

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**WILLIAMS:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-second day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Tom Starkjohn from the Louisville Evangelical Free Church in Plattsmouth, Nebraska, Senator Clements' district. Please rise.

**PASTOR STARKJOHN:** Would you join me in prayer? Oh, God of Abraham, Isaac and Jacob, we come to you this morning because you are the one and only God; immortal, invisible, wise, beyond measure and abounding in loving kindness toward those who fear you. Abraham proclaimed that you are the judge of all the earth and always does what is just. Indeed, you do what is right. You are the perfect law giver. You see every angle and every perspective. You know every cause and every effect. You know the answer to all mysteries and to every confounding question. Before you, everything is laid bare. Father in Heaven, you have instituted governments and legislatures such as this to promote peace and fairness and justice in this land. In times past and in many ways, this has happened right here on this floor. And for that, we give you thanks and know that your inscrutable ways have been at work, but there is much work yet to be done. And these men and women are gathered here this morning to continue in this great task. So we turn to you, oh great judge, to lead and to guide and to give wisdom. You know better than any of us how weak we are and in need of your help. Apart from you, our greatest efforts will wither and die. Therefore, we ask for your help to understand and to act for what is right. These things we pray in the name of your only son, Jesus Christ. Amen.

**WILLIAMS:** Thank you, Pastor Starkjohn. I call to order the twenty-second day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**ASSISTANT CLERK:** No corrections this morning.

**WILLIAMS:** Are there any messages, reports or announcements?

**ASSISTANT CLERK:** Mr. President, Senator Crawford has selected LB1061 as a personal priority bill for 2020. In addition to that, the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

Government, Military and Veterans Affairs Committee offers three notice of committee hearing. And an amendment to be printed to LB752 from Senator Blood. That's all I have at this time.

**WILLIAMS:** Thank you, Mr. Clerk. Speaker Scheer, you're recognized.

**SCHEER:** Thank you, Mr. President. Colleagues, as I've said on the last part of the weeks when priority bills come up that I'm able to schedule I will do so. Tomorrow on the agenda, we will see both Senator Chambers' priority, LB924 and Senator Gragert's LB770 will be on the agenda tomorrow morning. So just a heads up that those will be showing up tomorrow. Thank you, Mr. President.

**WILLIAMS:** Thank you, Speaker Scheer. Senator Cavanaugh would like to recognize Dr. Joe Miller of Omaha, formerly of Lexington in my legislative district, who is serving as family physician of the day on behalf of the Nebraska Academy of Family Physicians. Dr. Miller, would you please stand and be recognized by the Nebraska Legislature? Thank you. Mr. Clerk, we'll now proceed to the first item on the agenda.

**ASSISTANT CLERK:** Mr. President, LB944 offered by Senator Geist. It's a bill to change provision relating to certain motor vehicle fees imposed by cities and villages; provide for refund or credit of fees for the loss of possession due to a natural disaster; change provision relating to the International Fuel Tax Agreement Act; to authorize temporary license stickers as prescribed; eliminate provisions relating to certain replacement plates; provide for electronic delivery of operator license and state identification cards and remote knowledge inquiry; provide powers for the director relating to the unified carrier registration; harmonize provisions; and repeal the original sections. This bill was introduced on January 13, 2020. It was referred to the Transportation and Telecommunications Committee. That committee has reported the bill to General File with committee amendments.

**WILLIAMS:** Thank you, Mr. Clerk. Senator Geist, you're recognized to open on LB944.

**GEIST:** Thank you, Mr. President and members of the Legislature. I'm pleased to introduce LB944 on behalf of the Department of Motor Vehicles. And I would like to thank the Transportation and Telecommunications Committee for making this bill one of the two committee priority bills. The bill harmonizes several provisions of law relating to-- to motor vehicles. LB944 amends provisions in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

statute regarding the process cities and villages follow when implementing wheel taxes and wheel fees. Sections 2, 4 and 7 of the bill adds natural disasters as a reason for issuing a refund of unused registration fees and taxes when loss of possession of a vehicle occurs. The current provisions allow for refunds in case of fire, theft, dismantlement, and junking. The bill removes the requirement to submit an unnecessarily applicant-- unnecessary application for replacement plates of apportioned vehicles. It also harmonizes certain specialty plates to allow for temporary license stickers. LB944 allows for the use of technology for the delivery of a mobile driver's license and remote testing under certain circumstances. Section 14 of the bill allows the department discretion regarding when to estimate motor fuel tax liability when a person or entity does not file a return or does not pay the full amount due for motor vehicle fuel tax. Lastly, the bill will also harmonize provisions in statute when carriers are in violation of the Unified Carrier Registration Act. I ask for your support of LB944. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Geist. As the Clerk stated, there are amendments from the Transportation Committee. Senator Friesen, as Chair of the committee, you're recognized to open on the amendment.

**FRIESEN:** Thank you, Mr. President and members of the Legislature. LB944 is the first of two committee priority bills of the Transportation Telecommunications Committee. In addition to LB944, a bill just explained by Senator Geist, the amendment contains five other bills heard by the committee that relate to motor vehicles. First, the amendment contains LB768, a bill introduced by Senator Albrecht. That bill was advanced to the floor with committee amendment. The bill and amendment update-- the amendment update federal regulations in areas relating to motor vehicle operation, titling, registration, and safety. It incorporates recent federal amendments to the REAL ID Act into federal odometer laws which are incorporated into Nebraska statutes. Certain civil penalties for violations of commercial driver's licenses are increased. Our committee amendment to LB768 incorporates a new section referencing the unified carrier registration plan and agreement into a civil penalty provision of the Nebraska State Patrol. Second, I introduced LB785 on behalf of the Department of Transportation. This bill incorporates changes in federal law in three sections of Nebraska law relating to length and weight exemptions for commercial vehicles. Included in the exemptions are stinger-steered automobile transporters, towaway trailer transporters, battery-powered vehicles,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

emergency vehicles, and heavy-duty tow and recovery vehicles. Third, the amendment contains provisions of LB831 introduced by Senator Bostelman. This amendment to the Certificate of Title Act allows the director of DMV to issue a title for a vehicle manufactured before 1940 if the previous title was a junk title. The applicant would have to show that no major component part had been replaced, the vehicle had been inspected, and the vehicle had been restored to its original specifications. Fourth, the amendment contains provisions of LB983, a bill introduced by Senator Crawford. It amends sections of rules of the road and provides that a speeding violation of less than five miles an hour over the limit would not result in a point deduction from an operator's license. Currently, one point is deducted for a violation of this magnitude. Finally, the amendment includes LB1067, a bill introduced by Senator Erdman. It amends a section of the rules of the road relating to the operation of ATVs and UTVs. In rural areas of the state, those vehicles are used extensively for agricultural purposes, and farmers and ranchers have had difficulty legally going across highways that are more than two lanes. This provision allows them to do so for agricultural purposes between the hours of sunrise and sunset with an operator's license, insurance, headlights and taillights on, and with a bicycle safety flag attached to the rear of the vehicle. I would be happy to answer any questions about the amendment and I urge you to adopt the committee amendment to LB944. I think the other senators that do have bills included in this are going to talk a little bit more on what their bill does. And so with that, I urge your support of this bill and the amendment. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Friesen. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. Great Tuesday morning. I want to thank Senator Geist for allowing me to amend LB831 into LB944. And I'm going to take a few minutes this morning. I think this is a great opportunity to-- to show how someone worked throughout the system, if you will, of state government, through all the levels of state government that he could to try to rectify a situation that now is before us on the floor. My bill included in the committee amendment provides the director of the Department of Motor Vehicles the discretion to grant a salvage title to a vehicle that has been previous-- previously classified as junked as long as a vehicle is manufactured prior to 1940 and has not had any major component parts replaced. The vehicle

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

will also have been-- must be inspected to the director of Department of Motor Vehicles' satisfaction and restored to its original intended specifications. This bill was brought to me, brought to my attention by Mr. Lane Nelson, who is sitting in the balcony, and his family and his dad are sitting in the balcony this morning. I would encourage you to talk with them if you have any questions about the bill or understand their story a little bit more as the morning goes on. Mr. Nelson is-- is from my district. They have a 1930 Model A that was passed down through generations of his family. This vehicle cannot be titled due to it erroneously being titled as junked decades ago. I have provided a handout that goes further. It provides further detail about their story. So let's talk about that just a little bit. And I may not be able to get everything in at this time, but I'll punch my light if needed for a second time. If you look at the-- the handout that I gave you, it's "Wahoo man goes to bat for family heirloom." Mr. Nelson really went to all-- pulled out all the stops. And at the hearing, I think everybody would agree, the committee, that Mr. Nelson had a great testimony, provided us a lot of information and really showed how he tried to take every avenue that he could to rectify this situation before coming to the Legislature. The car was purchased by Nelson's great-grandfather, Peter, in 1930 from Swanson's Ford in Ceresco, Nebraska. After Peter Nelson died, the car sit idle for several years on the family farm. Eventually, Lane Nelson's father Ron turned 16 and he was offered a chance to put the car back on the road in 1963. But because the car had not been licensed for years, a snag developed. Lane Nelson said that to get around it and avoid a lot of paperwork, if you will, a state licensing clerk who knew the family suggested to obtain a junked title for the car. That, Nelson said, allowed his dad to obtain a license to drive it on the roads and highways. I want to point out to you, if you're not aware, vehicles that were built before 1940, during that era, they were never titled. They never had a title when they were originally constructed or purchased. So this 1930 vehicle never had a title to begin with. But only a year later, his dad got in a fender-bender and the Model A was sidelined again. Then a couple years ago, Lane Nelson and his father started to restore the old Model A mostly so his 72-year-old dad could take trips down memory lane with the grandkids and at parades. After a lot of pounding, greasing and sweat, the old car was ready for the road again--

**WILLIAMS:** One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**BOSTELMAN:** --but not for a license. Thank you, Mr. President. Lane Nelson said his father was told that because it had a junk title, it cannot be licensed and it cannot-- and it could only be used as a dismantlement for parts. That's when Lane took over the case, the chase for a good title. And he took it directly to the Governor who was in Wahoo in February for a town hall meeting. I think I'll wait and I'll finish the story on my next opportunity. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Bostelman. Senator Albrecht, you're recognized.

**ALBRECHT:** Good morning and thank you, President Williams and colleagues. Today, I introduced LB768 as part of the Transportation Telecommunications Committee priority bill, LB944. Thank you, Senator Geist and committee for including this. LB768 was brought on behalf of the Nebraska State Patrol and the Department of Motor Vehicles. This bill represents the annual legislative update, which adopts the federal standards to harmonize the Nebraska statute and federal regulations current as of January 1, 2019. The Nebraska state statutes must remain current with the federal regulations to avoid incompatibility and to avoid interfering with or jeopardizing the Nebraska Motor Vehicle Carrier Safety Assistance Program, which is funded by the Federal Motor Carrier Safety Administration. AM2101 replaced more fully Section 31, which was left out of the first drafting in error. I want to thank the Transportation and Telecommunications Committee for advancing this to General File on an 8-0 vote. And I would ask for your green vote on LB944 and AM2307. Thank you.

**WILLIAMS:** Thank you, Senator Albrecht. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. Good morning. Senator Bostelman, I listened to your story there and I know the rest of the story, and so I'm looking forward to the next part. It's going to be interesting. But let me start with this this morning. I would like to thank the Transportation Committee, presented this bill, LB1067, to the committee last week. It is a bill that would allow, as Senator Friesen had commented about, it would allow people to cross a divided four-lane highway other than the interstate with a recreation, with a ATV for agricultural purposes. What happened, how this bill came about is one of my county commissioners back home lives on the east side of Highway 71, which is a four-lane highway. And he crossed that highway

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

with his ATV to check to see if his tank was working in the summertime. And the State Patrol gave him a ticket for crossing the highway because it was against the state statute to cross a four-lane highway with an ATV. So the comment was you should load that in a trailer, haul it across the road and unload it, and check your tank and then come back and load it up and move it back across the road. That didn't make a lot of sense to me or him. So we put the bill together, went to Transportation Committee. I enjoyed testifying in front of the Transportation Committee, except I can't hear a thing in that room. Senator Bostelman said it's hard to hear in here. He was wrong. It is impossible to hear in there. But I appreciated their attention and their understanding of the bill, and I really appreciate them putting it with their priority bill and bringing it to the floor. It's a commonsense bill that makes a lot of sense for agricultural producers who have to do their daily jobs with ATVs and those kind of vehicles. And so thank you for that, Transportation Committee. I appreciate it. And I appreciate your support on LB1067. Thank you very much.

**WILLIAMS:** Thank you, Senator Erdman. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. President. Now for the rest of the story. So Nelson hauled the old Model A to town on a trailer and parked it outside of the event. Governor, please grant this car clemency. Read this-- read the big sign Nelson affixed to the back of the car. Governor Ricketts at the town hall meeting didn't have an immediate answer for Nelson-- Nelson's clemency request, but referred him to staff members who contacted the State Department of Motor Vehicles. A DMV official called Mr. Nelson. They didn't have good news. Once a vehicle has-- has a junk title, that's all it can be used for and it cannot be licensed and driven on public roads. There may be a safety and consumer protection purpose for each state law. And if the cars get so-- so mingled-- mangled that it cannot be safely repaired and driven, it shouldn't get a license or it's-- or to be sold to someone else as a working vehicle. But what about a cars that's been repaired by people with some expertise, such as the Nelsons, who maintains that the car got a junk designation by mistake back in the 1960s? Sorry, said Ken Lackey, an attorney for the Nebraska Department of Motor Vehicles. State law is very specific. If a vehicle is junk status, it cannot be put back on the road. Nelson said he also could contact the Nebraska Attorney General's office and got the same answers. So now he's reached out to two state senators, I was one of them, in hopes of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

getting a state-- state law amended so the rebuilt cars can be taken off the junk list. Meanwhile, the old Ford is setting again in a garage, gathering dust and waiting for clemency. If you look at the handout I have, you can see the picture of his Model A. Model A is the original vehicle, all parts, all pieces original to that vehicle. That's very important to understand with this bill. So when writing this bill, we've sought guidance from the Department of Motor Vehicles and car clubs. It was important that while we create an opportunity for these eligible historical cars to return to the road, this bill will not open up a floodgate that allows cars that are unsafe or unfit to be granted a salvage title. The bill is for a specific target of restored historical vehicles. These are vehicles that, when they were built, never received a title. So this is important that we provide an opportunity. This is exactly what the Department of Motor Vehicles had talked about. They said, if we could, we would certainly give them a salvage title. But according to statutes, we can't. What we're doing today will fix that opportunity for those very narrowly historic vehicles that are all original, that have been restored, that are not a risk to anyone to have the opportunity to get a salvage title. This bill was moved out of the committee with an 8-0 vote and no opposition. I therefore request your green light for AM2307 and LB944. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Bostelman. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I just want to make a couple comments about the Nelson family. I saw them here when they were testifying about this bill. They were, they were in my office, across from my office. And I realized that the dad, Ron Nelson, had a family with children that went to school with my kids. And I've known the Nelson family for many years and I would recommend them as fine, upstanding Nebraskan citizens. Then the other thing I want to mention was when I was 16 years old, I wanted a car and my brother and I heard about a farmer who had a Model A, a 1929 Model A for sale. And it was out in his pasture in some weeds. And for \$15 we were able to buy-- we split the cost and we bought a 1929 Ford Model A, and we had lots of fun. And it wasn't a junk title. So we did get a license plate for it. It was even licensed. And I think Dad insured it, probably did. We put gas in it. We cranked it. The young kids don't know about cranking and starting a car. It didn't have a battery. But we turned the crank and it started, a little four cylinder Ford engine. It had no muffler. And so we found a piece of plumbing pipe and put a straight pipe, kind of



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

wired it into the manifold and it stuck out the back end. And if you went down a hill and let up on the gas, it would shoot some real nice flames out that pipe. At 16 it was a lot of fun. But if you're going downhill, you'd better start stopping a long-- a long ways ahead. There were mechanical breaks and you'd really have to push hard on the brake pedal to ever get stopped. So we didn't take it out on the highway much, just had fun with it around town. But I just enjoyed that memory. My brother gave me a copy of a picture of me in that car a little while ago. And I just wanted to thank the Nelsons for being here. I want to tell them that I'm supporting AM2307 and LB944. And thanks for the memories. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Clements. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. President. I would ask-- I would say that at this moment I am not supporting the amendment. I am in support of Senator Geist's bill as written. I do need some questions answered before I can say whether I would be in support. And I'd ask that Senator Friesen please yield to a question.

**WILLIAMS:** Senator Friesen, would you yield?

**FRIESEN:** Yes, I would.

**BLOOD:** Thank you, Senator Friesen. And if we can't get this answered, we'll go to Senator Erdman next. So LB1067 is one of the bills that were amended from the February 4 hearing approximately. And so can you tell me what opposition came in that day against Erdman's bill?

**FRIESEN:** Against Senator Erdman's bill?

**BLOOD:** Um-hum, LB1067.

**FRIESEN:** I don't think there was any.

**BLOOD:** Wasn't the Department of Transportation there in opposition that day?

**FRIESEN:** No, they-- I do believe they worked with him in order to approve language of this. So they were-- there was no opposition testimony that I remember.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**BLOOD:** OK, so what the bill does, it allows for all terrain vehicles to cross controlled access highways. Correct?

**FRIESEN:** Yes, under certain conditions.

**BLOOD:** So you had no letters of opposition and nobody opposed.

**FRIESEN:** I don't recall any letters of opposition.

**BLOOD:** My memory serves differently because I was there that day. So that's-- I appreciate that clarification. I thought I remembered somebody in opposition that day.

**FRIESEN:** I think there was a different bill that they opposed.

**BLOOD:** OK, fair enough. I appreciate that. Thank you very much. Thank you, Mr. Speaker.

**WILLIAMS:** Thank you. Senator Blood. Senator Moser, you're recognized.

**MOSEER:** Thank you, Mr. President. I was wondering if I could ask Senator Bostelman a question, please.

**WILLIAMS:** Senator Bostelman, would you yield?

**BOSTELMAN:** Yes.

**MOSEER:** So this bill allows a certain subset of old cars to be reinstated from junk up to salvage. Is that correct?

**BOSTELMAN:** If they meet a very specific standard, yes. Prior to 1940, all inclusive original vehicle that's being restored.

**MOSEER:** So why would we limit it to just some cars? If a car is junk, but it's fixed up and made roadworthy, why couldn't you do this with any junk car? Why don't we-- why don't we make all junk cars eligible for restoration?

**BOSTELMAN:** A lot of those older, newer vehicles, if you will, can be brought back to title through assembled vehicles. And there's other parts in statute to where those vehicles can be brought back by-- by parting them out or by-- by reassembling them. This is very specific prior to 1940, because the class of the vehicle, the type of the vehicle was never titled before. Anything newer than that I think we run into challenges with the type of vehicle and what that vehicle potentially the damage to that vehicle because it would be a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

higher-speed vehicle. You know, I don't know if you'd want a 1980s Camaro that's been wrapped around a telephone pole to come back on. That would not apply to this.

**MOSER:** Well, I've known people who built cars from a pile of steel tubing and it had some kind of a body on top of it that may have once been a licensed car, but the hotrod part of it was all built from steel tubing and welded together in a shop. He can get a license for that vehicle. What would be different there than some car that was once called junk, but then fixed up?

**BOSTELMAN:** It's a safety concern, the safety of that vehicle. This is a pre-1940 vehicle that's completely intact that has to be-- meet certain qualifications before it can be titled as a salvage. The newer vehicles, I think the car clubs agree, certain other individuals and DMV agrees that could be problematic just because of the type of vehicles, the speed of those vehicles and the accidents they may be in. There's opportunities for assembled vehicles, reconstructed vehicles, those type of things. There's titling for those-- and those in another part of statute.

**MOSER:** All right. Thank you.

**WILLIAMS:** Thank you. Senator Moser and Senator Bostelman, Senator Hilkemann, you're recognized.

**HILKEMANN:** Thank you, Mr. Speaker. I certainly standing to support this legislation that's here. It reminded me I got-- during this course of the summer, I got an article relative to this. And I-- it reminded me of my family. I had a great-uncle, Henry Pieper [PHONETIC] from the Pierce-Hadar area who bought an original Model T, either 1913 or 1914, that was always an argument within the family, whether it was a '13 or a '14, with those on both sides of it. And the amount of enjoyment that Uncle Henry got by taking that car to every parade in northeast Nebraska was beyond belief. And I have my pictures of the 1961 Diamond Jubilee at Randolph, Nebraska, riding in that Model T. And so I would certainly like to see the Nelson family be able to get this road back on a vehicle. Senator Bostelman, would you take a-- I have one question for you.

**WILLIAMS:** Senator Bostelman, would you yield?

**BOSTELMAN:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**HILKEMANN:** Senator, we had this visit just a little bit ago. I think you've pretty well answered it to my satisfaction in your second speech. Is there any possible unintended consequences the way this-- so that we get vehicles on the road that should not be on the road that you're aware of?

**BOSTELMAN:** No, there is not. It's very well crafted so that the director of Department of Motor Vehicles must have an inspection. That person, well, is the only person that can authorize the salvage title.

**HILKEMANN:** Thank you very much, Senator Bostelman. I appreciate that. Thank you for going to work for the Nelson family on this. This is one of those times when you-- there's-- there's this whole thing of common sense that just seems to elude government sometimes. And thank you for taking that on. And I hope that we can get that car on the road for you. Thank you.

**WILLIAMS:** Thank you, Senator Hikemann and Senator Bostelman. Senator Groene, you're recognized.

**GROENE:** Thank you. I stand in full support of LB944 and AM2307. I appreciate Senator Bostelman's work on the older car issue. I also had a constituent who has been fighting this issue for a very long time, has followed all the rules and he finds old vehicles driving down the road in creeks or wherever and fixes them up. And-- and he's never used to have a problem. And we did it in Colorado. He could go get a license and everything was fine until he tried to do it here in Nebraska. And one road-- we got him in touch with Bostelman's, we got him and tried-- set up a meeting with DMV. And I'm not criticizing DMV. I appreciate public officials who follow the rules and don't bend them. And they couldn't bend the rules enough to allow him to get a license. And so that should make us all feel good that the DMV does follow the laws we instruct them with. But I told him to call Senator Bostelman. I hope he did, because I knew Senator Bostelman had worked on these issues before. But, Bill, this is your day today and you can thank Senator Bostelman that you will be able to go-- I hope he puts an E clause on it so you can go down and license your vehicle. It's just common sense. And as far as the ATV issue, that's the same thing. That's common sense. Not allowing agricultural commerce to exist and to manage your time to drive across the highway is foolishness. We'll here-- here's an-- here's an option for you, folks. A rancher can take a herd of cattle and drive them down the highway-- did you know that-- and move from pasture to pasture? It happens out in my area all the time. But he cannot herd them down the highway with an ATV. Does that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

make sense? I see Senator Williams sitting up there nodding. He knows what happens in Custer County. Sometimes laws don't make sense. Senator Erdman found an issue that needed to be fixed. And this is a great bill. It's clean. This is what government should do. It's cleaning up some issues and Senator Geist, too, where-- where it makes life easier for the law-abiding taxpayer. So I'm in full support of this and I hope Bill is listening today. Thank you.

**WILLIAMS:** Thank you, Senator Groene. Senator Walz, you're recognized.

**WALZ:** Thank you, Mr. President. I stand in support of LB944 and the amendment. And this is not something that I would normally talk about, but I did grow up with some gearheads in my family. And we restored actually a '72 Chevy truck that was not all original. It wasn't to the extreme of Johnny Cash's song "One Piece at a Time," but it was pretty close. So I just want to get some clarification on is this being the ability to take parts from other cars and put them together. Is that part of this bill or could you clarify that?

**WILLIAMS:** Senator Bostelman, would you yield?

**WALZ:** Oh.

**BOSTELMAN:** Yes, I will. Senator Walz, there's a different part in statute that we actually addressed that. I think two years ago I had a bill on that. And those are assembled vehicles or there's another part in statute where actually you can-- you-- you take those vehicles and put them together and you can title them in a separate part of the statute. So that is allowed already. This is specifically for this specific incident where it's a historic vehicle prior to 1940. The newer vehicles, there's opportunities, more than one opportunity, where you can title those vehicles.

**WALZ:** Thank you.

**WILLIAMS:** Thank you, Senator Walz and Senator Bostelman. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. I was remiss in not explaining exactly what happened on LB1067 so let me-- let me begin with this. I had introduced a bill a year ago that would have done a similar thing with ATVs crossing four-lane divided highways. That bill, the Transportation Department didn't like the bill. And in the hearing, they had made a comment that they'd be willing to work with me to fix

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

it. And so for the last interim, we spent time talking about how to fix it, what makes sense, and that's where we got the bill we have before you today. The Transportation Department was very willing to help us try to fix what made sense, and that's what it did. And so there were no-- there was no opposition to this bill. The hearing was quite brief. I think my opening was two or three minutes. The department came in and supported. Their-- their comments were two or three minutes. The committee seemed to get exactly what we were trying to accomplish. I waived closing and we moved on from there. So there was no opposition. This is the language that the department and I worked on to come to the conclusion what makes sense. And this is it. And so I believe what Senator Blood is referring to was last year when they came in, in opposition to the bill that I did have. And perhaps they were-- she was also referring to the one that I introduced to try to change the speed limit in Oshkosh, and the department was against that bill. But this bill, there was no opposition. And I appreciate your support on this amendment and the bill. Thank you.

**WILLIAMS:** Thank you, Senator Erdman. Senator Bostelman, you're recognized and this is your third time.

**BOSTELMAN:** Thank you, Mr. President. And thank you, Senator Erdman, on-- on clarifying your bill that was there. If I remember this well, there's-- on this specific bill this year, there was no opposition to that. I'd just like to wrap this-- this up just a little bit here. I'd like to thank the Nelson family for coming in today. If you have the opportunity, you really need to talk to them. They've got a great story and it's an unfortunate story they had to go through, but we're going to get to a good resolution to that story. Lane took every step. If you want to-- if you wanted to teach someone or show a casebook scenario of how to go through the entire state government to try to resolve an issue, he did that. He went to the Department of Motor Vehicles. He went to the Attorney General's office. He even went to the Governor. Each time, each step they said, you know, we understand what you're saying. We wish we could, but there's nothing in statute that allows us to do what you're doing. And he's not the only one that I've talked to my district that has a similar vehicle, completely restored vehicle, all original, unfortunately, had a junk title on it one-- one point in time, because that's what they did back in the '60s or whenever it was. The vehicles never had a title when originally started when it was built back in 1930. So this is a great opportunity to correct a wrong in a sense. But also these are very unique, historic vehicles that really need to be able brought back to the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

road. So it'd be a good deal to see this vehicle, this bill pass. I'd love to see this vehicle in a parade this summer, perhaps if we can get it done in time so that they can drive the vehicle on that parade route and have that for his grandchildren, for all of us to-- to enjoy in years to come. Again, I ask for your green vote on AM2307 and on LB944. Thank you for your attention this morning.

**WILLIAMS:** Thank you, Senator Bostelman. Seeing no one wanting to speak, Senator Friesen, you're recognized to close on the committee amendments.

**FRIESEN:** Thank you, Mr. President. I should have neglected-- or should have spoken a little bit on the committee amendment. And if you look on your Internet site, you can see all of the votes, all of the committee amendments, who introduced them, and so everything is listed. And I thank Tip O'Neill, my legal counsel, for putting together a very comprehensive list of bills and-- and who introduced them, where they are in the sections of statutes so that you can track all that down. So I appreciate all the work he did. And I think I appreciate the Speaker giving us guidance on doing that, because I think it has led to a lot clearer look when we start to put numerous bills together on what we're actually voting on. So with that, I ask for your support AM2307. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Friesen. The question is, shall the committee amendments, AM2307 to LB944 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the adoption of committee amendments.

**WILLIAMS:** The amendment is adopted. Discussion on the advancement of LB944. Senator Cavanaugh, you're recognized.

**CAVANAUGH:** Thank you, Mr. President. I just wanted to take a moment to wish our colleague happy birthday. Senator Matt Hansen's birthday is today. And also it is dry bean edible bean day, and they're celebrating it out in Gering, Nebraska, where our Chairman of Appropriations is so a very exciting day for Nebraska. Thank you.

**WILLIAMS:** Thank you, Senator Cavanaugh. And Happy Birthday, Senator Matt Hansen. Seeing no one wanting to speak, Senator Friesen, you're asked to close. Excuse me, Senator Geist. Senator Geist waives

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

closing. The question is the advancement of LB944 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted that wish? Record, Mr. Clerk.

**ASSISTANT CLERK:** 42 ayes, 0 nays on the advance of the bill, Mr. President.

**WILLIAMS:** The bill advances. Mr. Clerk for items.

**ASSISTANT CLERK:** Not at this time, Mr. President. Thank you.

**WILLIAMS:** Moving to General File LB205.

**ASSISTANT CLERK:** LB205 introduced by Senator Kolterman. It's a bill for an act relating to medicine and surgery; to adopt the Surgical Technologist Registration Act; to exclude certain persons from the restrictions regarding the unauthorized practice of medicine; harmonize provisions; and repeal the original sections. The bill was introduced on January 11 of last year, referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments.

**WILLIAMS:** Thank you, Mr. Clerk. Senator Kolterman, you're recognized to open on LB205.

**KOLTERMAN:** Thank you, Mr. President. Good morning, colleagues. I'm here today to introduce LB205, a bill that adopts the Surgical Technology [SIC] Registry Act. First of all, I want to thank Senator Erdman, Geist, Howard, Hunt, Linehan, Slama, Williams, and Wishart for cosponsoring this patient safety bill. Surgical techs are a critical part of every surgical team directed by the surgeon in the operating room. There are about 800 surgical technologists in Nebraska. Currently in our state, the surgical technologist is the only member of the surgical team that does not have minimum competency standards. What this legislation will do, it will allow for those who have on-the-job training to continue to work in their jobs, giving them 108-- 180 days to register. And if they've not been certified or have gone through an educational pro-- program, they can register after a competent-- competency assessment by a licensed-- licensed professional in their place of employment has been taken care of. Surgical technologists are specifically trained in setting up sterile environments in these days of new and deadly infections. The surgical technologist readies equipment and surgical instruments, which even in the most basic surgeries can number in the hundreds. The surgical



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

technologist takes directions from a surgeon on handing instruments, holding retractors, and suctioning wounds. After learning about the delicate duties surgical technologists perform during surgeries, I fit-- I find it somewhat unnerving that they are the only member of the surgical team to not have minimum competency standards. I believe there is a significant need for surgical technologists to be regulated by the state for the safety of our citizens. Since 2015, there have been two 407 reviews with-- which involve surgical technologists. Both reviews have acknowledged the registry was appropriate to ensure public safety. That's what we're proposing here today, a registry. This bill is being brought to you after about six years of discussions, negotiations, compromise between physicians, hospitals, the Department of Health and Human Services and LB205 closes a circle by establishing a registry with competency in education standards under the Department of Health and Human Services, as recommended by two 407 reviews. LB205 does not create barriers to enter the practice or to provide disincentives to join the field due to a registry. Actually, nothing in this legislation prohibits surgical centers or hospitals from training their own surgical techs. It simply requires that a surgical tech prove minimum competency at the conclusion of their training. I honestly believe that if surgical techs in this state felt that a registry was too burdensome and fee-- with fee was too burdensome, they would have opposed this legislation. But instead, not only the surgical techs simply support this legislation, they brought the legislation to me. After all these years, it's time to put this debate to rest and enact this legislation to ensure the primary patient's safety in this state. Thank you for your time and I urge you to vote green on LB205 and AM1436 which Senator Howard is going to introduce it next. Thank you.

**SCHEER:** Thank you, Senator Kolterman. As the Clerk had noted, there are committee amendments from Health and Human Services. Senator, you are welcome to open.

**HOWARD:** Thank you, Mr. Speaker. Good morning, colleagues. AM1436 replaces the green copy of LB205 and becomes the bill. It makes several changes to the green copy of LB205 and I'm gonna go through all of them so it just may take a minute. AM1436 adds a definition of board to mean the Board of Medicine and Surgery and a definition of department to mean the Department of Health and Human Services. Section 9 is amended to allow surgical technologists to perform certain functions and provided those functions are performed under the authority of a practitioner licensed under the Uniform Credentialing

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

Act who is directing surgical tasks and functions based on the surgical technologist's education, knowledge, training and skill. The types of functions of the surg techs may per-- the types of functions the surg techs may perform remain the same as in the green copy and include preparing the operating suite for the planned surgical procedure, creating and maintaining the sterile field through organization and prep of instruments and supplies, including performance of necessary surgical counts and gowning and gloving the surgeon and assistants. Section 13(3), (4), and (5) add procedures to the appeal process when registration is denied or revoked, including informal conferences or formal hearings. Section 15 adds a reporting requirement when adverse actions are taken against surg techs. Facilities or persons using the services of a surgical technologist must report to the department if the facility or person takes any adverse action against the surg tech due to alleged incompetence. The report must be made 30 days after the action. Similarly, subsection (2) allows but does not require any person to report facts to DHHS concerning the alleged incompetence of a surgical tech. Under Section 15, these reports are confidential. In addition, the facility or person making the report are made immune from any criminal or civil liability related to the report. Under Section 16, any complaints, investigational records, reports and files held by the department will not be public records unless they are part of a formal hearing before the department. The records, reports, and files are not otherwise still discoverable in legal proceedings or admissible in court. Section 17 allows but does not require the department to maintain an action for an injunction for a violation of the Surgical Technologist Registration Act or the rules and regs. Section 18 makes surg techs eligible for the Licensee Assistance Program, which provides education, referrals, and monitoring of credential holders dealing with substance use issues. Section 19 allows but does not require the department to promulgate rules and regs. Section 20 adds surg techs to the list of practitioners who are not engaged in the unauthorized practice of law. And because I know that I will be asked, I will tell you about the 407 because I am certain that question will come up. The 407 process for surgical technologist was completed back in 2016. The proposal asked if they-- the question in the proposal was should they have a license? The Technical Review Committee agreed they should have a license. The Board of Medicine disagreed and recommended a registry and the Chief Medical Officer also recommended a registry. So AM1436 takes the recommendations of the 407 process to implement a surgical technicians-- technologists registry. And LB205 was advanced from

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

committee as amended with four members voting aye and three members present not voting. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Howard. Debate is now open on AM1436. Senator Arch, you are recognized.

**ARCH:** Thank you. Yes, I was one of those that voted present but not voting because my-- my primary belief in this particular bill is that it is fundamentally not necessary. I want to give you a little background from my experience of-- of operating room techs and how they function within-- within the OR. I would say that probably they are one of the most highly valued individuals within that operating room, particularly the relationship between the surgeon and the operating room tech. These-- these techs are generally requested. They are generally pretty much assigned to a particular surgeon because they know the instruments needed. They know how to set up the instruments. They-- they know how to set up the rooms for that particular surgeon. So while you may have a surgeon that is performing the same surgery in different rooms, they all have-- they all have very specific ideas as to which instruments they would be using for that surgery and how those should be set up on the tray, how those should be handed to them. And that's that function of the operating room tech. So, so much of what happens in the training of an operating room tech is the surgeon specifically training that particular operating room tech as to their preferences, their requirements, how they want these things done. Very, very important role within the-- within the operating room, but not in the performance of patient care. It is really an assistance to the surgeon and that's-- that's the role that they're playing. So I think it was mentioned that this-- this bill was first introduced in 2011, as a matter of fact. And it was-- it was-- it was introduced at that point as a licensure bill to really address one of the issues that was of concern regarding delegation of duties and all of that. But since then, we've had no evidence that there have been any patient incidences that would demonstrate a need for this particular bill. So my opposition is-- is-- is simple. It's a couple of areas. One is I really believe that the registry is unnecessary. These operating room techs generally are high school graduates who are trained on the job with a particular surgeon, trained by the hospital or the facility, and then-- and then performing the function there. Sometimes they would go to a commercial program, diploma certificate, that type of thing. There is national certification that's available. Some hospitals require it, some hospitals don't. Some hospitals encourage it. So if you go get

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

certification, you may get a dollar, two bump in salary and in their hourly-- in their hourly wage. But-- but it's-- it's not always across the board required. Mentioned no incidents reported. There was one particular incident in Colorado that keeps coming up. I don't know, several, eight, nine, 10 years ago where there was really one very, very bad performer. But the registry, I don't think would have helped that. I-- I would add-- I would add that it appears to be the first step towards licensure. I've been assured that that's not the intent, but we know how these things go. We start-- we start small and start to move. And-- and again, I would-- I would say absolutely not necessary. Vast majority of states have no registries of surgical technologists. Only two have mandatory registration that I could find, Colorado and Washington. So we would be the-- we would be the third here. The other-- the other part of it, which is just a practical part, is I-- you know, the rural areas continue to struggle with recruitment. And-- and we just don't need to put up barriers to any-- any entry into this type of a job, which is a very good job for a high school graduate. It has responsibility. It has good pay. It's got benefits. It's got all of those things that we all want in our jobs. We just don't need more barriers.

**HILGERS:** One minute.

**ARCH:** We don't need more cost. And-- and very good job. So I would-- I would put this kind of in this category, is it going to do any harm? No. Is it going to do any good? I don't think so, not necessarily. However, it's-- it's kind of in this whole realm of regulations: if-- if some is good, more is better. And I don't think that's the case. I think we have to weigh the risk versus the cost. And in my case, I've done that. And does the risk demand the additional cost of regulation? And I would say no. And that's just my personal perspective on this particular bill. Thank you.

**HILGERS:** Thank you, Senator Arch. Senator Ben Hansen, you are recognized.

**B. HANSEN:** Thank you, Mr. President. I appreciate Senator Arch's technical comments about the profession of surgical technologist, but I kind of want to talk a little bit about registration and licensing in Nebraska as a whole and how it pertains to this bill and earlier bills that we've heard already and subsequent bills in the Legislature that are probably going to be coming down the pipeline, I'm sure. So now, according to the surgical technologist bill, nobody can become a surgical technologist unless he or she is registered to be a surgical

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

technologist by a government licensing board and has certain educational prerequisites, among other requirements. And so now I ask you, who do you suppose is competent to decide who should be a surgical technologist? And in this bill, the Board of Medicine and Surgery. So the membership of licensing boards of these groups is always comport-- composed of physicians. And I feel that this, in fact, will be a key element in restricting of entry of future surgical technologists and keeping the number of surgical technologists to a lower level than it otherwise should be. Of course, if you talk to surgical technologists, they will say, why, the reason we are in favor of registration and licensing is in order to have a very high quality of care. But then if you look at the rules they have followed, some of them have no relationship whatsoever to the quality of being a surgical technologist. And talking about safety, where do the deaths and injuries in hospitals and surgical rooms typically come from? Usually not surgical technologists because they're doing their job. It typically comes from infections that you're going to get while you're laying in bed from bed sores, from the food that you eat. So who should we really be putting a registration licensing on? I say the janitor. I say the people cooking the food. I see the people cleaning the laundry. That's typically where we're gonna get an infection from. That's typically where most deaths happen in a hospital, which is actually one of the highest causes of death in the United States, actually. So someone who wants-- someone once spent a lot of time and effort on this topic of licensure and its effectiveness once said, and this is an example, he said: After you had the Nazi regime take over in Germany and there was an attempt by Jewish physicians and other persecuted groups from Germany to come into the United States, all of a sudden the AMA started to require that people be citizens of the United States in order to practice medicine, in order to be licensed. And it's a very nice thing to have people citizens of the United States. But will you tell me the relationship between that and the ability to practice medicine? I think that's a good example of kind of where some of this stuff kind of leads to. This brings up a good point about registrations in healthcare or other fields of business for that fact is that licensure and registration for that fact, too, does not equal competency. We think it does, but typically it doesn't. I think Senator Arch brought up some good points about have we seen-- is there some dire health, you know, issues that we're seeing in the state of Nebraska that would require the government to step in and cause the registration of surgical technologists and we're not. Others start-- other states aren't either. I think a lot of this does stem from an incident that happened in Colorado years ago from somebody who

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

purposely, I think, injected, used the same needle, injected-- a surgical technologist injected other people with the same needle. And in my opinion, that instance does not typically require a registration or government intervention. That's just a psychopath, you know, doing his thing. It doesn't require the government to cause more laws. Again--

**HILGERS:** One minute.

**B. HANSEN:** --again, I'm not criticizing people. Thank you. I don't mean to say that surgical technologists aren't genuine when they say this. Of course they're genuine. But that doesn't mean they aren't wrong. That doesn't mean that they aren't rationalizing in the same name of improving quality, a great desire to improve their economic status, whether consciously or unconsciously. And if anybody has ever been able to establish any correlation between the level of income and the state of personal ethics, I'd like to see that evidence. I think you would too. I'll finish some of my other thoughts when I push my button again. Thank you.

**HILGERS:** Thank you, Senator Hansen. Senator Geist, you are recognized.

**GEIST:** Yes. Thank you, Mr. President. And I'm actually standing in favor of this legislation. And the reason is I did go on a tour at the Lincoln Heart Hospital. I watched the surgical-- surgical technicians prepare all of their instruments. And-- and it just occurred to me that the individuals and this is just I just respectfully disagree with some of my colleagues that the-- that the individuals who are taking part in a surgery in a surgical arena, I believe need to have a minimum standard. We need to know who the individuals are. I believe we also need to know if there's ever been a disciplinary action taken against one of these individuals. I just believe that-- that this is a different arena than a hair salon or something of that effect that does not deal with the internal workings of a human being, who may at some point in a surgery, this individual may have their hands inside of a-- of a human who is having surgery on them. And so for-- for those reasons, I think this is a minimum standard. It's not a licensure. It is a-- it is a requirement, but not a huge barrier. But I think something that's a reasonable standard to ask for someone who is participating in a surgery in a potentially life-and-death situation, I believe it's responsible for us as a society to have our medical individuals known and recorded. And for that reason, I think this is a commonsense legislation. I am not for putting many, many restrictions on people. But in this, I see this as an exception

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

because it's medical and it could be potentially a high risk. I did hear my colleagues say there has not been a recorded problem in the past in this state. And I understand that. However, again, I see this as an exception to the usual registration rule or the usual rule where we like to have less legislation, not more. I see this as an exception, and for that reason, I support the AM, the amendment, and I-- I strongly support LB205. With that, I would defer the rest of my time if I have any, Mr. President, to Senator Kolterman.

**HILGERS:** Senator Kolterman, 2:10.

**KOLTERMAN:** Thank you very much. Thank you, Senator Geist. I appreciate your support. You know, as we-- this-- this is not a new bill. It's evolved over the last six years. And I think it's been out here twice. And we've come to the realization that all we're asking for is a registry. Now some people would say, why do we need a registry? And I'm hearing that. You'll hear it from behind the glass out here a lot. But the fact of the matter is, we looked at licensure. And the 407 didn't request a licensure. And in the 407, which I have a lot of faith and trust in, recommended a registry. So we're not-- we're not trying to license these people. And as Senator Arch indicated, there are certifications that these graduates can get. In fact, most of them graduate with a certified surgical technology degree. But as Senator Geist just indicated, I think we as citizens expect a certain amount of competency when you're in that surgical suite. And I think all we're doing--

**HILGERS:** One minute.

**KOLTERMAN:** --all we're doing here is we're saying we think it's important that everybody in that suite is registered in some way or another with the state of Nebraska. And so, again, it's more of a patient safety issue, in my opinion, than it is anything else. And granted, there have not been a lot of recorded problems. On the other hand, there's always a first and we're trying to nip that, head that off up-front. So with that, I appreciate the time and I'd be glad to entertain any additional questions that come my way.

**HILGERS:** Thank you, Senator Kolterman and Senator Geist. Senator Albrecht would like to welcome nine members of the Wayne Leadership Class, 11; 10 students from Wayne State College; and 3 students from Wayne High School. They are seated in the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Williams would like to welcome a very special guest, Ruthie Ostergard, who worked

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

with Senator Williams for the past 35 years. She is seated under the north balcony. Please rise and be recognized by your Nebraska legislature. And the cookies that have been passed out are for Senator Matt Hansen's birthday. Happy birthday, Senator Hansen. Continuing debate, Senator Williams, you are recognized.

**WILLIAMS:** Thank you, Mr. President. Good morning, colleagues. And a special welcome to my dear friend, Ruthie Ostergard, who's with us today. I serve on the HHS Committee, so I have had the opportunity to hear this bill over the couple of times that Senator Kolterman has brought it. And it's something that I fully support. I fully support the amendment and the underlying bill. I did have the opportunity that was arranged, along with Senator Kolterman, to go to the Heart Hospital here in Lincoln and watch the surgical techs work and see what they really do in the operating room and their participation as part of this medical team. This medical team that this is the only one on the team that isn't subject to some form of registry or licensure. I would also, again, point out for me and hearing different issues over my four years now on the HHS Committee, we oftentimes talk about the 407 process and our reliance on that when dealing with intricate things of scope issues. And we've talked about those on this floor already this year. And I would remind everyone that this process went through the 407 twice and fully passed both times. And I think that's instrumental in this. One of the people that has talked in opposition to this, this morning said he didn't think there would be any harm, but also didn't think there would be any good. I would clearly disagree with that. I think there's a great deal of good to come from this registry. First of all, I think it happens with patient safety, being sure that these employees that are in the-- the emergency room, that sterile setting, dealing with doctors, nurses and-- and all the equipment, I think their knowledge and their reputation is critical. I also think this is a recruitment tool. I think this substantially raises the image and raises the profile of these types of jobs so that we can encourage other people to come into this field to fill these much needed positions. I also believe there's a great deal of job satisfaction and recognition that comes with the fact that now they are recognized through a registry. And again, this is only a registry. This is not licensure in any other form. And with that, Mr. President, I would encourage everyone's green votes and I would yield the balance of my time to Senator Howard.

**HILGERS:** Senator Howard, 2:15.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**HOWARD:** Thank you, Mr. President. Thank you, Senator Williams. I just wanted to make sure that I was clear on my personal thoughts on LB205 and AM1436. I believe that AM1436 very closely follows the recommendations of the 407 process in creating a registry for surgical tech-- surgical technicians. And I think what-- what really sort of pushed me over the edge in terms of supporting this bill is that I'm uncomfortable with anyone in a-- in a surgical suite, in an operating room where the patient is under anesthesia, I'm uncomfortable with any person being in there who's not credentialed where we couldn't remove their credential for bad acting. What surgical techs really focus on are things like making sure that the operating room is sterile and handing over equipment and then doing the counts for equipment when they come back after being used. And so we want to make sure that those folks are well-trained, that we know who they are. And I think it behooves us to make sure that we're thinking about those patients who are under anesthesia, who don't know everyone in their operating room, but who would have a reasonable expectation that everyone in the operating room would be credential. And so I am pleased to support LB205 and AM1436, and I would urge both of their adoption on the floor today. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Howard and Senator Williams. Senator Blood, you're recognized.

**BLOOD:** Thank you, Acting-President Hilgers. Fellow senators, friends all, I stand in support of the amendment. But I am unsure of my support of the bill at this time. With that, I would ask that Senator Kolterman please yield to a few questions and maybe help me with this.

**HILGERS:** Senator Kolterman, would you yield?

**KOLTERMAN:** Yes, I will.

**BLOOD:** How are you today, Senator Kolterman?

**KOLTERMAN:** I'm really good, thank you.

**BLOOD:** It's national Make a Friend Day so.

**KOLTERMAN:** Oh, it is? It's also bean day.

**BLOOD:** It's also bean day. I know. Somehow we have to find a way to combine those two. With that said, I have a couple of questions for you that I am hoping you can help clarify for me. Can you tell me if

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

surg techs have title protections in Nebraska? Title protections like what we do for social workers and other types of licensed career--

**KOLTERMAN:** I don't believe they have-- I don't believe so.

**BLOOD:** OK. So I probably shouldn't ask you the follow-up question is what states have that? So maybe we can talk off mike on that and we can figure that out between the two of us.

**KOLTERMAN:** Yeah, I'll have to find out.

**BLOOD:** So do surg techs ever work unsupervised, Senator Kolterman?

**KOLTERMAN:** Not that I'm aware of. They work under the Board of Medicine, the doctor in the room.

**BLOOD:** So they're-- so they're-- so they're never unsupervised. And then isn't it usually those physicians or that staff or that body that works in that room or that hospital that does the training for that surg tech? Is that accurate?

**KOLTERMAN:** Well, there-- there's several ways a surgical tech can get trained. They can do an on-the-job training. And quite honestly, we have that in the bill at the request of the Hospital Association and some of the surgical centers, because they actually do want to train their employees themselves. And so we've made that an option that's available. And then all they have to do is get someone to certify that they've met the minimum competencies. And so somebody that's been trained can get that signed off by their-- their physician that's in charge of them.

**BLOOD:** So I was listening to what Senator Williams had to say. And he's saying that this bill will make sure that they're well trained. But the concern that-- one of the concerns that I have that I'm-- I'm still listening to the debate, as you know I like to do, is that I'm already hearing that they're well trained and who they're trained by is who they work for. Would you think that would-- is that an accurate description?

**KOLTERMAN:** No, that was just one aspect of it. They also go through a, I believe it's an 18-month training through like a-- like through a Southeast Community College or a Central Community College. There's a lot of training that goes on there. And then those people typically get a certification when they graduate. And-- and that's where-- that's where the bulk of them are trained. But so we have two aspects

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

that they can come at this from. They can go through a professional training program through a community college or even a-- I don't know what other schools train them right now or they can get trained by on-the-job training.

**BLOOD:** So will the registry be optional? So people who don't like honor interstate compacts, that's optional. Is this something that's optional? Is it going to be required?

**KOLTERMAN:** It will be required after they've been trained. If they've been-- if they've been, well, they-- they will automatically be eligible if they have a degree and certification because they've met all the minimum competencies. On the other hand, if they're trained by a hospital or a standing surgical center, they'll have to sign off on the minimum competencies that are in the bill.

**BLOOD:** Are there other ways to get those competencies?

**KOLTERMAN:** I don't know how, what other options would be available.

**BLOOD:** Like a school, like community college or--

**KOLTERMAN:** Well, that's where they're going to get most of it.

**BLOOD:** So--

**HILGERS:** One minute.

**KOLTERMAN:** I'm not-- I'm not-- I'm sorry, but I'm not following your question.

**BLOOD:** So doesn't that expand the amount of hours that they have to get through the community college, though? That's what I'm trying to figure out by looking at this bill. Are we asking them to have more education?

**KOLTERMAN:** No, no.

**BLOOD:** OK.

**KOLTERMAN:** What-- what happens is, as an example, right now, there's 800 surgical techs that we know of in the state of Nebraska. A great amount of them have been through a surgical tech program, a continuing education program. On the other hand, the other, and I'm just going to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

speculate, somewhere in the neighborhood of 25 percent at best that-- that have been trained on the job--

**BLOOD:** Right.

**KOLTERMAN:** --will have already met those competencies and the doctor and the surgeon can sign off on that.

**BLOOD:** So--

**KOLTERMAN:** And then they-- then they're eligible to become--

**BLOOD:** They didn't have the hurdle of education and they were able to go ahead and start working.

**KOLTERMAN:** Correct. And many of them are already working in the field.

**BLOOD:** But for that 25 percent that walked into the job before--

**HILGERS:** Time, Senators.

**BLOOD:** [INAUDIBLE]

**HILGERS:** Thank you, Senator Kolterman and Senator Blood. Senator Hilkemann, you are recognized.

**HILKEMANN:** Thank you, Mr. President. I probably have the unique position in this body to be the only person who has worked with surgical technologists. And after 40 years of doing surgery, I can tell you that in my opinion, one of the most important persons other than probably who's doing the anesthesia in that room is who's the surgical technologist that's assigned to me because it makes a huge difference. They get to know their surgeons very, very well. And they almost-- a good surgical tech will have the instrument that you need next because they know your procedures so well. When we dealt with this bill previously, I had some concerns and the concerns were raised particularly by a couple of the surgical techs that I worked with. And so I'd like to ask Senator Kolterman a couple of questions, if I may.

**HILGERS:** Senator Kolterman, would you yield?

**KOLTERMAN:** Absolutely, I would.

**HILKEMANN:** Senator Kolterman, if you have-- if you have a surgical tech with 30 years of experience, how is this bill going to affect

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

that surgical tech in the OR at the present time with 30 years' experience?

**KOLTERMAN:** Well, first of all, all they have to show is minimum competencies. And obviously they've met those minimum competency if they've been doing it for 30 years. So somebody from-- their supervisor would have to sign off that they've met those competencies. That's not going to cost them anything. Secondly, the only thing they'd have to do is register just like anybody that's been through a formal training program in the last 18 months. So it really has no effect on them whatsoever other than to become registered.

**HILKEMANN:** Is there-- one of the concerns that was expressed by a couple of surgical techs is that this is a way to, quote unquote, force out the old people out of this. Is there any-- any-- any validity to that at all?

**KOLTERMAN:** No, it's not. There's not. In fact, I would think I would tell you that the surgical techs that are just graduating are going to rely on those, as you say, old people or old techs for some-- some additional training because they know exactly what they're doing and they've been doing it for years in a very effective way.

**HILKEMANN:** Thank you very much, Senator Kolterman. One of the things-- I've changed my position on this bill. I'm going to be supporting it this year. And part of that comes because of one of the members of my profession who, a podiatrist who served on the 407 process, came to me over the summer and talked to me about the importance that we start adding more, quote unquote, value to the position of surgical tech with this registration process. And that kind of assured me that this, as Senator Kolterman said, those who are in the profession, those who are well-established, are going to be able to continue on. We're not knocking them out of this-- out of this and that-- that it is one more step to, quote unquote, making the operating room safer. I want to say I have some-- there was the question I don't know about the case that was in Colorado. But I also want to say that in the OR the surgeon of record is responsible for that entire thing. And if there's something going on with the surgical tech or whatever else, it's the sarg-- surgeon in charge that is responsible for that. I'd also like to say that in my experience, most of the surgical techs that I worked with and I-- and I worked with some wonderful ones over the years-- were all trained at Metro or had their training there. I don't know-- I don't know that I ever worked with one that just came in off of the street that was just trained by the local surgeon or whatever else.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

But at either rate, Senator, I-- I-- I have to say, I think that probably the time has come for this bill and I'm gonna be supporting it and-- and partly due to the fact that it went through the 407 and-- and-- and as much as I don't--

**HILGERS:** One minute.

**HILKEMANN:** --care for the 40-- OK. Thank you, Mr. Speaker.

**HILGERS:** You still have a minute left, Senator Hilkemann.

**HILKEMANN:** Huh?

**HILGERS:** You had a minute left. Are you done? I'm sorry.

**HILKEMANN:** Oh, I'm-- I'm sorry. I thought you said-- yeah. So at either rate, if-- if the 407 process, if we're gonna use this, says that we have to have it, as much as I don't care for the 407 process, as I've mentioned before, this is the recommendation from them. Probably it's a good first step and I hope that it's not gonna be a step that-- that gets these wonderful people out of jobs that-- that they do so very, very well. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Kolterman and Senator Hilkemann. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. Senator Howard, would you yield to a question?

**HILGERS:** Senator Howard, would you yield?

**FRIESEN:** And I--

**HOWARD:** Yes, I will.

**FRIESEN:** I could ask Senator Kolterman, but you brought the amendment and you made some good arguments of why you want to do this. And so I just want some, I guess, clarifying questions. And when I'm seeing this, right now the requirement to have this job is a high school diploma or an equivalent. Right?

**HOWARD:** Yes.

**FRIESEN:** So it could be a very entry level job for anyone coming out of high school. It gets them a start.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**HOWARD:** Yes.

**FRIESEN:** So, I mean, there is no formal training they have to go to. They just apply it. There's an opening and they apply to a doctor and they get hired. Is that--

**HOWARD:** So, I mean, there could be no formal training. They could also take a course at a-- at a-- at a community college for surgical technology.

**FRIESEN:** But the course isn't required.

**HOWARD:** No.

**FRIESEN:** They could start employment, be working for 180 days before there actually have to go to the registry and get registered.

**HOWARD:** Yes.

**FRIESEN:** So they could be performing that duty already. On page 2, line 1 it talks, you know, one of the requirements was good moral character.

**HOWARD:** Um-hum.

**FRIESEN:** Would that exclude me? [LAUGHTER] I mean, I'm-- you know, we've used that phrase before, but I don't think good moral character is ever defined in statutes anywhere.

**HOWARD:** You know, I--

**FRIESEN:** So I think back to when I graduated from high school, you know, it could have easily said, you know, people can have an opinion of you. And yet what is good moral character and what would disqualify you in the moral character?

**HOWARD:** Sure. That's a-- that's a good question. Actually, good moral character appears repeatedly in our Uniform Credentialing Act almost-- under almost every credential that we offer is that you would have to be of good moral character. So as you register, you would attest that you are of good moral character. It's-- it's I mean, it's something I'm certain we could remove.

**FRIESEN:** Could somebody contest that?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**HOWARD:** You attest to--

**FRIESEN:** Attest to it.

**HOWARD:** Attest to it, yes.

**FRIESEN:** OK. I was just curious. I know we've seen it before, but it, you know, a high school equivalent diploma, those jobs are-- those are decent jobs for someone coming out of high school as a starter job.

**HOWARD:** They're making more than we are right now here.

**FRIESEN:** Yeah, that's and that's what my point is. It's a-- it is a-- it's a good job. It's an opportunity for someone to get into the healthcare field and get a start.

**HOWARD:** Yeah.

**FRIESEN:** Another time it mentions that, you know, they have to document any felony or misdemeanor convictions. Again, I have a little problem there with that because we have tried so hard to get anyone with any kind of a background and that's had some trouble, you know, and a misdemeanor can be a lot of different things. And it has no bearing on their ability to do their job or anything else. If that physician feels that they know them and they could-- what-- what-- I guess what does this element in there, it says to document. It doesn't say it disqualifies them. But what is the documentation? Why is that required?

**HOWARD:** You know, I think it's part of the registry-- registry process. We consider it sort of a background check for the surgical technologist. A good question for Senator Kolterman would be, are you married to this portion of the language and would you feel comfortable removing it? But I suppose you are, since you have asked me to yield, you could certainly ask Senator Kolterman that.

**FRIESEN:** I can do that. And so and again, it goes back to the there is no required training to start in this. You can actually be working for 180 days before you go through the certification process. So you were already in the operating room doing your job. I find it kind of strange that we really are requiring registration.

**HILGERS:** One minute.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**FRIESEN:** I-- I look at a doctor and his reputation lies on the fact of his staff. And I just can't imagine that he would put someone in that position that he doesn't trust and--

**HOWARD:** I mean he or she, right?

**FRIESEN:** --would not totally trust to do their job.

**HOWARD:** Yeah.

**FRIESEN:** And to look at a registry and say, OK, you're registered, I'm going to hire you, it reaches way beyond that. And so I-- I'm finding in our days when we're trying to reduce the burden of regulations and registrations that we are looking at doing this. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senators Howard and Friesen. Senator Kolterman, you're recognized.

**KOLTERMAN:** Thank you, Mr. President. And thank you for the good discussion, colleagues. Senator Friesen, I-- I hear what you're saying. I believe we just took the application based on the other registries that are in the state statutes. And so there's really nothing different here than what you've seen in the others. As far as your moral character, I'm glad you didn't ask me that question. On-- on the other hand, I will also tell you that the doctors and the-- the medical profession are supportive of this bill by and large, and they do want to have these minimum competencies. If you-- if-- I think I maybe misspoke when Senator Blood was asking me questions. Are they ever alone in the room? The time when they'd be alone in the room is when they're preparing the operating suite for planned surgical procedures. So they set up the room. That includes gathering and opening all equipment, supplies, and instrumentation. It's including, but not limited to sterile dressings, instruments, scrubs, gowns, gloves, medication, and solutions. So, yes, at that point in time, they would be. But-- but by and large, they're-- they're supervised at all times by the medical profession in that room. And it's just assumed that they're going to do a professional job and get it set up the way the doctor wants it set up. Their job is to create and maintain a sterile field through organization and preparation of the instruments, supplies, including performance, necessary surgical counts. They have to gown and glove the surgeon, assist and provide visualization of the surgical site, prepare and drape the patient for surgical procedures, position the patient, and then pass instruments,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

supplies, and equipment to the surgeon and assistants during the procedures. And then they assist the surgeon as directed in accordance with applicable law and rules and regulations. And they work very closely with the circ-- circulating nurse as well. Some of the-- some of the things that have been talked about when you talk about the 407, back when we first brought this bill, Courtney Phillips was acting as the director of public health back in 2016. And she stated at that time that there is a need to provide greater assurance that surgical technologists are adequately trained and educated to do their jobs safely and effectively, and that a registration or a certification of some would be appropriate for this profession. So that's-- that's some of the things that we've-- we've learned over the years in talking with people. As I said, you know, we've-- we've worked this bill quite extensively. We've-- we've talked about who should be in charge. Should the doctor be in charge or should the nurses be in charge of the surgical-- surgical room? It became very evident to me after listening to the medical profession that they feel like they're in charge in the-- in the surgery setting. And we allow-- we just said, hey, we're gonna back you up on that. We think that they ought to-- these surgical techs ought to answer to the Board of Medicine. And so that's why we set it up that way. Other than that, I don't have a lot of other things to talk about unless you want to ask me some more questions. But this-- this has been very thoughtful, very well planned, and I would appreciate a green vote on AM1436 and LB205.

**LINDSTROM:** Thank you. Senator Kolterman. Senator Ben Hansen, you're recognized.

**B. HANSEN:** Thank you. I'm going to get off my soapbox just for a little bit about licensure and registrations and maybe talk about a couple of things my colleagues have mentioned pertaining to this bill. One of them is the 407 process. I think the 407 process is a-- it's a good process to go through for any industry looking to expand their scope of practice. I think they do their due diligence on making sure they look at the research, they look at the arguments. And so an industry such as a surgical technologist will go to a 407 committee, ask that they do go through the whole 407 process. And according to this, they did recommend a registration. Now just because the 407 committee recommends a registration does not mean that it's needed. So we use this as an argument saying they went through the 407 process. Well, yeah, they did. But it still doesn't mean that it's not needed or that it is needed. So I don't want people to misconstrue or misinterpret the results of a 407 process as legitimizing the reason

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

why we create more government control. It just gives us some insight on whether it's laudable or not. Another thing that I heard that I kind of disagree with a little bit is that this is a recruitment tool for surgical technologists to maybe come to our state. And I think that's pretty false, actually. I think this is going to do the opposite effect. This creates more barriers for those being a surgical technologist. And when I talked to a lot of-- when I talked to a lot of surg-- surgical technologists, especially in the hearing, they-- and even the medical doctors and the surgeons, they talked about the need for more surgical technologists. We need more in the state. But yet now we create more rules and regulations, which I think will create less surgical technologists. Another thing that I heard was that it makes somebody uncomfortable to know that a surgical technologist is not registered or there's not some kind of oversight. The oversight is the surgeon. They're the ones doing the oversight, which they should be doing. And is it our job to make sure people are comfortable to do that? I don't think it's the government's job to do that. Another thing that I want to bring up is I also went on that tour and shadowed the surgical technologists, got a greater understanding of what they do, followed them through the hospital, talked to a surgeon. And you know what I saw? I saw a group of comp-- competent, confident, intelligent people. You know what they were doing? They were doing their job, the job they were trained to do. And now for some reason, we feel like we have to put-- make a registration for them. They're doing their job. I was-- and at the hearing, one of the-- one of the questions that I kind of purposely tried to ask all the employers of surgical technologists and the surgical-- surgical technologists in general, too. You know, I asked them all, did you guys do background checks when you-- before you hire a surgical technologist? Yeah. Yeah, we do. Do you check references? Yeah, of course we do. Do you make sure they're credentialed, that they're competent? Well, yeah. That works better than any kind of registration you can make. The people, you know, so if a surgical technologist messes up and they're not doing their job, guess who's in trouble?

**LINDSTROM:** One minute.

**B. HANSEN:** And so that is better, in my opinion, than any kind of registration you can make in the name of safety. Now if there was no oversight, you know, when we were talking about the reflexology bill, there's an argument there, but there is complete oversight. One of the things Senator Arch brought up and I think is a great point, there is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

no issue here. This is not necessary. And then when I push my button again, I'll get on my soapbox again about registration. So thank you.

**LINDSTROM:** Thank you. Senator Hansen. Senator Groene, you're recognized.

**GROENE:** Thank you, Mr. President. All right. I stand in opposition to LB205 and the amendment. I'm not for political, I mean, for professional protectionism, and that's what this is. It's another attempt to drive up the cost to the consumers because we have to do business with a certain group. In rural Nebraska, we can't find nurses. We can't get LPNs to move out there. You are going to hamstring that operating room in a rural hospital because they can't get a certain individual that's a medical tech certified to live in a small town: Callaway, Grant, Ogallala. Right now, the system works. I've heard you. If you're laying on the operating table and you look up and you want to ask the doctor, is this person certified going to be handing you tools? And they go, yeah, but it isn't the one I want beside me that I trust. I was forced to use this one because this one was certified, but I have an LPN I've worked with for years who doesn't-- isn't certified who I trust to hand me the right tool because I trained her. I trained him. This is completely unnecessary. What's frustrating is that the people who want this were probably trained by a doctor, trained by the hospital, trained by the operating RNs, and they got a nice job now. And now they want to turn around and restrict other people to take the same path they did to success. Sorry, but I can't do that. I don't want ever somebody in a rural hospital needing an emergency hospital and they don't have-- they only got one tech in the whole town and they're sleeping. And the RN is not allowed to hand the person, the doctor, the tools because they're not certified as a tech. I will tell you most-- I've got family that's nurses. Most RNs who've been an opera-- OR nurse could fill in for that position. But how far are we gonna take this? This professional protectionism. I fully understand why Senator Kolterman helped these people out. I fully understand and I wish I could support his bill, but I can't. I gotta look after rural Nebraska. This is a skill. This is not a book learn-- book-learned art. This is a doctor or surgeon who sees an individual, an LPN, working in-- a young one and says that person has the mentality, the personality, the focus that I could work with that person. And I will ask that person if they would consider training under me to be my surgical tech. This eliminates that, well, with some 180 days. I looked at who testified on this. The nurses who work in those operating rooms are against this bill because they know

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

themselves who amongst their peers is capable of doing this and who they can encourage to become one as they basically intern in the operating room as an LPN or something. All of these private independent medical centers, they're against it. You think they're trying to save 10 bucks, a couple bucks an hour by hiring somebody that isn't certified with the lawsuits out there, the liability? No, they're against it--

**LINDSTROM:** One minute.

**GROENE:** --because they know-- they know the method that they choose that tech is the best for them, the best for their liability, and best for the surgeon. This is professional protectionism. It's not good for Nebraska to bring people in. It's not good for jobs. It's not good for you if you're laying on that table. So I am going to be against this as I am, as I stated, well-meaning as it is. But it blocks what's best for the patient on the table. Thank you.

**LINDSTROM:** Thank you, Senator Groene. Senator Arch, you're recognized.

**ARCH:** Thank you. Thank you, Mr. President. I don't intend to belabor this issue. I thought maybe one of the-- one of the things we could clarify is this whole issue of competency and how-- how competency is assessed in-- in a-- in a hospital setting, ambulatory surgical setting. First of all, of course, these OR techs are not--are not from a physician's office. They're not practicing in a physician's office. They're practicing in a facility that has an operating room, start there. But there's a couple of choices that you can make as a facility. And most of it relates to being certified as a Medicare provider, Medicare participation in the program. One, you can get certified. You can-- you can be a-- you can be surveyed by an accrediting body where Medicare-- Center for Medicare Medicaid Services has provided deemed status to these accrediting bodies. So the Joint Commission is one of those accrediting bodies that most hospitals certainly in the-- in the urban areas, the hospitals would choose the Joint Commission to come in and certify them. And then Medicare would say, if you are certified by the Joint Commission, you have-- you have received what is called deemed status to participate in Medicare. But if you're-- if you don't want to go through the process of Joint Commission certification or in the case of ambulatory surgery center, believe they have a different accrediting body. They may also be joint, but a different accrediting body and receiving deemed status. You may also get a direct survey from the state on behalf of CMS. So they come out. But in all cases, one of the issues

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

that is always-- is always assessed is this issue of competency. How do you know if the-- if the person is competent to perform their duties? And that is-- that is not simply a HR function, but that's a-- that's a function of the healthcare professionals. How do you know that they are competent? And so there are competency assessments that are done annually on individuals that are involved in this type of work, whether it be-- whether it be the nurses or certainly physicians have their different process, physician's assistants, nurse practitioners and-- and on down and the competency then is assessed. So facilities have a process of knowing whether there is competency. And so, as I say, a registry doesn't-- doesn't imply competency. That has to be done by the facility itself. And that's-- I just wanted to make sure that point is made so we understand we don't mix those two: registry and competency. The competency is assured by the facility. Thank you.

**LINDSTROM:** Thank you, Senator Arch. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. Chair. Fellow senators, friends all, I stand in support of the amendment and still am undecided on LB205. I'm listening to the comments. I don't agree that this is some kind of conspiracy. That always puzzles me when I hear that on the floor. I'm still trying to get my head wrapped around the comment about Nazi Germany. I'm not really sure how that applied, but I'm listening. So what I'm hearing is knowledge and reputation is important and that many feel that this bill raises the bar, possibly increasing recruitment. And I did hear Senator Hansen feel the opposite. So I do feel that Nebraska surg techs do exceptional work. And I also believe that they receive exceptional training regardless of where they learn it. So the question that I have hearing the debate so far is why don't we make this registration voluntary and offer maybe title protection to raise the bar? So with that, I'd like to ask that Senator Kolterman yield to that very question.

**LINDSTROM:** Senator Kolterman, would you yield?

**KOLTERMAN:** Yes, I would.

**BLOOD:** So, Senator, did you hear me, that last sentence?

**KOLTERMAN:** Yeah. And quite honestly, I'm not sure what you're asking about title protection. That's a new phrase to me.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**BLOOD:** So title protection-- title protection is what we give licensure or industry to raise the bar and give them recognition that we take what they do seriously. Really doesn't do much more than that. They do that to social workers. They do that to people obviously with degrees such as a doctor is a title. But not all titles can be earned through education. So I use social workers as an example because that's the one that I'm most familiar with. So if we're trying to raise the bar and we're trying to give people the opportunity to say, hey, I take my job seriously, the two-part question is why don't we make this registry just voluntary? And why don't we consider title protection? Because what I'm hearing with Senator Williams, what he was saying and what he feels the goal of the bill is I feel like those two things would actually address that and then not be burdensome to the people out in rural Nebraska.

**KOLTERMAN:** Sure. Well, first of all, the title protection, we are not licensing anybody here.

**BLOOD:** No, and I understand that.

**KOLTERMAN:** So we are not-- we are not holding them to a lot higher standard. We're talking about minimum competencies that can be trained by the facility, on-the-job training, we're allowing for that or they can be trained through a certification program as a graduate of a technical college or secondary, postsecondary institution. So I don't know if I can fully answer the title competency portion of it.

**BLOOD:** It's basically giving them a gold star saying we identify who you are and you're important. That's like the--

**KOLTERMAN:** Yeah, I don't know. I think we're-- we're arguing semantics there, but irregardless.

**BLOOD:** Did you figure out a way that we could combine friend and bean day, yet?

**KOLTERMAN:** Combine what?

**BLOOD:** Friend and bean day yet? Not yet. I'll come back to that one.

**KOLTERMAN:** I'll get to that.

**BLOOD:** Thank you, Senator Kolterman. So I'm still on the fence because I see middle ground that we're not addressing. I hear all or nothing on both sides. And so I-- the question I have for the body is why

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

can't we make this so it's optional? And why can't we give it title protection and lift their job up by giving them a more important title? We're saying that we identify that title as being important. And then I wanted to address Senator Friesen when he talked about good moral character.

**LINDSTROM:** One minute.

**BLOOD:** And I was surprised the lawyers didn't run to the mike because that's in Nebraska state law. Supposedly, it's the ideal state of a person's beliefs and values most beneficial to society. Good moral character can be assessed through the requirement of virtuous acts or by principles evaluating negative conduct. So I don't know. I'd like to know who's going to be telling us whether or not we have good moral character. But with that, if I do have any extra time, I would give that to Senator Kolterman.

**LINDSTROM:** Senator Kolterman, 25 seconds.

**KOLTERMAN:** Thank you, but I don't need the time. Appreciate it.

**LINDSTROM:** Thank you, Senators Blood and Kolterman. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President. And good morning, colleagues. So I'm still listening to debate on LB205 and AM1436. I think some good concerns have been raised this morning, also some good points on the other side as to why it would be good to have this bill. And I'm still listening, I hope. I think Senator Blood made a good point when she said she thinks there is middle ground in this bill. I think that's a solid statement and reflects where I'm at as a position on this bill. And I believe Senator Wayne wanted to give us an update on a topic that piqued all of our interests last week, which was the Wi-Fi situation in the Capitol. So I'd like to yield the remainder of my time to Senator Wayne so he can give us an update on that front.

**LINDSTROM:** Senator Wayne, would you yield?

**WAYNE:** Yes. So, colleagues, just to-- I know we're having a serious debate about a registry. I am supportive of AM1436 and LB205. But the Capitol Wi-Fi, public Wi-Fi is back up. I want to thank Senator Groene for leading this charge. But more importantly, just announced today, Sprint and T-Mobile merger has-- the judge did approve it. So my cell phone hopefully, it will probably take about a year, will have better



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

reception in here and we can move forward with me not having to read all of the bills that are coming before us because my Wi-Fi will be working a lot better. So I just wanted to update everybody on that. And you guys can go back to having your wonderful conversation about registry. And with that, I will yield the rest of my time to Senator Hansen.

**LINDSTROM:** Senator, you can't yield--

**WAYNE:** Oh, I can't yield?

**LINDSTROM:** --time that's already yielded to you.

**WAYNE:** Huh, I didn't know that. Can we just sit here in a couple of minutes in deep thought? Oh, Senator Hansen, can I yield to a question? OK.

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

**B. HANSEN:** I'm assuming that's me.

**WAYNE:** Yes, that's you.

**B. HANSEN:** Yes.

**WAYNE:** Will you yield to a question?

**B. HANSEN:** Yes.

**WAYNE:** Can you tell us more about your thoughts on this bill?

**B. HANSEN:** Thank-- thank you, Senator Wayne. And I'm happy about your phone service. So one of the-- Senator Blood mentioned some of the comments that I had before it kind of-- why I mentioned some certain things, and I was just providing a little bit of historical context about licensure, where in the history of it, why sometimes we make bad decisions on when to license or when to register people. So that's some of the-- some of the comments I was making about that. One of the other comments that I heard from one of my colleagues is medical doctors and a surgeon-- surgical profession is in favor of this bill. Well, of course they are because they're the ones doing the oversight. So they're going to be in favor of that. And so I kind of want to just kind of go back to some of my thoughts about licensure a little bit here. And licensure is used much more broadly, and I'm not saying licensure is not justified in some instances. Like I mentioned before,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

I believe the more complex the profession, the more education and training it takes to be a professional in that area of business does not require some kind of government oversight. But where does that oversight stop? And I mentioned the medical example because it seems among the best justified, and it is harder to argue against than almost anything else. But you go down the line. Have you ever looked at the number of licensure arrangements and requirements in our state?

**LINDSTROM:** One minute.

**B. HANSEN:** Thank you. In almost every state, including Nebraska, we have licensure and registrations to do almost anything. Heck, we just had a hearing in HHS about the need for a separate license to cut someone's hair in their house for crying out loud. I'm actually in favor of that bill because it allows barbers to, you know, expand their practice without-- without having to be in one location. But I would prefer they didn't have to have a separate license just for that. And in most states, in order to get that license, you have to be supposedly taking-- don't have to be a barber-- supposedly taken the courses in biology of hair and the care of skin and all sorts of things. And of course, again, who is it that license barbers? It's not the customers. It's not the consumers. Barbers license barbers, plumbers license plumbers, etcetera, down the line. So if you really want to know the real function of registering all these occupations--

**LINDSTROM:** Time, Senator.

**B. HANSEN:** Thank you.

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

**B. HANSEN:** That's convenient. Thank you.

**LINDSTROM:** This is your third time.

**B. HANSEN:** So if you really want to know the real function of registering all these occupations, all you have to do is go and see who travels to the state Legislature and lobby-- to lobby in favor of these registrations. This was brought up earlier by, I think, Senator Groene. If the real true function of registration licensing is to protect the consumers, you'd expect the consumers to be lobbying for registration. I didn't see any. I got a lot of emails, but they were from surgical technologists and surgeons and the medical profession, which makes sense. They're fighting for their profession. It's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

laudable. But you will notice, which I'm sure we all have sitting in committee hearings, listening to testimony for hours on end, that it is almost always the plumbers or the beauticians or the nail technicians or the morticians or any other profession you can name coming to testify and not the consumers. If I saw a whole bunch of consumers in a hearing, yeah, OK, now my ears are perked up. Unless there's a legitimate concern, a need for licensure, you don't see them. Of course, you might say that the plumbers know better than anybody else why the customers need protection. But I doubt very much that's why they're at the Capitol. They're down there because they want to be protected against unfair competition, quote unquote, unfair competition. And again, I refer to Mr. Friedman, a good economist. You know what unfair competition is? It's anybody who charges less than you do. So in reference to LB205, I believe the need for a separate registration, in my opinion, this is the first step to eventual licensure, is not needed. It is not needed for protection. It is not needed for better practices and is not needed for more control. And again, I just want to reiterate the fact that I-- and I don't say this very often, I do appreciate Senator Kolterman for bringing this bill. I only say that when I legitimately think that. I'm not saying it as a nicety. I legitimately appreciate him bringing it here because I think it is a good conversation to have, allows me to get on my soapbox for a little bit. And I don't think the surgical technologists are looking for more status or more prestige worldwide. I think they're just looking to protect their profession. And in this case, I think it's not needed. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Hansen. Senator La Grone, you're recognized.

**La GRONE:** Thank you, Mr. President. I agree with Senator Hansen that this is an odd position. I usually vote in favor of Senator Kolterman bills. But with that, I'll yield the remainder of my time to Senator Ben Hansen.

**LINDSTROM:** Senator Hansen, you are yielded 4:43.

**B. HANSEN:** I went to reiterate a comment, I guess Senator Arch said is that I do not want to berate the subject too long. I told Senator Kolterman I'm not here to filibuster his bill. I'm just here to share a couple of my thoughts with my colleagues and not beat up the subject too much. I think everybody kind of knows how I feel about this. There is sometimes a need for government control and there's a lot of times, in my opinion, there's not a need for government control. If I am

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

seeing some kind of dire kind of public outcry or health concern where the government may have to step in and do something about it, then that's a legitimate concern. This is not one of them. So with that, I'll end it. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Hansen. Seeing no one else in the queue, Senator Howard, you're recognized to close on AM1436.

**HOWARD:** Thank you, Mr. President. AM1436 is the technical amendment that aligns LB205 with the findings in the 407 and requires a registry for surgical technologists. It was adopted by the committee with four members voting aye and three members present, not voting, and I would urge its adoption on the floor today. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Howard. The question is, shall the committee amendment to LB205 be adopted? All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 24 ayes, 5 nays to go under call, Mr. President,

**LINDSTROM:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Hilkemann, please check in. Senator Groene, please check in. Senator Lowe, please return to the Chamber. The house is under call. All senators are present. Senator Kolterman, how would you like to proceed?

**KOLTERMAN:** Roll call vote in reverse order.

**LINDSTROM:** Mr. Clerk, there has been a request for a roll call vote in reverse order.

**ASSISTANT CLERK:** Senator Wishart

**WISHART:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Williams.

**WILLIAMS:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Wayne.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**WAYNE:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Walz.

**WALZ:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Vargas.

**VARGAS:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Stinner. Senator Slama.

**SLAMA:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Scheer.

**SCHEER:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Quick.

**QUICK:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Pansing Brooks. Senator Murman.

**MURMAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Moser.

**MOSER:** No.

**ASSISTANT CLERK:** Voting no. Senator Morfeld. Senator McDonnell.

**MCDONNELL:** No.

**ASSISTANT CLERK:** Voting no. Senator McCollister.

**MCCOLLISTER:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Lowe.

**LOWE:** No.

**ASSISTANT CLERK:** Voting no. Senator Linehan. Senator Lindstrom.

**LINDSTROM:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Lathrop.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**LATHROP:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator La Grone.

**La GRONE:** No.

**ASSISTANT CLERK:** Voting no. Senator Kolterman.

**KOLTERMAN:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Kolowski.

**KOLOWSKI:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Hunt.

**HUNT:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Hughes.

**HUGHES:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Howard.

**HOWARD:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Hilkemann.

**HILKEMANN:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Hilgers.

**HILGERS:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Matt Hansen.

**M. HANSEN:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Ben Hansen.

**B. HANSEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Halloran.

**HALLORAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Groene.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**GROENE:** No.

**ASSISTANT CLERK:** Voting no. Senator Gragert.

**GRAGERT:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Geist.

**GEIST:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Friesen.

**FRIESEN:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Erdman.

**ERDMAN:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Dorn.

**DORN:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator DeBoer.

**DeBOER:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Crawford.

**CRAWFORD:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Clements.

**CLEMENTS:** No.

**ASSISTANT CLERK:** Voting no. Senator Chambers.

**CHAMBERS:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Cavanaugh.

**CAVANAUGH:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Briese.

**BRIESE:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Brewer.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**BREWER:** No.

**ASSISTANT CLERK:** Voting no. Senator Brandt.

**BRANDT:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Bostelman.

**BOSTELMAN:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Bolz.

**BOLZ:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Blood.

**BLOOD:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Arch.

**ARCH:** No.

**ASSISTANT CLERK:** Voting no. Senator Albrecht.

**ALBRECHT:** No.

**ASSISTANT CLERK:** Voting no. Vote is 22 ayes, 12 nays on the adoption of committee amendments, Mr. President.

**LINDSTROM:** The amendment is not adopted. I raise the call. We'll now return to the underlying bill, LB205. Seeing no one else in the queue, Senator Kolterman, you're welcome to close on LB205.

**KOLTERMAN:** Thank you very much, Mr. President. Obviously, I'm disappointed in that last vote, but the bill is absolutely of no good to us if we don't have that amendment. So I would encourage you to rethink your position at some point in time. This bill is all about patient safety. It's about protecting you in the-- in-- in the surgical room and appreciate a green vote on the bill.

**LINDSTROM:** Thank you, Senator Kolterman. The question is the advancement of LB205 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**ASSISTANT CLERK:** 15 ayes, 12 nays on the motion to advance the bill, Mr. President.

**LINDSTROM:** LB205 is not advanced. Mr. Clerk, we will now turn to LB329.

**ASSISTANT CLERK:** Want to do some items?

**LINDSTROM:** Items, Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. Your Committee on Banking, Commerce and Insurance reports LB909 to General File with committee amendments. Committee on Enrollment and Review reports LB387, LB518, LB541, and LB643 ( also LB540) all placed on Final Reading. The Banking Committee has selected LB909 as one of its two committee priority bills. Have notice of committee hearing from the Education Committee. An amendment from Senator Hansen to be printed to LB926. And a report from the Reference Committee regarding certain gubernatorial appointments. That's all I have at this time.

**LINDSTROM:** Thank you, Mr. Clerk. Senator Bolz, you're welcome to open on LB--

**ASSISTANT CLERK:** I need to read title first.

**LINDSTROM:** Oh, Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, moving to LB329 introduced by Senator Bolz. It's a bill for an act relating to childcare; change provisions relating to childcare assistance as part of the provision of social services; change provisions relating to licensure under the Child Care Licensing Act; and repeal the original sections. The bill was introduced on January 16 of last year. It was referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments.

**LINDSTROM:** Thank you, Mr. Clerk. Senator Bolz, you're welcome to open on LB329.

**BOLZ:** Thank you, Mr. President. LB329 is a bill to address the cliff effect that working families face when receiving support through the childcare subsidy. The cliff effect is when a family loses benefits before they earn a family supporting wage. As amended, LB329 would increase the ceiling on eligibility when transitioning off of the program from 185 percent of the federal poverty line to 200 percent of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

the federal poverty line. This is a modest bill as amended by the Health and Human Services Committee. It was introduced in a much more aggressive way. But nonetheless, this bill, as amended, makes a significant difference for low-income families who are working hard in our state to get ahead in their careers while taking care of their families. The childcare subsidy program, to give you a brief overview, helps low-income Nebraskans work, find a job, or pursue education by subsidizing the cost of childcare. Current-- currently, initial eligibility for the program is limited to those who are at or below 130 percent of the federal poverty level. The program requires individuals who qualify to pay for part of their cost of care when they earn a certain amount. As the family's income increases, they take on more of the cost of care. Families must renew their eligibility and currently only those with incomes at or below 185 percent of the federal poverty level can continue to receive the subsidy. LB329 would extend the eligibility to 200 percent of the federal poverty line. This is in line with our current eligibility level for the Children's Health Insurance Program. So it helps to address that cliff effect by setting the income level at which you lose your assistance at a amount that is closer to a family-supporting wage. The cost of childcare in our state is very expensive. In fact, Nebraska is one of the least affordable states in the U.S. for childcare. The annual cost of \$12,480 for family childcare for an infant would take almost 15 percent of income for a median income two-parent family. But let me remind you, the families that are receiving childcare assistance are not median income families. They are low-income families. The bill also helps employers in a tight labor market. Access to childcare has been identified by the Chambers of Commerce and the Prosper Lincoln Report as a critical component of work force development. Balancing the cost of childcare and other essential expenses is significant-- is a significant challenge to low-income families. Childcare subsidy helps families work, find a job, or pursue education and be able to afford other essential expenses. Improvements to the childcare subsidy program can also help to retain those 20 to 30-somethings in Nebraska and allow them to develop and expand their skills and keep jobs in healthcare, technology, and other work force needs in the state. Currently, our policy is backwards. We don't afford families the opportunity to access childcare assistance while they-- while they pursue their careers and, in fact, could succeed in those careers. In systems like scholarship programs or grant programs, people were rewarded for their hard work and merit. In systems like childcare and food assystems-- assistance, they are punished for getting ahead. So I believe it's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

part of our responsibility to implement best practice policy to support hardworking families in our state and that childcare assistance is an important part of this puzzle. This bill, as amended by the Health and Human Services Committee, would assist a modest number of families. But the policy justification is sound. We should make sure that families are able to earn a family-supporting wage before they lose access to assistance programs like childcare assistance. I have also passed out a fiscal estimate. Let me be clear. This is not a fiscal note. The fiscal note will come when we amend the Health and Human Services Committee on-- amendment onto LB329 and advance it. But this is a modest expense of about \$250,000 in the first year and around \$400,000 in the second year. So, colleagues, I think this is a smart strategy that helps to address the cliff effect, helps to support working families in Nebraska, and makes children's lives better. I ask for your support for LB329. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Bolz. As the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Howard, as Chair of the committee, you're recognized to open on the amendment.

**HOWARD:** Thank you, Mr. President. Good morning, colleagues. AM1183 replaces the green copy of LB329 and becomes the bill. AM1183 changes the eligibility for transitional childcare. Transitional childcare is available to recipients of childcare subsidies as they graduate off the program. AM1183 would change the eligibility level for transitional childcare assistance from 185 percent of the federal poverty guidelines to 200 percent of the federal poverty guidelines. This does not change initial eligibility for the childcare program. So families still have to be at 130 percent of the federal poverty level in order to enter the program. But if they increase their earnings while they're on the program, they can stay on if their income remains below 200 percent of the federal poverty level. The bill advanced from the committee with 4 ayes, 1 nay and 2 present not voting. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Howard. Senator Crawford would like to welcome 32 members of the Leadership Sarpy County sitting in the north balcony. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, there is an amendment to the committee amendment.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**ASSISTANT CLERK:** Senator Howard would move to amend the committee amendments with AM2186.

**LINDSTROM:** Senator Howard, you're welcome to open on AM2186.

**HOWARD:** Thank you, Mr. President. Good morning, colleagues. Again, AM2186 is a necessary Drafter's amendment and replaces the committee amendment to AM1183. And this is because at the end of last session we passed LB460, which made some necessary changes to 68-1206 to bring our childcare subsidy statutes in line with federal law. And so AM2186 really just fixes the fact that this bill was introduced last year. It's a carryover. We made some modifications in the statute and so we need to line them up. The original committee amendment was drafted and adopted by the committee before the changes in LB460 were adopted. As a result, we need AM2186 to align those two sections of law. So I would urge the adoption of this amendment as well as the committee amendment. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Howard. Turning to debate, Senator Arch, you are recognized.

**ARCH:** Thank you. This bill obviously did come to the HHS Committee. And-- and I just want to give a little background as to how we got here on this particular bill, because it was last year that I introduced LB341 at the request of the Department of Health and Human Services. And that was later amended into LB460 as Senator Howard just mentioned and-- and was passed. The purpose of LB341 was to be in compliance with the federal Child Care and Development Block Grant Act. And so we came into compliance with that. It does allow families receiving childcare subsidies whose income has increased a gradual phase-out before losing eligibility. In particular, the bill last year eliminated a 24-month limitation on transitional childcare and increased the maximum threshold to qualify for transitional childcare between-- to between 185 percent. But then this extra piece of but below 85 percent of the state medium income. In-- in-- in our state that's \$57,000 for a family of three. Didn't change the current law in which a family initially qualifies for federal care subsidies if the household income is below 130 percent. And with-- with what Senator Bolz now is introducing, my understanding is, is that's still that situation. I guess I just have one question. We've seen the estimate, not a fiscal note, but-- but an estimate of \$500,000 and 185 to 200 percent is probably not that-- that-- that big-- that big impact. But it is probably in this-- it is in this what-- what's called the state medium income. And-- and the maintaining of that and we'll see some

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

families that would qualify as a result of that. It was talked about that-- that-- that-- that the funding would come through the Child Care and Development Block Grant, which is a \$2.3 million in federal funds received to help carry out the requirements for the Child Care and Development Block Grant Act. This is-- this is not something that is guaranteed to repeat. As a matter of fact, the guidance from the administration for children and families states: Each state will need to maintain-- will need to make its own decision regarding risk of making ongoing commitments in the context of uncertainty. So I guess my question and if Senator Bolz would yield to a question, my-- my question is very simple. If-- if it's a \$500,000 impact, how-- how do we fund that? How do we fund that increase? That's-- it's-- the question is as simple as that if Senator Bolz would yield to a question.

**LINDSTROM:** Senator Bolz, would you yield, please?

**BOLZ:** The fiscal note will reflect a General Fund impact.

**ARCH:** I'm sorry. Could you repeat that?

**BOLZ:** The fiscal note will reflect a General Fund impact.

**ARCH:** It will reflect a General Fund that--

**BOLZ:** The fiscal-- if we are to adopt AM2186 and AM1183 to LB329,--

**ARCH:** OK.

**BOLZ:** --the Fiscal Office will file a new fiscal note. And like I said, the numbers that I passed around are an estimate that will become official when we adopt the amendment and advance the bill. It will reflect a General Fund impact.

**ARCH:** And then that would then go to the Appropriations Committee for consideration of that funding?

**BOLZ:** No, sir. The bill will advance to Select File and then will be held until we debate the budget. Once we debate the budget, any bill with a fiscal note may be considered.

**ARCH:** OK. Thank you, Senator Bolz.

**BOLZ:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**ARCH:** Thank you.

**LINDSTROM:** Thank you, Senators Arch and Bolz. Seeing no one else in the queue, Senator Howard, you're welcome to close on AM2186.

**HOWARD:** Thank you, Mr. President. Just a reminder, AM2186 sort of is a necessary Drafter's amendment. And so we need to adopt this to replace AM1183 to align it with the work that we did last year through LB460. So I would certainly urge its adoption on the floor today. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Howard. The question is, shall the amendment to the committee amendment to LB329 be adopted? All those in favor vote aye; all those opposed vote nay. Senator Bolz, for what purpose do you rise?

**BOLZ:** [INAUDIBLE]

**LINDSTROM:** Record Mr. Clerk.

**ASSISTANT CLERK:** 25 ayes, 0 nays on the adoption of the amendment.

**LINDSTROM:** The amendment is adopted. Returning to debate. Seeing no one in the queue, Senator Howard, you're welcome to close on AM1183.

**HOWARD:** Thank you, Mr. President. Thank you, colleagues, for adopting that Drafter's amendment. AM1183 replaces the green copy. It clarifies the eligibility for transitional childcare on the back end, not the front end. And I would urge its adoption on the floor today. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Howard. The question is, shall the committee amendment to LB329 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 28 ayes, 4 nays on the adoption of committee amendments, Mr. President.

**LINDSTROM:** The amendment is adopted. Returning to debate. Seeing no one in the queue-- Senator Erdman, you're recognized.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**ERDMAN:** Thank you, Mr. President, I appreciate that. I read the handout that Senator Bolz passed out here. I have a couple of questions. If she would yield to those questions, I'd appreciate it.

**LINDSTROM:** Senator Bolz, would you yield, please?

**BOLZ:** Sure.

**ERDMAN:** Senator Bolz, thank you. In your handout, you said that 200 percent of the poverty for a family of three is \$43,440. Is that correct?

**BOLZ:** Yes, sir.

**ERDMAN:** The number that I seen the other day when I was looking at the poverty level for a family of four was \$32,400. And it also said that it's about \$8,000 per child. So if you take the 32 minus 8 is around 24,000 times 2 is 48,000. Is that the correct number, \$43,480?

**BOLZ:** \$43,440 is a-- is the-- let me just make sure I'm looking at the correct information here.

**ERDMAN:** OK.

**BOLZ:** Two hundred percent of the federal poverty line for a family of three is \$43,440.

**ERDMAN:** OK. So do you have in front of you a document that says what the poverty level is for a family of three? Is it \$21,720?

**BOLZ:** The-- well, the federal poverty level for-- it would just be half the number--

**ERDMAN:** OK. Do you know--

**BOLZ:** --half of 200 percent.

**ERDMAN:** --what it is for a family of four?

**BOLZ:** I do have it. You'll just have to give me a minute.

**ERDMAN:** OK.

**BOLZ:** So you're asking what the federal poverty line is for a family of four?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**ERDMAN:** Correct.

**BOLZ:** For a family of four is twenty-six two-- \$26,200.

**ERDMAN:** OK. That's the current number?

**BOLZ:** Yes.

**ERDMAN:** So Senator Arch had made a comment that he had introduced a bill last year to expand it to the 185. Did I understand that correctly?

**BOLZ:** I'm not sure exactly what you're-- what you're asking.

**ERDMAN:** His bill last year, I think he said it was LB341 increased it to 185. It was lower than that. He increased it to 185 percent.

**BOLZ:** You'll have to ask Senator Arch about the details of his bill.

**ERDMAN:** OK. Well, thank you. I will. Senator Arch, would you yield to a question?

**LINDSTROM:** Senator Arch, will you yield, please?

**ARCH:** Yes, I will.

**ERDMAN:** Senator Arch, did you hear the question I asked Senator Bolz?

**ARCH:** I did.

**ERDMAN:** Can you respond?

**ARCH:** Last year, the bill eliminated a 24-month limitation on transitional childcare and increased the maximum threshold to qualify for transitional childcare to between 185 percent and below 85 percent of the state medium income. So that-- that-- the elimination of the 24-month limitation on transitional childcare was probably the big change to-- to last year's bill.

**ERDMAN:** OK. And did your bill take it to 185?

**ARCH:** Yes, 185 is the-- is the-- is now the-- is now the-- the limitation plus that 85 percent of the state medium income.

**ERDMAN:** OK. So what was the percentage before you adjusted it?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**ARCH:** Senator Erdman, I don't-- I don't have that number.

**ERDMAN:** OK.

**ARCH:** I'm sorry.

**ERDMAN:** All right. You know, we continue to raise the percentage. And in my district, \$43,440 is a pretty good wage. So maybe we should just remove all limits and just have everybody eligible. We keep moving it up every year and this is a \$6,000 increase if I do the math, 15 percent of \$43,440. I guess what I'm trying to say is at some point in time, we have to draw a line and said this is enough. So I'm not in supporting-- I'm not standing up to support LB329. I'll be voting no. Thank you.

**LINDSTROM:** One minute. Thank you, Senators Erdman, Bolz, and Arch. Senator La Grone, you're recognized.

**La GRONE:** Thank you, Mr. President. I yield my time to Senator Arch.

**LINDSTROM:** Senator Arch, you're yielded 4:55.

**ARCH:** Thank you. I'm not able to lay my hands immediately on-- on the statistics that I'm looking for, but my-- last year that LB341, it was not the-- it was not the change to 185 percent, but rather it was the addition of the 85 percent of state medium income, which is \$57,000 for the family of three. That is what-- that is what-- that is what the increase came with. And that again was federal. That was-- that was to be in compliance with the federal chair-- federal Child Care and Development Block Grant Act that did allow more of our families to qualify for this-- this-- this funding. So that was the change that occurred last year. Thank you.

**LINDSTROM:** Thank you, Senator Arch. Senator Arch, you're next in the queue. Senator Arch waives. Seeing no one else in the queue, Senator Bolz, you're wel-- Senator Bolz waives. The question is the advancement of LB329 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Senator Bolz, for what purpose do you rise?

**BOLZ:** I'd like a call of the house and a-- I'll take call-in votes.

**LINDSTROM:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

**ASSISTANT CLERK:** 30 ayes, 4 nays to go under call, Mr. President.

**LINDSTROM:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Wishart, please check in. Senator Groene, please check in. All senators are accounted for. Mr. Clerk, there's been a request for call-in votes.

**ASSISTANT CLERK:** Senator DeBoer voting yes. Senator Stinner voting yes. Senator Dorn voting yes.

**LINDSTROM:** Record, Mr. Clerk.

**ASSISTANT CLERK:** 25 ayes, 7 nays on the motion to advance the bill, Mr. President.

**LINDSTROM:** The bill advances. Raise the call. We'll now move to LB607. Mr. Clerk.

**ASSISTANT CLERK:** LB607 introduced by Senator Kolterman. It's a bill for an act relating to Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act. Define and redefine terms; change provisions relating to permanent color technology and licensure by examination; provide for registration of a guest body artist and licensure of a temporary body art facility and a nail technology apprentice salon; harmonize provisions; and repeal the original sections. The bill was introduced on January 23 of last year, referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments.

**LINDSTROM:** Thank you, Mr. Clerk. Senator Kolterman, you're recognized to open on LB607.

**KOLTERMAN:** Thank you very much and welcome back, everyone. I'm here to introduce LB607 on behalf of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art. LB607 is an extension of the effort of the Health and Human Services Committee and the Legislature has taken over the past few years in updating the statutes that govern these professions. First and foremost, LB607 updates the definition of manicuring to include the practice of performing on the natural fingernails of a person and provides a clear-cut definition of the practice of pedicuring. Before LB607, the act of pedicuring fell under the definition of manicuring, but the practice was never defined

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

itself. LB607 also updates statutes regarding tattooing to align the definition with current industry standards and includes a practice of permanent makeup, microdermapigmentation, micropigment implantation-- implantation, microblading, dermagraphics in the new definition. LB607 puts into statute language that will allow for temporary body art facilities and temporary body artists. This is important as it will allow the state to host body art conventions at locations such as the Pinnacle Bank Arena or the CHI Health Center in Omaha. The temporary body art facility will be licensed and inspected by the department and the license is only valid for up to 72 hours and shall expire at the conclusion of the event. The temporary body artist's license could allow the artist to offer services at the temporary body art facility or to be hosted in-- by a facility licensed as a traditional body art facility. An individual must be registered by the state before they can practice as a temporary body artist, and the registration should only last for 14 consecutive days, which can be renewed up to two times for a calendar year. Additionally, LB607 allows for nail technology apprentices, nail technology apprentice salons. Nail technology salons will now allow cosmetology salons or nail technology salons licensed by the state to serve as a site for the teaching of the practice to apprentice. LB607 lays out specific requirements to the nail technology salon or cosmetology salon must meet in order to qualify as a nail technology apprentice salon. Finally, LB607 allows for individuals wishing to practice in the professions governed by the board to take the licensing examination in a different language. We're becoming more user friendly. Nebraska is seeing increased individuals do not speak English as their first language. These people want to practice in the field and they have the sufficient skills and training to practice safely. But the current language barrier prohibits them from doing so. The board believes by allowing these immigrants, most commonly from Vietnam and Mexico, to take an examination in their first language, more individuals would be able to join these professions. With that, I want to thank you for your support. I'd be happy to answer any questions. This advanced out of HHS Committee unanimously, was heard last year, and I would appreciate a green vote.

**LINDSTROM:** Thank you, Senator Kolterman. As the Clerk stated, there are amendments from the HHS Committees-- Committee. Senator Howard, as Chair of the committee, you're recognized to open on the amendment.

**HOWARD:** Thank you, Mr. President. Good morning again, colleagues. I think the Health and Human Services Committee has learned their lesson

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

about sending all their bills out at once, because then we just go one after the other. All right. AM1462 makes two clarifications to LB607. AM1462 amends Section 19(3) of the bill to strike language that would require registration to perform body art. The registration requirement should only apply to the title of guest body artist. To perform body art on an ongoing basis in Nebraska, you must be licensed. The amendment clarifies this. For the same reason, AM1462 strikes the reference to registration of persons performing body art in Section 37. This bill was advanced unanimously from committee as amended, and I would urge its adoption on the floor today. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Howard. Turning to debate, Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues. I support the bill currently under consideration, but I want to return your attention back to LB329 that we heard just a moment ago and passed. That bill addressed the cliff effect, which is a very real phenomenon. And some of the people in Nebraska have that kind of issue with benefits they receive. I'd like to talk about LB255-- 220-- LB255, which is my SNAP bill, which is also considered relates to this-- the cliff effect. And that bill, however, was approved by all the Chambers of Commerce and the money comes from the federal government. All Nebraska would be required to supply would be the half of the administrative fee. So the cliff effect is real. As a matter of fact, in Nebraska, hunger-- food insecurity is real. And you look at your-- your various districts and 8 to 10 percent of the people in your district are food insecure. So with the fact that LB329 passed, I'm emboldened to bring LB255 to the floor and move that forward. So thank you to the body and congratulations. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator McCollister. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. I enjoy hearing the conversation here today, and there's one other thing that I forgot to say when I was on the mike earlier. And so I don't want to be remiss in that. I want to say today is my wife's birthday and I want to wish her happy birthday. Her and Senator Hansen share the same day. So happy birthday, Cathy. Thank you.

**LINDSTROM:** Thank you, Senator Erdman. Turning back to debate. Seeing no one else in the queue, Senator Howard, you're welcome-- Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

Howard waives closing. The question before us is the adoption of AM1462 to LB607. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 29 ayes, 0 nays on the adoption of committee amendments.

**LINDSTROM:** The amendment is adopted. Turning back to debate, Senator Groene, you're recognized.

**GROENE:** Thank you, Mr. President. Senator Kolterman, would you take a question?

**LINDSTROM:** Senator Kolterman, would you yield, please?

**KOLTERMAN:** From you, Mike, anytime.

**GROENE:** To clear up confusion, I'm going to use a nationality. The Vietnamese people, a lot of them come over here and they open shops. Got them in North Platte. I happened to visit one in the-- in the mall in Lincoln here when my back was out and I couldn't even clip my toenails. All right? But--

**KOLTERMAN:** TMI.

**GROENE:** --getting too personal. I understand. But these people aren't licensed now. Are they going to have to be licensed to cut your-- to trim your fingernails and give you a pedicure?

**KOLTERMAN:** They're gonna fall under the-- we're defining who is licensed and who isn't. And they will have to come under the new regulations. Yes, sir.

**GROENE:** They will. Has there been a lot of complaints to HHS about any of these facilities?

**KOLTERMAN:** Yes, there has been. In fact, we've seen a-- in fact, if you'd have been in the committee hearings, you'd have seen the pictures and some of the things that have happened as a result of some infections and MRSA's and things of that nature that have-- there's several lawsuits pending at the present time that hadn't existed in the past because the sanitation has not been where it should be.

**GROENE:** All right. So I don't know the regulations involved with HHS. I know when-- and you serve food and sell food, the inspector comes

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

around and checks facilities for cleanliness. Does HHS have a department that goes around and checks facilities for cleanliness that, you know, all types?

**KOLTERMAN:** Yes, yes they do.

**GROENE:** Hair salons, medical clinics.

**KOLTERMAN:** They do, yes.

**GROENE:** Why don't we just pass a bill that says that we add these facilities to their inspection?

**KOLTERMAN:** Well, the reality is many of these facilities serve a dual purpose. So they're doing the manicuring, but the pedicuring has never come under the regulations of the manicuring. And so we're combining them into one license.

**GROENE:** Well, shops I've seen serve-- anyway, the shops I've seen, they have row of whatever, desks over there where ladies, I guess I shouldn't say just ladies, ladies, men come in and they get pictures painted on their fingernails. That-- that is licensed. Is that true? All right. Then on the other side, you got these chairs where they're doing pedicures, manicures and without any polishing. My assumption is those folks don't have to be licensed and I don't know why they would because they provide a service. And I just-- I just don't want to put all the small businesses out of business. And they can't afford to all of a sudden go get an education. They've been trained. They know what they're doing. If you want to inspect them for cleanliness, that's not a bad idea. But-- but then also it's consumer beware, too. There's a-- there's a part of that. Then it drives up the-- drives up the cost of operation and I don't know. It's just more professional protectionism and driving up the costs for the consumer. So I can't support the bill. Thank you.

**LINDSTROM:** Thank you, Senators Groene and Kolterman. Seeing no one else in the queue, Senator Kolterman, you're welcome to-- Senator La Grone, you're recognized.

**La GRONE:** Thank you, Mr. President. I yield my time to Senator Groene.

**LINDSTROM:** Senator Groene, you're yielded 4:55.

**GROENE:** Senator La Grone, you keep doing this without telling us ahead of time, we're gonna all get together and filibuster one of your

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

bills. But anyway [LAUGH] a warning would be nice. I said what I wanted to say. It's a-- it's not necessary. It just isn't necessary. We've got little shops in parts of towns now that weren't filled with business before these folks came from overseas and immigrated here and they've open shopped. And it's given access to the lower-income individuals to-- to have that kind of care and to get their nails polished and things that individuals who can't afford to go to a salon. It's just-- it'll drive up the cost and protect-- protectionism, which does not help the economy, does not help the lower end consumer or the entrepreneur who wants to start a business. So as I said, I can't support it. And Senator La Grone, would you take a question?

**LINDSTROM:** Senator La Grone, would you yield to a question, please?

**La GRONE:** Absolutely.

**GROENE:** What is your posi-- position on this anti free market bill?

**La GRONE:** I don't like increasing licensure.

**GROENE:** Thank you, sir.

**LINDSTROM:** Thank you, Senators Groene and La Grone. Seeing no one else in the queue, Senator Kolterman, you're welcome to close on LB607. Senator Kolterman waives closing. The question is the advancement of LB607 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 25 ayes, 1 nay on the motion to advance the bill, Mr. President.

**LINDSTROM:** LB607 advances. Mr. Clerk, we will now turn to LB607A.

**ASSISTANT CLERK:** LB607A introduced by Senator Kolterman would appropriate funds to carry out the provisions of LB607. The bill was placed on General File. I now have pending an amendment from Senator Kolterman.

**LINDSTROM:** Senator Kolterman, you're recog-- recognized to open on LB607A.

**KOLTERMAN:** The amendment LB607A just updates the date that this-- this was actually heard last year. So we're updating the date on when it would go into effect. It's a cash service and so there would be no

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 11, 2020

expense to the state on this. I would appreciate approval of LB607A and AM2165. Thank you.

**LINDSTROM:** Thank you, Senator Kolterman. Turning to debate. Seeing no one else in the queue, Senator Kolterman waives closing. The question is the advancement of AM2165 to LB607A. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**ASSISTANT CLERK:** 29 ayes, 1 nay on the adoption of the amendment.

**LINDSTROM:** The amendment is adopted. Turning back to LB607A. Seeing no one in the queue, Senator Kolterman, you're recognized to close. Senator Kolterman waives closing. The question is the adoption of LB607A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 28 ayes, 1 nay on the advancement of the bill.

**LINDSTROM:** LB607A advances. Items, Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, your Committee on Banking reports LB929, LB1014, LB1123 and LB760 all to General File. Name adds: Senator Blood to LB770, Senator Gragert to LB911. And finally, priority motion. Senator Blood would move to adjourn until Wednesday, February 12, at 9:00 a.m.

**LINDSTROM:** The question before the body is to adjourn. All those in favor say aye. All those opposed say nay. We are adjourned.