

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 23, 2020

**FOLEY:** Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-first day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Senator Williams. Please rise.

**WILLIAMS:** Good afternoon, friends. When we adjourned on a late Thursday afternoon a few days ago, Senator Chambers took a special privilege and made us all think about what's going on. And we welcome back Senator Blood and Senator Brewer, who were not able to be with us at that time. Would you please join me in prayer. We thank you, Lord, for this day and all days. You, Lord, are the healer of all. Stay by our side during this time of uncertainty. Circumstances have changed our lives and we have increased our awareness and our creative acts. But we are reminded of how frail and powerless we truly are. Be with the families of those who are sick and those who have died. As they worry and grieve, please defend them from illness and despair. Be with our doctors, nurses, scientists and other medical professionals who treat and help those affected by putting themselves at great risk. Please give your shield of protection to them and your peace. Be with our businesses and workers. Significant financial burdens are being placed on many. Let us all join together with solutions and direction. Be with our leaders in our state, in our nation, in our communities, schools, and our churches. Give them the ability to act with vision and clarity, with the goals of helping people through difficult times. Please help us all seek and find short-term aid and comfort tied to long-term solutions. Lord, you are truly the great healer. If we ever lose our faith in you, there will be nothing left for us to do. Let our combined wisdom, our abundant imagination, and our overflowing compassion be a sign of hope in the world. Be with us and surround us with your never-failing love and peace, as we are never alone together. Amen.

**FOLEY:** Thank you, Senator Williams. I call to order the forty-first day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**CLERK:** I have a quorum present, Mr. President.

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

**CLERK:** I have no corrections.

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

**CLERK:** There are, Mr. President. Enrollment and Review reports LB344, LB870, LB963, LB963A as correctly engrossed. Enrollment and Review also reports the following bills to Select File: LB1198, LB1008, LB1009, LB774, LB705, LB1028, LB1130, LB911, LB889, LB1166, LB1080, LB1185, LB1060, LB1183, LB912, LB1140, LB1144, LB1188, LB1148, LB835, LB918, LB918A, LB780 and LB780A and LB1003. Some of those have Enrollment and Review amendments. Senator Linehan has an amendment to be printed to LB1008 and notice of cancelation of hearing by the Retirement Systems Committee is offered by Senator Kolterman as Chair. That's all that I have, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, thank you for coming back today. It is truly a historic time in our country, and for us to be here to be able to do something to help the-- the residents of the state of Nebraska, I think, is even more important and showing our ability and our resolve to try to solve the problems that are going to be facing residents, both individually and collectively, is something that we-- we need to do. Just a little bit of idea what to expect today, we will be introducing the amendment. The amendment will replace the bill. We will adopt the amendment with a vote, and then we will move that bill, as amended, to Final Reading with a second vote. I will have us stand at ease after that vote because it has to go up to E&R and be returned this afternoon in order for us to be able to utilize tomorrow as that layover day. And I will come and talk to several of you, if not all of you, to explain the process as we're standing at ease. Tomorrow, those of you that I have either contacted by phone or email about providing a presence tomorrow morning, if you will please do so, I have more than enough, so those of you that I have not talked to or I have not confirmed that need to be here, please do not put yourself at risk. We have enough to have a majority, to have a quorum, and I appreciate-- there were many, many, many of you that said that you would certainly come if needed as an alternate. I do appreciate that. We do have a significant-- a sufficient number to move forward tomorrow without asking any others to attend. So I thank you for your help in that regards. Wednesday, we will meet again at 1:30. The only item on the agenda will be passing the bill on Final Reading, and it will have the emergency clause on it, as you'll note today. Once we have passed it, the Governor signs it, it begins to

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allow those funds to be distributed at the Governor's request. If there's any questions by anybody, please don't hesitate to come back and see me. For, obviously, health purposes, there will be no memos going in and out of the Chamber today or Wednesday. My understanding is the virus could be on the paper for up to 24 hours. I don't want to put both the body or the Red Coats in jeopardy. So the front doors will be shut, and I would prefer that the body use the rear doors so that we're not opening them up and back. You are not required to go out. If you get a text, I would suggest that you stay in the body. We are dealing with serious business and your health, so please be cognizant of that. And again, I thank you for your participation and your willingness to put yourselves in danger in order to do that. Reminder for tomorrow morning, for the check-in, it is at 9:00, not 1:30. Tomorrow will be 9:00 for those that you will be here. And on Wednesday it will be, again, a 1:30 check-in to pass the bill. So anything else, please let me know and I'll be glad to try to answer any questions. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Proceeding now to the agenda, Select File 2020 committee priority bill, special order. Mr. Clerk.

**CLERK:** Mr. President, LB1198. No Enrollment and Review. Senator Slama, I have AM2842 but a note you wish to withdraw.

**SLAMA:** Yes.

**CLERK:** Mr. President, Senator Stinner would move to amend with AM2976.

**FOLEY:** Senator Stinner, you're recognized to open on AM2976.

**STINNER:** Thank you, Mr. President. LB1198 is Appropriations Committee priority, which serves as a trailer bill to fund new discretionary items separate from the committee's proposed budget. AM296 [SIC] repurposes the bill into an emergency funding bill for COVID-19 outbreak. With that, Mr. President, I'll move to the AM2976, which will actually become the bill. Section 1 strikes the original bill, which would have appropriated funds for financing of the restoration of the Chamber doors. It now appropriates \$83,619,600 from the Governor's Emergency Cash Fund to the Military Department for a new Program 191, called the Governor's Emergency Program-COVID-19. This will separate expenditures for the COVID-19 outbreak from Program 192, which is used for flood damage and other disasters. As a lot of you have indicated that you'd like to make sure that there's transparency

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in accounting, I want to thank the Governor, along with the budget director, for separating these programs out. It will provide that. I've had discussions with the budget director and PRO. They are working on a separate kind of accounting system embedded into all of these agencies so that we can readily account for these funds, how they were used, whether they were fed or state funds, so we should have a good accounting system. Obviously, this is a fluid situation, but accountingwise, I believe that we'll be able to account for the funds in a very transparent manner. Rather than attempting to appropriate these funds to various agencies, this allows a single program from which expenditures will be authorized and expended under the control of the Governor. It allows the flexibility to allocate funding without incorporating budget allocations into base budgets and allows the retention of any unused funds into a single location in the Governor's emergency program, rather than spread out in multiple agencies and programs. This section also eliminates PSL limits; those are personal service limits. They really would restrict the number of people and the amount of people that you could hire, just as a quick explanation for that. So under this program, you're able to hire as many people as you need for this emergency situation, and provides for reappropriations of existing balances as of June 30, 2020. So if we do have-- need funding, it automatically is reappropriated. The funds roll over to-- to the next-- next year, fiscal year. Also, cash expenditures were asked about, the-- the unlimited cash expenditures. That was put in back about two or three years ago when we were dealing with flooding and FEMA money coming in. We didn't want to cap what the-- what the expenditures were through an appropriations process, so we wrote the bill in order to-- to have unlimited access to whatever funding we get. We don't know if it's going to come in from FEMA. We don't-- we don't know if it's going to be reallocated between states and the like of that. But it gives the Governor the flexibility to-- to spend the-- the dollars that would flow in under this emergency. Section 2 amends Section 84-62, which contains transfers from the Cash Reserve. It calls for a transfer of \$83,619,600 from the Cash Reserve Fund to the Emergency Cash Fund, providing the funding source for the Cash Fund appropriation contained in Section 1. A breakdown and description of the \$83.6 million was contained in an attachment to an email that Senator-- that Speaker Scheer sent out. I also have provided handouts, which is more broad in detail as to-- as to the different parts of the request. So I'd like-- next like to just summarize the request for the record. DHHS Public Health local response efforts: \$38,156,700 is allocated. This provides additional

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funding for personal protective equipment and other supplies to local jurisdictions and supports to local health departments for staffing, PPE, call centers, information technology needs, including additional laptop servers and other essential expenditures. DHHS staffing: \$4,400,000 is allocated due to the size and response and need to cover response needs, additional staffing expenditures are needed to cover costs for overtime and additional staffing. Surge staffing for veterans hospitals and DHHS care facilities: \$13 million. Additional staffing expenditures are needed to cover costs for overtime and additional staff to maintain facility healthcare coverage needs. The areas that need immediate surge and sustained staffing at veterans homes and DHHS care facilities include nursing, administrative, and other health professionals. Under UNMC COVID-19 lab testing: \$515,000 was allocated. This would augment the cost of reagents, laboratory personnel, and equipment to conduct the COVID-19 lab testing for the state. Lab equipment, software programing, and personnel is \$2.5 million. The equipment includes higher through-- throughput automated equipment for microbiology and molecular diagnostics. The increased testing throughput will be implemented on a fast track within the next two, three weeks, but would support a prolonged outbreak, which-- which is likely, as well as to help prepare for future outbreaks. UV light box: \$100,000. As PPE becomes more difficult to obtain through supply chains, we anticipate the need to use UV light boxes to provide terrestrial cleaning of N95 respirators for use-- reuse by healthcare workers. And \$343,900, Knowledge Center: This system is used by-- by correlation and all stakeholders across the state to establish a commun-- establish communication, bed test tracking, resource sharing, and overall platform. Stakeholders include PH-- I think that is-- healthcare, EMS, and emergency management for-- public health is PH, excuse me-- healthcare, EMS, and emergency management for varying counties, as well as state entities. Funds would be used to purchase the system and to extend it for use across the state, and then a ready reserve available, \$25 million unobligated reserve amount in event additional funds are necessary. And as I indicated, this is a fluid situation. I know everybody has been contacted by various people-- how is this all going to work? This is the allocation of the dollars. The flexibility is built into this. These numbers derived by the Governor and his staff, they-- they are estimates, as well, so they may go up, they may go down. But the \$83 million needs to get allocated. And in conclusion, I want to thank the Governor and administration, along with all the state and local entities, for their efforts to combat this outbreak. I want to thank also local providers and healthcare

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professionals for their dedication and hard work. We'll get through this. But now it's our turn to lay down our partisan politics and pass this bill. The state has the re-- for the state to protect the safety and well-being of all Nebraskans. Thank you.

**FOLEY:** Thank you, Senator Stinner. Is there any discussion of the amendment? Senator Bolz.

**BOLZ:** I'll be brief, colleagues. I know it's important that we get to a vote. In the name of legislative intent, I do want to articulate that the unobligated resources provided, at least from my perspective, should be prioritized for vulnerable populations served by nursing facilities and federally qualified health centers. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Bolz. Seeing no other members wishing to speak, Senator Stinner, you're recognized to close. He waives closing. The question before the body is the adoption of AM2976. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 44 ayes, 0 nays on the adoption of the amendment.

**FOLEY:** AM2976 is adopted. Is there anything further on the bill, Mr. Clerk?

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

**FOLEY:** Senator Slama for a motion.

**SLAMA:** Mr. President, I move that LB1198 be advanced to E&R for engrossing.

**FOLEY:** Members, you heard the motion. Those in favor say aye. Those opposed say nay. LB1198 has been advanced. We'll now stand at rest. Speaker-- Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, we will stand at ease, awaiting the bill to come back from E&R, so do what you will. I-- I have gotten around to half the body. If this half will give me a second to get to them, I'll explain the process from here. Thank you.

**FOLEY:** Thank you, Mr. Speaker. We're standing at ease.

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[AT EASE]

**SCHEER:** Colleagues, we'll come back to order. Mr. Clerk.

**CLERK:** Mr. President, a couple of items. One new A bill, LB944A by Senator Geist, it appropriates funds to implement LB944. Enrollment and Review reports LB1198 as correctly engrossed. Name adds: Senator Hansen, Matt Hansen, to LB1003; Senator Vargas, LB1003. And, Mr. President, Senator Geist would move to adjourn the body until Tuesday, March 24, at 9:00 a.m.

**SCHEER:** Colleagues, you've heard the motion. All those in favor please say aye. Any opposed? We are adjourned.