

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

[]

SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twentieth day of the One Hundred Sixth Legislature, First Session. Our chaplain today is Reverend Scott Jones from the First Central Congregational Church in Omaha, Nebraska, located in Senator Howard's district. Would you please rise?

REVEREND JONES: [Prayer offered.]

SCHEER: Thank you, Pastor Jones. I call to order the twentieth day of the One Hundred Sixth Legislature, First Session. Senators, would you please record your presence? Roll call. Mr. Clerk, please record.

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

SCHEER: Thank you. Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

SCHEER: Thank you. And are there any messages, reports, or announcements?

ASSISTANT CLERK: The only item this morning is that the Executive Board gives notice of committee hearing for Thursday, February 14.

SCHEER: Thank you, Mr. Clerk. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. Last night I was privileged to attend a dinner honoring the ten most outstanding young Omahans, and I'm proud to say that our very own Sara Howard was one of those ten honored. Let's give Sara a round of applause. Thank you.

SCHEER: Thank you, Senator McCollister. Mr. Clerk, we'll now proceed to the first item on the agenda.

ASSISTANT CLERK: Mr. President, the first item this morning is LB65 introduced by Senator Groene. (Read title.) The bill was considered by the body yesterday. I do have an amendment pending.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

SCHEER: Thank you, Mr. Clerk. Senator Groene, would you like to refresh our memories on LB65?

GROENE: Thank you, Mr. President. This is a very simple bill that's catching up electrical code statutes to modern technology. All it does is allow a certain apparatus, which is a horizontal boring machine to be operated by somebody besides an electrician to install conduit. And it changes the statute to say that as long as the person running, operating the boring machine is supervised by a licensed electrician or journeyman, they may install the conduit. It just catches our codes up to modern language and to modern technology. I'd appreciate a green light on LB65 and advance it to Select File. Thank you.

SCHEER: Thank you, Senator Groene. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend with FA4.

SCHEER: Senator Chambers, you're welcome to open on your amendment.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I thought this would come up yesterday because I was on a semi- or quasi-mission. I do not intend to do every day what I did yesterday. That was just a sampling, a warning; if people won't take warning though, they will not take advice. I'm going to see how things develop, and from time to time, my irritation will become such that I will extract some time or exact some time from this body. That is not my sole intent today, but this is an amendment which is designed to bring a bit of sensitivity to what this Legislature is doing. I think that a person who is one of these directional contractors should not be branded "boring." Why would you label somebody boring simply because of the job that they have? I haven't even heard teachers described as a category boring. Who could be more boring than preachers? But they don't write into a statute that preachers are boring. I would like to ask Senator McDonnell a question.

McDONNELL: Yes, Senator.

SCHEER: Senator McDonnell, will you--

CHAMBERS: Senator McDonnell, can you think of any profession which the Legislature, since you've been here, has attached the word "boring" to?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

McDONNELL: I would like to amend that and think about the Appropriations at times could be, all due respect to Senator Stinner, who does a great time as our Chair, but at times I could use that word.

CHAMBERS: But it has not been put in statutory form yet as far as you know?

McDONNELL: That has not.

CHAMBERS: Do you think that if somebody is a directional engineer, he or she should be labeled "boring?"

McDONNELL: I would say, yes.

CHAMBERS: Then I'll have at least one vote in favor of my amendment. I see that Senator Hansen, number two, Senator Hansen "B," I would like to ask a question to, if he would respond.

SCHEER: Senator Hansen, would you please yield?

B. HANSEN: Yes.

CHAMBERS: Senator Hansen, do you know what a directional contractor is?

B. HANSEN: No.

CHAMBERS: Would you be of a mind to label such a person as boring, when you don't even know what they are?

B. HANSEN: I think you're thinking of the wrong kind of "boring."

CHAMBERS: Say it again.

B. HANSEN: Which kind of boring are you referring to?

CHAMBERS: B-o-r-i-n-g.

B. HANSEN: Boring as in the emotional sense or boring as underground.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

CHAMBERS: Yes, boring in the sense of being tiresome or whatever that word would mean.

B. HANSEN: Okay.

CHAMBERS: Do you think they are boring?

B. HANSEN: Who?

CHAMBERS: The directional contractors.

B. HANSEN: I don't know who that is, so I don't know.

CHAMBERS: Would you say, if you had to choose between two definitions or two descriptive words of somebody you don't know, and the two words are "boring," the other is "interesting," which word would you apply if you didn't know anything about the individual?

B. HANSEN: It's tough to say, because one of my best friends is a contractor and he's interesting and boring at the same time.

CHAMBERS: Thank you very much.

B. HANSEN: Okay. No problem.

CHAMBERS: I can see that we have-- oh, I'd like to ask Senator Hansen another question, since he's gotten into the spirit of the activities this morning. Senator Hansen, I've mentioned this to people who testified before the Judiciary Committee, but you never have, and you're not a member of the committee, so this might be new to you. Have you heard that song "when the moon meets your eyes like a big pizza pie, that's amore," have you ever heard that? I'm not going to sing it.

B. HANSEN: Yes, I have.

CHAMBERS: If I would apply the word-- do you have any idea what the word "amore" refers to?

B. HANSEN: I believe that's Italian for love.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

CHAMBERS: If I would attach the word "amore" to you, would you take that as a compliment or an insult?

B. HANSEN: I'm pretty confident with myself, so I'd say, no, I wouldn't take that as a--

CHAMBERS: Thank you, that's all I'll ask you.

B. HANSEN: Anytime.

CHAMBERS: Members of the Legislature, a moray is an eel, and an eel is a very slippery fish. Based on the way Senator Hansen acquitted himself this morning, I will not call him a slippery fish, but he certainly is agile and quick, like Jack Be Nimble. I have an amendment here which would strike the word "boring" and insert the word "interesting." Since I don't intend to do this morning what I did yesterday, I'm not going to carry this motion, this amendment to a vote. But it does not mean that my irritation with what happened when they put all of the Chairs of the various committees in a solid phalanx, not every one of them, most of them, to vote down a committee amendment that was innocuous. The Chair of the committee shares my complexion. I'm very sensitive about things that are or that seem to be directed toward me because of my complexion or somebody else of my complexion. And whenever it happens and white people's hand is called, they say, well, you're just too sensitive, that's not the way it was intended. Well, let me tell you one thing. How much time do I have, Mr. President?

SCHEER: 3:25.

CHAMBERS: 3:25? I might can get it said in that amount of time, but if I can't, I have my light on. If you have a series of negative actions, hurtful actions, hateful actions, harmful actions, originating at one source, and they always are directed toward the same target, that act, those actions, is/are intentional, directed, and not the result of accident or happenstance. White people do these things. Then they want to hide from it and say it didn't mean what I said it means. They have never, while I've been in this Legislature, gotten the vast majority of the committee Chairs together to vote down a committee amendment that just happens to come from the committee, that just happens to be chaired by a person who happens to be black. I don't just happen to be black. I'm not a senator who happens to be black. I'm a black man who happens to be a senator. My blackness for me is not an afterthought. It is not something of which I am ashamed. I wear it like a banner. I want people to see what I am, and if they don't know, I will tell them. Don't ever come to me or any thoughtful black person and say I don't see color. What did you mention that for if you don't see color? That's the stupidest thing white people say, and they always say it. They print it in articles. You're important, people say, well, I never see color. If you didn't see color, you couldn't see anything at all. Light reflects from an object, and it's that reflection that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

makes an imprint on that machinery or mechanism in your eye that allows you to see. If there is no color, there is nothing that you can see, period. You wouldn't even know that I'm here.

SCHEER: One minute.

CHAMBERS: You might look through me. You might look past me. You might wish that I were not here, but I am here. And I'm going to make you know it. And I'm going to show you that you are not superior to me in any way, and I don't have to prove anything to you. But there are a lot of young black people who do walk with their head bowed, their eyes downcast when they are around white people, because they know what white people are thinking and how they are being judged because of their experience; not what somebody told them, not because of something they read. I want you to know that you had a black man in your presence, and he is not going to apologize for his blackness, and I'm not going to apologize for the white blood, through no fault of my own, that happens to be coursing through my veins.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: You are the next in the queue. You're welcome to continue.

CHAMBERS: Everything that is a part of me contributes to what I am. I cannot extract from myself every bit of white blood. It is not even necessary. There should not even be a discussion of blood in a country that's supposed to be guided by the concept of liberty and justice for all. You know what you hypocrites ought to do? Every time you say that flag salute, you are being a hypocrite. Write it on a piece of paper and stick it on that flag and then just come up here each morning and point to it and don't say it, just point to it. But you're not going to do that. With liberty and justice for all. How about the transgender people who have served in this military more honorably than your rotten, lunatic President, who evaded the draft and ran from the military, decreeing that they cannot serve in the military? Is that justice for them? I would ask that to the person who led the flag salute this morning, or are they not included in that term, "with liberty and justice for all." You ought to change it and say "with liberty and justice for some," and then emphasize, but definitely not all-- how can those words come out of your mouth? There have been bills in this Legislature, there may be one this session to prohibit discrimination against people, and to use shorthand, based on sexual orientation. Why do we need a bill like that, if there's liberty and justice for all? Because those people, first of all, are human beings. They have feelings, they have parents, they may have siblings, there are people who care about them. And yet we in the Legislature will not pass a law protecting them against the discrimination, not only that we know is out there, but what some of the people on this floor

Floor Debate
February 06, 2019

would practice, the contempt they would show. And then you all have the nerve to stand up here hypocritically every morning, oh, you band of hypocrites, that's what you are, with liberty and justice for all. Now, if you believe that, you're stupid. So, you're either a hypocrite or you're stupid, and you certainly are ignorant, and I'm going to lay it on you. You say it every morning, you challenge me every morning. Every time you say it, you're saying, Senator Chambers, what manner of man are you? Are you going to allow us to collectively say this lie and broadcast it and give the impression it's told by everybody on this floor, or are you going to assert your manhood and stand up and speak when you ought to speak? I'm going to quote from your Bible, I'm going to paraphrase. If I did not stand and speak and say the things that I say, these books would rise up and speak, but the verse said, if the person did not speak, the stones themselves would speak. What kind of hypocrites are you? Don't you think about what kind of country this is supposed to be? Those words in the Declaration of Independence, I think it's a declaration of independence, but it's declaring independence from what? It's declaring independence from decency, respect for all people, and the notion that this God you all say you worship in fact created all people.

SCHEER: One minute.

CHAMBERS: That's what you are declaring your independence from, not England. And then you say these phony prayers. These prayers that these Christian and other kind of preachers come here and utter, mouth, and even senators, they are not going to the God of the Bible. I read your Bible. I read the descriptions of your God in the Bible. And you're not praying to that God. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. But you are next in the queue. You're welcome to continue.

CHAMBERS: Thank you. Members, I'm going to take your Bible at face value, like I take the story about Greek and Roman gods at face value. Jesus is God's son. God called Jesus his son, said that Jesus is his son, and God is well pleased by him. Being just an ordinary mortal that I am, who has had no revelations, wasn't struck blind driving down here like Paul was on the road to Damascus and saw somebody and got a message, I can only go by what I read. Now, unless Jesus was stone crazy, was Jesus crazy? Was Jesus a person with a split personality? You've heard or seen the movie or heard about the Three Faces of Eve. Was Jesus so schizophrenic that he thought he was two people, one here and one some place else? If he was not crazy, why would he, when he's on the cross, say: My God, my God, why has thou forsaken me? What you have to take that to mean is that the words were mistranslated, and what Jesus really said: I am God, I am God, in the same way that I will not forsake myself, I will not forsake you. I'm trying to bring sense out of nonsense. Was this Jesus crazy, or was there some thing or somebody that he was

Floor Debate
February 06, 2019

really crying out to? And if he and that somebody are one, because Jesus said, I and my father are one, why in that garden of Gethsemane, just before he was betrayed by Judas, supposedly, would he go pray and say, if possible, let this cup pass from me, nevertheless, not my will but thine be done. If Jesus' will was different from that one he was talking to, they are not one. One is dominant, the other is subordinate. And the subordinate is yielding to the wish or will of the one who is dominant. So he had 12 disciples, like 12 of you all, and told them that his moment was coming, they are going to wipe him out. And he said, I want you all to just sit out here so I know somebody is out here who cares about me. So he went in there and he prayed and he prayed and he prayed, he came out, and what are his disciples doing? [Snoring sounds.] So Jesus went over, he nudged Peter's foot. Peter, what are you doing? You're asleep. Peter said, oh, no, Lord, I was just-- Peter is a liar in addition to other things, I was just resting my eyes. He said, well, don't close them, because it gives me the impression you're asleep. Now I got to go over here a little further and I'm going to pray some more. Prayed the same prayer. Came back, and the same result, they are asleep. What did Einstein say about repeating the same act and expecting a different result; paraphrasing? That's the definition of insanity.

SCHEER: One minute.

CHAMBERS: Jesus knew they were going to be asleep. He knows everything. He shouldn't have been surprised. But he's trying to teach them something like he tries in vain to teach you all something, and you don't listen, because your heads are harder than the rock of Gibraltar and not as intelligent. So Jesus went back and prayed again. Then he came the third time, and there they are asleep. Asleep. And he said, cannot you guys watch with me for one hour? You've walked with me, you've listened to me, you've watched me, and you know what's going to happen to me, because I've told you. And I'm approaching that hour, and I just need to know that there are some people who are with me in spirit, if not able to take my place, they cannot because of something I have to do. But I need that human understanding now, because part of me is like what you are. You know what it means to be alone. You know what it means to be forsaken.

SCHEER: Time, Senator.

CHAMBERS: You know what it means to be deserted. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Mr. Clerk, for an announcement.

ASSISTANT CLERK: Mr. President, the General Affairs Committee will hold an Executive Session at 9:30 in Room 2022.

Floor Debate
February 06, 2019

SCHEER: Thank you, Mr. Clerk. Seeing no others wishing to speak, Senator Chambers, you're welcome to close on FA4.

CHAMBERS: Thank you, Mr. President. And I-- you said you see no others wishing to speak, I think there's some who wish they could speak, but they dare not say what they feel like saying on this floor. So picking up the thread of the story, Jesus told them the one who is going to betray me is at hand. Then here comes Judas, and guess who was with him. The priest and the ministers. And that brings me to something else that I'm going to discuss this morning. I, in the past, have talked about the viciousness of the Catholic Church, from the priests, the deacons, the brothers who are raping these little boys, all the way up to the Pope, who sat at the top. Because they knew that this abuse of children was going on, and it didn't just involve little boys, it involved little girls, and it involved grown women, and the Pope finally admitted what I used to say, and Catholics would wish me to hell, when he said that these priests and these bishops were sexually assaulting these nuns. Why do you think a bunch of these stodgy old men are going to get harems, put these women aside, what do you think they are going to do with these women when they feel those fires of lust raging? They go get a nun. Why do you think they want young girls to go into the nunnery, into the sisterhood, why? So that they can shape them and groom them like predatory men try to groom little boys, if they are of that proclivity. So, I have to go from "punkery" in the "monkery," to "funnery" in the nunnery, and that was my favorite expression when Catholics would come in for a haircut, and some of them would be outraged. Senator Foley once said that what I said was vile because I talked about the Catholic priests raping these little boys. And at that time, Jon Bruning was running for Attorney General. And Senator Foley told Jon, because Jon came running upstairs and agreed with me that something needed to be done, he said that if Jon really wanted to be Attorney General, he should not agree or approve of anything that I said. Now it's out there for everybody to see. The Pope knew it. They had an order in Rome of men who were supposed to minister to people in America and those young men being groomed were sexually abused in Rome, in the Vatican. The worst sexual abuse of children in Europe occurred in Germany. Who was the archbishop at that time? And he became Benedict XVI. His name was Joseph Ratsinger, and I always put the emphasis on "rat." That's what he was in the Catholic Church. Then they raised him to be a Pope. And he knew what was going on, because he presided over the worst sexual abuse of children in the world. And it was occurring in Germany. But there was somebody running him hard for second place and that was Archbishop Bernard Law in Boston. And what did Joseph Ratsinger, aka Benedict XVI do when that rat in Boston was run out of wherever he was? Brought him to Rome. Perverts of a feather flock together. And you know what he did? Placed him over the most prestigious church in the Vatican named after Mary. And he probably did it because the most famous thing Mary did was to have a little boy child. And Ratsinger, now a Pope, and Bernard Law, a discredited archbishop, could talk about that little boy, and that little boy is lucky that he didn't come into being in the Vatican. This is worse than trafficking. And you all get all quiet. I'm going to find a transcript--

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

SCHEER: One minute.

CHAMBERS: --of when somebody from the FBI, I think, was before the Judiciary Committee, and I described what the Catholic Church was doing without telling him it was the Catholic Church, an international cartel that engages in the mistreatment and sexual abuse of children. And he said very readily what ought to be done and the FBI would definitely have an interest in it. And to short-circuit this, I said, I'm talking about the Catholic Church. If he'd have had false teeth, they would have fallen on the floor. Why won't you all talk about something that was so damaging in this society? Because you're cowards. And people who say they are Catholic, that doesn't mean anything to them. Pete Ricketts is a Catholic, and he's for the death penalty, and let the Pope know he's going to stay for the death penalty.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President. I'll wait and see if there's anybody who's speaking.

SCHEER: That was your close, Senator.

CHAMBERS: Then I want to withdraw that pending amendment.

SCHEER: Without objection, so noted. Seeing no one else wishing to speak, Senator Groene, you're welcome to close on LB65. He waives closing. The question before us is the advancement to E&R Initial for LB65. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President.

SCHEER: LB65 is advanced. [Doctor of the day introduced.] Next item, Mr. Clerk.

ASSISTANT CLERK: LB102 introduced by Senator Wayne. [Read title.] The bill was introduced on January 10; referred to the Business and Labor Committee; placed on General File with no committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Wayne, you're welcome to open on LB102.

WAYNE: Thank you, Mr. President. This is a simple bill. It's a cleanup bill. We changed the words from "Big 12" to "Big Ten." That's literally all it does. However, colleagues, I want to take

Floor Debate
February 06, 2019

a couple minutes to update everybody who I've talked to on LB85. That is my rental housing bill. I went around the Chamber for the last two days and talked to many of you all on where you stood on the rental housing bill, and I think it's important to give you all an update and to share the same message all the way through. So first, I want to thank all my colleagues for supporting. Based off the vote count you all gave me, I do have enough votes to move this bill forward. However, some of you asked and had some concerns about local control and local issues, and if Omaha is willing to step up and do something. Hearing those concerns and efforts to build consensus, I have reached out to city council members and other members of Omaha and other people in this Chamber have, too, and I have asked the Speaker to withhold putting this on the agenda for approximately two weeks. The reason we're withholding it is because this is not a new issue. This has been going on for approximately ten years. And, in fact, you had a letter of someone filing a complaint on an apartment complex for the last seven years and pictures taken recently, two weeks ago, and nothing being done. So in efforts to build consensus, we are taking what happened at Yale apartments, giving them an additional seven months to come up with a suitable rental housing program. But let me be clear about a few things. If this bill comes back up, it is through no fault but the city of Omaha, because they have failed. They have failed the most vulnerable and oftentimes voiceless to supply and secure safe, affordable housing in a sustainable and acceptable living conditions. This is not just a black eye on Omaha, colleagues. This is an entire black eye on the state. If a young couple decides to move to Omaha and Google's Omaha apartments, this is one of the first things they see. And so let me be clear, and I've said this to the three city council members that I spoke to between yesterday and today, if the city of Omaha refuses to clean up this mess, this body will have to. That's where we're at. I hope the city of Omaha does its job, but if not, I will bring this bill to the floor. We will have to vote on it, because it is our duty to make sure that Nebraskans live in safe housing. And if you pray, if you meditate, if you take moments of silence, I would ask you to do so to make sure that the bill doesn't pass like it had to pass in Iowa, because of a preventable fire in which children lost their lives because of unsafe conditions. So I hope that's the reason we don't have to bring this bill back, but at the same time, we cannot let our foot off the pedal to make sure that our most vulnerable and our voiceless have living conditions that meet a basic standard. Now, back to the bill. Senator Chambers introduced this bill years ago when they were in the Big 8. We moved to the Big 12, it was updated, and now that we moved to the Big Ten, I have intercepted the football from Senator Chambers, because I wasn't sure if he was going to give it to me, and now I am bringing home the Big Ten. With that, I would ask for a green vote.

SCHEER: Thank you, Senator Wayne. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you. Since this may be the only opportunity to speak about LB85, I, first of all, want to thank Senator Williams-- or Senator Wayne, for his hard work on this very, very important issue. I have some information I'd like to share with the body today. Omaha system is 100 percent complaint-based, unlike Lincoln's, which is mostly proactive. Inspections require a

Floor Debate
February 06, 2019

tenant complaint. Without a complaint, there is no enforcement of minimum standards. When a gas leak caused an explosion in one unit at Yale Park in 2016, the city could not inspect conditions at any other units. Tenants are generally afraid to complain, either to city or the landlord. The Nebraska Supreme Court ruled that the record support La Vista's concerns that tenants are reluctant to report maintenance problems. Code violations take an average of eight months to fix. Currently, open cases have been open for an average of 20 months. When a tenant moved out of-- when tenants move out of Yale Park apartments, restoring dignity made inspections of 37 of their new apartments and found this snapshot of Omaha's low-income rental housing conditions. Twenty-seven had poor air quality. My daughter has asthma. This would be detrimental to her health, well-being, and future. Fifteen had mice. Fifteen had roaches. Thirteen had water leaks. Seven had bedbugs. Seven had fire safety issues. Six had major heat emergencies. Five had major electrical issues. Three had mold. Over 75 percent of code violations involved rental properties, although they only make up 43 percent of Omaha households. This is a real crisis that we have in Omaha. I don't know that it's necessarily a crisis across the state, but it is in Omaha, and we have children that are living in abject poverty and horrible conditions. If we're serious about the future of this state and the future of our children, we need to hold Omaha accountable to this. I'm so grateful to Senator Wayne for his work on this. I'm so grateful that he's continuing to work with the city of Omaha. This is their responsibility. It should be local control, but I, for one, will not allow them to not do something about this. I hope they take this seriously. I hope they move forward with taking over the inspections. And I hope we don't have to take action, but if we do, I hope you all will join me in taking action and join Senator Wayne. Thank you.

SCHEER: Thank you, Senator Cavanaugh. Seeing no others wishing to speak, Senator Wayne, you're welcome to close. He waives closing. The motion before us, is the adoption-- advancement to E&R Initial of LB102. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of bill, Mr. President.

SCHEER: LB102 is advanced to E&R Initial. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB301 introduced by Senator Lowe at the request of the Governor. [Read title.] The bill was introduced on January 15 of this year; referred to the Business and Labor Committee. That committee placed the bill on General File with no committee amendments.

SCHEER: Thank you, Mr. Clerk. Senator Lowe, you're recognized to open on LB301.

Floor Debate
February 06, 2019

LOWE: Thank you, Mr. President. LB301 is a bill that I brought on behalf of Governor Ricketts. It is a bill that will improve government efficiency and addresses better customer service for Nebraskans. This bill transfers responsibility that exists under the Boiler Inspection Act, the Nebraska Amusement Ride Act, Conveyance Safety Act, from being split between the Department of Labor and the Fire Marshal, to be completely under the Fire Marshal. The direct impact of that transfer will be the ten positions being moved out of the Department of Labor and those same ten positions being placed under the Fire Marshal. The rationale for this move is simple. Right now the Department of Labor and the Fire Marshal have overlapping responsibilities and inspections within these three acts. This overlap can lead to the need for two different inspections, from two different state agencies, on the same item in the building. This can lead to confusion if one agency approves a boiler or an elevator, but the next agency comes out in a different day and says that changes are needed on that same boiler or elevator. LB301 was voted out of Business and Labor Committee on a 6-0 vote, with one senator absent. The bill was supported in committee by the Department of Labor, the State Fire Marshal, and two members of the elevator construction union. There is no opposition or-- opposition or neutral testimony. Thank you, Mr. President.

SCHEER: Thank you, Senator Lowe. Senator Chambers, you're recognized.

CHAMBERS: Mr. President, members of the Legislature, the only reason I'm speaking on this bill-- first of all, Senator Lowe does not bring a lot of bills and I don't want him to think that he has been granted amnesty or that I feel sorry for him. He's a grown man, he's a strong man, he can take it if I dish it out. I'll tell you what makes me say something on this one, he brought it at the request of the Governor, and anybody is entitled and allowed to do that. But all men and women are known by the company they keep. His daddy, the Governor's, not Senator Lowe's, is an established racist. Now, I saw a feature on Channel 7 about it. There's something in the World-Herald and they mentioned this anti-Muslim sentiments, but he actually used the n-word also. I wonder if the World-Herald thought that was too rich for their blood, so they wouldn't put it in there, because it might tick off a black man like me. Channel 7 did not mention that he used the n-word. I don't know why. They were shied away from it. I don't mean they should have used the word. They could use the letter "n" like it's used now. But they didn't mention that. Maybe they thought that would make old crusty racist Joe Ricketts look too bad in the eyes of his fellow racists and bigots in Nebraska. They feel the same way, but they thought they had outgrown that blatant, open, insulting use of that word. So the World-Herald didn't mention it this morning, the World-Herald was not alone. Channel 7, KETV, didn't mention it either. I read about it yesterday, and Martha Stoddard is the reporter who did that story. The information she put out made reference to the fact that that word was used by that old racist. And in quotation marks he said, I like this. I wonder how those black men who play for the Chicago Cubs feel about that? I won't use the term, but your racist white President referred to a black football player as an SOB. I think that old Joe Ricketts would more deserve that term, but the world of sports is not going to

Floor Debate
February 06, 2019

become outraged by that, because as a white man degrading black people, according to the way white people in this country feel about us. My view is that the nut doesn't fall far from the tree. When that old racist Congressman in Iowa made some statements that even embarrassed the racists in Congress, so they took him off these committees, he said I don't know how that word came out of my mouth, because it's not in my heart, I don't even know how those things came out, where they come from. He's a Christian, and I quoted the verse where the "Bible" says of the abundance of the heart, the mouth speaketh. Is old racist Joe--

SCHEER: One minute.

CHAMBERS: --going to say he didn't know what he was saying? You think Peter Ricketts didn't know what his daddy is? And he's just like him. And he's shown his racism toward me directly, and that's why I deal with him the way that I do. My light's on. I'm not going to try to kill this bill. I'm not going to try to kill any bills this morning that I see on the agenda so far. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President, and colleagues. I'm in support of LB301. This is actually pretty consequential. And the reason I'm standing and actually talking on something that will probably move without too much difficulty is I have some personal experience in this in my practice, and that is inspections done by the state of Nebraska. And a little bit of background, if you want-- if you get hurt as a result of some device that has been inspected by the state, it's pretty hard to make a claim. The State Tort Claims Act sets a very high standard for bringing a claim against the state for a poor inspection. In my experience, some of them that have been done under the Department of Labor, and my experience happens to be with an amusement ride, some of these inspections aren't done well. They are not done by certified people. They are not done-- mostly they go out and slap a sticker on something and don't do a very good inspection. They are not thorough, they are not done by trained or certified inspectors. When this bill came up, I had a conversation with the Fire Marshal. The Fire Marshal is a logical place for these inspections to be housed. They are more adept, more professional when it comes to doing inspections than is the Department of Labor. It's kind of hard to understand why the Department of Labor would be in charge of amusement rides, elevators, and boilers. They have been. I think the Fire Marshal is a better place for it. I've also been reassured by the Fire Marshal that the people that are going to do these inspections will do these inspections after they've been certified by the controlling group, the professional amusement ride inspectors. There's actually a group, but I'm not giving you the right name, but there's a group that certifies these people that looks for safety violations, because these are an opportunity for people to be hurt significantly, same with boilers and same with elevators and conveyances. So, I support it. I think it's important, and I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

also support it in part based upon the representation of the Fire Marshal that the inspectors that will be inspecting these devices will be certified and have the proper qualifications and not just go out there, walk around an elevator or an amusement ride and then slap a sticker on it, collect a fee, and leave. So I am in support of LB301. I may bring an amendment, I expect, on Select File dealing with amusement rides and some insurance requirements, but I'll take that up on Select File. With that, I encourage your support of LB301.

SCHEER: Thank you, Senator Lathrop. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, for the reasons Senator Lathrop gave and others that he didn't mention yet, I'm supporting this bill too. See, the bill itself is not bad just because it had a bad origin. But I want to advise the youngster who brought the bill, as I started, all men are known by the company they keep. If you walk with those who are lame, you, yourself, will learn to limp. If you lie down with the hound dogs, you'll get up with fleas. So, if I see you scratching, I'll say-- I'd rather you be a little farther away from me than you are. But whenever I have the opportunity, I'm going to bring up the Governor and his daddy. See, other states don't let things like that go by, and there's more than one person who will stand up and say something about it. But I know how Nebraskans are. I've spent 82 years in this state, more than 40 of them in this Legislature, so I know Nebraskans. But because people will not mention an issue does not mean the issue is not there or that it's unworthy of mention. But I don't sit back and wait for others to do something when I feel, when I'm convinced, when I know that regardless of what anybody else says or does, I have an obligation to speak. And I'm going to do it throughout the session. Now I know why that fool, that racist in the Governor's mansion, took out after me before he even got elected. He threw the first stone, and he certainly is not without sin. You think that that person, who is Governor, didn't hear the n-word when he was growing up? Could this be one of the things that Donald Trump was talking about when he made the Ricketts family turn tail like curs, a dog returning to his vomit? Ricketts' mama was part of a group campaigning against Trump before he was nominated, trying to stop him from being nominated. The Lincoln Journal Star praised them, lionized them, the Ricketts family is not going to take this, and then here's all that the orange man with the funny hair said, words to the effect, the "Rickettses"-- he didn't say "Rickettses," he said the Ricketts better be careful. They got a lot to hide, or something to that effect. And you know what happened? Mama Ricketts, daddy Ricketts, and baby boy Ricketts turned around and became some of the strongest supporters of Donald Trump. And the one in the Governor's office continues to support him strongly. Whatever Donald Trump knew or that the "Rickettses" thought he knew has kept them in line. So this racism, manifested by Pete's daddy, is no surprise to me. Most white people that-- well, all white people in that category are racist. I think all white people are racist. Some are not active. But how can you be anything else, when everything you hear, everything you are taught, you absorb it, you develop attitudes.

SCHEER: One minute.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

CHAMBERS: And you may not want to name them what they are, but those who are the recipients of your attitude know what we call it. And because there are a lot of black people afraid to say anything, don't let that fool you. I am the watchman who has to give the alarm, and that's what I'm going to do. And this bill gave me the opportunity, because the one whom I have contempt for is the one who asked my colleague, Senator Lowe, to bring it. Even somebody like that one sitting in the Governor's seat can come up with an idea that is worthy of consideration by the Legislature. And I will not vote against a good bill just because it has an origin like that. But I am very disappointed at the lack-- no, I'm not --of outrage.

SCHEER: Time, Senator.

CHAMBERS: They are proud of what old man Ricketts did. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. I rise in support of LB301 and I'm appreciative of Senator Lowe bringing it. I think overall bringing these activities to the state Fire Marshal is a very sensible and efficient place to put them. I just had one or two senators pull me off the mike and I wanted to just clarify an issue in regards to the fiscal note. You will see a decrease in Cash Fund activities for this Nebraska Department of Labor and there's a corresponding increase in Cash Fund activities for the State Fire Marshal and that is just reflective of the ten employees being shifted by department. The numbers lines up from year to year. Functionally, there is no difference. It's just that the impact of these Cash Funds are now being allocated to the State Fire Marshal's Office as opposed to the Department of Labor. And with that I would encourage your green vote on LB301. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hansen. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, old man Ricketts is 77 years old. He didn't just become what he is. From what was published, he has been engaging in that for some time, and the only reason he's upset and apologizing-- he got caught. That's what he's sorry for, that's what he's sorry about that he got caught. And that's what embarrasses his son over in the Governor's seat, because he knows that knowledgeable black people will be aware that that is a family trait. It's in his family. It's in their blood. And I'm sure they laughed about it over the dinner table. I'm sure they used the n-word. Why do you think that fool over there in the Governor's mansion-- and I'm not using the language like your President-- will take out after me on a bill, mention me by name when there were other white senators, some of them Republicans, who cosigned the bill? Why didn't he list all of them? Because he was playing the race card. He said, you will be dealing, you'll be going along with Senator Ernie Chambers. What about all

Floor Debate
February 06, 2019

those white senators who cosigned the bill? One thing about Pete Ricketts, he's a coward, he's a moral coward, and he knows that mentality of the lynch mob. If he can inflame them by holding up the image of a black man, then the racism that he knows is in you all, he tells me how racist you are. All he has to do is mention my name. And that's what he did. That's what he did, boldly and proudly. And his party put together some robocalls which mentioned my name. Why would they pick the only black man and mention his name if they're not racist? Why? You all going to excuse him? Say, well, he's just a guy who had a slip of the tongue, or slip of the fingers, or whatever excuse white people are going to give for old man Ricketts? One thing I'm glad about that article, it established what I told you all and none of you tax-cutters have mentioned it, he moved out to Jackson Hole, Wyoming, because he didn't want to pay the income tax in Nebraska. But he got that TIF financing for his Ameritrade operation. He sold several million dollars' worth of stock so his kids could buy the Cubs. He's got enough money. He doesn't have to use TIF. Is that what TIF is for? For billionaires? That's a billionaire. He used taxpayers' money and then moved out to Jackson Hole, Wyoming, so he doesn't have to pay income tax. And you all aren't going to say anything? You hypocrites are going to sit here and not say anything and you all are going to talk about cutting the property tax and you think I'm going to go along with it and let you have a free ride on that? Oh, no. You need to go talk to your Rules Committee and start writing some rules to stop me if you can. If you can. I am so disgusted this morning that I can hardly speak. But I'm not going to take out on people's bills or the Legislature as I did yesterday for something the Legislature did, what I feel about old man Ricketts and his copy sitting in the Governor's seat.

LINDSTROM: One minute.

CHAMBERS: I'm going to stay on this issue and I'm going to stay on it and I'm going to stay on it. And as long as I am black and my hair stays gray, and I don't dye my hair, I'm going to stay on this issue. How stupid would somebody be to try to persuade a Jew to pledge allegiance to the swastika? And you think I'm going to pledge allegiance to that rag that flew over the plantations that enslaved black people, where black women were raped? And you all are going to pledge allegiance to the flag? And you think that I think you have respect for me or black people, you all are just like all those racists on the plantations. You can't get away from it.

LINDSTROM: Time, Senator.

CHAMBERS: Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Lowe, you're welcome to close on LB301.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

LOWE: Thank you, Mr. President. LB301 is a good bill because it condenses government. It puts it in the right hands for those especially who have to wait for these inspections. The Fire Marshal is the right person to do this. So, please vote green on this bill. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Lowe. The question is the advancement of LB301. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of LB301, Mr. President.

LINDSTROM: The bill advances. Mr. Clerk, items?

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB33, LB33A, LB79, LB82, LB117, LB190, all as correctly engrossed and placed on Final Reading. Committee on Banking reports LB159, LB380, and LB469, all placed on General File and signed by Senator Williams. I have notice of committee hearing for February 13 and February 14 from the Natural Resources Committee. That's all I have at this time.

LINDSTROM: Thank you, Mr. Clerk. [Visitors introduced.] Mr. Clerk, we will now proceed to LB359.

ASSISTANT CLERK: LB359 was introduced by Senator Matt Hansen. (Read title.) This bill was introduced on January 16, referred to the Business and Labor Committee, placed on General File with no committee amendments.

LINDSTROM: Senator Hansen, you're welcome to open on LB359.

M. HANSEN: Thank you, Mr. President; and good morning, colleagues. I rise today to introduce LB359 which is on behalf of the Department of Labor. It is the annual cleanup bill from the department. There are several provisions contained in LB359. First, Section 1 allows money collected from an overpayment of an unemployment insurance benefit to be directly deposited into the employer's benefit account in order to offset future benefit draws. Section 2 moves a section of statute to a more logical place and updates language from "check" to "warrant" in order to harmonize and modernize language and the resulting stricken language is shown in Section 6. Section 3 addresses an issue that arises when the Department of Labor contracts to perform studies with other states agencies or outside entities. The department cannot pay for these expenses from-- of those projects from federal funds, so this would create a revolving fund using the employment security special contingent fund. Section 4, contains a couple of housekeeping date changes and a recognition that is department staff rather than the worker

Floor Debate
February 06, 2019

training board members who prepared that board's annual report. Finally-- not finally, sorry, fifth-- Section 5 on page 11 are substantive changes, but do not actually represent policy changes. Currently, the department uses a statutory formula to set annual combined tax rate for employers. Currently, each employer files quarterly wage reports and makes quarterly tax payments. The department has a pending regulation that would allow employers to pay their unemployment taxes on an annual basis rather than quarterly. In order to avoid the possibility that delayed payments would cause an unintended change in the rate-setting process during the first year of implementation, this change would allow the department to include those taxes that employers would have paid in those three quarters in the tax rate computation process. Section 5 also gives the commissioner of labor administrative authority to adjust the combined tax rate to keep the Unemployment Trust Fund balanced within the targeted range. The department has been at a reduced rate for the last six years and this will give the commissioner the ability to administratively adjust the yield factor to a lower rate on the schedule if the fund is overfunded as determined by the statutory formula. Seventh, Section 7 expands the methods of service for wage payment and collection citations to recognize all recognized methods of service under Chapter 5-- Chapter 25, Article 5. This includes personal service, resident service, and certified mail. And finally, Section 8 makes the position of meatpacker worker bill of rights coordinator a commissioner appointee rather than a Governor appointee. There was no opposition testimony at the hearing, and the bill advanced unanimously with one absent from the Business and Labor Committee. I would ask the body to advance LB359 to Select File. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hansen. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. I support this bill also. My remarks will not be on the bill. I have a number of reasons for doing what I do. But one thing I want you all to understand is that when I take a position and say that's my position, that's what it is, and if I say I'm going to do something about it, you can count on it. Maybe some of you all ought to just take the morning off or go wherever you go when you want to avoid something which is unpleasant or even unbearable. But the thing that is so good, and I found this out yesterday, there are people in New York who watch what we do here. I was shown on one of those magical little gadgets a message from New York City about a person laughing and talking and cheering as they watched me giving my comments on the floor of this Legislature. So you can close your little minds. I'm not trying to talk to you and persuade you of anything anyway, it would be a waste of time. Jesus said a lot of things that I think make sense--leave them alone; they be blind, the leaders of the blind, and if the blind lead the blind, they'll both fall into the ditch. That's what this Jesus said that you all claim to worship, and I know you think that when people get old, their mind wanders. No, we digress, but we know where it is we intend to arrive, we know the course to follow to get there. I had started by pointing out to you all that you don't pray to the God of the Bible, and you don't. Notice I said "Bible", I pronounced the word with a long "i." I'm giving you that, because I'll say a word or two about the God you claim to believe in, but don't. You're

Floor Debate
February 06, 2019

judged by your works. That's what counts. And if you all are godly people, then you're not worshiping God, you are devil worshipers. You have a satanic religion. So, when these preachers get up here and say--in the name of his son--I used to think they were talking about Jesus, because I thought you all were praying to God, then I looked at your conduct, and you're more of the devil than God based on the way the devil is described and the way your God is described. So, when those preachers say "his son" they're talking about Beelzebub, in the name of Beelzebub. Now, if you were praying to that God of the Bible and you believe Jesus is his son and that God said Jesus well pleases his daddy, Jesus said your daddy knows what you have need of before you ask. Don't give these long prayers, and whatever you do, don't give public prayers. But you don't believe what Jesus said. He said the hypocrites stand on street corners or in the synagogue. They used to have what are called phylacteries. Those are little boxes and they had little prayer scrolls in them and they wear them on their arm and had a little strap that they could use to wrap around it, and when you saw that, you knew this was a pharisee or one of the worse hypocrites. Jesus knew what he was talking about when he condemned the then church.

LINDSTROM: One minute.

CHAMBERS: So what did Jesus tell you to do? First of all, he had indicated--be not like the hypocrites who think they will be heard for their much speaking. Be not like the hypocrites who engage in vain repetition, vain repetition. How many times do you have to say: Hail Mary, full of grace. The Lord is with thee. Blessed art thou among Jesus and blessed is the fruit of thy womb, Jesus. How many times do you have to say it before this God would understand you when he knew what you were going to say before you said it? And I'm going by what your Bible says. Those are vain repetitions, but you believe it. And it said they teach for doctrine the commandments of men, your dogmas, not just the Catholics, they're just more blatant with it. I'm not going to go over my time.

LINDSTROM: Time, Senator.

CHAMBERS: Thank you, Mr. President.

LINDSTROM: Senator Chambers, you're next in the queue.

CHAMBERS: Thank you, Mr. President. Somehow, I knew that would be what is said. What I want my colleagues to know, who have these bills, is that there were a group of black pilots, and they flew in a unit. Black men were not allowed to fly airplanes. But when they did fly them, they flew escorts for bombers, and they never lost a bomber. Never during the war lost a bomber. And there were white pilots who didn't want these black men escorting them until they found out that bombers were being shot down, but not one had ever been shot down by the ones called Red

Floor Debate
February 06, 2019

Tails, because that's the way they painted their airplanes. And they started asking for the Red Tails to escort their bombers for a racist country like this, fighting the Nazis because they were racist. And then when they landed their planes, they had to deal with racism at the hands of the military of which they were a part. They thought that doing the job well would make a difference. We know it's not going to make a difference. We just hope against hope that it might. You think I believe that what I say is going to have any impact on you all? Absolutely not. Do you all think I'm foolish enough to think that the handouts I give you all are going to read? Absolutely not. You won't use the dictionary to find out the meaning of the words that you use, why should I think you all read anything that I give you? So why do I do it? Why do they print dictionaries? Somebody might make use of it. And I find out that the things I hand out to you all wind up in the hands of people not in this Legislature, so I'm going to keep doing it. Just like Merriam-Webster will continue to produce dictionaries, that great big dictionary that they put out. Why would a person buy more than one dictionary? Because they give different definitions, not essentially, but some go into more detail, they give the usages and examples of how words are used. They give more in the way of the derivation of words, and why should that make any difference? Because some people are curious. I tell stories. I tell them so well people don't know when I'm telling the truth and when I'm manufacturing something. But you have all heard that misstatement "curiosity killed the cat." Egyptians worship cats, they say. But cats were prized in Egyptian culture. And sometimes cats were buried with pharaohs, other important people. So some white guy went into one of these tombs, and he was able to translate some of the hieroglyphics, and he got as far as "curiosity killed the cat" and something disturbed him so he took off running. And that's all that came down "curiosity killed the cat." Then somebody else went and saw that that was only the part of a statement. The statement said: "curiosity killed the cat's ignorance for curiosity is the first step on the road toward knowledge which ultimately leads to wisdom." Curiosity didn't kill the cat. Curiosity killed the cat's ignorance. Curiosity followed will cure ignorance among you all, myself; there are a lot of things I don't know. There are more things I don't know than I do know.

LINDSTROM: One minute.

CHAMBERS: Look at a set of encyclopedias. You all may not know what that is now because you use your gadgets. Far more in those books than I know or will ever know. I couldn't even read them all. I'm not going to kill anybody, but if I go crazy and kill somebody and get a life sentence, I would request, if they will accept it, to be put in solitary and be given a Bible, not to get religion; a good dictionary, a set of encyclopedias, and all the paper and pens that I need. And then I can live by myself. I would come in contact with the minds of people that would so fascinate me, so enlighten me that they could lift me out of the actual existential conditions that I'm facing. The human mind--

LINDSTROM: Time, Senator.

Floor Debate
February 06, 2019

CHAMBERS: Thank you, Mr. President.

LINDSTROM: Senator Groene, you're recognized.

GROENE: I apologize, I laid my notebook on the button. [Laughter]

LINDSTROM: Thank you, Senator Groene. Senator Chambers, you're recognized.

CHAMBERS: Members of the Legislature, you know what Senator Groene saw? He saw that I didn't have my light on, and he didn't want anything to end before I had the chance to put it on and continue, so he did a good deed this morning, and Senator Groene, I thank you for that. I recognize it. But I was talking about what the human mind can do. I don't even remember all of the statement. But it could make a hell of heaven and a heaven of hell. A mind can do that. Things affect us based on how we perceive them. I don't believe in intentionally harming myself, but I wanted to conduct an experiment when I was a little boy. So I got a paper clip and a pair of pliers, and I held the paper clip and a pair of pliers. I had straightened it out and bent it so if you set it down it looked like a capital "L". And we had a gas stove. You all don't know what that is, but you turn a knob, gas comes out, you light a match, the gas ignites, and there are little jets, and you set things on top of that when you want to heat them. And depending on which way you turn that knob, more or less gas would come out, and if you wanted to reduce the temperature, you simply allowed less gas so you turn the knob a certain way. I heated that paper clip red hot. Then I wanted to see if I could stand it. So I put it on the back of my hand and didn't think about it. And I held it there until it wasn't hot anymore. Now, what it did, it first made a small gouge where it had been. Then it blistered. Then it suppurated-- you can look that up. But what it showed me, was if I was confronting something that was painful, if I controlled my mind, I could endure it. It wasn't that I didn't feel the pain, but I didn't have to give in to it. There are people who consciously set out on a path to study and learn things and follow a course that will benefit others. There are doctors, there are scientists, there are researchers who look for the cure for diseases that they will never have, nobody in their family ever had. But they have this notion that being a part of humanity or humankind, which definitely is not kind, they have an obligation because of the knowledge they have and the ability to do something to make life less painful and onerous for people who can't help themselves. So they do things. People who are good teachers try to inculcate in their students an understanding of what it means to be a human being, an understanding of the kinship of all those who are human beings. To distinguish between things that are essential to being a human being and those things that are accidental. The accidental things are like skin color. I used to give talks around the country, and I would speak, and people ask me did I think black people were superior to white people. I would say well, what you need to do, is try to find facts to support whatever your position is. But what the scientists say, if we look at eye color, and you got blue eyes--

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

LINDSTROM: One minute.

CHAMBERS: --and I got brown eyes, your blue eyes come from a recessive gene, mine come from a dominant gene. My color is a dominant gene, yours is a recessive gene. So, scientifically speaking, on a physical plane, I'm superior to you all, but I don't treat you like inferiors, and I don't think in terms of any thing, any trait for which a person is not responsible as consigning that individual to a lower level than anybody else. And it's kind of peculiar that in a society where I and people like me are placed in a subhuman position will think thoughts that the superior people never do. It's peculiar. I'm curious about why that is so. No God, no demon, has ever enlightened my mind on that.

LINDSTROM: Time, Senator. That was your third time, Senator.

CHAMBERS: That was my third?

LINDSTROM: That was your third, yes. Seeing no one else in the queue, Senator Hansen, you're welcome to close on LB359.

M. HANSEN: Thank you, Mr. President. Colleagues, as a refresher, LB359 was the Department of Labor's annual cleanup bill that made a series of small changes to various statutes in which payment and collection and the meat packing workers' bill of rights and unemployment claims. With that I would ask you to vote green on LB359. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hansen. The question is the advancement of LB359 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of LB359, Mr. President.

LINDSTROM: The bill advances. We now move to LB306. Mr. Clerk.

ASSISTANT CLERK: LB306 was introduced by Senator Crawford. [Read title.] This bill was introduced on January 15 of this year; referred to the Business and Labor Committee; placed on General File with committee amendments.

LINDSTROM: Thank you, Mr. Clerk. Senator Crawford, you are recognized to open on LB306.

Floor Debate
February 06, 2019

CRAWFORD: Thank you, Mr. President. Colleagues, LB306 is a bill about supporting family caregivers, which was voted unanimously out of the Business and Labor Committee with an amendment. According to the AARP, 65 million Americans are acting as caregivers, and 10 percent of those, or about 6.5 million, have reported that caregiving responsibilities have led them to have to leave their jobs. Under current Nebraska statutes, employees who leave work due to responsibilities to provide care for a family member with a serious illness are not able to collect unemployment benefits that they have earned throughout their years in the work force. LB306 makes a simple addition to the definition of "good cause" for leaving a job under employment security law to allow caregivers who seek to rejoin the labor force to be eligible for unemployment benefits. And if you look at the green copy of the bill, you'll see several of the other conditions that we allow as good cause for leaving, and this bill just adds-- this bill adds family caregiving to that list of definitions of reasons for which you can leave a job with good cause. The bill would qualify caring for a family member with a serious health condition as a good cause for leaving employment, which would enable workers who have left work due to family caregiving demands to collect unemployment benefits while they look for their next job. Under current statutes, workers who quit their job voluntarily are not eligible for unemployment benefits unless they demonstrate that they left for a good cause. Leaving work for a compelling family reason-- need is not currently included in that list of reasons for a good cause rendering these workers unable to utilize unemployment funds that they've earned through their years of work. And I would note that you-- given unemployment rules, when you leave work for good cause, you still only get the unemployment benefits if you're seeking another employment. So this would be a case of leaving a job for family caregiving responsibilities in order to find a job that was more comparable-- comparable-- or able-- compatible, excuse me, compatible to your family caregiving responsibilities. You would not get these benefits if you just had to quit the job and had to leave work entirely. Twenty-four other states have modernized their unemployment laws to recognize compelling family reasons as good cause for quitting a job. Our neighbors Colorado and Kansas have laws that provide protection for those leaving work due to caregiving or family emergencies respectively. The definition of serious health condition in the bill mirrors the definition already in place in the federal FMLA law. By adding caregiving for a family member with a serious health condition to the reasons that are considered good cause for leaving employment, we can help ease the burden shouldered by Nebraskans who are looking to re-enter the work force after or during a period of caregiving. There's no General Fund impact to LB306. The fiscal note assumes that all the likely 100 people who leave work for caregiving reasons would seek unemployment benefits, however note that only those who are able to seek a new job will qualify. Consequently, I would expect the impact on the unemployment pool to be less than indicated in the fiscal note. While only a few caregivers each year will qualify, access to unemployment for this small number will make a big difference to their families. The change in the good-cause definition to LB306 will help to provide a safety net which will allow caregivers to put food on the table while they look for their next job. There is an amendment to the bill to address a concern raised by the Nebraska Chamber of Commerce, Nebraska Federation of

Floor Debate
February 06, 2019

Independent Business, and the Retail Federation. Supporting our caregivers benefits all of us. While Nebraska caregivers and their families shoulder significant financial burdens, they provide an estimated \$2.5 billion annually in uncompensated care. LB306 advanced out of committee unanimously. I urge your support for our caregivers and their families by voting green on LB306. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Crawford. As the Clerk stated, there are amendments from the Business and Labor Committee. Senator Hansen, as Chair of the committee, you are recognized to open on the amendments.

M. HANSEN: Thank you, Mr. President; and good morning, colleagues. Colleagues, I'm rising to introduce AM71, which is the committee amendment added to LB306. This amendment adds a requirement that the employee has made all reasonable efforts to preserve employment before voluntarily leaving employment for the purpose of caring for a family member with a serious health condition. This will require that employees work with their employer to try and find a way to maintain their employment before leaving their job to care for a sick family member. This is the best interest of both the employer and employee, and hopefully allows for accommodations to be made. I would urge you to adopt AM71 and advance LB306. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hansen. Moving to debate, Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I support the amendment. I support the bill. But as I say, when I give my word, my word is my word. When these black football players at these NFL games took a knee, at first they were standing up. Then there were some white players who were veterans, and they said they understood what the players were doing, but could they take a knee instead of standing up. So acceding to the request, suggestion, recommendation of white players who were sympathetic, the players began to take a knee. They did not believe that taking a knee would change the bad situations that black people face, which situations were being protested by not standing when that thing you all call a national anthem would play. It shouldn't even be played at football games and sporting events. I don't believe that what I'm doing is going to alter much on the floor of this Legislature. I said I'm going to vote against every committee amendment, and I intend to do so, even on this bill that I agree with. So my red vote is based on my taking a knee, and I'm very sympathetic to what those young black men did. I have the highest respect for them. And I applaud it every time they did it. And when the racist-in-chief referred to them as SOB's and used the words-- in our community we knew that these black men were striking near the nest, because when the vipers are hissing loudest, that's when you're striking near the nest. So I'll vote "no" on the committee amendment. I had talked about these black pilots who escorted these bombers and referred to them as Red Tails

Floor Debate
February 06, 2019

because of the painting of the planes, but they were known by people as the Tuskegee Airmen. Eleanor Roosevelt was responsible, to a great extent, for them being allowed to fly these planes. And they risked their lives, thinking and hoping that it might make a difference in the attitude of these racists toward their relatives toward them. But those two so-called world wars showed just how deeply entrenched the racism in this country is, because in the South they couldn't wait to see a black man in a military uniform, because they sought those men out and hanged them in their uniform. That's what they did. And we, as black people, are supposed to act like that didn't happen. And I'm supposed to say I pledge allegiance to that rag? Are you out of your mind, or do you think I'm out of mine? With liberty and justice? Not for black people. For all, except black people. And then you can list all those others--

LINDSTROM: One minute.

CHAMBERS: --who receive not liberty or justice. And that National Anthem, the land of the free and the home of the brave. No, the brave were the black people who survived here and fought in every war this country ever had, which is more than can be said for the white people, and it got us nothing. Nothing. Promises made, never kept. That's the way it is now. They got the same constitution with new amendments added that are supposed to make a difference, and they don't. You got racists like this guy in the Secretary of State's Office trying to figure how to stop black people from voting to defeat what the Fifteenth Amendment was supposed to allow. Thank you.

LINDSTROM: Thank you, Senator Chambers. Senator Williams, you are recognized.

WILLIAMS: Thank you, Mr. President; and good morning, colleagues. And I rise to ask a couple of questions, but then hopefully support this legislation. First of all, could I ask a question of Senator Hansen?

LINDSTROM: Senator Hansen, would you yield to a question?

M. HANSEN: Yes.

WILLIAMS: Thank you, Senator Hansen, and I'm asking you this as Chairman of the committee that heard this and then is proposing the amendment. It appears that both the state chamber and the federated independent business group testified in opposition to the bill as written, but now are choosing to stand down, if that is the proper term, if AM71 is adopted. Is that your understanding?

Floor Debate
February 06, 2019

M. HANSEN: Um, I don't-- Senator Crawford has indicated, yes, that is her understanding.

WILLIAMS: And in AM71, it requires the person to make all reasonable efforts to preserve employment. Has there been any discussion or examples given of what using "all reasonable efforts" could be?

M. HANSEN: Yes. So, under the current statute, that's the standard we use for escaping abuse at the place of employment, and that is an opportunity to work with your employer, such as requesting a different shift, requesting some other accommodations in employment.

WILLIAMS: Thank you very much. I think that is very helpful. This is clearly an issue that is important to all people in our state, whether you live in an urban or a rural area caring for our senior people and yet maintaining employment if possible at the same time. And with that, I certainly stand in support of AM71 and the underlying bill. Thank you, Mr. President.

LINDSTROM: Thank you, Senators Williams and Hansen. Senator Chambers, you are recognized.

CHAMBERS: Thank you, Mr. President. Talking some more about what happened with black people. During the war there were prisoners captured by American troops, and they were taken to prisoner camps in this country. And there were black men, soldiers in U.S. military uniforms, assigned to guard them. And guess what happened on the trains when they went through the South? Guess what happened? The black troopers, black troops, were told to ride in the segregated areas while the white, the German and the Italian prisoners of war rode in the white sections. These Americans had a greater affinity with the Italians fighting against this country, the Germans fighting against this country, than for the black Americans fighting for this country. They were required by the government to, quote, "honor", unquote, that which dishonored their personhood, their status as soldiers, in order to comply with the racist practices of the white people who formerly held us as slaves. That's what happens to black people. And when they got off the train, and the prisoners would go to eat, not only were the black soldiers denied access to the restaurants, the local police told them: if you try to set foot in that restaurant just because you have on that uniform, we'll blow your f-in' brains out. Black soldiers. And the high command of the American army told the allies, as they were called, whatever you do, do not bestow any honor on these black soldiers, because that's not what we do in America. The French, nevertheless, bestowed the war cross, the Croix de Guerre, on black soldiers, and the French government was excoriated by white commanding officers for going against the wishes of those who commanded the U.S. troops to recognize the heroism of these black men, thousands of miles from home, protecting white Europeans, while their families, their friends were literally being lynched in this country, the United States of America, with liberty and justice for all.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

That's not that long ago. I was much younger then, but I was alive when that was happening, and the attitudes have not changed. Trump manifests all of them. When he says "make America great again," what period is he talking about? When there was slavery. That's when he thought America was great. And he's doing all he can to get back to that kind of mentality. And that's why more and more bad things are happening--

LINDSTROM: One minute.

CHAMBERS: --to black people. Now, you take the Governor's father, Joe Ricketts, who is responsible for those racist and anti-Muslim postings on the Internet, didn't need to be taught by the Nazis, they were trying to teach the Nazis to do to black people what the Americans were doing to us. How about the wars-- the war to end all wars? There were some commanders who said that the black soldiers had an impossible situation because they had a shooting enemy in front of them, and then an enemy behind them wearing the same uniform who would have shot them in the back if they could have gotten away with it. They knew what was happening to us. They know what's happening to us now. They wonder how I can come down here every day and have done so for over four decades and never get tired.

LINDSTROM: Time, Senator. (Visitors introduced.) Returning to debate, Senator Moser, you're recognized.

MOSER: Good morning. Thank you, Mr. President. I think that all of us bring something to the Legislature. We have a certain life experience that guides us and brings us-- helps us decide, you know, how we vote on everything. And there are a couple of theories that talk about, in psychology, in philosophy, about how this affects interaction between people. But the paraphrase of this theory is if you're a hammer, every problem looks like a nail. And the theory goes back decades. Abraham Kaplan, in his law-- he called his theory "the law of the instrument"-- and Abraham Maslow, who was in the psychology of science in 1966, both talked about it. So, for me, my hammer is business. It's, you know, what I've done through my life, and so I look at things from a business perspective. I don't mean to be heartless, I don't mean to be racist, I-- I think those things, you know, can creep into all discussions among all of us. I don't claim to be perfect, by any means. So that's just kind of my perspective. And I may use that example when I talk about what I think your hammer might be, any of you, when those times are appropriate. So back to the question at hand. The bill appears to be a feel-good thing to allow people to keep their good-cause separation from their business, and-- but I have a couple questions about how it's applied. And I talked to Senator Crawford a little bit about them. But typically in unemployment insurance, when an employer has employees in their employ and they quit voluntarily, they-- I believe, they don't get insurance right away; I think they have to wait a little longer for their unemployment insurance to kick in. And then that insurance-- but if they are

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

fired, the employer, his experience is adjusted by how many employees he has that quit. And so his contribution to the unemployment fund would go up if his experience is bad. So if his ratio of money in his unemployment fund versus his payroll is out of balance and they have percentages that correlate to that, they'll change your contribution rate. So, you're kind of-- it's like if you have a lot of accidents with your car, the insurance company raises your insurance. So same thing happens in businesses. And I was wondering if Senator Crawford would respond, because she does have an answer for this, I believe. So, Senator Crawford, would you care to enlighten me on that?

LINDSTROM: Senator Crawford, will you yield to a question, please?

CRAWFORD: Yes, thank you. Thank you, Senator Moser, I appreciate that question. If you look at the green copy of the bill on page 5. Page 5 lists the conditions under which an employer will not have their experience account charged. And in that list, which of the reasons why someone can leave and the employer would not have their experience account charged, includes a new language, line 21, that references this new good-cause definition. So it would not be something that would be charged against an employer's experience account--

LINDSTROM: One minute.

CRAWFORD: Thank you, Mr. President. Thank you, Senator Moser.

MOSER: OK, thank you. But in normal course, if you quit voluntarily, you have to wait for a certain length of time before you can get unemployment insurance?

CRAWFORD: That would be correct. If you quit voluntarily, you don't qualify for unemployment insurance until after a waiting period.

MOSER: Yeah. Do you know what that waiting period is?

CRAWFORD: I do not know the number of weeks.

MOSER: OK. Well that-- I don't recall what it is either, but I thought maybe that was something that you knew, but that would be a good thing to find out. OK. Thank you very much.

LINDSTROM: Thank you, Senators Moser and Crawford. Senator Chambers, you're recognized, and this is your third time.

Floor Debate
February 06, 2019

CHAMBERS: Thank you, Mr. President. Members of the Legislature, Senator Moser mentioned that if all you have is a hammer, everything looks like a nail. Made me think of some brothers known collectively as the Maccabees. And the people of which they were a part were being oppressed. I'm not going to give you all the details. If you're curious, go look it up. And one of them was named Judah Maccabees, and I believe he was known as "the hammer." They were captured, and there was some torturing going on. And the ones who had decided to utilize torture said that they would not allow the torture to occur in the presence of any of the brothers, because rather than putting them in fear, their presence emboldened the one being tortured, and they realized this when one of them said, "the mother who birthed me" --now, I wasn't there, somebody wrote it, maybe they were fictionalizing as much as is found in the "Bible," but nevertheless it was a good story, and it is handed down, and some torturers take note of it. One mother birthed all of us. My brothers will not see me betray what it is our mother and our people would have us do, so do your worst. Words to that effect. So the presence of those other brothers strengthened the one being tortured. And his reaction to the torturing steeled the resolve of those others who might be tortured. Sometimes a hammer is needed. And I'm willing to be the hammer for black people. I would take it as a compliment to be referred to as a hammer, because everywhere I look, everywhere I go, there are problems, there are nails that we have to deal with. And generally one, two, or a few black men and women are the ones who will always surface because they're the ones who are unafraid. It's not that others don't experience the same thing, don't feel the same way, but they feel they have more to lose, or they're just fearful people. But I'm not going to be infected by fear, as often happens. Fear will multiply itself. Now, these bills that are being presented this morning are receiving a degree of cover from me. What I am doing is smoothing the way for these bills to move with scarcely any debate, no controversy. I am the Tuskegee Airman this morning, and these bills are bombers, fortresses who are not taking enemy fire because I'm the target. And I'm not doing it to help them, but I just want them to be aware of the fact that there are many things that go on on this floor that some people are unaware of, but I'm aware of all of it. Now, the god Janus supposedly had a face in the front of his head and a face in the back of his head--

LINDSTROM: One minute.

CHAMBERS: --so that he could see the future and the past at the same time, right between January and December. Another one was Argus, who had eyes all around its head, could see everything at the same time. So those are just analogies to let you know that I know far more about all of you than any of you know about me. You don't have to know about me, but I have to know about you. You all are cut from the same cultural cloth, your interests, which I'll touch on should there be enough time for me to be recognized again. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. [Visitors introduced.] Returning to debate on AM71, Senator Scheer, you're recognized.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

SCHEER: Thank you, Mr. President. Would Senator Crawford yield for some information, please?

LINDSTROM: Senator Crawford, would you yield to a question, please?

CRAWFORD: Yes.

SCHEER: According to the bill, the employer's own modification is not affected by the employee leaving, correct?

CRAWFORD: Um-- I don't-- say that again, please.

SCHEER: The employer that they're leaving, their modification for unemployment insurance is not affected by the employee that leaves?

CRAWFORD: Their experience account is not charged, if that's what you mean.

SCHEER: That would be correct. However, the funds are still coming out of the unemployment insurance fund, correct?

CRAWFORD: They would be coming out of the unemployment insurance fund, yes.

SCHEER: And all of those funds are provided by employers across the state of Nebraska?

CRAWFORD: That is correct.

SCHEER: So regardless if it is affecting the employer's modification or his-- whatever term you utilized, when those additional funds are now being used, they will have to be replaced, so there is probably a good chance that the rate for the entire state would have to go up to facilitate those wishing to utilize this portion of your legislation; would that be correct?

CRAWFORD: That would be-- that would be correct if it's a big enough hit on the fund. The fiscal note notes that 100 people, about, leave for this reason currently. And so, of that 100, then those who are able to look for another job would be the ones who would, so some number, 100 or less, would be the number of people who would be added, in terms of the draw on unemployment-- excuse me, the draw on the unemployment.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

SCHEER: Fair enough. But, ultimately, those funds are coming out of the fund, and they have to be replaced.

CRAWFORD: Yes.

SCHEER: I mean, they keep it at whatever operational level they feel it needs to be at this point based on the rate that they're charging every employer. So if there's some additional funds being drawn out that aren't being considered under the current rating structure, the rate for every employer would, unintentionally, perhaps, have to increase to cover those additional funds?

CRAWFORD: Correct.

SCHEER: OK, thank you.

LINDSTROM: Thank you, Senator Scheer and Senator Crawford. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, Mr. President. Senator Crawford, would you yield to a couple of questions?

LINDSTROM: Senator Crawford, would you yield?

ALBRECHT: Can you just quickly-- you said that 29 U.S.C. 2611 qualifies as a reason to leave, is that right?

CRAWFORD: I said that the language on page 5 of the bill provides that this provision that we're adding would be one that would not be-- that's in the list that is not charged against an employer's experience account.

ALBRECHT: OK, not charged.

CRAWFORD: Correct.

ALBRECHT: So if a person worked at a company for 16 years and has a loved one that needs attention-- I think of myself with both of my parents-- I worked at my job a lot longer than that, but I certainly wouldn't have considered just leaving my job. Do these people plan on coming back to that same position?

Floor Debate
February 06, 2019

CRAWFORD: Well, two things; one, the amendment requires that they make all reasonable efforts to preserve employment. So, that would require that they would have had to have asked for a different shift or asked if there's any accommodation that could be made and only if the employer is not able to make an accommodation that meets their needs could they qualify. And then secondly, the person who left that job has to be looking for another job actively to qualify for unemployment insurance. So it would have to be the case that they left one job. That job couldn't accommodate them, but hopefully, perhaps another job could accommodate their caregiving needs.

ALBRECHT: Okay. So-- so who in the amendment then would be the person who-- who decides if it's a reasonable reason to leave? I mean, does the Department of Labor or whoever is going to be providing those funds for them, do they check with the employer and say, you know, tell me the story, does this qualify or does that not? I mean, how are we going to really wrap our arms around whether this is a good bill, bad bill if we really don't know what "reasonable" means. You know, I just feel like, you know, if I-- if my-- if I had a full-time job and my daughters asked-- somebody had an appendicitis attack, it went a little bit wrong, she's going to be out of service for awhile, would like some help with the kids, that kind of thing, so I've got this job that I've had for a long time and I have to decide can I go home and help her or do I, you know, I mean, I just want it to be clarified a little bit more.

CRAWFORD: Sure. The Department of Labor ultimately decides. And what they described to us about that process is they usually first interview both the employer and employee and if both the employer and employee agree that it's an open and shut case that really they don't need to go much further beyond that. If there was a disagreement, then they would have to make further inquiries to decide.

ALBRECHT: Because it would be a bad thing if they did quit and thinking that they're going get this and not be qualified to have it. So I appreciate your answers and I'll take it under consideration.

CRAWFORD: Thank you.

ALBRECHT: Thank you, President.

LINDSTROM: Thank you Senator Albrecht and Senator Crawford. (Visitor introduced.)
Returning to debate, Senator Moser, you're recognized.

Floor Debate
February 06, 2019

MOSER: Well I certainly believe-- Thank you, Mr. President, and colleagues. I certainly believe that the cost of this bill should be quantified in that we should know what the delay is before you can get benefits that are charged either against the employee's account or against the unemployment fund in general. In our discussions the last couple of days, we have gotten off on some kind of philosophical and social tangents and, you know, I bit my tongue so many times. I wanted to get up and talk. So back to this hammer discussion. You go back a couple of centuries, and this idea has been around a long time, one of the earliest mentions of it was you give a youth a hammer and soon he will be banging on everything. So that's a little different skew than the two other philosophers and psychologists that mentioned this theory. But I think it affects us all. If you've got a bad back and you go to an internist, he's going to give you medicine to relax the muscles in your back. OK? If you go to a doctor of chiropractic, who is not here, so I can't pick on him, he's going to try to arrange-- try to rearrange the vertebrae in your back and get all the little cushioning doughnuts in between your vertebrae back in line so that you don't have pain. You go to a physical therapist, they're going to give you exercises to do to try to stretch out your back and alleviate your pain. And I think we all need to realize for what purposes we are a hammer, what we bring to the Legislature. And I look at that, you know, because I think we have people who work for nonprofits and their hammer is social justice and making things better for the poor and downtrodden. And then we have Senator Chambers who I think one of his hammers, he may have more than one guiding principle, but he looks at everything to see whether it involves discrimination. And I think, you know, there is discrimination-- I don't dispute that-- to varying degrees and not as much in some things as, in my opinion, as he finds. That has nothing to do with the current discussion of the article in the World-Herald. But I think the cost of it, I think, is something that we do want to look at. If you could figure that out, it may change my attitude on the bill. But overall, I think it's going to cost the state more money. I would like everybody to have more money and everybody to win every contest. But, you know, businesses have to make a profit to pay taxes. That's my hammer, the business aspect here. And if businesses aren't making a profit, they can't pay taxes. If businesses don't have surpluses, they can't donate to nonprofits to give jobs to people who care about the downtrodden and the poor and the-- and I don't want to be heartless towards those, but if you kill business, there's no way for those nonprofits to exist. They need money from businesses, they need tax money from the federal government, from the state. That tax money was taken away from us against our will. And to take that money and give it to nonprofits, they're trying to solve a social purpose, I understand that.

LINDSTROM: One minute.

MOSER: But keep in mind, businesses have to be profitable. They have to stay in business throughout the whole process to keep America moving. We can't all be solving everybody's problems and all sharing the same pie. Business needs to succeed in order for the Legislature and for Nebraska to do well.

Floor Debate
February 06, 2019

LINDSTROM: Thank you, Senator Moser. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I think a lot of what I had in mind was answered by Senator Albrecht's exchange. But I looked up the definition of the serious health conditions-- you know, in-patient care in a hospital, hospice, or residential medical care facility or continuing treatment by a healthcare provider. So the ones who confirm that-- question to Senator Crawford if she would take it.

LINDSTROM: Senator Crawford, would you yield, please?

CRAWFORD: Yes.

GROENE: Is a board or something at the unemployment insurance division of labor or whoever handles it?

CRAWFORD: The Department of Labor is the one who would handle these claims. And they would be the ones ultimately responsible for deciding.

GROENE: So would they make the individuals show proof of the one they are caring for has one of these conditions before they approve the payments?

CRAWFORD: The Department of Labor said they would require proof that it's a family member and they would require proof of the medical condition.

GROENE: All right. But do you know, Senator Crawford, right now, how many individuals a year take the family leave of the 12 weeks, whatever the federal government allows?

CRAWFORD: I don't know how many people take unpaid federal medical leave. This bill is for when someone has to quit their job entirely, so it's not about taking some leave. It's when you have to quit the job you're in because you've made all reasonable efforts to accommodate and there's no way you can stay in this job and still address the serious health need of your family member.

GROENE: Yes, thank you. I think I caught that. I mean, because the 12 weeks for a lot less-- you can take that for a lot less reasons than these life-or-death situations and the serious health conditions in federal law, I understand that. So anyway, I just can't support it. We just keep

Floor Debate
February 06, 2019

nickel-and-diming away at the cost of business. We just can't do it. I mean, where are we going to stop? So anyway, I'll vote red on LB306. Thank you.

LINDSTROM: Thank you, Senator Groene. Senator Lathrop.

LATHROP: Thank you, Mr. President; colleagues, good morning. I support both the amendment and the underlying bill. I sat through this committee hearing and I'd like to share what I understand to be the case with respect to this bill and maybe do it by using an example. And let's take as an example somebody who is a traveling salesman. This person has a job, maybe they have had it for 25 years, and on Monday they load up their briefcase and their suitcase and they travel a three or four, five-state region and they're gone from Monday to Friday. OK? And now understand that mom just had a stroke. She's been through whatever acute rehab and now she's got two choices. Mom is either going home to be cared for by somebody or mom is going into a nursing home. Right? What this bill is intended to do is to say to this traveling salesperson, who has to leave work to attend to mom. OK? So this is leaving to go attend to a family member who needs care. That can come from the nursing home, it can come from a family member, but it's going to happen. And what this says is if that person can't work out an arrangement with the employer, that's the first thing they've got to do, sit down with the boss and say: mom had a stroke, I'm an only child, I got to go take care of her and I need you to work something out, but I can't be in South Dakota every night, I got to be in Omaha to take care of my mother. If you can work it out, they work it out and the person never leaves the employer. If they can't, the person then leaves. And while they are gone, they don't qualify for unemployment. They don't get it automatically because you have to be ready, willing, and able. That means that if you have to-- if you have to be with mom all day long, 24 hours a day, you don't get the benefit. It's only when you're prepared to come back into the labor market. So let's say this traveling salesman has a sibling that's going to watch mom during the day, but you can't-- and you're going to watch him at night. If you can apply for a job during the day, then you would get the benefits because you're looking for work. Now, Senator Groene sees this from the point of view that business is paying something. First of all, it's not coming out of my account. So if I'm the employer for this salesman, it's not coming out of my experience account, my particular tax isn't going up. We spread the cost across all of business that contributes to this account. Is there a marginal, tiny cost to all of us to do this? Yes. Because we all pay into the unemployment compensation fund. But it's not just an expense. So here's the other side of it. If I stay home with mom, who had the stroke, then mom isn't in a nursing home. She's not using Medicaid to pay a nursing home. Anytime we have an opportunity, colleagues, anytime we have an opportunity to keep people at home and have family attend to them, there's going to be some expense and there's going to be a huge savings. It won't show up in a fiscal note, right? It won't show up in a fiscal note, but now we're using less Medicaid paying into the nursing home from the Medicaid account because I'm going to stay home with my mom and that's what I have chosen to do. Or I can just go, look, mom, I can't work anything out, I can't make a living, I got to go on the road every day and we

Floor Debate
February 06, 2019

are going to put you in a nursing home and now we're paying even more. This is a small nod towards the uncompensated care--

LINDSTROM: One minute.

LATHROP: --that people provide and have to leave an employer for and understand they don't get it because they are caring for mom, they get it because they are now, since they have left this employer, ready, willing, and able to take a different job. Maybe mom is better. Maybe mom died and now I need to go back in the labor market. I can then collect under this bill unemployment compensation benefits which are pretty basic. This isn't a way to make a living, it is a bridge to employment. This bill has been thought through, it has significant benefits to state government, to the Medicaid account, and it makes for good policy. Let the family members care for their parents instead of putting them in nursing homes where we'll spend more money. So with that, I would encourage your support and ask you to think in broader terms than just whether the unemployment compensation fund--

FOLEY: Time, Senator.

LATHROP: --is going to have the cost going up by a marginal amount. Thank you.

FOLEY: Thank you, Senator Lathrop. Senator Crawford.

CRAWFORD: Thank you, Mr. President. And thank you, Senator Lathrop, for your explaining what the impact of this bill will be on families and on the employers; a major impact for families and a minor impact for employees, spread out over all the employees. Colleagues, the fiscal note notes again that about 100 people leave for this reason in a year. And again, it would be some subset of that 100 who would actually be able to look for another job, be looking for another job in order to qualify for unemployment benefits. You have to be looking for another job to qualify. And the example of a traveling salesman is a great, perfect example of what that might look like. There's not accommodations that can be made in your current job, but you can still hold down a job, you just need a different job. And this bill allows someone to qualify for unemployment when they have to leave. This is considered a good cause. So they could qualify for unemployment benefits right away while they are looking for that next job. I want to answer the question that was raised earlier, how long does someone have to wait otherwise? If this bill does not pass, if LB306 does not pass, then someone in that situation would have to wait 13 weeks before they could qualify for unemployment benefits. So, if you're the traveling salesman and your mother has a stroke and you need to change the kind of job that you have, there would be three months, 13 weeks, three months when you would not be able to qualify for unemployment. If LB306 passes, if that's the case, and again you must stay home, there's no accommodations

Floor Debate
February 06, 2019

that your employer can make that allow you to provide the caregiving that you need to provide, then you could qualify for unemployment benefits right away. So, that's three months, three months that you would have-- able to look for that other job and have your unemployment benefits. Otherwise, even though you had to leave the job because your mother had a stroke and there was no way your employer could accommodate those caregiving needs for your mother's stroke, you would have to wait three months before you could qualify for unemployment benefits. So this is an important difference to these families to allow them to have this safety net immediately when they have to leave that job as opposed to-- and having it being treated as leaving for good cause, as opposed to having it be treated as not for good cause in which case they are disqualified for unemployment for at least three months. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President. I rise to continue support of LB306 and AM71. I wanted to kind of take a step back and remind people what we already have in current law under this section. Senator Crawford is adding a new entry into already existing lists of people who qualify for unemployment benefits when they have left voluntarily but for good cause. And it's a list we put in statute saying we understand that you are the one who technically submitted your resignation, you're the one who technically left your employment, but there was some other issue bigger than you, outside of you, that has actually forced your hand to do that. And there's ten sections already in there-- actually 11 sections already, and including a catchall provision where-- including a catchall provision that gives some discretion to the Department of Labor, as I interpret it, for equity and good conscious demanding a finding of good cause. Some of these ones that are already included in there, I referenced one earlier in the questioning on my microphone, but when an individual makes all reasonable efforts to preserve employment but voluntarily leaves work due to abuse at the placement of employment. And we defined abuse elsewhere in the statute. An individual left for their own health and illness for a nonwork-related injury. An individual left because their spouse changed employment in a different city or was deployed because of new military duty stations. An individual who was going to be forced to relocate by their employer and chose to end termination rather than relocate. And specifically, one we just added two years ago, we as a body, and it passed unanimously 47 with two not present, was an individual has left his or her employment to attend school. So in 2017, on a bill by Senator Albrecht, we looked at this section and said, you know what, individuals who leave their job to attend school, that is considered good cause. That is considered good cause and they can then apply for unemployment benefits because they left because there was a bigger issue than them, encouraging them to leave their place of employment. And I would like to remind everybody, Senator Lathrop did a good job of this, this is an individual who is actively looking for work but is filling in that gap period between leaving one job and looking for another. In order to get unemployment benefits, you have to be actively looking for work and that is something the department can ask you to prove, and you have to accept employment when it is

Floor Debate
February 06, 2019

offered to you. So this is not just money to stay at home, this is not just money to do anything with. This is-- there is an instance bigger than you that forced you, through no fault of your own, you left for good cause, to have to walk away from your employment. And I think adding some of these caretaker responsibilities is an understanding of the practical application of people in their day-to-day lives. There is a situation where, you know, if your job that travels significantly or if your job that makes you work the night shift or if there is some other aspect of that where it just fundamentally conflicts with the caretaker responsibilities you need to take of, we can provide you a bridge when you, say, leave your job on the night shift and it takes you a few weeks to find a new job on the day shift. In the meantime, your mom is sick and is at home and you have to go take care of her. It's a job where you have to travel significantly. I have some relatives like this who travel more-- who are out of state more days than they are in-state. And that just fundamentally if they were asked to do a caretaker responsibility for their spouse, they just couldn't and continue employment there. And that would be a situation where their hand was forced. You're going say: I know my job is requiring me to fly out to Seattle tomorrow, but my wife is sick in the hospital and I want to be here and I'm willing to continue working in the state of Nebraska, but it might take me a couple of weeks to interview and get hired on somewhere else. And you can have that safety net to say, you know what, I know I can get unemployment to help me stem this time in this really tough time in my life where my wife and I, neither of us are working because I had to leave to take care of her and she's in the hospital and she can't work.

FOLEY: One minute.

M. HANSEN: Thank you, Mr. President. And we as the state will say, yes, we recognize that is good cause for leaving employment; yes, that is a situation out of your control, not the kind of forcing your hand to leave that job. And if you are actively looking for new work and accept work when you take it, when you're being an active member of the economy and the labor force like we want you to, we will give you some unemployment benefits to help stem those rough few weeks. With that, I would encourage your favorable adoption of the committee amendment and LB306. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Senator Geist.

GEIST: Yes, Mr. President, thank you. Would Senator Crawford please yield for a question?

FOLEY: Senator Crawford, would you yield, please?

CRAWFORD: Yes.

Floor Debate
February 06, 2019

GEIST: Thank you, Senator Crawford. And I apologize on the front end if I have missed this part of the conversation. But I'm curious if there's any time frame that specified that this employee would receive benefits or pay?

CRAWFORD: This bill does not change the time frame which someone qualifies for benefits. So it doesn't increase the amount of time they qualify. It simply shifts that time up. And that's an important point is that it allows somebody to qualify immediately instead of having to wait three months.

GEIST: OK. Thank you. Thank you for clarifying that.

FOLEY: Thank you, Senators Geist and Crawford. Speaker Scheer.

SCHEER: Thank you, Mr. President. I wanted to stand to say that I will support the bill. However, I do think in a lot of these instances where we are funding this, this is an employer fund. These leaves really don't have anything to do with the employment. It is not a reason that they have had a mishap in their family, but it doesn't affect necessarily employment. I would rather have seen this be a state responsibility, perhaps coming from Health and Human Services or somebody else because if you have someone that is having to recuperate at home and it needs assistance, Health and Human Services has a fund that they have available that would provide for that person to come and do that service. If you have a relative, you can even be a relative and be paid as a caregiver for a child or a spouse in the house. But those are coming out of state funds through Health and Human Services, which we all pay, rather than in this case, the fund is completely funded by employers within the state of Nebraska. So, I'm not trying to split hairs, but I do think the function of this would be better suited in some other funding mechanism. But I do see the need for the type of compensation when people are put in this instance. So I will support it, but I would have rather seen the funding come from some other source. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senator Moser, this is your third opportunity, Senator.

MOSER: Thank you very much. I do think that the change in the bill would possibly change the number of people who quit for this reason. If a hundred people now quit knowing they are going to have to wait three months to get their unemployment benefits, that might affect whether they quit to take care of their family. So the fund is based on experience, actuarially it's set up that they know about how many people probably are going to be unemployed and they charge the unemployment insurance rates based on what they think they need to keep the fund healthy. So, again, I'm not trying to be heartless. You know, I have been in this situation where family members needed help. One time, my mom fell over in the middle of the night and she called me

Floor Debate
February 06, 2019

the next morning about 7:30 in the morning and I said, what's up, mom? She said, well, she says, I fell over and I can't get up. And so I went over to her house and, sure enough, she was laying on the living room floor. And I helped her get back in the chair and I said, well, are you going to be all right? Are you going to be able to get around? She said, oh yeah; she said, sure, I just slipped and she said, I couldn't get back up. And I said, well, if you fell over in the middle of the night, why didn't you call me then instead of waiting until 7:30 in the morning? And she said, well, she said I was afraid you'd probably put me in the home. So that was supposed to be a joke, but nobody laughed. The gist of the story is, I think we're all compassionate to a point. But we do need to look at the effects of what we vote on and how we change rules. Thinking you're going to help a hundred people and not cost much, it could be 10,000 people and it could cost a bunch. It could get into the unemployment fund and throw it all out of whack. So I do think we need to consider the business implications of things we do. Thank you.

FOLEY: Thank you, Senator Moser. Senator Groene.

GROENE: Thank you, Mr. President. I looked up the state unemployment tax rates nationally. We are rated one of the most business-friendly states in the nation, top three, and there's reasons for it. We are number one in the lowest tax rate, unemployment tax rate. We tie with nine others at 5.4 percent. But we max out-- this is 2017, I didn't get anything newer. We only do that on the first \$9,000. We're number two, excuse me. Florida does it at \$7,000, only on the first \$7,000. We do it on the first \$9,000. Alaska who is 5.4 percent, they do it on the first \$39,800. New Mexico, 5.4, but they do it on \$24,300 of wages. We do it at \$9,000. On new employee rates, we're 1.25 percent. Puts us about six, there's some at one, two. But again, we're at \$9,000. Here's Iowa, they are at 1 percent, but they're \$29,300. It's called incrementalism. And I'm going to correct you, Senator Moser. It's not "we," it's not "I" doing my good works and taking care of people. We are doing it with other people's money. We are doing it with the business community's money who can hire somebody new and where does it stop? There is a reason we're number one. There was a reason we can get away with some high tax rates, because we have other benefits to employers when they come to this state. And one of them is their unemployment tax rate. It's not hardhearted. It's called incrementalism. It's how you become-- it's how you become New York-- well, New York is pretty reasonable actually at \$10,000 and 8.4 percent. But here's a nice big one: \$40,000 at 5.6 percent, Hawaii. They are all in those types of ranges. And believe me, corporations look at that. That's a tax that's unavoidable. There is no economic development plan to avoid that one. If you're going to hire new people, you pay this tax. You raise it, it goes on every job in the state. Thank you.

FOLEY: Thank you, Senator Groene. Senator Crawford.

Floor Debate
February 06, 2019

CRAWFORD: Thank you, Mr. President; good morning, colleagues. I appreciate this debate that we're having. Just wanted to reinforce a few important points. One is that this bill does not change how long someone can be on unemployment benefits and, colleagues, someone is eligible for unemployment benefits for up to 26 weeks. So there's a limited amount of time that somebody can receive these unemployment benefits. It's limited to 26 weeks. And colleagues, I think if you think about what is going to happen if LB306 passes, what it means is that someone can qualify for those unemployment benefits immediately after they have had conversations with their employer and there's no way their employer can accommodate. And, I want to emphasize this, and they are actually looking for another job. We have pretty strict rules on unemployment insurance about how someone has to be showing evidence of looking for another job. So somebody has to be showing that evidence of searching for another job in order to qualify for unemployment benefits. So, again, the number of people who are likely to qualify under this benefit is pretty small because it's the number-- we have only a hundred people who leave for this purpose right now. And again, of that 100, it would be those who would be coming in-- who would still be able to qualify for another job. So somebody whose caregiving responsibilities are serious enough they had to quit their job they are in now, but somebody who was still able to hold down a job. And the faster that they get to that next job the better. And, colleagues, that's in part a lot of what our unemployment insurance is designed to do, it's designed to help people get to that next job. And so if somebody is in this program immediately, they are immediately getting that assistance to get to that next job. The other thing I want to emphasize is that I don't think it's going to have as much of an impact on the unemployment fund as you might expect because, again, these individuals could qualify if they waited three months. So it's a matter of moving up the time frame in which they can qualify. If LB306 passes, they can qualify immediately. If LB306 does not pass, then someone who left their job for caregiving reasons has to wait for three months before they can qualify for unemployment insurance, even if they are searching for another job. And I do want to also emphasize, as Senator Hansen emphasized, that this is an incremental small change in our unemployment law. We have, as you'll see in the green copy of the bill, we have other reasons that people are able to leave their jobs and still qualify for unemployment benefits. And the basic principle is, did you have to leave your job for a reason that's outside of your control? Did you have to leave your job because something happened at your business that-- and you had to leave your job, it was outside of your control? And if you see some of the reasons that we have in place, we have a reason that if somebody has to leave for because of an illness or an injury, so if you are ill or if you are injured and have to leave your job currently, then you qualify for unemployment benefits. And that's considered outside of your control. LB306 recognizes that there may be someone in your family who is ill or has an injury that requires care and that you may need to leave your job because someone else in your family needs that care. So basically LB306 recognizes that someone in your family who is ill or injured and requires caregiving time--

FOLEY: One minute.

Floor Debate
February 06, 2019

CRAWFORD: --is something that is outside of your control. It wasn't something that you chose. This happened to you in your life and LB306 recognizes that if this happens to you, if you have someone in your family who is ill or injured and needs care, that that may be a reason that you have to leave your job. And again, the bill requires that you've try to make accommodations with your employer, but if your employer simply cannot accommodate those needs, then you have to leave your job because someone in your family is ill or injured, and that is something that's outside of your control. And LB306 recognizes that and recognizes that this family caregiving is important for us to do. And as we noted before, it's important in part to keep people from going into long-term care. And so this is important in terms of caring for our family members, but also important in terms of saving that money for the state as well. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Stinner.

STINNER: Thank you, Mr. President. Members of the Legislature, I'm always a little skeptical when we are trying to create a new class of beneficiaries of the unemployment insurance and other classes. So Senator Crawford and I have talked a little bit off the mike in terms of the fiscal note. And that's-- I generally trip over my fiscal notes from time to time. But it's interesting, \$400,000 may be small, but if you take it times 10 years, you all of a sudden somebody has to replace it. So I as an employer am pretty sensitive to the money and programs and size of programs as it relates to that. But, that said, based on everything being equal, that somebody would wait, you know, long-term care of a participant, this \$400,000 would have been paid to them after 13 weeks. Now, the question becomes, because you passed this and you can get unemployment, is there more than-- looks like 100 people, would it now be 120? So were we incenting people to leave their employment to take care, I don't know the answer to that; I'm not a behavioral scientist. The question I have is, \$400,000 compared to what? How much is in the entire fund? And if it's \$40 million, it's 1 percent. We could call that immaterial. But that would be something to look at and certainly to debate. So, if somebody just takes 8 weeks instead of 13 weeks, they would qualify for this, they would not have ever pulled on insurance. I don't know what that would look like either. There's some cost associated with it, I guess is the bottom line, something to look at. Something obviously from a caregiver's side that needs to have caregiving and needs to take off to take care of a loved one and qualify right away. This probably gets that done. I'm just kind of in-between all of that. What happens now? I mean, a person does take off anyway, so is it their responsibility to have saved money? Is it their responsibility maybe that they are taking care of a loved one, that they have paid for it already? So, it is a new program. I get it. And we're moving, shifting dollars. I'm a little concerned about the fiscal note at \$400,000. I think it's a different number than that, depending on behavior. So, anyhow, that's kind of where I'm at with this bill. I'll probably vote for the bill simply because there's a compassionate side of me and there's the other side of me that's the analytical side that says the \$400,000 probably isn't \$400,000, but it's a number. So thank you.

Floor Debate
February 06, 2019

FOLEY: Thank you, Senator Stinner. Senator Blood.

BLOOD: Thank you, Mr. President. I initially had not planned on speaking on this bill today, because I thought it was a no-brainer. But I do stand in support of the amendment and in support of LB306. One of the reasons I'm standing is because I was so happy, first of all, to hear somebody finally use the word compassion. We are talking about employees, some of the senators are at least, and making them sound like they are not people, that they are things. We're talking about people. We're talking about the state of Nebraska who is a pro-life state, we say every time we talk about Title X that we are a pro-life state and we have compassion and we support life. Well, guess what part of that is? When our family members become ill and unable to take care of themselves, we don't usually get a warning. So being able to save up for an emergency like that is probably not going to happen, especially when you're talking about things like car accidents or illnesses like cancer. Nobody is going to say, hey in 10 years your mom is going to have cancer and you better start saving up money right now because you're going to have to quit your job. That doesn't make any sense. This bill makes sense. They are not going to be using money they wouldn't otherwise use eventually after that three-month period. And when you're on unemployment, you have to be actively looking for a job, so they're probably going to be looking for a job that they can do overnight when their loved one is sleeping so they can have maybe somebody stay as such as a nurse while they are at work. But they are going to be trying to juggle all of these things. Why are we so excited to put these people in poverty and add on to their problems? I became a senator because I believe in compassion. We have opportunities to help those in need. We're not giving a hand-out. We're doing the right thing. We're helping people. We're being compassionate to people. I just ask that when people stand up on this mike and they start talking about these people, they don't make them sound like pawns on a board. But they remember that it's their own families, their neighbors, their constituents. I appreciate what big business does for Nebraska. But it is our job as lawmakers to make sure that they are taking care of their employees in a way that is, again, compassionate and fair. This bill is very fair. Senator Crawford had a lot of ways that she could have gone about this, but she did it in a way that was fair to the taxpayers in Nebraska, fair to big business, but most definitely fair to those that need to use this when they are in need. So again, I stand in favor of both the amendment and the bill and I do thank Senator Crawford for bringing this bill forward today. Thank you, Mr. President.

FOLEY: Thank you, Senator Blood. Senator Hughes.

HUGHES: Thank you, Mr. President; good morning, colleagues. Not being-- I'm an employer, but not to the extent that I'm contributing to unemployment. So this is a very interesting discussion to me about the nuances of the unemployment and how we handle it in the state of Nebraska. So I do have some questions on the amendment if Senator Hansen would yield to a question, please.

Floor Debate
February 06, 2019

FOLEY: Senator Hansen, would you yield, please?

M. HANSEN: Yes, I would.

HUGHES: So, Senator Hansen, thank you. The committee amendment says that the employee has made all reasonable efforts to preserve unemployment. Can you expand upon that just a little bit for me? What does that actually mean?

M. HANSEN: Sure. That is-- well, first and foremost, it's already language used in the statute in another section of-- another subsection of the same section. But what it is is basically it's a burden that the employee would have to prove that they made an attempt to work with their employer to see if there was some sort of employment accommodation that they could work out between them that would allow them to do the caretaking responsibilities and still work.

HUGHES: So the-- who says, yes, it's a reasonable effort or not? Is that the employer or the employee's-- I mean, who makes that call?

M. HANSEN: The Department of Labor.

HUGHES: So would the-- the employer would have to contact the Department of Labor to dispute that the employee didn't make a reasonable effort? How would that work?

M. HANSEN: Sure. So currently, as it works is when there's an unemployment insurance claim, the employee submits their application and their claim and makes a statement of their situation and the department does a precursory investigation. And if the employer agrees that the employee's claim is true, that's kind of the end of the story and it gets paid out. If the employer disputes it, there's then an investigatory process and then potentially an appeals process once they make a decision.

HUGHES: So I guess kind of what happens during that process to the employee, are they receiving benefits if they should take advantage of this situation that we're creating for them?

M. HANSEN: No. They would have to win their claim. So if they failed to prove they made reasonable accommodations on their initial application, they would not be receiving benefits until they won on appeal.

HUGHES: OK. Thank you.

Floor Debate
February 06, 2019

M. HANSEN: Thank you.

HUGHES: I was wondering if Senator Crawford would yield to a question.

FOLEY: Senator Crawford, would you yield, please?

CRAWFORD: Yes.

HUGHES: In-- in, like I said, in listening to this debate is very fascinating. So, you had made the comment that during this initial leave or unemployment period, they had to be actively searching for another job. So if they are caring for the loved one, you know, what are the requirements of searching for another job? I mean who-- how do we track that and how do we make sure that that's the case?

CRAWFORD: Sure. We have fairly strict rules of how many contacts you have to make and how many jobs you have to apply for in our unemployment insurance program. And so they would have to follow those same rules that other people in an insurance program have to follow. And it's per each week, it's a certain number of contacts and a certain number of job applications that you have to submit per each week. And someone is-- from the Department of Labor, is checking to make sure that you are complying with those requirements in order to stay qualified.

HUGHES: OK. So, and is that during the entire time of your unemployment benefits, the 13 of the 26 weeks, or is that just for a start time?

FOLEY: One minute.

CRAWFORD: No, it starts slow and then it increases in terms of how many contacts you have to make week by week. But it does start in week one.

HUGHES: But you still have the 13 weeks or the 26 weeks with which to care for the loved one that you are receiving unemployment benefits?

CRAWFORD: Unemployment benefits go up to 26 weeks. But again, if you are still qualifying because you are searching for another employment and taking any employment that comes that would fit. So you have to-- in addition to applying for jobs, part of the responsibility is that if a job comes through, you have to take it.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

HUGHES: Well, with that-- I guess then that's the dichotomy, if you have left your previous employment and wanting to care for your loved one and you're applying for jobs and if one comes through--

FOLEY: That's time, Senators. That's time.

HUGHES: Thank you.

FOLEY: Thank you, Senator Hughes and Senator Crawford. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I stand in favor of AM71 and LB306. So when my mom was 84 years old, my beautiful, beloved mother, she came down with shingles and I was working full-time and so was my husband and I'm the only child out of five here in Lincoln. And it was taking her down quite a bit. So I said, move into our house, we'll have fun, we'll have dinner all together with the kids. Our kids were still young. And at that point, from that point on, she lived in our home for 10 years until she died, over 10 years, actually. It was a beautiful experience. I wouldn't trade a moment of it. Was it hard? Yes. It was difficult. But I was able as a small business owner-- my husband and I have a law firm together. I was able to take off that time to take her to doctors' appointments. At one point, she fell and could no longer walk. We had to deal with that. She got wounds, we had to deal with that. We had to take her to get wound care. We had to take her for all sorts of matters that you can expect in end of life. But rather than long-term care and because of the fact that I was able to be flexible, to be able to take off from my job, my full-time job as an attorney, I was able to help take care of my mother so that we were not a burden to the state. I think it would be very interesting to see how much money we saved the state by that action. And not that I would ever change it or think about it. We knew there were other options that might be more beneficial economically to our family, those were not the decisions we made, and nor did I have to make those decisions because we were able to handle my mom. What a blessing that was, and how fortunate I was, she was, my kids were. And now we're saying, well, you know, if you have that same thing happen to your mom or a loved one and you can't take off time because you aren't in a position in your business or whatever employment you have to be able to take off that time, well, that's going to be a cost to the state as well. So, I think this is a really good policy. I thank Senator Crawford for bringing this forward and for the amendment that I think makes it stronger. I just hope that you will consider the actual value that we can't even contemplate to our state and to our citizens. And I'd like to give the rest of my time to Senator Kolterman who has a couple of things.

FOLEY: Thank you, Senator Pansing Brooks. Senator Kolterman, 1:53.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 06, 2019

KOLTERMAN: Thank you very much. I'll make this very brief. I was in business for 42 years. My wife and I had a business and at times we had as many as seven employees, eight I think was the top. I paid in for 42 years and we never had a claim against our account. So I don't know where that money all went. It went to pay for other people's situations. When my wife got pancreatic cancer, just like Senator Brooks just talked about, I had the ability to take the time off. We had done well enough that I could afford that. But if we want to put this into perspective, there's a lot of people working day to day, week to week, month to month that don't have that ability. So are we talking about a lot of money here? We really don't know. I'm a businessman. I don't like incremental increases, as Senator Groene is talking about. But at the same time, we have to be compassionate for those-- most people are not in the same boat that Pansing Brooks and I are in. So I think we need to look at this from that perspective. And if you are an employee, you still have to go and apply for jobs. We're just giving them a short reprieve and giving them some time in a compassionate way to take care of those people that surround them. So I'm going to support-- I think AM71 is a good attempt to make it affordable. And I am going to support AM71 and LB306. Typically I would not do that. But my perspective has changed over the last several years and I can tell you that I wouldn't change anything in the last 18 months of my wife's life because I did get to spend that time with her and it was important to me, just like it's important to the everyday average employee on the street. So with that, I thank Senator Pansing Brooks for yielding me a few minutes.

FOLEY: Thank you, Senator Kolterman. Mr. Clerk, for announcements and items for the record.

ASSISTANT CLERK: Thank you, Mr. President. Senator Brewer has selected LB155 as his priority bill. Amendments to be printed: Senator Cavanaugh to LB532; Senator Pansing Brooks to LB55. New resolution: LR20 by Senator Walz and others; recognizes the month of August as Nebraska Woman's Suffrage Month. Communication from the Revenue Committee that their hearing on February 14 will begin at 12:30 instead of 1:30. Name adds: Senator Ben Hansen to LB153.

And finally a priority motion: Senator Kolterman would move to adjourn until Thursday, February 7, 2019, at 9:00 a.m.

FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.