deposit of public funds of a governmental unit in excess of the amount secured by the FDIC may give security by furnishing securities or providing a deposit guarantee bond or any combination thereof pursuant to the act in satisfaction of the requirement. The act defines securities to include, among other things, bonds or obligations of other state or political subdivisions of another state, which are rated within the two highest classifications at any of the one-standard rating services. The provisions of LB826 would require such classifications to include the underlying credit rating or enhanced credit rating, whichever is higher with respect to bonds and obligations and a political subdivision of another state. The provisions of LB826 are subject to the emergency clause. At its hearing, this was supported by the Nebraska Bankers Association and by the Director of the Department of Banking. There were no opposition testimony and the bill was voted forward to be included in the amendment on an 8-0 vote by all the members of the committee. The fourth bill is LB846, introduced by Senator Slama. LB846 would amend the Nebraska Banking Act to provide that an annual audit by an accounting firm of a state-chartered bank and satisfaction of the requirements of this section shall be submitted to the Department of

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Banking and Finance within 120 days after the end of the calendar year. The committee amended-- the committee-amended version of LB846 would provide that such audit shall be submitted within 120 days after the completion of the audit or for a periodic audit within 120 days after the end of the calendar year. At its hearing, LB846 was supported by the Nebraska Bankers Association and the Director of the Department of Banking and Finance. There were no opposition testifiers and again, this bill was advanced forward on an unanimous vote from the committee. The fifth bill is LB894, introduced by Senator Stinner. The provisions of LB890-- excuse me, LB896 [SIC] it says here-- would amend the Public Accountancy Act to amend, clarify, and streamline provisions regarding non-CPA owners of public accountancy firms. Most importantly, the provisions of LB894 would provide that non-CPA owners who are natural persons may in the aggregate comprise a majority of the total number of owners of a firm. As background, the provisions of LB894 would also reaffirm that non-CPA owners shall not hold in aggregate more than 49 percent of the firm's equity capital or voting rights or receive in aggregate more than 49 percent of the firm's profits or losses. At its hearing, LB894 was supported by the Nebraska Society of CPAs. There was no opposition testimony and this again was advanced 8-0 by the Banking Committee. The sixth bill is LB973, introduced by Senator Matt Hansen. LB973 seeks to update and modernize statutes related to the Nebraska Investment Finance Authority. The act includes updating the definition of an economic impact project to include projects with public agencies and nonprofit childcare facilities. Affordable housing infrastructure is revised to include broadband and clarifies that missing middle ownership houses are also supported. The definition of residential energy conservation device is amended to specifically include any device to utilize geothermal for any residential energy conservation project. Additionally-- additionally, LB873 [SIC--LB973] authorized NIFA to assist its financial affordable housing infrastructure for private parties to assist with acceleration of land preparation. At its hearing, this bill was supported by NIFA and the Nebraska Realtors Association. There was no opposition testimony and this bill again was advanced on an 8-0 vote from the committee. The seventh bill is LB993, introduced by Senator Bostar. The provisions of LB993 would amend the sections of the Nebraska Financial Innovation Act, which we adopted last year, which currently provides that a digital asset depository is authorized, among other things, to provide digital asset and cryptocurrency custody services. The committee amendment version of LB993 would provide that such custody services shall not be provided for a digital asset or cryptocurrency unless the digital asset or cryptocurrency (1) was initially offered for public trade more than

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six months prior to the date of the custody service or (2) was created or issued by a bank savings loan association or building loan association organized under the laws of the state of Nebraska of the United States. At its hearing, LB993 was supported by the Nebraska Bankers Association and Exodus Movement. There were no opposition testifiers and again, the Banking Committee [SIC] came in and testified in a neutral capacity and this was advanced on an 8-0 vote by the committee. The eighth and last bill included is LB1017, introduced by Senator--

ARCH: One minute.

WILLIAMS: --Slama. LB1017 would authorize a trustee to appropriate, to pay, or reimburse a settler for income tax liability that arises as a result of income earned on assets held in trust. Such authority is consistent with what has been done in other states and is allowed in accordance with IRS revenue rulings. The committee amendments to LB707 [SIC--LB1017] would amend the provisions of Section 62-301 to provide that for purposes of the Uniform Commercial Code, we harmonize those sections with federal law and federal holidays. The committee amendment would apply the emergency clause to this section. Members, those are the provisions of the committee amendment. Again, I would remind you that each one of these are noncontroversial, they had no opposition testimony, no fiscal impact, and were advanced 8-0 from committee and I would urge your adoption of the committee amendment and the underlying bill.

ARCH: Time, Senator Williams.

WILLIAMS: Thank you, Mr. President.

ARCH: Debate is now open on, on AM1859 to LB707. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President, and good morning, colleagues. I thought for a moment about rising today and just starting a filibuster until we got dinner breaks with late-night debates, but I digress. I rise today in support of LB707 and would like to thank Chairman Williams for including my LB846 and LB1017 in this particular Christmas tree bill and also to thank him for his thoughtful leadership, along with retiring committee counsel, Bill Marienau, for their leadership and guidance in handling very technical issues facing the banking and insurance industry. Thanks to their leadership and their time dedicated to these issues, we have a thriving industry and

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I hope that continues long after they're gone. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good morning. That was a very fine description, Senator Williams. I appreciate all that information, but I do have a question if you would yield to a question.

ARCH: Senator Williams, will you yield?

WILLIAMS: Certainly.

ERDMAN: Senator Williams, at the bottom of the committee statement, it said it's making Juneteenth a national-- or a bank-- banking holiday. Can you explain the necessity to do that? I thought Juneteenth was a national holiday.

WILLIAMS: It needs to be included in the bank holidays on the state level. That's something that we do every year so we take those federal holidays and put them under the-- what's called the Uniform Commercial Code, as I mentioned in, in my opening. That's something that is, is necessary for banks to do because they have to be listed on this for us to take that-- for banks to be closed on that day. It is very difficult for a bank not-- or to be open on what is a federal holiday because the Federal Reserve and the clearing process is all closed.

ERDMAN: So that brings to mind this question then: are all of those holidays that banks are closed now, those are, those are already in your-- in the statute or whatever you want to-- how do you want to say that?

WILLIAMS: Yes.

ERDMAN: And so was last year Juneteenth a national holiday?

WILLIAMS: I do not believe it was celebrated last year. I do not remember that for sure, Senator Erdman.

ERDMAN: But even if it's just designated a national holiday, whether we celebrate it or not, the banks last year on, on June 19 should have been closed, correct?

WILLIAMS: Banks in Nebraska are required to be open unless they are-- there is a specific Nebraska date or name in their, in their statute. So if-- you could have a situation of having a federal holiday that

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was not designated by the state and a bank in Nebraska would be required to be open on that date.

ERDMAN: So, so I can conclude from that then last year, a bank could have been open, even though Juneteenth was a national holiday.

WILLIAMS: I think that would be correct.

ERDMAN: OK, so this is just clarifying that the banks are going to be closed?

WILLIAMS: It gives the banks the opportunity to be closed. It does not require that a bank be closed. It gives them that opportunity.

ERDMAN: OK, so--

WILLIAMS: Same with all the other holidays that are, that are listed.

ERDMAN: So you being a banker, if you wanted to have your bank open on June 19, you could do that?

WILLIAMS: Absolutely.

ERDMAN: OK, thank you.

ARCH: Thank you, Senator. Seeing no one left in the queue, Senator Williams, you're welcome to close on AM1859. Senator Williams waives close. Vote for the body is, is AM1859. Those in favor vote aye; those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk.

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

ARCH: AM1859 is adopted. We'll move to LB707. Senator Williams, you'd like to close?

WILLIAMS: Thank you, Mr. President, and I appreciate everybody's willingness to participate in, in hearing all of those bills. They are all important bills that are primarily cleanup in nature. Senator Erdman, committee counsel came over and helped me. The federal holiday was actually declared in June last year is when the feds did that so there was not an opportunity. This is the first opportunity for the Nebraska Legislature to do that in banking law. I would like to thank all the members of the committee that have worked very hard this year on these things, especially committee counsel, Bill Marienau, and I encourage your green vote to advance LB707.

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ARCH: Thank you, Senator. The question before the body is the advancement of LB707 to E&R Initial. All in favor vote aye; opposed nay. Has everyone voted who wishes to vote? Mr. Clerk, record.

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

ARCH: Bill is advanced to E&R Initial. We'll move on to the next item on the agenda, LB863. Senator Williams, you're welcome to open. Oh, I'm sorry.

ASSISTANT CLERK: Mr. President, LB863 is bill for an act relating to-- excuse me, introduced by Senator Williams, is a bill for an act relating to Insurance Holding Company System Act; defines a term; requires the filing of annual group capital calculations and liquidity stress tests as prescribed; provides for confidentiality and recognizes trade secrets as prescribed; provides powers and duties; harmonize provisions; repeals the original section. The bill was, the bill was read for the first time on January 7 of this year and referred to the Banking, Commerce and Insurance Committee. That committee reports the bill to General File with committee amendments.

ARCH: Senator Williams, you're now welcome to open.

WILLIAMS: Thank you, Mr. President. LB863 is the second priority coming out of the Banking, Commerce and Insurance Committee for this session. I introduced this at the request of the Director of Insurance, Eric Dunning. The bill is important legislation that needs to be enacted this year. It also has become the home for six other insurance bills and I will cover them in a few moments under the committee amendment. LB863 amends the Insurance Holding Company Act to reflect the latest updates to a model law adopted by the National Association of Insurance Commissioners, or NAIC. Our act has been based on that model act. The bill's proposed changes to our Insurance Holding Company Act are necessary due to two agreements signed by the United States: one with the European Union, the second with the United Kingdom. The NAIC modified their model act to implement those covered agreements by adopting a group capital standard to allow our departments to evaluate insurance capital requirements on a group basis. The changes also require large life insurance insurers that will engage in what is called liquidity stress testing. Both are NAIC accreditation standards. If Nebraska, which has domiciled insurers that are subject to the covered agreements, does not enact the changes outlined in the covered agreement and the NAIC model act, another authority such as the European Union or the United Kingdom, may impose its own group capital requirements that may substantially differ from

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accepted practices in the United States. The bill makes sure that internationally active, Nebraska-domiciled insurers are not subject to double regulation by the European Union or the United Kingdom. The international deadline is short. The bill must become effective by November 7, 2022, to avoid European Union or United Kingdom regulation of Nebraska-domiciled insurance groups that operate in the European Union or the United Kingdom. That is a brief overview of a very complex bill. It updates our version of the model act. Its enactment will allow our Department of Insurance and our Nebraska-domiciled insurance industry to maintain the position as major players in the insurance world. At its hearing, LB863 was supported by the Director of Insurance and representatives of the Nebraska Insurance Federation and the Director of the Department of Banking. There were no opposition testifiers. LB863 as amended was adopted and sent to General File on 8-0 vote from the members of the committee. As I suggested earlier, LB863 has become the priority bill and a Christmas tree bill for this session. The six other bills that are introduced I will describe in the committee amendment and that will conclude my remarks on the opening for LB863. Thank you, Mr. President.

ARCH: Thank you, Senator Williams. As the Clerk noted, there is an amendment-- committee amendment, AM1913. Senator Williams, you're welcome to open on that.

WILLIAMS: Thank you, Mr. President. The committee amendment contains the provisions of LB863 and also the provisions of six other bills heard by the committee. As I testified before, these bills also are noncontroversial. Each one had no opposition testimony, has no fiscal impact, and each bill was voted out of committee on an 8-0 vote. The first bill is LB728, introduced by Senator Lindstrom. LB728 would enact the Travel Insurance Act and is based on the travel insurance model act adopted by the NAIC in 2018. The purpose of travel insurance is to provide consumers peace of mind that when booking a trip, they will be reimbursed for part or all of their expenses should the desired event-- undesirable event occur that prompts cancellation or interruption of their trip. The NAIC recognized that there was a lack of specificity and consistent application with the regulation of the travel industry and started work on the model act in 2016. The model, as well as LB728, establishes a regulatory structure related to travel insurance and covers market regulation, rate regulation, and enforcement of this type of insurance. It is important to the regulators that the travel industry be regulated this way with uniformity and consistency. At its hearing, the bill was supported by the United States Travel Insurance Association and by our Department of Insurance. There were no opposition and the bill was advanced 8-0

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by the committee. The second bill is LB737, introduced by Senator Bostar. LB737 creates the Primary Care Investment Council, which (1) will determine an appropriate definition for primary care spending, (2) develop policies and procedures for the collection of information necessary to measure primary care spending levels in Nebraska, (3) determine the appropriate target level of primary care spending for carriers in Nebraska, and (4) develop recommendations to the Legislature for achieving the sustained primary care spending in Nebraska at the target level. At its hearing, it was supported by the Nebraska Academy of Family Physicians, the Metro Omaha Medical Society, Bluestem Health, the Nebraska Medical Association, Blue Cross Blue Shield of Nebraska, and the Nebraska Insurance Federation. There were no opponent testifiers and the Director of Insurance testified in a neutral capacity. The bill was advanced 8-0 by the committee. The third bill is LB739, introduced by Senator Bostar. The bill would change just one word. It would amend a section in the insurance statutes to provide that individual or group health policies and plans shall include screening coverage for colorectal cancer examination and laboratory tests for cancer for any nonsymptomatic covered person beginning at age 45 rather than age 50. This proposed change follows a recommendation that had been made by the national associations and Prevention Service Task Force [SIC]. At its hearing, it was supported by the Nebraska Cancer Coalition, the Nebraska Medical Association, Friends of Public Health in Nebraska, the Nebraska Rural Health Association, the Nebraska Insurance Federation, and Blue Cross Blue Shield of Nebraska. There were no opposition testifiers and the bill has been made part of our committee on a vote of 8-0. The fourth bill is LB955, introduced by Senator Murman. LB955 as introduced would make it unlawful to decline or limit certain insurance coverages or to determine premium for such coverages as a result of a person's status as a living organ donor. After the bill's introduction, Senator Murman entered into negotiations with the insurance industry, which resulted in a new version of the bill, which was offered to the committee at the hearing and ultimately adopted. The committee amendment version, in principle part, provides that it shall be unlawful for an insurer to deny coverage, cancel insurance coverage, or determine the price for a premium or refuse to issue or otherwise vary any term or condition of a life insurance policy, disability insurance policy, or long-term care policy based on the fact that a person is a living organ donor. This was supported by the Nebraska Insurance Federation, the Nebraska Council of Life Insurers, Mutual of Omaha. There were no opposition testifiers and again, this was advanced 8-0 from the committee. The next bill is LB957, introduced by Senator Flood at the request of the Nebraska Insurance Federation. LB957 would make various

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updates in the Insurance Investment Act [SIC]. This act is lengthy and dense. Its stated purpose is to protect and further the interest of policyholders, claimants, creditors, and the general public by establishing standards, requirements, and limitations for the investment of Nebraska domestic insurers. Such standards, requirements, and limitations are intended to promote solvency, investment yield and growth, investment diversification, investment value stability, and liquidity to meet business needs. The act is an important tool for the Department of Insurance to evaluate the current and future solvency of Nebraska's domestic insurance industry. At the hearing, our Director of Insurance told the committee that it is incredibly important to keep this act up to date. The director noted that the act had not been-- undergone any significant revision for 15 years. At its hearing, this was supported by Pacific Life Insurance Company, the Nebraska Insurance Federation, and Mutual of Omaha and by the Director of Insurance. There were no opposing testimony and the bill was advanced 8-0. The next and final bill is LB1042, introduced by Senator Bostar at the request of the Nebraska Insurance Federation. LB1042 would amend provisions and statutes which prohibit improper rebates by insurance companies, agents, or brokers. It is based on a model act, provisions developed in 2020 by the National Association of Insurance, the NAIC. The amendments would permit the offer or, or provisions of value-added products or services by a company, agent, or broker to a consumer at no or reduced cost if the product or service related to the insurance coverage provided and is designated to satisfy one of the categories specified in the legislation such as loss mitigation, reduced claim costs, risk monitor, enhanced health, post-life coverage, etcetera. Examples include a water-monitoring device for your house or a fitness device for your person or a free work injury assessment for your business. The amendments eliminate the requirement that the product or service would have to be included in the policy. At its hearing, it was supported by the Nebraska Insurance Federation, the American Property Casualty Insurance Association, the Nebraska Insurance Information Service, the Independent Insurance Agents of Nebraska, and the Director of Insurance. There was no opposition testimony and this again was advanced 8-0. Those are the six bills that were included in the amendment that have been attached to the underlying bill and I would encourage your green vote. Thank you, Mr. President.

ARCH: Thank you, Senator Williams. Debate is now open on AM1913 and LB863. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Williams, for that very informative introduction of that amendment. I am just

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rising to speak about-- I have a resolution sitting at my desk. I'm inviting everyone in the Legislature to come sign it. It is recognizing the month of March as MS awareness for multiple sclerosis. So I'd like to submit it today so please feel free to come by before we adjourn and sign on. Thank you.

ARCH: Thank you, Senator Cavanaugh. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. Is Senator Lindstrom checked in? He's not. I'd like to ask him a question. Well, would Senator Williams yield to a question?

ARCH: Senator Williams, will you yield?

WILLIAMS: Certainly.

CLEMENTS: Senator Williams, on this bill, the LB728 by Senator Lindstrom, the travel insurance, I had a question about that. I'm, I'm a licensed agent in all lines of insurance currently. Will I need to get another license, take a test or something to sell travel insurance? Because I have sold travel insurance in the past.

WILLIAMS: I don't believe there is anything in this bill that changes any of the license requirements, Senator Clements. However, I'm not an expert on what kind of licenses insurance people handle, but this bill didn't change the licensing.

CLEMENTS: I just noticed there's some licensing discussion in the committee statement and I'll-- I do want to check out that. I'll probably try to talk to Senator Lindstrom when I can, when he's available. Thank you, Senator Williams.

ARCH: Thank you, Senator Williams, Senator Clements. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. President. Would Senator Bostar yield to a question, please?

ARCH: Senator Bostar, will you yield?

BOSTAR: Yes, I would.

B. HANSEN: Just for my own curiosity sake and I had some other people ask me about LB737, one of your bills that was included in this Christmas tree. Can you explain a little bit further the purpose

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behind it? I understand what we're trying to collect, you know, primary care spending in the state of Nebraska. We send it to the federal government. Can you maybe just elaborate more on what kind of information we're going to be collecting and then who we're sending it to and then the purpose behind it?

BOSTAR: Sure. So the group would be collecting data around mostly related to healthcare expenses and it ultimately will be reported to the Legislature with benchmark recommendations for primary care investments. The purpose being that-- and I should take a step back and say that other states have, have taken similar steps as, as this would be. The purpose would be that we can make some investments on the front end of healthcare services that would reduce overall healthcare spending for our, for our state, both on the consumer side, the patient side, the payee side and the payor side. So really looking for those opportunities where it's truly a win-win to ensure that we're doing what we can to keep healthcare costs low and provide and maximize the, the level of care and service in the, in the healthcare industry.

B. HANSEN: From my understanding, it just provides somebody with maybe some more specificity about the type of health outcomes that we're getting and where we can spend our money in the state of Nebraska, right?

BOSTAR: Yeah, absolutely.

B. HANSEN: OK.

BOSTAR: And it's-- you know, the, the commission will, will produce a report. It's-- you know, they unilaterally aren't taking any action. They're not changing the system. They're going to do the work of collecting the data and making recommendations that will ultimately come back to us as a Legislature. And then from that, you know, we will have the opportunity to evaluate that and, and see if there are opportunities that we want to take advantage of.

B. HANSEN: OK and it-- this creates another council, doesn't it, called the Primary Care Investment Council?

BOSTAR: That's correct.

B. HANSEN: OK and so this council then gets the report from the-- so we send our information to the federal government, federal government then collaborates all this information and sends it back to us, and

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then the council then reports the Legislature or they report-- do they report to the Department of Insurance?

BOSTAR: So the council is housed under the Department of Insurance and I would say that it's-- there, there's information that's going to the federal government, but essentially that's the information that they are then also collating and packaging and using to make recommendations. So it's-- effectively, it's information that is already being collected by providers and insurers and we're simply taking that for our own state's uses. Because right now, all of that is being used and collected for the, for the benefit in reporting to the federal government. So now we're saying, OK, that there some, there's some inherent value for us to take a look at this, to put it in one spot, and then see if there are opportunities that we want to-- we would like to take advantage of.

B. HANSEN: OK. All right, appreciate you answering my questions. Thank you.

BOSTAR: Thank you.

ARCH: Thank you, Senator Bostar, Senator Hansen. Senator Clements, you're recognized.

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

ARCH: Senator Murman, will you yield?

MURMAN: Be glad to.

CLEMENTS: I see item 4 in the committee amendment talks about LB955 coverage for organ donors. Was there a problem with people who had been an organ donor or who-- how do you define organ donor in this bill?

MURMAN: Well, this bill covers living organ donors and there is a shortage of donors in the country and, and in Nebraska. In Nebraska alone, there's 325 people waiting for an organ transplant and two people die each day while they're on the waiting list.

CLEMENTS: All right. So this is for people who have-- organ donor doesn't mean you're on the organ donor list. It means you have already donated a kidney, for example, right?

MURMAN: Yes.

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CLEMENTS: OK.

MURMAN: And there are certain insurance considerations that you would want to make before donating an organ and this bill covers those considerations.

CLEMENTS: So this protects a person who has been an organ donor from being rated up on their insurance or, or canceled or declined for insurance coverage, is that what it's doing?

MURMAN: Yes. Actually, it would make it unlawful for an insurance company to decline or limit coverage for life, disability, or long-term care insurance, from being discriminated against in that way when they are a organ transplant-- or an organ donor, I should say.

CLEMENTS: Was health insurance included in that?

MURMAN: No, this bill just covers life, disability, and long-term care insurance.

CLEMENTS: OK. All right, that clarifies. Thank you, Senator Murman. Thank you, Mr. President.

ARCH: Thank you, Senator Murman, Senator Clements. Seeing no one left in the queue, Senator Williams, you're welcome to close on AM1913. Senator Williams waives close. The question before the body is the adoption of AM1913. All in favor vote aye; opposed no. Has everyone voted who wish to vote? Mr. Clerk.

ASSISTANT CLERK: 42 ayes, 0 nays on adoption of committee amendment.

ARCH: The committee amendment has been adopted. We'll now move to the adoption of LB863. Senator Williams, you're welcome to close.

WILLIAMS: Thank you, Mr. President. Again, I would like to thank all the committee members for their hard work this year and for their willingness to put these bills together. I think everybody understands we would prefer debating each one of these separately, but with the time restraints that we have, I think this is the most efficient way to move these bills that, that need to be passed along. I would be remiss if I didn't recognize all of the special work by our committee clerk, Natalie Schunk, in doing all of this and then also in particular for our committee legal counsel, Bill Marienau. And for those that you-- of you that don't know this, this is Bill Marienau's 35th session as being legal counsel to the Banking, Commerce and Insurance Committee. And maybe more importantly for our future, this

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is Bill Marienau's last session as being committee clerk [SIC]. I am saddened by that and we will have more to talk about that later, but I would like to recognize all of his special work for this session and with that, I encourage your green vote to move LB863 forward. Thank you, Mr. President.

ARCH: Thank you, Senator Williams. The question before the body is the advancement of LB863 to E&R Initial. All in favor vote aye; opposed nay. Has everyone voted that wish to vote? Mr. Clerk.

ASSISTANT CLERK: 44 ayes, 0 nays on advancement of the bill.

ARCH: LB863 advances. Senator Friesen would like to make an announcement. There are some guests in the north balcony, fourth grade-- 76 fourth-graders from Shoemaker Elementary in Grand Island. Students, please rise and be recognized.

WILLIAMS: Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Transportation and Telecommunication, chaired by Senator Friesen, reports LB1016 to General File with committee amendments. Additionally, amendments to be printed-- or excuse me, your Committee on Government, Military and Veterans Affairs, chaired by Senator Brewer, reports LB1104 to General File. Amendments to be printed: Senator McKinney to LB450A and Senator Hunt to LB598. Senator Wishart introduces LR316. That will be laid over. Senator Brewer would move to place LB773 on General File pursuant to Rule 3, Section 20(b). That will be laid over. A communication from the Governor stating that engrossed LB685 and LB700e were received in my office on February 25, 2022, and engrossed LB592, LB708, LB754, LB758, and LB892 were received in my office on February 28, 2022. These bills were signed and delivered to the Secretary of State on March 3, 2022. Signed sincerely, Pete Ricketts, Governor. That's all I have at this time, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Returning to the agenda, General File committee priority bills.

ASSISTANT CLERK: Mr. President, LB752 introduced by Senator Arch. It's a bill for an act relating to the Respiratory Care Practice Act; redefines a term; harmonize provisions; repeals the original section. The bill was read for the first time on January 5 of this year and referred to the Health and Human Services Committee. That committee

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placed the bill on General File with committee amendments. There are other amendments as well, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Senator Arch, you're recognized to open on LB752.

ARCH: Thank you, Mr. President. Good morning, colleagues. LB752 is one of the Health and Human Services Committee's priority bill packages focusing on public health, scope of practice, and licensure. The provisions of LB752 update the scope of practice statute for respiratory care therapists to reflect current practice standards and practices. With technological advancements since the original statute was passed, respiratory therapists have been trained to assume more advanced roles in cardiopulmonary resuscitation and administration of pharmacologic diagnostic and therapeutic agents. The language in LB752 reflects those change. One very important change the bill allows for is the continued use of extracorporeal membrane oxygenation, or ECMO, which is a process where blood is pumped outside of your body to a heart-lung machine that removes carbon dioxide and sends oxygen-filled blood back to tissues in the body, allowing your heart and lungs to rest. Respiratory therapists have been trained to monitor and administer this and the provisions of LB752 would clarify they would continue to be able to do this. Respiratory therapists completed their 407 credentialing review process outlining these changes. The technical review committee, Board of Health, Director of Public Health all approved respiratory therapists' proposal. During the 407 process, there were zero no votes or abstentions from the technical review committee or the Board of Health. This proposal was unanimously approved. LB752 reflects that proposal. LB752 was also voted unanimously out of committee 7-0 and I would urge your green vote on the bill. You can find the provisions of LB752 in Section 21, beginning on page 79 of AM1918. And at this point, I would also like to open on the committee amendment.

WILLIAMS: Thank you, Senator Arch. As the committee stated-- or as the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Arch, you're recognized to open on the committee amendments.

ARCH: Thank you, Mr. President. AM1918 to LB752 also contains amended provisions of LB753, LB554, and LB15. LB753 is my bill relating to stem cell-based therapies. LB753 would require any healthcare practitioner who performs stem cell-based therapy to, first of all, obtain informed written consent from the patient and make sure that the patient is aware the treatment has not received Food and Drug

Administration approval, including for experimental use, and that the FDA approval status has been explained by the practitioner. The bill would not apply to a health, a healthcare practitioner using stem cell-based therapeutics or products under investigational approval from the FDA. Failing to obtain informed written consent could result in disciplinary action against the credential holder. There are only a few widely practiced stem cell therapies approved by the FDA currently. They involve the use of bone marrow, peripheral blood, or umbilical cord blood derived from stem cell populations to correct diseases or disorders of the blood and immune system. These stem cell sources may be derived from the recipient patient or a match donor. Unfortunately, the excitement around the potential use of stem cell research has led to a surge in direct-to-consumer stem cell clinics offering therapies that are not proven by clinical trials, are not supported by evidence-based medical research, and do not have FDA approval. The original provisions of LB753 included language that the provisions would be enforced by DHHS. However, that provision has been removed at the request of the Attorney General's Office to allow them to take action against these violations. LB554 Is Senator Blood's bill adopting the Licensed Professional Counselors Interstate Compact, with the majority of provisions found primarily in Section 1, beginning on page 1. The compact operates like many of the other professional licensing interstate compacts that Nebraska has adopted and implemented. When at least ten states join the compact, professional counselors licensed in those states may acquire a privilege to practice in other compact states. This compact has already been enacted in Georgia and Maryland, with legislation pending in 18 other states. Based on current Nebraska statutes and how we structure our mental health practitioner licensure, this compact would only apply to certain licensed independent mental health practitioners. Most of the provisions in the amendment, Section 348 through 18 and 22 through 26 [SIC] are cleanup language adding language such as or a privilege to practice to current statutes relating to mental health practitioners. The next bill, LB15, is also Senator Blood's bill adopting the Occupational Therapy Practice Interstate Compact found in Section 2, page 28 of AM1918. Again, this compact operates like many of the other professional licensing interstate compacts that Nebraska has adopted and implemented. When at least ten states join this compact, occupational therapists licensed in those states may acquire a privilege to practice in other compact states. This compact has been adopted in nine states with pending legislation in 12 other states. It has been adopted in Colorado, Missouri, Wisconsin, Ohio, Georgia, North Carolina, Virginia, New Hampshire, and Maine. Nebraska would, would be the tenth state to enact the compact. I would like to note

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that yesterday afternoon, we received word that there were some issues regarding implementation of the criminal background check portion of the compacts in that the FBI has not approved the language up to this point regarding use of its database for fingerprinting in relating to these specific cases, and also with audiologist and speech language pathologists, which is the compact we passed last session. The State Patrol needs FBI approval to access the FBI fingerprint database and that approval hasn't yet been given. To our understanding, FBI approval has been given in some states that have enacted the compacts, while approval was not given in others. All of these compacts use similar language regarding background checks and fingerprinting as Nebraska's Nurse Licensure Compact and our Interstate Medical Licensure Compact, which have been successfully implemented. We're still waiting to find out exactly what the issue is and working on a solution. We'll continue to work on a solution and, and possibly introduce an amendment on Select File if needed. Finally, Senator DeBoer has, has filed AM2103, which contains amended provisions of LB374, the Alzheimer's Disease and Other Dementia Support Act. It would include a minor fiscal note for hiring a full-time employee of the Department of Health and Human Services. We consider this amendment to be a friendly amendment. And with that, I urge your green vote on LB752, AM1918, AM2103 when it comes up. Thank you.

WILLIAMS: Thank you, Senator Arch. Mr. Clerk, for an amendment.

ASSISTANT CLERK: Mr. President, Senator DeBoer would move to amend with AM2103.

WILLIAMS: Senator DeBoer, you're recognized to open on AM2103.

DeBOER: Thank you, Mr. President. Good morning, colleagues. Thank you, Senator Arch, for allowing me to introduce this bill onto the community-- committee priority. Today, I am introducing AM2103, which includes the provisions of my bill, LB374. This will adopt the Alzheimer's Disease and Other Dementia Support Act. The act would establish the Nebraska Alzheimer's Disease and Other Dementia Advisory Council and require the council to publish a state Alzheimer's plan and provide annual reports to monitor the plan's implementation. The council would create an updated state plan that would act as a continuation to the 2015 state plan. Through the creation of a comprehensive statewide plan, Nebraska can collectively address issues related to Alzheimer's and other dementia. A statewide plan will assist Nebraska in increasing public awareness of the-- of Alzheimer's, encouraging early detection and diagnosis, and evaluating the capacity of the healthcare system in meeting the growing number

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and needs of those with Alzheimer's disease and other dementia. The council would update the state plan every four years to ensure it is relevant and adaptive to the changing needs of this population. In Nebraska, there are currently over 35,000 individuals who have been diagnosed with Alzheimer's disease and over 83,000 Nebraskans provide unpaid-- unpaid care for people living with Alzheimer's disease and other dementia. These numbers will continue to grow in coming years due to longer average lifespans and the expected growth in the population of older Nebraskans. We need to be proactive in planning and implementing policies to care for these Nebraskans. LB374 was advanced by the Health and Human Services Committee unanimously. This amendment includes the committee amendment to LB374 as well as adding an additional member at the request of the department to represent an individual with experience or expertise in the area of the specific needs of individuals with intellectual and developmental disabilities and Alzheimer's disease or other dementias. Thank you again to Chair Arch for allowing me to amend this bill into the committee's priority bill and I would ask for your green vote on AM2103 and on LB752. Thank you, Mr. President.

WILLIAMS: Thank you, Senator DeBoer. Senator Machaela Cavanaugh would like to recognize two guests in the north balcony: Clara Towey from Omaha and her father, Trevor. Trevor is the president of the Omaha Firefighters Association. Would you please rise and be recognized by your Nebraska Legislature. Mr. Clerk, for an announcement.

ASSISTANT CLERK: Mr. President, the General Affairs Committee will be having an Executive Session at 10:30 under the north balcony. General Affairs, 10:30 under the north balcony. Thank you.

WILLIAMS: Thank you, Mr. Clerk. We now return to debate on AM2103. Senator Vargas, you're recognized.

VARGAS: Thank you very much. I rise in support of this. I'll be brief. The reason I'm rising is because, you know, Senator Arch mentioned ECMO, which-- so if people haven't really experienced ECMO-- and I will say this: it was an option for my father. My father was on a ventilator for 30 days and ECMO is one of these and respiratory therapists and just anybody that is trained in actually managing any of the tools with a ventilator or doing any ECMO are lifesavers to communities and members. My father wasn't one of the ones that survived where we can actually utilize some of these different therapies, but others in his ICU ward were. And I'm just thankful that we are doing continued updates in this area because at the end of the day, this is just one of those. You probably are never going to hear

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about ECMO or any, anymore improvements in this area unless you've dealt with it firsthand and I hope you don't. And essentially, what it is doing is removing the carbon dioxide from the blood because the carbon dioxide in one's blood is so high that it is so dangerous. And I know that because it was one of the biggest issues with my father. He had a carbon dioxide level that was about six times what a normal person has to be and its machines are-- individuals have expertise in this that understand and know that-- how to utilize this technology and this therapy to be able to save people's lives so that eventually when they can do these processes on their own-- this is the only thing that's keeping them alive largely. So with that, I support this, this bill and the underlying amendments and the other bills that are part of it. Just want to thank the committee for working on this. Thank you.

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

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand in support of AM2103, AM1918, and LB752 and I do thank Senator Arch for including two additional interstate compacts in this bill. It was unfortunate to hear that there's a little bump in the road when it comes to the fingerprinting, but I feel confident it's something we're going to get figured out since we have a long list of interstate compacts that we have proudly passed here in Nebraska. Since we do have a new senator, I'm going to very-- speak very briefly-- don't worry, Senator Arch-- on exactly why we like our interstate compacts in Nebraska. You know, today's states are really facing issues that are not confined to geographical boundaries or jurisdictional lines. And as we become a more integrated socially, culturally, and economically world, the volume of these issues will only increase. Interstate compacts prove to be an apt mechanism for developing state based solutions to superstate problems while preserving the state's authority and freedoms. This is why, since 2017, interstate compacts have become so very popular in our country and compacts for doctors, nurses, occupational therapists, psychologists, and much more. And I can tell you that since my freshman year, I've worked very closely with the Military Families Office of the Pentagon who has-- have brought these forward to my office and you have always been great in supporting them here in Nebraska. They help our military spouses. Reciprocity is great, but it's a bigger benefit for them to be able to, be able to move from state to state to state that belongs to the compacts that allows them to not have to renew their licenses over and over again and jump through the hoops and the hurdles and allows them to not have to worry about where and how they will work when they move to a new state. So with that, I promised to be brief. Again, I stand

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in full support of both amendments and the underlying bill. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. Sorry for the delay. I was wondering if Senator DeBoer would yield to a question.

WILLIAMS: Senator DeBoer, would you yield?

DeBOER: I'd be happy to.

ERDMAN: Senator DeBoer, you're going to create a, a council to oversee this, is that correct?

DeBOER: So-- yes.

ERDMAN: OK, so what's that going to cost us to create this council?

DeBOER: So there will be some per diems for folks for driving in from wherever they might be. That's the cost.

ERDMAN: And that's it? There's no--

DeBOER: Yeah, there's--

ERDMAN: --there's no director or anything?

DeBOER: There's a-- there-- the department wants a not a full-time, but a partially full-time person to work there to help create the plan or update the plan and then the council is sort of a separate piece.

ERDMAN: The fiscal note says-- I believe it's, like, \$80,000 the first year and \$100,000 the following year.

DeBOER: My understanding is that, that includes both pieces, the per diems with potential for interpreters because there might be some that are deaf-- is that right-- that are deaf and then also for that person and their benefits that's-- that the department would like to add to their staff.

ERDMAN: So you're in agreement that the fiscal note could be accurate, that, that amount?

DeBOER: Yeah, yeah.

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ERDMAN: OK. Thank you. I was just curious. We create things here and, and there is a fiscal note and when they're in these kind of bills, we never see it. So thank you for answering that question. I appreciate it.

DeBOER: Yeah.

WILLIAMS: Thank you, Senator Erdman and Senator DeBoer. Seeing no one in the queue, Senator DeBoer, you're recognized to close on AM2103. Senator DeBoer waives closing. Members, the question is the advancement of AM2103. All those in favor vote aye; those opposed vote nay. Have all voted that wish? Record, Mr. Clerk.

ASSISTANT CLERK: 34, 34 ayes, 0 nays on adoption of the DeBoer amendment.

WILLIAMS: The amendment is adopted. Returning to debate. Seeing no one in the queue, Senator Arch, you're recognized to close on AM1918. Senator Arch waives closing. Members, the question is the attachment of AM1918 to LB752. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: Returning to LB752. Seeing no one wishing to debate, Senator Arch, you're recognized to close on LB752.

ARCH: Thank you, Mr. President. I appreciate the support on the amendments. The HHS Committee deals with a broad range of issues. We, we have a very broad responsibility. One of those is licensure in particular and I just want to reflect a little bit on what Senator Blood said regarding compacts. Compacts are probably our, our key tool that we use to try to encourage people from moving state to state coming to our state to practice. They are actually contracts that we-- that in, in the language, it is, it is like the state contracting with another state, with a group of states to make sure that if someone else in another state has, has acquired a license to practice, that the information that that is-- that is gathered by that state is acceptable to our state. It really eases the process of, of moving to another state and the time required to go through all the process of gathering original documents. So the compacts are, are very important and, and so with that, I would simply encourage the advancement of LB752, one of our, one of our committee priorities. Thank you.

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WILLIAMS: Thank you, Senator Arch. Members, the question is the advancement of LB752 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: LB752 is advanced. Mr. Clerk for items.

ASSISTANT CLERK: Mr. President, a reminder the General Affairs Committee will be holding Executive Session now under the north balcony. General Affairs, now, under the north balcony. Additionally, amendments to be printed: Senator Gragert to LB1082. That's all I have at this time, Mr. President.

WILLIAMS: Thank you. Mr. Clerk, returning to General File committee priority bills, LB805.

ASSISTANT CLERK: Mr. President, LB805, introduced by Senator Hughes, is a bill for an act relating to the Noxious Weed Control Act; changes provisions relating to prioritization of applications and intent to appropriate funds; repeals the original section. The bill was read for the first time on January 6 of this year and referred to the Agriculture Committee. That committee placed the bill on General File with committee amendments, Mr. President.

WILLIAMS: Senator Hughes, you're recognized to open on LB805.

HUGHES: Thank you, Mr. President. Good morning, colleagues. First off, I would like to thank Chairman Halloran and members of the Ag Committee for prioritizing my bill, LB805, and including two of my other bills in their committee priority, those bills being LB712 and LB802. I will, I will explain what LB805 does. This bill will amend the Noxious Weed Control Act for the state of Nebraska. In 2007, the Legislature passed LB701, which appropriated \$5 million in General Funds to help control invasive vegetation in Nebraska's riparian corridors or stream beds. The funding was instrumental in starting the work needed to increase flow conveyance, wildlife habitat, and water availability for human uses by reducing consumptive use from invasive vegetation. LB805 includes adding measures that prevent the spread of invasive species to already in place control measures. It also clarifies that management of vegetation is with the-- within the bank or the floodplain of a natural stream. It also clarifies that the project is intended to reduce or prevent the total population or area of invest-- of infestation of a noxious weed or invasive species, as identified and listed by the Nebraska Invasive Species Council. Also,

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it increases the appropriations from \$1 million to \$3 million per year. There was no opposition to this bill at the hearing. With that, I will end my opening and allow Chairman Halloran to open on the committee amendment. Thank you, Mr. Chair-- Mr. President.

WILLIAMS: Thank you, Senator Hughes. As the Clerk stated, there are amendments from the Ag Committee. Senator Halloran, as Chair of the committee, you're recognized to open on the committee amendments.

HALLORAN: Thank you, Mr. President. Good morning, colleagues. The committee amendment is a white copy, which would add the provisions of two additional bills, LB802 and LB712. Both bills, also introduced by Senator Hughes, were advanced separately by the committee. Section 1 of the amendment retains the substantive provisions of LB805. Section 2 through 7 incorporates the provisions of LB802 and Sections 8 through 13 attach the provisions of LB712. I anticipate that Senator Hughes will more thoroughly explain the purpose and details of those bills and I would urge you to consult the committee statement for a thorough section-by-section explanation of the amendment. But briefly, the LB802 provisions of the amendment, Sections 2 through 7, revises powers and duties of the Wheat Board to expressly authorize additional avenues for commercializing new wheat varieties developing with checkoff funds and clarifies points in commerce when the checkoff is assessed and collected. The LB712 provisions, Sections 8 through 13, are a much-needed statutory cleanup of the Black-Tailed Prairie Dog Management Act to address or remove constitutionally questionable provisions and other criticisms of the current law. LB805 was heard before the committee on January 18. The bill, as amended, was advanced 5 ayes, 1 nay, and 1 present not voting. LB802 and LB712 were also heard on January 18. I would yield any time remaining on the opening to Senator Hughes if he would like it.

WILLIAMS: Thank you, Senator Halloran. Senator Hughes, you're yielded 8:15.

HUGHES: Thank you, Mr. President. Colleagues, I will go ahead and expand on the two additional bills that are part of LB805 and I do want to again express my appreciation to the Ag Committee for getting all three of these bills out and giving them a priority. LB802 is an update-- will update provisions of the Nebraska Wheat Resources Act. There are three main changes this bill would make to the Nebraska Wheat Resources Act. Currently, wheat producers pay the excise tax when wheat is placed under loan with the Farm Service Agency. LB802 would eliminate the excise tax collection on loan grain and make the collection only when wheat is sold for the first time in Nebraska. The

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bill also clarifies that the excise tax will not be collected on wheat that is used as seed. LB802 also allows the Wheat Board to invest in seed marketing entities and exercise its ownership rights of those varieties in order to help market those varieties developed by the Nebraska wheat research funding. There was no opposition to this bill in committee. The third bill in LB805 is LB712. This bill makes a number of changes to improve the Black-Tailed Prairie Dog Management Act. This law-- this law allows the county to go onto private land to manage uncontrolled prairie dog colonies that are spreading onto neighboring land. The, the county will have the power only after its board adopts coordinated management program, publishes general notice of this program, gives individual notice to the offending landowner, and allows that landowner 60 days to remedy the situation. If that landowner fails to manage the colony after receiving individual notice, the county can then take its own management action and bill the landowner for that expense. These changes in the law are based on the state's noxious weed control laws, which have been in effect since 2012. There was no opposition to this bill in committee. I would appreciate a green vote on LB805 and I'll be happy to try and answer any questions.

WILLIAMS: Thank you, Senator Hughes and Senator Halloran. Debate is now open on AM1976. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President. Colleagues, good morning. As many of you know, I'm a ten-year member of the Ag Committee. I want-- you'll see on the committee statement, I was a no. I was opposed to this bill and I want to explain that. I'm not-- I don't intend to talk forever today, but I do want to talk about two issues that I had with the bill as could-- it became a bit of a Christmas tree, so I want to talk about two different ones. One had to do with the Wheat Board and Senator-- there is a concern about the intellectual property piece of that bill, which I would say should not be a reason for a red light today because that-- Senator Hughes is working with the university to try to bring the people together to work out that intellectual property piece. So that's, that's one piece of it. The problem that I have is the piece on the eradication of the invasive, invasive species and I want to give you a little bit of a history. When Tom Carlson was here, Senator Carlson, he chaired Natural Resources Committee, at one time, he chaired Ag Committee, and he was very concerned about the Republican River being infiltrated by Phragmites. And this issue has been around for a long time. Senator Carlson got an appropriation for, I think, \$1 million and that may be an ongoing appropriation that we're amending to \$3 million today. What this stuff is, it, it gets into a river system and it clogs the system up. This, this Phragmites

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grows and it's invasive and it isn't easy to kill. I wasn't really sure about giving them the \$1 million. It seemed to me that that's something that the NRDs ought to do to keep the rivers flowing, particularly those that are in just sort of a segment of the state, but we did and we have been. Today, we are going to expand that to \$3 million. And it's not because we're expanding it because the cost has tripled since Senator Carlson put that bill in years ago. It's because now we're going to have our tax dollars spent killing this stuff in the floodplain. So think of the riverbed, right? That would be a little tricky. You might need special equipment to kill that. But from my perspective, when we talk about the floodplain, that's somebody's property and they ought to be responsible themselves. They ought to be responsible for killing this invasive species. I, I've been around long enough to know this is bad stuff. It's bad in the rivers, but a private landowner ought to be taking care of their-- and I don't care if it's thistle, I don't care if it's red cedar, and I don't care if it's Phragmites. If it's on your property and not in the riverbed between the banks, I think that should be the landowner's responsibility. I expressed that even though there were no opposition testifiers and that is the reason I was a no on the committee statement and I'll be a no on this bill and that's all I got to say about it. Thank you.

WILLIAMS: Thank you, Senator Lathrop. Senator Hughes, you're recognized.

HUGHES: Thank you, Mr. President. Thank you, Senator Lathrop, for pointing out some issues and I would like to answer a couple of those questions. When the program was first initiated by Senator Carlson back in 2007, it was appropriated \$5 million per year in order to get this program off the, off the ground to begin to clear the stream beds. So over time, when we have gone through cutbacks of budget, it has-- it was reduced to \$500,000 to the minimum. We did get it raised back up to \$1 million last year. In this current budget, I'm asking to increase it to \$3 million because we are expanding the scope of where we can begin controlling these invasive species. And these dollars are cost share dollars. There are-- every stone is being looked under to find funds for these. This is a grant program through the Department of Agriculture, so the NRDs, the landowners, the weed districts, the counties, you name it, there's a lot of people involved in trying to control these invasive species because they never take a day off. And whether or not you believe in climate change, the vegetation in the state of Nebraska has been flourishing quite well. Our crops have been good over the last several years and the weeds have certainly been good as well. So this is an ongoing problem. You know, I, I hesitate

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to say that it's a growing problem because that would be a terrible pun, but it is an unending problem. And it's not-- we're not going to eradicate them, but we do need to make sure that we control them because everything flows downstream. And eventually, if you don't have it now, if we don't control it upstream, you will have it. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hughes. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. President. Just had a-- again a question of clarification on, I believe it was LB802, which is included in this bill. I was wondering if Senator Hughes could answer-- yield to a question, please?

WILLIAMS: Senator Hughes, would you yield?

HUGHES: Of course.

B. HANSEN: Thank you, Senator Hughes. It'd be more on page 3, line 21 through 27. We add in some language that has to do with acquisition of ownership rights, including intellectual property that has to do with the Wheat Board. This new language that we had put into this bill and so it says the acquisition of ownership rights, including intellectual property rights, to any variety of wheat and the development, production, marketing, and sale of seed for any variety of wheat owned by the board. This policy and programs of the state of Nebraska relating to the wheat industry. So my main question I had was, so say Farmer Joe in western Nebraska-- I don't know where we grow wheat-- I'm assuming it's middle, western part of Nebraska. And he actually has taken a decade or two trying to figure out a new strain of wheat that he has developed over time through genetic engineering of different kinds of wheat. He finds a new strain of wheat that is three times better than the current form of wheat that we have now. He wants to grow it, sell it, market it. Would the Wheat Board have first rights to that over Farmer Joe or would he have it and then the ability to sell it to them first?

HUGHES: Farmer Joe is not covered by this legislation at all. If a farmer wants to do that on their own private property, they are free to do whatever they want. This just covers the issue between the Nebraska Wheat Board, which pays the checkoff and helps fund the University of Nebraska wheat breeding program. So this is just between the University of Nebraska and the Nebraska Wheat Board.

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B. HANSEN: OK, so the Wheat Board would not have any proprietary-- intellectual rights or proprietary rights to that wheat that he developed?

HUGHES: Not over a individual farmer's development.

B. HANSEN: Perfect. OK, that's why-- just want to make sure I-- just to clarify. So I, I am going to vote green on AM1976 and the underlying bill and I encourage everybody else to as well. I just wanted to make sure I got that question answered. Thank you, Senator Hughes. Thank you.

WILLIAMS: Thank you, Senator Ben Hansen and Senator Hughes. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good morning again. I appreciated Senator Hansen's question there and I was wondering if Senator Hughes would yield to another question?

WILLIAMS: Senator Hughes, would you yield?

HUGHES: Of course.

ERDMAN: Senator Hughes, you may be aware of the fact that I have been in contact or been contacted by wheat growers in my district about this issue. This is an issue that's been going on for some time, is that correct?

HUGHES: Yes.

ERDMAN: And, and so can you explain what happens there? The university develops a wheat brand, a wheat variety, and then what happens?

HUGHES: The university, with funding from several sources, including the checkoff dollars from the wheat producers of the state of Nebraska have a breeding program and they develop varieties. They develop several varieties. It goes through a number of stages of testing. Very few of those varieties make it into commercial production. Because the university has agreed to share ownership with the Wheat Board, there is some question of the marketing of that and the Wheat Board would like to be more aggressive in that marketing area of Nebraska-produced wheats to compete with the varieties that are being bred from Kansas and Colorado.

ERDMAN: OK, so can I conclude that what they're asking for is just a return on their investment on their checkoff dollars?

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HUGHES: No, I don't necessarily agree with that. Certainly, they-- and these wheat varieties, those dollars do go back into the University of Nebraska into the breeding program. We just want to raise the profile of the quality of wheat that is coming out of the University of Nebraska by getting it more widely adapted--

ERDMAN: OK.

HUGHES: --in the wheat-producing areas of the high plains.

ERDMAN: Have you on your farm taken advantage of the new varieties the university has developed?

HUGHES: We, we have planted university varieties in the past, yes.

ERDMAN: Are they an advantage or an increase in yield or whatever you're looking for over the other varieties that are available?

HUGHES: There are other varieties that seem to work better on our land than what the university is putting out at this time.

ERDMAN: OK, but that may not be the case of where we live. I, I know several people that plant these varieties. So I appreciate your efforts on trying to move this forward and I'll be a green vote. Thank you.

WILLIAMS: Thank you, Senator Erdman and Senator Hughes. Seeing no one in the queue to debate, Senator Halloran, you're recognized to close on AM1976.

HALLORAN: Thank you, Mr. President. A few thank yous here first. I would like to thank Rick Leonard, committee research analyst, done a lot of work in the committee, excellent work. Rod Krogh, the Ag Committee clerk, but particularly the committee itself. I don't know that diverse is the best way to describe it, but there-- it's eight-- it's an eight-member committee and there are six rural districts represented on that committee, but there are two urban districts represented on that committee and they are quite inquisitive and we welcome that inquisitive nature. So I won't name them specifically, but you all know who they are. I encourage the adoption of AM1976 and LB805.

WILLIAMS: Thank you, Senator Halloran. Members, the question is, shall the committee amendments to LB805 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted that wish? Record, Mr. Clerk.

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ASSISTANT CLERK: 32 ayes, 1 nay on adoption of the committee amendments.

WILLIAMS: The amendment is adopted. Returning to debate on LB805. Seeing no one in the queue, Senator Hughes, you're recognized to close. Senator Hughes waives closing. Members, the question is the advancement of LB805 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted that wish? Record, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 5 nays on advancement of the bill.

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

ASSISTANT CLERK: No items at this time, Mr. President.

WILLIAMS: Returning to General File. Next bill.

ASSISTANT CLERK: Mr. President, LB896, introduced by Senator Lathrop, is a bill for an act relating to the Nebraska Treatment and Corrections Act; changes provisions relating to structured programming; defines terms; requires program evaluations; harmonize provisions; and repeals the original section. The bill was read for the first time on January 7 of this year and referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Senator Lathrop, you're recognized to open on LB896.

LATHROP: Very well. Thank you, Mr. President, and colleagues, good morning once again. LB896 as introduced would require the Nebraska Department of Correctional Services and the Nebraska Division of Parole Supervision to contract with an independent contractor or academic institution to evaluate the quality of programs funded by these departments on a regular basis. It requires that the results of these evaluations be provided to the departments, as well as the Office of Inspector General of Corrections. Some of these provisions are impacted by the committee amendment, which I'll introduce momentarily. This bill is the result of events that began in 2014, when the Legislature's Department of Correctional Services Special Investigative Committee, which I chaired, made recommendations to improve the state's correctional system. One of these recommendations was that all mental health professionals providing services to inmates use evidence-based therapy models, which include an evaluation component to track the effectiveness of the interventions. In response to this, in 2015, Senator Mello introduced and the Legislature passed

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LB605, which contained the current language found in statute at 83-182.01, requiring the department to evaluate the quality of programs funded by the department. Within that statute, it provides that the department may, may contract for service with an independent contractor or academic institution if there's funding available. The evaluation component of this bill was supported by the department at the time. In 2021, the Office of Inspector General's annual report, the OIG reported that they have requested copies of all and NDCS evaluations of programs completed to meet this requirement since the law was enacted in 2015. To date, the department has only partially complied with this request, providing one report on three of its programs in 2016. In the OIG's report, the department acknowledged they had more work to do in order to fully comply with the statute. LB896, as amended by the committee amendment, will ensure that the department is able to conduct high-quality evaluations of their programs. It would require the agency to contract with an academic institution to evaluate their programs and it would ensure we appropriate funds for these evaluations. Additionally, the bill includes additional purposes for these evaluations, requiring that they address the availability of programs throughout the correctional system, the ability to deliver the programs in a timely manner, the therapeutic environment in which such programs are delivered, and include a rating of the effectiveness of each program and a cost benefit analysis of each program if applicable. It would prioritize the evaluation of clinical programs and require that they be evaluated every three years, while the evaluation of nonclinical treatment programs and other structured programs would be conducted on a regular basis. LB896 will assist the Department of Corrections in providing quality, evidence-based programs to incarcerated individuals and help ensure that our tax dollars are going to effective programming that improves public safety and achieves the goals it is intended to achieve. LB896 had no opposition at the committee hearing. I'd like to thank Speaker Hilgers for selecting LB896 as a Speaker priority and I would urge your adoption of the committee amendment that I'll explain in a moment. Thank you.

ARCH: As the Clerk stated, there are amendments from the Judiciary Committee. Senator Lathrop, you're welcome to open.

LATHROP: Thank you, Mr. President. Colleagues, AM1930, I'm glad-- I'm-- I'll next introduce AM1930. LB896 was heard by the Judiciary Committee on January 27 of this year and was advanced on an 8-0 vote with AM1930 also on an 8-0 vote. AM1930 is a white-copy amendment that makes three changes to the original version of LB896. The first change is striking Sections 2 and 3 of the original bill, which removes the

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division of Parole Supervision from the bill. The second change is striking the phrase "independent contractor" in Section 1 of the original bill and requiring the Department of Correctional Services to contract with an academic institution. The last change is adding treatment in the nonclinical program description to harmonize it with other sections. I would encourage your adoption of committee amendment, AM1930, as well as the underlying bill, LB896. And I may take a moment just to put this in less formal terms. When we send people to the Department of Corrections and we expect them to be rehabilitated, part of that comes-- the biggest part of that comes from what we call programming. So you may have a substance abuse disorder, which is the most common problem people go into the department with, and this bill is-- it could be sex offender treatment. There are a number of clinical programs that people receive when they're incarcerated and they must take as a condition of being parole eligible. These programs need to be evaluated to ensure a number of things. One, are we using the evidence-base-- best practices and evidence-based programs? Two, are we being faithful to the program or the model that we use? And the third is, do people have access to these? There are several institutions, nearly a dozen of them across the state, operated by the Department of Corrections and there are some people housed in certain facilities that can't get to or don't have access to, at that facility, particular programs. So this is intended to fund a study to help us determine whether our programs are evidence based, whether we're faithful, whether they're doing what we expect them to do, and are they available in a timely manner to the inmate population? The committee has heard much about programming over the years in the Judiciary Committee. This, this garnered an 8-0 vote on the amendment and the bill because this is a very important part of the Corrections process that needs an evaluation. And with that, I would encourage your support of the amendment as well as the underlying bill. Thank you.

ARCH: Thank you, Senator Lathrop. Debate is now open on the amendment, AM1930, and LB896. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Senator Lathrop, I listened to your opening and then I listened to the amendment. I have a question about what you stated in your amendment if you would yield.

ARCH: Senator Lathrop, will you yield?

LATHROP: I'd be happy to.

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ERDMAN: OK. Senator Lathrop, in your, in your amendment discussion, you said that the, the correctional agency or department would be required to contract with a higher education group, is that correct?

LATHROP: That's true.

ERDMAN: Who, in your opinion, would that be?

LATHROP: The group at UNO.

ERDMAN: OK, so we're going to require those people to have a contract or enter into a contract with UNO?

LATHROP: That's it.

ERDMAN: Is it--

LATHROP: That would be my expectation. It's not-- it doesn't say UNO, but it is-- they have looked at it, they have provided input, and they've suggested that they can do it for much less, like, half--nearly half of what's in the fiscal note currently.

ERDMAN: OK. Are they the only ones that could do such a thing?

LATHROP: Not-- according to the bill, it would be any academic institution, but they are well equipped to do it.

ERDMAN: OK, so you're not specifically designating it to UNO. You're saying any higher education group could actually do it if they wanted to try and put in a bid. Would that be correct?

LATHROP: Yes.

ERDMAN: OK, thank you.

ARCH: Thank you, Senator Lathrop, Senator Erdman. Seeing no one left in the queue, Senator Lathrop, you're welcome to close on AM1930. Senator Lathrop waives close. The question before the body is the adoption of AM1930 to LB896. Those in favor of vote aye; opposed nay. Have all those voted who wish to vote? Mr. Clerk, please record.

ASSISTANT CLERK: 40 ayes, 0 nays on adoption of the committee amendments.

ARCH: The amendment is adopted. We'll proceed to LB896. Senator Lathrop, you're welcome to close on LB896.

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LATHROP: Just briefly, I want to thank the, the committee counsel, my LA, Sean, as well as the Inspector General's Office who helped us put this bill together, worked with UNO to try to tighten it up and make sure that we are actually addressing the thing the committee most has concern with, which is the effectiveness and the availability of programming at the department. And with that, I would encourage your continued support of LB896. Thank you.

ARCH: Thank you, Senator Lathrop. Seeing no one in the queue, question before the body is the adoption of LB896. All in favor vote aye; opposed nay. Mr. Clerk, please record.

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

ARCH: LB896 advances to E&R. We will now proceed to the next item on the agenda, LB1273.

ASSISTANT CLERK: Mr. President, LB1273, introduced by Senator Bostar, is a bill for an act relating to income taxes; provides an income tax deduction to retired law enforcement officers for health insurance premiums; and repeals the original section. The bill was read for the first time on January 20 of this year and referred to the Revenue Committee. That committee placed the bill on General File. There are committee amendments, Mr. President.

ARCH: Thank you, Mr. Clerk. Senator Bostar, you're welcome to open.

BOSTAR: Thank you, Mr. President. Good morning, colleagues. LB1273 provides an income tax deduction to retired law enforcement officers for the cost of their health insurance premiums. I bring this legislation forward in recognition of the fact that negative consequences to personal health can result from a career in law enforcement. A career in law enforcement is physically and psychologically taxing and we know that the stress that they endure has measurable health impacts. According to a five-year study conducted by Buffalo University Professor John Violanti, a professor of social and preventive medicine at the UB School of Public Health and Health Professions, the daily psychological stressors law enforcement officers are subjected to places them at a considerably higher risk for various long-term physical and mental health challenges compared to the general public. The Buffalo Cardiometabolic Occupational Police Stress Study found that almost half, 46.9 percent, of officers examined were at an increased risk of suffering from metabolic syndrome, which is a combination of symptoms including abdominal obesity, hypertension, insulin resistance, stroke, and Type

2 diabetes. In addition, officers who had served for more than 30 years had a higher risk of developing Hodgkin's lymphoma and brain cancer. In a 55-year mortality study conducted at the University of Iowa, researchers looked at deaths of police officers versus the general population. A significantly higher percentage of officers died from every cause of death than the percentage of the United States general population in the same age groups. Officer deaths from all malignant neoplasms or cancer combined were significantly higher than deaths in the general population. Likewise, deaths from all diseases of the circulatory system were also significantly higher than deaths in the general population. Forty-six percent of officers died of cardiovascular disease, with 35 percent dying of said disease by age 60. A career in law enforcement increases your risk of various health problems. To address the cost and somewhat mitigate the impact of these negative health effects, LB1273 would allow any retired individual who was employed full time as a certified law enforcement officer for at least 20 years and who is at least 60 years of age as of the end of the taxable year to reduce their federal adjusted gross income by the cost of their health insurance premiums. These premiums would have had to have been paid by the retired law enforcement officer during the taxable year to the extent that such premiums were not already deducted in determining the individual's federal adjusted gross income. This deduction, offsetting the cost of health insurance premiums for retired law enforcement officers, is an acknowledgment that their career subjected them to a likely increase in various adverse health impacts and expenses. LB1273 was advanced unanimously from the Revenue Committee and received no opposition testimony. I would encourage you to vote yes on LB1273.

ARCH: Thank you, Senator Bostar. As the Clerk identified, we have a committee amendment. Senator Lindstrom, you're welcome to open.

LINDSTROM: Thank you, Mr. President, and good morning, colleagues. AM2005 adds one provision to LB1272, which was introduced by Senator Halloran. This provision of LB1272 would increase the tuition waiver of law enforcement officers from 30 percent to 100 percent of resident tuition at a college in Nebraska. Funny enough, back in 2016, I had passed this bill, LB906, and this is just an updated version to that bill. Section 81-2603 contains the provision of receiving a tuition waiver as a law enforcement officer. Under Section 81-1401, a law enforcement officer is defined as any person who has successfully completed an entry-level law enforcement certification and who works as an officer for more than 100 hours per year. According to the fiscal note, the university would see an increased cost of approximately \$15,000 per year; the state college system, \$16,000 per

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year; and one community college, \$2,500 per year. There were six to seven groups that came in as proponents. There were no opponents, zero neutral testifiers. The committee voted 8-0 to vote this bill out and attach it to LB1273 so I would encourage your adoption of AM2005 to LB1273. Thank you, Mr. President.

ARCH: Thank you, Senator Lindstrom, Mr. Clerk for announcement.

ASSISTANT CLERK: Mr. President, Judiciary Committee would meet in Exec Session under the north balcony now. Judiciary, north balcony, now. Thank you.

ARCH: Debate is now open on AM2005 and LB1273. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. President. I'd like to thank the Revenue Committee and Senator Bostar for allowing this LB1272, my bill, to be part of LB1273 through this amendment. The recruitment and retention challenge of law enforcement agencies across Nebraska, particularly in rural areas, is very real. Even in the larger cities, class sizes of new recruits is substantially lower than they were a few years ago. The pandemic and the negative rhetoric against law enforcement officers is taking its toll and qualified men and women are not signing up to be police officers in the state and will assist with our recruitment and retention problems. AM2005 provides 100 percent tuition waiver instead of the current 30 percent waiver for law enforcement officers who are attending community college, state universities, or state colleges. This complete tuition waiver will incentivize law enforcement officers to continue their education, thereby ensuring the most professional law enforcement workforce in our state. With that, I would encourage the adoption of AM2005 to LB1273. Thank you.

ARCH: Thank you, Senator Halloran. Seeing no one left in the queue, Senator Lindstrom waives close on AM2005. The question before the body is the adoption of AM2005 to LB1273. Those in favor vote aye; those opposed nay. Has everyone voted who wish to vote? Mr. Clerk, please record.

ASSISTANT CLERK: 33 ayes, 0 nays on adoption of the amendment.

ARCH: The amendment, AM2005, advances. Now the question before the body is LB1273 advance to E&R. Those in favor vote aye; opposed nay. Has everyone voted that wish to vote? Mr. Clerk, please record.

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

ARCH: LB1273 advances. Move to the next item on the agenda, LB1273A. Senator Bostar, you're welcome-- oh, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB1273A, introduced by Senator Bostar, is a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of provisions of LB1273. The bill was read for the first time on January 25 of this year and placed on General File.

ARCH: Senator Bostar, you're welcome to open.

BOSTAR: Thank you, Mr. President. This is the A bill for the corresponding LB1273. It has a-- it would create a revenue reduction to General Funds amounting to \$166,000. And with that, I would encourage you to support LB1273A.

ARCH: Debate is now open on LB1273A. Seeing no one in the queue, Senator Bostar waives close. The question before the body is the adoption of LB1273A to E&R Initial. Those in favor vote aye; opposed nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

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

ARCH: LB1273A advances. Moving on to the next item on the agenda, LB917. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB917, introduced by Senator Wayne, is a bill for an act relating to revenue and taxation; provides an income tax deduction for certain wages paid to individuals convicted of a felony; and repeals the original section. The bill was read for the first time on January 10 of this year and referred to the Revenue Committee. There are no committee amendments, Mr. President.

ARCH: Thank you. Senator Wayne, you're welcome to open.

WAYNE: Thank you, Mr. President. Colleagues, this is a very simple bill, probably consent calendar material. Came out 8-0 of the Revenue Committee. It's a really simple bill in that it allows a tax deduction up to 65 percent of the wages of a person who was convicted of a felony who, in the first 12 months of being released or off the paper, encouraging employers to hire individuals who are recently incarcerated to help with their recidivism rate. Study after study have shown the two quickest ways to lower recidivism in our system is to make sure people have a job when they are first out in the first

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year. And so that is-- this bill is actually limited to the first year when somebody is out or off paper to make sure that they are engaged, they have a good-paying job, and that they are being a productive citizen in the community. And with that, I'll answer any questions.

ARCH: Thank you, Senator Wayne. Debate is now open on LB917. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President. Would Senator Wayne yield to some questions?

ARCH: Senator Wayne, will you yield?

WAYNE: Yes.

BOSTELMAN: Senator Wayne, could you explain to me a little bit further on the business receives the deduction and the individual's qualifications for the individual they're hiring?

WAYNE: Yeah, the individual receives a deduction. What I'm, what I am going to do is have more conversations from General to Select. It might be easier to do a tax credit. That's what businesses are familiar with. We had some conversations with revenue about-- the Revenue Committee about maybe changing it to a tax credit. But as the session starts moving, we wanted to get it out on the floor and work on it from General to Select. But for-- the bill originally called for a deduction, but Senator Linehan and others said it-- from a business standpoint, it probably makes more sense to do a credit because that's what the businesses are familiar with. So we'll make that change from General to Select and that's, that's kind of the thought process.

BOSTELMAN: Sure and appreciate that. The other one is the felon, it's-- that, that individual is any person who has-- fits in-- is there a category that fits into or any felon, is it--

WAYNE: So it's any felon, but what we did by trying to narrow it was saying the first 12 months that they are released or off of parole and we were trying to narrow it down to not just mean any felony in the last 20 years, but when you're originally released.

BOSTELMAN: So it would be some of those, some of those-- what I think would affect would be some of those that are in, like, maybe a work-release program currently--

WAYNE: Correct.

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BOSTELMAN: --and that they've already got a start so this helps them continue on during that time.

WAYNE: Correct and it encourages employers to kind of get-- buy down that risk of, of maybe some of that fear of hiring individuals who are recently incarcerated.

BOSTELMAN: OK, thank you.

WAYNE: Thank you.

HILGERS: Thank you, Senator Bostelman. Seeing no one else in the queue, Senator Wayne, you're recognized to close.

WAYNE: Thank you, Mr. President. Again, we are going to have an amendment on Select File that will change the deduction to a credit. Again, talking to individuals on Revenue, we tried to get it out to make sure it was on the floor due to scheduling, but it's not going to change a whole lot of the intent of the bill. But from the business community, they're used to dealing with credits and so we're going to make it easier for them to deal with a credit. And with that, I would ask you to vote green on LB917 and I believe this is one of the ways that we can-- and by the way, everybody supported this bill. There was no opposition. Since the hearing, we've had more support for this type of bill to encourage individuals who are recently incarcerated and released to get jobs. So thank you, Mr. President, and I would encourage you to vote green.

HILGERS: Thank you, Senator Wayne. The question before the body is the advancement of LB917 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 1 nay on advancement of the bill.

HILGERS: LB917 advances. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR301, LR302, and LR303. Mr. Clerk for items. Sorry, next bill.

ASSISTANT CLERK: Mr. President, LB917A, introduced by Senator Wayne, is a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of provisions of LB917. The bill was read for the first time on March 2 of this year and placed on General File.

HILGERS: Senator Wayne, you're recognized to open on LB917A.

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WAYNE: This is just the catch-up bill of the A bill of what the lost revenue would be. Again, it'll probably change on Select File just a little bit when we add a credit. It shouldn't change that much because it's still capped at 65 percent of the wage and \$20,000 maximum. So it shouldn't change a whole lot, but it could. I would ask you to vote green on the underlying bill. Thank you.

HILGERS: Thank you, Senator Wayne. Debate is now open on LB917A. Seeing no one in the queue, Senator Wayne, you're recognized to close. Senator Wayne waives closing. The question before the body is the advancement of LB917A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 1 nay on advancement of LB917A, Mr. President.

HILGERS: LB917A is advanced. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on General Affairs, chaired by Senator Briese, reports LB764 to General File. Amendments to be printed: Senator Ben Hansen to LB1250 and Senator Ben Hansen, AM2082 to LB1251. Senator Blood introduces LR317. That will be read and laid over. Your Committee on Enrollment and Review reports LB741, LB780, LR283CA, LB998, LB769, LB864, and LB1065, some having Enrollment and Review amendments. New A bill, Mr. President, to LB1037. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of provisions of LB1037. Name adds: Senator Matt Hansen to LB707, Senator Sanders to LB752, Senator Jacobson to LB825 and LB1065, Senator Vargas to LB1112 and LB1193, Senator Brandt to LR284. Health and Human Services will hold an Executive Session following their hearing today. Health and Human Services, Exec Session following their hearing. Finally, Mr. President, Senator Vargas would move to adjourn the body until Tuesday, March 8, at 10:00 a.m.

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