

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 13, 2022

Rough Draft

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

**BLOOD:** Friends, please join me in a reverence of prayer and as we prepare to hear the thoughts of our Governor today. Dear God, in the words of our beloved Pope Francis, help us to understand the importance of using our positions to bring light to our economy of exclusion and inequality. God, today, we reflect on why when the stock market goes down two points, it becomes news. But should a homeless person with mental health issues die from exposure, it is often unnoticed. This, friends, is exclusion. We stand by as food is thrown away while many of our children go hungry. Friends, this is inequality. Our world has fallen under laws of competition and the survival of the fittest, where the powerful feed upon the powerless, human beings are considered consumer goods to be used and then discarded, reflective of a throwaway culture. The excluded are no longer the exploited, but the outcasts. Today, as we listen to the words of our Governor and throughout the next few months, I ask my peers to remember, God, that many Nebraskans that tend to be excluded are no longer considered part of society's underside or on its fringes. The excluded have become collateral damage because of this mindset. Knowing this, we will remember that in the Book of Matthew, where we are told "Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me." As we are called to love others and are called to live in unity, please bring all of us the peace of God who transcends all understanding to guide our hearts and our minds to work together to craft better communities, a better Nebraska, and ultimately a better world. We say these words in the name of the Father, the Son and the Holy Spirit. Amen.

**FOLEY:** Thank you, Senator Blood. I recognize Senator Brandt for the Pledge of Allegiance.

**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.

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**FOLEY:** Thank you, Senator Brandt. I call to order the seventh day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** I do, Mr. President, on page 259, line 3 strike "CA". That's all that I have.

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

**CLERK:** There are, Mr. President, priority bill designation: Senator Erdman, LR264CA. Hearing notices from the Executive Board and the Education Committee signed by the respective Chairs. The lobby report is required by state law to be inserted in the Journal and its acknowledgement of receipt of agency reports available to membership on the legislative website. That's all that I had, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Before proceeding, Senator Albrecht would like us to recognize Dr. David Hoelting of Pender, Nebraska, serving today as family physician of the day. Dr. Hoelting is with us under the north balcony. Doctor, if you could please rise, like to welcome you to the Nebraska Legislature. Senator Wishart, you're recognized for a motion.

**WISHART:** Thank you, Mr. President. I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address. Thank you.

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

**CLERK:** She actually said the Chief Justice. It's the Governor. That-- that's us. Senator Wishart, my mistake. Your motion indicated the Chief Justice. We're actually escorting the Governor this morning. Is, is that your intent, Senator, appoint an escort committee for the Governor? Yes, thank you.

**FOLEY:** Correction has been duly noted. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Colleagues, this is actually a debatable motion and we are going to have some debate on this motion. The reason I first did it, I wanted-- I was going to file a motion to make sure we had a diverse group of people escorting the Governor, and I'm actually really proud of Speaker Hilgers for making sure we do on the escort list. But the other thing is actually a point that I think this body needs to discuss. So in our constitution, Article IV, Section 7, actually says the Governor gets to come into this body by a certain date set by law to address us talking about the budget and basically the State of the Union. I am going to introduce a bill to move that date. And so what basically the date says, is by January 15, our non-election years are-- and then the year after a Governor, a new Governor is elected, they have till the 30th. I think it's imperative as a body, we change this section of law to make sure the Governor doesn't come in until after bill introductions. And here's why I think that's important, colleagues, and I think we should have a conversation about it before we invite the Governor over because this motion is relevant and I think this is relevant to, to what we're talking about. Nobody else in this state gets to lobby us on our floor on a bill that they're going to introduce. Think about that. The Governor comes in, which I have no problem talking to the State of the State and dropping his budget. I think that's a very great thing that, that we should hear from the Governor. But he, he drops his budget the same time that he lobbies us for what he wants in his budget. Now imagine the rest of today, I start with A's and we start with Aguilar and I say, you have ten minutes and I push my button twice. Tell us your three priorities this year and we go down the list to every senator, we take up two days for every senator to lobby each other on their priorities this year. You would think that's kind of absurd, that we go through a process. You drop a bill. You go through the committee process and then it comes to the floor and you get to debate it. This is the only exception to that process where the Governor gets to come in here, tell us what he wants to happen this year and put a bill on the table that same day. Think about what that does to our body and the decorum in this body, and whether it's Governor Lindstrom or Governor Blood, whether it's Governor Herbster or whoever else is, Governor Pillen, whoever else is running, they shouldn't be able to come in and lobby on bill days that we are designing our own bills to lobby for their bills. If they want to address the State of the Union, then they should be able to address the State of the Union, but not drop bills on the same day. So I think it's imperative that we not only change that statute, which a bill will be brought, but I think we should have a fruitful discussion about the separation of powers and

the role of this State of the Union and when it should occur because nobody else gets to do that. But today we are going to do that. We're going to take time today and we're going to go through and ask every senator to give some time to talk about their priorities and the bills that they're going to drop because we should be able to do the same thing in this body than anybody else who comes into this body gets to do. If you disagree with me, please push your button and we can have this conversation. But the purpose of today was really, I'm just letting you know that we're going to slow everything down today. My goal is not to get to senator-- the last bill on day about DNA. So every, every motion we're going to talk about today and we're going to start slowing this down because the budget is very important and there's a lot of things going on. But as I sat here and thought about it, who else gets to do that? Our own Speaker doesn't get to stand up and lobby their own bills. Government Chair doesn't get to stand up and lobby their bills before--

**FOLEY:** One minute.

**WAYNE:** --they're actually on the floor. Why do we let somebody outside of our body get to do that on bill introduction day? So I hope I get 49 senators to support this bill that we will draft up and introduce to say that it can happen before the 30th, but after bill introduction day. So we'll always hear from the Governor ahead of time or at the beginning of our session. But it shouldn't be when he gets to drop his bills and do a whole entire press conference in our body or she in the future. I just believe fundamentally that it's wrong that this is our body, this is our house, this is sacred to us and nobody else gets that same opportunity to do that. And if you think about it, I have one minute and my light is on, so I get to go again. If you think about it, the Chief Justice--

**FOLEY:** That's time.

**WAYNE:** --doesn't do that.

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

**WAYNE:** Thank you.

**FOLEY:** Thank you, Senator Wayne. Before proceeding, I'm informed that a group of citizens called Leadership Nebraska Class XIII from all across the state are with us up in the north balcony. If those

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citizens could please rise, we do welcome you to the Nebraska Legislature. Thank you. Senator Wayne.

**WAYNE:** Thank, thank you, Mr. President. And the way I could really drag this out is file a motion to continue to replace people who are going to be on the escort committee. And we could be here all day till like 12:00 just before the Governor speaks. That would be awesome. But here's a difference between the Governor's speech in the last five years and Chief Justice, the Chief Justice doesn't lobby us. He tells you about the things that are going on in the court, how drug courts are working, what his budget is, and how things are going. He doesn't come in and lobby us on the budget, on future policy changes, and those kind of things. And so I just-- again, I'm the only one in the queue on this, I won't take a full five minutes. But I do think it's important when we talk about our body and the decorum on this floor and the perception of outside entities being able to push into this floor. Here's one example that I think we as a body have allowed to happen really since 1950s. And I think this is the opportunity this year to change that. With that, Mr., Mr. President, thank you.

**FOLEY:** Thank you, Senator Wayne. Members, you've heard the motion from Senator Wishart to create the escort committee. Those in favor say aye. Those opposed say--

**WAYNE:** Roll call vote.

**FOLEY:** Roll call vote has been requested. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch voting yes. Senator Blood voting yes. Senator Bostar. Senator Bostelman. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting yes. Senator Friesen voting yes. Senator Geist voting yes. Senator Gragert voting yes. Senator Groene voting yes. Senator Halloran. Senator Ben Hansen. Senator Matt Hansen. Senator Hilgers voting yes. Senator Hilkemann. Senator Hughes voting yes. Senator Hunt. Senator Kolterman voting yes. Senator Lathrop voting yes. Senator Lindstrom voting yes. Senator Linehan voting yes. Senator Lowe voting yes. Senator McCollister voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Morfeld. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls voting yes. Senator Pansing Brooks voting yes. Senator Sanders voting yes. Senator

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Slama voting yes. Senator Stinner voting yes. Senator Vargas voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Williams voting yes. Senator Wishart voting yes. 37 ayes, 0 nays to-- it's too late, Senator, I'm sorry.

**FOLEY:** Thank you, Mr. Clerk. The motion is adopted. The following members are now hereby appointed to the escort committee: Senators Hilkemann, Hughes, McKinney, Sanders, and McDonnell. If those five senators could please retire to the rear of the Chamber and then, of course, proceed to the Governor's Office for the purpose of escorting the Governor. Thank you. The Chair recognizes the Sergeant at Arms.

**SERGEANT AT ARMS:** Mr. President, your committee now escorting the Governor of the great state of Nebraska, Pete Ricketts and First Lady Susanne Shore.

**FOLEY:** Members of One Hundred Seventh Legislature, I present you the Governor of the great state of Nebraska, the Honorable Pete Ricketts. [APPLAUSE]

**GOVERNOR RICKETTS:** Thank you very much. Please have a seat. President Foley, Speaker Hilgers, members of the Legislature, distinguished guests, friends, my lovely wife, Susanne, our first lady [APPLAUSE], fellow Nebraskans, good morning. Congratulations on the commencement of the Second Session of the One Hundred Seventh Nebraska Legislature. Welcome back to Lincoln. I look forward to working together to serve Nebraskans during what is sure to be a fast-paced, short session. Eight years ago, I announced my run for Governor. I did so out of the love for my state and a desire to see her thrive. Through the years, the guiding principle of my administration has remained the same: to grow Nebraska. And despite weathering floods, fires, and a global pandemic, we have done just that. In the face of unprecedented challenges, the State of the State is strong. We've been living with COVID-19 for nearly two years now. It's changed the way we do business, educate, learn, and go about our daily lives. And in some tragic cases, it's taken lives. But true to our character, we have kept moving forward. The development of vaccines, boosters, and new treatments has given us the opportunity to return to the pursuit of the Good Life. Nebraskans don't need to be mandated to do the right thing. They just do it. Without lockdowns or mandates, businesses were able to stay open. Parents were able to return to work. And children were able to return to school. Where authoritarian states are struggling, we are thriving. Politico State Pandemic Response Scorecard confirms this. An in-depth, independent analysis of all 50

states shows that Nebraska weathered this storm better than any other state. We have the lowest unemployment rate in history. Not only in the history of our state, but in the history of our nation at 1.8 percent. Last November, marked the third month in a row where one million Nebraskans were employed. And our manufacturing sector has come roaring back. In fact, there are more Nebraskans working in manufacturing today than pre-pandemic. Our economic successes are a testament to Nebraskans' desire to work hard and earn. From teachers to truck drivers, mechanics to medical professionals, from farmers to fast food workers, and every profession in between. The states' women and men invest their time and effort to better their communities and support their families. Last year, we supported their work and helped them grow Nebraska. Thanks to the leadership of Chairman Linehan, Chairwoman Linehan, sorry, and the Revenue Committee, the 2021 session ushered in a historic level of tax relief that will deliver \$2 billion to Nebraskans over the next two years. Many other great bills were passed into law thanks to your hard work. Chairman Friesen, Speaker Hilgers, and the members of the Telecommunications and Transportation Committee were able to pass into law and secure passage of the Nebraska Rural Broadband Bridge Act which will allow 30,000 Nebraskan households to access high-speed broadband. Senators Brewer and Gragert shepherded through legislation that fully exempts military retirement pay from state income tax. Reforms like these will help us hold on to our talented veterans in our state. All of this and more was accomplished while responsibly managing state spending and limiting expenditures to only 2.4 percent growth. Behind the numbers, we have seen intangible growth as well. Throughout Nebraska, our people's grit, drive, and selflessness was on full display in 2021. From north Omaha to North Platte, folks stepped up to solve problems in their communities. In north Omaha, business and community leaders have been working to develop and revitalize Omaha's historic North 24th Street. Through physical improvements such as providing high-speed fiber optic upgrades and a comprehensive streetscape plan, the project's work promises to bring businesses and customers back to the area. In the home of famed Buffalo Bill Cody, North Platte, ranchers felt the squeeze that comes with a lack of options for meat processing. Instead of accepting the status quo, David Briggs and others launched Sustainable Beef, a beef processing company, to bring about the opportunity for ranchers to have more opportunities that will also provide 900 jobs to North Platte community and over a billion dollars in annual revenue. And more importantly, Nebraska's ranchers will have more options when they run their businesses. Today, I am joined by some of the people who are responsible for making these incredible

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efforts possible: north Omaha's Carmen Tapio, who is the CEO of North End Teleservices; Pastor Ralph Lassiter, one of the leaders of the North 24th Street Business Improvement District; and David Briggs, CEO of Sustainable Beef. Please join me in welcoming them. Carmen, Pastor Ralph, and David, thank you for what you do to make our state better, appreciate you so much being here. Other Nebraskans also stepped up in 2021. Over 200 men and women accepted the call to join the thin blue line that protects and serves our communities. They've earned their badge. They were trained, challenged, and tested. Thanks in part, for the work of instructors at the Law Enforcement Training Center in Grand Island. We are joined here today by the director of Law Enforcement Training Center, Brenda Urbanek, and the deputy director Mark Stephenson. They work hard to make sure our men and women in blue are prepared to respond to unique challenges in their communities. Brenda and Mark, thank you for what you do for our state. Our students continue to personally prepare themselves to take the jobs we have in Nebraska. We entered 2022 with over 3,900 Nebraskans, who are enrolled in registered apprenticeship programs throughout the state, including in our six great community colleges. That's 39 more Nebraskans who are pursuing growth and contributing to our diverse, skilled workforce. And Nebraska's contin-- Nebraska continues to serve as a beacon for life. This includes the amazing aid our crisis pregnancy centers and other organizations provide to new mothers and their babies. It also includes the work our people do for some of the most vulnerable in Nebraska, born and unborn. I specifically want to recognize Attorney General Doug Peterson and the work he does to combat human trafficking throughout our state. During his tenure, the state of Nebraska has prosecuted 76 sex trafficking crimes, holding accountable those who are exploiting the vulnerable and delivering justice for the citizens of-- for the victims of this modern day form of slavery. Thank you, Attorney General Peterson, for your leadership to ensure that all Nebraskans can expect justice and equality under the law. We must also recognize the doctors, nurses, and healthcare professionals, whose stalwart selflessness and excellent care have helped us weather this pandemic. Please help me thank our healthcare heroes. We've come a long way in a year. But there is still much work left to be done. Work that will require everyone to pull together for our state and continue to allow us to thrive. This legislative session, there are four priorities that we must accomplish to keep Nebraska strong and growing for years to come. It's not likely to surprise many of you that I am going to start with tax relief. It's been a staple of my budget recommendations every year. I was elected on the promise that I would deliver tax relief for Nebraska. It's what the hardworking men and



women of this state deserve. And given our current financial situation, we must deliver. Last year, we successfully passed a two-year budget that set the priorities for this year and next. While there are opportunities to fine tune this budget, I expect that state agencies and our partners will continue to live within the budget and keep the growth of the budget to less than 3 percent. By the end of the fiscal year 2023, the state of Nebraska is anticipated to have an estimated \$1.5 billion in its Cash Reserve Fund. Let me say that again, \$1.5 billion. Folks, this is the people's money. And we must support tax relief that puts this money back into the pocket of the people. To start, we can take this session to build on the reforms from last session and accelerate the work of the Social Security taxes that was done last year and implement the exemption of those tax-- Social Security tax exemptions to five years rather than the current ten-year period. This would allow our older neighbors and relatives and friends to be able to keep more of their hard earned money. We also need to ensure that we are building upon the work that was done with regard to property tax relief that was provided during these last couple of years. This fiscal year and next, we will provide \$548 million in property tax relief back to the people through LB1107. And we must make sure it does not drop below this floor. Finally, over the next five years, we must reduce, reduce the top individual income tax rate by 1 percent from 6.4 percent, sorry, 6.84 percent to 5.84 percent. For those who may try to brand this as a tax cut for the rich, I challenge you to ask the Nebraskans making \$33,180 a year or families making thirty-- or sixty-six thousand three hundred eighty twenty dollars a year, if they feel rich. They make up some of the 418,900 Nebraskans in this tax bracket who deserve relief. And we can offer that relief while lining the job creator taxes to this new reduced individual income tax rate as well. It's also imperative that we remember that our duty and responsibility is to protect the public safety. After all, we need to remember people are our greatest resource. There are several opportunities in this session to strengthen our commitment, commitment to keeping Nebraskans safe. Historic agreements were struck to provide substantial pay increases for our 24/7 public health and safety professions. This will help us attract and retain quality correctional teammates. We've already seen a fivefold increase in the number of applicants to the Department of Corrections since this announcement was made. I am also requesting \$16.9 million to enhance our state crime lab, which analyzes forensic and physical criminal evidence to better secure justice for the victims of crime. And \$47.7 million toward the expansion of the Law Enforcement Training Center in Grand Island. And finally, we must

fully fund the modernization of the Nebraska State Penitentiary. The existing Penitentiary was built over 150 years ago. Its walls are crumbling. And its infrastructure is aged and beyond simple repair. For those wishing to pursue criminal justice reform, this should be a no-brainer. A modern correctional facility will give our inmates a better quality of life. Modernizing our State Penitentiary will allow us to offer enhanced services and programming to prepare men there for life after time served. I am not asking anyone to choose between modernizing the State Penitentiary and pursuing criminal justice reforms intent on reducing crime and recidivism. These solutions are not at odds. There is room for both as we work together to strengthen Nebraska. This year, we can also secure our water resources for generations to come. After all, water is Nebraska's greatest natural resource after our people. To secure Nebraska's water supply, I am recommending \$500 million to construct a canal and reserve-- or a water reservoir system from the South Platte River. Access to this water enables our farmers and ranchers to produce. It provides for quality drinking water. It keeps electric generation cost management and ensures Nebraska continues to be the best place in the world to live, work, and raise a family. If we fail to secure our water supply from the South Platte River, we could expect that over 90 percent of the water that comes to us from Colorado would be reduced. We must act to preserve, protect, manage, and steward our water supply for future Nebraskans. I am also requesting \$200 million be allocated to the projects presented by the STAR WARS Special Committee. I am not going to try to explain STAR WARS to you, I'll let the Speaker do that. These projects will also secure our access to water. And they provide the additional promise to grow the Good Life in tourism and recreation. In addition, I am recommending \$5 million for the Peru Levee; \$60 million to restore and protect drinking water systems in our rural areas, such as Cedar and Knox County; and \$23 million in repairs for Fort Laramie Gering canal tunnel. This year, we also have the rare task of spending the one billion forty million dollars that has been allocated to Nebraska through the American Rescue Plan Act. These ARPA dollars can help us and our state grow into the future. Today, I'm releasing a second budget recommendation with the proposals on how to spend this ARPA funding. And I look forward toward the robust debate that will ensue as you work to determine where best this money is going to be spent. I cannot stress enough, ARPA dollars are one-time dollars. They must be spent as such. Each of us has a responsibility to guard against spending this money in a way that will grow government expenses. My proposal includes 29 qualifying projects-- initiatives that will better Nebraska. It will deliver

nearly \$200 million for public health emergency response. And for areas that experienced negative economic impact from COVID-19, I'm requesting over \$500 million. This includes assistance for economic development projects in north Omaha and funding for beef processing supply chain issues in North Platte. It secures funding for parents of low-income children who have experienced learning loss during the pandemic, and it provides Nebraska's community colleges with dollars to enhance their workforce development programs. It also funds behavioral health and nursing incentives to ensure continued access to quality care throughout our state. In addition to the ARPA budget proposals, it also includes \$284 million for water and sewer projects. This includes partial funding for the Perkins County Canal and Reservoir construction, funding for the STAR WARS Special Committee project proposals, and other key projects I've mentioned already here today. Putting back money into the people's pockets. Protecting our public safety. Securing access to our natural resources. Investing one time-- investing in one-time projects that will enhance our state. These are the ways that we can help Nebraska stay strong and growing in 2022. I know that there will be tough debates, long nights, and seemingly impossible time constraints. But I also know that we get things done when everyone rolls up their sleeves and works together. Thank you for your service to the people in Nebraska. Our work in the coming days will require a spirit of collaboration and cooperation and for each of us to do our part to keep Nebraska strong. I look forward to the challenge, opportunity, and honor of working with you. Remember, Nebraska is what America is supposed to be. God bless you all, and God bless the great state of Nebraska. [APPLAUSE]

**FOLEY:** Thank you, Governor Ricketts. Would the escort committee please assist the Governor and the First Lady. Members, we'll proceed to the agenda, first of which-- first item in which is the introduction of new bills. Mr. Clerk.

**CLERK:** Mr. President, new bills: LB1011 introduced by Speaker Hilgers at the request of the Governor. It's a bill for an act relating to appropriations; it defines terms; provides change and eliminates appropriations for the operation of state government; repeals the original sections. LB1012 is by Speaker Hilgers at the request of the Governor. It's a bill for an act relating to appropriations; it changes provisions relating to use of a fund; it eliminates provisions regarding state agency postage reimbursement. LB1013 introduced by the Speaker at the request of the Governor. It's a bill for an act relating to the Cash Reserve Fund; provides and eliminates fund transfer provisions. LB1014 is by Senator Hilgers. It's a bill for an

act relating to appropriations; it defines terms; it appropriates funds allocated to the state of Nebraska from the federal Coronavirus State Fiscal Recovery. LB1015 introduced by the Speaker at the request of the Governor related to natural resources; adopts the Perkins County Canal Project Act. LB1016, a bill by Senator Walz. It's a bill for an act relating to the, the Transportation Innovation Act; it defines terms; it provides for public-private partnerships. LB1017, Senator Slama, it relates to the Uniform Trust Code; changes provisions related to creditors' claims against settlors and powers of trustees. LB1018 is Senator McKinney. It's a bill for an act relating to schools; it sets a minimum wage for employment of Class V school districts. LB1019 is a bill by Senator McKinney. It's a bill for an act relating to juvenile services; establish the family resource and juvenile assessment center pilot program. LB1020 Senator Brewer. A bill for an act relating to homestead exemptions; it changes application requirements for certain veterans. LB1021, Senator Friesen. A bill for an relating to universal service; provides authority and power to the Public Service Commission and regulates telecommunication companies that receive support to provide broadband services. LB1022, Senator Friesen. A bill for an act relating to motor vehicles; it changes provisions relating to the fee remittance for the 24/7 sobriety program permit. LB1023 is Senator Hilgers. It's a bill for an act relating to water; it adopts the Lake Development Act and the Water Recreation Enhancement Act; and declares an emergency. Mr. President, I also have hearing notices from the Transportation Committee. That's all that I have at this time.

**FOLEY:** Speaker Hilgers.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. I want to give you a brief update before we head into a deserved long weekend just in terms of scheduling going into next week. So first two reminders, one, is we're going to be in only morning debate. I appreciate everyone coming right out of the gates and doing all day debate this week. Next week, we're going to go back. Now that we have committee hearings that can be held, we will have debate in the morning. That's number one. Number two is a reminder the first day of each week, at least through February, we will start at 10:00. So next Tuesday, we will start at 10:00. In terms of bills, we will kick off Tuesday with LB496. That's Senator Hilkemann's DNA bill. As a reminder behind that is-- that on General File is LB496A. If LB496, which is currently on Select File, advances to Final Reading on Tuesday, we will pick up the A bill. But as a reminder that I mentioned last week, A bills for cloture this year are not eight hours, they will only be

one hour, except for exceptional circumstances. After that, we will pick up Select File of LR14, Senator Halloran's 2022 priority bill. And then after that, the two bills that I currently have on deck will be LB4-- I'm sorry, LB568, Senator Pansing Brooks's juvenile truancy bill. It's a carryover priority from 2021. And then after that I have LB376, which is Senator Machaela Cavanaugh's developmental disability bill, which is on Select File. Again, I appreciate your patience as we sort of work through the scheduling these first two weeks. After we get through another week or two, we should have a much better sense of what's going to happen on each particular day as we head into the end of the following week. So the first half of next week, I think, is in pretty good shape. The second half, we'll just have to be a little nimble and flexible as we go. As always, let me know if you have any particular questions. This is a short update, so it will be emailed to you not handed around in a printed version. And with that, have a wonderful weekend. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Proceeding on the agenda, motion to suspend the rules. Mr. Clerk.

**CLERK:** Mr. President, Senator Brandt would move to suspend Rule 3, Section 14, so as to permit the cancellation of the public hearing on LB757.

**FOLEY:** Senator Brandt, you're recognized.

**BRANDT:** Thank you, Mr. Lieutenant Governor. Because they already had the hearing scheduled for this bill, LB757 was an expansion of the overweight permits that farmers enjoy in the state of Nebraska. Today, we're limited to 70 miles. The bill would have expanded that to 120 miles. In working with NDOT and, and Carrier Enforcement, there is a method today to accomplish that. So for everybody listening on them-- on-- at home today, interested in this, they can access Nebraska State Patrol truck information guidebook. On page 25, it explains that you can apply for a permit for \$10 to expand that to 120 miles with the existing weight limitations. Therefore, we felt at this time that the bill probably wasn't necessary. I would encourage everybody to suspend the rules and vote to remove LB757. Thank you.

**FOLEY:** Thank you, Senator Brandt. Any discussion on the motion? I see none. Senator Brandt, do you care to close on the motion? He waives close and the question before the body is the adoption of the motion of LB757 to suspend the rules. Those in favor of vote aye; those opposed vote nay. Have you all voted who care to? Record please.

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**CLERK:** 33 ayes, 0 nays to allow the cancellation of the hearing, Mr. President.

**FOLEY:** The motion has been adopted. Proceeding to motions to withdraw. Mr. Clerk.

**CLERK:** Mr. President, Senator Brandt would move to withdraw LB757.

**FOLEY:** Senator Brandt, on your motion.

**BRANDT:** Thank you, Mr. Lieutenant Governor. I would encourage everybody to vote green on the motion to withdraw.

**FOLEY:** Thank you, Senator Brandt. Seeing no discussion-- oh, excuse me, Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Senator Brandt, will you yield to a question?

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

**WAYNE:** Tell me about your bill?

**BRANDT:** So what the bill was about, Senator Wayne, was the expanding the mileage limit for overweight harvest exemptions in the state of Nebraska from 70 miles to 120 miles.

**WAYNE:** And you said they can do that now, there's a way to do it now?

**BRANDT:** Yes, we approved, I believe, last year that we have year-round harvest exemption in the state of Nebraska. A ag producer can self-write his own permit up to 70 miles. And this would have just expanded it to 120. But existing law has a method to allow us to do that.

**WAYNE:** Can you explain how existing law allows us to do that?

**BRANDT:** They can, they can obtain a permit from the Nebraska Department of Transportation through Carrier Enforcement.

**WAYNE:** I'd like to see if Senator Friesen will yield to a question.

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

**FRIESEN:** Yes, I would.

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**WAYNE:** Is that your understanding of how the law works as Chair of Transportation?

**FRIESEN:** Well, could you repeat that?

**WAYNE:** Is that your understanding of how the law works as Chair of Transportation?

**FRIESEN:** Yes.

**WAYNE:** So do you think we need to expand this to maybe 300?

**FRIESEN:** Not for my part. Again, there-- when you start to cross state borders and things like that, different rules apply also. So I think this is enough. We've discussed this pretty heavily last year in committee and, and we did bring a bill forward doing where we, where we got it to. And so I have not had any requests to expand that.

**WAYNE:** But there's more than 300 miles from Omaha to Ogallala. Right?

**FRIESEN:** Correct.

**WAYNE:** So we should maybe increase it?

**FRIESEN:** Well, there's typically when you get into the transportation of freight that far you just feasibly can't cover the cost of that so markets are generally closer than that for a harvest exemption. Not to say there wouldn't be cases where it worked, but again, for \$10 now you can go to 120. Generally, they got-- farm to market that covers pretty well everything.

**WAYNE:** And who actually oversees how you do this process, like how would one apply for this exemption?

**FRIESEN:** Well, I think you can go online and, and the, the first exemption that we have to apply for, we fill out a, a form basically stating where the grain is coming from, where it's going to, and that'll spell out the miles. And so if the DOT stops you or the State Patrol, the State Patrol stops you, they can look and see once where it's coming from, where it's going, that you filled out the paperwork, and then you're exempt. And so if you get the \$10 permit to go to the 120 miles, you just show them the permit. They'll look again and see how far you've gone. State Patrol basically oversees enforcement of it.

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**WAYNE:** Will Senator Brandt yield to a question?

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

**BRANDT:** Yes, I would.

**WAYNE:** Isn't it amazing how we can just take up time today just answering questions?

**BRANDT:** Well, keep asking questions.

**WAYNE:** OK. So did you agree with Senator Friesen?

**BRANDT:** Usually, I do.

**WAYNE:** Usually? OK. When do you not agree with him?

**BRANDT:** Very seldom.

**WAYNE:** So very seldom?

**BRANDT:** Yeah.

**WAYNE:** Can you give me one example in the last four years?

**BRANDT:** Yeah, you're going to have to give me some-- give me--

**WAYNE:** I meah, you looked to him to agree to which you disagree to.

**BRANDT:** No examples at this time.

**WAYNE:** No examples at this time? OK. So why, why not just have the hearing and talk about it? We have hearings all the time just to have hearings. Why withdraw?

**BRANDT:** And, and I'm aware of that. I've, I've sat in Judiciary when you've even come in--

**FOLEY:** One minute.

**BRANDT:** --several times and, and removed a bill. I'm just trying to save wear and tear on the people of the state of Nebraska--

**WAYNE:** OK.



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**BRANDT:** --just so that they know they don't have to drive in from North Platte or farm country to testify on this bill and committee and everything else. So the bill is not necessary at this time.

**WAYNE:** So you want me to vote green to remove it or red the stop? I'm, I'm confused.

**BRANDT:** Well, I'd appreciate a green vote, Senator Wayne.

**WAYNE:** So I would be supporting one of your bills by having you withdraw your bill?

**BRANDT:** You would.

**WAYNE:** I don't like really supporting your bills.

**BRANDT:** Well, then it's a free country.

**WAYNE:** OK, so I may vote red. So what happens if we filibuster a motion?

**BRANDT:** We'll be here eight hours.

**WAYNE:** Huh. Will Senator John Cavanaugh yield to a question?

**FOLEY:** Actually, that's time on this turn Senator, but you're next in the queue. You may continue.

**WAYNE:** Thank you. Senator Cavanaugh, will you yield to a question?

**J. CAVANAUGH:** I would.

**FOLEY:** Senator John Cavanaugh, would you yield?

**WAYNE:** Do you know what happens if we filibuster a motion to withdraw?

**J. CAVANAUGH:** I don't know the answer to that. We wouldn't get to a vote on the motion, I guess.

**WAYNE:** Do you think we should try it today?

**J. CAVANAUGH:** I'm genuinely curious about the outcome. I would, would be interested to see. I don't know if-- my understanding of Senator Brandt's position is that this is in the interest of efficiency. And so it would be an interesting attempt to spend some time on a

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discussion of how efficient-- efficiently the Legislature is going to operate.

**WAYNE:** So you think we can add an amendment to withdraw other bills too? Like, can I withdraw one of your bills and you get up and argue that we don't want to withdraw it?

**J. CAVANAUGH:** I don't think that you can do that on this motion. I don't think you can amend a, a motion to withdraw with another bill.

**WAYNE:** OK, thank you for the dialogue. I just wasn't sure. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Senator Wayne has opened up an interesting conversation. Senator Wayne, would you yield to a question?

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

**WAYNE:** Yes.

**ERDMAN:** Senator Wayne, I live about 400 miles west of here. Do you realize how far 300 miles would get me towards Lincoln or the southern part of the state?

**WAYNE:** You would still be short 100 miles if you live 400 miles.

**ERDMAN:** Yeah, so maybe your 300-mile deal has some value.

**WAYNE:** So should we go 400?

**ERDMAN:** Maybe.

**WAYNE:** That way you can get home.

**ERDMAN:** Yeah, how about just anywhere?

**WAYNE:** I'm OK with that. I don't, I don't-- I'm not on Transportation. I don't know how it works. But usually if you vote red, I vote green. So--

**ERDMAN:** OK.

**WAYNE:** --we'll just switch it. If you vote green, I'll vote red.

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**ERDMAN:** We have voted the same once or twice, right?

**WAYNE:** Yeah, it really took people by surprise.

**ERDMAN:** Yeah, yeah, that was good. I appreciate that. Thank you for answering the questions. Senator Brandt, will you yield to a question?

**FOLEY:** Senator Brandt, will you yield, please?

**BRANDT:** Yes, I would.

**ERDMAN:** Senator Brandt, did we-- have we made a provision for this, this stipulation or overweight would be from out of the field? Is that correct?

**BRANDT:** It would be-- the 70-mile permit is a year-round permit from harvest facilities and out of the field also. That is correct.

**ERDMAN:** So then the 120 miles would be the same if I was hauling from a grain bin?

**BRANDT:** That is what Carrier Enforcement and NDOT has-- have told us. Yes.

**ERDMAN:** OK. Well, I, I would agree that they'll probably do what they said-- thank you for answering that-- because several years ago, I had asked for the Carrier Enforcement to allow round bales to be hauled on the interstate. And, and I was going to introduce legislation to do that, and they agreed. And they have done that. So if you drive down the interstate and you see them hauling round bales, that was, that was the reason. And part of the reason was when they hauled those round bales, they're over width and are going to these small towns, it was more dangerous than being on the interstate. So that's all I had to say on this. And if Senator Wayne would like me to, I would yield him the rest of my time.

**FOLEY:** Senator Wayne, you've been yielded 2:50. He waives it. Senator Brandt, do you care to close on the motion? He waives close and the question before the body is the adoption of motion 757 [SIC] to withdraw the bill. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please.

**CLERK:** 29 ayes, 0 nays, Mr. President, to withdraw the bill.

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**FOLEY:** LB757 has been withdrawn. Mr. Clerk, you're recognized for an announcement.

**CLERK:** Mr. President, the Reference Committee will meet underneath the north balcony immediately; Reference Committee, north balcony immediately. That's all that I have.

**FOLEY:** Thank you, Mr. Clerk. Next motion, please.

**CLERK:** Mr. President, Senator Blood would move to withdraw LB-- or, excuse me, LR262.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I rise today to ask that you vote green to withdraw LR262. Not because we no longer believe in the cause, but because there's so many entities involved that we found that we had to severely amend a new resolution. So I ask that you withdraw this particular one. And for Senator Wayne, this is in reference to securing enactment of the American Beef Labeling Act. And it is very important since we know that the top two in our commodities are cow-calves. We know there's more cows than people in Nebraska, Senator Wayne. And we know that it's important that we honor our U.S. trade obligations when it comes to beef. And so we ask today that everybody vote green so we can bring back an even better resolution.

**FOLEY:** Thank you, Senator Blood. Any discussion on the motion? Senator Wayne.

**WAYNE:** Thank you. I won't have a lot of discussion because she-- Senator Blood thoroughly explained what's going on here. So I think I just wanted to let people know who are watching that it wasn't just an attack on Brandt that I just wanted to get a good explanation for the people and fully understand what's going on. Thank you, Senator Blood.

**FOLEY:** Thank you, Senator Wayne. Senator Blood, you're recognized to close on your motion. She waives closing. The question before the body is the adoption of the motion to withdraw LR262. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please.

**CLERK:** 25 ayes, 0 nays, Mr. President, to withdraw the resolution.

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**FOLEY:** LR262 has been withdrawn. Next item on the agenda, motion to rerefer.

**CLERK:** Mr. President, Senator Wayne would move to rerefer LB916 to the Urban Affairs Committee.

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

**WAYNE:** Out of res-- thank you, Mr. President. Out of respect for the Executive Committee who is behind me Execing on rereferencing, I'm going to talk about nothing until Senator Hughes at least gets an opportunity to defend the Executive Board. So I'm going to walk through my talking points. They already voted, so they're probably going to keep it the same, so at least I can maybe persuade some of you all to see things my way. I rise to ask this body to correct what I feel is an error in referencing to LB916, which would adopt a Rural Municipal Broadband Access Act. The rules of the Legislature in Rule 3, Section 4(e)(i) provide that the Reference Committee shall review each bill and refer the bill to the appropriate committee. The rules go on to define the appropriate committee as the committee which has subject matter jurisdiction or over the issue or which has traditionally handled the issue. Colleagues, instead of LB916, the appropriate committee-- in this instance, LB916, the appropriate committee should be Urban Affairs Committee. LB916 deals with a single fundamental area of jurisdiction of the Urban Affairs Committee, the powers to provide and, and service off-- and the services offered by municipalities. That's 100 percent what the bill is about. The bill is about what services and what powers that a city or municipality has, which is underneath the jurisdiction of Urban Affairs. While the bill also applies to both municipalities and other political subdivisions, those are often sent to the Government Committee. This bill in no way affects any other political subdivision, but municipalities. So again, it should go to Urban Affairs. LB916 merely provides the authority for certain municipalities to provide broadband services or Internet on a retail or wholesale basis. I recognized last session that the Reference Committee also referenced this bill to Transportation and Telecommunications Committee, but I also believe that decision is wrong. Again, the decision to reference to TNT Committee, as well as last year, is a significant departure from historically where these bills go and the precedent set historically by our Executive Committee. I have the utmost respect for Senator Friesen and the members of the Reference Committee, but in this case, I believe they clearly got it wrong. This deals with municipalities, the ability for them to have certain powers and to provide certain services. It has

always, let me repeat, always gone to Urban Affairs when it deals with those type of issues, regardless of what service or what they provide. So we think this is an Urban Affairs issue or bill, and we would ask that you rereference this to the Urban Affairs Committee. Again, Urban Affairs deals with the power of municipalities, what they provide, and what they can serve-- and service. This bill does that. It shouldn't matter which issue or which subject they're preserved-- they're, they're providing service to. It's about the city's ability to do it or not. And that's why they have historically always gone to Urban Affairs. I'd ask you to vote green. Thank you, Mr. President.

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

**FRIESEN:** Thank you, Mr. President. So I rise in opposition to this. I do think that the bill was referenced to the correct committee as it was last year. We went through this fight before. So my main reason is, is we're, we're pouring tens of millions of dollars into broadband across the state and to keep rules and regulations kind of in the same scope and how we've approached this, TNT has the expertise when it comes to developing these programs. And if you'll look at our current statutes that we have, municipalities can already partner with private industry and provide broadband in their community. If they wish to use CARES Act money, they can partner with private industry. They don't even have to go through the study and the feasibility of that. It's all built into the Broadband Bridge Program currently. So the idea of public-private partnerships are already there. And this just creates another path of doing that, which will not probably be based on the same criteria that we look at someone who might overbuild another carrier that's already there. And so from that standpoint, I still strongly believe that TNT has the expertise. We've dealt with all these broadband bills in the past, and I say that we need to continue that in order to keep that continuity in our rules and regs and how we're going to fund broadband expansion across the state. And I think that the avenues of doing this are already there. This does not need to be in anywhere else. We can handle this and look at it and see once if it's appropriate. Thank you, Mr. President.

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

**HUGHES:** Thank you, Mr. President. Good morning, colleagues. I just wanted to give a little context about how Reference Committee works. As Chair of that board, I know many of you have not served on Referencing, and it's somewhat of a mystery, if you will, as to how we operate. I've had the fortune or misfortune, if you will, to serve on

Referencing my entire tenure here in the Legislature. The Reference Committee meets and we look at all the bills that were dropped the previous day and we talk about them. We do have a recommendation from Marcia in the Revisor's Office, from Bill Drafters, if you will, as to what the subject matter of the bill was. As we all know, several bills have multiple subject matter, and that's why we have a Reference Committee because we, as senators, we have additional information that may be historical. Maybe, you know, maybe it's not the way it's been done in the past. If we followed the referencing guide to the letter, we wouldn't need a Reference Committee. What the Reference Committee does bring to that process of sending bills to committees is we bring the expertise that we have as individuals as what, what has gone on before. A little, probably a little more information from our colleagues that have talked to us about bills that they're bringing. And the reason why they want them to go to a certain committee, what they believe the overarching subject matter is. So it injects the human element, I guess, if you will. And that's very important because there are numerous bills that come to us that have numerous subject matters, and it's our job to decide which one we give the most weight to as to which committee the subject is going to go to and which has-- the committee that has the expertise to deal with that. That is what this bill and the one last year we've talked about when it comes to broadband. And, you know, full disclosure, I do sit on Transportation and Telecommunications. We have dealt extensively, extensively with broadband for the last three years, and it looks like we're going to be doing more of that again this year. It's great that we have some funds that we can make sure that we're building out high-speed Internet to unserved and underserved areas in the state of Nebraska. And it doesn't matter whether they're urban or rural, village or town. We need to get broadband-- high-speed broadband built out to the citizens of Nebraska, regardless of where they live. This bill we dealt with a few days ago in Referencing, the Revisor's Office recommended that it go to Transportation and Telecommunications. We did have a discussion during Referencing about sending it to Urban Affairs. The motion was to send it to Transportation as recommended, and the vote was 9-0. Every single member of the Reference Committee agreed that LB916 should be sent to the Transportation and Telecommunications because the overarching issue--

**FOLEY:** One minute.

**HUGHES:** --was broadband. So if you have any questions on how the Reference Committee works or the issues that we deal with or an issue on, you know, why your bill was referenced one way or the other, you

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know, come talk to me. If you haven't had the opportunity to be engaged in Referencing, there will be an opening next year. I encourage you to go after it. Thank you, Mr. President.

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

**PAHLS:** Thank you, Mr. President. I do-- I understand being a member of the Reference Committee is not an easy thing, having served on that in the past. The staff-- to be honest with you, the staff does a lot of the work behind the scenes to give it to us as state senators because we, we count on their ability to direct us in the right direction. But I also found out when I served on that committee, that there were certain people who had the power and the personality to all of a sudden move a bill to another committee because for some reason they liked that Chair. I saw it happen on a regular basis and I served on that committee for several years. You could see the power of personality sometimes overtook what everybody else was thinking. Now I do understand the vote here was all in on this. Logic tells me it should go to where they placed it. But I need to talk to Senator Wayne to see why he believes he or his committee has the expertise in this area in this particular bill. Senator Wayne, may I have your permission to speak with you?

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

**WAYNE:** Yes.

**PAHLS:** I, I just need to know why you or your committee, you think is the correct place? Because apparently in the past it has been successful what they are doing and what they will be doing in the future.

**WAYNE:** It's only been successful last year. Prior-- so basically, we operate in the state of Nebraska on a Dillon's principle, which means cities do not have power unless it is statutorily given to them. All bills that deal with cities or municipalities having certain powers has always gone to Urban Affairs. What they're trying to say now is because this is broadband, we're going to carve that out of whether or not cities can offer it or not and put it in TNT. But every bill that deals with the powers granted by us to a city goes to Urban Affairs.

**PAHLS:** And you have used that argument with the Chair and the people on the committee?



**WAYNE:** Correct. This is about this bill going there so they can kill the bill. This was the first bill they killed last year in their committee. And what it-- and, and it never gets opportunity to get to the floor because cities actually want this. And that's why we wanted Urban Affairs where it belongs.

**PAHLS:** OK. And I-- like I say, I'm not that familiar in the past, but you're telling me and you're being honest with me, this bill is sent to be basically killed?

**WAYNE:** Correct. It's going to go there, this was the first bill that was killed last year, and we had extensive debate on the floor on other broadbands talking about the ability for municipalities to offer this service or not. When the bill was actually struck and we stopped it, it was actually in, in Urban-- if it went to Telecommunications that time. But the only time-- again, let me just back up. If it deals with the powers of municipalities, it goes to Urban Affairs regardless of the subject. That's why tax increment financing comes to Urban Affairs, because it's the power that we give municipalities. And so it comes to ours-- our committee, not Revenue.

**PAHLS:** OK, so I'm, I'm going to be honest with you because I have not been paying that much attention to what's been going on in this particular area. But when I served, I could see movement. It was not necessarily based on all the time where it should go. It based-- it was based on personality. And that irritated me because I had to watch it happen. And there were bills that I, I should-- to be honest with you, went to Judiciary and they should have gone to Government and I served on the Government Committee. But I could see why they were being manipulated is because of the power of the people. It was their personalities and they were, they were smart. I--

**FOLEY:** One minute.

**PAHLS:** Thank you. I'm just concerned, and I think the public needs to know this. Sometimes bills get nowhere because it's where we place them and we, you know, we're-- think about that. Senator Wayne,--

**WAYNE:** Yes.

**PAHLS:** --am I, am I, am I correct in what I'm saying or am I off base?

**WAYNE:** No, you're correct. And again, I'm going to point out two taxing bills or, or, or areas: TIF, tax increment financing, and LB840 funds. That's-- the city's allowed to have a tax-- occupation tax.

Both of those bills come to Urban Affairs because it's the authority of Urban Affairs to give those cities, those authorities to provide those services. It's always been that way except for this carve out. So there are two tax bills that have gone to Urban Affairs for the last 20 years.

**PAHLS:** But you're not telling me that the other committee could not handle this?

**WAYNE:** No, the other committee probably could handle it. I'm saying jurisdictionally, it's supposed to go to Urban Affairs.

**FOLEY:** That's time, Senators. Thank you, Senator Pahls and Senator Wayne.

**PAHLS:** Thank you.

**FOLEY:** Senator Wayne, you're next in the queue.

**WAYNE:** Again, I just want to educate people because a lot people don't know, we are a Dillon Rule state and what that means is no municipality has the authority to do anything unless we grant it. There are some exceptions. And that is like Omaha has a charter and I believe Lincoln has charters. That's part of what the Dillon Rule says. So if you think about this, we tell, we tell primary class cities how many people they can have on their board. They don't even have the authority to have a board and set their numbers. That's all statute and that's all governed in Urban Affairs. And again, I just want to put in perspective tax increment financing. What we dealt with for the last six years on this floor made significant changes comes to Urban Affairs because it's an authority that we have given them through the constitution that they can offer TIF, LB840 funds. Those are occupational taxes that-- sales taxes. I was corrected by legal counsel. He's always here to correct me. Sales taxes that are allowed for municipalities to use for different things, economic development. That is a tax. And not once has the Revenue Committee ever asked for those bills because for the last 20 years, they've always come here because it's about an authority to give a municipality. It's about what powers that municipality can have. That is no different than the bill right here, LB916. This bill gives the authority for municipalities through a long process. They have to have public hearings. They have to make-- they have to determine that this area is underserved by broadband and all these other things before they can even go into the idea of providing broadband. We are granting them the

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authority. So if this committee is OK with all the tax bills for TIF and LB840s coming to Urban Affairs because it's about authority, the same applies to broadband. It shouldn't matter the subject, it's about the authority. And that's what we have always said for the last-- well, since Urban Affairs was around for the last 40 years. So that's why I would ask you to vote green on this motion. Thank you, Mr. President.

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

**FRIESEN:** Thank you, Mr. President. So again when we're talking of the expertise and how we might establish getting broadband out in the communities, if you'll recall last year we had a lot of bills dealing with broadband. And just to be, you know, completely on board here, we IPPed six different bills last year because that is, I think, the way the committee structure is supposed to work. If you have a hearing on a bill and you feel it isn't needed or it shouldn't reach the floor, you IPP it. Now there is still a process for pulling that bill out of committee if somebody still feels it's really important. So it isn't as though you just pigeonhole a bill in order to kill it. We just felt there wasn't a need for the bill because we've already established a process where municipalities can partner with private industry and put broadband in using the criteria on how to measure whether or not they're going to overbuild private industry there and maybe compete with public dollars when you have private dollars already invested. So I guess the expertise of the Transportation and Telecommunications Committee is we have dealt with all these nuances and how that process should work, what is the speeds that are there? How do you go about measuring them? And this is a very technical process when you're trying to get broadband out there. And so it's not as though municipalities need this authority today. If they need broadband in their community and feel important-- it's, it's extremely important to them, they can reach out to any number of providers and form a public-private partnership to get this done. And then it will follow the criteria we've set up in the Broadband Bridge Program. Would Senator Wayne yield to some questions?

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

**WAYNE:** Yes.

**FRIESEN:** Senator Wayne, do you feel that today that we are impeding a city's ability to get broadband in our community?

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**WAYNE:** Yes.

**FRIESEN:** And could you explain how?

**WAYNE:** Well, we don't allow them to. We've specifically said that they cannot provide broadband services.

**FRIESEN:** But in the Broadband Bridge Program, we allow them to reach out and form a public-private partnership to do just this.

**WAYNE:** You asked me if we impede them and I said yes because they can't directly do it themselves. That is an impediment.

**FRIESEN:** I think the process we've put in place is faster than this process.

**WAYNE:** It doesn't bear out that way.

**FRIESEN:** I mean, does, does the Broadband Bridge Program take a study and all this time in order to get a process done?

**WAYNE:** No. But what's wrong with the city having the ability after they've determined that they don't have broadband service and nobody will work with them to provide it themselves to their constituents?

**FRIESEN:** I just don't think we've seen that yet. But the problem I see sometimes is you could have a municipality that would overbuild private industry. And if private industry ever felt that a municipality could come in there and compete with them on a totally different tax level, don't you think it would impede our investment of the private sector into bringing broadband and that we've, we've impeded that public-private partnership, so to speak, that we could have today?

**WAYNE:** I, I understand the argument and that goes to the merit of the bill. But you, you are also making my point that what we're talking about is should a municipality have that authority and that's an Urban Affairs question not a, not a Telecommunications Committee's question. It's about the authority to have so,--

**FRIESEN:** But the--

**WAYNE:** --not about the merits of the bill.

**FRIESEN:** But would you, would you say, though, that the Telecommunications Committee has the expertise in designing these types of programs, though, so that you do not get a case where you overbuild and you make it more difficult for the private industry investment. If they're, if they're not going to want to-- if they're not feeling comfortable that they can do the things that they're doing today, don't you think it impedes their want to go in and build a new municipality?

**FOLEY:** One minute.

**WAYNE:** And I think that's your argument on the floor against the bill. But whether the, whether the city has the authority or not is not a Transportation question.

**FRIESEN:** But they don't have the expertise, I guess, so. Thank you, Senator Wayne.

**WAYNE:** Thank you.

**FRIESEN:** I, I do feel that the, the Telecommunications Committee does have the expertise to deal with this. Currently, we have, you know, discussed this on numerous occasions and I think right now we are putting fiber into municipalities faster than we ever have in the last ten years by far. So I think the process is working. Let's just stay with the process the way we have it. And if the need is there down the road, let's look at it again. Thank you, Mr. President.

**FRIESEN:** Thank you, Senator Friesen. Senator Pahls.

**PAHLS:** Thank you, Mr. President. Some of the comments that I made were misinterpreted, people were thinking that I was talking about this Reference Committee with a vote that it was-- it did come out in favor of going to Transportation. I get it. I understand that. My past experiences have been the power of certain individuals on the, on the committee that I served on. Not on this. But I also say, you look on the floor, you know we have certain personalities that are really dynamic. They, they know how to use words. So that's one reason why, and I do respect Senator Wayne and I could see that he really wanted this. But when I asked the question that if Transportation and the leadership of Friesen could handle it, he indicated they were capable because they have been doing it. So I, I, I get that. And when you have the staff saying this is where it should go. I get that. But I think sometimes there needs to be dialogue on these issues so that the

public will know that we just don't do everything just this way, this way, this way. There is a rationale behind some of our decision-making. I still, since I'm basically from the urban area, probably will lean towards Senator Wayne's perception. Not at all degrading or downplaying Senator Friesen, who I know and I serve with him on, on the committee. So I, I know how he thinks. He's a hard worker. So again, just to make sure that I had nothing to do with this committee, I do not know how they operate, to be honest with you. Thank you.

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

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

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

**FRIESEN:** Yes, I would.

**WAYNE:** I got to keep this short. I have a press conference at noon that I'm not prepared for. But you're drawing this out a little longer than I would like. Every year you bring a bill on equalizing school districts, correct? Not every year, but you bring it--

**FRIESEN:** School funding.

**WAYNE:** School funding. That goes to Revenue, though, doesn't it?

**FRIESEN:** If it involves taxes, but some of mine have gone to Education.

**WAYNE:** The one that you do for making sure that each student has a certain percentage, the one we always talk about.

**FRIESEN:** Well, those bills, typically, if I'm not raising funds, they would go to Education, but typically I've been trying to raise the money so it was a tax issue also.

**WAYNE:** So it's a tax issue. So if it touches taxes, it somehow goes to Revenue. But wouldn't you say Education is the expertise in education funding?

**FRIESEN:** Yes, I would, and I, I don't have a preference there where it would go. I have never tried to direct one. I've always been required

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to raise funds in order to get my bills passed because we didn't have revenue.

**WAYNE:** So if we, if we move all the education TEEOSA funding goes to Education, you would support that because they have the expertise then, right?

**FRIESEN:** As long as they're not raising taxes, I--

**WAYNE:** Even if they are raising taxes.

**FRIESEN:** Well-- but again, I'm-- I've not been on a Referencing. But when we're raising taxes, typically the Revenue Committee has always done that. Now--

**WAYNE:** But they're not the experts in education.

**FRIESEN:** But again, revenue is very important when you start touching taxing people.

**WAYNE:** So there's a bill--

**FRIESEN:** So again, I-- I'm-- when I, when I go there, I don't necessarily care which committee it goes to, but I do feel taxes again are a very integral part of what we do to our constituents, I guess in a way. And it is the continuity of having the Revenue Committee look at those is important.

**WAYNE:** So there's a bill on LB873 and I know you don't-- haven't seen it, but basically it deals with the levy of community colleges.

**FRIESEN:** Yes.

**WAYNE:** Do you think that should go to Education or do you think that should go to Revenue?

**FRIESEN:** I probably don't care, but I guess we're dealing with a levy of taxes again, so I'm assuming either one could do it.

**WAYNE:** So if it touches taxes, you feel that they should be able to do it because of the integral part of having the authority to, to issue taxes and how it affects our community. But when it comes to the authority of municipalities, we should just split that up throughout the whole community. So there's no continuity for when it comes to

cities' authorities, but we want continuity for taxes. Is that my understanding?

**FRIESEN:** My reasoning for this bill, though, is the technical issue of this bill and I've learned over the years how technical this issue is with you've got incumbent providers that are regulated by the FCC. You've got WISPs that are out there providing services. So it's a very complicated and interrelated-- we've got cable companies, we've got broadband companies, we've got telephone companies all doing all of the above and operating under different tax codes. And so it is a very complicated issue we're talking about. And when you throw in a municipality's ability to suddenly do this, they operate on a completely different taxing level and competition wise makes it difficult, I think.

**WAYNE:** Thank you. I won't ask anymore questions. Thank you, Senator Friesen. So Senator Walz as Chairwoman of Education, I would move-- I, I would hope you would move every education taxing bill to your, your committee because the arguments that Senator Friesen has laid out about the complexity, you can't get more complex than TEEOSA when you talk about the number of constituents who are impacted by TEEOSA, they're all education, they're all school, they're all students. So I would file a motion to move every TEEOSA tax bill that deals with education to the Education Committee. And I would just pull this transcript and read what Senator Friesen--

**FOLEY:** One minute.

**FRIESEN:** --said and we should be able to get that done. I'm not going to talk anymore. I'm going to waive closing. I think you guys understand that this bill deals with the authority of a city. Senator Friesen's argument is the subject, and they're the expert and we'll see where it goes and we'll keep moving on. Thank you, Mr. President.

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

**HUGHES:** Thank you, Mr. President. Just a couple of additional for your information on how referencing works. If you do-- if you have a bill introduced and it goes to a committee that you didn't want it to go to, there are a couple of different remedies that are available to you as senators. You can go to the Chairman of the committee that it was referenced to, and you can go to the Chairman of the committee that you wished it to be referenced to. And if both of those Chairmen sign off on that letter asking for it to be rereferenced to a different



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committee, the Reference Committee will grant that. That's one opportunity you have to change how a bill gets referenced. The second way is what we're experiencing today with Senator Wayne. If the-- both Chairmen won't sign off on it, then you can bring it to the floor. So there are remedies just helping you understand a little more of the process. I would certainly urge everyone to vote red on the motion to rerefer. Thank you, Mr. President.

**FRIESEN:** Thank you, Senator Hughes. I see no other members in the queue. Senator Wayne, did you care to close or wait?

**WAYNE:** I'll be really quick. Can somebody tell me what the ties are about? Because I didn't get one and I feel kind of left out. I mean, I want to be with the cool people with the ties. So when we get out of the mike, please tell me what the cool-- I mean, Senator Friesen got one. Senator Hughes. I want a tie. Vote green. Thank you.

**FOLEY:** Thank you, Senator Wayne. The question before the body is the adoption of Senator Wayne's motion to rerefer LB--

**WAYNE:** Call of the house.

**FOLEY:** --LB916. There's been a request to place the house under call. Those in favor vote aye; those opposed vote nay. All members please return to the Chamber and check in, the house is under call. Senator Clements, if you could check in. Waiting for Senators Williams, McDonnell, Ben Hansen, and Aguilar, please return to the Chamber and check in. Senators Ben Hansen, Aguilar, and Williams, please return to the Chamber and check in. All unexcused members are now present. The question before the body is the adoption of Senator Wayne's motion to rerefer LB916. There's been a request for a roll call vote in reverse order. Mr. Clerk.

**CLERK:** Senator Wishart voting yes. Senator Williams voting no. Senator Wayne voting yes. Senator Walz voting yes. Senator Vargas voting no. Senator Stinner. Senator Slama voting no. Senator Sanders voting no. Senator Pansing Brooks voting no. Thank you. Senator Pahls voting yes. Senator Murman voting no. Senator Moser voting no. Senator Morfeld. Senator McKinney voting yes. Senator McDonnell voting no. Senator McCollister voting no. Senator Lowe voting no. Senator Linehan voting no. Senator Lindstrom. Senator Lathrop voting no. Senator Kolterman voting yes. Senator Hunt voting yes. Senator Hughes voting no. Senator Hilkemann voting no. Senator Hilgers voting no. Senator Matt Hansen voting yes. Senator Ben Hansen voting no. Senator Halloran. Senator

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Groene not voting. Senator Gragert voting no. Senator Geist voting no. Senator Friesen voting no. Senator Flood. Senator Erdman. Senator Dorn voting no. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting no. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh voting yes. Senator Briese. Senator Brewer voting yes. Senator Brandt not voting. Senator Bostelman. Senator Bostar. Senator Blood voting yes. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. 13 ayes, 24 nays, Mr. President, on the motion.

**FOLEY:** The motion is not adopted. I raise the call. Proceeding now to General File Revisor bill. Mr. Clerk.

**CLERK:** Yes, Mr. President, LB685 was a bill introduced by Senator Hughes as Chair of the Board. It's a bill for an act relating to appropriations; it eliminates obsolete provisions appropriating funds for FY '17-18, '18-19. Bill was referred directly to General File, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Hughes, you're recognized to open on LB685?

**HUGHES:** Thank you, Mr President. I would urge my colleagues not to get too far away. This is going to be very short and we do need to get this passed. LB685 is the only Revisor bill this year. As you know, Revisor bills are technical correction bills prepared by the Revisor of Statutes. Pursuant to Rule 5, Section 3, they are introduced by the Chairperson of the Executive Board and referred directly to General File. LB685 is a simple bill. It repeals Section 90-561, which references, references provisions appropriating funds for FY 2017-18 and FY 2018-19. I would ask for your support to move LB685 to Select File. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Any discussion on the bill? I see none. Senator Hughes waives closing. The question before the body is the advance of LB685 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please.

**CLERK:** 33 ayes, 0 nays, Mr. President, on the advancement of LB685.

**FOLEY:** LB685 advances to E&R Initial. Proceeding now to Select File 2021 carryover senator prior bill. Mr. Clerk.

**CLERK:** Mr. President, LB496 on Select File. Senator Slama, thank you. There are in E&R amendments pending.

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**FOLEY:** Senator Slama for motion.

**SLAMA:** Mr. President, I move that the E&R amendments to LB496 be adopted.

**FOLEY:** You heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The motion is adopted.

**CLERK:** Mr. President, I now have series of amendments. The first is by Senator, Senator Hunt, AM1283.

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

**HUNT:** Thank you, Mr. Lieutenant Governor. Good morning, Nebraskans. Good morning, colleagues. So I introduced a series of amendments on LB496. This is another bill that I don't support and I do not hope to see pass unless significant changes can be made to the underlying bill. As in the case with every bill, this is in no way in disrespect to the introducer, Senator Robert Hilkemann, who I know is very passionate about this issue and has really great intentions with this bill. However, I still have concerns about it. This AM1283 sort of questions the underlying effects of LB496 because the proponents of this bill claim that collecting DNA from people who are arrested, who are people who haven't been convicted of anything, who are legally innocent at that point is going to help solve unsolved crimes. In my opinion, this assertion is not accurate. But assuming that it is, assuming that is accurate, then it only makes sense that if the only interest we have as the state is to harvest and collect DNA samples in order to solve crimes, then we should have the state collect as much DNA as possible. Think if every adult in Nebraska had to submit DNA for collection, how many unsolved crimes we could potentially solve. How many cold rape cases that we could potentially get off the books. How many people we could bring to justice. And how many victims and survivors could have closure. This probably isn't something that makes sense to a lot of people, there probably isn't a lot of support among the general Nebraska populace for having everybody submit their DNA for collection to law enforcement for testing in order to solve unsolved cases. Because in our culture, we don't really support, you know, taking the genetic information of innocent people, even if something good could happen if we do that. This amendment, AM1283, would provide that every adult should have their DNA samples obtained from the government. This amendment delineates a process where all residents of Nebraska have to report to law enforcement when they are 19 to provide a DNA sample by July 1, 2022. Collecting every

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Nebraskan's DNA sample should help resolve a lot of cases, which seems to be the only thing we care about under LB496 and the proponents of this bill. So in an effort to be consistent with our goals as a body in collecting DNA to solve cold cases, I would say that every Nebraskan should then have to submit DNA. That's what the amendment does. I look forward to a robust debate on this amendment and more to come. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Hunt. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I also rise in opposition to LB964 [SIC--LB496], and I am also in opposition to AM1283. And I appreciate the work of both of those senators, Senator Hunt and Senator Hilkemann. But as you might recall last year, I opposed this bill on General File and that has not changed for me. And Senator Hunt's amendment would not bring me along, and so I will be opposing that as well. For me, this, this comes back to our rights and liberties, and this is an invasion of privacy with no foundation. There are no safeguards to ensure that there isn't racial profiling that goes on with this type of law. It really reminds me of the New York policy of stop and frisk that was ultimately overturned by the Supreme Court, the state Supreme Court, for being unconstitutional because they found that the police were using it at a very disproportionate rate to stop and frisk people of color. And this bill really leaves the discretion unchecked, and it is very difficult to reverse the long-term implications of having your DNA taken and stored for future use. I know that you can do it. I know that there are pathways for it. I've talked to some of our defense attorneys in the body about it, but it, it puts the onus on the individual, not the government, to do that. And if the government mistakenly filed away your DNA, the onus should not be on an individual to figure out the process, the laborious process to get it removed. I understand the significance this may or may not have on unsolved crimes, but we have due process for a reason in this country and it is to protect every citizen and their rights, and it is to protect the constitution. We shouldn't be taking shortcuts. I have additional concerns about this bill, and I'm not sure-- how much time do I have left?

**FOLEY:** Two minutes.

**M. CAVANAUGH:** Two minutes, OK. I have additional concerns about this bill and the diversion of resources. However, a different Senator Cavanaugh walked off with my page of notes. So maybe he'll, he'll walk right back over here. Thank you. So I introduced a bill my first year

about testing sexual assault kits because we had a massive backlog in Nebraska. And since 2017, there have been 500-- 5,627 exams and then 200 and-- 2,434 kits have been tested since 2017. We are currently, at the Crime Lab, testing sexual assault kits from 2020. We are finally fully staffed, which has been an issue, and the backlog should see a reduction over the next two years; a reduction. It's not going to be eliminated.

**FOLEY:** One minute.

**M. CAVANAUGH:** Thank you. So we have a significant number of kits that are over, that are over a year old that have not been tested. And if we have the resources to increase testing capacity, that should be the conversation we're having. Not how to increase the number of tests we have to process, but increase the number of tests that we should already be processing and get that taken care of before we consider putting an undue burden on the Crime Lab. So I will get back in the queue because I think my time is almost over. Thank you, Mr. Lieutenant Governor.

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

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Good morning, colleagues. Well, yeah, to put us in place in time, I guess I was opposed to LB496 on General File. I-- this is an unusual statement, you're not going to hear very often. I oppose Senator Hunt's amendment, AM1283. She articulated the argument well, but I just disagree. I don't think two wrongs make a right. I oppose this because I think I agree with the principle that individuals should be secure in their persons, their homes, their bodies from undue search and seizure. And that's what this amounts to. In this bill, LB496, I think as, as we just adopted with the E&R amendments, you can read it yourself. But there's a section that is kind of the crux of the problem. I highlighted it here, but maybe it's over at my desk here, let's see, that a DNA sample collection by law, law enforcement officers at the receiving criminal detention facility during the booking process. So the problem here is what this bill does is seeks to collect DNA from those accused, accused of certain felony offenses. Under current law in the state of Nebraska, we collect DNA from those convicted of all felony offenses once there's been a judgment of conviction and we collect DNA from people once there's been a probable cause determination by a judge for a search warrant specific to that person and that, that reason for the search. So there's given a reason and there's given a justification. And then we also collect DNA under

consent so people can agree voluntarily to give their DNA if there is a reason that they would, that they would agree to that. Those are the three mechanisms under which we collect DNA from an individual currently. Those are well, those are well-sufficient to achieving the, the interests of the state as it pertains to solving crimes, to protecting individuals, to building this database that Senator Hunt was talking about is, is the purported interest of this bill. So I wanted to make sure we all recall under Article I, Section 7 of the Nebraska Constitution: The rights of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. So this is the Nebraska Constitution, which word for word mirrors the U.S. Constitution in establishing the importance, the fundamental importance of protection from this overreach of the state. And a lot of people, when we talk about things like this, we can talk about the best interests of or the good intentions of laws like this. But the, the protections from the state exist for the things we're not contemplating, the not best case scenario, right? I believe, and I think a lot of us agree that-- we had a whole conversation about this Article II convention-- or I'm sorry, Article V convention. The second part of that was about preventing government overreach. That's exactly what Article VII [SIC] of our constitution and Article IV of the U.S. Constitution-- or the Fourth Amendment to the U.S. Constitution are there to do is to prevent the government from intruding without--

**FOLEY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. Lieutenant Governor-- from intruding on individuals and your personal DNA. We can talk-- continue to talk about this as we go. But your DNA is a fundamental core aspect of who you are, information about yourself, about your family, about your, your genetic makeup. So there's nothing more personal and private than that kind of information. And what Article I, Section 7 and the Fourth Amendment do is establish that the state cannot capture that information and search you unreasonably. And this bill treads right into that territory of an unreasonable search without the particulars of the reasons for the search. It is a speculative search where we're just catching everyone that we can to maximize the number of people, which is exactly what Senator Hunt's talking about in her amendment. But that's exactly the reason I disagree with that amendment is I don't think we should continue to expand that reach into searching

people without a particular reason in a particular investigation.  
Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Cavanaugh. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good afternoon or, sorry, good soon to be afternoon. Good morning, colleagues. I did want to rise and speak on this bill. I do have my hesitations with it, and I spoke on it when we heard it last year as well. And I'm very glad I got to follow Senator John Cavanaugh. Actually, I'm very glad I got to follow all of the speakers I got to follow. But he laid out the precise point that I wanted to make in terms of what is the standard for a search. And this is the thing we establish in the state of Nebraska. We do collect DNA. We do do a lot of these things that this bill purports to attempt, but with probable cause in specific instances, it is not something that happens in the middle of the night, at the booking office, at the desk of a jail, that is not a, a situation where I think is appropriate. It's not a situation where I think it's going to be efficient or safe or productive. The jail booking process already is a-- can be a pretty tense situation for both the person being arrested and particularly for Corrections staff, just making sure Corrections staff is safe and then putting this obligation that at that moment you've got it's 2:00 in the morning, somebody get taken to jail. They've been accused of one of these things. And you have to get a cheek swab from them in that moment. You are required by state law to get a cheek swab in that moment when it is something that we can, you know, under the light of day after a hearing, get already. It is something that we can get already and something we can do. It's something we can follow up on. But here we're saying regardless of the need, the reason, the cause, regardless of the timing, regardless of safety circumstance, we do have to go take somebody at booking and get a cheek swab to get a DNA sample, ignoring the fact that we're routinely collecting samples now, ignoring the fact that we routinely analyze and do things as well. And additionally, as we've said, you know, it's unfortunate to have this kind of get held up as a panacea of solving unsolved crimes when we've seen from time and time again, as Senator Machaela Cavanaugh has talked about the backlog of sexual assault testing kits, we have not made it a priority as a state. There is significant delays in just processing allegations of actual crimes rather than putting money into trying to solve speculative or, you know, potentially random crimes. We have actual crimes with alleged victims who have gone to law enforcement, who are waiting years and years and years to get tested, and we as a state have not necessarily stepped up to do that in an

effective manner. And then we're going to dump on top of this again, an unsafe situation for jail staff, Corrections staff, a difficult situation for that group. We are going to ignore any sort of due process protections that we've already carefully crafted in law. And in the midst of this, while we're making ourselves feel good, we are continuing to ignore and delay, you know, victims who have come forward, survivors who have come forward made an allegation to police and have to wait years for them to even get their voluntarily donated, you know, evidence, you know, voluntarily reported evidence tested. You know, I understand the desire and I understand the need or desire at least to have this in the sense that it could solve some crimes. So lots of things that could solve some crimes, but we've chosen not to do a lot of them. A lot of them feel very big brother. A lot of them feel very surveillance state. And we hold our civil--

**FOLEY:** One minute.

**M. HANSEN:** --rights protections and our civil liberties protections high in the state. We have an option to collect this DNA. We have an option after a hearing through due process to get it already. We do not need to have it happen in every instance, anytime somebody is alleged on a simple allegation. You know, in the middle of the night at booking at jail. We can continue with our current process of collecting this DNA through the standard process. And hopefully we as a state will continue to commit to actually test and use some of this DNA to solve crimes, because that's the part, as we've talked about the sexual assault kit backlog, we simply aren't doing right now. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hansen. New bills and other items, please.

**CLERK:** Mr. President, thank you. New bills: LB1024, Senator Wayne. It's a bill for an act relating to municipalities; adopts the North Omaha Recovery Act; and creates a fund. LB1025, Senator Wayne. Relates to appropriations; it appropriates federal funds to the Department of Economic Development. LB1026, Senator John Cavanaugh. It's a bill for an act relating to property; adopts the Unlawful Restrictive Covenant Modification Act. LB1027, Senator Hunt. Relates to education; defines terms; provides for grants to schools that discontinue use of American Indian mascots. LB1028, Senator Hunt. Relates to the Wage and Hour Act; defines terms; it clarifies language regarding compensation for tipped employees; provides duties for employers. LB1029, is Senator Hunt. It's a bill for an act relating to the Nebraska Fair Employment Practice Act; it defines and redefines terms; it prohibits harassment



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by certain employers; and provides an unlawful employment practice for a covered entity. LB1030, Senator Friesen. It's a bill for an act relating to revenue and taxation; exempts all tangible personal property from property tax. LB1031, Senator McCollister. A bill for an act relating to city and county jails; provides for caps on fees for inmate telephone calls. LB1032, Senator McDonnell. A bill for an act relating to appropriations; it appropriates funds to the Department of Economic Development. LB1033 is a bill by Senator Arch relating to appropriations. It appropriates federal funds to the Department of Transportation and the Department of Economic Development. LB1034, Senator Pahls. Relates to schools; provides for the designation of needs improvement schools; provides duties and intent; and changes provisions regarding core services, core services and technology infrastructure funds, and educational service unit funds. LB1035, Senator Lathrop. It's a bill for an act relating to the Nebraska Probation Administration Act; it changes provisions relating to non-probation-based programs or services and fees. LB1036, Senator Lathrop. Relates to courts; provides for problem-solving court referees and related court rules. LB1037, Senator Arch. A bill for an act relating to the Department of Administrative Services; requires an evaluation of the state's procurement practices. LB1038, Senator Matt Hansen. A bill for an act relating to the Uniform Residential Landlord and Tenant Act; prohibits a cleaning and damage provision in a rental agreement. LB1039, Senator McDonnell. It's a bill for an act relating to the Firefighter Cancer Benefits; provides for reimbursement from the state. LB1040 is a bill by Senator McDonnell. It's a bill for an act relating to the in line-- In the Line of Duty Compensation Act; and redefines law enforcement. LB1041, Senator McDonnell. Relates to appropriations; it appropriates federal funds to the Nebraska Investment Finance Authority. LB1042, Senator Bostar. Relates to insurance; it changes provisions regarding rebates; to add provisions regarding value-added products and services. Reference report, Mr. President, referring LB979 through LB1015. An amendment to be printed, Senator Hunt to LB933. Hearing notices: General Affairs Committee, Health and Human Services Committee, Revenue Committee, Appropriations Committee, Revenue Committee, Business and Labor Committee. I have, Mr. President, it's a communication from the Executive Board to be inserted. Name adds: Senator Lindstrom, Senator Williams-- Senator Lindstrom to LB774; Senator Williams, LB781; Senator Lindstrom name added to LB906. Let's go. Mr. President, priority motion, Speaker Hilgers would move to adjourn the body-- you ready, Senator-- till 10:00 on Tuesday, January 18. Thank you, Mr. Speaker.

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