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Appropriations Committee February 22, 2023  
Rough Draft

**CLEMENTS:** All right, well, it's time to start. Thank you for being here. Welcome to the Appropriations Committee hearing. My name is Rob Clements. I'm from Elmwood, representing Legislative District 2, which is Cass County and eastern Lancaster County. I serve as Chair of this committee. We will start off by having members do self-introductions, starting with my far right.

**ERDMAN:** Steve Erdman, District 47.

**LIPPINCOTT:** Loren Lippincott, District 34.

**WISHART:** Anna Wishart, District 27.

**McDONNELL:** Mike McDonnell, LD5, south Omaha.

**DOVER:** Robert Dover, District 19, Madison County, south half of Pierce.

**DORN:** Myron Dorn, District 30.

**CLEMENTS:** And some senators may be coming and going. That doesn't mean anything regarding your issues. It just means they probably have a bill in another committee, which I do in a little while. Assisting the committee today is Tamara Hunt, our committee clerk. To my left is our fiscal analyst-- analyst Clint Verner. I know you, Clint. And our page today is Kate, from Kansas, a UNL student. Is Malcolm here?

**ERDMAN:** He went to get chairs.

**CLEMENTS:** Malcolm is getting chairs. At each entrance, you'll find green testifier sheets. If you're planning on testifying today, please fill out a green testifier sheet and hand it to the committee clerk when you come up to testify. If you will not be testifying but want to go on record as having a position on a bill being heard today, there are white sign-in sheets with each entrance where you may leave your name and other pertinent information. These sign-in sheets will become exhibits in the permanent record after today's hearing. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please silence your cell phones. Move to the front chairs when you're ready to testify. The order of testimony for bills will be introducer, proponents, opponents, neutral, and closing. When we hear testimony regarding agencies, we will first hear from a representative of the agency, then we will hear testimony from anyone who wishes to speak on the agency's budget request. When you come to testify, spell

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your first and last name for the record before you testify. Be concise. We request that you limit your testimony to five minutes or less. Written materials may be distributed to the committee members as exhibits only while testimony is being offered. Hand them to the page for distribution when you come up to testify. If you have written testimony but do not have 12 copies, please raise your hand now so the page can make copies for you. And now we'll begin today's hearing with Agency 18, Department of Agriculture. I see some hands raised. We'll be getting to you in a minute. Welcome.

[AGENCY HEARINGS]

**WISHART:** Any additional testifiers for the Department of Labor? Seeing none, we have no letters for the record, so we'll close the hearing for Agency 23 and we will open the hearing for LB614, Senator McDonnell.

**McDONNELL:** Thank you, Senator Wishart, members of the Appropriations Committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. I represent Legislative District 5, south Omaha. LB614, which provides funding for a program that will provide a dollar-for-dollar private sector match to fund a pilot program for test emergency technologies and sustainable irrigation. Nebraska is blessed with a wealth of water resources, and we need to make sure that we are using these resources as a well-- well as possible. While only 4 percent of Nebraska's water is used directly for human consumption, the remaining 96 percent goes towards supporting our robust economy. Our groundwater supply is 81 percent of our irrigation needs. Surface water provides 13 percent. The remaining 2 percent are allocated for livestock and industrial purposes. Boasting an impressive 9 million acres of irrigated farmland, Nebraska is the country's leader in-- in this area by a landslide. Nebraska already has at least \$8.4 billion in water projects on the books, including the Perkins Canal Project at \$575 million; investments from the city of Lincoln for a second source of water, estimated at \$1 billion; estimated project cost in the Clean Water State Revolving Fund and Drinking Water State Revolving Fund, as well as \$4.4 billion in active watershed plants throughout the state. Nebraska's water-- Nebraska's water is Nebraska's future and its growing price tag is certainly worth noting. Through the Inflation Reduction Act of 2022, the United States is now investing over \$20 billion to support climate-smart agricultural practices and develop new technology. LB614, a pilot program, creates a unique opportunity for Nebraska to continue to identify-- identify, pioneer and export new irrigation technologies around the world. Due to our advanced

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agricultural practices, we are able to produce more food on less water. This is particularly evident in the center pivot system developed here in Nebraska, technology that has since been exported around the world. Through the pilot program, we can assist existing irrigation systems by testing out promising emerging technologies like moisture sensors, advanced metering systems, and remote-control wells that can help us use water more efficiently and effectively. By doing so, we will be able to reduce water usage while also provide-- providing long-term irr-- environmental benefits such as reducing soil erosion and nutrient loading. This will further cur-- cement Nebraska's place as a leader in global agricultural productivity. Additionally, Sara Kohen is here to testify. She connected us with Dr. Clive Lipchin, who is a globally renowned expert in water resource management and has become an authoritative voice on water sa-- sacr-- sacristory [SIC] and water governance. His expertise has been integral in helping Israel transition from a water-poor nation that one had-- that had-- now boasts a thriving agricultural sector which supports a growing population. Through discussions with the Daugherty Water (for) Food Institute, Valmont, Sara, and Dr. Lipchin, we thought a good path forward would be to develop a pilot program to test these new technologies and encourage their production and adoption here in Nebraska. The proposed pilot program is a great way to ensure that Nebraska leads on this global challenge and positions us in an-- as an innovator in developing efficient, sustainable water-use technologies. Here's how this-- this came about. Sara is here to testify, and she came back from Israel, had a chance to actually sit through some of Dr. Clive's presentations, get to know him a little bit, and actually physically see this in action and how it's helping Israel and helping other places around the world. So we started having the discussion and-- through telephone conversations, through emails. Also, Dr. Clive Lipchin will be speaking to the World Water Day on March 22 at the United Nations as their-- their guest speaker. He wanted to try to come here. If we could have timed it better, he-- he would have. But that's how serious he is about-- about helping us. Through those discussions with the Daugherty Foundation, with the Valmont and others, university, of course, and the College System, we feel that at this point, if we could look at having a private-public partnership at this amount of dollars where we could move forward and not only test the irrigation and some of the-- the new technologies that are going on in Israel, but also the idea of developing them. And that's what Sara's here to-- to give you a clear vision of and some of the things she's experienced firsthand when she was in Israel.

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**WISHART:** Thank you, Senator. Any questions? Senator Erdman.

**ERDMAN:** Thank you, Senator Wishart. Senator McDonnell, have you seen the fiscal note?

**McDONNELL:** I have.

**ERDMAN:** Can you explain on that page, page--

**McDONNELL:** Which one? Uni--

**ERDMAN:** It would be--

**McDONNELL:** [INAUDIBLE]

**ERDMAN:** --the second one.

**McDONNELL:** Nebraska Department of Agriculture?

**ERDMAN:** Yeah.

**McDONNELL:** Yeah, I can--

**ERDMAN:** It says \$1.5 million of General Funds, then the bottom says total funds, \$3 million.

**McDONNELL:** It's gotta be a dollar-for-dollar match and we're last dollar in. If we can't come up with the match of \$1.5 million from the private sector, then this will not go forward.

**ERDMAN:** OK. So the other \$1.5 (million) comes from the private sector?

**McDONNELL:** Yes.

**ERDMAN:** Could that be the university?

**McDONNELL:** No.

**ERDMAN:** Some-- like Valmont?

**McDONNELL:** It could be a-- it could be Valmont. I'm not committing Valmont, but they've been very helpful. It could be another foundation that would step forward.

**ERDMAN:** OK, so going forward, pilot project, one year?

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**McDONNELL:** Well, I believe we should be able to complete it in one year.

**ERDMAN:** And you're not anticipating this being an ongoing program going forward?.

**McDONNELL:** If we-- if we test it and start developing it, I believe it will be out of our hands quickly because of someone, as you mentioned, Valmont, will move forward with this.

**ERDMAN:** Isn't it true that maybe Israel already has these components already working there and we can just copy what they do? Well, I'm never-- I'm never too proud to steal a good idea. But I think, as Nebraskans, we can do it better than they can.

**ERDMAN:** I doubt it.

**McDONNELL:** Now, that's, you know, with their-- their help, of course, with our work ethic, with our technology. I think we can always take something and improve on it.

**ERDMAN:** People-- people are very smart in Israel.

**McDONNELL:** They are and I give them credit. Now let's steal a good idea.

**ERDMAN:** OK. Thank you.

**WISHART:** Senator Dover.

**DOVER:** In your statement, third paragraph, it says that Nebraska already has at least \$8.4 billion in water projects on the books, and then you refer to Perkin-- I mean, new-- obviously new to the-- new to the group here. So is that to be spent like the biennial or what does-- what does that \$8.4 billion actually represent?

**McDONNELL:** Yeah, I can get you total breakdown from-- throughout the state, exactly what projects, like, for example, Lincoln's in right now for a potential billion dollars for their--

**DOVER:** This is [INAUDIBLE]

**McDONNELL:** --their second water source. This is all project--

**DOVER:** This is-- this is-- this is somewhat proposed, somewhat committed for the future?

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**McDONNELL:** Yes.

**DOVER:** OK. That's all I need. Thank you.

**WISHART:** Any other questions? Seeing none--

**McDONNELL:** I will be here to close.

**WISHART:** I hope so. Next testifier in support. Good afternoon.

**SARA KOHEN:** Good afternoon. How are you all doing?

**ERDMAN:** Good.

**WISHART:** Good.

**SARA KOHEN:** Good. My name is Sara Kohen, S-a-r-a K-o-h-e-n, and I live in Omaha. I am really excited to be here, and I'm here because I care deeply about the future of Nebraska. My husband and I, we have four kids and we're raising them here, and I certainly hope they will stick around when they grow up too. And I'm really excited about this bill for a couple of reasons. The first is that it will help to protect the future of agriculture in this state, which is, of course, a huge industry and important for our economy, but also help encourage businesses to develop innovative new technology right here in Nebraska, and so hopefully, too, create some good new jobs and keep our young people here. As Senator McDonnell mentioned-- and by the way, thank you for the introduction-- Israel has really seen a lot of success in this area, and I was able to go visit there this past summer. And one of the places I went to was the Arava Institute, and it's located at Kibbutz Ketura in the Negev Desert-- Desert. Excuse me. So you're driving there, and it's just, I mean, just dry, dry, hardly any vegetation as far as you can see. And then all of a sudden, you see this huge date palm grove, which is really remarkable, actually. Date palms are really water intensive, generally, but here they are in the middle of the desert. And the reason they were able to do that is because of some of the research that they've been doing and the innovations they have developed at places like the Arava Institute-- oh, thank you so much-- and-- and-- and other places. And so the Arava Institute is doing all this really interesting research in sustainable-- sustainable irrigation and a number of other areas, too, and then people are taking that and applying it across the country, so if you look around, everything from, you know, tomatoes and cucumbers that you-- you buy at the market to-- they've got this, you know, irrigation in the public parks where they're using recycled

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water and, you know, no fresh water at all. But what it's done, in addition to helping their agricultural industry thrive, is that they also have this rapidly growing, successful hi-tech sector, and this is-- this is part of that. And so now bringing things back to Nebraska, because this is home, you know, of course, we have a lot more water resources naturally than Israel does, and we're fortunate in that regard. But also, as science is predicting a hotter, drier future for the state and depleted aquifers, it's-- it's really important to be proactive and-- and-- and take this on, head on. And the bill presents an opportunity, too, to help our businesses innovate and develop new technology right here in Nebraska that will help address these challenges, and we do have businesses that are working in this area already. As Senator McDonnell mentioned, Valmont is one of them. I drive past their headquarters in Omaha just about every day. And by helping them and others do more of this research, we'd be encouraging economic growth and, of course, helping ensure that we aren't caught flat-footed by the water challenges of tomorrow. So for all of these reasons, I'm asking you all to vote in favor of this bill. Thank you.

**WISHART:** Thank you so much for being here today. Any questions?  
Senator Erdman.

**ERDMAN:** Thank you, Senator Wishart. So if you could help me understand, what-- what is Israel doing different than what we're doing here?

**SARA KOHEN:** Well, in-- in terms of what do-- what they're doing, I know they-- Sorry, let me back up and answer that question better.

**ERDMAN:** OK.

**SARA KOHEN:** So I think that-- that one of the experts, like Dr. Lipchin, who Senator McDonnell mentioned, he would-- he would be better qualified to answer that in-- in detail. I'm a lawyer by training and I'm a school administrator, but I've had the opportunity to see some of the stuff they're doing. So I-- I thought drip irrigation was really cool. I mentioned, you know, going to a public park and what you see is they have these-- these little hoses that are stretched out along and they just have just drips of water right at the root of the plants, only as much as they need. And they-- they do that also on sort of a larger scale in agricultural projects.

**ERDMAN:** OK. Are they doing center pivot irrigation there?

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**SARA KOHEN:** I do not know the answer to that question. Do you know the answer to that?

**McDONNELL:** I-- I don't. I'll find out.

**SARA KOHEN:** OK.

**ERDMAN:** All right. Thank you.

**SARA KOHEN:** You're welcome.

**WISHART:** Any additional questions? Seeing none, thank you for being here.

**SARA KOHEN:** OK. Thank you so much.

**WISHART:** Additional proponents for LB614? Seeing none, anyone in opposition? Seeing none, anyone in the neutral? Seeing none, Senator McDonnell, you're welcome to close.

**McDONNELL:** So the-- the idea of having the-- the private-public partnership--

**WISHART:** Oh, sorry. Excuse me.

**DOVER:** Thank you. Before he gets going, I thought I'd ask a question [INAUDIBLE]

**DORN:** Oh, ask it after [INAUDIBLE]

**WISHART:** Oh, OK, but first we're gonna let him close and then--

**DORN:** Ask it at the end. Let him close.

**DOVER:** [INAUDIBLE] thought it would be better to ask a question first [INAUDIBLE] wrap it up. But--

**DORN:** No.

**DOVER:** OK, that's the process. Thank you. I'm new to-- I'm new, as you well know.

**McDONNELL:** So I gotta hear your question. Let's hear it. Let's hear it.

**WISHART:** OK, Senator--



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**McDONNELL:** Go ah--

**WISHART:** OK, Senator Do--

**McDONNELL:** Go ahead. I'm sorry

**WISHART:** Senator Do--

**DOVER:** Sorry.

**McDONNELL:** He is--

**DOVER:** I was wondering how the application process worked-- worked for the money.

**McDONNELL:** Well, that would be through the Department of Agriculture. Now, the idea, the reason, which is part of my closing anyway, is the-- the idea of having that private-public partnership and us the last dollar in, let's say, using Valmont because we've had discussions, says, oh, we have all this technology, our-- there is something that really interests us. At that point, which we know that this interests them and-- and based on some of this, the research and the work of-- of Dr. Clive Lipchin. But the idea of us saying that to these-- the private sector that we-- we think we know best as government-- and sometimes government needs to plow the way; sometimes government needs to get out of the way. The idea would be that if we can have that dollar-for-dollar match to do the-- the testing in the development, I-- I think we can-- we can do this in a way where we're taking their good ideas and adapting them to the state of Nebraska, and that would be the-- that would be the goal. So the t-- the-- the programming would be done through the Department of Agriculture, the-- when I say that, with the idea of the request.

**ERDMAN:** That's Israel.

**McDONNELL:** I-- thank you, Senator, for a picture of Israel. [LAUGH]  
Thank you.

**WISHART:** Thank you. Is that-- are you done with your closing, Senator?

**McDONNELL:** I'm here to answer your questions.

**WISHART:** OK. Any questions? Yes, Senator Armendariz.

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**ARMENDARIZ:** I'm-- thanks for being here. I just have one question. Why do you suppose, or do you know why Valmont doesn't want to develop this on their own? Why wouldn't they want to develop new technology [INAUDIBLE]

**McDONNELL:** Well, we reached out-- yeah, we reached out to them in this process. I'm not saying they wouldn't develop it on their-- their own, but with that partnership with the university, potentially with the state, with the Department of Agriculture, I think everyone sometimes looks at what's the best way to move something forward, and sometimes it's through a partnership.

**ARMENDARIZ:** So are they expressing an interest in it yet, or they just want to sit back and wait and see what happens?

**McDONNELL:** Well, the idea that what we wanted to develop through this bill is, yes, they're definitely showing an interest.

**ARMENDARIZ:** OK. I guess I just had some experience in-- in a whole nother field where a physician had developed a drug, but there was no money in that drug; would be broadly helpful, but since there was no money in it, they wouldn't develop it on their own. Is this kind of our effort to say it needs to be done but there may be no--

**McDONNELL:** Private sector is--

**ARMENDARIZ:** --private industry--

**McDONNELL:** Private sector is not going to come up with \$1.5 million to match our last dollar in unless they believe there's something here.

**ARMENDARIZ:** Gotcha. That's the question I was wondering.

**WISHART:** Senator Erdman.

**ERDMAN:** Thank you, Senator Wishart. So, Senator McDonnell, say they develop something in a public-private partnership, and would the university get royalties from that or would they-- would the-- Valmont, or whoever did it, own that priority or [INAUDIBLE]

**McDONNELL:** I like how positive you are. We're already talking royalties. Yes, I-- well, I think that would have to be agreed upon. And if that-- you have that partnership, of bo-- of course, I think, in the past, both parties have-- have agreed to that and-- and done well off of it, so I think that would have to be agreed upon.

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**ERDMAN:** OK. Thank you.

**WISHART:** Any additional questions? OK, seeing none, any letters? No letters for the record, so that closes the hearing for LB614.

**McDONNELL:** Thank you.

**WISHART:** And we will open the hearing for LB755. OK, Senator Vargas, ready for you.

**VARGAS:** Good afternoon, colleagues-- oh, Chairman's back. Fellow members of the Appropriations Committee and Chairman Clements and, for the record, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7, which includes the communities of downtown and south Omaha. Today I am bringing you LB755, which would appropriate \$75,000 to the Department of Labor to make the meatpacking industry worker rights coordinator a full time position. You heard that right. That's \$75,000, not \$750,000, not \$1.5 million, \$75,000. I handed out two sheets of paper, one of which is a one pager, just for your reference, and the other, which I'll talk about, is just a little bit more about a recent news release from the U.S. Department of Labor. Currently, the Department of Labor has a part-time meatpacking industry worker rights coordinator position which is appointed by the Commissioner of Labor. The position was originally created under Governor Johanns and was designed to, quote, review practices and procedures, end quote, of the meatpacking industry with the purpose of assessing the fair treatment of workers. Now the meatpacking coordinator is well positioned to connect workers to supportive resources. In 2022, the coordinator visited 50 meatpacking operations, interviewed more than 200 workers, helped several terminated employees be reinstated to their former position, and referred safety issues directly to OSHA. Now increasing the coordinator's position from part time to full time will increase their capacity to do this important work and support workers in our state. The full-time meatpacking industry worker rights coordinator duties are outlined in Statute 48-2213. The duties of the coordinator shall be to inspect and review the practices and procedures of meatpacking operations in the state of Nebraska as they relate to the provisions of the Governor's Nebraska Meatpacking Industry Workers Bill of Rights. The coordinator and his or her designated representative shall have access to all meatpacking operations in the state of Nebraska at any time meatpacking products are being processed and industry workers are on the job. What I just described is already in state statute and is already law. This is what is existing and what we are statutorily obligated to follow through.

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While I appreciate our Commissioner Albin for following through, it's important to note that the coordinator shall also, on or before December 1 of each year, submit a report to the members of the Legislature and the Governor regarding any recommended actions the coordinator deems necessary or appropriate to provide for the fair treatment of workers in the meatpacking industry. This will serve as a critical tool for us as lawmakers to have a better understanding of what is going on in our packing plants. I would encourage everybody, if you have or have not been able to visit our packing plants or any in your communities, I think it's a really important window into both-- this is both a human problem and an economic problem, and we need to make sure that we are meeting both those sides, of both businesses and workers. Over the last several years, we have heard an increasing number of concerning practices taking place in our meatpacking plants. Now, in 2020, we heard firsthand for the first time from our meatpacking industry workers directly about what they were experiencing at work. During this hearing, we heard numerous concerns about their work conditions and environment, such as lack of investment in improvements at the plants, little ventilation or sanitation, and healthy [SIC] and safety precautions. Now OSHA data col-- collaborates [SIC] what we heard in 2020, and as I mentioned already, that the agency and a part- time worker also made visits. Now, that year, there were 2,726 work-related injuries and illnesses that were serious enough to cause workers to miss a collective 30,000, nearly 31,000, days of work. Most recently, we have been made aware of violations of child labor laws in our meatpacking plants. The Department of Labor reported 33 violations of child labor laws in Nebraska meatpacking plants. That is 33. And the article, which-- or, not the article, a press release from U.S. Department of Labor cited about 100 different cases across the country; 33 of those were in Nebraska. 33 percent of the cases are in our state. This is more than any other state. Upon learning about these concerns, the coordinator is well-positioned, and our Department of Labor, to find the solutions by both coordinating with employers and/or, when appropriate, making referrals to other labor agencies. It is incumbent upon us to make sure that we are doing everything we can to make sure our agencies are able to be not only meeting statutory requirements, but also are reacting to what we're seeing. We can't turn a blind eye, and so that's what this bill is, not telling the department what to do. It is providing the funding so that they can fully expand the duties that are already statutorily obligated. And over the last several years, I've worked closely with workers at meatpacking plants across the state, their families, and different groups that have been advocating

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both for representing their interests of these workers, and what I've heard about what is happening at these plants, not only the treatment of workers, the lack of follow through on implementing many of the safety and health measures, and oftentimes we've also heard misinformation spread across the state that everything is fine. What I'm here to tell you is, whether or not it is or is not fine, we've had too many data points or too many articles showing that there are things that are not fine. We need to make sure that workers are safe. We need to make sure that this industry is successful and thrives. Both things are absolutely necessary and are needed, and it's one of the reasons why we have an obligation to do more. Now, fortunately, we didn't pass on that bill that I referenced, and that's why this bill, which would fully fund this position, is extremely important. This coordinator will serve as an important resource to thousands of Nebraskans working in the meat and poultry plants by providing them important information and referrals and responses to questions and concerns. And in a large state like Nebraska with plants, many hours and thousands of workers, they need a full-time meatpacking plant coordinator, as you can imagine, one for this entire state. With that, I'll be happy to answer any questions. The last thing I'll just say is please read more into this. We have-- what you've heard, not only from our commissioner, on all the things that we do within employment and many other aspects, this lives within this as well. What I want to make sure is that we are giving them resources, and in this instance I consider extremely meager resources, to make sure that we can be competitive and either bring on a part-time coordinator that we currently have as full-time, or potentially fund a full time coordinator position solely to do this work because it is clearly needed. The data that we're seeing here on the number-- hundreds-- 100 children illegally employed in hazardous jobs, 35-plus of those in our state, is something that we need to address, and we're not talking about penalties. What we're talking about is making sure there's a line of sight, there's somebody that can operate and coordinate as a resource, so that these things don't happen again. With that, I'm happy to answer any questions, appreciate very much.

**CLEMENTS:** Senator Erdman.

**ERDMAN:** Thank you, Senator Clements. So, Senator Vargas, do you know the number of animals slaughtered at our processing plants? How do we rank with other states? Do we have more processing plants and slaughter more animals than other states?

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**VARGAS:** We have more processing plants. I don't know in terms of how we rank in terms of all the states, but we are-- we're definitely in the top 10 percent in terms of the number of processing plants we have. That's true, relative to--

**ERDMAN:** So it could be the reason why we have more-- what did you say?-- claims or issues than other states. If we have 33 percent, we may have a vast majority of those animals slaughtered at our processing plants.

**VARGAS:** So we have a lot more processing plants also in Iowa and Arkansas. And I'll tell you, some of these states don't have any-- any violations at all, even though they might have somewhat comparable amount of plants that we do. I got the--

**ERDMAN:** Do they have-- do they have an inspector?

**VARGAS:** Some of these actually do have inspectors, yes, some of these have--

**ERDMAN:** So-- so--

**VARGAS:** --have different agencies.

**ERDMAN:** This part-time inspector, who pays for him now? What's that cost?

**VARGAS:** That's a question I'll make sure to follow up, but I believe it was around-- I think the reason why we were at the \$75,000 was because we wanted to make sure we were being inclusive of what we anticipated the coordinator position right now. It's a half-time position, half-time FTE, so--

**ERDMAN:** The \$70--

**VARGAS:** --approximately \$36,000 is what I'm estimating.

**ERDMAN:** The-- the \$75,000 is a half-time position?

**VARGAS:** No, this is a full-time position, \$75,000.

**ERDMAN:** And that includes travel and PSL and the whole thing?

**VARGAS:** If we need to make sure to include PSL, we'll include that PSL and includes reimbursement for travel, but that already exists with the part-time coordinator, some funding for that.

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**ERDMAN:** And we've had this part-time coordinator since '14, you say?

**VARGAS:** Um-hum. And the industry's grown significantly, right? So there's a-- there's a reason just to, even with the growth of the industry, put aside-- and I don't like saying put aside. There have been-- there have been things that should never have happened in the meatpacking plant industry. Clearly, what we're seeing here since this has grown, maybe we also need to make sure we're growing our staff along with it.

**ERDMAN:** Thank you.

**CLEMENTS:** Senator McDonnell.

**McDONNELL:** Thank you, Senator Vargas, for bringing this bill. With the stats that you have, do you think one full-time position is enough?

**VARGAS:** I mean, honestly, I think this is a bigger question on let's-- let's make it a full-time position so we have the-- the-- the actual funds behind one person doing this full time, and let's see what that actually can get us. You know, we-- we've seen some of our different agencies, you know, that-- that come here. Our smaller agencies are able to do a lot with a little individuals. Again, this is meant to be proactive, like, you know, this-- this individual isn't going in trying to seek out, like, violations. That's not the intent or the goal. It is to support workers. That's the reason why that Bill of Rights existed, so it's also to be proactive so that these things don't end up ever happening, so, you know, if-- if we're looking to potentially better fund this, we-- we could go for more, but I wanted to be prudent and say, let's make it a full-time position. Just think about the number of half-time FTEs where we came for different agencies, and the first question we had is, like, why not make it a full-time so that we can-- we can make sure that we're doing our actual due diligence on different agencies and different work required by statute, so.

**McDONNELL:** Thank you.

**CLEMENTS:** Senator--

**DOVER:** No, go ahead. You go first. I-- I [INAUDIBLE]

**CLEMENTS:** Senator Dorn.

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**DORN:** Thank you, Senator Clements. Do you know-- I mean, been reading articles about this here or whatever. Do you know our workers right-- meatpackers industry workers right coordinator, he just-- I mean, he-- does he take complaints from people or is-- or is he-- when something happens, then he goes and checks it? And I guess what-- what I'm getting to is the Nebra-- the federal labor, when they look at stuff, this is based on somebody firing something--

**VARGAS:** Yeah.

**DORN:** --because they're not here actively being in the state otherwise.

**VARGAS:** Yes. Yes.

**DORN:** OK.

**VARGAS:** Yeah. We're talking about OSHA's-- that-- this is filing for violations. This is an enforcement mechanism.

**DORN:** So our state--

**VARGAS:** There will be people testifying to speak a little bit more about this. But the other intention behind this is, when we first-- when I was first bringing legislation way, way back during COVID times, not way, way back, but at that time, we had heard that our-- the coordinator position was stretched because it was half time that it was doing other roles in addition, outside of on meatpacking plant side, and wasn't able to do as many visits to sites, which-- which prompted, if we have a full-time dedicated individual doing this, then we can make sure that they're proactively doing the work to make sure that there is a connection and a voice on-- on behalf of workers and the industry so that we're getting ahead of potential wrongdoings, but also making sure the industry is successful on the worker side.

**CLEMENTS:** Any other-- Senator Dover.

**DOVER:** Yeah, you had referenced-- and I apologize, I didn't write it down, but there was a num-- you had a number of-- and it was illnesses and injuries, and then was that for a specific timeframe and what was that number?

**VARGAS:** Twenty-seven hundred work-related injuries and about 31,000 days of work missed as a result of those.



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**DOVER:** And it was-- so it wasn't-- I thought you'd said illnesses, not injuries.

**VARGAS:** This is-- data collaborates [SIC] from OSHA.

**DOVER:** Pardon?

**VARGAS:** This is data-- data from OSHA.

**DOVER:** OK. All right. Thank you.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you. Thank you, Senator, for being here. Would this be in addition to the part-time or would it replace the part-time? And if it replaces, would we expect the part-time dollars to go back in General Fund to support this?

**VARGAS:** My intent is to fund a full-time coordinator position for this. If we want to put in-- in writing that we're specifically funding a full time position, we find out what that exactly is, what-- what it currently is in terms of the part-time position. I'm happy to-- to make that language and amend it so that we could put it in the budget bill.

**ARMENDARIZ:** OK.

**CLEMENTS:** Any other questions from the committee? Seeing none, thank you for your testimony. There any other proponents for LB755?

**NICK GRANDGENETT:** Good afternoon. My name is Nick Grandgenett, N-i-c-k G-r-a-n-d-g-e-n-e-t-t. I'm a staff attorney with Nebraska Appleseed, testifying in support of LB755. So I want to start my testimony with just a couple quotes from workers who wanted to be here today but couldn't be, so these are people who are meatpacking workers. They came as, like, refugees to our state. So the first individual said: When I worked in a meatpacking company, I had to forget that I was human. I was always afraid to say anything because companies have armies of lawyers on their side and many workers do not understand their rights. I know the worker, in reference to the complexity between OSHA wage and hour and workers' comp, said it's difficult to know who to report to, for what, and then to find time is almost impossible. LB755 is a bill that puts one full-time employee and adds support to meat and poultry workers across the state of Nebraska. It does so by appropriating funding to ensure the state's meatpacking

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coordinator is a full-time, rather than a part time position. Driven by an unrelenting workforce that requires people to make between 20,000 and 100,000 motions per shift, the meat and poultry industries continue to be among the most dangerous and exploitative in the United States. As Senator Vargas said, in 2020, there were 2,726 work-related injuries and illnesses in the state's meatpacking industry. These injuries and illnesses combined caused-- were serious enough to cause 30,822 days of missed work. Industry exploitation was further illustrated by the COVID-19 pandemic, which disproportionately impacted meat and poultry workers, and the recent wage and hour investigation, which determined that a third-party cleaning crew was employing minors between the ages of 14 and 17. So appropriating funds to allow the meatpacking coordinator to operate as a full-time position is a meaningful, modest step the Legislature can take to ensure the industry's poor health and safety track record is amended. The coordinator position was created in 2005 to support immigrant workers' guaranteed certain protections under our state's non-English-Speaking Workers Protection Act. The act's central purpose is just to ensure that meatpacking workers, who are frequently recruited from long distances, often Latin America, have access to certain translation and transportation rights when they arrive at the state. The ra-- the act's original sponsors found these workers were recruited based on misrepresentations regarding the type of work, working conditions, and hours of wages they could expect. So along with these translation and transportation rights, the meatpacking coordinator position was, as Senator Vargas said, created to review the practices and procedures of our state's meatpacking industry. Our stiff-- our staff and other organizations have always seen the immense utility and dedication of people serving in the meatpacking coordinator position. That dedication was certainly evident this past year, in 2022, where, in addition to conducting several site visits and interviewing over 200 workers, they were able to help several wrong-- wrongfully terminated employees be reinstated to the position after coordinating with the human resources department at these meatpacking plants. Additionally, given the coordinator's frequent interactions with meatpacking workers, they are uniquely positioned to help workers refer labor-related disputes to the appropriate labor enforcement agency, and this is important because many workers don't necessarily realize that the state of Nebraska doesn't necessarily have the jurisdiction to address, like, health and safety issues. It's only like OSHA and the federal government that can do that. Since the coordinator is usually a labor law specialist within the Department of Labor, they have to split their time between work that is meatpacking

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specific and other, more general, related labor work. So by making this position full time, LB75-- LB755 builds on a demonstrable pattern of success that creates greater capacity to engage in this meatpacking-specific work. With that, I'm happy to answer any questions the committee might have.

**CLEMENTS:** Senator Erdman.

**ERDMAN:** Thank you, Senator Clements. So do you know if these workers that are-- that are foreign workers, are there H-2A workers?

**NICK GRANDGENETT:** I think they come over on a variety of visas. Some have green cards, some are work-authorized through asylum, refugees, so I think H-2A primarily for ag workers.

**ERDMAN:** Say that again?

**NICK GRANDGENETT:** I think the-- the H-2A visas, though, are primarily for ag workers, but I know like H-1B, refugees, asylees often get hired by these plants.

**ERDMAN:** OK. Thank you.

**NICK GRANDGENETT:** Sure.

**CLEMENTS:** Other questions from the committee? Seeing none, thank you for your testimony.

**NICK GRANDGENETT:** Thank you.

**CLEMENTS:** Other proponents for LB755? Welcome.

**MARIA ARRIAGA:** Thank you. Good afternoon. My name is Maria Arriaga, spelled M-a-r-i-a, Arriaga, A-r-r-i-a-g-a, and I-- I am the new executive director of the Nebraska Latino-American Commission. And I'm testifying in favor of LB7-- LB755. First of all, I want to thank Senator Vargas and Senator Brandt to introducing this-- this legislation that is so prevalent in our state today. And I would like to begin saying that this testimony is given in my capacity as executive director of the Latino-American Commission, but also as an immigrant and also as a foreign worker in a packing plant. So these three conditions make me not only notice the importance of having a person in charge of guard of the rights of meatpacking workers, but also, at the same time, I take it as a very personal issue. My mother and many of my family members and close friends are or have been

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workers in a meatpacking plant, and today I feel the duty to use my voice to speak for them. The stories about frequent injuries, hazardous working conditions, discrimination, harassment in the workplace are constant. And I'm not saying this just because someone told me, but because I have been witness to these situations. Unfortunately, the problem has not improved as desired, despite the complaints and reports of these situations; the lack of action on these problems is because, unfortunately, all these workers, mostly Latinos and Hispanics, continue to be treated as second-class citizens. Just imagine doing the same job repeatedly, nonstop, clock-second speed, for more than ten hours every day, in negative temperatures, which is what happen in the processing plants, and still having to deal with a lack of support and resources. If you want to report a situation that is affecting you in your work, either physical, psychological, labor related, etcetera, and not knowing where or to whom to turn, who to trust you without fear of retaliation, consequences. And I think having a full-time bilingual worker rights coordinator will lay the foundations for a real and honest effort to try to improve working conditions and the general well-being of meatpacking workers. I will say it as simple as it is. Being able to express yourself and communicate in your own language, especially when it comes to a complaint, a situation that is already difficult and cumbersome, knowing that there is a person to whom you can go directly, without fear, without intermediaries, without-- with certainty that it is your support and with whom you can trust, is definitely a step forward to the well-being of these workers who are the-- one of the most powerful labor force of Nebraska. And I will put this into perspective. Around 30,000 Nebraska workers, meatpacking workers, many of whom they are immigrants, had to work in the meatpacking plants across the state, from Dakota City, Omaha, Crete, Grand Island, Lexington. That is just to mention a few cities. Meatpacking workers' injuries and illnesses were on a steady decline for 2014-2019, but saw a significant spike in 2020 due to the coronavirus pandemic. But even years when the rate was decreasing, it was still one of the most dangerous industries in the U.S. rates are per 100 full-time workers. And I include a graphic that you can see from the Bureau of Labor Statistics. You can see clearly the disparities in terms of dangerousness between a regular job in any other field and a job in a meat-- in the meat industry in any of the variants. The U.S. Department of Labor is investigating the illegal use of children working dangerous jobs at meat-- meatpacking and slaughtering facilities in at least three-- three states and perhaps more. One of the states, Nebraska, and I want to answer the Senator

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Erdman question. He's not here, but I want to answer anyways. When he say that, yeah, probably it's the states where are more packing plants and probably is there where they have more cattle or whatever. But we are not going to be com-- comparing because we have more because we have one of the biggest ones in the country. We are saying this because this shouldn't happen. It doesn't matter the size or how many packing plants do you have. It shouldn't happen. That's it. And this situation was happening when-- they were hiding children between 13 and 17 years old that were doing these kind of extremely dangerous jobs with extremely dangerous tools, and they couldn't-- they couldn't even communicate because of the language barrier, and let-- let alone report that they-- that they were being exposed to a completely illegal situation. They-- how they can express that they were in illegal situation if they can't even communicate and they're still performing these jobs? It's incredibly-- something super important to take into account when we are talking to have this full-time meatpacking industry worker rights coordinator. Coordinator will show a commendable effort on the part of the state government and the Legislature to start working and improving this very important matter. I believe that an industry worth billions, as is the meatpacking industry, billions of dollars a year, thanks to the workers, deserve someone to fight for them, to-- to-- to work for the safety and the well-being. And I stress the preponderance of the meatpacking industry worker rights coordinator, and I urge you to advance this bill to the General File and appreciate your time. Thank you.

**CLEMENTS:** Any questions from the--

**MARIA ARRIAGA:** Do you have any questions? I'm sorry.

**CLEMENTS:** --from the committee? Senator Dover.

**DOVER:** Yeah. Thank you for coming.

**MARIA ARRIAGA:** Thank you.

**DOVER:** In the graph here that you-- you have here, does this-- is this physical injuries? Is this COVID? What exactly-- how would those break out?

**MARIA ARRIAGA:** Oh, it-- it's basically showing the-- the-- it's the-- as I say it here, the disparity in term-- the dangerousness level between a regular job and the different type of jobs in the-- in the meat industry field. So as you can see, every color is a different

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type of job, a di-- every type of activity. And the last one, the orange ones, is all the private industry. And, for example, the-- the rendering meat byproduct processing is 10.7 percent and, I mean, still in 2020 was 7 percent in comparison with 2.7 in whatever other field. And it's a full report. You go directly to the Bureau of Labor Statistics and the Lee Enterprise-- the Lee Enterprises graphic. I just used the graphic because it shows the difference between one thing and another, but it's like a very extensive study.

**DOVER:** So I guess my question is-- it shows that for 2014 to 2019 that there's been less and less of what this graph relates.

**MARIA ARRIAGA:** Yeah. Yeah.

**DOVER:** But then this spike in 2020, is that due to COVID illness?

**MARIA ARRIAGA:** Yes.

**DOVER:** OK.

**MARIA ARRIAGA:** It's COVID and-- yeah, mostly COVID. So what happened, and I can say this because, again, my mom works in a packing plant. These are a lot of the times they have to show up to work regardless of the-- if they was showing any symptom or not. So like you are coughing, yes, but you are not coughing that bad so you can still come.

**DOVER:** OK.

**MARIA ARRIAGA:** And that person is still is spreading that to probably another person who's going to have more consequences that-- but, you know, is like this-- this treatment of they don't know the language, they don't know the law, they're not going to say anything, and this situation keep happen and it's spreading. That's why we need someone full time to-- and full time, the other question was like a full-time position will be enough. Probably not. But, I mean, at least you have a full time as a precedent will show us how we can move forward to improve the situation.

**CLEMENTS:** Are there other questions? Seeing none, thank you for your testimony.

**MARIA ARRIAGA:** Thank you.

**CLEMENTS:** Are there other proponents for LB755?

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**ROSE GODINEZ:** Good afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am testifying on behalf of the ACLU of Nebraska in favor of LB755. Our sincerest gratitude to Senator Vargas for introducing this measure. This bill, while seemingly just an amount of money, represents an important measure to ensure meatpacking workers have a safe workplace and that the state complies with its duties as laid out in the Nebraska Meatpacking Bill of Rights. As you may recall, the ACLU of Nebraska filed a lawsuit against a meatpacking plant during the height of the pandemic. And I can tell you, both as an attorney that previously represented meatpacking workers and from my personal capacity-- my parents are former meatpacking workers and I have countless relatives in the plants currently-- that the conditions that came up or arose during the pandemic are not new. They were just exacerbated by the pandemic, and they remain to this day with little to no oversight by the state. At the time we filed complaints with the Department of Labor, nothing was done. And then we also learned later, by The Reader, the Department of Labor had the Meatpacking Bill of Rights coordinator spend 97 percent of her time on processing unemployment claims during the height of the pandemic, which clearly showed the priorities that the Department of Labor were not focused on workers. And by making this a position full time, we hope that those priorities would change. While talking to meatpacking workers during the COVID pandemic, workers reported injuries in which the-- the plants would simply ignore them or tell them to go back to work. We also heard quite a bit about providing inadequate medical care. So I've heard of head injuries or burns, and all they're provided is a Tylenol. And then you add to that the retaliation and the harassment that workers go through and this industry is plagued with, and you're left with companies that prioritize profit over people. And just recently, as you've heard from Senator Vargas and Maria, there were child labor law violations and, while unsurprising, I hope it serves as an alarm for you to do all you can to increase oversight of the issues in meatpacking plants, including, at the very, very least, making this Meatpacking Bill of Rights coordinator position a full-time position. For those reasons, we urge the committee to advance this bill to General File.

**CLEMENTS:** Any questions? Seeing none, thank you for your testimony.

**ROSE GODINEZ:** Thank you.

**CLEMENTS:** Are there additional proponents for LB755? Welcome.

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**ANDREW FARIAS:** Howdy. Howdy, all. My name is Andrew Farias; that is A-n-d-r-e-w- F-a-r-i-a-s, and I am the policy fellow at the Asian Community and Cultural Center here in Lincoln, Nebraska, and we are testifying today in support of LB755. If you're not familiar with the Asian Community and Cultural Center, we're a nonprofit organization that supports and empowers all refugees and immigrants through our programs and services. At the same time, we strive to advance the sharing of Asian culture and every cultural heritage of our clients with the community at-large. In 2022, we served 1,735 clients from over 36 nationalities and 31 native languages in a variety of capacities ranging from youth services to domestic violence programming. This includes individuals who came to the United States and those who are born here, as well, so that can include those that are second- and third-generation immigrants, but also those who have escaped religious persecution, ethnic cleansing and war, so these are folks that have come to Nebraska who are seeking better lives for themselves and their families. At the Asian Center, we have clients who come from a wide variety of backgrounds spanning dozens of nationalities, including Vietnamese, Chinese, Karen, Latine, Sudanese, Middle Eastern, Yazidi, Afghan, Ukrainian and so many more. Many of the populations that we serve also work in meatpacking plants across the state with some of our closest communities being here in Crete. We support new Americans in their quest to gain employment in Nebraska, and this can include education around their rights as workers. However, we also recognize that individuals may not fully understand their workers' rights, which can be attributed to language barriers, lack of proper-- lack of proper training or fear of retribution. Speaking specifically about clients who work in meatpacking plants, they have expressed concern about working extensive hours, experienced unsafe working conditions, encountered mistreatment, and some now have lifelong injuries, too, that will impact them into the future. So we believe it is vital to have a dedicated position that can really track and report these problems while also reassuring workers of their rights. Our organization sees tremendous opportunity in the ability of having a meatpacking industry worker rights coordinator that is full time that will be able to dedicate these additional resources to ensuring safety and fair employment for all workers. By increasing the position to full time, the Legislature, for example, would be able to create additional capacity for the coordinator to track and report critical employment information for the Legislature, the Governor and other policymakers, and this increased capacity can lead to better utilization of public, available OSHA injury data, just like previous testifiers have mentioned and, likewise, the improvement of industry



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transparency by elaborating on the racial, ethnic and linguistic makeup of the meatpacking industry through their annual report, which can also ensure that workers have access to adequate translation and transportation services. So in short, this information helps direct service providers like the Asian Center to better support the communities that we serve. Nebraska's meatpacking plant workers can endure some pretty incredibly challenging working conditions, and they really deserve the support that this full-time position could offer. Therefore, we are urging the committee to advance LB755 to General File. Thank you all for your time.

**CLEMENTS:** Any questions from the committee? Seeing none, thank you for your testimony. Are there other proponents for LB755? Are there any opponents for LB755? Welcome.

**JOHN ALBIN:** Thank you. Good afternoon. Chairman Clements, members of the Appropriations Committee, for the record, my name is John Albin, J-o-h-n A-l-b-i-n, and I'm the Commissioner of Labor, and I come here today in opposition of LB755. The Nebraska Department of Labor appreciates the intent behind LB755, but there's simply not a workload need to justify making the meatpacking industry workers rights coordinator a full-time position. I'll skip the next parts. I thought maybe it was in offer-- LB755 was offered to support LB405. It's not, so I'll skip over that. Under our current structure, the Nebraska Department of Labor has a labor standards unit within the Safety Division. This unit is responsible for many worker protection laws, including, but not limited, to the Wage Payment Collection Act, Employee Classification Act, Contractor Registration Act, and the Meatpacking Industry Workers Bill of Rights. Our meatpacking rights coordinator splits almost all of her time between meatpacking and wage payment duties. There is inherent overlap between these worker protection programs. In 2022, our teammate visited all meatpacking facilities in Nebraska with more than 100 employees. A total of 50 in-person facil-- visits to facilities across the state were accomplished in 2022, from Gordon to South Sioux City and Pawnee City and all places in between. While visiting the meatpacking facilities has value, multiple visits to compliant facilities does not. Establishing a presence within the community is critical. Our teammate successfully does this and continues to place more focus on outreach. For 2023, one of her goals is to educate local workforce offices on the Meatpacking Industry Workers Bill of Rights. This way, all complaints received are directed to us for proper investigation. To date, only four meatpacking complaints of any kind have been received in 2023. That's simply not full-time work. All calls and inquiries

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regarding any violations of programs within the jurisdiction of our Labor Standards Division related to a meatpacking facility are worked by our meatpacking workers rights coordinator. This gives her the ability to get streamlined results for the workers. She has a working relationship with the facilities, has direct access to the right people, and gets timely responses. In speaking with our teammate, making this position full time will be detrimental to the role. She's extremely passionate about the work she does and loves helping the workers in this industry. However, some of the most help she can do comes from working in other areas. While she regularly makes referrals to partner agencies, such as USDOL or the NEOC as appropriate, for areas within NDOL's jurisdiction, she's able to directly resolve the conflict and ensure future compliance. For example, in 2022, she worked 195 wage complaints; 95 were related to the meatpacking industry. She was able to recover wages for impacted employees, ranging from \$22.50 to \$120,000. The key highlight of her year was working with meatpacking-- packing facilities to reinstate five employees. Because of her work, five employees-- workers got their job back. This type of work would be hindered without her extensive knowledge and continued focus on all labor standards areas and be a disservice to meatpacking workers. And just as a note, I know there's been a mention of the children that were affected-- or that were working in the meatpacking plants. Those children, as I understand it and everything I have seen, were not employees of the meatpacking plant but, rather, an independent contractor. So it's questionable whether, even if this bill was to pass and the position was to be full time, whether the meatpacking workers rights coordinator would have any authority to deal with an entity that's contracting with a meatpacking operation to come in and do services. So for these reasons, NDOL opposes the increase in General Funds. This concludes my testimony and I'll be happy to answer any questions you might have.

**CLEMENTS:** Senator Dover.

**DOVER:** Yeah. Thank you for coming, Mr. Albin. Is the-- is the part time-- is your employee-- are they bilingual?

**JOHN ALBIN:** Yes.

**DOVER:** All right. Thank you.

**CLEMENTS:** Senator Erdman.

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**ERDMAN:** Thank you, Senator Clements. So, Senator Al-- Commissioner Albin, so then this person is part time doing this job, but she does other jobs, as well, so she's a full-time FTE?

**JOHN ALBIN:** Yes, she is a full-time employee of the department. She splits her time, about half and half, between--

**ERDMAN:** OK.

**JOHN ALBIN:** --the meatpacking coordinator duties and other duties such as wage payment collections.

**ERDMAN:** OK. Thank you.

**CLEMENTS:** Senator Wishart.

**WISHART:** Thank you, Director, for being here. So when an incident like what has happened recently, where there's a discovery of children being employed in-- in Nebraska at these facilities, when an incident like this happens, what is the responsibility of your department in addressing that, or is this just a federal issue?

**JOHN ALBIN:** It's not a federal issue because the ages of those children were actually criminal violations in Nebraska, as well, because under 14 without the-- is just forbidden. Generally, in those cases, though, we will turn to partner with USDOL and, in fact, we did work with USDOL on this case. USDOL was the primary, but we did assist to some extent in that. But we usually refer those cases on to the federal jurisdiction because the federal penalties are so much larger and-- than ours, and so generally we would refer one of the-- yeah, we do our preliminary investigation, make sure the child is out of harm's way, and would also make a referral off to USDOL.

**WISHART:** OK. And then is there discussion and-- and-- and plans to-- to implement a system that would be able to catch something like this at an earlier stage?

**JOHN ALBIN:** Yes. I mean, the problem is, as I understand it, from what I know about the case, is that there were a lot of forged documents. Now someone looking at that, a 13-year-old, is usually probably going to tell that they're really not of age. But in-- but there was a lot of forged documents that were in place, and so it makes it difficult, as in any case, where you're operating with forged documents. Obviously, we'll be paying a little closer-- or putting a little closer eye out when we are in the facilities to look at ages of

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workers. But the problem, as I understand it, was largely because of the use of forged documents, or at least that's what we're told.

**WISHART:** OK. I have-- then my last question is, with-- with this revelation of children working in our state illegally, why not take advantage of the opportunity for a full-time staff person who could help to do this work to ensure this is prevented in the future?

**JOHN ALBIN:** Well, we're already in all the plants every year, anyway, of any size. I mean, it's like any piece of legislation. We will-- even if we didn't ask for it, if we get the law, we-- or if the statute is changed, we will enforce it and make that extra effort. I mean, if the Legislature tells us that there has to be a full-time working meatpackers coordinator, we will make sure that they're out there giving valuable service to the state. So it's not like we-- if it's there, we wouldn't take it, but, you know, we're talking-- you know, the child cases, that was mostly nighttime work, so then it creates a substantial-- second time we've gotta send someone out to the plants because you need-- yeah, the primary focus has always been the workers during the day, so then it's going to be a second visit to the plant, I assume in the middle of the night because that's when the cleaning is going on in those facilities. And even then, we'll-- the for-- as we found with our unemployment program, the forgers are getting a lot better than they used to be and just the ability to examine documents and say, yeah, that document's obviously false because, you know, looking at people, you can't just say, OK, that person is definitely not 14 or-- 14 or 15. Well, if they were that-- of under age, they couldn't be working at those hours anyway because it-- it's after hours for both state and federal-- under both state and federal law. So those middle-of-the-nights were double violations. Not only were they too young, but they were working out of hours that they could ever be legally working.

**CLEMENTS:** Other questions? Senator Dorn.

**DORN:** Thank you, Senator Clements. Thank you for coming back again. About how many people in your department, and I call it, have the type of people that we're talking about here in packing plants, but are also, I call it, the rest of the labor force? Because you have, surely, other complaints from other types of businesses or other entities--

**JOHN ALBIN:** Yeah.

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**DORN:** --how many people work in that aspect?

**JOHN ALBIN:** We have ten labor law specialists, I believe is the number right now, who are full time in wage payment complaints, contractor registration, Employee Classification Act, and then the one that splits time between the meatpacking rights coordinator and her wage payment and collection duties.

**DORN:** So when we had, I call it, the COVID issue at the packing plants, did-- out of those ten there, you didn't have just the half-time person, I call it, looking at those situations. You brought some of those others over also?

**JOHN ALBIN:** Well, the-- the pandemic brought on a lot of issues because, one, they were urging everyone not to cross into-- to go into facilities because they didn't want somebody bringing COVID in. In the early days, [INAUDIBLE] in particular, nobody knew who was carrying and the symptoms and [INAUDIBLE] was all really an unknown at that point. So there was a strong urging of people not to enter into plants, places they didn't have to go, absolutely have to go. The second thing was, with the COVID, that was clearly covered by OSHA and, you know, in both the Trump and the Biden administrations, there were heavy fines levied against employers for violating COVID safety standards. So the safety standards issue is-- has been preempted by the federal OSHA laws. And we can go in. We do make referrals out if we see violations, but it's primarily a federal issue, the safety issues.

**DORN:** Thank you.

**CLEMENTS:** Senator McDonnell.

**McDONNELL:** Thank you for being here. With-- with the-- the testimony, with the statistics, with the-- the night, the-- the shift work, I just don't see how some person, part time, can effectively do this job. And I'd like to sit with you and-- and if you're willing, to go through some of this information because this isn't matching up. It's not just the testimony that we're hearing today. It's the testimony that we get phone calls on. We get the personal stories, the people that want to stop by our office that tell us what's going on. Something's-- something's missing here and I'd like just to sit with you and go through some things, if you're available in the next two days, and get deeper into this.

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**JOHN ALBIN:** Yeah, I'd be glad to sit down with you and bring in our people from the-- that do the meatpacking work and the supervisors in that area, be glad to sit down with you and discuss it.

**McDONNELL:** I appreciate that.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you. Thanks for being here. I want to go back to Senator Wishart's comments and you explaining that these documents are getting further advanced. Would you suggest you need somebody that can audit those documents better to make sure that this doesn't happen in the future? Or how-- how would you suggest that we do tackle that if-- if it's a document problem? Would your department be in charge of doing that or do you already have people that do that?

**JOHN ALBIN:** To some extent, we look at documents even now in the sense that with the un-- the unemployment program we require proof of identity, which includes an examination of usually driver's license and other-- and other issues. That's a very technical area. I mean, we're back-- 100 years ago, when I was a young attorney trying a forgery case back out Nance County, and we had two great experts, one from the State Patrol and one for my client, and they looked at the same documents and got totally different reads on the authenticity of the signature. Who actually executed the signature was the deal in that case. It really requires almost the State Patrol type-- I mean, the State Patrol have the expertise to do that. That's their bailiwick. In terms of investigations, I don't think it would be an appropriate area for us to get into in terms of examining those documents. That would be my thought.

**ARMENDARIZ:** So my husband's great-grandfather was killed in a packing plant injury, and I understand the-- the severe danger, and for a child to possibly be exposed to that, how do we-- how do we curtail that? If you're saying that it's forged documents, then we really need to-- to look at making sure that children are not-- are not getting in and working these dangerous jobs.

**JOHN ALBIN:** Yeah, I agree. I mean, the problem is, if you go into that, you'd almost have to do a process where all documents for all workers have to get examined somewhere at a state or federal level before the worker could even start there, and that doesn't happen now. Whether it's going to work at the grocery store where my 14-year-old kid starts sacking groceries down at Russ's B&R, you know, they did--

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Russ's did require them to come in and-- and provide their certificate of birth so that they could feel comfortable that Rachel was, in fact, 14 at that point. But unless you come up with an auditing system where you audit every pre-employment, the scofflaws are going to try it. I mean, it's just-- but, yeah, again, it's just out of our area of expertise and what we can do in terms of examining documents. That would have to be something be run through the State Patrol. I mean, you know, childcare workers I think, are fingerprinted and that goes through the State Patrol. State Patrol would have that expertise. The Department of Labor definitely would not.

**CLEMENTS:** Other questions? I have one. Senator Vargas gave us this Department of Labor report, and does the department-- evidently the department-- U.S. Department of Labor found this employment violation. Are they in these packing plants inspecting or-- also, besides your worker?

**JOHN ALBIN:** Almost all the plants would be at least subject to OSHA investigations. It also would be subject to anything by wage now-- USDOL wage and hour or USDOL's child labor provisions, so, yeah, they're all subject to federal oversight as well as state oversight.

**CLEMENTS:** All right. Any other questions? Seeing none, thank you for your testimony.

**JOHN ALBIN:** Thank you.

**CLEMENTS:** Are there any other opponents on LB755? Is there anyone here in the neutral capacity? Seeing none. Senator Vargas, you're welcome to close.

**VARGAS:** Thank you very much. You know, I think part of the-- part of the frustration that we-- we hear from workers and we've heard from workers, so for those of you who haven't been in this committee in the past, we have had workers come and testify in hearings, send letters, and this was obviously during COVID-19 times. But as was mentioned by some previous testifiers, or even from Senator Armendariz, as well, the conditions in the plants are difficult even before pre-COVID-19 times. This industry is growing in our state, has been growing. This is-- this is a part of the fabric of our state. Nobody is talking about whether or not we should be shutting down operations. What we're talking about is what Senator Jo-- sorry, Governor Johanns put into law at that time, which is creating a Meatpacking Plant Bill of Rights. It's already a law. What OSHA is doing is largely enforcing on

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violations. This Meatpacking Bill of Rights that exists is meant to be proactive, the right to adequate facilities and the opportunity to use them, the right to understand information, the right to existing state and federal benefits and rights, the right to be free of discrimination, for continuing training and training of supervisors, the right to seek state help. There's a discrepancy from what we just heard from the commissioner and what we're hearing from workers or from people advocating on behalf of workers. If the commission is seeking to exist and is going to operate on what they currently have, I understand that. But what we clearly see are incidents that require more investigation. To the question that Senator Wishart brought up, my hope is that a full-time coordinator that's a labor law specialist would come with a recommendation on the potential process improvements that should be had to make sure something like this egregious 100 children illegally employed never happens again; that we don't rely on civil or criminal penalties from the Department of Labor and a judgment that comes down on whether or not children are working in our plants that are illegally working; that we're proactively creating not only the community, the connections, and the resources in place. That's what this is about. I think what we also heard the commissioner say is that, if they have it, they will-- they will follow through on it. We have a responsibility to react to some of these numbers, and we could easily create more extension in legislative program. But I think what the most important thing about this is, we're talking about whether or not we have somebody that can dedicate their full-time efforts just on this. We heard the word that it would be detrimental. I do not understand how this can be detrimental to the work of the commission if that individual is solely able to be pro-- really proactive and be in the different meatpacking plants more often than they are, so that people are more educated upon their rights, so that we don't have workplace violations, so we don't have deaths, we don't have illnesses, as much as possible, because that's going to be good on the bottom line for the employer and good for the safety of employees. This is not about whether or not we're creating necessarily more government. This is about enforcing and improving upon what the standards are of this Bill of Rights, not what OSHA is doing. I just wanted to make that clear for the record, clear for this committee, because I think what we heard is, at least from the commissioner, we're not going to do more than what's expected of us, because I already have my staff at capacity and I'm not going to seek out more instances of work for this or-- because we're already at the capacity where we currently have. Somebody's at half time and is serving at half time for some other position. We need to do something. We can go



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down the route of really legislating, creating an entire new act, or we can say let's create a full-time coordinator position, let them do more of their job and follow through on what Governor Johanns put into place years ago and improve the coordinator position's capacity to do more.

**CLEMENTS:** Senator Wishart.

**WISHART:** Thank you, Senator Vargas. Just two quest-- follow-up questions. The director mentioned that one of the concerns may be that the scope of-- of this individual's jurisdiction and that in-- in the case of the children in Nebraska, it may have been through contracted companies. Would you be open to looking into being able to amend that scope so it could cover those jurisdictions as well?

**VARGAS:** Yes.

**WISHART:** OK.

**VARGAS:** Yeah, I mean, and the way, again, the way that I'm reading this, the duties of the coordinator--this is the language-- the duties of the coordinator shall be to inspect and review the practices and procedures of meatpacking operations in the state of Nebraska as they relate to the Workers Bill of Rights is not saying that they're not able to do that. This is within the purview. If we have to make it clearer that it's within the purview of this position to do that, it is. What we are required to do by statute is the coordinator is supposed to submit a report of recommended actions. Why are there not recommended actions on follow-up from this or any of the workplace violations or the missed days? If we have somebody with a full-time capacity, they would be able to follow through on that, so I'm happy to work on language that will get to making sure they can do that work that you just mentioned.

**WISHART:** Yeah. OK. And then the second question I have is-- I would imagine in a situation like what we're going through now with the violation of child labor laws, and it was addressed today that the state is going to be taking on some of the investigation and-- and action on this-- can your office provide us just an approximate of what the type of cost to taxpayers is for violations that end up in us having to go through a court process? I think that would be helpful as we're weighing this decision.

**VARGAS:** Yes. Yes, we can.

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**WISHART:** Thank you.

**CLEMENTS:** Any other questions? Seeing none, thank you, Senator Vargas. That will conclude the hearing and LB755, except for position comments for the record. We have received nine proponents, no opponents, no neutral comments. And now we are concluded with LB755. Thank you.