

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

Floor Debate  
February 13, 2019

---

[]

WILLIAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-fifth day of the One Hundred Six Legislature, First Session. Our chaplain for today is Senator Clements. Please rise.

CLEMENTS: [Prayer offered.]

WILLIAMS: Thank you, Senator Clements. I call to order the twenty-fifth day of the One Hundred Six Legislature, First Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

ASSISTANT CLERK: There's a quorum present, Mr. President.

WILLIAMS: Items for the record, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have notice of committee hearing from the Retirement Systems Committee and the Judiciary Committee. Communication from the Governor regarding the appointments to the State College System Board of Trustees. That's all I have at this time.

WILLIAMS: Thank you, Mr. Clerk. Senator Crawford, for what reason do you rise?

CRAWFORD: I rise for a point of personal privilege.

WILLIAMS: Thank you, Senator, you may state your point.

SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. I call your attention to our legislative resolution section of your agenda today, and particularly LR23. Today I'm very pleased to have with us Senator Paul Hartnett, and we are honoring him today for his years of public service, many of those in this body. And so he is here with us today, if you want to stand and recognize him. [Applause] And I will read the resolution. Whereas, Paul Hartnett began his education career in 1951, teaching elementary school in Hubbard and Brunswick. His

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

Floor Debate  
February 13, 2019

---

career flourished during the ten years he spent as an administrator with Bellevue Public Schools from 1958 to 1968. He then went on to mentor teachers as a professor of education at Creighton University for 38 years, while serving on the school board for the Bellevue Public Schools for 18 years and later on the coordinating council for the Learning Community for Sarpy and Douglas County for ten years. And whereas, in 1984, Paul Hartnett was elected to represent the 45th Legislative District while serving the state for 20 years as a member of the Legislature. Senator Paul Hartnett was committed to helping children, increasing community action, and fostering opportunities for education and development. And whereas, Paul Hartnett has been a member of many fraternal, civic, and religious organizations, including Knights of Columbus, Fraternal Order of Eagles, Optimists, Phi Delta Kappa, and Chamber of Commerce; and whereas, Paul Hartnett exemplifies public service and was recognized with a 2018 Champions for Children Award by Voices for Children; and whereas, Paul Hartnett has dedicated five decades to education and public service in Bellevue and the surrounding area. Now, therefore, be it resolved by the members of the One Hundred Sixth Legislature of Nebraska, First Session, that the Legislature thanks Paul Hartnett for his years of service to this state and the Bellevue community. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Crawford. [Visitors introduced.] Mr. Clerk, we will proceed to the confirmation reports.

ASSISTANT CLERK: Mr. President, the first confirmation report this morning is from the Natural Resources Committee.

WILLIAMS: Senator Hughes, you're recognized to open on the confirmation report.

HUGHES: Thank you, Mr. President, members of the Legislature. I present for your approval the reappointment of Richard Mercure to the Niobrara Council. Richard was called-- called into his confirmation hearing before the Natural Resources Committee on February 7. Mr. Mercure lives in Valentine, Nebraska, and operates a canoe rental outfitter business. The Niobrara Council has 16 members, each representing a different stakeholder's perspective. The membership consists of representatives from local, state, and federal government, local land owners, county commissioners, area industries, and the environmental community. The diverse makeup of the

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

Floor Debate  
February 13, 2019

---

council provides a wealth of knowledge, experience, and new perspectives regarding river management issues. Richard is looking forward to continuing to serve as the recreation industry representative on the council. The council shall perform management functions related to the Niobrara Scenic River Corridor, including, but not limited to, those authorized and delegated to it by the National Parks Service. Mr. Mercure said the biggest task of the council, among other things, is just that, to co-manage with the National Parks Service the day-to-day operations of the river corridor. The committee advanced Mr. Mercure's reappointment by an 8-0 vote. I ask for the confirmation of Richard Mercure to the Niobrara Council. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hughes. Is there any discussion on the report? Seeing none, Senator Hughes, you're recognized to close. Senator Hughes waives closing. The question is the adoption of the report offered by the Natural Resources Committee. All those in favor vote aye, those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of the report, Mr. President.

WILLIAMS: The report is adopted. Mr. Clerk, we'll continue with confirmation.

ASSISTANT CLERK: Mr. President, the second report this morning is from the General Affairs Committee.

WILLIAMS: Senator Briese, you are recognized to open on your confirmation report.

BRIESE: Thank you, Mr. President; good morning colleagues. I present for your approval today the reappointment of Paul Leckband to the Commission on Problem Gambling. The Nebraska Commission on Problem Gambling was established in 2013 with the passage of LB6. The commission aims to counter the negative impact of gambling addiction with effective, evidence-based prevention and treatment services for Nebraskans and their families. Mr. Leckband appeared before the committee on Monday, February 4. Mr. Leckband is a resident of Norfolk, Nebraska. He has a background in education and has experience serving on additional boards, such as the Nebraska District LCMS Board of Directors and Lutheran Laymen's League District Board of Directors. Mr. Leckband has been serving on the commission on problem gambling

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

Floor Debate  
February 13, 2019

---

since 2013. The committee was impressed with Mr. Leckband's education background and enthusiasm to assist problem gamblers. Mr. Leckband answered all questions to the committee's satisfaction. The committee approved the appointment of Mr. Leckband unanimously. I urge the body to support the reappointment of Paul Leckband to the Nebraska Commission on Problem Gambling. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Briese. Is there any discussion on the report? Seeing none, Senator, you're asked to close. Excuse me. I missed Senator Chambers in the queue. Senator Chambers, you are recognized.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I listened to Senator Briese's glowing report, and it made me think of a scripture. That happens because you all pray every morning, so I get in that prayerful mood. It said-- what did you say the vote was for this gentleman? Senator Briese, if he will respond.

WILLIAMS: Senator Briese, would you yield to a question?

BRIESE: Yes. It was 8-0.

CHAMBERS: How many members-- how many members are there on this committee?

BRIESE: Should be eight of us.

CHAMBERS: So it was unanimous.

BRIESE: Yes, it was.

CHAMBERS: Did anybody at the committee hearing speak in his behalf?

BRIESE: No, he spoke on his own behalf. No one other than him.

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

Floor Debate  
February 13, 2019

---

CHAMBERS: Okay, this verse that I was thinking of say: Woe unto you, when all men speak well of you. So maybe in trying to fulfill the scriptures, there should be a little "woe" added to the discussion this morning. Did any questions, first of all, by way of introduction, you said he answered directly all of the questions put to him, correct?

BRIESE: Yes, that is correct.

CHAMBERS: Did anybody ask him about his experience of a personal nature with gambling?

BRIESE: I don't recall the questions, to be honest with you, Senator Chambers.

CHAMBERS: Do you, of your personal knowledge or from having heard anything, have an awareness of his experience with gambling?

BRIESE: I would have to look back at the resume he submitted. I do not know.

CHAMBERS: Did you read the resume?

BRIESE: Yes, I did.

CHAMBERS: And it didn't jump out at you that he may have been an active participant in the activity of gambling?

BRIESE: I don't recall without looking.

CHAMBERS: Do you think that people might have a better, fuller, more pertinent understanding of an activity if that person has engaged in it himself or herself?

BRIESE: I would say that could be true.

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

Floor Debate  
February 13, 2019

---

CHAMBERS: Do you think, on the other hand, that a person without any experience could, by speaking with others who have experience, reading about the subject, come to an understanding of what that particular subject may entail?

BRIESE: Most certainly.

CHAMBERS: Do you know whether or not this gentleman ever, first of all, do you know what it means to shoot dice?

BRIESE: Pardon?

CHAMBERS: Do you know what it means when people say "you shoot dice"?

BRIESE: I've heard the term.

CHAMBERS: Is it your understanding that a firearm is involved, yes or no?

BRIESE: I would say no.

CHAMBERS: So, that term is used kind of like a metaphor. What does shooting dice consist of, as far as you know?

BRIESE: I really don't know.

CHAMBERS: Do you know what a di is, d-i?

BRIESE: I believe it's singular for dice.

CHAMBERS: Okay, now how many dice are involved when a person has his or her turn to throw the dice?

BRIESE: It would depend on the game.

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

Floor Debate  
February 13, 2019

---

CHAMBERS: In most situations, how many dice are involved when a person is going to roll the dice?

BRIESE: I would guess two.

CHAMBERS: And you're correct. Have you ever heard a statement attributed to Caesar, "the die is cast, Caesar has crossed the Rubicon?"

BRIESE: Oh, I've heard something to that effect.

CHAMBERS: All right. Were you given some information that might be pertinent to our discussion?

BRIESE: Yes, Senator Blood offered a note here. Her opinion was that his mother was a problem gambler.

CHAMBERS: And was she a problem gambler because she won or because she lost?

BRIESE: Well, I assume because she lost.

CHAMBERS: Well, could a problem gambler--

WILLIAMS: One minute.

CHAMBERS: Could a person have that title as a result of being a winner most of the time?

BRIESE: Yes.

CHAMBERS: Could you give me an example of this highly unusual circumstance?

BRIESE: I hadn't really thought about it, but someone who is addicted to gambling that's on a roll, they could be considered a problem gambler.

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

Floor Debate  
February 13, 2019

---

CHAMBERS: Who would consider that person to be a problem gambler?

BRIESE: Senator Lowe suggests the casino.

CHAMBERS: And Senator Lowe, obviously, has a deeper understanding of the issue than you, and he anticipated where I'm going, but in order to not go over my allotted time, I'll turn my light on.

WILLIAMS: Thank you, Senator Chambers and Senator Briese. Senator Chambers, you're advised to continue.

CHAMBERS: Senator Briese, do you know what a casino is, and I'm not going to ask you to define it?

BRIESE: Yes.

CHAMBERS: Okay, it's a gambling house. And if you do it on a very small scale, it might be a gambling den, it could even be called a crap house. And by the way, people use that term, and they think of it as somewhat vulgar, but there was a man who invented a device that most people have inside their house, and his name was "Crapper." That was his name. So, when you hear that word, most people are unaware that it's a shortening of the name of the man who created or invented that flush toilet that you have in your house. Sometimes when we have a background, we would not automatically attribute a certain meaning to something, and that should bring me to my next question for Senator Briese, and this is that question. Senator Briese--

WILLIAMS: Senator Briese, would you yield?

BRIESE: Yes.

CHAMBERS: Senator Briese, are you surprised that I would engage you in a discussion this morning?



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

Floor Debate  
February 13, 2019

---

BRIESE: No, I'm not surprised. Am I disappointed? That may be a little different question.  
[Laughter]

CHAMBERS: Well, I handed out a little rhyme today, and it talked about asking one question too many, but you may have made one comment too many. Senator Briese, as far as you know, or based on your recollection, have I ever met your wife?

BRIESE: Yes.

CHAMBERS: Do you know whether or not your wife ever presented me with a token or a memento?

BRIESE: Yes, she did.

CHAMBERS: Do you know what it was?

BRIESE: I believe she gave you a plate of four cookies.

CHAMBERS: Now, we'll forget the number. You and I have made wagers in the past, haven't we?

BRIESE: Yes.

CHAMBERS: How long ago would you say that presentation was made to me?

BRIESE: Oh, some time last year, I think.

CHAMBERS: Longer ago than that.

BRIESE: Two years then.

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

Floor Debate  
February 13, 2019

---

CHAMBERS: If a person is given cookies, would that person either consume them or dispose of them some other way in most circumstances?

BRIESE: Yes.

CHAMBERS: Would you like to make a little wager this morning? Do you want to hear what it is first before you accept it?

BRIESE: I know better than to wager with you, Senator.

CHAMBERS: I will wager you that within-- and I didn't know what was going to be discussed this morning, that within three minutes-- let's say five minutes to give me time to get to my office and back, within five minutes I can retrieve that very presentation that was given to me. After that much time lapsed, and I'm in a different office now, do you think-- I always have to digress. Have you ever seen the condition of my office?

BRIESE: Yes, I've been there.

CHAMBERS: Is it likely that I'd be able to go right there in a twinkling of an eye and put my hand on a cookie and bring it back here? Is that likely?

BRIESE: For you, it is likely.

CHAMBERS: Is it likely enough to make you fearful of making a little wager with me?

BRIESE: No.

CHAMBERS: So then you will make the wager?

BRIESE: No.

CHAMBERS: You're not fearful then, are you?

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

Floor Debate  
February 13, 2019

---

BRIESE: I'm not going to wager.

CHAMBERS: Do you think there's anybody who'd wager in your place and just put me on the spot for being such a fat mouth this morning and intimidating somebody?

BRIESE: I don't know. You'll have to ask them.

CHAMBERS: But you have been intimidated as far as making a wager.

BRIESE: Yes.

CHAMBERS: My day has now--

BRIESE: I learned my lesson a couple of years ago.

CHAMBERS: My day-- that's all I'll ask you. My day has now had a better beginning than when I left home. I have a pair of glasses that cost me a considerable amount of money, and I forgot to bring them with me, but being the person that I am, and not expecting everything to go as I would choose to have it go, I have a spare.

WILLIAMS: One minute.

CHAMBERS: And in addition to that, there's an individual in this very building, on this side of the aisle, who because of my advanced age and diminishing eyesight and, I won't say presumably, but perhaps diminishing mental capacity in the realm of memory, wanted to make sure that I would not be in a situation where I could not see the letters that comprise the words that we deal with here.

WILLIAMS: Time, Senator. Thank you, Senator Chambers and Senator Briese. Senator Chambers, you're recognized to continue, and this is your third opportunity.

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

Floor Debate  
February 13, 2019

---

CHAMBERS: Thank you. And, Mr. President, because people, some are waiting with bated breath, b-a-t-e-d, rather than b-a-i-t-e-d. See, bated breath means that you're kind of holding it, wondering, but there is also an animal that uses baited breath, b-a-i-t-e-d, and that animal belongs to the feline family. And some have been known to eat cheese where their little "mices" and just lie down with the mouth open and the breath was baited with the scent of the cheese, and the mouse would run right in. So baited can have different meanings. I don't want anybody to think that I'm calling Senator Briese a mouse, or that I'm a cat waiting to pounce. But this is what was presented to me by one of my colleagues, and for those who cannot make it out, it's a plastic rectangle which magnifies, so on the chance that I had forgotten my glasses, you all would not be spared what I would offer based on my being able to read what we're dealing with. So I want people out there to know that there is at least one person who is willing to look out for me. I will not identify that person for fear of what might befall him or her should that identification be made. But what I really rose for this morning, and I wanted to take all that time hoping I could gather some attention to support what Senator Briese is presenting as a person to work with this group, gambling is a problem. People who gamble become addicted, and the biggest problem is that they will bet or roll the dice or play the cards and lose, then they'll do the same thing and up the ante trying to win back what they lost and gain, and they lose again. And if they are gambling with the wrong kind of people, then they will either pay within a certain period of time, or bad things might happen to them. So I hope we will take very seriously the problem of what is called the problem gambler. And if we really were going to do that, the state would not be involved with any kind of lottery or gambling activity. When the state takes advantage of the weakness of people in that fashion, they ought to go ahead and sell drugs, they ought to open houses of prostitution, and say that the end justifies the means. If the money derived will go for education or charitable purposes, as they might be designated, you can make more money in these other activities that I mentioned. So, Senator Briese, I'm glad you're bringing somebody who understands this problem, is willing to work to try to alleviate it, and since he-- or no gathering of people can abolish it, about all they can do is try to minimize some of the damage that happens to people when they do get addicted by engaging. That's all I have. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Clements, you're recognized.

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

Floor Debate  
February 13, 2019

---

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

WILLIAMS: Senator Chambers, would you yield?

CHAMBERS: I cannot help but yield when one of my colleagues, who has the same number of letters in his last name as I have in mine, the "C" is in the same position in his name as mine. The "m" is in the same position in his name as mine. The "s" is in the same position in his name as mine. How can I do anything other than to yield to the question this gentleman wants to put to me?

CLEMENTS: Thank you, Senator Chambers. I wanted to ask, have we ever engaged in a wager?

CHAMBERS: I think I remember that you and I may have, so let me say to the best of my recollection, we may have.

CLEMENTS: And do you recall who won the wager?

CHAMBERS: I would have to remember what the wager is, and those things that don't turn out the way we want, we often just erase them. So I'll take your word for it.

CLEMENTS: Well, I was pleased that you had to give me a nickel in 2017, as I won a wager, and-- but I also would really like to see those cookies. Would you be willing to retrieve those cookies?

CHAMBERS: Are you willing to make me a wager whether I can or not?

CLEMENTS: Yes.

CHAMBERS: I told you that somebody will lose and bet and lose again. I will then double that wager and bet you a dime that within five minutes I can be back with that cookie. Are you willing to accept it?

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

Floor Debate  
February 13, 2019

---

CLEMENTS: Yes, I'll accept the wager for a dime, but I actually wanted to give you the opportunity to go down to your office, and if you don't return, that would be fine with me. [Laughter] Thank you, Mr. President.

WILLIAMS: Thank you, Senator Clements and Senator Chambers. Seeing no one else in the queue, Senator Briese, you're recognized to close on your report. Senator Briese waives closing. The question is the adoption of the report offered by the General Affairs Committee. All those in favor vote aye, all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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

WILLIAMS: The report is adopted. [Visitors introduced.] Mr. Clerk, we'll proceed to General File.

ASSISTANT CLERK: Mr. President, first bill this morning, LB4A, introduced by Senator Stinner. [Read title.]

WILLIAMS: Senator Stinner, you're recognized to open on LB4A.

STINNER: Thank you, Mr. President. Members of the Legislature, LB4A is the accompanying A bill to LB4, which was debated on the floor last week and advanced to Select File. LB4 would change filing fees for appeals or petitions to the Tax Equalization and Review Commission based on the value of parcels of real estate and allow mileage and expense reimbursement for commissioners. As discussed last week, the fiscal note for LB4 is revenue positive, with \$45,000 projected in income and approximately \$41,000 in expense to be appropriated each year under the A bill for expenditures related to mileage reimbursement for the commissioners. That brings us to a net positive of \$4,136. Colleagues, I urge you to vote yes for LB4A so that it may advance to Select File and catch up with LB4. LB4A is an important step to ensuring equal representation from across the state and equity of pay to all commissioners who serve the state of Nebraska. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Stinner. Senator Groene, you're recognized.

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

Floor Debate  
February 13, 2019

---

GROENE: Thank you, Mr. President. I wasn't here for the LB4 debate. I had meetings, but I'm on the Revenue Committee, and I did not vote this out. I believe I sat. Do you understand what we're doing here? We have some highly paid, decently paid individuals who sit on this board who want to be paid mileage to come in to work. So what we're going to do is the taxpayers overburdened in the first place, who wants to appeal his valuation or her valuation to the TERC board, we're going to raise taxes on them, fees on them. This is not like, let's say, what I did with the MFOs, where it was authority within the budget to do it. This is on the taxpayer, a price increase, a tax increase. Anybody willing, they don't get paid mileage, by the way, when they come in from North Platte to a TERC hearing in Lincoln. They have to come in on their own. You don't take it that far unless you're really thinking you've been aggrieved by the system. And to raise their fees so that some individual can get his mileage paid, I would almost-- I would probably be in support if this came out of the General Fund, that we put it in TERC board's budget that they need mileage fees. I understand it, we get paid here. To raise-- to dump it on the taxpayer, who's already harmed, already hurting because of high property taxes? You know, this doesn't happen that often. It's only the rare case. A lot of people protest their taxes at the county level and they live with whatever the county boards decided. This is those rare cases. And I got a real problem with dumping it on the property taxpayer, another increase in fees. Put it in the General Fund. Let's stand up and do it the right way. Thank you.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, since I got us off on such a cheerful, collegial foot this morning, I want to just draw that to a close. I don't see Senator Briese, but is he here? I'd like to ask Senator Briese a question or two.

WILLIAMS: Senator Briese, would you yield?

BRIESE: Yes.

CHAMBERS: Senator Briese, did I present to you a paper plate with the number of cookies in it and it's wrapped up with cellophane paper and a ribbon is tied around it?

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

Floor Debate  
February 13, 2019

---

BRIESE: Yes, you did.

CHAMBERS: Do you recognize those cookies?

BRIESE: Yes, I do recognize those cookies.

CHAMBERS: Do you know the source or origin of them?

BRIESE: Those are those cookies we talked about earlier that came from my wife.

CHAMBERS: Thank you. And you verify and confirm that these are actually those cookies.

BRIESE: Yes.

CHAMBERS: Thank you. I would like to ask Senator Clements a question or two.

WILLIAMS: Senator Clements, would you yield?

CLEMENTS: Yes.

CHAMBERS: Senator Clements, did you, as a matter of fact, make a wager with me?

CLEMENTS: Yes, I did.

CHAMBERS: And what was the amount of that wager?

CLEMENTS: Ten cents.

CHAMBERS: And who won the wager?

CLEMENTS: You won.



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

Floor Debate  
February 13, 2019

---

CHAMBERS: Have you ever gambled other than that wager you made with me?

CLEMENTS: I'm not a gambling man, no.

CHAMBERS: Have you ever heard the expression "never bet against the house?"

CLEMENTS: Yes.

CHAMBERS: Well, if I come to you and I present something to you, and I'm willing to bet on it, is it an almost sure bet that I know what the outcome is going to be, and if you accept the wager I'm going to win it?

CLEMENTS: Yes, it is.

CHAMBERS: And you have been taught that object lesson this morning?

CLEMENTS: Yes, sir.

CHAMBERS: Senator, people know your age, some people do, is that right?

CLEMENTS: Yes.

CHAMBERS: You're not sensitive about that, are you?

CLEMENTS: No.

CHAMBERS: How old are you, sonny?

CLEMENTS: I'm 68 years old.

CHAMBERS: Oh, to be 68 years old again. Well, let this old man pause long enough to go over here and accept my winnings.

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

Floor Debate  
February 13, 2019

---

CLEMENTS: I had to borrow this dime from Senator Linehan, so I'm indebted to her. Don't gamble. [Laughter]

CHAMBERS: And I'm not through with you. Did she charge you 29 percent interest on this dime by chance? [Laughter]

CLEMENTS: Not yet.

CHAMBERS: All right, maybe I'll put it in her mind, and if she decides to do it, I will not charge a fee for that financial advice, but I would advise you to take it to heart. And I'm going to tell you all why I'm doing this, this morning. There are a lot of things that can be derived in the way of a lesson from what happens. There are people who don't realize that when you go to a gambling operation, you are betting against the house. The house is never going to come away as a loser. If you'd bet on a sporting event, the bookie is going to win whichever team wins, because if you make a bet, you have to bet the amount, plus 10 percent. The other person would bet a similar amount on the same team. The bookie's in the middle, and like a stockbroker, is going to get his or her commission, whichever way the bet turns out. One person will win his or her, let's say \$100, will win, get back his \$100-- her \$100, plus the \$10 they call juice or vigorish, that is what she put up so she gets that, and she gets the \$100 that the other person bet, and the bookie keeps the 10 percent that the loser had put up. They learn from how insurance companies operate. If you are a bookie in Nebraska and somebody else is a bookie in Oklahoma, and each state has people who are very rabid about their teams--

WILLIAMS: One minute.

CHAMBERS: The bookie in Nebraska will get a lot of Nebraska money, and the bookie has to take the bets, the bookie will. The one in Oklahoma gets a lot of Oklahoma money. So they lay off those bets to each other, equal it out, so that neither one of them takes a bath, which ever team wins. Gambling is done by those who operate it on a highly scientific and certain basis. You will never break the racetrack, you'll never break the casino. All you can do is break yourself if you do it long enough. And if you stay there long enough, you're guaranteed to lose.

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

Floor Debate  
February 13, 2019

---

And if you want to make me a wager on that, I'll make it any time you choose. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers, Briese, and Senator Clements. Seeing no one else in the queue, Senator Stinner, you are recognized to close on LB4A.

STINNER: Thank you, Mr. President. Just a comment, Senator Groene and I do not agree that this is a tax increase. That's what he is playing it out to be. Not every property tax owner is going to come to TERC and plead their case. This is a user fee. It's more fair, it covers cost, it's revenue neutral, and I don't believe that the General Fund or the taxpayer that pays their income tax, sales tax, corporate tax, miscellaneous tax, should foot the bill for this. So I am in general disagreement with Senator Groene's proposition. Again, I would ask for a green vote so this can catch up to LB4. Thank you.

WILLIAMS: Thank you, Senator Stinner. The question is the advancement of LB4A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish? Record, Mr. Clerk.

ASSISTANT CLERK: 29 ayes, 1 nay on the motion to advance the bill, Mr. President.

WILLIAMS: The bill advances. Items for the record, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on the Education reports LB430 to General File. Your Committee on Enrollment and Review presents LB22, LB60, LB74, LB302, LB200, LB307, LB256, LB111, LB192, LB192A, LB80, and LB81, all being placed on Select File. Have a notice of committee hearing from the Natural Resources Committee and several from the Revenue Committee. An amendment to the printed to LB288 from Senator Linehan. Your Committee on Banking reports LB116, LB145, and LB384 all placed on General File with committee amendments attached. That's all I have at this time.

WILLIAMS: Thank you, Mr. Clerk. [Visitors introduced.] Mr. Clerk, we'll continue with General File.

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

Floor Debate  
February 13, 2019

---

ASSISTANT CLERK: Mr. President, LB160 introduced by Senator Quick. [Read title.] The bill was introduced on January 11; referred to the Urban Affairs Committee. That committee placed the bill on General File with no committee amendments.

WILLIAMS: Senator Quick, you're recognized to open on LB160.

QUICK: Thank you, Mr. President; and good morning, colleagues. Today, I'm introducing LB160, a bill that would amend the Local Option Municipal Economic Development Act to define economic development program to include early childhood infrastructure development for cities of the first class, second class, and villages. I think this bill is a great example of local control and another option for our communities to help provide quality early childhood care. The Local Option Municipal Economic Development Act is also referred to as LB840, was passed by the Legislature in 1991 to authorize incorporated cities and villages to appropriate local sales and property tax revenues for certain economic development purposes. LB840 programs are approved by local voters and requires that a municipality develop a local economic development plan. Municipalities then can utilize LB840 funds as grants and loans to qualifying businesses, and a Legislature has amended the language to add additional business activities to the definition of qualifying businesses. Some of these qualifying businesses include retail, low-income housing, broadband internet access, film production, rural natural gas infrastructure, relocation incentives for new residents, and work force housing. It seems common sense to me that early childhood infrastructure development should be on this list as well. According to the Department of Economic Development, to date there are 70 communities that have voted to create such programs. In my hometown of Grand Island, we use LB840 funds as the primary incentive offered by Grand Island area economic development corporation. In Grand Island, LB840 funds are used as cash payments made directly to a company and are based on job creation and job training needs for employees. A structured payment system is established between expanding businesses and Grand Island Area Economic Development Corporation. Training incentives can be paid up front to jump start a business, while job creation incentives are an annual payment delivered over a three-year period of time. It is also possible to structure a low-interest or forgivable loan to meet businesses' needs. These are a few examples of how cities use LB840 funds. Cities and villages can create the program that works best for them. While we don't often talk about early childhood as an important part of economic infrastructure, it certainly is.

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

Floor Debate  
February 13, 2019

---

According to recent information from the Committee for Economic Development, the childhood industry in Nebraska has nearly-- has a nearly \$460 million impact on our economy. LB160 represents a logical extension of the act to include early childhood infrastructure development to address the early childhood education shortages which hurt the ability of our communities to attract new businesses. These shortages in early childhood education also hurt the ability of existing businesses to recruit new employees, as employees struggle to find quality childcare for their families. This bill will also ensure that these funds that cities choose to designate for early childhood education are only being appropriated for quality early childhood programs. In 2013, the Legislature passed the Step Up To Quality Childcare Act, which measures early childhood programs on a five-step scale, with step five being the highest rating a program can receive. Under LB160, a program would need to achieve a recognized quality rating of step three or higher to be eligible for LB840 funds. High quality, early childhood programs play an important role in a community's economic development. High quality, early childhood programs for disadvantaged children can deliver 13 percent per child, per year on investment. This type of investment pays real dividends in Nebraska cities. I want to emphasize that the Legislature has made changes to LB840 funds' uses over several years in the past, including quality early childhood programs in this category. Childhood-- excuse me, early childhood programs in this category is a must for our children, our parents and working families, our employers, and our business communities. LB160 comes with no cost to the state, but with a great opportunity for valuable short- and long-term returns that allows for local control of LB840 funds to be invested in new, innovative ways to help ensure the future well-being of children and communities. I believe that when we invest in our children from a young age, we are investing in our state's economic future. With that, I would urge you to vote green on LB160, and I would also like to remind you that this is not a mandate. This is strictly an option use for communities, and communities have different needs across our state. This allows them one more option. Smaller communities may have-- may not have as much manufacturing, but they have workers that live there who maybe drive to, like, a Grand Island, say, for instance, like a Central City, where they have a waiting list for working families for quality day care, and they see a need for those funds to help expand their infrastructure there now to allow for those families to continue to live in Central City, which helps their economy and allows those workers to still travel to Grand Island and go to work every day. So, I would urge you to please vote green on this, and I look forward to the debate. Thank you, Mr. President.

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

Floor Debate  
February 13, 2019

---

SCHEER: Thank you, Senator Quick. Going to discussion on the floor, Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I stand in opposition to LB160. Would Senator Quick take a question?

SCHEER: Senator Quick, would you please yield?

QUICK: Yes.

GROENE: Are you under the belief that a smaller town cannot do this now with LB840?

QUICK: No, they cannot do it with LB840 money.

GROENE: I think you're in error. So, thank you. I'll read the reason why you're in error. In your statute, in existing law, the existing part [c] states this: In cities with population of 2,500 inhabitants or less, as determined by the most recent federal decennial census, or the most recent revised certified count by the United States Bureau of Census, a business shall be a qualifying business, even though it derives its principal source of income from activities other than those set out in this section. Senators, if you're a town of under 2,500 people, you have a blank check. You can use LB840 funds for any business you deem proper, any business. Its principle source of income from activities other than those listed above, which are: force of income from retail trade except that no more than 40 percent of the total revenue, you can read them in Section [c]-- or the original Section [b], above. If you're a town of 2,500, you can do it. Here's what happens in small Nebraska. Young lady gets married, high school education, young family, they have a child. She decides, they decide her to be a stay-at-home mom. She opens a day care. Takes on three or four children-- neighbors, happens all the time. Presently, in a small town of anyone under 2,500 which catches the vast majority of our communities, the city could say we could give you some LB840 money to remodel a couple of rooms. Present law. Guess what happens if this bill passes, folks. That young lady's out, because there's a little bit of a deal in this thing that says for purpose of this subdivision, quality means meeting or exceeding the step three quality scale rating based on quality rating criteria provided under the Step Up to Quality Childcare Act.

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

Floor Debate  
February 13, 2019

---

She's done. We did not allow the small community to do it. We're taking it away from them with this passage of this bill. You know what the Quality Act is? Let me tell you what the qualifications are on that legislation. I was here when it passed, by the way, our first two years here. Application participate in a quality rating and improvement system shall be voluntary. This takes the voluntary out of it. This is a mandate. Senator Quick, it is a mandate. The only individuals now that have to do the program are-- beginning July 1, 2006, each applicable childcare or early childhood education program receives over \$250,000 in childcare assistance pursuant to Section 68-102. That mother with the three kids she took in will never reach \$250,000. And the reality is, they won't take any federal/state money at all. So they are out. They're disqualified from getting LB840 money. Well-meaning bills because--

SCHEER: One minute.

GROENE: --there is a movement out there, you can't run a childcare center unless you've been trained by somebody that came out of the Buffett Early Childhood Institute at UNL. That's what this is all about. We know it. This bill is bad for rural Nebraska, it's bad for childcare, it's bad, as I said the other day on Senator Crawford's bill, it's bad for small business start-ups. I urge you to vote red on LB160, well meaning, but again, another attack on rural Nebraska. Thank you.

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

HUNT: Thank you, Mr. President. I rise in support of this bill, LB160, and I want to thank Senator Quick for bringing it. I don't have such a deep or conspiratorial view of what this bill is seeking to accomplish or do to help local communities. It is a local control bill. It's not a mandate. It allows municipalities to appropriate tax dollars for economic development, if it's approved by local voters. And I was in the committee that heard this, and we heard some really great testimony from a man from Central City in Merrick County, and he talked about how the main reason that he lived in that community was because of the childcare options that were available. And I was disappointed that LB66 didn't pass, even though we had a very robust discussion about that, because including childcare in city planning would have helped my district a lot, but I rise in strong support of this bill, because it's going to help a lot of the other districts

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

Floor Debate  
February 13, 2019

---

in Nebraska that really need it. And with that I'll yield the rest of my time to Senator Quick.  
Thank you.

WILLIAMS: Thank you, Senator Hunt. Senator Quick, you're yielded 3:50.

QUICK: Thank you, Mr. President. I just wanted to talk about a couple of things here, and one of them is that Senator Groene's right as far as the 2,500 and smaller, they can right now use those LB840 funds for that, if they have it within their community. But any community above that cannot, so they have to actually apply-- they would have to actually-- they don't have that language, so this would add it to their economic development so that they could use those dollars if they so choose for that-- for those early childhood infrastructure. And I'm also looking at the list of communities that already have LB840 plans in place, and I'm going to-- I don't know all the populations of these communities, but I would guarantee you that the majority of them are above 2,500 in population and have a strong economy in their communities, places like Columbus, North Platte, Holdrege, Central City for example, Beatrice; we have Stromsburg on the list, they might be close to the 2,500, I'm not sure what their population is. But a lot of these communities could use this plan. And this doesn't hurt-- I mean, the day cares that are there currently, I mean, they can still operate as they are going, this is just for applying for those LB840 funds. And that's only if their economic development people would choose to go in that direction. It doesn't mean that every community is going to apply for those dollars. They might decide that they want to go more towards helping an employer. They might find that their needs in their community are more for work force housing. It just depends on what each community would chose to use. So, with that I yield the rest of my time. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hunt and Senator Quick. Senator Ben Hansen, you are recognized.

B. HANSEN: Thank you. So, I guess I just have to weigh on this issue a little bit since I was on a LB840 committee in Blair for three or four years. And so, it was always our intent for LB840 money, which is taxpayer money, sales tax money, to be used for economic development. I know people's terminology of economic development might be different than mine. I understand the idea of economic development meaning people can come into the town and have proper child



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

Floor Debate  
February 13, 2019

---

care which means we can get workers into the town. So I understand that aspect. My aspect has always been, whenever we're going to use taxpayer money for economic development, we would expect some kind of quantifiable return on investment, which is whenever we use LB840 money, we would require a certain amount of full-time employees to be hired, otherwise the money would be returned. And so I don't see that aspect whenever we start talking about early childhood education. I'm not going to deny the fact that we do need it, that there is a need for it in certain communities. But using taxpayer money, and this is just a little bit of a rub for me, because I don't like the state telling local towns how to use their sales tax money, but when we're talking about the economic development, my idea of early childhood education as an economic development tool is not the same as using it for business which we would require some kind of quantifiable term as in full-time employment or wages. And one other note is I finally figured out how to get Senator Chambers to stop talking, you offer him cookies. So, I'm going to have to remember that in the past when he decides to maybe filibuster something I have. So I just had to give him a shout out there. Thank you, appreciate it.

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

ERDMAN: Thank you, Mr. President, and good morning. I have been listening to the conversation this morning and read over Senator Quick's bill this morning, LB160. I thought it was kind of interesting, when I looked at the committee statement as to those people that came in in support of this amendment-- or this bill, and all of those-- the majority of those are nonprofits from eastern Nebraska that are so concerned about my rural children. It's kind of unusual. There must be another reason. So, I'm with Senator Groene. I'm in opposition to this bill. And I was wondering if Senator Quick would yield to a question or two.

WILLIAMS: Senator Quick, would you yield?

QUICK: Yes, I will.

ERDMAN: Senator Quick, do you have a copy of the bill there as introduced?

QUICK: Yes, I do.

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

Floor Debate  
February 13, 2019

---

ERDMAN: Can you look on page 2, on line 23, Section 3 says the following: The cities of the first class; and "class" and "cities of the" are underlined, but the original wording said "the cities of the first class and second class and villages." And now your language says "the cities of the first class, cities of the second class." What was the significance of making that change? Don't those two things say exactly the same thing?

QUICK: I think it's just cleanup. It's cleanup in the language is strictly what it is.

ERDMAN: What is the difference between the cities of the first class and cities of the second class, and for the cities of first class and second class? What is the difference?

QUICK: Well, I am sure there is no difference. It's just a change that's cleanup in the language to make it--

ERDMAN: OK. So, thank you. When you move on down and it talks about the qualifications and it talks about-- on line 16 and page 3, the quality means: meeting or exceeding the step three quality scale ratings based on quality rating criteria that's provided under the Step Up to Quality Child Care Act, that's what Senator Groene was talking about earlier. So, currently you can start a day care with LB840 money, is that correct?

QUICK: Only for communities under 2,500.

ERDMAN: Right. So, I was talking to Senator Stinner off the mike and he said that he had started some day cares and used LB840 money. So, if we can now do day care centers and get LB840 money now, why do we need to add this bill?

QUICK: Because this would help the communities that like a Grand Island that maybe wants to use it for-- that can't use the monies for that.

ERDMAN: So what's the difference between a city of first class and a city of second class?

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

Floor Debate  
February 13, 2019

---

QUICK: Cities of the first class are 100,000 down to 50,000, I believe. And the cities of the second class, I don't know the exact population, but I'm going to guess 50,000 down to-- no?

ERDMAN: OK. Is there a stipulation stating those cities of the first class can't use LB840 money for a day care?

QUICK: I'm sorry, what was that again?

ERDMAN: Is there a stipulation in the statute that prevents a city of the first class from using LB840 money for a day care?

QUICK: They cannot use it currently, no.

ERDMAN: Okay. So would you be okay if we amended this just to say day care?

QUICK: I don't think that would-- I think we need to have the quality to make sure that we're putting in quality programs for working families. But I don't think that just adding day care would be-- I am not sure I would be amendable to that.

ERDMAN: OK. Are you saying that unless a day care is qualified by these standards, that it's not quality day care?

QUICK: I am not saying that, I'm saying that they--

WILLIAMS: One minute.

QUICK: We want to make it so that we're putting in quality day cares to make sure that our-- that our children are being taken care of. I will tell you that from experience, there are some day cares out there that aren't quite up to standards.

ERDMAN: Are you OK with Senator Groene's explanation that it would hinder somebody, as he described, from doing a day care?

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

Floor Debate  
February 13, 2019

---

QUICK: It would not hinder someone from doing a day care, no.

ERDMAN: If it did, would you be OK with that?

QUICK: I mean, I don't think it should hinder anybody from having a day care. But this language does not do that.

ERDMAN: Yeah. And I think this bill has other implications and the comment by Senator Hunt about the comprehensive plan for her city, it prevents them-- it doesn't prevent them. Their city can still do that on their own voluntarily. So 66 would have just put it in as a mandate and let them do that. So, I may have other questions later, but thank you for answering those questions so far. Thank you.

QUICK: You're welcome.

WILLIAMS: Thank you, Senator Erdman and Senator Quick. Senator Groene, you are recognized.

GROENE: Thank you, Mr. President. Senator Erdman made a good point about why not just a child care facility. Why such a detailed description? All the other businesses are very vague. Qualifying business means any corporation, partnership, limited liability, company, sole proprietorship, which derives its principal source of income from any of the following. The manufacture of articles of commerce; it doesn't say cars or that have-- automobiles that have to follow the federal guidelines on safety, doesn't say that, it just says articles of commerce. The conduct of research and development; the processing storage, transport of sale of goods of commodities which are sold or traded in interstate commerce, pretty vague. The sale of services in interstate commerce; headquarters facilities relating to eligible activities as listed in this section; telecommunications activities including providing advance telecommunication capability; tourism-related activities; or the product of film, including feature, independent, and documentary film, commercials and television programs. Then this body at one time added a business that derives its principle source of income from the construction or rehabilitation of housing. It doesn't go into detail. Why such detail on early childhood? If you really want to help

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

Floor Debate  
February 13, 2019

---

a community of all size, why not just add another line in here with a comma behind it that says child care facilities or businesses? Why does it have to be such detail and why does it have to have this rating which is-- it's voluntary in the statutes? So yes, it does disqualify, Senator Quick, the mother on the corner, the stay-at-home mom who wants to take four kids, and doesn't have the time or the money to go out and get the training that the early childhood institute Buffets says you need. Why all this detail? Why not just put child care facilities? Leave it open to everybody. Leave it open to the mom on the corner, the grandmother who takes care of their grandkids and then takes two or three other kids in. And by the way, if grandma takes her own grandkids in and charges her son and daughter-in-law for it, guess what? She is a day care facility. Conspiracy? Believe it or not, conspiracies do happen in government. Agendas do happen in government. Social engineering does happen in statutes. This is social engineering. This long-range plan, nobody can have a day care unless they follow the regiment defined by somebody else. I seen in the paper again about the Bellevue teacher who had the child porn, had 270, licensing, certifications are meaningless as far as quality. They just give some parameters and guidelines. If you are a bad person, you are a bad person. A license, a rating, makes no difference. I stand in total disagreement with this. And Senator Quick would agree just to strike all the language and put-- add child care facilities or child care private businesses? I'm fine with it, I guess. That is what all the other requirements are that they are generic.

WILLIAMS: One minute.

GROENE: North Platte, even when we moved there 20-some years ago had a community day care center, a nonprofit tied to the hospital. They did it in North Platte without any LB840 money. They did it with donations, they did it-- created a nonprofit for tax free. There's plenty of ways to do this without starting to define in every single law we have early childhood which is an agenda. Thank you.

WILLIAMS: Thank you, Senator Groene. Senator Albrecht, you are recognized.

ALBRECHT: Thank you, Senator Williams. Colleagues, two years ago when I was running, there was a huge bond issue that failed quite miserably in my district. And part of that bond was tied to these day care facilities. And what I heard going door to door was about the families, the

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

Floor Debate  
February 13, 2019

---

mothers that were taking children in that they felt like they were being like run out of town, that the children are all going to go to one facility. That was not a favorable thing in the district at that time. Still today, I see that Senator Quick has LB160 listed with South Sioux City, Wakefield, and Wayne being amongst those that would be currently able to offer loans, grants, and other activities under the LB840 funds. Now, I guess my question would be to Senator Quick if he would yield to a question.

WILLIAMS: Senator Quick, would you yield?

QUICK: Yes.

ALBRECHT: Senator Quick, with the [LB]840 funds, and this LB160, would the public have a say in this or would it just be the city that would arbitrarily say we're going to build this?

QUICK: No, they have a-- the community still has a say in it.

ALBRECHT: Would they vote for it?

QUICK: Well, they-- I mean, it could be however the city has their plans set up currently. I mean, if we add it to the language, there are some communities that would just accept what's in the language and add that to their plan. Some cities-- each community gets to set it up their own way. So if they have it set up, if you add something new, they could probably take it back to the public and vote on that whether they wanted to add early childhood infrastructure to that.

ALBRECHT: Well, you know, and I think I have a very unique district in that we have some businesses that run three shifts. I am not so sure some of those facilities would run 24/7, 365. But, you know, I get the work force development and the things that are needed to make that happen. But most companies that do come into areas like that also have to understand that if you are wanting those things, it might behoove them to possibly put a facility on location that would help them keep their employees coming for three shifts. I just am uncomfortable with this being a part of things because I raised my girls and they went to an in-home day care and I couldn't thank the woman enough for all that she did for our family. And I wouldn't want to see these

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

Floor Debate  
February 13, 2019

---

folks not having a choice in staying open. I've even heard recently that a lot of them are, as they should be checked, but they feel like they're being checked because maybe they want to close as many as they can and then the need will be there that they'll have to have a facility in every small city. I'm just not quite there on on LB160. I'm all in for work force development, but the parents should also have a choice on where they take their children. Thank you.

WILLIAMS: Thank you, Senator Albrecht and Senator Quick. [Doctor of the day introduced.] Returning to debate, Senator Quick, you are recognized.

QUICK: Thank you, Mr. President. I think there's some misperceptions on what this bill actually does. It doesn't say that any day cares or early childhood infrastructures that are currently operating, it doesn't shut them down, it's doesn't take-- it doesn't affect anything that they are doing. This is only for communities that want to-- that maybe they feel the need that they have to have more quality day care in their area, and I shouldn't just say quality, but day care in their area for their working families. Like when I talked to the individual from Central City, they have a list of 30 families waiting to get into day care. And they have a lot of their-- the people that work that bring their kids there either work in Central City, they travel to Grand Island, to Clarks, surrounding communities to work. But there's a need for quality day care in that area. And one of the other things I wanted to answer a couple of questions on cities of the first class, in which I was completely wrong on, are 5,000 to 100,000. So they would not qualify under the-- currently under the law. And there's communities of the second class are 800 to 5,000, which probably about half of them would not be qualified to receive LB840 funds if their community wanted to do this. One of the other things I wanted to talk about is the fact that day care has changed since my kids were young. We used an in-home day care and I will say it was great. I mean, we also had one that wasn't so great. I mean, we had someone that was-- we took our child to, our first born, and it didn't end up so well. I mean, there was some-- I don't even want to really go into that. I mean, there was some real problems there and some issues. So, but then the one we had for when we had all of our-- three of our kids there, she treated them just like they were one of her own. My kids now these days, child care is different for them. My son in Omaha, they take their child-- both their children to a day care, and it's more of-- and they-- it's like a bigger facility. So there's a lot of kids there. They have to pay for day care even when their kids aren't there. And I understand the need for that, too, but it is a high cost issue for a lot of these families.

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

Floor Debate  
February 13, 2019

---

We want to make sure that those bigger facilities, if they're going to apply for LB840 funds under this law would be providing a quality type setting for those children to be in. And so that those families can make sure that their children are being taken care of in a proper manner. I know I had something else I wanted to-- oh, the-- the community-- each community has their own plan. So, if they don't want to add quality day care, if they don't, you know, add on facilities, and that's not part of their plan, they don't see that need in their community, they don't have to do it, nobody is telling them they have to do that. The state is not telling communities what to do. It is up to each community individually to decide what they want to do. And these are private facilities; they aren't state-run facilities, they're run by a private day care. It could-- I would say that even maybe a parochial-type day care could apply to LB840 funds to add on to their day care. I know that Blessed Sacrament in Grand Island has a day care program. They could probably apply for LB840 funds to help add on to their facility. They have a limited number of space for children coming in as well. So, this is just a way for our employers and our employees to have access--

WILLIAMS: One minute.

QUICK: --to quality day care for the employers for their workers, and for the employees for their children. So, with that I yield the rest of my time. Thank you, Mr. President.

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

BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I want to bring us back to what we are really talking about because I am hearing things that-- and I don't know if people are purposely putting out misinformation or if they truly don't understand. So let's talk about LB840. Coming from a municipal background I can tell you that LB840 is a very effective tool for economic development. It isn't about taxpayer dollars in the way that we're talking about; it does involve taxpayers dollars. But guess what they get to do? They get to vote on whether we use those taxpayer dollars. That's imperative. This year we have a slew of bills that people that are bringing forward to different committees saying that they want-- they're insinuating that open public meetings are not enough and now they want almost all issues that pertain to spending money to now go to the ballot. But some of these same people now are standing here and saying,



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

Floor Debate  
February 13, 2019

---

but you know what? I don't support LB840 for this, even though LB840 is voted in by the people of that community, because they want economic development. And so what's the definition of economic development? I should be asking Professor Crawford because I bet she knows. Education, literacy, worker's income, health, life spans, look at these young people in the balcony. Do you think if we want them to stay in Nebraska that we have to offer things like effective child care? And they're asking why we have a detail in the bill. The other definitions are broad for a reason. This is a toolbox for economic development. And the cities that take advantage of it want to have as much leniency, as far as definition, as they can so they can utilize that tool. But now when we talk about education, we have to be very defined because we're talking about children, we're talking about the future of Nebraska. And it isn't about taking away a parent's choice as to where they can take their child for care. That has zero to do with this. And the thing that really irks me about today's conversation is that people are dropping names like Holland and Buffett like they're a bad thing. With all due respect, without the Holland family and the Buffet family, there would be a lot of children that would not be receiving the care that they should be getting and the education that they should be getting in eastern Nebraska. Why is it bad when people have money to help others? I find that insulting. And I'm here to say the words "Buffett" and the words "Holland" are good words no matter where you sit on this aisle because they've taken their wealth to help others, not tear people down; not bring bad things to Nebraska. They've brought things that are help educating our young people and making sure that if they stay in Nebraska, they have strong foundations and become good citizens, healthy citizens. Let's talk about this for what it really is. And LB840 is a tool of economic development. Senator Quick understands what the definition of economic development is, and so he has brought forward a bill to help define it to make Nebraska better for our young people, our young people that we want to move back to rural areas, back to Nebraska, want them to raise their families and offer good choices to raise those families. Why is that a bad thing? I don't get this conversation today. This bill is not a bad bill. I stand in full support of Senator Quick's efforts. I support our children. I support Nebraska. And I support LB160. And if I do have any time left, I would yield it to Senator Wayne-- sorry, I forgot your name. I got so enthusiastic.

WILLIAMS: Thank you, Senator Blood. Senator Wayne, you are yielded 45 seconds.

WAYNE: I'll waive.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: He waives. Senator Morfeld, you are recognized.

MORFELD: Thank you, Mr. President. Colleagues, based on some of the opposition that I have heard today against this bill, I kind of wonder whether or not they actually read the bill before they got up here and started talking about the bill. First, this doesn't take away choice from any parent that currently has a preferred child care provider. It doesn't take away any of those choices, it doesn't eliminate. In fact, right now the funds aren't even available for those potential child care providers. What it does is it provides another option, another tool in the toolbox from municipalities to be able to blend in child care and high-quality child care into their economic development plan which is a huge problem. We just talked about it a few weeks ago about how we wanted communities to have a choice of-- I think we were talking about early childhood care in the community plans that people were putting together. I can't remember the exact term for it. And people said, well, listen, we don't want this in here because we would be forcing them to do blah, blah, blah. This isn't forcing anybody to do anything. This is another tool in the toolbox for a community that chooses to prioritize early childhood education and high quality early childhood education in their community. It's not forcing anybody, it's not closing anything down. And for the Education Committee Chair to get up and talk about how credentials don't matter is, quite frankly, is just shocking. I wasn't even going to talk on this bill until I heard that. I would just like to let Nebraska know that there is one senator on the Education Committee that thinks education and credentials matter. Unbelievable. Can we say the same thing about attorneys? You want somebody filing a lawsuit for you that has no background, no credentials in law? Do you want people educating your kids who have no background, no credentials in education, in our K-12 education system? You got to be kidding me, Senator Groene. I think you should think about what you say before you say it, because that makes no sense whatsoever. Education and credentials are important. They're important to the state, they're important to the young people that we're educating. And also, they're important for keeping young people here. You know, the number one problems that I hear from manufacturers and employers isn't taxes. It's having educated, credentialed folks staying in the state and coming to the state. So for the Education Committee Chair to get up on the floor and start spouting off how credentials don't matter or who cares about credentials. Well, they matter to a lot of people. They matter to the employers that are looking at either coming to the state or not coming to the state; they matter to the parents, one of which I'm going to be talking to tomorrow that's looking at moving into our

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

Floor Debate  
February 13, 2019

---

community, potentially, and also thinking about child care options. They matter to the economic vitality of this state. This bill does not force out anybody who is currently providing child care. It provides more resources, more tools, and more options if the community chooses. So I encourage everybody to actually read the bill. If you have questions or confusion about what it does or what it doesn't do, talk to Senator Quick either on the mike or off the mike. I know there is committee legal counsel over here that can provide you better context, because based on some of the opposition, not all of it, but based on some of the opposition I've heard on the floor, it is clear that some people just haven't read the bill. I urge you to support LB160. It's another tool in the toolbox to ensure that we have a strong, vibrant state with strong economic development plans and options. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator Wayne, you are recognized.

WAYNE: All right, let's everybody take a-- thank you, Mr. President-- we're going to take a deep breath and we're going to talk about how we got here today. So, those who know economic development, the only tool that most local jurisdictions-- actually all jurisdictions had, prior to 1990 was TIF. In 1990, there was a constitutional amendment that was voted on by our state to allow for a tax to help with economic development. Nineteen ninety-one, this body passed a list of things. Since 1991, and let me make sure people are clear how the procedure works. If you want to establish [LB]840 funds, you have to first develop a plan, create an advisory committee that Senator Ben Hansen was on, they have to provide a recommendation to your local city council, and it is a two-thirds vote of the city council to create the ordinance to put it on the ballot for your local body-- or local cities to decide how to get there. Then there's usually two votes. And what I mean by that is there's two different votes and the same time you have your election. One, the funding source, and two, the approval of the plan. So, it's all local control. Something we all say we want to do. After that, cities after cities have come to this body and we added things to it: 1994 we added stuff to it; 1995, 2001; 2012, Speaker Flood, which you would consider a conservative colleague, added rural natural gas; 2013, Kate Sullivan added relocation benefits; and in 2016, Senator Groene, and you voted for this, Senator Hughes-- Senator Hughes added work force development housing in rural areas. We continue to add things to this list that our cities and rural villages say we need to help grow. All we are literally doing is adding a thing that says child care. Why is that important? Well, if we recruit a new business and it's a young

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

Floor Debate  
February 13, 2019

---

family, such as Fremont, let's say, where they have entry-level positions where they have working families, they as a city council may think it's important to include early childhood. We want to make sure we can give them the opportunity. I will note that if the issue is with the quality language, I am willing to work on that. I am willing to work with Senator Hughes-- Senator Quick's office, Senator Groene, Senator Erdman, to work on that. But I don't want us to get lost in personal or facts about who outside is doing early childhood, none of that matters to this bill. This bill is just simply saying: you as a local city council can make that decision. Oh, and by the way, it has to be approved by your city and it has to have a recommendation from your advisory committee, which is from your city, so there are more levels and steps and precautions than any other tax or fee that we have in Nebraska. Two-thirds council votes to even establish it. How many time can we go out for a bond, Senator Briese or Senator Halloran or Senator Friesen, with just a simple majority vote? We've raised the threshold; we're doing everything we can, not we as we're doing it now, this body had a higher threshold to make sure that if we want to do economic development, we will take all the precautions that are necessary. So that's why this is an important bill. Let's get through round one. If there are some qualifying language, and I'll use the word qualifying on purpose that we need to change--

WILLIAMS: One minute.

WAYNE: --we can have that meeting in our office and we can come to an agreement. That is not a sticking point with me. But I don't know what's best for Grand Island, but if Grand Island feels they need this, why are we saying no? Why are we really saying no? With that, I would ask you to support LB160 and continue to move the day forward.

WILLIAMS: Thank you, Senator Wayne. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President; and good morning, colleagues. So, I gave up to give pretty much the speech Senator Wayne got up to give, so I want to really kind of remind and refocus people on what just LB840 is. I agree with Senator Wayne, if somebody has a problem with how we've define early childhood education, I mean, we're talking day cares and preschools. So if we're talking language, I want to make sure preschools is included, because I think that's an important aspect, but day care and preschool, which is a term we as a state have

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

Floor Debate  
February 13, 2019

---

started calling early childhood education or passed some legislation before my tenure to that effect and that's how the Department of Education looks at it. So that's where some of that initial language comes from. But, I mean, I think we're all getting at the same thing, we mean day cares and we mean preschools. But what an LB840 plan is, is kind of the epitome of local control. As Senator Wayne said, to create one you need an advisory board of citizens that works with the city council. The city council needs to have a two-third vote to send it to the voters who then approve it. So you have this local control, local control, local control. You have multiple hurdles that require the citizens of a town to come together and really work to build these things. As he also said, this is one of the few economic development tools we actually let our municipalities have, because of some pretty strict constitutional provisions we have. I know in Urban Affairs over the years, we have studied many of the different economic development incentives and I have seen a list of, you know, what Kansas City, Missouri, has and it is 30 different things in statute. And Nebraska, we pretty much have LB840 and-- for true economic development. And so I would like to remind people, and Senator Dorn asked me this under the balcony, so if we pass LB160 in whatever form, but we limit it-- we specify just day cares and preschools, just preschools, whatever we choose, I would encourage everybody to make sure it's broad and inclusive. If we pass this right now nothing changes until a city makes a change. Any city that says, wow, that is great, we have been trying to build a new preschool; we've been trying to build a day care, would have to have a two-thirds city council vote, a super majority city council vote with the requisite hearing notices and public commentary to even give themselves the option, and then they would have to further actually come up with a proposal and have more public hearings down the line before they could actually fund that specific project. So starting this bill today impacts nothing other than giving the cities the opportunity to be-- expand their options going forward. So, we pass LB160 as I would encourage this body to do. The city of Grand Island, for example, the city of Grand Island really wants to something with early childhood education, they would have to have their city council meeting, get a two-thirds majority, a super majority of their city council after public hearing in order to even allow it, and then go through all the LB840 processes to fund a specific project. That's multiple hurdles we have in place. This is not coming in and re-regulating day cares; this is not coming in and forcing day cares out of the market. This is saying that in a city that has a specific project and a specific goal in mind, they will have the option, with very heavy burdens to clear and very clear local control, to invest in it. Colleagues, I know that I was there and several others of you were there at an event talking about some of our small

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

Floor Debate  
February 13, 2019

---

towns and how they feel really reinvigorated and have really refocused on the fact that early childhood, day cares and preschools, really affect young working parents who are the work force-- who are the work force that we keep hearing time and time again we need to stay in our communities, we need to stay in our small towns, we need to stay in rural Nebraska. And we talked about the impact that opening up a day care center in Red Cloud, opening a day care center in Pender--

WILLIAMS: One minute.

M. HANSEN: Thank you, Mr. President, --helping those communities to the point where the community is like-- it's night and day, before and after. There have been more children born in Pender since the day care provider than in consider time because there's actually, you know, young families who have older children will have a second or third child in that town because there's a place for them to have the children during the day when they work and contribute to that town. Early childhood, day cares and preschools is a key component of work force development because it allows, you know, 30-something's who have kids to work in your small town in a way they couldn't do it if you didn't have a day care. With that, I would encourage the body to advance LB160. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Matt Hansen. Senator Erdman, you are recognized.

ERDMAN: Thank you, Senator Williams. I appreciate that. I am kind of amused by the comments or the volume of the comments made by Senator Blood and Senator Morfeld. I want to tell you a story about one time when we had some beet labor come in my yard to help us work in our beet fields. And these people didn't speak English. And the longer the conversation went, I spoke louder and louder and louder. And finally my son, Phillip, he was about 10, he tapped me on the leg and he said, dad, these people aren't deaf, they just don't understand English. And I see that's the way it happens here on the floor when you want to really make your point you must raise the volume. And, Senator Blood, I understand completely what LB840 money is and how it's put in place and the people in the community vote to put it in place and then the city council or the chamber or somebody makes a decision who gets the funds. I understand that. And, Senator Morfeld, I did read the bill. And I still disagreed with it after I read it. And one of the

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

Floor Debate  
February 13, 2019

---

questions I had, and I think we're working on a compromise on page 3, line 16, that said quality means meeting or exceeding step three quality scale rating based on the quality rating criteria as provided under Step Up and Child Care Act-- Quality Child Care Act. I can't find what step three is. I don't know if Senator Quick know what step three is, so I know if I'm qualified or not, but those kind of things are confusing. And so until we can work that out, and if we can work that out, I would be in favor of considering this. But until we do, I'm not for LB160 unless it's changes. Now, if I have any time left, I would yield that to Senator Groene. Thank you.

WILLIAMS: Senator Groene, you are yielded 2:47.

GROENE: Thank you, Senator Erdman, and thank you, President. Correction for the record on Senator Morfeld who doesn't listen well. That is a skill that ought to be certified. What I said was having a certification in any-- and as a teacher I gave an example of a sexual pervert who taught in Bellevue who had a certification and still was not a person of good character. If you are a good farmer, that doesn't mean you got good character. If you are a certified day care provider, that doesn't mean you have good character. That was my point. You cannot legislate morality. And to claim and to insult all of those grandmothers and stay-at-home moms who do a little day care on the side with their neighbor's children, that they are inferior because they are not certified is a total insult. So this Education Chairman understands certification and the needs of it, but I also don't give anybody a pass, especially lawyers, because they passed the bar, for having good character. Yes, we need certifications; yes, we need testing; and yes, we need the free enterprise, ability to choose the good business, to choose the good day care without restrictions by government to decide what that is. That is why this portion in here about quality chosen by government which day care facility, which owner of a day care facility is good and bad--

WILLIAMS: One minute.

GROENE: --that is for the public to decide. Stay out of it, government. I am working with Senator Quick on a fix that we can agree to that actually creates more local control, more local decisions. And we are working together. And we will continue talking until we see an amendment. So I appreciate it, but this Education Chair admires good teachers; certified or not. Thank you.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: Thank you, Senator Erdman and Senator Groene. Senator Groene, you are recognized to continue.

GROENE: Thank you, Mr. President. As I said, if we can get to a point where all we add is something simple, that Section B becomes-- a business that derives its principal source of income from a child care business-- from child care, I am fine with that because then we leave local control. If a local city is big enough that says we can put additional qualification on who we give LB840 money to by this arbitrary rating, that's fine. But that village of 1,000 or 2,500 people who are lucky to have the mom step up or the grandmother step up and open a facility on the street-- in their home, wants to give them some financial assistance to remodel a couple of rooms to do so can do so without this arbitrary rating. And to Senator Blood's point, we have two definitions of rich people doing good works. The ones I admire are the ones who do philanthropy with their money, build their own day care centers, create whatever they do, retreats, whatever, with their own money. The ones I do not admire who take their wealth and try to influence government making-- tying qualifications to their donations, like putting their name on something that's actually a government institution or by chance giving money to a county jail and then defining what is done in there as far as prison education. I do not admire that at all. If you want to make public policy, then run for this body; run for Governor. Don't work in the weeds with your money given to you by who you happen to be your father to try to influence government. And that's what I see too often in this state. So, yes, I will work with Senator Dan Hughes-- not Dan Hughes, Dan Quick. I'll work with Dan Hughes, too. But-- and by the way, on Senator Hughes' amendment, yes, I did vote for that, Senator Wayne, on work force housing because I thought, well, yes, this is sales tax that everybody pays or local taxes that everybody pays to create some housing projects. And-- and it would not be done with TIF. It was a compromise, Senator Wayne, and you destroyed that last year, but I'm about ready to forgive you for that. But anyway, no, local control-- if the amendment is available I understand-- is it available-- can I ask Senator Quick a question?

WILLIAMS: Senator Quick, will you yield?

QUICK: Yes, I will.



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

Floor Debate  
February 13, 2019

---

GROENE: Is the amendment available?

QUICK: Yes, I believe it is.

GROENE: And you have dropped it? It's good? I've just been told it's a good amendment, so I'll stop filibustering or whatever I'm doing here and we'll go forward and vote on the-- and Senator Quick can present his amendment.

WILLIAMS: Thank you, Senator Groene and Senator Quick. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Wayne would offer FA6.

WILLIAMS: Senator Wayne, you are recognized to open on FA6.

WAYNE: Thank you. After talking to Senator Groene and Senator Erdman and Senator Quick, we are striking the attempt of this floor amendment, and it is a little complicated, so be ready on Select File for a technical amendment to clear up, maybe, some area that I missed. But we are striking the provisions that dealt with quality from the bill and so it is just early childhood and day care. It still allows the flexibility for those local jurisdictions to use the words quality to-- if they want to-- if there's four or five bidders, they can choose the most qualified one. We are just not putting it in statute, but it still gives local control to determine that. But this was a compromise between both sides so we can move this bill along. But I will say, again, counsel drafted it on the floor, so there probably will be just a small technical amendment to make sure on Select File that we cover all of the words qualities and those requirements.

WILLIAMS: Thank you, Senator Wayne. Senator Halloran, you are recognized.

HALLORAN: Thank you, Mr. President. Colleagues, a lot of times these kinds of debates on these kinds of issues get to be the good guys and the bad guys. Trust me, there is no one in this body that doesn't believe that childhood education and care is unimportant. So it's not good guys against bad guys on that subject. We all have significant interest in that. I will only take a few minutes. Grand island, Lincoln, Omaha, they all should take example from a small town in

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

Floor Debate  
February 13, 2019

---

central Nebraska, Wood River, Nebraska. Wood River, Nebraska, has a population of 1,325 fine people. It's not a rich community. They did not ask their town council or any jurisdiction for an optional tax to help pay for a day care center. They saw a need for a day care center and they started a 501(c)(3); Wood River Vision 20/20; \$1,925,000 they are targeting to raise to build a state-of-the-art day care center in a populated town of 1,325. Again, not a rich community. But they are doing it. They took private initiative. They didn't ask for a government body to help do this. They took it upon themselves. And the community has come together on this. They are well on their way to achieving the funds necessary to build this. One thing they are not asking for again, and it's been discussed on this floor, is they're not asking for a foundation or this body to define for them what quality means. That is truly up to them and I have confidence in those local communities to care for those children in a quality fashion without being dictated what that might mean. So I am hoping the amendment does deal with this issue. And with that, I would say everyone should look towards Wood River, Nebraska, for an example of a local initiative that works. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Halloran. Senator Cavanaugh, you are recognized.

CAVANAUGH: Thank you. I just wanted to provide some clarification about quality. This is not a private program, this is a state program and it is called Step Up to Quality. You can find it on the Nebraska.gov Web site. There is a program guide, and I have a copy here I'm happy to share with anyone. Page 8 has what step three actually is, defines "quality," defines what it means to be a step three quality early child care center. I appreciate Senator Wayne's floor amendment and it does add for flexibility for communities. But as a parent of children that are early child care age, this is very helpful. When you send your children to school, you research the schools, you look at the different options available to you and the quality of those schools. This guide, which is a state guide, not a private donor, "funder," whatever, guide, a state guide tells you what it means to be a quality early child care center. And whether that's in-home or in an establishment, it is very helpful to parents, to new parents to know what to look for, because you don't know what to look for when you are a new parent. I certainly didn't the first time five years ago that I sent my oldest daughter to child care. So having something like this guide is extraordinarily helpful. And I would encourage everyone to either look it up on-line on the state's Web site, again Nebraska.gov, or I can give you a copy of this. It outlines all five steps of Step Up to Quality

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

Floor Debate  
February 13, 2019

---

programs which are state has done a wonderful job of outlining for parents in the state what early childhood quality care should look like. Thank you.

WILLIAMS: Thank you, Senator Cavanaugh. Seeing no one in the queue, Senator Wayne, you waive closing on FA6. Senators, the question shall be the amendment FA6 to LB160 be adopted. All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 0 nays, on the adoption of Senator Wayne's amendment, Mr. President.

WILLIAMS: The amendment is adopted. Seeing no one remaining in the queue, Senator Quick, you're invited to close on LB160 as amended. Senator Quick waives closing. The question is the advancement of LB160 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President.

WILLIAMS: The bill advances. Mr. Clerk, are there any items for the record?

ASSISTANT CLERK: Mr. President, your Committee on Education reports LB399 to General File with committee amendments attached. That is signed by Senator Groene. That is all I have at this time.

WILLIAMS: Thank you, Mr. Clerk. We'll return to General File.

ASSISTANT CLERK: Mr. President, next bill, LB195, offered by the Urban Affairs Committee. (Read title.) Bill was introduced on January 11; referred to the Urban Affairs Committee. That committee placed the on General File with no committee amendments.

WILLIAMS: Senator Wayne, you are invited to open on LB195.

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

Floor Debate  
February 13, 2019

---

WAYNE: Thank you, Mr. President and members of the Legislature. LB195 is a technical bill to update the references to the State Fire Code. Last session, the Legislature passed LB889 which required that the State Fire Marshal update the rules and regs governing the fire codes no later than July 1, 2019. In the process of updating the fire code, language referencing the fire code was moved into a new section so it was easier for everybody to read, but several sections-- several references to the State Fire Code were not updated to reflect the change of the new section. LB195 simply updates those references in several sections of the statute that were not amended last year. LB195 received no opposition testimony at the hearing and was advanced from the Urban Affairs Committee on a unanimous 7-0 vote. I would ask for your green vote on LB195.

WILLIAMS: Thank you, Senator Wayne. Debate is open. Seeing no one in the queue, Senator Wayne, you are invited to close on LB195. Senator Wayne waives closing. The question is the advancement of LB195 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance LB195, Mr. President.

WILLIAMS: The bill advances. Mr. Clerk.

ASSISTANT CLERK: Mr. President, next bill is LB124 which was introduced by Senator Crawford. (Read title.) The bill was introduced on January 10; referred to the Urban Affairs Committee; placed on General File by that committee with amendments attached.

WILLIAMS: Thank you, Mr. Clerk. Senator Crawford, you are recognized to open on LB124.

CRAWFORD: Thank you, Mr. President. Good morning, colleagues. I rise to present LB124, a cleanup bill which clarifies the original intent of our PACE statutes to allow local governments to jointly administer PACE districts. LB124 passed unanimously out of committee and was unopposed at the hearing. For those of you who are unfamiliar, PACE stands for Property Assessed Clean Energy. PACE is a financing mechanism that allows local governments or private lenders to finance the upfront costs of energy efficiency and renewable energy improvements and

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

Floor Debate  
February 13, 2019

---

then payback the costs over time through a voluntary assessment on the owner's property tax bill. Nebraska PACE statutes were passed in 2016 and were expanded to include counties in 2017. Under the PACE Act, municipalities and counties are authorized to create clean energy assessment districts which are similar in nature to assessment districts for street, sewers, and other forms of municipal infrastructure. Currently, the city of Omaha and the city of Lincoln are the only cities that have established PACE programs. While the PACE statutes clearly envisioned that two or more municipalities could create a joint PACE district through the Interlocal Cooperation Act, language in the section of the statute that contains requirements for PACE districts appears to technically prohibit joint PACE districts. Over the interim, the city of Bellevue and the city of Omaha entered in to discussions about Bellevue potentially joining Omaha's PACE district. Based on the current language in the PACE statute, it appears as if Bellevue couldn't include any territory from Omaha in their joint PACE district and vice versa. LB124 would correct this apparent oversight and clarify that municipalities and counties can create joint PACE districts. The legal counsel for Urban Affairs Committee brought this issue to my attention as indicated that an oversight drafting of the original statutes did not clearly reflect the original intent of the bill. LB124 cleans up the language to reflect this original intent of the PACE Act. If cities and villages want to join resources to create joint districts, they should be able to do so. AM199 harmonizes the bill with other provisions of the PACE governing act to clean-- a clean energy assessment district boundaries and was adopted by the committee. LB124, again, passed unanimously out of the committee and was unopposed. I urge your green vote on LB124 and AM199. Thank you.

WILLIAMS: Thank you, Senator Crawford. As the Clerk stated, there are amendments from the Urban Affairs Committee. Senator Wayne, as Chair of the committee you're recognized to open on the amendment.

WAYNE: Thank you, Mr. President and members of the Legislature. AM199 is a white copy amendment that makes one small technical change. The amendment simply harmonizes the bill with the provisions of other sections in the PACE statutes dealing with clean energy district boundaries. I would ask for your support in a green vote on adopting AM199.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: Thank you, Senator Wayne. Seeing no one in the queue, Senator Wayne you're recognized to close on the committee amendments. Senator Wayne waives closing. The question: shall the committee amendment to LB124 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to adopt the amendment.

WILLIAMS: The amendment is adopted. Discussion on the advancement of LB124. Senator McCollister, you are recognized. Senator McCollister waives. Seeing no one else in the queue, Senator Crawford, you are recognized to close.

CRAWFORD: Thank you Mr. President. I urge a green vote on LB124. This is a cleanup bill that allows cities to work together on their PACE districts. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Crawford. The question is the advancement of LB124 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 1 nay on the motion to advance.

WILLIAMS: The bill advances. Return to General File.

ASSISTANT CLERK: Mr. President, LB127 introduced by Senator Hughes. (Read title.) The bill was read for the first time on January 10 of this year, and referred to the Natural Resources Committee. That committee placed the bill on General File with committee amendments.

WILLIAMS: Senator Hughes, you're recognized to open on LB127.

HUGHES: Thank you, Mr. President; good morning, colleagues. I introduced LB127 in response to complaints about the deer population in my district and throughout the state and the damage they cause to crops and our vehicles when we collide with them. I have worked with the Game and Parks Commission over the past few years about how to better manage wildlife populations

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

Floor Debate  
February 13, 2019

---

that have gotten out of control in most of the state. The bill is intended to assist with wildlife management and provide landowners and their families the opportunity to hunt on their property under the cost of a landowner permit. This provides a small benefit to those landowners whose property provides sustenance for deer and other wildlife from which all hunters benefit. The original bill was replaced by a committee amendment I will explain when the bill-- what the bill does when I open on LB184-- I'm sorry, AM184. AM184 was the result of negotiations between myself, the committee, and Game and Parks, so I'll be able to explain that better when I open on that. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hughes. As the Clerk stated, there are amendments from the Natural Resources Committee. Senator Hughes, as Chair of the committee, you are recognized to open on the amendment.

HUGHES: Thank you, Mr. President, members of the body. AM184 is the result of the compromise, as I stated, between Game and Parks to allow the expansion of the definition of "immediate family" without causing additional expenditures or a significant reduction in revenue to the Game and Parks Commission. The amendment will become the bill. It expands immediate family to include the spouses of children of the landowner and the spouses of eligible siblings sharing ownership in the property. The amendment also makes a clarification that children of the landowners and the landowner's spouse includes stepchildren. The committee amendment resulted in a very different fiscal note from the Game and Parks Commission. The commission says that it will be able to absorb the burden of issuing any new permits and will not need the additional staff and capital indicated by the original fiscal note. The amendment was adopted by the committee 8-0 and passed to the floor. Thank you for your support of the amendment and the bill.

WILLIAMS: Thank you, Senator Hughes. Debate is open. Seeing no one in the queue, Senator Hughes, you are recognized to close on the committee amendment. Senator Hughes waives closing. The question is shall the committee amendments to LB127 be adopted? All those in favor vote aye, those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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

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

Floor Debate  
February 13, 2019

---

WILLIAMS: The amendment is adopted. We will resume discussion on the advancement of LB127. Seeing no one in the queue, Senator Hughes you're-- Senator Hughes waives closing. The question is the advancement of LB127 to E&R Initial. All those in favor vote aye, those opposed vote nay. Have all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to advance.

WILLIAMS: The bill advances to General File.

ASSISTANT CLERK: Mr. President, LB139 introduced by Senator Kolterman. (Read title.) The bill was read for the first time on January 11 of this year. It was referred to the Business and Labor Committee. That committee reports the bill to General File with committee amendments.

WILLIAMS: Thank you, Mr. Clerk. Senator Kolterman, you're recognized to open on LB139.

KOLTERMAN: Good morning, Senator Williams and members of the body. I'm here to ask for your support for LB139, a bill which allows general contractors to make an informed decision before hiring an individual independent contractors and to clarify workers' compensation coverage in the event of a claim by a subcontractor. As of now, individual independent contractors are not required to carry workers' compensation insurance on themselves. If an individual independent contractor is injured while working for a general contractor, it's up to the workers' compensation court to determine if the individual independent contractor was actually covered under a workers' comp policy. This leads to uncertainty as a determination of coverage may come along after the hiring party purchases workers' comp insurance. This exposes the general contractors or agents who choose to purchase workers' comp coverage and their insurance carriers to hundreds of thousands, if not more of dollars of unforeseen losses and premiums. LB139 seeks to remedy this issue. LB139 will add to exist of Department of Labor's contract or registration online database, a third option when a contractor is registering with the department. As of now, an individual independent contractor is only required to select if they carry workers' compensation insurance or are self insured. This third option will be the contractor does not carry workers' compensation insurance. This provides clarity for workers' compensation coverage in two ways. By an individual independent contractor selecting



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

Floor Debate  
February 13, 2019

---

themselves that they do not have insurance, this creates a new legal presumption that the contractor is not eligible for workers' compensation coverage in the event of a claim by that individual independent contractor. And parties that choose to hire an individual independent contractor will be able to consult the registration database prior to hiring and it will allow them to make an informed decision on whether or not to hire a specific individual independent contractor. I have worked closely with the Department of Labor. They will be able to collect and display on their Web site this information that allows for general contractors to make a more informed decision during their hiring process. LB139 did not receive any opposition during the hearing and was supported unanimously out of the committee. I would like to thank my colleagues, Senator Lathrop and Senator Hansen, who worked on some amendments to this bill to make it palatable for everyone. I would encourage a green vote on Senator Lathrop's AM260, LB139, as well as the bill in its entirety. Thank you very much. And I would try to answer any questions you might have.

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

M. HANSEN: Thank you, Mr. President; and good morning colleagues. The committee amendment, AM170, is a white copy amendment to LB139. The amendment maintains the same purpose of LB139 and clarifies the language based upon the discussion that occurred at the hearing. All parties have indicated to me that they are in support of this amendment. And I appreciate the help and the work of Senator Lathrop and Senator Kolterman working on this amendment. Under this amendment, the database maintained by the Department of Labor for registered contractors shall include whether the contractor carries workers' compensation insurance in accordance with the Workers' Compensation Act; whether the contractor is self insured in accordance with the Workers' Compensation Act; and whether the contractor is the sole proprietor with no employees and does not carry workers' compensation insurance pursuant to the Workers' Compensation Act. The main clarification is in the new subsections (4) and (5). Those subsections provide that the information reported about whether the contractor carries workers' compensation insurance creates a new presumption of no coverage that may be rebutted by an insurer acknowledging coverage for a claimed event. The amendment further clarifies that

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

Floor Debate  
February 13, 2019

---

the information in the database is only for the purpose of establishing premiums for workers' compensation insurance and does not affect liability under the Workers' Compensation Act. This amendment and the underlying bill both advanced unanimously from the Business and Labor Committee. And I would urge the body's adoption of AM170 and LB139. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Matt Hansen. Mr. Clerk, there is an amendment to the committee amendment.

ASSISTANT CLERK: Mr. President, Senator Lathrop would move to amend the committee amendments with AM260.

WILLIAMS: Thank you, Mr. Clerk. Senator Lathrop, you are recognized to open on your amendment to the committee amendment.

SENATOR LATHROP: Thank you, Mr. President; and colleagues, good morning. My amendment to the committee amendment is very much a technical change to make clear that not only are the items that will be added to the contractor registration list not affecting liability nor enforcement of the Workers' Compensation Act, but it also provides that the presumption created in paragraph 4 has no application to determinations of liability or enforcement. If I can now speak to the amendments and the bill, the purpose of the bill, colleagues, is not to change the law of work comp substantively, but merely to address an issue that comes up in determining the proper premium to charge a contractor in work comp. A little background if I can, in an automobile policy, you buy a policy, the American Family, whoever it is, tells you what the premium is, you pay it, and you're covered for a year. In work comp, they oftentimes go back and do an audit after the fact and say it appears that these people were actually employees of yours and we didn't collect a premium for these employees. They can be subcontractors that don't have work comp. What this bill is intended to address, as well as the amendments, is that process. This bill addresses only the determination of premiums, it does not in any respect, in any respect, affect the statutory employer-- the determination of the statutory employer under 48-116 nor the workers' comp court's ability to enforce the requirement that employers carry insurance. It is a good bill to help contractors and some subcontractors that were purchasing

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

Floor Debate  
February 13, 2019

---

ghost policies, I won't get into what all that means, but this is all about determining the proper premium to be charged contractors who are purchasing work comp policies and may have subcontractors working for them. And with that, I would encourage your support of both amendments and the bill. And I'm happy to answer any questions.

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

KOLTERMAN: Again, I would like to thank Senator Lathrop and Senator Hansen for working with us on this. They have been in touch with the workers' compensation courts. We have clarified all the challenges of the questions through the amendment. This has been a challenge for many years on the part of an insurance agent who is marketing workers' compensation. We think that this can be a very helpful tool for the agents that are selling workers' compensation. And it can also limit the amount of audits that take place if it's done properly. So with that, again, I would encourage you to support this bill. Thank you very much.

WILLIAMS: Thank you, Senator Kolterman. Senator Scheer, you are recognized.

SCHEER: Thank you, Mr. President. I, too, stand in support of the two amendments and the underlying bill. I was in the insurance business and dealt with this on a very frequent basis. Most of you don't realize that you as a contractor, if you're an individual, you do not have to carry work comp, that is excluded. But a lot of times people don't understand that and there's no written agreement and somebody will go up on your roof or will be swapping a window out and all of a sudden they fall and now you've got a lawsuit on your hands because he was damaged on your property. And so it is an important issue. It's something that the industry has struggled with for a long time. And certainly nothing is a perfect solution, but this is a lot better than what we have. So I would support the enactment. Thank you.

WILLIAMS: Thank you, Speaker Scheer. Debate is open. Seeing no one in the queue, Senator Lathrop waives closing on the amendment to the committee amendment. The question is shall the amendment to the committee amendment to LB139 be adopted? All those in favor vote aye, those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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

Floor Debate  
February 13, 2019

---

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to adopt the amendment.

WILLIAMS: The amendment is adopted. Senator Matt Hansen, you are recognized to close on the committee amendment. Senator Matt Hansen waives closing. The question is shall the committee amendments to LB139 be adopted? All those in favor vote aye, those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 40 ayes, 0 nays on the motion to adopt the committee amendments.

WILLIAMS: The amendment is adopted. Senator Kolterman, you are recognized to close on the advancement of LB139. Senator Kolterman waives closing. The question is the advancement of LB139 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 42 ayes, 0 nays on the motion to advance.

WILLIAMS: The bill advances. Are there any items, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President. Your Committee on Enrollment and Review reports LB214, LB52, LB152, LB186 and LB186A to Select File, some with E&R amendments.

WILLIAMS: Thank you, Mr. Clerk. Returning to General File.

ASSISTANT CLERK: Mr. President, LB139, introduced by Senator Moser. (Read title.) The bill was read for the first time on January 16 of this year and referred to the Natural Resources Committee. That committee reports the bill to General File with no committee amendments.

WILLIAMS: Thank you, Mr. Clerk. Senator Moser, you're recognized to open on LB319.

MOSER: Thank you, Mr. President; and good morning, colleagues. LB319 is introduced at the request of the Department of Natural Resources. It has three distinct parts. Section 1 changes a public notice requirement related to the changes in local flood plain management. Section 2 of

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

Floor Debate  
February 13, 2019

---

the bill changes the requirement for rules and regulations related to the Water Resources Trust Fund. Section 3 changes the requirement for rules and regulations governing the administration of water. Section 1: eliminates the words "by mail" from Nebraska Revised Statute 31-1017(5) that requires the department to give notice of hearings on changes to local flood plain management of clerks of cities and counties. By removing the "by mail" as the manner of which notice is given, it allows the department to provide notice through additional means such as e-mail. The Water Resources Trust Fund, Nebraska Revised Statute 46-753, prescribes in detail the use of the Water Resources Trust Fund, yet subsection (2) of 46-753 requires the department to also adopt rules and regulations governing the administration of the fund. LB319 would make the rule and regulation authority permissive by changing "shall" to "may" in 46-753(2). The current rule and regulation adopted by the department narrowed the use of the fund to a federal program in which the department is no longer participating. But there is a residual balance in the fund. The bill would allow the department to determine whether it will deal with the remaining funds through a statute or through a new rule or regulation. Finally, the rules and regulations governing the administration of water, the revised statute 61-206, sets out the department's duties; 61-206(1) requires the department to promulgate rules and regulations governing the administration of water. Arguably, the rule and regulation requirement in subsection (1) extends to all the remaining duties listed in 61-206(2)-(3)(h). LB319 changes the "shall" to "may" in 61-206 thereby making the department's rule and regulation authority permissive in its administration and implementation of the statutes over which it has jurisdiction. This change is offered as a prospective measure to avoid unnecessary rules and regulations that simply repeat the language of any statutes that may already prescribe how the provisions are to be implemented. So, I do appreciate everybody's support of this bill. I hope it will move it forward. If you have any questions, I will sure try and answer those for you. Thank you very much.

WILLIAMS: Thank you, Senator Moser. Debate is open. Seeing no one in the queue, Senator Moser you are recognized to close on the advancement of LB319. Senator Moser waives closing. The question is the advancement of LB319 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 42 ayes, 0 nays on the motion to advance.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: The bill advances. (Visitors introduced.) Return to General File.

ASSISTANT CLERK: Mr. President, LB699 introduced by Senator Bostelman. (Read title.) The bill was read for the first time on January 23 of this year and referred to the Transportation and Telecommunications Committee. That committee reports the bill to General File with no committee amendments.

WILLIAMS: Thank you, Mr. Clerk. Senator Bostelman, you are invited to open on LB699.

BOSTELMAN: Thank you, Mr. President. Good morning, colleagues. LB699 amends Section 60-378 regarding transporter plates to decrease the number of years an applicant for a transporter plate is required to keep the records associated with the transport of a motor vehicle or trailer under this statute available to the Department of Motor Vehicles for inspection. Currently, these records must be maintained for six years. The bill will decrease that requirement to three years. When the current statute was drafted, the time frame for six years was chosen to coincide with the same retention required for registration records at the county treasurer and the Department of Motor of Vehicle offices. However in 2008, LB756 was passed which decreased the retention time for records kept by the county treasurers and DMV offices to three years. By decreasing the requirement to three years, this change will harmonize the record keeping requirement for owners of transporter plates, county treasurers, and the DMV offices. LB699 will not affect application process or use of transporter certificates or plates, but would simply decrease the number of years that transporters must retain records of such transports for the DMV. LB699 is a simple bill that harmonizes the requirements for record keeping between DMV offices, county treasurers, and owners of transporter plates. The bill was voted out of committee with an 8-0 vote and there is no opposition. Therefore, I ask for your green vote for advancement to Select File.

WILLIAMS: Thank you, Senator Bostelman. Debate is open. Seeing no one in the queue, Senator Bostelman you're recognized-- excuse me, Senator Chambers checked in early.

CHAMBERS: Yes. Mr. President, members of the Legislature, I would like to ask Senator Bostelman a question or two.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: Senator Bostelman, would you yield?

BOSTELMAN: Certainly.

CHAMBERS: Senator Bostelman, without giving the subject matter, have we had a relatively recent discussion about something of mutual interest to us?

BOSTELMAN: Yes, we have.

CHAMBERS: And on that basis, I can expect you to give me a straightforward, honest answer to a question on your bill if I present it?

BOSTELMAN: Sure.

CHAMBERS: Have you ever made use of one of these plates?

BOSTELMAN: No, sir.

CHAMBERS: Does anybody named "Scotty" that you know of made use of it?

BOSTELMAN: Not that I know of.

CHAMBERS: Well, then I could say "beam me up, Scotty" without having one of these plate?

BOSTELMAN: Yes, I think so.

CHAMBERS: I feel better, thank you.

BOSTELMAN: You're welcome.

WILLIAMS: Thank you, Senator Chambers and Senator Bostelman. Seeing no one else in the queue, Senator Bostelman, you're recognized to close. Senator Bostelman waives closing. The

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

Floor Debate  
February 13, 2019

---

question is the advancement of LB699 to E&R Initial. All those in favor please vote aye; those opposed please vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance.

WILLIAMS: The bill advances. Return to General File.

ASSISTANT CLERK: Mr. President, LB8 introduced by Senator Blood. (Read title.) The bill was read for the first time on January 10 of this year and referred to the Transportation and Telecommunications Committee. That committee reports the bill to General File with committee amendments.

WILLIAMS: Thank you, Mr. Clerk. Senator Blood, you're recognized to open on LB8.

BLOOD: Thank you, Mr. President. And thank you to Senator Friesen and the Transportation Committee for voting this bill to the floor for debate. Fellow senators, friends all, I rise today to bring forward LB8. LB8 is a noncontroversial bill that brings a change to statute that fixes what has been an apparent oversight in past years. This bill looks to simply include a physician medical director to the very short list of people who may be allowed to outfit whatever vehicle they are driving with flashing emergency lights as long as they only use those lights when they are en route to the scene of an accident or emergency where they are required to be as a medical director and at no other time. Should this bill pass, it would mean physician medical directors would be in a group that is currently inhabited by volunteer firefighters and peace officers. For those who don't know exactly what a physician medical director is, they're qualified and board certified physicians who are responsible for emergency care providers outside of a hospital or a clinical setting. In most cases, these people work side by side with the local fire departments. These individuals also often help develop and maintain the emergency medical protocols used by other EMS personnel in the areas where the medical director operates. When medical directors are given the ability to respond directly to the field for both routine and as highly acute and highly profile EMS calls, they're filling an important need. Being able to be in the field and directly observe EMS providers administering care in the pre-hospital environment allows for direct and real time feedback to EMS providers. It allows-- it also gives a medical director the



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

Floor Debate  
February 13, 2019

---

ability to directly observe the status of the system they oversee so that they can help. EMS is an intricate system and each component of the system has an essential role to perform as part of a coordinated and seamless system of emergency medical care. Each emergency is an opportunity to save more lives, not only at the time of the accident, but in the future as well because the protocols can be amended to improve service and potentially protect the public even further through this ongoing process. For this reason it is very important that the medical director be able to reach an accident or other emergency as quickly as possible to make sure that the protocols are being followed and being amended as needed. Upon arrival, they may also be helping out and administering any aid that is warranted at the scene. As EMS systems continue to grow and evolve, the goals of physician response in the field has also grown. Municipalities throughout the United States has started to incorporate physician-filled response into their EMS systems. I want to make clear that LB8 is not a rubber stamp for the medical directors to get the flashing emergency lights on their vehicles, but rather would be allowed to use the lights once they apply to their county sheriff's office and it is approved. It is also not mandatory for any municipality or county but an option that each may choose to utilize should it be beneficial to the local emergency response team. LB8 was voted out of the committee with a vote of 8-0 and the bill has had no opponents at the hearing and I encourage you to vote green on LB8.

WILLIAMS: Thank you, Senator Blood. As the Clerk stated, there are amendments from the Transportation and Telecommunications Committee. Senator Friesen, as Chair of the committee, you are recognized to open on the committee amendments.

FRIESEN: Thank you, Mr. President. AM33 was offered by Senator Blood at the hearing and it was adopted by the committee as a committee amendment and it just adds a requirement that before a physician medical director can get this authorization from the county sheriff to drive with emergency lights, he or she must complete an emergency vehicle operator course. This is one thing that I think it's a really important part of the bill because too many times people think because they have a red light they can go fast, they can run through stop signs, stoplights, and that's not the case. And so I think this training is very good addition to the bill. So, I urge you to adopt the amendment to the bill. Thank you, Mr. President.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: Thank you, Senator Friesen. Debate is open. Seeing no one in the queue, Senator Friesen, you are invited to close on the committee amendment. Senator Friesen waives closing. The question is shall the committee amendments to LB8 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 0 nays on the motion to adopt the committee amendments.

WILLIAMS: The amendment is adopted. Discussion on advancement of LB8. Seeing no one in the queue, Senator Blood, you're recognized to close. Senator Blood waives closing. The question is the advancement of LB8 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The bill advances. Mr. Clerk, back to General File.

ASSISTANT CLERK: Mr. President, LB156 introduced by Senator Brewer. (Read title.) The bill was read for the first time on January 11 of this year and reported to the Transportation and Telecommunications Committee. That committee reports the bill to General File with committee amendments.

WILLIAMS: Thank you, Mr. Clerk. Senator Brewer, you are recognized to open on LB156.

BREWER: Thank you, Mr. President; good morning, colleagues. I rise to present LB156. This is a bill that was brought to me on behalf of my constituents and its referenced military vehicles. I want to start by thanking Rhonda Lamb and her staff at the Department of Motor Vehicles for their patience and professionalism. The Department of Motor Vehicles supports the both the bill and the amendment, AM119. Imagine that you go to an auction and buy a surplus military vehicle which is a perfectly normal thing to do. You go down to the county courthouse to pay for your taxes and to get your vehicle licensed and registered. You find out that your military vehicle is not considered a motor vehicle under Nebraska law and you cannot title or put plates on it. The other thing that you discover is that other counties in Nebraska will let you do the same

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

Floor Debate  
February 13, 2019

---

thing and allow you to register. It is a decision that is solely in the hands of the county clerk and the county treasurer to issue the title and license the vehicle. This problem was brought to me by a number of constituents. And for complete clarity, I do own a military humvee of my own. My staff and I worked on this this summer with Rhonda and her team. If you look at the bill, it is 15 pages long. Part of that is, Rhonda is very good at attention to detail. She cleaned up a lot of small issues that needed to be addressed so that we could not deal with a number of amendments. So the bottom line on this is it makes former military vehicles truly motor vehicles in the eyes of the state of Nebraska and will allow you to title them, register them, and put plates on them. The only restriction is that you cannot operate them on the Interstate. We felt that this was a reasonable exception since most military vehicles are limited to 55-65 miles per hour. The amendment to this bill is AM19. It is a technical amendment and it is needed to add the language necessary for the Department of Motor Vehicles to create a particular plate that is simply titled "military vehicle." Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brewer. As the Clerk stated, there are amendments from the Transportation and Telecommunication Committee. Senator Friesen, as Chair of the committee, you are recognized to open on the committee amendments.

FRIESEN: Thank you, Mr. President. AM19 was presented to the committee by Senator Brewer at the hearing and it was adopted as the committee amendment to LB156. The amendment amends Section 60-3,104; gives the Department of Motor Vehicles the authority to issue former military vehicle license plates. It would allow the display of special or organizational license plates on former military vehicles. And I urge you to adopt this amendment. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. Debate is open. Seeing no one in the queue, Senator Friesen you are invited to close. He waives closing on AM19. The question is shall the committee amendments to LB156 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to adopt the committee amendment.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: The amendment is adopted. Discussion on the advancement? Senator Chambers, you are recognized.

CHAMBERS: Thank you, Mr. President. I would like to ask my esteemed colleague a question or two on his bill if he would answer.

WILLIAMS: Senator Bostelman, (sic-Brewer) would you yield?

BOSTELMAN: No, that would be Senator Brewer.

WILLIAMS: Excuse me. Senator Brewer, would you yield?

BREWER: I would.

CHAMBERS: Mr. President, I thought something was going on here because it's me at the mike, that I hadn't been informed of earlier. But, Senator Brewer, does the bill specify the types of vehicles that we're dealing with?

BREWER: It identifies them as military vehicles, those that were originally made for use by the military.

CHAMBERS: Would that include tanks? It could though, couldn't it?

BREWER: In theory, it could, yes.

CHAMBERS: What is the largest vehicle you can think of that had a 105 rifle on it?

BREWER: Well, in modern times it would be what's called a Stryker.

CHAMBERS: How large a vehicle is that?

BREWER: That's an 8-wheel, 32-ton vehicle.

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

Floor Debate  
February 13, 2019

---

CHAMBERS: Would that be included?

BREWER: If you had a spare \$7 million, yes, it would be.

CHAMBERS: Touche. Thank you. That-- what I wanted to find out though, and by Senator Brewer giving that kind of an answer, these would not be vehicles that-- well, let me ask him the question. Senator Brewer, and this is not meant facetiously, are they the types of vehicles that might tear up a road, an ordinary road that it would be used on?

BREWER: Actually, that's a great question and that was part of the discussion we had with Rhonda Lamb. They still need to meet all the requirements to be able to use on roads. So they're wheeled vehicles that have turn signals, headlights, all of the features that are necessary for safety purposes.

CHAMBERS: Okay. That takes care of the concerns that I had. Thank you, Senator Brewer. Thank you, Mr. Chairman. And don't get the idea that the only one I would apply the word "esteem" to is Senator Bostelman.

WILLIAMS: Thank you, Senator Chambers and Senator Brewer. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you. Would Senator Chambers yield to a question?

WILLIAMS: Senator Chambers, would you yield?

CHAMBERS: Before I do, as Aesop said, nothing gets the duck in trouble but his bill. Yes, I will.

BOSTELMAN: Senator Chambers, would you agree with me that these vehicles we're talking about probably do not involve the United Federation of Planets?

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

Floor Debate  
February 13, 2019

---

CHAMBERS: Well, in view of the fact that yesterday was extraterr-- let me ask you a question. Oh no, you're asking me. I understand that yesterday was extraterrestrial day. Is that correct? And then I'll answer your question?

BOSTELMAN: Yes, it was.

CHAMBERS: Now, would you ask me your question again?

BOSTELMAN: Yes, would you agree with me that these vehicles we're talking about do not belong to the United Federation of Planets?

CHAMBERS: I agree with that.

BOSTELMAN: Do you also agree with me these vehicles do not include interstellar travel?

CHAMBERS: Well, now you're getting into an area where I'm not quite as sure. But there's-- it could be and may not be, but probably wouldn't.

BOSTELMAN: Thank you. You know, yesterday, since it was the Extraterrestrial National Recognition Day, I did have my specialty Marvin the Martian tie on just for that purpose. Thank you, Senator Chambers.

CHAMBERS: Thank you.

WILLIAMS: Thank you, Senator Bostelman and Senator Chambers. Senator Groene, you are recognized.

GROENE: Thank you, Mr. President. I just stand to thank Senator Brewer for bringing this bill because I know nothing about military vehicles, I wasn't in the service. They were taking people off the top of buildings in Saigon when I got out of high school. But one of my constituents kept calling me about it that this needed to be done. So I said I know a perfect person for this that might even understand the language you're talking and I understand there was other people in

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

Floor Debate  
February 13, 2019

---

this that brought this to Senator Brewer. But that's-- I sure appreciate him doing this bill because somebody was able to stand up and answer Senator Chamber's question. So thank you, Senator Brewer, and I'll vote green on this bill.

WILLIAMS: Thank you, Senator Groene. Seeing no one in the queue, Senator Brewer, you are recognized to close on LB156.

BREWER: I just wanted to thank everyone for their entertaining comments on my bill. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brewer. The question is the advancement of LB156 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 0 nays on the motion to advance.

WILLIAMS: The bill advances. We'll now move to Select File.

CLERK: Mr. President, Select File, no E&Rs. I do have other amendments. First of all, Senator Lathrop, I have AM257, I understand you wish to withdraw AM257, Senator, and offer AM299.

LATHROP: That's true.

WILLIAMS: No objections, so ordered to the substitution. Senator Lathrop, you are recognized to open on AM299.

LATHROP: Thank you, Mr. President and colleagues. You'll recall Senator Lowe's LB301 is a bill that will move many of the inspections that are done by the Department of Labor over to the Fire Marshal. This is an amendment to the Amusement Ride Act relative to the amount of coverage the amusement ride provider needs to carry. It leaves it to the discretion of the Fire Marshal to determine the amount, but the amount will be no less than \$1 million per person and \$3 million per occurrence and that's done by bringing the stakeholders together and achieving

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

Floor Debate  
February 13, 2019

---

that number by agreement. And with that I would encourage your support of the AM299 and LB301. Thank you.

WILLIAMS: Thank you, Senator Lathrop. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President. I would like to thank Senator Lathrop for working with me on this amendment and bringing it forward. I think it's a better bill and I think it kind of goes along with this thinking of what we need to protect our citizens in case something happens. Thank you.

WILLIAMS: Thank you, Senator Lowe. Debate is open. Seeing no one in the queue, Senator Lathrop, you are invited to close. He waives closing on AM299. The question for the body is the advancement of AM299 to LB301. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays on adoption of Senator Lathrop's amendment.

WILLIAMS: Senator Slama.

SLAMA: Mr. President, I move that LB301--

WILLIAMS: Excuse me. Mr. Clerk, I understand we have an additional amendment.

CLERK: Mr. President, Senator Lowe would move to amend with AM165.

WILLIAMS: Senator Lowe, you are invited to open on your amendment.

LOWE: Thank you, Mr. President. AM165 was brought to me by the Fiscal Office and by the Bill Drafters Office. It is designed to ensure that any changes made by our 2019 budget are properly reflected for these 10 employees that are being transferred from the Department of Labor to the Fire Marshals. Thank you, Mr. President.



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

Floor Debate  
February 13, 2019

---

WILLIAMS: Thank you, Senator Lowe. Debate is open. Seeing no one, Senator Lowe, you are recognized to close on AM165. Senator Lowe waives closing. The question before the body is the adoption of AM165 to LB301. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Lowe's amendment.

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB301 be advanced to E&R for engrossing.

WILLIAMS: You have heard the motion. All those in favor say aye. All those opposed say nay. LB301 advances. Mr. Clerk.

CLERK: Mr. President, LB359, Senator, I have no amendments to the bill.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB359 be advanced to E&R for engrossing.

WILLIAMS: You have heard the motion. All those in favor say aye. All those opposed say nay. LB359 is advanced. Mr. Clerk.

CLERK: [LB]306, Senator, I have no amendments to the bill.

WILLIAMS: Thank you, Mr. Clerk. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB306 be advanced to E&R for engrossing.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB306 advances. Mr. Clerk.

CLERK: LB122, I do have E&R amendments pending.

WILLIAMS: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB122 be adopted.

WILLIAMS: The question is the adoptions of the E&R amendments to LB122. You have heard the motion. All those in favor say aye. Opposed say nay. Motion carried. Mr. Clerk for an amendment.

CLERK: Mr. President, Senator Crawford would move to amend AM247.

WILLIAMS: Senator Crawford, you are recognized to open on AM247.

CRAWFORD: Thank you, Mr. President. This amendment just changes a date. The current bill has the date of March 1. And since this bill will likely pass before March 1, we're just changing that date to January 1 so that the bill doesn't pass with any undue delegation in the bill.

WILLIAMS: Thank you, Senator Crawford. Debate is open. Seeing no one, Senator Crawford, you are recognized to close. Senator Crawford waives closing on AM247. The question before the body is the advancement of AM247 to LB122. Those in favor please vote yes; those opposed please vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Crawford's amendment.

WILLIAMS: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

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

Floor Debate  
February 13, 2019

---

WILLIAMS: Thank you, Mr. Clerk. Senator Slama.

SLAMA: Mr. President, I move that LB122 be advanced to E&R for engrossing.

WILLIAMS: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB122 is advanced. Mr. Clerk.

CLERK: Mr. President, LR1CA: I have no amendments to the bill.

WILLIAMS: Senator Slama.

SLAMA: Mr. President, I move that LR1CA be advanced to E&R for engrossing.

WILLIAMS: Members you have heard the motion. All those in favor say aye. Opposed say nay. LR1CA advances. Mr. Clerk.

CLERK: LB71, Senator, I have no amendments to the bill.

WILLIAMS: Senator Slama.

SLAMA: Mr. President, I move that LB71 be advanced to E&R for engrossing.

WILLIAMS: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB71 advances. Items?

CLERK: Mr. President, thank you. I have a notice of hearing from the Agriculture Committee that was signed by Senator Halloran as Chair. Amendments to be printed to LB294 by Senator La Grone. And new a A bill: LB25A (Read bill by title for the first time.) That's offered by Senator Kolterman. Mr. President, announcements: the Economic Development Task Force will meet in Room 1003 upon adjournment; Economic Development Task Force in Room 1003 on First Floor upon adjournment. The Business and Labor Committee will have an Executive

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

Floor Debate  
February 13, 2019

---

Session at 12:15 in Room 2022; that's Business and Labor at 12:15 in 2022. Senator Blood would like to add her name to [LB]160; Senator Hunt to [LB]320.

Finally, Mr. President, Senator Erdman would move to adjourn the body until Thursday, February 14, at 9:00 a.m.

WILLIAMS: We have a motion to adjourn. All those in favor say aye. Opposed? We are adjourned.