

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

Floor Debate
May 02, 2019

[]

FOLEY: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for this seventieth day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Father Brian Connor who is pastor of the North American Martyrs Parish in Lincoln, Nebraska; Senator Hilgers' district. Please rise.

FATHER CONNOR: (Prayer offered.)

FOLEY: Thank you, Father Connor. I call to order the seventieth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: No corrections this morning.

FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, two items: A report of registered lobbyists for the current week as required by statute, and announcement that various agency reports have been filed electronically and are available on the legislative Web site. That's all I have this morning.

FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR93. Senator Blood, for what purpose do you rise?

BLOOD: Point of privilege, sir.

FOLEY: Please proceed.

BLOOD: Thank you, Mr. Speaker-- excuse me, Mr. President. So, I would like to announce that yesterday we welcomed Samuel Joseph on the outside at 5:33 p.m. He was 9 pounds, 6 ounces, 21 and one-fourth inches long, and my ninth grandchild.

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

Floor Debate
May 02, 2019

FOLEY: Thank you, Senator Blood. Senator Stinner, for what purpose do you rise?

STINNER: Well, after yesterday, I'm not sure how do this, so I'm going to make an announcement; how's that? This is the seventieth day, we've delivered the budget to the floor, and we also have in my hand cosmic orange budget book. You can't lose this. But anyway, it's going to be passed out by the pages, so everybody will have a copy of that for days. As you have the review the contents, we're going to have a briefing then on Tuesday. I think it's Room 1510, I believe, at 9:00. Tom Bergquist, Fiscal staff, myself, will be there for the briefing. And I believe that the Speaker has got it scheduled the budget hearing. Debate will start on Wednesday. So, enjoy.

FOLEY: Thank you, Senator Stinner. (Doctor of the day introduced.) Speaker Scheer.

SCHEER: Thank you, Mr. President; colleagues. As usual, last day of the week, I'll give you an idea of what we're looking at for next week. For those of you that were planning on coming tomorrow, please don't. And if you were thinking about Monday, stay home and sleep in. As Senator Stinner had noted, we will be convening at 10:00 on Tuesday to allow everyone to go to the briefing at 9:00 that day. On Tuesday, it will be my intention, if all works out, that LB289 will be on the floor Tuesday afternoon at 1:30. Having said that, the caveat is the bill is, I believe, down from Bill Drafting, they're reviewing it. Depending upon if it comes back in the format they want, as long as it can be read in today, we will work on it Tuesday afternoon. If it is not read in this morning, then it will be pushed back after the budget. Reminder that the Revenue Committee is also having a briefing today on LB289, I believe, in 1510 at 1:00. Is that correct? OK. There are two additional bills that will show up next week. I'm not sure that we will get to them next week. One is LB519, Senator Slama's; and the other is LB462, Senator Friesen's. Wednesday morning we will begin debate on the budget bills. We will continue through Wednesday. It could end up being a later night. My hope is not to get too late in the evening. I will be holding Thursday morning open on my scheduling for the debate on the budget if it does follow through the next day that we will have the morning of Thursday to work on. Thursday afternoon we will go back to a couple bills that tie into the budget process. One would be-- I believe it's LB300 which is the judges' salaries. There is also the TEEOSA bill and adjustments that have to be passed as well to be-- coincide with the budget. Both of those need to be acted upon. But we will not be late nights on either Tuesday or Thursday night, or Wednesday would be the only one that would be a later evening. On Friday, we will be doing the consent calendar. Those bills will be listed on Thursday's agenda when it comes out Wednesday night, so you'll have a little advance notice on those to give you a day to review those at your leisure. Again, have a great weekend. Enjoy the rest. Next week will be a fairly heavy push, so get some rest, go for a walk by yourself, clear yourself up, and come back ready to do something. Thank you, Mr. President.

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

Floor Debate
May 02, 2019

FOLEY: Thank you, Mr. Speaker. Members, the chocolate treats being distributed on the floor in celebration of the birth of the ninth grandchild of Senator Carol Blood. Thank you very much, Senator Blood. Members, we're going to proceed to Final Reading, if you could please be at your desk for Final Reading. We will commence Final Reading. Mr. Clerk, the first bill is LB6.

ASSISTANT CLERK: (Read LB6 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB6 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

FOLEY: LB6 passes. Members, the second round of treats being distributed on the floor are in celebration of the birthday of Senator Slama. Happy birthday, Senator Slama. Proceeding now to LB130. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 37 ayes, 7 nays to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB130.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB130 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) Vote is 40 ayes, 4 nays, 4 present and not voting, 1 excused not voting, Mr. President.

FOLEY: LB130 passes. Next bill is LB130A.

CLERK: (Read LB130A on Final Reading.)

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

Floor Debate
May 02, 2019

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB130A pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) Vote is 40 ayes, 4 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

FOLEY: LB130A passes. Next bill is LB138. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 36 ayes, 7 nays to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB138.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB138 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

FOLEY: LB138 passes. (Visitors introduced.) Proceeding now to LB227. Mr. Clerk.

ASSISTANT CLERK: (Read LB227 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB227 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 46 ayes, 2 nays, 1 present and not voting, Mr. President.

FOLEY: LB227 passes. We'll proceed now to LB237. Mr. Clerk, the first vote is dispense with the at-large reading. Those in favor of dispensing the reading vote aye; those opposed vote nay. Record, please.

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

Floor Debate
May 02, 2019

ASSISTANT CLERK: 34 ayes, 7 nays to dispense with the at-large reading, Mr. President.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB237.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB237 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 44 ayes, 4 nays, 1 present and not voting, Mr. President.

FOLEY: LB237 passes. Proceeding now to LB237A.

ASSISTANT CLERK: (Read LB237A on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB237A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 43 ayes, 5 nays, 1 present and not voting.

FOLEY: LB237A passes. Proceeding now to LB356. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 34 ayes, 7 nays to dispense with the at-large reading, Mr. President.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB356.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB356 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 49 ayes, 0 nays, Mr. President.

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

Floor Debate
May 02, 2019

FOLEY: LB356 passes. Next bill is LB405.

ASSISTANT CLERK: Mr. President, with respect to LB405, Senator Lowe would move to return the bill to Select File for a specific amendment; that be striking the enacting clause.

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

LOWE: Thank you, Lieutenant Governor. LB405 brings into the International Building Code into our building codes. This may be a good time to wash your hands from the stickiness from Senator Slama's birthday doughnuts, but the-- I don't believe we need the international codes telling us here in Nebraska what we need to do. It brings in the International Energy Code, which will bring in things of green energy. It will cost us to build our houses. When we look at trying to build affordable housing, we can do that without this, and we need to do that without this. We don't need high cost to build our houses, and if I'd like to build my house one way, I think that should be my prerogative to do it that way without international codes, Europe and other places telling us what to do. So that's why I dropped this motion for us to take a little bit of time and to think that do we need those codes telling us what to do. We already have a great set of codes, so let's just take time and think about that. I'm going to vote no on LB405, as I have in the past, because we don't need this. Thank you, Mr. President.

FOLEY: Thank you, Senator Lowe. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. Senator Lowe said that this will bring us into the IECC, the International Energy Conservation Code. That's not true at all. It doesn't bring us into this. We've already using the IECC, that's the code that we use. He also said that we already have a great set of codes. That's the IECC. That's what this is. All we're doing with this bill is updating the State Energy Code standard from the 2009 edition of the IECC to the 2018 edition. Amendments to this bill, that we already agreed to, under this bill any locality, any municipality, any of your cities or villages or towns who wish to modify the code for any reason would be able to do so under this bill. So there's no mandate, no city is being compelled to do anything here. There's also a delayed operative date of July 1, 2020, which gives all localities time to look at the code and decide if they would like to adopt any amendments or modify it for any reason. This bill also compliments LB348 which was Senator Quick's bill to update our building codes which passed Final Reading with 41 aye votes. I appreciate Senator Lowe adding to the conversation here, but based on the concerns that he shared in his opening on this floor amendment, I think that I've addressed those. We're already on the IECC. This isn't compelling any city or any builder to do anything. And we do have a great set of codes, because we use the IECC, we rely on them to give us guidance about safety and security for our housing. So with that I'd encourage

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

Floor Debate
May 02, 2019

your red vote on the floor amendment and your green vote on LB405 and we can move on.
Thank you.

FOLEY: Thank you, Senator Hunt. Senator Wayne.

WAYNE: Thank you, Mr. President. Just want to reiterate what we did before has actually already been signed by Governor into law. We've updated our codes in 2018. What that creates is we have a 2009 energy code. You can tell the difference 2018, 2009, there's going to be conflict. So, we have to elevate our energy code to match what we done-- already passed in this body with the building code or you're going to have builders now conflicting on which provisions they provide, which will actually cost more money because they'll have to go back to the architects, they'll have to go to the local planning department to get a ruling on which code they should follow. We need to make sure that we update and be consistent because the Energy Code has been around since 1980, one version or another by this body. So this is a historic thing that we continue to do to update our energy code to match what we do with our building code to make sure that we are all on the same page. By not having alignment, you're actually going to increase cost. Again, let me repeat this. By not having alignment, you're actually going to increase cost; because you're going to have two different sets of codes where they don't commingle together, and you'll have architects and engineers continue to go back to the planning department, continue to go back to your local building code department and try to figure out which code, which standard they should use. So this bill is critical as we try to harmonize what we've already passed and the Governor has already signed into law, which was Senator Quick's bill. Colleagues, what's being handed out is a map that shows you all the different states that have building codes. As you will see, we have not updated ours since 2009. There is some states around us, Kansas and South Dakota, who are still on 2009, but their building code is also behind ours. Once we decide to update our building code, we have to make sure all the rest of the codes align for construction and for other purposes. The map that you also see, you'll see that Colorado and, I believe, Utah are gray because they have a local code. They have not yet adopted the international code. But I will tell you, Colorado's code is much more stringent than our code. They've adopted a local code because of the unique mountains that they have that most states don't have to allow for their energy code to be slightly different. Again, this is a floor. Local municipalities can increase if they choose to make it tighter or more stringent, but we are setting a floor on our codes to make sure they all align. What we don't want is some builder out there going back and forth trying to hop between codes and we have conflict. And that's what's going to occur if this bill doesn't move. So we will actually drive up costs for our builders if we don't move this forward to match what we've already passed as a body and the Governor's already signed. Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senator Erdman.

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

Floor Debate
May 02, 2019

ERDMAN: Thank you, Lieutenant Governor; good morning. Senator Lowe, thank you for bringing this opportunity to us to have a discussion on LB405. I was wondering if Senator Hunt would yield to a question.

FOLEY: Senator Hunt, will you yield, please?

HUNT: Yep.

ERDMAN: Senator Hunt, good morning. The question I have is, who brought this bill to you to bring to the floor?

HUNT: This is a bill that was brought by Senator Wayne in the past, and it was part of an Urban Affairs package bill that was vetoed by the Governor. But this is a part of that bill that had great support from the body when it was brought previously.

ERDMAN: So was this, and you may not know the answer to this, was this one of those bills that was in a Christmas tree bill last year?

HUNT: Yes?

ERDMAN: OK.

HUNT: No?

ERDMAN: Thank you.

HUNT: No, the answer is no.

ERDMAN: The answer is no? OK, thank you. Senator Lowe, would you yield to a question?

FOLEY: Senator Lowe, would you yield, please?

LOWE: Yes, I will.

ERDMAN: Senator Lowe, did this bill come to your committee?

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

Floor Debate
May 02, 2019

LOWE: Yes, it did.

ERDMAN: And in that committee, when the hearing was held, were there people in the construction business come to testify?

LOWE: Yes, there were.

ERDMAN: And can you share with us what their comments may have been.

LOWE: That by adopting this code it would raise cost of building.

ERDMAN: And so I would assume from that that they were opposed to any more restrictions to make building costs higher. Would that be a fair assumption?

LOWE: That would be a fair assumption.

ERDMAN: You know, Senator Hunt and her remarks, when she was at the mike the first time, had made several comments that led me to believe that if we don't pass this bill, not a whole lot of things are going to change, and we're doing just fine the way we are. So sometimes here we pass bills and we have solutions looking for a problem. And I think that's what LB405 is. So I would agree with Senator Lowe. I'm voting no on LB405 and I urge you to do the same. Thank you.

FOLEY: Thank you, Senators Erdman and Lowe. Senator Groene.

GROENE: Cause and effect. I appreciate Senator Hunt bringing this bill. I was a freshman once, too, and the departments bring freshmen bills and ask them to introduce them for them, and I did it too. And not doubting that Senator Hunt is fully on board with this code, but cause and effect. Major paper, eastern Nebraska paper, had an editorial this morning about work force housing again, and the unaffordability of building it in the state of Nebraska. They claim there's demand, but builders can't build because people can't afford to buy them. It's called regulations, overregulation; driving up the cost to the point where government gets involved so much the consumer can't afford the end product. That's what we are doing here. I know a few engineers who travel within a four or five state area, and they do agricultural plants, build them. The cost in Nebraska is 10-20 percent higher because of all the regulation. Dumb things: huge-- huge fire depression water systems in a metal building; other states don't demand that. All sorts of regulations 'cause we just blindly adopt something created in Europe, a code. What we really need to do is have an LR and look at all these regulations, housing regulations. Maybe that's how

Floor Debate
May 02, 2019

we could get affordable housing back in the state of Nebraska. You just passed a radon. Common sense, the consumer knows there's a radon deal; they can add it themselves. Their contractor can tell them they need it. That's free enterprise. So you say it's a choice? Well, if you're an architect, and you're asked to design a house, you're just going to play it safe and you're going to put all of these safeguards in there, even though the consumer doesn't even know it's a choice for them to do it or not. You know how it works. So what do we do? We raise the price of construction to the point that the consumer can't afford it and then we turn around and give away our tax base by TIFing it or giving a tax credit. You get the quandary here? Cause and effect. We need to stop overregulating the state of Nebraska. We are reasonable people. Local people know what they need. International Energy Conservation Code, you know there's more climate change between Scottsbluff and Omaha than there is between Omaha and Washington, D.C.? International Energy Conservation Code. I'm assuming there's a big difference between Finland and Nebraska; Brazil and Nebraska. The people in Brazil got to put 6-inch insulation in the walls? Doesn't make any sense. To adopt how you build your home on an international standard, it's a easy way to do it, it's the easy way to adopt codes.

FOLEY: One minute.

GROENE: We need to start saying no to these overregulation. Just say no. Let's start over. Let's have a study of the electrical codes and housing codes in the state of Nebraska. Maybe we start eliminating some of these things so we can get some affordable housing again. The safety factors need to be involved, but some of this stuff needs to go away and be a good start today for the conservative legislature to say no to overregulation. Thank you.

FOLEY: Thank you, Senator Groene. Senator Lowe.

LOWE: Thank you, Lieutenant Governor. My intent is not to send it back to Select. My intent is to take a vote on this and I'd urge everybody to vote no because we don't need this at this time. It's a good thing we passed-- just passed the passive radon bill because if this bill passes, we're going to need that because this building code creates houses that are so tight there is no air movement when we build which means no air comes in, no air goes out. In the past, our houses have been loose enough to allow that pass of radon to go out. These codes are what are now causing us the problems that we're having now, that we're seeing. In the past, we didn't have radon problems in our homes. Our homes breathed. Senator Wayne just passed out a map to us, and I appreciate that, Senator Wayne. As you can see, Nevada is the only state that has adopted this. Is there a reason why most of the maps-- most of this map is green or yellow? They have not gone to doing this. They have seen a problem with adopting the International Building Code. So once again, I urge you to vote no on LB405. Thank you very much, Mr. President.

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

Floor Debate
May 02, 2019

FOLEY: Thank you, Senator Lowe. Senator Hughes.

HUGHES: Thank you, Mr. President; good morning, colleagues. Would Senator Wayne answer some questions for me, please?

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes.

HUGHES: Thank you, Senator Wayne. My first two years I was on Urban Affairs and I do recall that we spent some time on codes. Now, this is just the energy codes that we're discussing, is that correct?

WAYNE: Correct. It's the International Energy Conservation Code.

HUGHES: So, what other-- what other codes, is there an electrical code and plumbing code and where is the state of Nebraska on updating those?

WAYNE: The electrical code, there's electric code, energy code, building code, and I think that's it. So the building code we have updated this year. The plumbing code is current, as that has been updated, and actually we're working on doing a plumbing board, they're working on some issues there. The energy code, this will update that, and the-- what was the other code I said?

HUGHES: Electrical.

WAYNE: Electrical code. That is current, and we had that discussion last year on the floor during the Costco debate.

HUGHES: So they're all up to 2018?

WAYNE: They're not all up to 2018, most of them are 2015.

HUGHES: OK, that was what, I guess, what I was trying to get to that as I recall, the state of Nebraska was never up to date with the international codes. We were always two to four to six years behind to give our contractors the ability to adapt. So I guess my concern with this bill is we're jumping from 2009 to 2018. I guess I think we have been better served in the past of taking small bites at that. I don't know what the update from 2009 was. If it was 2011 or '12 or '13, but

Floor Debate
May 02, 2019

as I recall from my time on Urban Affairs that we did take-- when we did make the updates, but we took smaller bites at the apple, I guess, to make it less onerous, not only on the contractor, but ultimately the homeowner or the building owner that was building that structure. So, I guess, my point is that we don't have to make this total jump at one time. There are opportunities to take smaller bites at the apple to make sure that we don't create issues for our contractors and ultimately for the individuals or the corporations who are building the buildings and making it too tight, no pun intended there, Senator Lowe, to cause undue construction delays or costs. So I, at this point, I think I am opposed to LB405. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Senator Blood.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand strongly opposed to Senator Lowe's strike the enacting clause and his encouragement to not vote green on this bill. And I hope that you are listening, don't already have your minds made up, because I'm in full support of this bill. I was so glad that somebody talked about cause and effect. It's very clear when people stand up at this mike sometimes how little understanding they have when it comes to municipalities. I know that Mayor Moser, now Senator Moser, has a very clear understanding, as several others do as well. Many municipalities have already adopted and updated their codes and continue to do so. And the reason that they do that is that if they don't they're insurance rates skyrocket. Then bonding ratings go down, and then without affordable bond rates, then development can slow down or can stop. So, if you are against development and you want to see it slow down and stop, then you would be against this bill. And if you are against people paying lower prices on energy bills, then you would want to vote against this bill. But if you have common sense--

FOLEY: Excuse me, Senator Blood, please proceed.

BLOOD: Thank you. I think that's the first time you've ever done that for me. So you have to have an understanding that when people update state energy codes and if you look at this bill, it's really a very simple bill. They're requiring that counties and communities notify the SCO, right? If they amend or modify any building or construction codes, in particular cases, this is just a really simple bill. And it's SOP. It really is. And I think that there's not a clear understanding what happens at the municipal level. But I can tell you that when you talk to fire departments, when you talk to insurance agents, when you talk to bonding authorities, they're going to tell you that they do support this type of legislation. And builders don't, because it can sometimes increase building costs. And I agree with that. But you know what else I agree with, I agree that people should have the ability to not pay through the nose for their utilities. I think people should have safe homes that they live in and that's why we have these building codes. And I think municipalities and counties that want to build should have the ability to have decent bond

Floor Debate
May 02, 2019

ratings. And so, I'm going to support this bill because this is common sense. And if you think otherwise and you're saying-- you're talking about taxes, and cause and effect, you know, we can spin anything in any way, but I'm standing here to speak the truth. And I'm standing here from experience. So there are a lot of cause and effect here. You want to go ahead and vote against the bill on the Final Reading, by the way, which I think is really poor form and I always hate when people do this, go ahead and vote against it. But if you represent municipalities, I encourage you to hurry up and get your staff on the phone because they're going to tell you that exact same thing about the bond rating and then you can go back to your district and you can explain to your municipalities why you voted against this bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Blood. (Visitors introduced.) Continuing discussion, Senator Slama.

SLAMA: Thank you, Mr. President; and good morning, colleagues. So on LB405, we've heard this bill painted as a simple bill, an easy bill, something that's par for the course. And if you look at the text of the bill itself, yeah, it seems pretty innocuous. But when you look into what the 2018 International Building Code does, it's a 4,000 page behemoth. And I'd like to site an article written in the Kansas City Star about concerns in Olathe about adopting this exact same code. So, yes, a municipality had a concern about this code. And we can read a little bit more about it in an article entitled, "Olathe council airs concerns about cost of building code update." This was written April 3, 2019, by Beth Lipoff. A potential building code update for the Olathe-- for Olathe prompted worries from city council members that residents and business owners would be the ones stuck with rising costs as a result. Tuesday night's meeting was the council's first chance to review possible amendments to the approximately 4,000 pages of material that could affect everything from residential lighting to regulations for fireproofing both residential and commercial buildings. The codes cover a wide swath including building, residential, existing buildings, plumbing, mechanical, fuel, gas, electrical, energy conservation, swimming pools, property maintenance, and fire codes. Possible changes include requiring new residences to illuminate house numbers and requiring sprinklers for many storage facilities. Other amendments dealt with requiring storm shelters or basements in new residences, and sprinklers in buildings with three or more units. This is the biggest tax increase we're going to do on the city council, Councilman Larry Campbell said, suggesting that the cost of these code changes will eventually be passed along to residents. Now I'd like to ask the members of this body if anybody, besides perhaps Senator Wayne, has read through both versions of the 2009 and 2018 International Code Council's IEC--

FOLEY: Senator Slama, excuse me. Some of the senators are saying they cannot hear you because of the background noise. So, if we can please hold the conversations down, members. Thank you. Senator Slama, please proceed.

Floor Debate
May 02, 2019

SLAMA: Thank you, Mr. President. I guess I'll have to speak louder. That's the first time I've been told that I've spoken too quietly. So, oops. So I'd like to ask members of this body who's read through all the 4,000 pages of changes in 2018 versus 2009 and compared them? Is Senator Moser on the floor right now? Is he?

FOLEY: Senator Moser, are you available for question?

SLAMA: He may not be on the floor.

FOLEY: I don't see him.

SLAMA: But my point is, yes, locality and municipalities have the chance to opt out of these changes if they would like. But what city council member, what average guy who decides to serve his community by sitting on the city council, and we're not talking about big cities in Omaha and Lincoln where this is a full-time commitment, we're talking about the average guy in Auburn, in Fall City. Is he really going to sit down and compare the 2009 IECC code to the 2018 IECC code, read through all 4,000 pages of both versions and come to a knowledgeable conclusion about whether that would serve his community better or not? I don't think so. So when we're saying this is a simple bill, yes, in the text of this bill it is simple, but the reality of this bill is anything but. And I'd like to thank Senator Lowe for bringing this floor amendment and having this discussion on the floor. And any time I have left, I'd like to yield to Senator Lowe.

FOLEY: Thank you, Senator Slama. One minute, Senator Lowe.

LOWE: Thank you, Mr. President. I'll try to hurry. You know, we do need to stop and take a moment here. This is not a simple bill. Cities and counties can already update their building codes without this. Cities and counties can already do this. They don't need our help. If they would like to put stringent codes in that prohibit building, then they can do this. You don't see them doing this until we tell them they have to. We should not be doing this. Thank you, Mr. President.

FOLEY: Thank you, Senator Lowe. Senator Wayne.

WAYNE: Thank you, Mr. President. First of all, I don't mind debating issues, but let's not make up facts. International Building Code, International Energy Code, those are all United States. Other countries have decided to start adopting them so the name became "International." It was not founded in Hungary or wherever else. Second, Senator Slama, this is not a 4,000 page

Floor Debate
May 02, 2019

document. This is actually smaller than our budget. Senator Hughes, Senator Hughes, this is actually smaller than our budget. My point is, if you were to look at the changes between 2015 to 2018, it's a three page document. If I were to print out the change between 2009 and 2012, which were the significant changes throughout our country regarding energy, this becomes a 24-page document of summary of significant changes. We are behind. Senator Kolterman has a bill dealing with PACE; that's energy allowing companies to use energy financing as a tool. They are not going to base that off 2009 code. It's not efficient enough. So, they're going to build to a higher standard and their standard won't meet code because we're behind again. It's time to start updating codes. The article that was read from Kansas City, first of all, the energy code does nothing with basements and foundations and things like that. That's part of the International Building Code, of which this body already adopted, and our conservative Governor already signed, signed into law. So to say that our conservative body has to stop energy code when the cost of energy code is significantly less than the cost of updating our building code, which our conservative Governor has already signed, makes no sense to me. This is about being energy efficient. And, yes, every state has codes. And we're not an outlier, Senator Groene, where it's going to increase our affordable housing because we adopt some codes. What's going to drive our cost up this year, is the fact that we had a flood and most concrete is doubling in prices, so most basements can't be built because the fly ash and the rocks and the limestone that are required are being used by every railroad across the country right now to build back up this area. That's what's going to drive up housing costs. We have to deal with facts. What happens in this body, and I have seen it so many times, before I got here and now that I'm here, is one person picks up one thing and we do a quick Google search and find something to match what we want to say and we just talk about it without verifying any facts, without double checking anything. Senator Groene, you voted yes on Senator Quick's bill to update our International Building Code. My point is, we have to update things. We have to move Nebraska to be modern. What's going to happen when the rest of the insurance world, because I have a bill later on, says that your building has to be built to this to be insured. Now we have a conflict again. And now every time there's a conflict in a plan-- let me explain this, because I build on a regular. If there is a conflict between a plan and a code or a code and another code, I get three engineers in a room to go back to the architect, to go back to the owner, and it is a change order, to figure out which code we have to follow.

FOLEY: One minute.

WAYNE: So if we don't update this, we're only behind 10 years, energy code of 10 years, we're behind. And to Senator Hughes's point, we used to take incremental steps, we are 10 years behind. So we jumped to 2018. What was interesting is the state home builders association were neutral. Omaha was the only one opposed to it. So the area you represent, your home builders are OK, Senator Lowe. Senator Groene, the homeowners in your area are OK with this. But again, we think we know what's better than the industry, because we did a quick Google search or we

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

Floor Debate
May 02, 2019

think because it says international it is founded in Hungary. Vote no on the motion to return to Select File; please vote green on the underlining bill. Thank you, Mr. President.

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

M. HANSEN: Thank you, Mr. President; and good morning, colleagues. Senator Wayne stole a little bit of my thunder. I did want to reaffirm that the International Code Council is a U.S. based organization. It is us exporting our knowledge of building codes and our knowledge of energy codes to other countries. It seems to be headquartered in D.C. and have regional offices across the country, including in Alabama, California, Illinois, and Kansas. This is an American organization that is producing codes based on our expertise and knowing our country. And further, if you were worried about the International Code Council interjecting themselves in our building, we're going to insert new regulations. I would like to remind everyone, we've already adopted the International Code Council's Energy Conservation Code, we just have an out-of-date version. If you're drawing the line in the sand and we don't want the International Energy Conservation Code, we don't want this outside group telling us how to build our houses, that ship has sailed a long time ago. If I heard Senator Wayne correctly, we've had this energy code on our books since before I was born in some version and we've just been updating the year. The other point I wanted to point out is we talked about the map that Nevada is the only state that had adopted the 2018 standard, that's true. And I will point out, it is the 2018 standard and this is 2019. The reason states have not necessarily updated the 2018 standard is because it was passed in 2018 and most states meet in the spring of 2019 like we are. I'm sure there are other states that are considering this and I'm sure this map will update soon. But if you look, the yellow is the 2009, and yes, there are some others that have stayed with us in 2009, but they are probably experiencing some of the same problems in terms of outdated codes, codes conflicting with building codes, and other issues, and that is why so many of the other states are green, which is either the 2012 or 2015. I imagine if all those states that are proactive have adopted the 2015 standard, which was the previous code before the 2018 standard. There shows there's plenty of proactive states that go out. And I'll point, colleagues, that these are across the country, different regions, different areas, different topography, all sorts of different things have adopted this in some variation. So I think we've-- sitting in Urban Affairs, we had some compelling testimony of tying the energy code to the building code because the building code "insumes" you're having an up-to-date energy code. And we're starting to get to the point where we're so far apart that that disconnect is causing problems, as Senator Wayne said, and we actually have some conflicts where best practices, the energy code requirements and the building code requirements don't all three line up. And the simplest most straightforward way to resolve that is to adopt Senator Hunt's bill and line up our energy codes with the same year that we've lined up with our building codes, which this body, the very 49 of us did just a couple weeks ago. With that, I would encourage you to vote against Senator Lowe's motion and adopt Senator Hunt's bill, LB405. Thank you, Mr. President.

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

Floor Debate
May 02, 2019

FOLEY: Thank you, Senator Hansen. (Visitors introduced.) Continuing discussion, Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, there's a country called England. And England is to be distinguished from the-- all those little countries that they have like Scotland, Ireland, Northern Ireland, the United Kingdom is not England. But in England, there was a period when machinery was coming into use. There were people who were opposed to this machinery for various reasons. But one had to do with putting people out of work. So they began to go to factories and smash these machines. They were called Luddites, L-u-d-d-i-t-e-s. They took their name after a fictional character called Ludd, L-u-d-d. There was much violence, much dislocation in society, and many hangings. Well, what we're hearing today is a replay of the Luddites. You have people who don't know what they're talking about, you have people who don't know the current state of affairs. I heard Senator Hughes objecting and saying that Nebraska is so far behind, yet in his bill on the nuisance, which I voted for, they had language talking about new technology to cut down odors and so forth. So in the very farming community from which he comes, technology is recognized as being a value. This whole effort is one of those things by the so-called conservatives, and Senator Groene even said this is a conservative Legislature, therefore, you ought to take the road of stupidity. So, you all make me think of songs. I'm not going to try to argue the issues. Senator Wayne gave you that. You don't want education. Pink Floyd wrote a song for you: (singing) We don't need no education, we don't need no thought control, no dark sarcasm in the classroom, teacher leave them kids alone; hey, teacher, leave them kids alone. Why is that? All we are is just another brick in the wall. You all-- you all are hard to find a word to describe. This bill is on Final Reading. There have been discussions of it all the way across the board. Senator Slama hopped up, or popped up and talked about a 4,000-page document which Senator Wayne explained away and told where that term "international" came from. This word "international" should not frighten you all just because you have heard the term international communism. You show your density, your intellectual backwardness. The stupidity is what is reigning and even the gods labor in vain against stupidity. I'm not a god. Therefore, I undertake that vain exercise to try to do away with stupidity, not by correcting your lack of information, but by embarrassing you, calling attention to what you don't know. When young people come to this Legislature, they are told, I presume by their teachers, to look for an example. There are kids who were taught more up-to-date material than they hear discussed on this floor and they can go back and tell the teacher,--

FOLEY: One minute.

CHAMBERS: --if I wrote that on the exam, you would flunk me. Those people are dumb. They don't even know how to read. You know where Google came from, as far as my first familiarity with it? Barney Google with the goo-goo-googly eyes. That's what you all are doing when you Google; Barney Google with the goo-goo-googly eyes. You don't have the sense, you don't have

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

Floor Debate
May 02, 2019

the knowledge, you don't have the intelligence to compare that nonsense which is on that gadget with what the facts are because you don't read the facts. You could get an outdated World Book Encyclopedia and be more up to date than where you all are. This bill should pass in the same way that it had the votes to get to Final Reading. Nebraska should be up to date in at least one area, and we should not pass bills just for the convenience of contractors--

FOLEY: That's time, Senator.

CHAMBERS: --or any particular group who are trying to make money. Not against them,--

FOLEY: That's time, Senator.

CHAMBERS: --but I'm interested in the citizens. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Members, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB6, LB130, LB130A, LB138, LB227, LB237, LB237A and LB356. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. I want to make a-- I have not been supportive of this bill; and since we're having a discussion, I wanted to touch on an area which perhaps Senator Wayne or someone can clarify for me when we get-- after I've made my comments. I want to go to page 8 of the bill starting on line 15. One thing that said under this bill any locality wishing to modify their code for any reason may choose to do so. So, in the bill here, it says in 81-1618: any county, city, or village may adopt and enforce a local energy code. Such a local energy code shall be deemed equivalent to the Nebraska Energy Code, if it does not result in energy consumption greater than would result from the strict application of Nebraska Energy Code and it's reasonably consistent with the intent of Section 81-1608 to 81-1626. Any building or portion thereof subject to the jurisdiction of the-- and inspected by such counties, city, or village shall be deemed to comply with the Sections 81-1608 to 81-1626. If it meets the standards of such local energy code, such county, city, or village may be-- may by ordinance, resolution, prescribe a schedule of fee sufficient to pay the cost incurred pursuant to the sections, and it goes on in line 28 and it will continue on page 9: Any county, city, or village which adopts and enforces a local energy code may waive a specific requirement of the Nebraska Energy Code when meeting such requirement is not economically justified. The local code authority shall submit to the State Energy Office its analysis for determining that a specific requirement is justified. The State Energy Office shall review such analysis and transmit its findings and conclusions to the local code authority within a reasonable time. The local code authority shall submit to the State Energy Office its explanation as to how the original code or any revised code addresses the issues raised by the State Energy Office. After local code authority has submitted such

Floor Debate
May 02, 2019

explanation, the authority may proceed to enforce its local energy code. I guess my stickler point with this one was, and my question with this is, it reads to me that you may do something different as long as it meets or exceeds the Nebraska Energy Code, which is adopted by this bill being the International Energy Conservation Code. So you have to meet or exceed it. That's how I read this. That's my understanding and that's my question. The question is, can a city or county actually have a different ordinance for building codes that are less than what we're requiring in the bill now? As I read it, you cannot. You have to meet or exceed. And I'll leave that question for someone to answer if they'd like. I believe if you have a lesser code, you have to build to at least that code, but you can exceed the code, as is presently done now. There is a baseline for that code, but if you want to exceed, you can, but you cannot build to a lower standard. So when it says in here that if the locality would like to modify their code for any reason, I do believe there is a requirement there that is set out in the bill. And I'm not so sure that they can meet that requirement for just any reason. There is a specific calling or requirement within the bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Bostelman. Senator McCollister.

McCOLLISTER: Thank you, Mr. President; good morning, colleagues. I just had a conversation with Speaker Scheer, wondered if he would yield for the content of our discussion.

FOLEY: Speaker Scheer, would you yield, please?

SCHEER: Yes, I will. Thank you, Senator McCollister. Colleagues, we're going down in the weeds here. Based on what I have heard, there's nothing wrong with this bill. This bill simply adopts a code, it allows local communities to either adopt them or not. This isn't a communist plot that's trying to take over the United States. I think we need to be more cognizant of how we're handling bills on the floor. You can oppose the bill if you'd like, but oppose it because of what it does or it says, not what you think it might do or what somebody else has told you it's going to do. This bill is not a bad bill. It brings us up to certain codes from a state perspective. And think about this, we're talking about trying to attract jobs. There are a lot of green companies in this world that want to come and build new plants and facilities. OK, we're the only one in the Midwest that may have passed it. When they're looking at a spot to land, do you think they're going to one that's black? Don't think so. They're probably looking for the new ones. If we're really interested in attracting jobs in industry, you have to keep up with the times. Think about it. Thank you, Senator McCollister.

McCOLLISTER: Thank you. I have a few things I would like to get on the record as well. Last week, I met with a contractor group over at Billy's, had lunch with those folks, and we talked about construction costs in the Midwest. And they maintained they're pretty uniform throughout

Floor Debate
May 02, 2019

the entire Midwest. Nebraska, no, is not higher, not higher at all. Yes, we do update our codes every eight or ten years. And that's something we need to do, absolutely need to do. It-- and the way they do that, when they do anticipate changing those codes, groups get together. They have subspecialties: electrical, plumbing, carpentry, those groups get together with the code enforcers, probably some of the larger cities, and they go through those codes that will be new codes that will be put into effect. And they talk about how they will apply those codes. So it's not done willy-nilly, not at all. And they go through and figure out which codes to apply and which ones really need to be updated. Lastly, those codes need to be updated why? Because it protects the contractors. Now, if a homeowner builds a house and somebody uses obsolete codes, that homeowner can sue the contractor. They can sue the contractor for not being up to date on their construction methods. So it's a protection for the contractors. We need to think of that as well. This is a good bill and we need to pass it. Let's vote for LB405 right now. Thank you.

SCHEER: Thank you, Senator McCollister. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. President. I'm not going to speak a whole lot on the bill really at all. I'm still kind of-- I appreciate the debate that we're having, I'm listening to what everybody is saying, kind of making an informed decision on how I'm going to vote. But, fellow colleagues, ladies and gentlemen who are listening right now, my time has finally come. I have finally been in an "ErnieGram." I've been waiting for this time and I appreciate Senator Chambers for keeping it short and sweet, so I will do the same. And so, most of you might know what a haiku is. A haiku is a three lines, five syllables, seven syllables, and five syllables, so I'm going to keep mine short in the form of a haiku. I think Senator Chambers might appreciate this. Clerk of time he be, always camera ready, but you don't own me. Thank you, Mr. President.

SCHEER: Thank you, Senator Hansen. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. Speaker. How do I follow that one? So listening to the conversation this morning and trying to figure out exactly what it is this bill does, I'm not convinced yet that this does what we think it's supposed to do. But Senator Lowe had made a comment earlier in his comments about building houses too tight. I'm here to tell you, it can happen. In 2012, built a significant addition on to our house. I was the "contractor" and we built the house in the way I thought we should build it: 2X6 walls and significant insulation, spray insulation-- spray foam insulation and the house was too tight. I need an air exchanger to ventilate the house so that the air will move through there. Never thought that was possible. So, some of these things we put in place to conserve energy sometimes aren't in the best interest of those people who live there. And I can testify to that. So, I don't believe I have changed my mind on LB405. I think it's the same opinion as I had before. But I appreciate the opportunity to have a discussion about it. Thank you.

Floor Debate
May 02, 2019

SCHEER: Thank you, Senator Erdman. Senator Moser, you are recognized.

MOSER: Good morning, colleagues. Thank you, Mr. President. I was calling our building inspector in Columbus before when Senator Slama was looking for me. I was trying to do a little research to see where we're at. And I think there are some inconsistencies in what has been said from the floor. And I'm not so sure that I'm 100 percent consistent in what I believe to be the case and what is the case. I think that the building energy code, from what I've learned from talking to one of the other senator's aides, that it applies to the whole state, except where there are local codes, the local code enforcer can decide whether they're going to enforce it or not. Not necessarily whether they're going to adopt it. It's still the energy code is going to be-- it's going to be the rule of law in the whole state. The local entity can decide if they want to enforce it or not. But the state could still enforce it themselves. And I asked our building inspector, community development director to be more technically correct, and he said that one of the number one complaints from contractors was the pressure testing part of the energy code where they force air into the house and then they see what level of pressure they can build up to that tells them how much air is leaking out of various cracks and electrical outlets and all those places where air could escape from the home. And I think that-- I voted against this before, because I don't think we need to be on the leading edge for energy conservation. The homeowners can use those higher standards if they want to. Any contractor can use those standards if they want to. And then when they sell their home, they can use that as a selling point, that this home is more green, it uses less energy, it's tighter-- more tightly constructed, if that's the case. And then I also asked our community development director about the inseparability of the building code and the energy code, and he said he didn't immediately find a problem with having a difference in the year of when the codes were enacted between the current one and the 2009. He said if the energy code is different, he didn't think that was necessarily going to be a really big deal. I think there's enough lack of unity in what we're-- what-- we have inconsistent facts being represented here, let's put it that way. I'm still a no on approving the energy code. And if there's some way we could move it back and talk about it some more and maybe bring it back later, I might be in favor of that. If there's no way to do that, then I would support the move to kill the bill. Thank you.

SCHEER: Thank you, Senator Moser. Senator Lowe, you're recognized; this is your last time at the mike other than your close.

LOWE: Thank you, Mr. President. Once again, I would like to have you take a look at the map that Senator Wayne sent out. There is no one in our area that has adopted this energy code. No one. We are mostly a rural state. I don't think we want to be adopting energy codes that don't apply to us, that will hinder us. There's nothing that we can't do to build above the energy code. We can always build above the energy code, the building code. You can build any kind of house you want. But let's give us the option to build affordable housing so that we can bring people to

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

Floor Debate
May 02, 2019

our state. It's going to cost more money to build a house using these standards. With that, I would like to yield my time to Senator Slama.

SCHEER: Senator Slama, 3:35.

SLAMA: Thank you, Mr. Speaker. And I will keep this brief and turn off my light to speak. I thought it was important to point out that, yes, Senator Wayne, that Kansas City Star article, the 4,000-page document that they were citing included the IECC. It was included as part of a package and my apologies for referencing that and I wanted to say that on the mike because I think some of our colleagues on the floor have a tendency to spread misinformation without having the courage to admit that they were wrong. So, yes, on that, I was wrong. I would just like to quickly reference the handout I've passed around. The Nebraska Energy Office did do an analysis on the cost change for a regular ranch style house with this 2009 to 2018 change and they estimated, if you reference page 9 of this handout, that construction costs would go up about \$3,000. That's not fake information. This is straight from the Nebraska Energy Office. Do with this information what you will. I just thought it was useful for this debate. Thank you, Mr. President.

SCHEER: Thank you, Senator Slama. Senator Groene, you are recognized.

GROENE: Thank you, Mr. President. Appreciate Senator Scheer's stand on this bill. I understand as his other alter ego as the Speaker, he wants to manage time, but I'm here to do good government. And as I've told a lot of my-- when somebody asks me are you disappointed a bill didn't get passed or are you disappointed a bill was held up, and I said no. Government should be deliberative. State has been here 151 years, it can last another year without a bill passing. You heard Senator Slama, \$3,000. And what really-- we all have personal experiences. All right? I put-- my wife and I put a new building up and they stuck those GFCI outlets in it. It cost another 1,500 bucks or more for my building. We about lost the freezer of meat because the dang thing kicked out. Anywhere in our-- in it I run an electric drill and they all kick out. Guess what? Now, I got \$10 outlets, I'm slowly but surely taking them out and throwing them in the trash and replacing them with the ones without the breaker in them. Lived my whole life and I don't know of anybody's house burned down because their outlet went bad. That's just an example of overregulation and adding costs. We are the state of Nebraska. Senator Moser, would you take a question?

SCHEER: Senator Moser, would you please yield?

MOSER: Yes, I will.

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

Floor Debate
May 02, 2019

GROENE: What I-- the gist of what I got from what you said is, so a bigger community like maybe a Columbus or a North Platte might have a building codes department and a building inspector?

MOSER: Columbus has a building department and they have several inspectors, yes.

GROENE: Thank you. So a little county Logan County, Arthur County, all of those counties don't have one of those building code inspectors or a building code. So by de facto, what you said, Senator Moser, is it true, those poor individuals, those contractors who have no choice but to follow the restrictive state codes. Is that correct?

MOSER: Well, first of all, I have to say that I'm not the leading expert on this. What I was told by one other senator and his aide is that the building codes are able to be adapted by local cities or counties if they have zoning.

GROENE: Different than the state.

MOSER: Yeah. But that the energy code is all encompassing and covers the whole state. So if you don't have zoning or inspection in your county, technically, you have to follow the state code. Now, who would enforce that, I don't know.

GROENE: Thank you, Senator. I appreciate that. So cause and effect. Guess what? Rural Nebraska can't afford housing, can't afford to build it. Why? Overburdensome regulation dictated by the state. We have to follow all the codes of the international codes because we don't have local codes. Out in the sticks where I have my building, I had to put all this junk in it. Foolish. Because we just accept international code. I'm sure there are some folks are glad they're there because-- contractors and manufacturers because they can sell you something--

SCHEER: One minute.

GROENE: --that you don't need. I understand that it's not green people, the only ones who lobby for these regulations, it's also the people who make and manufacture and sell this junk that they force you to put into your new home. It's give and take. It's time for us to start looking at these regulations and overregulating the citizens of Nebraska with unnecessary stuff that was not created here, was not vetted here, and we just blindly accept it. That's serious conversation. This isn't some wacko standing up here thinking a communist plot, this is asking a serious question about regulation that we are going to put on the citizens of Nebraska. Vote no; I'm going to vote no on this thing. Thank you.

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

Floor Debate
May 02, 2019

SCHEER: Thank you, Senator Groene and Senator Moser. Seeing no one left in the queue, Senator Lowe, you are welcome to close. Senator Lowe, you're welcome to close.

LOWE: Thank you, Mr. President. I appreciate the discussion this morning on this bill. I have shared my concerns. Others have shared their concerns on the passage of this bill. So I'd like to have an up or down vote on the bill and then we can send it to the Governor. So I'm going to pull my motion so that we can have a vote, a yes or no. Thank you, Mr. President.

SCHEER: Thank you, Senator Lowe. Mr. Clerk. Colleagues, would you please return to your chairs for Final Reading.

ASSISTANT CLERK: (Read LB405 on Final Reading.)

SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB405 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote read.) Vote is 30 ayes, 11 nays, 7 present and not voting, 1 excused and not voting, Mr. President.

SCHEER: LB405 passes. We'll now proceed to LB496.

ASSISTANT CLERK: (Read LB496 on Final Reading.)

SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB496 pass? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SCHEER: LB496 passes. We'll now proceed to LB524.

CLERK: (Read LB524 on Final Reading.)

SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB524 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

Floor Debate
May 02, 2019

CLERK: (Record vote read.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SCHEER: LB524 passes. We'll now proceed to LB585.

CLERK: (Read LB585 on Final Reading.)

SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB585 pass? All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 49 ayes, 0 nays, Mr. President, on the final passage of LB585.

SCHEER: LB585 passes. We'll now proceed to LB616.

CLERK: (Read LB616 on Final Reading.)

SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB616 pass? All those in favor please vote aye; all those opposed vote nay. Have you all voted that wish to? Please record.

CLERK: (Record vote read.) 48 ayes, 0 nays, 1 present and not voting.

SCHEER: LB616 passes. We'll now proceed to LB693.

CLERK: (Read LB693 on Final Reading.)

SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB693 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 49 ayes, 0 nays, on the final passage of LB693.

SCHEER: LB693 passes. We'll now proceed to LB177.

CLERK: Senator Briese, I understand you wish to withdraw AM1428.

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

Floor Debate
May 02, 2019

BRIESE: Yes, that's correct.

CLERK: (Read LB177 on Final Reading.)

SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB177 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: (Record vote read.) 35 ayes, 8 nays, 6 present and not voting, Mr. President.

SCHEER: LB177 passes. While the Legislature is in session and capable of transacting business, I propose to sign and here do sign LB405, LB496, LB524, LB585, LB616, LB693, and LB177. Next item, Mr. Clerk.

CLERK: Mr. President, Select File. Senator Slama, LB411. I have Enrollment and Review amendments, first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB411 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The E&R amendments are approved.

CLERK: Senator Brewer would move to amend with AM1379.

SCHEER: Senator Brewer, you're welcome to open on AM1379.

BREWER: Thank you, Mr. President. To remind everyone, Speaker Scheer's LB411 was prioritized by the Government Committee on our elections package. We added a number of bills to the committee amendment that was adopted on General File. This amendment, AM1379 adds four more bills. These bills all came out of committee with overwhelming support. The first one is LB574. This bill removes a specific day of the month in statute for the required MUD meetings. It just gives them the flexibility to adjust that day as needed. The second bill is LB733 and that is Senator Kolowski's. This bill would give disabled voters access to polling places. The third bill is LB522, that's Senator Linehan's. This bill will promote better cooperation on HR issues in large counties. The fourth bill is LB98, that is Senator Wayne's bill, and this would ease

Floor Debate
May 02, 2019

the signature requirements for ballot access. I believe all of these changes are modest and noncontroversial changes. We've packaged them together for the sake of efficiency. It is my understanding that Senator Linehan has an amendment that makes one more technical tweak. And I will let her explain her amendment to LB522. With that, please, ask for your green vote on AM1379 and on LB411. Thank you, Mr. President.

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

CAVANAUGH: Thank you, Mr. Speaker. I rise not to speak to this bill or its merits, but I rise to share my thoughts about what has happened in the last 48 hours in this body. The rules of the Nebraska Unicameral Legislature, this red book that we all have on our desks, a tool, a weapon, a living, breathing document. Yesterday we saw what happens when this body does not pay deference to this important tome. Today, we saw how the rules can be used as a weapon. And those who are using it as a weapon are under some illusion that they are waging a battle against this Legislature and they will-- a gavel please, Speaker. Thank you. Those who are using it as a weapon are under some illusion that they are waging a battle against this Legislature and will rise victorious and unscathed. Be sure that is a delusion. When you strike blows to your colleagues out of spite and juvenile games, you're going to die from a thousand cuts and you won't even see them coming, but they are coming. History, civility, rules, and order are paramount to the functioning of this body. Any one person in this body who does not respect these tenets does not deserve to represent the people of Nebraska. Our state, our citizens deserve to have those making laws to treat them responsibly with the utmost reverence and seriousness. I hope next week we can all do better. The budget of the state, the state's future is in our hands. Games are disrespectful. Thank you.

SCHEER: Thank you, Senator. Senator Slama, you are recognized.

SLAMA: I would just like to briefly respond to what was just said on the mike. I think that it runs a bit into the superlative when we hop on the mike and we say that those you participated in extended debate on a bill, which was not a filibuster, folks, we did not have to invoke cloture. It was debate on a bill that impacts Nebraskans. Saying that we're going to die by a thousand cuts and we won't even see them coming and then say respect in the same breath is a little bit humorous to me. And I would just recommend that those who get on the mike consider what they are saying, especially when it's to deal with threats on the mike on having extended debates on bills. I find that rather concerning and I'm still trying to process what was just said on the mike because we are functioning within the rules and threatening other colleagues in this body that they will die by a thousand cuts and they won't even see them coming is a very interesting assertion to me. Thank you, Mr. President.

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

Floor Debate
May 02, 2019

SCHEER: Thank you, Senator Slama. (Visitors introduced.) Returning to discussion, Senator Chambers, you are recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I have a question to put to Senator Brewer if he would yield.

SCHEER: Senator Brewer would you please yield?

BREWER: Yes, sir.

CHAMBERS: Senator Brewer, is there a particular reason why LB44 was not included on this list?

BREWER: Give me a quick refresher on LB44.

CHAMBER: Well, that was the bill to abolish the death penalty.

BREWER: Oh. I don't believe I had a formal request to include that with the elections package.

CHAMBERS: I stand corrected. I'll be more circumspect next time they're building a Christmas tree. Thank you, Senator Brewer.

SCHEER: Thank you, Senator Chambers and Senator Brewer. Seeing no one in the queue to speak, Senator Brewer, you are welcome to close on AM1379. He waives closing. The question before us is adoption of AM1379. All those in favor please vote aye; all those opposed, nay. Have all voted that wish to? Please record.

CLERK: 42 ayes, 0 nays on adoption of Senator Brewer's amendment.

SCHEER: AM1379 is adopted. Mr. Clerk.

CLERK: Senator Linehan would move to amend with AM1577.

SCHEER: Senator Linehan, you're welcome to open on AM1577.

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

Floor Debate
May 02, 2019

LINEHAN: Thank you, Mr. President; and good morning colleagues. I would like to thank Senator Brewer for including a portion of LB522 into LB411, (INAUDIBLE) AM1379. LB522 is a bill to introduce to standardize human resource departments and personnel boards across Nebraska counties. Douglas County is the only county to not have a human resource director report to its board of commissioners. AM1379 includes a provision requiring the human resources director report to the Douglas County Board. Currently, the HR director is the only director not reporting to the board. This change is consistent with the statutes governing Sarpy and Lancaster Counties. 23-2507: this change was an oversight in the committee amendment that repealed the section of law outlining the powers and duties of the Civil Service Commission. It is not my intent to repeal that section of the law. The Civil Service Commission will retain its powers and duties. 23-2509: This change is to make it abundantly clear this legislative bill does not impact any county employees' employment. Thank you, Mr. President.

SCHEER: Thank you, Senator Linehan. Further discussion; Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President; and colleagues, good morning, I support LB411 and the Linehan amendment, AM1577. This amendment will allow Douglas County Service Commission's role in setting policy and procedures to continue as it has been for almost 50 years. That intended result got lost in an earlier amendment to the original bill. This amendment corrects that. It also assures current HR employees that they will continue in their jobs and they will have all the employment protections of any other similarly employed person. It shows that this change in management structure is not an opportunity for anyone to install new employees, but simply because-- install new employees simply because there is a new boss. Those would be my remarks this morning. I would encourage your support of the amendment and the bill. Thank you.

SCHEER: Thank you, Senator Lathrop. Seeing no one wishing to speak, Senator Linehan, you are welcome to close. She waives closing. The question before us, adoption of AM1577 to LB411. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Linehan's amendment.

SCHEER: AM1577 is adopted.

CLERK: Senator Slama, I have no further amendments on LB411.

SCHEER: Senator Slama for a motion.

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

Floor Debate
May 02, 2019

SLAMA: Mr. President, I move that LB411 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB411 is advanced to E&R for engrossing. Mr. Clerk.

CLERK: LB570, Senator. I have E&R amendments first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB570 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The E&R amendments are adopted.

CLERK: Senator Walz would move to amend with AM1480.

SCHEER: Senator Walz, you welcome to open on AM1480.

WALZ: Good morning, and thank you, Mr. President. AM1480 is the culmination of suggestions from the Department of Health and Human Services, discussions on the floor, and a few additions based on the construction of other state's Olmstead Plan. Before I continue on what this amendment changes, I want to give the body a quick reminder on what the Olmstead Plan is. It came from a 1999 Supreme Court decision that stated: Under the American with Disabilities Act, unjustified segregation and institutionalization of people with disabilities is unconstitutional and that states are required to create an Olmstead Plan designed to provide services in the most community based-- in the most community-based setting possible. When (a) such services are appropriate; (b) the affected persons do not oppose community-based services; and (c) the community-base services can be reasonably accommodated. Nebraska needs this plan not only because we are at risk of being sued, but because if we don't, we are leaving vulnerable individuals behind who could be participating in our communities and living their lives to the greatest extent possible. And I really look at this as an opportunity for Nebraska to create a comprehensive plan that will ensure, number one, the safety and the qualify of life for people who have disabilities. The first change I would like to highlight is on page 4. This language is similar to the green copy of the bill that required the Department of Health and Human Services to create the Olmstead Plan in collaboration with other agencies. The ones that we have removed at the request of the department are the Governor's Policy Research Office and the Office of the State Long-Term Care Ombudsman. However, upon review of other states' Olmstead Plans, I felt it was important to ensure all agencies providing services to those with disabilities play a part in

Floor Debate
May 02, 2019

the creation of this plan to ensure the most comprehensive and well-thought-out plan is implemented. That's why for the Department of Veterans Affairs, the Equal Opportunity Commission, and the university system should be added to the list of agencies required to collaborate with DHHS. If you take a look at the page from Minnesota's Olmstead Plan that I've handed out, you will notice Minnesota's Department of Veterans Affairs and the Department of Human Rights. Minnesota does not have the university system working in collaboration, but I thought UNMC's work with Munroe-Meyer Institute and UNL's work at the Barkley Center, along with the research the university does would be extremely beneficial in an effort to coordinate services. The second change strikes lines 8 through 19 on page 4 dealing with the directors of different agencies required to convene a team and replaces them with the CEO of the Department of Health and Human Services. On this note, I just want to mention that I have met with the new CEO, Dannette Smith, and after meeting with her and talking with her about her experience on this issue, I believe she understands the consequences our state would face if we do not pass this bill. And the last change on the bill is to move the completion date for the Olmstead Plan to December 15 instead of November 1 in order to give the department more time to create the plan. Once again, I would like to remind you that we are already out of compliance with the state law. Under the state statute, the department was already required to complete this plan by December 15 of last year. If we continue in the direction we are going without passing this bill, anyone who decided to bring a lawsuit against the state would have a solid argument that we are not completing our obligations to individuals with disabilities. With that I would ask you for your green vote on AM1480. Thank you, Mr. President.

SCHEER: Thank you, Senator Walz. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. Speaker. If you remember on General File, Senator Walz and I had a discussion a little about the directors of different agencies being here and AM1480, as she has just addressed it, has actually taken care of those issues, addressed those area. And I thank her very much for that. I am in full support of AM1480 and LB570. And I ask for your green vote on both. Thank you.

SCHEER: Thank you, Senator Bostelman. Seeing no one wishing to speak, Senator Walz, you're welcome to close on your amendment. She waives closing. The question before us is adoption of AM1480 to LB570. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of Senator Walz's amendment.

SCHEER: AM1480 is adopted.

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

Floor Debate
May 02, 2019

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

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB570 be advanced to E&R for engrossing.

SCHEER: Senator Chambers, you are recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I just want the Chairperson of the E&R committee to see how many votes in favor of her motions I'm giving and I want her to remember that in the future, because if you dance to the devil's fiddle, you're going to have to pay the devil when time comes. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Colleagues, refreshing your (INAUDIBLE), the motion has been made to advance LB570 to E&R for engrossing. All those in favor please say aye. All those opposed say nay. LB570 is advanced to E&R for engrossing. Mr. Clerk.

CLERK: Senator Slama, LB570A, I do have E&R amendments first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB570A be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendments are adopted.

CLERK: Senator Howard, would move to amend with AM1249.

SCHEER: Senator Howard, you're welcome to open on AM1249.

HOWARD: I believe this amendment merely clarifies the cash transfer from the Health Care Cash Fund from Legislative Council. Thank you, Mr. President. I would urge its adoption on the floor. Thank you, Mr. President.

SCHEER: Thank you, Senator Howard. Seeing no one wishing to speak, Senator Howard is welcome to close. She waives closing on AM1249. Question before us is adoption of AM1249.

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

Floor Debate
May 02, 2019

All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

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

SCHEER: AM1249 is adopted. Mr. Clerk.

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

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB570A be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed, nay. LB570A is advanced. Mr. Clerk.

CLERK: LB375, Senator, I have no amendments to the bill.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB375 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB375 is advanced.

CLERK: LB155, Senator, does have Enrollment and Review amendments.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB155 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The E&R Enrollment are adopted.

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

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

Floor Debate
May 02, 2019

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB155 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB155 is advanced. Mr. Clerk.

CLERK: Thank you, Mr. President. Senator Slama, LB460, I have E&R amendments first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB460 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R enrollment [SIC] adopted.

CLERK: Mr. President, Senator Howard, I have AM1505 with a note you wish to withdraw.

SCHEER: So ordered.

CLERK: Mr. President, Senator Howard would move to amend with AM1592.

SCHEER: Senator Howard, you're welcome to open on AM1592.

HOWARD: Thank you, Mr. President. Good morning, colleagues. As a reminder, LB460 codifies our new fingerprinting and background check requirements under federal law for both staff of childcare providers and staff in residential facilities serving wards of the state in our child welfare system. Currently, the state is out of compliance with federal law and we need to pass this bill in order to come into compliance and avoid significant financial penalties. It's about \$32 million on the childcare-- on the IV-E child welfare side and about \$2.5 million on the childcare block grant side if we do not pass this bill. As for the amendment, AM1592, makes a few important technical changes. It changes the start date for the new fingerprinting requirements in our childcare program from September 1 to October 1, 2019. It aligns the dates in the bill with the operative date of the law. Sections 2 and 4 of AM1592 clarifies that all background checks must be done not less than once every five years. And finally, Section 3 clarifies that the refusal of consent to any of the background checks or making-- or making a materially false statement in connection with any of the background checks makes an individual ineligible for employment by

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

Floor Debate
May 02, 2019

a childcare provider. We've reviewed these changes with the department. They support the amendment. And just as a point of clarification for our friends at CAFCON and Boys Town, the department is interpreting the background requirements to apply only to employees working in the childcare facility or with unsupervised access to children and not to everyone in the entire business. I appreciate the body's consideration of this technical amendment to LB460 and I would urge its adoption on the floor today. Thank you, Mr. President.

SCHEER: Thank you, Senator Howard. Seeing no one wishing to speak, Senator Howard, you're welcome to close on AM1592. She waives closing. The question before us is the adoption of AM1592. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

SCHEER: AM1592 is adopted.

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

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB460 be advanced to E&R for engrossing.

SCHEER: Colleagues, you heard the motion. All those in favor please say aye. All those opposed say no-- nay. LB460 is advanced. Mr. Clerk, next item.

CLERK: Mr. President, LB460A. Senator Howard would move to amend the bill with AM1586.

SCHEER: Senator Howard, you're welcome to open.

HOWARD: Thank you, Mr. President. AM1586 clarifies the impact of the fingerprinting to the state. We worked with the department to get this fiscal note as low as we possibly could and use as much federal funds as possible. But due to anticipated volume of additional fingerprints that will be needed to get us into compliance with federal law, the State Patrol will need to hire about 14 additional staff, purchase additional scanners and equipment, and rent additional space. Costs are expected to exceed revenue by \$500,000 and then it will go down because they're one-time costs and then it will go down. We certainly worked with the department and PRO to get this fiscal note as low as we possibly could. Unfortunately, if we don't pass LB460, we don't pass

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

Floor Debate
May 02, 2019

LB460A. I will remind the body that we will discontinue receipt of our child welfare IV-E funds, about \$32 million annually, and we will have a penalty on our childcare block grant of about \$2.5 million if we do not pass this A bill and LB460. So I would urge its adoption on the floor today. Thank you, Mr. President.

SCHEER: Thank you, Senator Howard. The question before us is adoption of AM1586. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 29 ayes, 0 nays on adoption of Senator Howard's amendment.

SCHEER: AM1586 is adopted. (Visitors introduced.) Mr. Clerk.

CLERK: LB460A, Senator, I have nothing further on the bill.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB460A be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB468 is advanced. Mr. Clerk.

CLERK: LB184, Senator, I have E&R amendments first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB184 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendments are adopted.

CLERK: Mr. President, Senator Friesen offers AM1470 to be handled by Senator Geist.

SCHEER: Senator Geist, you're welcome to open.

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

Floor Debate
May 02, 2019

GEIST: Yes, thank you, Mr. President and members of the Legislature. I urge your adoption of AM1470 to LB184. There are four minor changes to the bill that was advanced on General File. Three of them are noncontroversial. We changed the word "permit" to "permitting" in describing the process at the Department of Transportation. We strike the word "polls" and insert "a poll" in one place. We insert the word "to" after "and" in a provision dealing with insurance-- issuance of permits. The only controversy at all is in the change to the defined term "applicable codes." Our amendment strikes "or" and inserts "and" in a provision describing how these codes which mean uniform building, fire, safety, electrical, plumbing, or mechanical codes operate. The amendment would require the codes to be adopted by the authority and be generally applicable in the jurisdiction. I urge you to adopt this amendment.

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

CAVANAUGH: Thank you, Mr. Speaker. I wanted to speak on this bill one more time since it's on Select File. I spoke on it in General File and in our committee. I'm opposed to this bill because I believe that it is an overreach of this Legislature to be negotiating contracts for corporations on behalf of our municipalities. I don't believe that that is the role of the government. And when we talk about too much government and too much being put into our statutes, I think LB184 is an example of that. This takes away the ability for our municipalities to negotiate their own contracts and really prescribes in a great amount of detail what goes into those contracts. And I don't view that as the role of this body. I think that that's something we should allow local authority to do. So with that I will just let everyone know that I will be voting red on this. And thank you for your time.

SCHEER: Thank you, Senator Cavanaugh. Seeing no one wishing to speak, Senator Geist, you are welcome to close on AM1470. She waives closing. The question before the body is the adoption of AM1470. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Geist's amendment.

SCHEER: AM1470 is adopted.

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

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB184 be advanced to E&R for engrossing.

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

Floor Debate
May 02, 2019

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The ayes have it. LB184 is advanced. Next item.

CLERK: LB478, Senator, I have E&R amendments first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB478 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendment is adopted.

CLERK: Senator Vargas would move to amend with AM1507.

SCHEER: Senator Vargas, you are welcome to open.

VARGAS: Thank you very much, President and colleagues. AM1507 adds an e-clause to LB478. As a reminder, LB478 is a bill that prohibits the use of consent by a minor as a defense or mitigation of damages or liability in civil actions arising from sexual assaults. I'm thankful that this bill advanced onto Select File with no-- without any no votes. The issue is brought to me by a constituent who has experienced a harmful repercussions that a defense can have on this victim and their family. And after listening to the horror stories from my constituent and those across the nation that understanding of this defense is still being used as I stand here today, I decided to add an e-clause to LB478 to ensure that children of our state are no longer being susceptible to victim-blaming loophole in our current statutes. One more day that we allow this loophole to exist is another day where a child victim could be told they should know better when an adult molests them. I urge your adoption of AM1507. And thank you for your support.

SCHEER: Thank you, Senator Vargas. Seeing no discussion, you are welcome to close. He waives closing on AM1507. The question before us is adoption of AM1507. All those in favor please say aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 34 ayes, 0 nays on adoption of Senator Vargas' amendment.

SCHEER: AM1507 is adopted.

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

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

Floor Debate
May 02, 2019

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB478 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB478 is advanced. Next item.

CLERK: LB595, Senator. I have Enrollment and Review amendments first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB595 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The E&R amendments are adopted.

CLERK: Senator Albrecht would move to amend with AM1510.

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

ALBRECHT: Thank you, Speaker Scheer and colleagues. AM1510 is an amendment that the Revisor's Office has provided. The purpose of this amendment is to harmonize LB595 with Senator Pansing Brooks's LB354, which passed and signed in by the Governor on March of this year. The Revisor's Office provided these changes as these changes were outside the scope of the E&R amendments. I thank you for your support of LB595 on General File and would urge you to adopt this amendment and advance LB595 to Final Reading. Thank you.

SCHEER: Thank you, Senator Albrecht. Seeing no one wishing to speak, you're welcome to close. She waives close. The question before us is adoption of AM1510. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 35 ayes, 0 nays, Mr. President on the adoption of Senator Albrecht's amendment.

SCHEER: AM1510 is adopted. Senator Chambers, you are recognized.

CHAMBERS: Oh, wrong button.

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

Floor Debate
May 02, 2019

SCHEER: Mr. Clerk.

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

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB595 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB595 is advanced. Mr. Clerk.

CLERK: LB96, Senator; I do have Enrollment and Review amendments.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB96 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendments are adopted.

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

SCHEER: Senator Bostelman, you are recognized.

BOSTELMAN: Thank you, Mr. Speaker. Colleagues, Senator Wayne and I and his legal counsel had a discussion on this bill, but on the side this morning and we've clarified most of it. But-- and I think Senator Wayne spoke to it also on the mike on General File, but I just want to come back and visit it real briefly with Senator Wayne, if he'll yield to a question.

SCHEER: Senator Wayne, would you please yield?

WAYNE: Yes.

BOSTELMAN: The question that we're talking about, Senator Wayne, we're talking about specifically in small towns, small villages, rural communities, how this is going to apply to them if this is going to be a mandate, if you will, on the State Building Code being required to the

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

Floor Debate
May 02, 2019

homes and construction for smaller communities and that if this is going to require them to follow that code specifically, if they can have their own ordinances or codes to adopt and the administration of this. My understanding is, as we're talking about this, your intent for this is to help out those homeowners, if you will, because our fire marshals do inspect our commercial facilities. So they are out there looking if there is not an ordinance for folks-- people that don't know that, they do inspect for fire, but they also inspect for building code violations and that is then, if there are any, those are then given to the State Board of Architects and Engineers for them to take action on. My question was, as we were talking on the side, and as Trevor has given me the state statutes, this is to provide an opportunity for those who have a home, maybe, that's constructed that does not follow the State Building Code, an avenue to come back to get some remediation or some fixes to that-- to the-- with a contractor who built or failed to follow such code, is that--?

WAYNE: Yes, correct. So it's for those individual homeowners who build a home, but it's also to give clarity to insurance companies and homeowners when they live in rural Nebraska or the counties that if there is a fire, that there is a code that they have can reference for insurance purposes.

BOSTELMAN: So as we were talking about, it's similar to like a-- like a plumber for those types of things.

WAYNE: Yes. So we do have a plumbing code that's a default statewide plumbing code. But as you know, when you reverence building your house and building other homes in the country, they just build them. But in case they are built incorrectly or there's ever a disaster, they can reference back to a code and what that standard is.

BOSTELMAN: OK. Thank you, Senator Wayne, I appreciate that. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Bostelman and Senator Wayne. Mr. Clerk, any items?

CLERK: I have nothing further pending to LB96, Mr. President.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that will LB96 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB96 is advanced. Next item.

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

Floor Debate
May 02, 2019

CLERK: LB179, Senator; I have no amendments to the bill.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB179 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB179 is advanced. Next item.

CLERK: LB418, Mr. President. Senator, I have E&R amendments.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB418 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendments are adopted.

CLERK: Nothing further on the bill, Senator.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB418 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB418 is advanced. Next item.

CLERK: LB560 does have E&R amendments, Senator.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB560 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendments are adopted.

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

Floor Debate
May 02, 2019

CLERK: I have nothing further on LB560, Senator.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB560 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB560 is advanced. Next item.

CLERK: LB86, Senator, does have E&R amendments pending.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB86 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendments are adopted.

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

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB86 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB86 is advanced. Next item.

CLERK: LB657, Senator, I have E&R amendments first of all.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB657 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. E&R amendments are adopted. Senator Hunt, you're recognized.

Floor Debate
May 02, 2019

HUNT: Thank you, Mr. Speaker. I am in support of LB657. But before we close up today, I wanted to take a little time to share some information with you before this weekend. We have about 45 minutes left on the first round of debate on LB209 after we closed up early yesterday. So by the time this is back up on the agenda, we'll have had five days for the lobby pushing this bill to circle the wagons and get everybody back in line for cloture. So, LB209, the, quote, abortion reversal bill, is not about informed consent, it's the Nebraska Legislature giving medical advice without a license and interfering in the doctor-patient relationship based on a concept that has no scientific basis. A healthcare professional licensed in Nebraska can be held legally liable for the advise they give. And if the state is backing pseudo science in statute, are we going to have the same standard for ourselves? The state shouldn't mandate that doctors inform patients about potentially dangerous experimental treatments that haven't been studied, that haven't been FDA approved. It's junk science. When we were debating this yesterday, I didn't get time to address a couple points of misinformation that I wanted you all to hear before we break and before we all leave for the weekend and get this off our minds. The American College of Obstetricians and Gynecologists, and the American Medical Association does not support the use of Progesterone to, quote, stop a medication abortion, because the treatment does not meet clinical standards, it has not been scientifically evaluated, and it's not FDA approved. The FDA has not evaluated the claim that abortion can be reversed. Many people also said that this bill is pro-science, that it's pro-choice, but do you think that giving women, pregnant women whose unborn children, whose fetuses that you care about, do you think that giving them and their babies an experimental unproven treatment that is unapproved by the FDA is pro-science, or safe, or good policy for us to support? If we are pro-science, which the bill isn't, and we believe women should know their options, then this isn't something that we can support. I spoke to many colleagues in the hallways, in the elevators, off the mike, under the balcony, and a lot of people have come to me and said you've made some good points and it's made me reconsider the bill, and I wish I hadn't signed onto it. And I think that that speaks to something very important, because I appreciate that people have antiabortion beliefs. I understand that you're going to bring bills that reflect those beliefs. I do the same thing; I don't fault you for that, that's really fine. And I don't have any impression that I can change your minds about that and I'm not going to try to. But we cannot bring bills that are based on pseudo science and put bad science into statute, because that makes the Legislature liable. I want to talk about the journals that this research that you think is true is published in. The whole-- so, the whole basis of the bill is the idea that abortion can be reversed. The work that the Judiciary Committee did to take that out-- that language out of the bill, it basically makes the bill meaningless, because doctors already given informed consent to their patients. But when we hear our colleagues testify-- not testifying, but talking on the mike about we have to support this bill because we know abortion can be reversed because Progesterone works. Those are claims that have not been medically evaluated. So, it's really OK if you are antiabortion. Senator Albrecht, unfortunately, this just isn't the right bill to address that issue. There are other things we can do to reduce abortion, there's other things we

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

Floor Debate
May 02, 2019

can do to support women who regret their decisions. And all of my colleagues who do value science, who value evidence, let's put a pin in this bill. Let's think over the weekend--

SCHEER: One minute.

HUNT: --about what the New England Journal of Medicine said about the completely unfounded claims in the Delgado study that the basis of this bill is completely about. Put a pin in this bill. Say, do we need to pass this this year? Maybe you want to come off cloture for that vote and wait until we have evidence that this is even possible before we move forward putting Nebraska on a bad track. I'm sorry to bring us back to abortion, I know that's not the mood we want to be in, but before we break for the weekend, since we still have some time on this bill. I know it's coming up early on Tuesday. I want to do all the think about that this weekend and the value that the Legislature is putting on science and evidence. Thank you, Mr. Speaker. Sorry for the mood, it sucks. Thanks.

SCHEER: Thank you, Senator Hunt. Senator Bostelman, for what purpose do you rise?

BOSTELMAN: Point of personal privilege.

SCHEER: Please proceed.

BOSTELMAN: Two things: fourth of May is coming up. Notice my tie, it's a storm trooper, so "May the fourth be with you." Second thing, since we won't be here; second thing, 90 years ago today-- sorry, 90 years ago tomorrow, a significant event happened, say, in Nebraska that greatly affected me and probably thousands of young people, now adults, across-- in the state of Nebraska. See, 90 years ago today in a house in rural Jefferson County, my mother was born. She spent her life teaching in Fairbury, Nebraska; Chester, Nebraska; and Superior, Nebraska. My mom watches us every day, so she always asks, I didn't see you on the camera today, were you at work or not? So I wanted to make sure today to stand up today and say, I love you, Mom, and happy 90th birthday. [Applause]

SCHEER: Happy birthday, Mom. Moving back to floor discussion; Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. And happy birthday, Senator Bostelman's mom as well. So just to really quickly address what was just said on the floor. I'd like to note quite firmly that LB209 is in no way related to LB657, so I question why Senator Hunt chose-- rather chose to bring it up on this bill outside of wanting to have the last word on this bill because, on LB209,

Floor Debate
May 02, 2019

because she didn't get the chance to say it yesterday, but just to clear some things up really quickly so that we can move on with LB657, which I think is a good bill, and I'd like to thank Senator Wayne for bringing it. And I apologize for this little sidetrack we're taking here into LB209. As amended, LB209 does one thing. It notes in our statutes that a woman seeking an abortion will be told by her doctor that research indicates mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone if you change your mind and want to continue your pregnancy after taking mifepristone information on finding immediate medical assistance is available on the Web site of the Department of Health and Human Services. All of these sentences are backed by science. This is not pseudo science. The drug mifepristone is not 100 percent effective at ending every pregnancy. This is not junk science. And we have spent a heck of a lot of time debating what is just three-- a three-sentence change, more or less, in our statutes about abortions and ensuring that women seeking an abortion know that if they take the first pill during a medicated abortion and regret it, that they have the knowledge to go seek medical attention. Now, until Senator Hunt can provide a citation that every abortion doctor in the history of Nebraska and providing every abortion they've ever provided has said that paragraph, LB209 is necessary. This is a pro-life, pro-woman bill and spreading things that are less than truthful about this bill on a bill that is not associated with it, I think needs to get called out. And again, I would like to apologize to Senator Wayne for bringing this on his bill, but that needed to get cleared up before we go to the weekend. So, thank you, Mr. President.

SCHEER: Thank you, Senator Slama. Returning to LB657, Mr. Clerk.

CLERK: Mr. President. Senator Wayne, you have AM1541 pending.

SCHEER: Senator Wayne, you are welcome to open.

WAYNE: Thank you, Mr. President. This is a white copy of the bill. And I wasn't expecting to get here today, but this bill encompasses the changes requested from the Department of Agriculture, the Attorney General's Office, and the Governor's Office. So, all of those changes have been incorporated here that we didn't turn down any of the changes that they suggested. We think it makes the bill better. And with that I would ask for a green vote on AM1541 and a green vote on the underlying bill. Thanks.

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

CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Wayne a question.

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

Floor Debate
May 02, 2019

SCHEER: Senator Wayne, would you please yield?

WAYNE: Yes.

CHAMBERS: Senator Wayne, would you make another itemization of the ones who now-- are they supporting the bill now?

WAYNE: They have always supported the bill.

CHAMBERS: But these are changes they wanted. Who are they again?

WAYNE: The Department of Agriculture, the Attorney General's Office, and the-- well, the Governor with the Department of Agriculture. And the changes were around uniform--

CHAMBERS: Well, that's all right. I just wondered who were involved. Mr. President, I'm glad to see how Senator Wayne will work his legislation. But having been in the-- oh, one other thing before I say that about being in the world, I'm offended when you all mention that somebody had a birthday and they have only been in the world 23 years and [CLAPPING]. Now, Senator Bostelman has been here a few more years, so [CLAPPING]. I think until you have been here at least four decades you're not entitled to applause for having been in the world just for a certain number of years. Now, when you reach 80, that is an achievement. I'm just trying to make that clear in the record. But, Senator Wayne, here is what I want to mention to you, and you don't have to be at the mike. One of my favorite maxims is this: Evil companions corrupt good manners, but sometimes the evil companions have so much influence with the other evil ones who will be involved that it's all right, as long as you keep control of the situation and don't allow your good manners to be corrupted. So, for him to bring these individuals and the Department of Ag, which I call "agony and aggravation" when it's hitched to Senator Halloran's committee, it's really worthwhile. And it indicates that on this bill, even though there are fears that people have expressed which are invalid, some old wives' tales which never had any credibility. Senator Wayne took the time to address all of those issues. Others had given input, and this bill now is before us in a forum that should allow it to go forward without any opposition. But we never know what might happen along the way. I'm not going to say anything about the tete-a-tete between Senator Hunt and Senator Slama other than this. There are certain ideological positions which are going to be voiced on this floor. I know who the designated carrier of that kind of material is. Everybody knows it. So, sometimes when people know that if you hit this button the jack-in-the-box is going to spring out of the box, and that's what you want. You say, watch this. You hit the button and bingo, there they go. People sometimes are not knowledgeable enough, experienced enough to realize when they are being used. But others who have been around the block a few times recognize it. Now, there were things that I may have stumbled into when I

Floor Debate
May 02, 2019

wore a younger man's cloths, to quote Billy Joel. And if I had people who were truly my friend and they saw me stumbling, even though I was well-intentioned, stumbling again and again into something that is going to reflect negatively on me and hurt my credibility and cause me to be dismissed as soon as my voice comes. And my voice begins to sound like fingernails on a chalkboard.

SCHEER: One minute.

CHAMBERS: They are not my friends if they don't tell me. So sometimes an enemy will say what friends won't. But the enemy is providing a greater service than the so-called friends. You know what they say the slogan is among the mob: Keep your friends close but enemies closer. There is a little gazelle. The lions don't like this gazelle, because the little gazelle goes wherever the pride lions is located. And when that little gazelle jumps, that's the alarm for everybody and the lions know that their cover has been blown. It would be wonderful if human beings could have such a little gazelle who would provide that warning. Now, I'm a member of the pride, but every now and then even the head of the pride of lions will say something--

SCHEER: Time, Senator.

CHAMBERS: --that will help those on who ordinarily are the prey.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

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

BOSTELMAN: Thank you, Mr. Speaker. Senator Chambers, I listen to words and you speak words that we need to listen to and we listen to them often. But you spoke about birthdays here just a minute ago and honoring of those individuals. And then I also know you sing and you do sing quite often on the floor. My mother is 90 years old, her name is Avis. Would you sing happy birthday to her? Avis. Would you yield to a question, Senator Chambers?

SCHEER: Senator Chambers, would you yield?

CHAMBERS: I'll yield to the question.

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

Floor Debate
May 02, 2019

BOSTELMAN: Will you sing happy birthday to my mother? Her name is Avis, she's 90 years old.

CHAMBERS: Ava or Avis?

BOSTELMAN: Avis.

CHAMBERS: A-v-

BOSTELMAN: -i-s.

CHAMBERS: A-v-i-s.[SINGING] Happy birthday to you; happy birthday to you; happy birthday, dear Avis; happy birthday to you. And many returns of the day. [APPLAUSE.]

BOSTELMAN: Thank you, Senator Chambers. I yield my time back to the Chair.

SCHEER: Thank you, Senator Bostelman and Senator Chambers. Seeing no one left to speak, Senator Wayne, you are welcome to close on AM1541. He waives closing. The question before us is adoption of AM1541. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: 28 ayes, 3 nays, Mr. President, on the adoption of the amendment.

SCHEER: AM1541 is adopted. Mr. Clerk.

ASSISTANT CLERK: Next amendment, Senator Lowe, AM1585.

SCHEER: Senator Lowe, you are welcome to open.

LOWE: Thank you, Mr. President. I was expecting my other amendment to be up before this one, but we'll go through this. On General File-- oh, no, I thought AM1410 was going to come up before.

CLERK: We can do that if that's what--

LOWE: Let's do AM1410 first.

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

Floor Debate
May 02, 2019

CLERK: OK. Senator, I'm sorry.

SCHEER: Senator, would you like to introduce AM1410?

CLERK: Senator, I don't have an AM1410. I've got a AM1583 and a AM1585.

SCHEER: Stand at ease for a second, please.

CLERK: Senator, I understand now you'd like to offer AM1585.

SCHEER: Senator, you're welcome to open on AM1585.

LOWE: I am sorry. Yes, I will now open on AM1585. I rise again today to encourage my colleagues to-- on General File we had a very interesting conversation on this bill and the amendment that became the bill. I believe we are going to continue that interesting conversation on Select File as well. On General File, I brought two amendments. One I withdrew, the other, unfortunately, did not meet the body's approval. I'm now bringing AM1585. This is a commonsense amendment and I hope it is one that can actually get support from my colleagues. The current language of the bill states that the department may require further testing of non-compliant plant or may require destruction of any non-compliant plants." May." That is an option, a choice. It is very clear to me that these needs to be changed to "shall." The department shall require an individual to retest the plants-- the department shall require the destruction of any non-compliant plants. I believe that this change is something that is necessary. Even with this amendment, I'm not going to support this bill. But if the bill tally remains as we see it on General File, it may be wise for the proponents to support AM1585. This is a commonsense solution to a problem that may become a problem. If these plants are due to be destroyed, it should be a "shall" not a "may," we should not give an option on whether or not they should be destroyed. Thank you, Mr. President.

SCHEER: Thank you, Senator Lowe. Senator Wayne, you are recognized.

WAYNE: I believe-- I'm a little confused on what happened a little bit ago. So, Senator Lowe, would you yield to a question?

SCHEER: Senator Lowe, would you please yield?

LOWE: Yes, I will.

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

Floor Debate
May 02, 2019

WAYNE: Senator Lowe, is this the original amendment you had on the board when you first started?

LOWE: Yes.

WAYNE: So you have another amendment that was before this or after this?

LOWE: That was another amendment that was-- before you had your amendment and it just got mixed in with my speech and I just--

WAYNE: OK. So was it on the board or is this the one on the board?

LOWE: This is the one that was on the board first.

WAYNE: OK. So, you are asking that this amendment destroy the crop?

LOWE: Yes, destroy the crop.

WAYNE: Is that not in the current bill?

LOWE: It's a "may" and not a "shall."

WAYNE: And the reason it's a may? So, you think we should tell the department what to do all of the time, the agriculture department?

LOWE: I think for this case we should.

WAYNE: And so what if that farmer had over point-- had a .4 and he appealed it and they found out the test was wrong. How does that "shall" work?

LOWE: Well, are you saying the crop went down to a .3?

WAYNE: I'm saying that maybe the test was incorrect, that's why we allow an appeal process. So, if it's a "shall," then won't it be destroyed before the appeal is over with? Or does your "shall" extend to after the appeal?

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

Floor Debate
May 02, 2019

LOWE: On my next amendment that I was going to bring, it would extend to all "mays."

WAYNE: So, we're going to change all "mays" to "shall?"

LOWE: Yes.

WAYNE: Now, last year there was a bill you supported that was the complete opposite from the Governor and what the department wanted where we were-- we were trying-- the Governor was trying to remove the "shalls" and allow more flexibility for the department. Do you remember that bill?

LOWE: Yes.

WAYNE: So we're doing the opposite here?

LOWE: We are dealing with something that deals with THC level and I believe it's a valid point.

WAYNE: And is it safe to say that your fear is that this will open the gate to other cousins and relations to the hemp plant, specifically marijuana?

LOWE: It is one of my fears, yes.

WAYNE: So what if I told you that out of 28 states that had medical marijuana, 28 states had medical marijuana prior to their adoption of the hemp bill? So they actually had medical marijuana first, it actually is the reverse here. That most states in the United States had medical marijuana before 2014 which allowed in 2014 allowed hemp to be grown. So they actually had medical marijuana first. So it's not-- it's not going to lead to something because most states already had it before and they're actually catching up with what we're trying to catch up with which is hemp because it's such a good product and such a good agriculture commodity. Wouldn't you agree with that?

LOWE: I do agree. It is an agriculture commodity.

WAYNE: And do you believe that there is a lot of benefits to hemp and its products?

LOWE: I do not know the benefits of hemp?

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

Floor Debate
May 02, 2019

WAYNE: Now, at the testimony, the first year you were on the Ag Committee, you recall a professor testifying about all the economic impact. And I believe he was from your district, correct?

LOWE: He was neighbor.

WAYNE: So do you think his testimony was true or not true?

LOWE: I believe he wrote a book on the subject.

WAYNE: So do you think it's true or not true?

LOWE: There have been books written on subjects and there have been books that counter subjects.

WAYNE: I agree with that.

SCHEER: One minute.

WAYNE: So we're not sure, is what you're saying, even with evidence pointing otherwise, such as Canada who has a billion-dollar industry of hemp. We don't think we should be able to compete with our neighboring states? Do you think we should be able to?

LOWE: I think we should be able to choose what we compete with our neighboring states with.

WAYNE: So, should that come from the farmer or should that come from the government?

LOWE: I would prefer it come from the farmer. But, we are doing legislation here today, so.

WAYNE: I appreciate it, thank you.

SCHEER: Thank you, Senator Wayne and Senator Lowe. Seeing no one in the queue, Senator Lowe, you're welcome to close on AM1585.

LOWE: Thank you, Mr. President. Again, this amendment simply changes three words: it changes "may" to "shall" in two different locations. It also changes "and" to "or." The policy

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

Floor Debate
May 02, 2019

concerns on this amendment should concern opponents of the hemp-- of legalizing hemp, as well as the proponents. With the way the language is currently written, the department may require a retest of hemp that had THC levels above the .3 percent. And the department may require the same hemp plant to be destroyed. Proponents not-- proponents did not address this during General File. We're told that the plants that were tested above the .3 will be retested. And if the test fail, then the plants will be destroyed. However, the wording in this section of the bill does not use the same force of language. It makes it an option. It makes it a choice. My amendment, AM1585, takes that choice away. It changes the language to "shall." This change better matches the intentions that the proponents of LB657 stated last week. This amendment is the process-- conversation, not a policy conversation. The amendment makes LB657 better should it pass. Again, I'm still opposed to LB657 and I will vote red when it comes to advance it forward. However, this amendment is necessary to improve the bill. If we are at a point where we are going to pass legislation, we should ensure that we pass the best possible bill we can. This amendment does that. I urge you to vote green on this amendment. Thank you, Mr. President.

SCHEER: Thank you, Senator Lowe. The question before the body is the adoption of AM1585. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 2 ayes, 19 nays, Mr. President, on the amendment.

SCHEER: AM1585 is not adopted. (Visitors introduced.) Mr. Clerk.

CLERK: Senator Lowe would move to amend with AM1583.

SCHEER: Senator Lowe, you are welcome to open.

LOWE: Thank you, Mr. President. This was the amendment that I spoke before where it changes the "mays" to "shall." I think we're talking about something that contains THC. We need to talk about this. We need to make sure that things are done properly. Moving it from "may" to "shall" will do that. We'll make sure that crops that are above the .3 percent are destroyed. It is truly my fear that this bill will usher in marijuana into our state. And that is why I'm up here speaking, as you saw by the last vote, I stand almost alone with just a few. I believe those few people care about what is going to happen to our state in the near future. So at this point in time, I want you to vote green on AM1583 and then no on LB657. Thank you, Mr. President.

SCHEER: Thank you, Senator Lowe. Senator Chambers, you are recognized.

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

Floor Debate
May 02, 2019

CHAMBERS: Thank you. Mr. President, I have listened very carefully to what Senator Lowe said. He said he fears something about this bill leading to other things. I would like to give him something that will set his troubled mind at ease. Senator Lowe, you have nothing to fear but fear itself. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Seeing no one in the queue, you are welcome to close on AM1583-- excuse me, Senator Wayne, you are recognized.

WAYNE: I just wanted to-- thank you, Mr. President, I just wanted to make sure people understand to vote no on this. But to your fear, looking at our 50 states, 28 states had medical marijuana programs before they had hemp. Five states enacted both the same year. Nine states have hemp programs with no medical marijuana programs. The data doesn't support the notion of your fear. Now, I don't know if you always believe in data, but that's the data. We all care about our state. So, all vote no and allow this industry to grow and go forward. Thank you, Mr. President. Please vote no.

SCHEER: Thank you, Senator Wayne. Seeing no one in the queue, Senator Lowe, you are welcome to close on AM1583.

LOWE: Thank you, Mr. President. AM1583 is another amendment that looks at the procedure issues and is not really about the policy of the bill. I want to look at how the law would be implemented as written and not about the arguments about legalized hemp. This amendment changes three "mays" to "shall." This first change is on page 4, line 6. The change would make the section read: The department shall adopt and promulgate rules and regulations to implement the Nebraska Hemp Farming Act and administer programs including, but not limited to the following "shall," not "may." Now, usually I would support the use of words "may." I carried a bill like this last year that does several things, but one of those things, it does change two different "shalls" to "may." I generally support the use of "may" and it promulgates rules and regulations because when there's enough information in the statute, then the department should not be required to create rules and regulations in those instances; it just creates unnecessary regulations. However, I urge you to take a look at the seven subject matters involved in this section of rules and regulations. The first thing it addresses is practices to maintain relevant information regarding land where hemp is cultivated. Should we give the department this option or should we expect more information on how exactly they are going to do this? Is there enough information here that we do not need to require more rules and regulations? The next section deals with governing the sampling, the chain of custody and the testing of hemp. Again, I ask you, there's enough information here in this statute. If there is not, then this would make sense to make it a "shall." The third area addressed here is about the destruction of the plants that violate the law. As I look through this bill, I did not see anything that really explains how that process

Floor Debate
May 02, 2019

will work. This should not be taken as criticism of those who drafted this bill. We often leave executive details of this nature to the department. But as currently written, we are not requiring the department to figure this out. We are simply saying they can-- they can if they choose. Given the important nature destroying the plants that have exceeded the THC level of .3, this procedure appears to be something that needs to be specifically detailed by the department. The fourth section here is another that should probably fall under the shall promulgate rules and regulations. In this area we're looking at enforcement provisions, including factors to be considered when issuing fines. Now there are some quality details throughout the bill that look into administrative fines, but once again, I think this is an area where a bit more detail would be valuable once the department has time to consider implementation. The fifth process involves inspectors. Again, it is the question of whether we need even more information on how these should operate.

SCHEER: One minute.

LOWE: Thank you, Mr. President. The sixth section is a procedure for submitting required information to the U.S. Secretary of Agriculture. Lastly, the bill allows the department a choice of creating other standards, practices, or procedures required by the Nebraska Hemp Farming Act. Frankly, this is one that probably should stay as a "may" without having any major effects on whether Senator Wayne is trying to accomplish. The next change in this amendment is on page 9, line 4. Once again, this change is from a "may" to be a "shall." The section of this bill concerns on how the department adopts and promulgates rules and regulations dealing with approval and denial of applications. The last part of my amendment is on page 15, line 10. Once again, this change is from "may" to "shall." This section of the bill deals with rules and regulations on sampling and testing of hemp. I believe this amendment should create an interesting conversation – should have created--

SCHEER: Time, Senator.

LOWE: Thank you, Mr. President.

SCHEER: Thank you, Senator Lowe. The question before the body is the adoption of AM1583. All those in favor please vote aye; all those opposed vote nay. Have all voted who wish to? Please record.

CLERK: 1 aye, 23 nays on the amendment.

SCHEER: AM1583 is not adopted. Mr. Clerk.

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

Floor Debate
May 02, 2019

CLERK: I have nothing further on the bill.

SCHEER: Senator Matt Hansen for a motion.

M. HANSEN: Thank you, Mr. President. I move we advance LB657 to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. The ayes have it. LB657 is advanced. Mr. Clerk.

CLERK: LB657A, Senator, I have no amendments to the bill.

SCHEER: Senator Matt Hansen for a motion.

M. HANSEN: Thank you, Mr. President. I move we advance LB657A to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. LB657 is advanced-- LB657A is advanced. Mr. Clerk.

CLERK: Items, Mr. President. Bills read on Final Reading this morning were presented to the Governor at 11:45. (Re: LB6, LB130, LB130A, LB138, LB227, LB237, LB237A, LB356, LB405, LB496, LB524, LB585, LB616, LB693, LB177.) Enrollment and Review reports LB149, LB532 and LB532A to Select File. Committee reports: the Revenue Committee, chaired by Senator Linehan, reports LB289 to General File with amendments. The Appropriations Committee, chaired by Senator Stinner, reports LB295, LB299 to General File; LB293 General File with amendments; LB294 General File with amendments; LB296, General File with amendments; and LB297, General File with amendments; likewise with LB298. New A bills: Senator Wayne offers LB86A. (Read LB86A by title for the first time.) LB600A is by Senator Walz (Read LB600A by title for first time.) Amendments to be printed: Senator Bolz to LB600; Senator Lathrop to LB300A; Senator Hunt to LB209. Senator Wayne would like to offer a new resolution to LR107; that will be laid over.

Mr. President, Senator Halloran would move to adjourn the body until Tuesday, May 7, at 9:00 a.m.

SCHEER: Colleagues, we have one more vote to be taken. Those in favor of the motion say aye. All those opposed. We are adjourned.